

Report to: Cabinet



Date of Meeting 1 April 2026

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Woodbury Neighbourhood Plan – Examiner’s Report

Report summary:

The purpose of the report is to provide feedback on the outcome of the independent examination of the Woodbury Parish Neighbourhood Plan.

The Examiner has found that with proposed modifications the Plan meets the necessary ‘basic conditions’ and recommends to the District Council that it can go forward to referendum.

In accordance with the relevant legislation, the District Council must now consider its response to the Examiner’s recommendations and satisfy itself that the Plan meets the necessary ‘basic conditions’.

Officers are satisfied that due consideration has been given to the key issues. Overall, Officers recommend acceptance of the examiner’s recommendations and conclusions. If Members agree, a decision notice will be issued recommending the revised Plan to go to local referendum, as the penultimate stage in the plan-making process.

Publishing of this decision will give the Plan significant weight in the determination of planning applications in the Woodbury neighbourhood area and support the community in their endeavours to shape and influence its future growth.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Cabinet agree to endorse the Examiner’s recommendations on the Woodbury Neighbourhood Plan.
- (2) That Cabinet agree a ‘referendum version’ of the Plan be produced (incorporating the Examiner’s modifications with minor amendments for corrections where stated, as set out in Annex 1 of this report) and proceed to referendum, and that a decision notice to this effect be published.
- (3) That Cabinet congratulate Woodbury Parish Council and the Neighbourhood Plan Steering Group on their hard work.

Reason for recommendation:

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

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 Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

Climate change Low Impact

Risk: Medium Risk; Medium Impact: There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it. However, if the Neighbourhood Plan is not recommended for referendum, there is a risk that the community will feel disenfranchised.

Links to background information - these are contained in the body of the report.

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

Background

- 1.1 Woodbury Parish Council agreed to produce a Neighbourhood Plan in 2013 and East Devon District Council approved the Parish Council as the 'qualifying body' for the preparation of a Neighbourhood Plan for the plan area of Woodbury Parish.
- 1.2 The Woodbury Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Andrew Ashcroft, was appointed by East Devon District Council, following consultation with Clyst Honiton Parish Council.
- 1.3 The examination was undertaken on the basis of considering the written material, which forms the Plan, its appendices and accompanying documents, as well as representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The Plan (as submitted for examination) can be seen

on the council web site [Microsoft Word - Neighbourhood Plan](#) as can the Examiner's report [woodbury-parish-neighbourhood-development-plan-examiner-s-report.pdf](#)

- 1.4 The legislation, reflected in the Council's Neighbourhood Planning Protocol, requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. The agreed response will then be published as a decision notice. The Examiner has recommended a number of modifications to policies within the plan. There are also a number of recommended amendments to plan text and supporting figures.
- 1.5 The modifications are for reasons of clarity/accuracy and to ensure the Plan meet the 'Basic Conditions'. These amendments are summarised and explained in Annex 1 of this report, which will form the basis of the legally required Decision Notice. In the process of considering recommendations, the Examiner consulted with both the Parish and District Council and gave the opportunity for responses to be made to specific questions. The questions and the responses can be viewed on the Clyst Honiton neighbourhood plan information on the EDDC neighbourhood planning webpages [Neighbourhood Plans being produced in East Devon - Woodbury - East Devon](#) where other documents relevant to the Examination can be found.
- 1.6 The Examiner has set out a very useful section on his report title Summary and Conclusions, it advises:

"Summary

- 8.1 *The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community The Plan includes a range of policies and has a very clear focus on safeguarding the character of the area and safeguarding existing community facilities.*
- 8.2 *Following the independent examination of the Plan, I have concluded that the Woodbury Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.*

Conclusion

- 8.3 *On the basis of the findings in this report, I recommend to East Devon District Council that subject to the incorporation of the modifications set out in this report that the Woodbury Parish Neighbourhood Development Plan should proceed to referendum.*

Other Matters

- 8.4 *I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved on 24 January 2014.*
- 8.5 *I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth way.*

Andrew Ashcroft

Independent Examiner

24 February 2026"

Response to the Examiner's Recommendations

- 1.7 Under paragraph 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the Examiner's report and the reasons for them and decide what action to take in response to each recommendation. The District Council must also itself be satisfied that the Neighbourhood Plan meets the necessary 'Basic Conditions' by:
- having regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies of the Development Plan for the area;
 - not breaching, and being compatible with European Union obligations (as retained and/or incorporated into UK law)
 - is compatible with the European Convention of Human Rights (within the meaning of the Human Rights Act 1998), and;
 - complies with the provisions under section 38A and 38B of the Planning And Compulsory Purchase Act,

Or, that the draft Neighbourhood Plan would do so if modifications were made to it, whether or not recommended by the Examiner, before a referendum is held.

- 1.8 The Neighbourhood Plan regulations go on to state that if
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
 - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, then, the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.9 The legislation, which is reflected in our protocol, requires the Council to consider and respond to the Examiner's report. Officer assessment is that with the incorporation of the amendments recommended by the Examiner, the Council can be satisfied that the Plan meets the legal requirements. Officers do not consider it to be necessary or appropriate to seek to amend the plan further.
- 1.10 It is recommended that members accept the recommendations of the Examiner's report and agree that a notice to this effect be published.

Next Steps

- 1.11 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes as set out in Annex 1 to this report, will be made available to view on the Woodbury page of the East Devon District Council website, together with the Decision Notice. As well as incorporating the Examiner's recommended changes and consequential amendments, East Devon District Council Officers will work with the Woodbury Neighbourhood Plan Steering Group to help ensure the accessibility of the plan document. This may require some changes in formatting and layout, together with possible additions of descriptive text ('alt text') for images but will not otherwise amend any part of the plan. Minor corrections e.g. for typing errors will also be agreed between the parties in preparing the Referendum version.

- 1.12 The District Council will be responsible for arranging a referendum where all electors within the Woodbury Neighbourhood Area will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Plan Area. If more than 50% of those who vote say 'yes', the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon, where it will carry full weight in the planning decision making process.
-

Financial implications:

Central Government funding is available for LPA's for neighbourhood plans. This income covers examination fees and the cost of referendums but also goes towards all other associated costs such as employment, and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years. (AB/19/03/2026)

Legal implications:

As the report identifies, it is a formal requirement for the Cabinet to consider the Examiner's recommendations and satisfy itself that the proposed neighbourhood plan, as modified, meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members endorse the Examiners recommendation in accordance with Recommendation 1, then the Local Planning Authority is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and to proceed to a referendum in accordance with Recommendation 2. At this stage there are no other legal observations arising. (DH – 19/03/26 – 002545)

Annex 1: Examiner's Findings and Officer Responses

A succinct summary of the Examiners considerations (see his full report for full details) and recommended changes to plan policies are set out below. Along with an officer recommendation in response in each case. It should be noted that this annex lists policy wording changes only. The inspector has also made a number of recommended changes to plan text/reasoned justification, the intent is that these changes will also be incorporated into final drafting.

Policy 1: New Housing Developments

Examiner finding:

The examiner considered the policy takes a positive approach and recommended a package of modifications to bring the clarity required by the NPPF and to allow EDDC to be able to apply the policy through the development management process.

Through changes to plan policy the inspector recommended revised wording to read:

"In accordance with thresholds set by Local Plan policy, housing development proposals for multiple dwellings should provide a mix of sizes and types that reflects identified local needs as indicated by the latest Housing Needs Survey, including, where relevant, opportunities for self-build and affordable housing for social rent.

Development proposals should deliver high-quality design which conforms to the local character as set out in the Woodbury Design Guidance document (Appendix C) and is in keeping with the local surrounding area by virtue of an appropriate scale, mass, height, size, layout and density, and the use of appropriate materials.

Development proposals should be in sustainable and accessible locations and have access to regular and reliable public transport, existing footpaths and cycleways enabling reduced dependency on car use whilst also recognising the importance of disabled access.

Development proposals should respond positively to their immediate locality and avoid any adverse environmental impacts. Where an environmental impact is unavoidable, proposals should incorporate appropriate mitigation measures."

EDDC Officer Comment:

The changes recommended are agreed with, they give greater clarity to the policy.

Policy 2: Retention of Affordable Homes

Examiner finding:

Whilst noting the positive intent/aspirations of policy the Examiner advised that *"I am not satisfied that its intentions are land-use based and can be applied through the development management process."* He referenced that the occupation of affordable housing is controlled through the provisions of the Housing Acts and/or associated legal agreements. The recommendation is to delete the policy.

EDDC Officer Comment:

The changes recommended are agreed with, noting occupancy matters are addressed through non-planning legislation.

Policy 3: Accessibility of New Development

Examiner finding:

The examiner has highlighted minor concerns in respect of policy wording and recommends “..... *the following modifications are included within the policy to bring the clarity required by the NPPF:*

- *in the first part of the policy include a proportionate element;*
- *in the first part of the policy acknowledge that Transport Assessments are only required for major development proposals; and*
- *ensuring that the second part of the policy is applied in a more general way rather than one focused entirely on works to highways and that the requirement should be applied where it is practicable to do so.”*

Through changes to plan policy the inspector recommended revised wording to read:

“As appropriate to their scale, nature and location, proposals for new housing development should demonstrate how safe access to sustainable transport, including dedicated cycleways, walkways and public transport, have been included in the scheme. In the case of major developments this should be through a Transport Assessment. Woodbury Parish Neighbourhood Plan. Wherever practicable, new housing developments should provide pedestrian access to link up with existing or proposed footpaths, ensuring that the public can walk safely to access local services and facilities and public transport, including where necessary, providing safety measures to enable the safe crossing of roads.”

EDDC Officer Comment:

The changes recommended are agreed with, noting they bring greater clarity.

Policy 4: Assessment of Cumulative Impact

Examiner finding:

The examiner notes the positive intent of policy. On balance, noting specific transport impact considerations applicable to Woodbury, the Examiner recommends “..... *that the policy is recast so that it initially sets out a general requirement for new development within which the substantive element of the policy (as submitted) would then support. The recast policy also ensures that its focus is on highways matters.”*

Through changes to plan policy the Examiner recommends revised wording to read:

“Development proposals should be designed and located so that they can be accommodated within the capacity of the local highway network.

Development proposals of more than ten dwellings within the Parish should be accompanied by an assessment of their impact on the local highway network which takes account of the cumulative

impact of other development that has been granted or is known to be strategically planned within the Parish or adjacent to the parish boundary.

Development proposals that would have a net negative impact on the local highway network will not be supported, unless suitable mitigation measures are included within the associated planning application or an overriding public benefit can be demonstrated.”

EDDC Officer Comment:

The changes recommended are agreed with, noting they place a clear focus on transport related concerns and impacts.

Policy 5: Green Energy Initiatives

Examiner finding:

The Examiner is supportive of the broad sustainability ambitions of policy. In respect of recommended changes to the policy the Examiner advises “..... *modifications will bring the clarity required by the NPPF and allow EDDC to be able to apply its contents through the development management process.*”

Through changes to plan policy the Examiner recommended revised wording to read:

“Development proposals for power generation from renewable and low carbon sources (and associated energy storage) will be supported. Any such facilities should be designed and sited to avoid adverse landscape, visual and environmental impact.

The incorporation of sustainable initiatives within new developments including but not limited to those in paragraph 4.9 of the Plan will be supported.

As appropriate to their scale, nature, and location, and where it is practicable to do so, development proposals should be accessible to sustainable transport.”

EDDC Officer Comment:

The changes recommended are agreed with. Whilst recommended wording changes are limited they do provide greater clarity to policy and its application.

Policy 6: Vehicle Parking Requirements

Examiner finding:

The Examiner is supportive of policy with minor amendments.

Through changes to plan policy the Examiner recommended revised wording to the effect that:

“Replace the opening element of the policy with: ‘Development proposals for a new or enlarged dwelling should meet the following criteria:’

Replace criterion 3 with: ‘Proposals should not result in the loss of off street car parking spaces for existing dwellings where it would lead to on-street parking that would be detrimental to highway safety.’

Throughout the remainder of the policy replace 'must' with 'should' "

EDDC Officer Comment:

The changes recommended are agreed with and they are seen to provide greater clarity in respect of policy and application.

Policy 7: Landscape Character and Enhancement

Examiner finding:

The Examiner was supportive (with some recommended changes) to the first part of policy that seeks to protect and enhance trees and hedges though he expressed concerns around the robustness of the second part and references to local viewpoints when such viewpoints are not specifically and spatially defined in the plan.

Through changes to plan policy the Examiner recommended revised wording to read:

"Development proposals should respond positively to existing trees, Devon banks, and hedges within or adjacent to the development site. Wherever practicable development proposal should incorporate additional vegetation of this type within their overall layout.

Where new landscaping is proposed, native species of local provenance should be used and the siting of trees must take account of their canopy and root development."

EDDC Officer Comment:

The changes recommended are agreed with noting importance of trees and hedges but the difficulty of applying policy of protection to important viewpoints where such viewpoints are not defined in the plan.

Policy 9: Support for wildlife within new developments

Examiner finding:

The examiner finds the policy to be broadly positive though recommends that it is recast in a more proportionate way noting it should not necessarily apply in full to minor and domestic developments.

Through changes to plan policy the Examiner recommended revised wording to read:

"As appropriate to their scale, nature and location, development proposals should make provision for wildlife which:

- incorporates swift bricks;*
- includes bat boxes and barn owl boxes, especially where existing buildings are to be demolished;*
- protects or establishes permeable and ideally planted boundaries that permit the movement of hedgehogs;*
- include solitary bee boxes, bee bricks, and insect houses; and*

- *retains existing and where practicable plant new native trees, shrubs, and hedges to create green corridors for wildlife.*

All such provision of facilities for wildlife should be appropriately located on or adjacent to the development site.”

EDDC Officer Comment:

The changes recommended are agreed with, they are minor in nature and provide greater clarity.

Policy 10: Conservation of Heritage

Examiner finding:

The Examiner notes the intent behind policy but also advises that *“In relation to designated heritage assets the policy does not add to the approach taken in national and local planning policy.”* In respect of reference to non-designated assets the inspector notes that non are specifically listed in the plan and highlights that if/when they are identified applications would be determined against local and national policies.

The Examiner recommends deletion of the policy.

EDDC Officer Comment:

The changes recommended are agreed with, specifically noting the importance attached to, and coverage given, in national and local plan policy to such assets.

Policy 11: Green Spaces

Examiner finding:

The Examiner highlights that the policy does not explicitly define the green spaces it applies to, but rather it is generic in nature. Through recommended changes the Examiner shifts the onus on to objectives of policy as opposed to protecting assets that are not actually spatially defined. Also changes note biodiversity considerations of importance.

Through changes to plan policy the Examiner recommended revised wording to read:

“Development proposals that would enhance the use and accessibility of public and communally used open and green spaces, including village greens, recreation and sports grounds, allotments, and common land will be supported subject to the avoidance of adverse biodiversity impacts. Development proposals that would involve the loss of public and communally used open and green spaces, including village greens, recreation and sports grounds and allotments, or which would detract from the attractiveness and accessibility of such spaces will not be supported unless it is demonstrated that the development:

- *will result in a net increase in the community value of that space or assets, and features on it, or*
- *the proposal involves a replacement for the facility which is of equal or enhanced community value to that of the existing use.”*

EDDC Officer Comment:

The changes recommended are agreed with, they offer greater clarity in respect of interpretation and application of policy, with appropriate safeguards.

Policy 12: Small Business Development

Examiner finding:

The examiner notes his careful consideration given to this plan policy. The examiner advises *“I have considered the first element of the policy carefully. On the one hand, it seeks to safeguard the character and nature on the parish. On the other hand, it takes a very matter-of-fact and prescriptive approach and which does not necessarily have regard to Section 6 of the NPPF. On the balance of the evidence, I am not satisfied that it meets the basic conditions and as such recommend its deletion. In reaching this conclusion I am satisfied that EDDC will be able to address the scale, nature, and location of employment land in its emerging Local Plan.”*

The examiner, however, considers that the second part of the policy has regard to Section 6 of the NPPF and will provide the opportunity for appropriate and sensitive business development and expansion, though with some rewording to make it more directly applicable to development management processes.

Through changes to plan policy the Examiner recommended revised wording to read:

“Development proposals for the extension of existing businesses or the sympathetic conversion of existing buildings to employment use will be supported where the following criteria are met:

- the size of the extension is proportionate to the scale of the premises concerned and can be accommodated within the existing curtilage of the premises;*
- the premises are within accessible locations and would not generate a significant increase in vehicle movement;*
- the proposal would respond positively to safeguarding the amenities of adjoining or nearby residential properties; and*
- a commercial justification for larger business premises can be demonstrated and which cannot be met elsewhere in the vicinity.”*

EDDC Officer Comment:

The changes recommended are agreed with. To meet the basic conditions it is considered the recommended changes are reasonable and appropriate.

Policy 13: Rural Diversification

Examiner finding:

The examiner is supportive of policy but recommends changes to give it a simpler criteria based format, though with explicit reference to highway capacity.

Through changes to plan policy the Examiner recommended revised wording to read:

“Development proposals for the re-use of farm and other rural buildings for business or tourism purposes will be supported where: • the proposed use is small-scale;

- *if on an operational farm, the use is subservient to the farm and its operations;*
- *they respond positively to the surrounding landscape or environment;*
- *they respect the amenities of adjoining or nearby residential occupiers;*
- *they can be accommodated within the local highway network; and*
- *they ensure that buildings are converted to a standard that meets the design guidelines set out in Appendix C.”*

EDDC Officer Comment:

The changes recommended are agreed with, they are seen as appropriate in terms of ensuring application of policy.

Policy 14: Equine Activities

Examiner finding:

In general terms the Examiner considers that the policy takes a positive approach to this matter reflecting the largely rural nature of the neighbourhood area. Modifications are recommended to ensure that the policy provides the clarity required by the NPPF and can be applied.

Through changes to plan policy the Examiner recommended revised wording to read:

“Equestrian development will be supported where it:

- *is of a scale and/or an intensity of equestrian use which will be compatible with the landscape and its special qualities, and demonstrates sensitive design which responds to local character and distinctiveness including location and siting;*
- *is well-related to existing infrastructure including vehicular and field access. Any field shelters should be located adjacent to existing vegetation. Native planting should be provided where existing vegetation is insufficient to screen the building concerned;*
- *re-uses existing buildings on a farm or holding wherever practicable and viable. Covered ménages or arenas should utilise existing agricultural buildings;*
- *locates new buildings, stables, yard areas and facilities adjacent to existing buildings whilst ensuring that they respect the amenities of surrounding properties and uses. Any new buildings should be established as a block, near to existing dwellings or farm buildings from which they will be managed, to improve security, reduced visual impact and minimise the footprint; and*
- *provides new or supplementary native planting, and boundary treatments which are consistent with local character, where appropriate.”*

EDDC Officer Comment:

The changes recommended are agreed with they are seen as reasonable and appropriate.

Policy 15: Loss of community facilities

Examiner finding:

The Examiner considers that the policy has sufficient clarity to be applied by EDDC through the development management process, though with some minor amendments.

Through changes to plan policy the Examiner recommended revised wording to read/to the effect:

“Development proposals which would result in the loss of a community facility will only be supported where one of the following criteria is met:

Replace criterion 1 with: ‘the facility is relocated to, or a better facility is provided, in an equally or more accessible and appropriate building or location;’

Replace criterion 2 with: ‘It can be demonstrated that the facility is no longer needed and there is no reasonable prospect of use in the future;’

EDDC Officer Comment:

The changes recommended are agreed with they are seen as reasonable and appropriate.