

# Appendix G

## Basic Conditions Statement



### Budleigh Salterton Neighbourhood Plan 2017-2031

<b>CONTENTS</b>	<b>Page</b>
<b>1 Introduction</b>	<b>3</b>
<b>2 Legal Requirements</b>	<b>4-5</b>
<b>3 Budleigh Salterton Neighbourhood Plan Area</b>	<b>5</b>
<b>4 National Planning Context</b>	<b>5-16</b>
<b>5 Local Planning Context</b>	<b>17-25</b>
<b>6 Contribution to Sustainable Development</b>	<b>26-27</b>
<b>7 Does not breach, and is compatible with, EU obligations and human rights requirements</b>	<b>28</b>
<b>8 Conclusion</b>	<b>28</b>

## **1.0 INTRODUCTION**

1.1 On 26<sup>th</sup> September 2016 Budleigh Salterton Town Council approved the Neighbourhood Plan for submission to East Devon District Council. When submitting a Neighbourhood Development Plan to the relevant local Planning Authority the legislation requires the qualifying body to submit a number of documents to accompany it. One of these is commonly known as a Basic Conditions Statement.

1.2 This Basic Conditions Statement has therefore been prepared in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. It explains how the proposed Neighbourhood Development Plan meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area); and
- the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with, in connection with the proposal for the Neighbourhood Plan

1.4 The prescribed Condition is that the ‘making’ of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

1.5 The Basic Conditions Statement must set out how the Neighbourhood Plan meets the requirements of each Basic Condition and other legal tests. It is an

opportunity for the Parish Council to clearly set out how its Plan meets the legal tests and should therefore proceed to referendum. It will be used by both the independent Examiner and East Devon District Council to help them decide whether or not the plan meets the Basic Conditions.

## **2.0 LEGAL REQUIREMENTS**

2.1 This statement is required to set out how the Budleigh Salterton Neighbourhood Plan meets the requirements of each legal test. This is set out below.

### **Qualifying Body**

2.2 This Neighbourhood Plan is being submitted by a qualifying body, namely Budleigh Salterton Town Council Steering Group.

### **The Neighbourhood Area**

2.3 The Neighbourhood Plan relates to a designated Neighbourhood Area, which is identical to the Parish boundary of Budleigh Salterton Parish. The application to designate the Neighbourhood Area was approved by East Devon District Council on 31st July 2015. A map of the Budleigh Salterton Neighbourhood Area is attached in section 3.

### **What is being proposed is the Neighbourhood Plan.**

2.4 The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed Neighbourhood Plan states the period for which it is to have effect.**

2.5 The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made up to 2031 (the same period as the Adopted East Devon Local Plan which was adopted on 26th January 2016)

### **The policies do not relate to excluded development.**

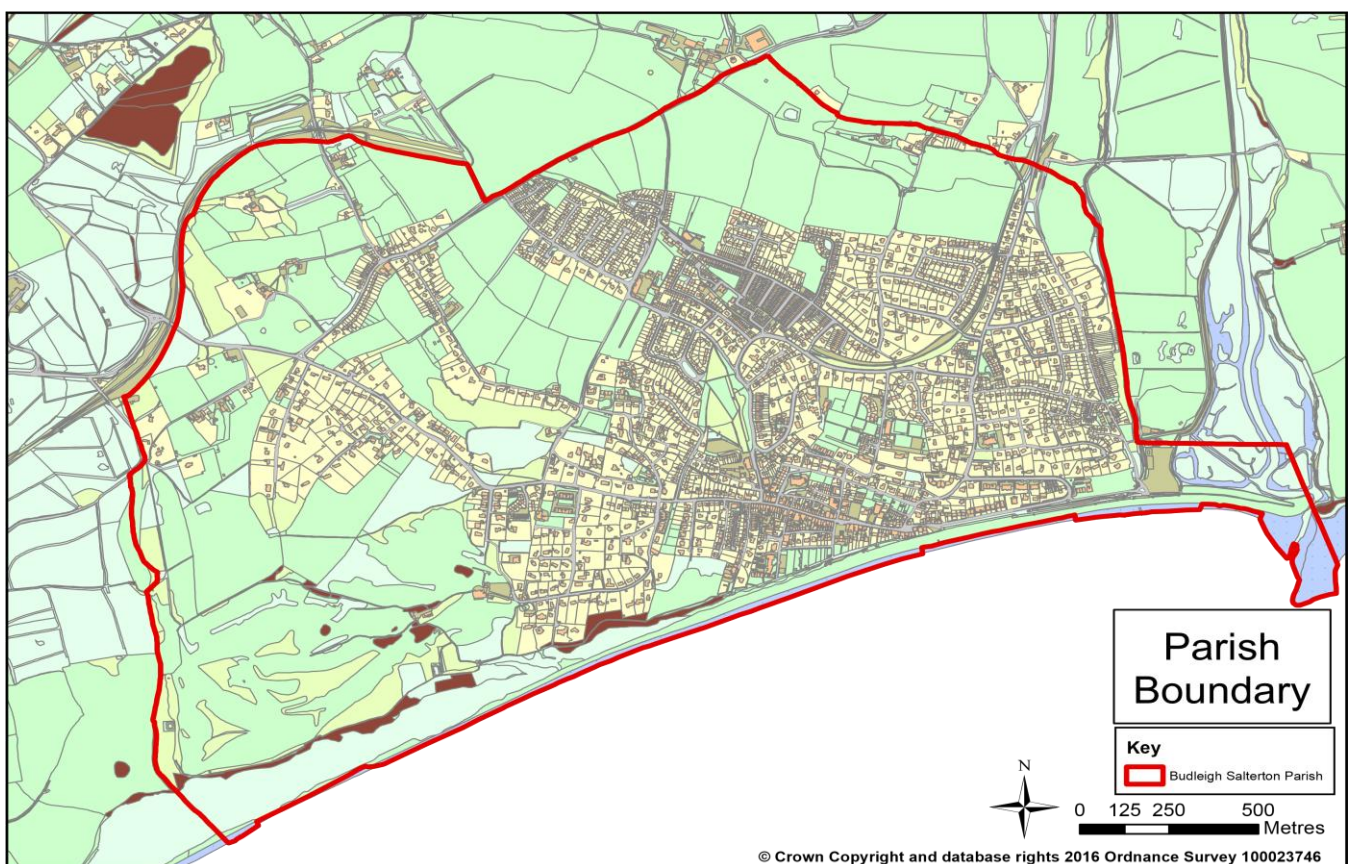
2.6 The Neighbourhood Plan proposal does not contain policies that relate to 'excluded development'. For example it does not contain matters dealt with by Devon County Council (mineral extraction and waste development) and

nationally significant infrastructure projects or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

**The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area.**

2.7 The Neighbourhood Plan proposal relates to the Budleigh Salterton designated neighbourhood area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

### 3.0 BUDLEIGH SALTERTON PARISH AREA



### 4.0 NATIONAL PLANNING CONTEXT

4.1 It is required that the Budleigh Salterton Neighbourhood Development Plan (BSNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF) April 2012. Further advice can also be found in the Government's on-line National Planning Practice Guidance (NPPG) published by the Government in April 2014.

4.2 The Budleigh Salterton Neighbourhood Plan has thereby been prepared with regard to national policies as set out in the NPPF and is mindful of the NPPG. It includes a specific NPPF conformity reference for each policy, and, where relevant further reference in the supporting text.

### **National Planning Policy Framework**

4.3 The NPPF in sections 183-185 refers to Neighbourhood Development Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act 2011 which refers to the 'adopted Development Plan'.

4.4 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### **Para 16**

Paragraph 16 states that “neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and
- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed”.

The Town Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the district by developing policies to promote sustainable economic and residential development. The latter policies seek to sustain the character of the Town and meet identified local needs. It also seeks to protect and enhance open spaces and valued community facilities that benefit the parish.

#### **Para 183**

Paragraph 183 of the NPPF states that “Parishes and neighbourhood forums can use neighbourhood planning to:

- set planning policies through neighbourhood plans to determine decisions on planning applications; and
- grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order”.

The Town Council believes the Neighbourhood Plan establishes a shared community vision for the Town that reflects the views of the majority of the local community. It makes the output of these activities real by translating them into objectives and planning policies to determine future planning applications as part of the development plan.

#### **Para 184**

Paragraph 184 of the NPPF states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the relevant strategic planning policies for East Devon and is in conformity with the Development Plan for the area and the comprehensive evidence base that supports these policies. Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”.

The Budleigh Salterton Neighbourhood Plan does not undermine the strategic policies of the Adopted East Devon Local Plan and does not promote less development than outlined in this Plan. The Local Plan does not specially allocate housing amounts to the Parish leaving any decisions on the amount and location of any housing to the Neighbourhood Plan. The Plan supports small scale community led exception schemes that meet identified housing needs in the Parish and reflects the significant environmental – both natural and heritage – constraints within and surrounding the village.

#### **Para 185**

Para 185 of the NPPF states “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.

Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation”. The Neighbourhood Plan avoids duplicating development plan policies by focusing on site-specific policies that translate the general requirements of the development plan into an Budleigh Salterton context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications. The Budleigh Salterton Neighbourhood Development Plan has established thirteen principal objectives which it seeks to achieve. We summarise them in Table 1 below and which NPPF sustainable delivery goals each objective seeks to address. The relevant goals, required to deliver sustainable development as defined in the NPPF, are as follows:-

- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Supporting high quality communications infrastructure
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

4.5 Table 2 below is a brief summary of how each Policy in the Neighbourhood Development Plan conforms to the NPPF and NPPG. The particular paragraphs referred to in the table are those considered the most relevant to each Policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

**Table 1:- Summary of how each objective in the Budleigh Salterton Neighbourhood Development Plan conforms to the NPPF sustainable delivery goals**

Budleigh Salterton Neighbourhood Plan Objectives	Relevant NPPF Goal
<b>Objective One:</b> To encourage sustainable development in the town that meets the needs of and reflects the wishes of the residents and	Delivering a wide choice of high quality homes. Conserving and enhancing the natural environment.



conserves and enhances the AONB.	Conserving and enhancing the historic environment.
<b>Objective Two:</b> Ensure that new development should maintain the local distinctiveness of the town and seafront, including its distinct urban form, and is of the highest design and build quality.	Requiring good design. Conserving and enhancing the natural environment. Conserving and enhancing the historic environment. Delivering a wide choice of high quality homes.
<b>Objective Three:</b> The special architectural and historical interest of the town's heritage assets will be a primary development consideration including designated and non-designated heritage assets.	Requiring good design. Conserving and enhancing the natural environment. Conserving and enhancing the historic environment.
<b>Objective Four:</b> Protect and enhance the natural environment within the designated protection areas and retain the biodiversity and wildlife habitats of the Parish.	Conserving and enhancing the natural environment.
<b>Objective Five:</b> To improve opportunities and infrastructure for developing new and existing business/retail enterprises.	Supporting a prosperous rural economy. Building a strong, competitive economy.
<b>Objective Six:</b> Enhance and protect community facilities for the benefit and needs of the community.	Promoting healthy communities
<b>Objective Seven:</b> Promote and support the pastoral needs and wellbeing of the community.	Promoting healthy communities
<b>Objective Eight:</b> To enhance and protect green spaces and recreational facilities of value to the community and visitors.	Conserving and enhancing the natural environment. Conserving and enhancing the historic environment.
<b>Objective Nine:</b> Address traffic, parking and pedestrian safety issues and ensure that transport links are maintained at least at current levels	Promoting sustainable transport.

**Table 2: Summary of how each policy in the Budleigh Salterton Neighbourhood Development Plan conforms to the NPPF.**

<b>Policy Number</b>	<b>Policy Title</b>	<b>NPPF Ref</b>	<b>Commentary</b>
H1	Meeting Local Housing needs	17,47,50,54	<p>Policy H1 is compatible with the NPPF objectives of 1) delivering a wide choice of high quality homes. 2) conserving and enhancing the natural environment.</p> <p>Policy H1 is in conformity with the NPPF paragraph 47, 50, 54 by seeking to ensure any new residential development addresses the imbalance in smaller dwellings in the Parish and meets current and future demographic trends.</p>
H2	Maintaining local character	17, 53, 56, 58, 60, 61, 115, 116,126-141	<p>Policy H2 is compatible with the NPPF objective of conserving and enhancing the historic environment.</p> <p>Policy H2 is in conformity with the NPPF paragraphs 17,126-141 by seeking to conserve and enhance heritage assets and their settings so they can be enjoyed for their contribution to the quality of life of this and future generations.</p>
H3	Infill developments and extensions	17,53,56,57,58	<p>Policy H3 is compatible with the NPPF objectives of requiring good design.</p> <p>Policy H3 is in conformity with the NPPF paragraphs 17, 53, 56, 57, and 58 in seeking to ensure secure high quality design. It resists inappropriate infill development where this would have an unacceptable impact on the character of the natural and built environment and on residential amenity for</p>

			<p>all existing and future occupants of land and buildings. The Policy sets out criteria to ensure proposals are well designed, resist inappropriate development of residential gardens, protect the surrounding valued landscape and reflect the distinctive character of the Parish.</p>
H4	Built-up area boundary	54-55, 109,113,115,116	<p>Policy H4 is compatible with the NPPF objectives of</p> <ol style="list-style-type: none"> <li>1) delivering a wide choice of high quality homes.</li> <li>2) conserving and enhancing the natural environment</li> </ol> <p>Policy H4 is in conformity with the NPPF paragraphs 54-55 as it defines the Built-up Area Boundary to ensure consistency with the need to deliver, in a sustainable manner, affordable and open market rural homes to meet the needs of the community.</p> <p>By insisting that development, except to meet the community need for affordable housing, is within the existing Built-up Area Boundary, the Plan in conformity with the NPPF paragraphs 109,113,115-116, that recognises the need to protect the surrounding landscape (all of which is located in an AONB) and biodiversity of the area.</p>
B1	Unique identity of town and seafront	17, 56, 126-141	<p>Policy B1 is compatible with the NPPF objective of conserving and enhancing the historic environment</p> <p>Policy B1 is in conformity with the NPPF paragraphs 17,126-141 by seeking to conserve and enhance heritage assets and their settings so they can be enjoyed for their contribution to the quality of life of this and future generations.</p>

B2	Protection of key views and vistas	17, 115, 126-141	Policy B2 is compatible with the NPPF objective of conserving and enhancing the natural environment. Para.115 Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
B3	Heritage assets and their settings	17, 126-141	Policy B3 is compatible with the NPPF objective of conserving and enhancing the historic environment Policy B3 is in conformity with the NPPF paragraphs 17,126-141 by seeking to conserve and enhance heritage assets and their settings so they can be enjoyed for their contribution to the quality of life of this and future generations.
NE1	Conservation of the Natural Environment	7, 17, 58, 109, 113, 115, 116, 118	Policy NE1 is compatible with the NPPF objective of conserving and enhancing the natural environment Policy NE1 is in conformity with the NPPF paragraphs 7, 17, 58,109,113,115,116 and 118 by seeking to protect and enhance the AONB landscape and existing biodiversity, geodiversity assets in the Parish. It has a strong emphasis on protecting a particularly valued landscape from inappropriate development. Policy NE1 also seeks to ensure new development responds to the local character of the area via appropriate landscaping, protecting views of value, ensuring new development incorporates, where appropriate, existing trees, ponds and hedgerows, wildlife habitats and by adding to the biodiversity of the area.

NE2	Protection of Local Green Spaces	76,77,78	<p>Policy NE2 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities.</p> <p>Policy NE2 is in conformity with the NPPF paragraphs 76-78 which protect green areas that are special to the local community from the threat of development and makes use of the provision for making a designation in the NPPF.</p>
NE3	Conservation of Biodiversity	7, 17, 58, 109, 113, 115, 116, 118	<p>Policy NE3 is compatible with the NPPF objective of conserving and enhancing the natural environment</p> <p>Policy NE3 is in conformity with the NPPF paragraphs 7, 17, 58,109,113,115,116 and 118 by seeking to protect and enhance the AONB landscape and existing biodiversity, geodiversity assets in the Parish. It has a strong emphasis on protecting a particularly valued landscape from inappropriate development. Policy NE3 also seeks to ensure new development responds to the local character of the area via appropriate landscaping, protecting views of value, ensuring new development incorporates, where appropriate, existing trees, ponds and hedgerows, wildlife habitats and by adding to the biodiversity of the area.</p>
NE4	Maintain trees and hedgerows	76-78	<p>Policy NE4 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities</p> <p>Policy NE4 is in conformity with the NPPF paragraphs 76-78 which protect green areas that are special to the local community from the threat of development and makes use of</p>

			the provision for making a designation in the NPPF.
NE5	Development within the Coastal Preservation Area	7, 69, 75, 109	Policy NE5 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities. Policy NE5 is in conformity with the NPPF paragraphs 76-78 which protect green areas that are special to the local community from the threat of development and makes use of the provision for making a designation in the NPPF.
NE6	Protection of railway amenity line wildlife corridor	75	Policy NE6 is compatible with the NPPF objective of 1) promoting healthy communities 2) conserving and enhancing the natural environment 3) promoting sustainable transport Policy NE6 is in conformity with NPPF paragraph 75 which seeks to protect and enhance public rights of way.
NE7	Protection of Green wedge	7, 69, 75, 109	Policy NE7 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities. Policy NE7 is in conformity with paragraphs 7, 69, 75 and 109 by seeking to enhance and create green infrastructure of value to the community in terms of the corridor's biodiversity, recreational role and importance to the well-being of residents in the Parish
NE8	Protection of existing allotments	70, 73	Policy NE8 is compatible with the NPPF objective of promoting Space healthy communities. Policy NE8 is in conformity with the NPPF paragraphs 70 and 73 by seeking to protect the existing allotments that are valued by the community and important to the social wellbeing

			of residents in the Parish.
EC1	Support the development of small businesses	28	<p>Policy BE1 seeks to support small business enterprises and sustainable economic development which promotes and creates a strong rural economy and which respects the character of the countryside and the AONB.</p> <p>Policy BE1 is compatible with the NPPF objective of promoting a strong rural economy through neighbourhood planning. The policy is in conformity with NPPF paragraph 28 which identifies how planning policy can support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In particular it promotes the conversion of existing buildings and agricultural diversification.</p>
CLW1	Protecting and Enhancing Recreational Facilities	28, 70	<p>Policy CLW1 is compatible with the NPPF objective of promoting healthy communities.</p> <p>Policy CLW1 is in conformity with the NPPF paragraphs 28 and 70 which support the retention and positive development of a variety of recreational facilities that can promote the health and social wellbeing of the community and enhance the sustainability of Budleigh Salterton. It guards these valued community assets against their unnecessary loss.</p>
CLW2	Relocation of Budleigh Salterton Cricket Club	28, 70, 74	<p>Policy CLW2 is compatible with the NPPF objective of promoting healthy communities. This Policy is in conformity with paragraphs 28 and 70 which support the retention and positive development of the Cricket Ground within the community. In conformity with paragraph 74 it encourages</p>

			proposals that will secure the future of the Cricket Ground including the provision of equivalent space if the Cricket Ground were to be relocated in a more suitable location.
--	--	--	---



## **5 LOCAL PLANNING CONTEXT**

5.1 The Neighbourhood Plan is tested against the strategic policies in the adopted Development Plan and must be in general conformity.

5.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the Development Plan for East Devon. It includes a specific Development Plan conformity reference for each policy, and, where relevant further reference(s) in the supporting text. Table 3 provides a summary how each Policy is in general conformity with the appropriate strategic policies in the Development plan.

5.3 The Development Plan currently consists of the Adopted East Devon Local Plan 2013-2031. This plan was adopted on 26th January 2016. It has two sections:-

### **Part 1:- Strategic approach and policies: -**

This part of the Local Plan sets out strategic policies. These policies set the strategy for the rest of the plan and are of key relevance in the determination of planning applications

### **Part 2:- Development Management Policies: -**

This part of the New Local Plan is specifically concerned with the local or development management policies. These policies provide more detail on the implementation and application of the strategic policies in the plan. Any planning application that is to be assessed will be done so under the strategic policies in Part One of the Plan and also these development management policies of Part 2 of the Plan.

5.4 Part 1 of the Adopted East Devon Local Plan states “If a Neighbourhood Plan is produced it will be in accordance with and apply these strategic policies but it can supersede or overwrite the development management policies in Part Two of the Plan”.

5.5 The Local Plan will be accompanied by the Budleigh Salterton Design Statement. (Appendix E)

**Table 3: Relevant policies in the Adopted East Devon Local Plan**

Policy Number	Policy Title	Adopted East Devon Local Plan Reference	Commentary
H1	Meeting Local Housing needs	Strategies 1,4,21, 34, 35, 38, 3a, Policy TC2	Policy H1 is in general conformity with Strategy 1 of the local plan, which states that housing in smaller towns should be geared towards meeting local needs. It also conforms with Strategy 4, which promotes and encourages residential development suitable for younger people and younger families to promote more age-balanced communities across the district. Policy D3 is seeking to ensure any new residential development in the Parish meets current and future demand and demographic trends.
H2	Maintaining local character	Strategies 46, 48, 49 Development Management Policies EN8, EN9, EN10	Policy H2 is in general conformity with Strategies 48 and 49 of the local plan, which seek to protect the physical and cultural heritage of the district and reinforce local distinctiveness. It is also in general conformity with Development Management Policies EN8, EN9, EN10 which lay down more detailed guidance on development impacting on designated heritage assets and their setting. Policy H2 extends this protection to non-designated historic assets that make a contribution to the character of the area.
H3	Infill developments and extensions	Strategy 48 Policy TC9, Development	Policy B3 is in general conformity with Strategy 48 of the local plan, which seeks high quality design to

		Management Policy D1	reinforce local distinctiveness. Policy H3 lays down criteria to 27 resist inappropriate infill development which could impact adversely on residential amenity and the character of an area. Local Plan Policy D1 also seeks to protect the amenity of existing residents.
H4	Built-up area boundary	Strategy 7, 21.5,27	Policy H4 is in general conformity with Strategy 6 and 27 of the Local Plan, which seek to designate built-up area boundaries (BUAB) to towns across East Devon where development is considered to be acceptable. The intent of these policies is to direct development to within the existing built up area boundary of the village and to protect the distinctive character of the AONB landscape, amenity and environmental quality.
B1	Unique identity of town and seafront	Strategy 48	Strategy 48 Para. 6.19 The natural and historic built environment is a key driver for the District's economy, generating income for local businesses directly involved in tourism as well as the District's coastal and market towns with direct visitor spend. Para 8.7 Budleigh Salterton is perhaps unusual in the exceptional quality of much early 20th century housing, not all of which is within the conservation area, nor yet considered to merit listed building status.
B2	Protection of key views and vistas	Para 9.2e	Para.9.2e: We conserve the high quality landscape and coastal setting of the town by resisting development that would impinge upon the AONB and other designations in and around Budleigh Salterton.

B3	Heritage assets and their settings	Strategies 48, 49 Development Management Policies EN8, EN9, EN10 Para 22.15	Policy B3 is in general conformity with Strategies 48 and 49 of the local plan, which seek to protect the physical and cultural heritage of the district and reinforce local distinctiveness. It is also in general conformity with Development Management Policies EN8, EN9, EN10 which lay down more detailed guidance on development impacting on designated heritage assets and their setting. Policy B3 extends this protection to non-designated historic assets that make a contribution to the character of the area.
NE1	Conservation of the Natural Environment	Strategies 3, 5, 21.5, 46, 47 Development Management Policies D2, D3 EN4, EN5	Policy NE1 is in general conformity with Strategies 3, 5, 46 and 47 and Development Management Policies D2, D3, EN4 and EN5 which seek to deliver sustainable development by conserving and enhancing the natural environment including its biodiversity, geodiversity and the character of the AONB landscape. Policy NE1 of the Neighbourhood Plan conforms with these Strategies by requiring any development proposals to demonstrate that a range of landscape design principles are met in order to ensure that the landscape, biodiversity and countryside character of the Parish are protected and, wherever possible, enhanced. This includes ensuring new developments respond to the local character of the area through appropriate high quality landscaping, protecting views of value, ensuring new development incorporates,

			where appropriate, existing trees, ponds and hedgerows, wildlife habitats and by adding to the biodiversity of the area.
NE2	Protection of Local Green Spaces	Strategies 3,4, 4.24,5	<p>Policy NE2 is in general conformity with Strategies 3, 4, and 5 which seek to secure and protect open spaces for the benefit of the local community.</p> <p>Policy NE2 protects these small areas of local green space which are of historic, recreational or biodiversity value from harmful development.</p>
NE3	Conservation of Biodiversity	Strategy 3, 3a, 5, 46,47, Development Management Policies D2, D3 EN4, EN5	<p>Policy NE3 is in general conformity with Strategies 3, 5, 46 and 47 and Development Management Policies D2, D3, EN4 and EN5 which seek to deliver sustainable development by conserving and enhancing the natural environment including its biodiversity, geodiversity and the character of the AONB landscape.</p> <p>Policy NE3 of the Neighbourhood Plan conforms with these Strategies by requiring any development proposals to demonstrate that a range of landscape design principles are met in order to ensure that the landscape, biodiversity and countryside character of the Parish are protected and, wherever possible, enhanced. This includes ensuring new developments respond to the local character of the area through appropriate high quality landscaping, protecting views of value, ensuring new development incorporates, where appropriate, existing trees, ponds and</p>

			hedgerows, wildlife habitats and by adding to the biodiversity of the area.
NE4	Maintain trees and hedgerows	Strategies 21.6,21.9	<p>The District Council recognises that trees, both individually and collectively, make an important contribution to the amenity, character and environmental value of the area. Accordingly, retention of woodlands, groups and individual trees will be encouraged and particular value is given to ancient and veteran trees.</p> <p>Where it is in the interests of amenity for trees and woodland to be preserved, the District Council has powers to make Tree Preservation Order. Under such Orders, permission is required for lopping, topping and felling work to the tree. The Council also has to be notified of proposals to carry out work on trees in Conservation Areas.</p>
NE5	Development within the Coastal Preservation Area	Strategy 44	<p>Undeveloped Coast and Coastal Preservation Area: Land around the coast and estuaries of East Devon, as identified on the Proposals Map, is designated as a Coastal Preservation Area. Development or any change of use will not be allowed if it would damage the undeveloped / open status of the designated area or where visually connected to any adjoining areas. The Coastal Preservation Area is defined on the basis of visual openness and views to and from the sea</p>
NE6	Protection of Railway	Strategies 5, 46, 47	The green corridor in Policy NE6 is in conformity with

	amenity line wildlife corridor	Para 9.2.i, 18.5	Strategy 5 of the Adopted East Devon Local Plan which encourages the creation of green networks and corridors to link settlements to the wider countryside. This is also in conformity with Strategies 46 and 47 of the Local Plan which seeks to protect the natural environment and biodiversity of the Parish.
NE7	Protection of Green Wedge	Strategy 5, 8, 46, 47	The Green Wedges in Policy NE7 is in conformity with Strategy 5 of the Adopted East Devon Local Plan which encourages the creation of green networks and corridors to link settlements to the wider countryside. This is also in conformity with Strategies 46 and 47 of the Local Plan which seeks to protect the natural environment and biodiversity of the Parish. Strategy 8: Development within Green Wedges will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence
NE8	Protection of existing allotments	Strategies 3, 4, 5	Policy NE8 is in general conformity with Strategies 3, 4, and 5 which seek to deliver sustainable development by protecting important recreational open spaces for the benefit of the local community from harmful development. Policy NE8 also establishes criteria to secure equivalent or greater allotment provision if any development proposals result in the loss of all or part of existing allotment space

EC1	Support the development of small businesses	Strategies 3, 4, 28 Development Management Policies E4, E5	Policy BE1 is in conformity with Strategies 3, 4 and 28 and Development Management Policies E4 and E5. These policies encourage and support small scale sustainable economic development in the rural area that respect and seek to minimise harm on biodiversity/geodiversity and the quality and character of the countryside and the AONB landscape. The emphasis being on sustaining and diversifying rural enterprises, the conversion of rural buildings and the use of previously developed land.
CLW1	Protecting and Enhancing Recreational Facilities	Strategies 3, 4	Policy CLW1 is in general conformity with Strategies 3 and 4 and Development Management Policy RC2 of the local plan, which seeks to support and promote the provision of leisure and open space facilities in the district. In conformity with these policies Policy CLW1 also promote social wellbeing, vibrant balanced communities and facilities that are sustainable and meet community needs
CLW2	Relocation of Budleigh Salterton Cricket Club	Strategies 3,4 Management Policies RC1, RC2	Policy CLW2 is in general conformity with Strategies 3 and 4 and Development Management Policy RC2 of the local plan, seeks to support and promote the provision of leisure and open space facilities in the district. In conformity with these policies Policy CLW2 also promotes social wellbeing and facilities that are sustainable and meet community needs. In this case an additional aim, in conformity with Development



			Management Policy RC1 is to ensure an important recreational facility impacted upon by regular flooding is retained within the community and equivalent facilities are provided in a sustainable way.
--	--	--	---

## 6.0 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

6.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking.’ The Neighbourhood Plan contributes strongly to the achievement of sustainable development.

6.2 Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development.

6.3 The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

6.4 The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues: “an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

6.5 Table 3 below summarises how the policies and allocations in the Submission Neighbourhood Development Plan contribute to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Neighbourhood Development Plan’s
------------------------------	----------------------------------

	Contribution
Economic	The Neighbourhood Plan seeks to support and encourage a range of goods and services. The plan seeks to support business premises and employment opportunities with an emphasis on creating the conditions for small businesses to thrive.
Social	The Neighbourhood Plan sets a strong framework that will help to support the achievement of sustainable social development. The plan protects local community facilities and promotes health and well-being by protecting recreational facilities and green spaces, encouraging investment in new facilities and identifying a network of foot and cycle paths to improve connectivity and accessibility
Environment	The Neighbourhood Plan sets out policies that protect and enhance the AONB landscape character and local green spaces are identified for protection from development. Policies seek to promote the local distinctiveness and historic character of the area and recognise the significance of natural and built heritage assets to local residents as an important aspect of the town's identity

6.6 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals.

## **7 DOES NOT BREACH AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS**

7.1 The Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

7.2 An SEA and HRA Screening Report was carried out by East Devon District Council in accordance with Regulation 9 of the Environmental Assessment of Plan and Programmes Regulations 2004. This Screening Report assessed whether the Plan is likely to have any significant environmental impact.

7.3 After consulting the Environment Agency, Natural England and English Heritage, East Devon District Council confirmed in January 2017 that an SEA/HRA was not required. The Screening Report concluded “The BSNP is unlikely to have a significant environmental impact beyond that which has previously been identified through the SEA of the Local Plan. Although Budleigh Salterton is located in a sensitive area in the district, the impact of the allocation and policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA”.

7.4 A copy of the SEA Screening Report, January 2017 will be provided by EDDC in the supporting documentation submitted with the Neighbourhood Plan.

7.5 East Devon District Council also assessed whether a Habitats Regulations Assessment (HRA) was required. The report concluded that a full Habitat Regulations Screening Report is not required.

7.6 The ‘making’ of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations.

## **8 CONCLUSION**

8.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Budleigh Salterton Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Budleigh Salterton Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.