

Broadclyst Neighbourhood Development Plan Examiners Report.

The Broadclyst Neighbourhood Plan Examiners Report (55-page document) is available on the Parish Council website and on the East Devon District Councils website.

Items for Council to note:

1. Policy EC2: Economic Site at Crannaford was deleted by the Examiner. (Section 7.55 – 7.64)
2. 37 policies remain.
3. 7 CIL projects, and 12 community actions and projects remain unchanged.
4. The Plan has greater weight in planning applications and will have full weight after Referendum.
5. The Examiner Report was presented as Item 12, pages 47-99 in the EDDC Cabinet Meeting March 29 2023) agenda reports pack link
<https://democracy.eastdevon.gov.uk/documents/g1961/Public%20reports%20pack%2029th-Mar-2023%2018.00%20Cabinet.pdf?T=10>

Detailed feedback for Council.

1. The Examiner Andrew Ashcroft was complimentary about the Broadclyst NP and in 7.2 states I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
2. All 37 policies have been altered by the Examiner, this is not common practice and is not evident in the reports of other Neighbourhood Plans made in East Devon. The extent of policy change was surprising as the NP policies had been “health checked” through a Locality technical support package by an NP examiner prior to Reg16. Where modifications are recommended to policies in the report they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The reasons given for Policy modification are:

- to ensure that the policy has the clarity required by the NPPF.
- so that the policy can be applied in a proportionate way.
- to reconfigured so that its intention is clearer and or to make the policy easier to use.
- to take out specifics that are not a matter which is within planning control.
- to ensure that appropriate environmental safeguards are in place.

- so that it becomes a supporting policy for an important community aspiration.
 - So that it expands the application of the policy rather than being policy.
3. Local specific details and requirements supported by the community which were within the Reg 16 policies have been removed from some of the policies by the Examiner and placed within the Policy Justification Section. This material is labelled as “supporting material”.

This supporting material is important. It provides evidenced local contextual information. Such supporting material is often used by EDDC officers in the planning application process and can also be used by the Planning Committee in justifying their planning decisions.

There are 20 Policies where the “supporting material” has been moved from the policy to the justification section. These policies are listed by Chapter:

CF1,
DH3, DC1, DC2, DC3, DC4, DC5
EC1, ET1
H1, H2, H4, H6, H7
T1 T2, T4, T5
NE3, NE6

This supporting material is important to use in the PC planning process as it:

- provides definitions.eg H7 Live - work unit
 - Highlights implications eg H2 (In these circumstances the traditional expectation for a contribution towards the delivery of community facilities will not apply to the development of the site.)’
 - Provides minimum requirements. Eg DC4
 - Provides hierarchies. Eg H4, DC2
 - Provides more information/ evidence.
4. As seen in Section (7.150) Appendix 1 had been amended and put into the Plan as Chapter 7. Appendix 1 has therefore been altered to include the templates to aid in the implementation and monitoring of the 17 projects and the 37 policies of the Plan.
5. Compliments within the Report.

Below are some examples of good practice.

- Selection of Sites: *I am satisfied that the selected sites have been carefully chosen within the context of scale, nature, and settlement pattern of the parish. I am also satisfied that the approach taken on density, infrastructure and the development of the individual sites has been carefully considered. The general support for their inclusion in the Plan both from residents and*

landowners demonstrates the thorough way in which BPC has promoted the sites concerned throughout the plan preparation process.

- *Design Policy D1: In the round it is an excellent distinctive policy. Similarly, it is a good local response to Section 12 of the NPPF.*
- *Consultation Process and Statement: The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (December 2020 to February 2021). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.*
- *Appendix 1: Appendix 1 of the Plan comments about the way in which the Plan would be monitored and reviewed. It does so to good effect and should be incorporated into the main body of the Plan.*

6. The final section of the Report 7.153 – 7.157 provide guidelines on the preparation of the Referendum version of the Broadclyst Neighbourhood Plan.

Items for Council to discuss and note in the EDDC Cabinet Report Item 12.

1. EDDC recommended that:

1. That Members endorse the Examiner's recommendations on the Broadclyst Neighbourhood Plan (the Plan).
2. That Members agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications as set out in this report) be produced and give delegated authority to the Assistant Director Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to agree a final version once the issues highlighted in paragraphs 41 and 42 of Appendix A have been addressed and to then proceed to referendum and publish a decision notice to this effect.
3. That Members congratulate the Broadclyst Parish Council and Neighbourhood Plan Steering Group on their sustained hard work.

2. **Items 41 and 42** The examiner recommends these are undertaken by EDDC and BPC as needed in creating the Referendum Version. EEDDC Officer comment: This work is on-going and all amends, which will be minor in nature/for accuracy, will be agreed in writing between EDDC officers and BPC, as is permitted under the Neighbourhood Planning Regulations (as amended) and kept on record as a log.

3. Section 1.10 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 suggested by the Examiner, the Council can be satisfied that the Plan meets the legal requirements. **Whilst not all comments made by EDDC at Regulation 16 stage have been addressed, there are not considered to be any grounds to reject the findings of the report with reference to the 'Basic Conditions.**

4. **Annex 1** : provided details of where EDDC officers views at Regulation 16 and in the Clarification notes differed from the Examiner. The report provides details where EDDC officers are at variance and where they at times regrettably accepted the changes to the Policies in the Broadclyst NP.

These are listed below for the attention of members and in particular the Planning Committee members. These comments will forewarn members of issues. Areas in bold are highlight key aspects.

This is not a complete list but one that provides a flavour of what has been stated.

Further work will be required to ensure this material is readily available and utilised by members making decision on planning applications.

Policy CF2: New and Enhanced Sport, Recreation and Community Facilities

Officer Comment: Agree, for clarity in implementation. **Whilst the specific observations on criteria wording made by EDDC at Regulation 16 stage are not picked up directly in the modifications,** it is considered that the policy can broadly be applied as amended.

Policy D1: High Quality Design

Officer Comment: Agree, for clarity in implementation. **Whilst the specific observations on criteria wording made by EDDC at Regulation 16 stage are not picked up directly in the modifications,** it is considered that the policy can broadly be applied as amended.

Policy DC3: Sustainable Drainage

Officer Comment: Agree, for clarity in implementation, whilst retaining the policy intent **and the full detail within the supporting Plan text.** (Eg Shows that EDDC are in support of supporting material being kept and called upon)

Policy ET3: Camping Sites

Officer comment: Agree/accept. Finally, **the replacement within policy clauses of 'must' (or 'required to') with 'should', both here and elsewhere by the Examiner, differs from EDDC officers' opinion where the preference would generally be for stronger wording to enable particular aspects to be insisted upon. However, as this is largely a matter of preference, it is reluctantly proposed to be accepted.**

Policy H1: Blackhorse Gardens Site

Officer comment: Accept. The policy intent is largely retained. With reference to EDDC comments submitted to the Examination, **Officers find it regrettable that the policy wording is now more vague in the requirement regarding the key issue of requiring proposals in this location to incorporate mitigation measures to ensure that residents amenities are not significantly adversely affected by aircraft related noise, and also to specifically address the relationship with the adjacent Clyst Valley trail.** However, with the references retained to these aspects in broad terms at least within the criteria, and with the application of relevant strategic policies in the Local Plan (particularly Strategy 10 and 17), this gives the basis to ensure that **they will be considered fully within the development planning and management process for any proposals that come forward.**

Policy H2: Broadclyst Station Site

Officer comment: Agree/accept, for accuracy and clarity, and to aid implementation, in part addressing comments made by EDDC at Regulation 16 stage. **Notwithstanding this, with regard to the retained requirement for a Local Equipped Area of Play (LEAP) to be provided on this site on the basis of the viability evidence provided, EDDC officers would comment that in contrast, provision of a LEAP is not a requirement we would ordinarily insist upon on a scheme of this size, but would rather usually require a financial contribution towards open space and play provision under a section 106 agreement.** This was raised earlier in the plan making process and may impact meeting the community's aspirations in implementation.

Policy H4: Social and affordable Housing

Officer comment: Accept. **Noted that it is regrettable however that the Examiner has not amended the affordable housing tenure split required in this policy (i.e. 50% rent: 50% home ownership) further to our comments at Regulation 16 stage that the evidence suggested this should be at least the 70:30 split we require in the Local Plan. However, the Examiner's report suggests this was matter was considered and EDDC officers suggest this is reluctantly accepted in this instance given that the overall level of affordable housing required (50%) is deemed acceptable at these allocations.**

Also, to note that the district wide cascade for affordable housing allocation is specified in full in adopted Local Plan policy (S35) **and the local connection cascade that was in this policy (and is now proposed to be included in supporting text) broadly repeats this and adds a step re. parish grouping to the cascade. The intention would be that this be implemented via s106 agreements and the Devon Home Choice system when allocating new affordable homes in the parish.**

Policy H6: Self-Build

Officer comment: Agree/accept. In terms of the potential scale of development and the location of it at smaller communities without settlement boundaries, the apparent inconsistency with limiting the development to single dwellings in/at the larger settlements but not doing so at the smaller communities was raised with the Examiner at the 'fact checking' stage, together with the removal of the term infill from this policy whilst including

a reference to it in retained wording in Policy H7. **It is regrettable that no further alterations were made by the Examiner as a result who instead commented that he is satisfied that the approach taken consolidates the approach taken to the matter by the Parish Council that self-build houses should have the ability to be treated as exception sites. The wording in the policy (as recommended) reflects this approach. It is suggested that this is reluctantly accepted, not least because of the significant constraints to development at the identified locations, but that the policy is closely monitored in implementation.**

Policy H7: Development of Live-Work Units

Officer comment: Accept. The modification gives a degree of improved clarity and control. However, **it is notable that the comments raised by EDDC at Regulation 16 stage regarding the loose locational control in terms of sustainability and the risk of allowing residential development 'by the back door' have not been fully addressed.** Officers note that policies do exist elsewhere in the Plan that seek to ensure development is secured in locations that offer sustainable travel and transport options, as do Local Plan policies, **and therefore in combination with the use of appropriate conditions and checks and balances in the development management process, and the limited delivery generally of 'live-work' units, it is reluctantly suggested that this modification be accepted, and the implementation of the policy be closely monitored.**

This concludes my Report.

Janvrin Edbrooke

March 23rd, 2023