

**Payhembury Neighbourhood Development Plan
Basic Conditions Statement**

September 2018

1 Legal Requirements

1.1 This statement has been prepared by Payhembury Neighbourhood Plan Steering Group on behalf of Payhembury Parish Council (PCC) to accompany the submission to East Devon District Council (EDDC) of the Payhembury Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.

1.2 PPC registered the parish of Payhembury as a Neighbourhood Area on 8th January 2016. Following a consultation period, during which no objections were raised, this registration was approved by EDDC on 31st March 2016. The Neighbourhood Plan has been prepared by PPC, the qualifying body, for the whole of the area covering Payhembury Parish as designated by EDDC.

1.3 The plan proposal relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2017 to 2031. It does not contain policies relating to excluded development as laid out in the regulations.

1.4 The following statement will address each of the four 'basic conditions' required of the Regulations and explains how the Neighbourhood Plan meets the requirement of paragraph 8 of schedule 4B to the *Town and Country Planning Act* (1990) (As Amended) .

1.5 The Regulations state that the Neighbourhood Plan will have met the basic conditions if it:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

2 Introduction and Background

2.1 Initial consultations started in September 2015, which led to the establishment of a Neighbourhood Plan Steering Group in March 2016. The group contained members of the wider public as well as Members of the Parish Council. The rationale for producing the plan is as follows:

- The community wanted to have an influence on the type, scale, design and form of development in the parish for the period up to 2031;
- We wanted to be able to influence the provision of services, facilities and housing in the parish in order to support the needs of local people;
- We wanted to maintain the special character of our rural landscape and environment.
- We wanted to have some control over local planning decisions;

Timeline for the Process of Developing the Plan	Date
Steering group set up	14 th March 2016
Launch event held	23 rd April 2016
Devon Communities Together commissioned to provide professional support	15 th September 2016
Publication of the Neighbourhood Plan Questionnaire	1 st December 2016
Report on questionnaire published	17 th March 2017
Renewables meeting held	7 th May 2017
Business needs meeting held	9 th May 2017
Community event summarising questionnaire/proposing vision	20 th May 2017
Development of draft policies	September - November 2017
District council screening of draft policies	December 2017 – January 2018
Approval of draft plan by parish council	14 th March 2018
Consultation on Pre-submission draft plan	29 th April – 9 th June 2018
Community event where questions about the draft plan could be posed	2 nd June 2018
Consideration of consultation responses and incorporation of changes into draft plan	July - September 2018
Production of Basic Conditions Statement and Consultation Statement	September 2018
Approved for submission by steering group	16 th September 2018
Approved for submission by parish council	19 th September 2018

3 Conformity with National Planning Policy

3.1 The Neighbourhood Plan has been prepared in conformity with the policies set out in the National Planning Policy Framework (NPPF) of July 2018. It also has had regard to the National Planning Practice Guidance (NPPG) published by the Government in relation to the formation of neighbourhood plans.

3.2 Table 1 sets out a summary of how each policy conforms to the NPPF. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

4 General Conformity with the Strategic Policies of the Development Plan

4.1 In line with the requirements of the relevant guidance, the Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area.

4.2 The current development plan for the area is the adopted East Devon Local Plan 2013– 2031.

4.3 Table 2 sets out how each policy is in general conformity with the East Devon Local Plan 2013–2031.

5 Contribution to the Achievement of Sustainable Development

5.1 A neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability – economic, social and environmental.

5.2 Although the village of Payhembury benefits from the provision of some good services and facilities, some forms of facilities are deficient. In addition, whilst there has been some housing growth across the parish in recent years, housing has become increasingly unaffordable and this is limiting the ability of some local people to live or remain in the area.

5.3 In our vision for the Neighbourhood Plan, we propose that Payhembury will retain its friendly, welcoming and peaceful character and that the area will continue to be served by a range of facilities to meet the needs of its residents and local businesses. Whilst the community has expressed a desire for the area to retain its rural character, there is also an acknowledgement that there is also a need to protect, and where possible to improve, the services and facilities available to residents of the parish and which are vital to the long term vitality of the whole community. There is also a recognition that some measures should be put in place to improve access to housing to local people who are currently unable to do so, notably as a result of local issues of affordability. There is also a need to facilitate further opportunities for small scale employment. Meeting these needs has to be balanced by the overall desire to protect the existing character of what is still a peaceful and rural area.

Our planning objectives are in line with the vision. This Neighbourhood Plan aims to:

- Allow for small sized family housing through infill development within the village of Payhembury as identified by a settlement boundary which has been drawn up for that purpose (Policies PNP1);
- encourage the provision of new employment facilities (Policy PNP2) and to provide a reasonable level of protection to existing employment uses within the area (Policy PNP3);
- support the use of small scale renewable energy schemes provided these are compatible with protecting the character of the area (PNP4);
- provide protection to key open and place space within Payhembury village through the designation of the land in question as Local Green Space (Policy PNP5);
- facilitate better and safer pedestrian zones within the centre of Payhembury village (PNP6).

5.3 Table 3 sets out an assessment of each policy of the plan and how it impacts on each of the three strands of sustainability – economic, social and environmental.

6 Compatibility with EU Obligations and Legislation

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process on ensuring that no sections of the community have been isolated or excluded.

6.2 A screening process was carried out by East Devon District Council in December 2017 – January 2018 which determined that the Neighbourhood Plan did not require a Strategic Environmental Assessment.

6.3 It was also determined in January 2018 that the plan did not require a Habitats Regulations Assessment.

Table 1

How the NP Policies Conform to the NPPF

NP Policy Number	NPPF Paragraph	Comment on Conformity
Policy PNP1	Paragraph 28 Paragraph 29 Paragraph 61 Paragraph 127	Meets the requirements of the NPPF by setting out only detailed requirements for the village (paragraph 28) and would not undermine the strategic policies for East Devon (paragraph 29). This policy would also seek to address local housing need (paragraph 61) This policy would also ensure that any new development should be designed to respect the character of the area and adjacent properties (paragraph 127)
Policy PNP2	Paragraph 83 Paragraph 84	Meets the requirements of the NPPF by seeking to provide for sustainable and prosperous community, providing for more economic space (paragraphs 83 and 84)
Policy PNP3	Paragraph 83	Meets the requirements of the NPPF by seeking to provide protection of viable existing employment uses as a means of supporting the community (paragraph 83)
Policy PNP4	Paragraph 148 Paragraph 151 Paragraph 152	Addresses the NPPF objective of moving towards a low carbon economy (paragraph 148) and support for small scale and community led renewable energy schemes (paragraph 151 and 152).
Policy PNP5	Paragraph 99 Paragraph 100	Addresses the NPPF objective for the which allows the identification, designation and protection of the Church Lane Play Area as an important local space (paragraph 99) which meets the requirements that it is in close proximity and special to the local community and local in character (paragraph 100)
Policy PNP6	Paragraph 102 Paragraph 108	Addresses the NPPF objectives of providing safe pedestrian spaces (paragraph 108) and enhancing opportunities for travel by non car modes (paragraph 102 and paragraph 108)

Table 2

Conformity with East Devon Local Plan 2013–2031

NP Policy Number	Relevant Local Plan Policy	Comment on Conformity
Policy PNP1	Strategy 4 'Balanced Communities' Strategy 7 'Development in the Countryside' Strategy 35 'Exceptions Mixed Market and Affordable Housing...' Policy D1 'Design and Local Distinctiveness' Policy TC9 'Parking Provision in New Development'	<p>The policy will help ensure that development in the village is of a size which can meet the needs of younger people and younger families (Strategy 4).</p> <p>The policy makes provision for infill development within Payhembury village. The local plan allows for such an approach where advanced via a neighbourhood plan. (Strategy 7).</p> <p>The policy seeks for any development to have respect to the character of the area (Policy D1)</p> <p>The policy requires on-plot car parking in accordance with the local plan's requirements (Policy TC9).</p>
Policy PNP2	Strategy 28 'Sustaining etc Rural Enterprises'	The policy will allow changes which would help support the economy of a rural area and encourage the provision of jobs in the parish (Strategy 28)
Policy PNP3	Strategy 32 'Resisting Loss of Employment, Retail and Community Sites and Buildings'	The policy seeks to protect existing viable employment uses in the parish. This is consistent with local plan policy including the provision for a change to residential where an appropriate period of marketing has taken place (Strategy 32)
Policy PNP4	Strategy 39 'Renewable and Low Carbon Energy Projects'	The policy seeks to allow renewable energy and related schemes for domestic and community purposes provided the amenity of the area is respected. These requirements are consistent with the local plan policy (Strategy 39).
Policy PNP5	Policy EN1 'Land of Local Amenity Importance'	The policy identifies Church Lane Play Area as an area of Local Green Space. This reflects the provisions of the local plan which allows for the identification and protection of such area (Policy EN1).
Policy PNP6	Policy TC4 'Footpaths, Bridelways and Cycleways'	The policy seeks to ensure new development in Payhembury village provides for pedestrian improvements. This is consistent with the local plan policy which seeks to ensure the development include measures to provide, improve and extend facilities for pedestrians and cyclists (Policy TC4)

Table 3

Contribution to the achievement of sustainable development

** Very positive impact * Positive impact – Neutral impact x Negative impact xx Very negative impact

NP Policy Number	Economic	Social	Environmental	Comments
Policy PNP1	*	*	-	
Policy PNP2	*	*	-	
Policy PNP3	*	*	-	
Policy PNP4	*	*	*	
Policy PNP5	-	**	**	
Policy PNP6	-	*	*	