

Report to: Cabinet



Date of Meeting 29 October 2025

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## **Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) ('the Plan') to be formally 'made'**

### **Report summary:**

The Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) has now successfully passed referendum and must be formally 'made' (adopted) by East Devon District Council in order to form part of the development plan, replacing the existing Made Plan from 2017.

### **Is the proposed decision in accordance with:**

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### **Recommendation:**

- (1) That Committee agree that the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (First Review) be 'made'.
- (2) That Committee note that once made the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the parishes of Clyst St Mary and Sowton combined, known as 'Bishops Clyst'), thereby superseding the previously made Plan for the area.
- (3) That Committee congratulate Bishops Clyst Parish Council and their Neighbourhood Plan Steering Group on this culmination of their hard work in developing the Plan.

### **Reason for recommendation:**

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there is no substantive reason not to make the Plan. In addition, to recognise the dedication and hard work by Bishops Clyst Parish Council and dedicated volunteers to prepare the Plan.

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☒ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism

- ☐ Environment - Nature and Climate
- ☐ Environment - Operational
- ☐ Finance
- ☒ Place, Infrastructure and Strategic Planning
- ☒ Sustainable Homes and Communities

### **Equalities impact** Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The reviewed and updated Neighbourhood Plan for Bishops Clyst has been the subject of significant consultation and engagement with the community, set out in a detailed Consultation Statement. All persons living in the parish have had the opportunity to be engaged in the Plan's production and all persons registered to vote in the area could vote in the referendum.

### **Climate change** Low Impact

**Risk:** Low Risk; The only reason for the Plan not to be made now is if the Council consider that to do so would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce this Neighbourhood Plan under the Localism Act has been prevented.

**Links to background information** [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2024\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Bishops Clyst \(Clyst St Mary and Sowton\) Neighbourhood Plan webpage](#); [EDDC SEA/HRA Screening Opinion Report](#); [Strategic Environmental Assessment Report](#); [Habitat Regulations Assessment Report](#); [Bishops Clyst Neighbourhood Plan Examiner's Report](#); [Clyst St Mary and Sowton \(Bishops Clyst\) Neighbourhood Plan \(First Review\) Referendum Version](#).

### **Link to [Council Plan](#)**

Priorities (check which apply)

- ☒ A supported and engaged community
- ☒ Carbon neutrality and ecological recovery
- ☒ Resilient economy that supports local business
- ☒ Financially secure and improving quality of services

## **Report in full**

### **1.0 Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan Referendum**

- 1.1 On 2nd October 2025, a referendum was held on the revised Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan at Clyst St Mary Village Hall, from 7am to 10pm.
- 1.2 In line with the Regulations, voters were asked the following question:

"Do you want East Devon District Council to use the Neighbourhood Plan for Bishops Clyst to help it decide planning applications in the neighbourhood area?"

- 1.3 The Regulations advise that if more than 50% of voters vote 'yes' in the referendum, East Devon District Council should use this revised Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (2023-2042) to help it decide planning applications in this neighbourhood area. The Plan once 'made' (adopted) will become part of the statutory development plan for the area, replacing the current plan (2014-2031), which was made in 2017.
- 1.4 In East Devon, the development plan currently consists of:
- the East Devon Local Plan (2013-2031);
  - the East Devon Villages Plan (adopted 2018);
  - any made Neighbourhood Plan;
  - the Devon Waste Plan (2011-2031), and;
  - the Devon Minerals Plan (2011-2033).
- 1.5 Members should note that neighbourhood plans in the district continue to be examined for general conformity with the policies of the adopted Local Plan, until such time as it is replaced, but that the relationship with the emerging new Local Plan for East Devon (currently at Regulation 19 stage) is of increasing relevance. In this case, the examination gave due consideration to the relationship with the emerging Local Plan, not least because the plan periods are aligned (to 2042) and the neighbourhood plan contains policies and proposals designed to meet the housing requirement set for this neighbourhood area within the draft new Local Plan policies.
- 1.6 As previously reported, the independent Examiner assessed the plan to meet the 'Basic Conditions' for a neighbourhood plan to be made, and recommended it go to referendum.
- 1.7 The results of the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan referendum are as follows:
- Yes votes: 235
  - No votes: 57
  - Voter turnout: 24%
  - In favour: 80.5%
- 1.8 The results show a clear majority of those voting in favour of the Plan.
- 1.9 Cabinet must now consider whether it would be appropriate to make the Plan. This would constitute the first review and update of an existing neighbourhood plan to be brought into force in the district.

## **2.0 Making of the Plan**

- 2.1 Once the Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan, any planning applications in the Bishops Clyst Neighbourhood Area will be judged against the Neighbourhood Plan, as well as policies of East Devon District Council and also the National Planning Policy Framework.
- 2.2 The only reason for the Plan not to be made now is if Cabinet consider that to do so would be incompatible with any retained EU obligation (primarily relating to environmental protections) or any of the Convention rights within the meaning of the Human Rights Act 1998.
- 2.3 With regards to environmental protection, a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion was prepared by EDDC on the Pre-Submission version of the Plan. This 'screened in' a need for SEA. HRA was also

screened 'in' and as such the Screening Report included an 'Appropriate Assessment'. This concluded that the modest level of development proposed through the Plan can be appropriately mitigated through existing strategic mitigation in the form of Local Plan Strategic Policy 5 ('Environment') of the East Devon Local Plan, implemented through the Southeast Devon European Site Mitigation Strategy. Therefore, an HRA specific to the neighbourhood plan was not considered necessary. The statutory bodies were consulted on the Screening Opinion. Historic England and Natural England agreed with the conclusion that a SEA was needed. Natural England (NE) did not disagree with the conclusions regarding HRA but advised it was ultimately for the LPA to satisfy itself in this regard. The Environment Agency offered no comments on the screening opinion.

- 2.4 Environmental Reports (both an SEA and an HRA) were prepared and used to inform the neighbourhood plan and submitted with it to the LPA. Recommendations of both reports were incorporated into the Submission Version of the Plan. The SEA and HRA reports were published for consultation alongside the submission version of the Plan and provided along with all other relevant documentation to the independent examination. The Examiner considered the environmental reports and was, "satisfied that the Bishops Clyst NDP has adequately addressed the issues raised" and that, "subject to modification [proposed by the Examiner and subsequently incorporated into the Referendum Version of the Plan] the Bishops Clyst Neighbourhood Development Plan meets this Basic Condition on EU obligations".
- 2.5 With regard to human rights, the Examiner considered the Basic Conditions Statement prepared by Bishops Clyst Parish Council which sets out how the development of the plan and its policies accord with EU Human Rights obligations and was "satisfied with this conclusion."
- 2.6 The matters regarding retained EU obligations have therefore been considered during the examination process, where the Examiner has reported being satisfied that the Plan meets these obligations. Officer assessment is that the Council can be satisfied that the Plan meets the legal requirements. There are therefore not considered to be any grounds not to make the Plan. Making of the plan and its use in the determination of planning applications will help to ensure the incorporation of local community expectations and aspirations within the decision-making process.

### **3.0 Next Steps**

- 3.1 Following the decision whether or not to make the Plan, we will produce a decision notice for the Plan. This will detail the decision and reasons for it and where it may be viewed.
- 3.2 The decision notice will be publicised by:
- publishing it on the neighbourhood planning pages of our website;
  - by sending a copy to the Plan producer and requesting that they notify those persons who live, work or carry on business in the neighbourhood area to which the Plan relates;
  - by notifying the 'consultation bodies' referred to in the consultation statement;
  - by advising:
    - adjoining authorities;
    - anyone who asked to be notified of a copy of the decision, and;
    - all those who made representations to us on the plan.
- 3.3 In conclusion, Members are asked to approve the recommendation to enable the Plan to be formally 'made', in accordance with this report.

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**Financial implications:**

Central Government grant funding of £20,000 was able to be claimed for this Neighbourhood plan when it recommended to referendum. The funding is to cover examination fees and other associated costs such as employment and other supplies and services costs. Any residual funds are used to cover other in year staffing costs or placed into an earmarked reserve and utilised to cover funding gaps in subsequent years. (AB-06/10/2025)

**Legal implications:**

Following a majority vote in favour of the plan at referendum the Council must proceed to adopt (or 'make') this First Review of the Neighbourhood plan within 8 weeks of the referendum, unless in doing so it would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. As noted, once it had been made, this First Review of the Neighbourhood Plan will supersede the existing 'made' plan for the area and become part of the Development Plan for decision making on planning applications (002545/7 October 2025/DH).