

Membury Parish Council

Membury Neighbourhood Development Plan

Basic Conditions Statement

February 2018

1. Legal requirements

- (A) This statement has been prepared by Membury Parish steering group on the behalf of Membury Parish Council to accompany its submission to East Devon District Council of the Membury Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.
- (B) The Neighbourhood Plan has been prepared by Membury Parish Council, a qualifying body, for the area covering the full parish, as designated by East Devon District Council in 2013.
- (C) 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.
- (D) 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 1990 Town and Country Planning Act.
- (E) 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 Right (ECHR) obligations.

2. Introduction and Background

The Parish Council (PC) wished to develop a Neighbourhood Plan, building upon the Parish Plan (2000) and Design Statement (2008) to ensure that parish wishes were met through design and location control of buildings together with protecting the countryside. In February 2014 the PC elected Nick Yool [Clerk] and Alex Tasker [Councillor] to establish a parish-wide steering group tasked with preparing the Plan to be submitted for Council approval. The Plan intention was launched at the Annual Parish Meeting in April 2014, followed by a public consultation and exhibition in September that year. The steering group was selected after a public invitation through the parish web site www.membury.org.uk and *The Membury Mercury* [a quarterly magazine supplied free to every household in the parish]. These two vehicles were the main communication vehicles of Plan progress status and updates during the development process. The Group was selected to ensure that all sectors of the community were represented - age, gender, marital status and occupation/experience.

There have been regular public exhibitions, questionnaires and a free working breakfast (also attended by our MP, Neil Parish, and County and District Councillors) which have guided the Group in their discussions and the writing of the drafts. Again, these have been published through *The Membury Mercury* and available on the web site.

Public response has typically been in excess of 40% for each occasion.

3. Having regard to National Planning Policy

(A) The Neighbourhood Plan has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF) of April 2012. It also gives regard to the 12 core planning principles contained in paragraph 17 of the National Planning Policy Framework, alongside the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in relation to the formation of Neighbourhood Plans.

B. The table below sets out a summary of how each policy has regard 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.

Table 1: How the NP policies conform to the NPPF

<i>NP POLICY NUMBER AND TITLE</i>	<i>NPPF PARAGRAPH(S)</i>	<i>COMMENT ON CONFORMITY</i>
Policy NE1 Conserving & Enhancing the Natural Beauty of our parish	Paragraphs 109, 110, 115	<p>Conforms to the NPPF aim of conserving and enhancing the natural environment.</p> <p>Conforms to paragraph 109, in supporting development that contributes to and enhances the natural and local environment; paragraph 110, in minimising the adverse effects of development on the local and natural environment; paragraph 115 stating that “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.”</p>
Policy NE2 Preserving Tranquillity & our Dark Skies	Paragraph 123, 125	<p>Conforms to paragraph 123 stating that planning policies and decisions should aim to identify and protect areas of tranquillity which “have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason”.</p> <p>Conforms to paragraph 125 stating that “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”</p>

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NP POLICY NUMBER AND TITLE	NPPF PARAGRAPH(S)	COMMENT ON CONFORMITY
Policy BHE1 Protecting our Valued Historical & Heritage Assets	Paragraphs 126-141	Conforms to the aim of conserving and enhancing the historic environment.
Policy BHE2 Maintaining the Built Character of our parish through high Quality Design	Sections 7 and 12	Conforms to the aim of requiring good design and conserving and enhancing the historic environment.
Policy HP1 Meeting new build within an evolving parish	Paragraph 55, Section 7, paragraph 100, Paragraph 109	Conforms to the aim of promoting sustainable development in rural areas, locating housing where it will enhance or maintain the vitality of rural communities; requiring good design, avoiding inappropriate development in areas at risk of flooding and contributing to and enhancing the natural and local environment
Policy HP2 Residential annexes	Paragraph 47, Paragraph 55	Conforms to the need to boost significantly the supply of housing and to promote sustainable development in rural areas
Policy HP3 Meeting community housing needs	Paragraph 54 Paragraph 55	Conforms to the aim of housing development that reflects local needs and of enhancing or maintaining the vitality of rural communities
Policy HP4 Conversion of existing buildings to housing or work/live units	Paragraph 51	Conforms to the need to provide the opportunity to bring (back) into residential use appropriately located and constructed empty housing and buildings to increase the local supply and choice of housing.
Policy HP5 Small scale self build housing	Paragraph 50, 54, 55.	Conforms to the need to deliver a wide choice of high quality homes, plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for...the needs of different groups in the community [including]... people wishing to build their own homes...”.

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NP POLICY NUMBER AND TITLE	NPPF PARAGRAPH(S)	COMMENT ON CONFORMITY
Policy CFS1 Changes to existing local community Facilities, amenities & assets	Section 8, Paragraph 70	Conforms to the need to promote healthy communities and the need to deliver the social, recreational and cultural facilities and services the community needs.
Policy CFS2 Membury Primary Academy	Paragraph 72	Conforms to the need to ensure that sufficient choice of school places is available to meet the needs of existing and new communities.
Policy CFS3 Loss of local community facilities, amenities & locally valued assets through redevelopment or change of use	Paragraph 70	Conforms to the requirement that planning policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
Policy F1 New build, self build, conversion or extension	Paragraph 94	Conforms through the adoption of proactive strategies to mitigate and adapt to climate change, taking full account of flood risk
Policy TRA1 Rights of Way	Paragraph 75	Conforms to the need to protect and enhance public rights of way and access
Policy EE1 Super-fast connectivity	Paragraph 42 Paragraph 43	Conforms to the need to encourage the provision of an advanced, high quality communications infrastructure, and in supporting the expansion of electronic communications networks.
Policy EE2 Conversion of agricultural buildings	Paragraph 28	Conforms to the need to support the sustainable growth and expansion of all types of business and enterprise in rural areas, ...through conversion of existing buildings...
Policy EE3 Farming (new development proposals)	Paragraph 109 Paragraph 112	Conforms to the need to enhance the natural and local environment and to take into account the benefits of agricultural land.

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NP POLICY NUMBER AND TITLE	NPPF PARAGRAPH(S)	COMMENT ON CONFORMITY
Policy ELC1 Small-scale renewable & low carbon energy schemes	Paragraph 97 Paragraph 115	Conforms to the need to help increase the use and supply of renewable and low carbon energy and to conserve landscape and scenic beauty in...AONBs
Policy ELC2 Large scale renewable & low carbon energy schemes	Paragraph 97 Paragraph 115	Conforms to the need to help increase the use and supply of renewable and low carbon energy and to conserve landscape and scenic beauty in...AONBs

4. General conformity with the strategic policies of the development plan

- (A) The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area.
- (B) The current development plan for the area is the adopted East Devon Local Plan 2013-2031 [LP].
- (C) The table below sets out how each policy is in general conformity with East Devon Local Plan 2013-2031.

NP POLICY NUMBER AND TITLE	RELEVANT LOCAL PLAN POLICY	COMMENT ON CONFORMITY
Policy NE1 Conserving & Enhancing the Natural Beauty of our parish	EN5 H6 Strategy 46	Conforms to EN5 with measures to support and enhance protection of landscape and biodiversity; H6, in preventing detracting from the appearance and character of the landscape, and within the East Devon and Blackdown Hills AONB; Strategy 46 in conserving and enhancing the natural beauty of AONBs.
Policy NE2 Preserving Tranquillity & our Dark Skies	Strategy 7 Strategy 46	Conforms to strategy 7, preventing the adverse disruption of a view from a public place which forms part of the distinctive character of the area; strategy 46 in conserving and enhancing the landscape character of the area
Policy BHE1 Protecting our Valued Historical & Heritage Assets	EN1, EN6-10	Conforms to EN1, protecting land of local amenity; EN6-7, preventing harm to archaeology; EN8-9, preventing harm to heritage assets and settings; EN10, preserving or enhancing those identified Conservation Areas.

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NP POLICY NUMBER AND TITLE	RELEVANT LOCAL PLAN POLICY	COMMENT ON CONFORMITY
Policy BHE2 Maintaining the Built Character of our parish through high Quality Design	D1	Conforms to D1 aiming to ensure that new development is of a high quality design and is locally distinctive;
Policy HP1 Meeting new build within an evolving parish	Strategy 7 Strategy 27	Conforms through proposing policy that permits development as steered by the local community where it would not harm the landscape, heritage and character of the parish; allowing Neighbourhood Plans to plan for development where justified locally.
Policy HP2 Residential annexes	Strategy 7	Conforms in proposing policy that permits development as steered by the local community where it would not harm the landscape, heritage and character of the parish.
Policy HP3 Meeting community housing needs	Strategy 7 Strategy 27 Strategy 35	Conforms in proposing policy that permits development as steered by the local community where it would not harm the landscape, heritage and character of the parish.
Policy HP4 Conversion of existing buildings to housing or work/live units	Strategy 7 D8	Conforms in proposing policy that permits development as steered by the local community where it would not harm the landscape, heritage and character of the parish.
Policy HP5 Small scale self-build housing	H2 Strategy 27	Conforms to the need to encourage self-build opportunities to contribute to the supply of new housing; and reflects the need to allow development steered by communities other than that which is supported through strategies in the plan, supported by justification.
Policy CFS1 Changes to existing local community Facilities, amenities & assets	Strategy 32 E14 RC6	Conforms to strategy 32 in resisting the loss of local community facilities, amenities and assets; E14 in retention of shops, Post Offices and other services to the community; RC6 in establishing a proven need for the facility in the countryside prior to permission.
Policy CFS2 Membury Primary Academy	Strategy 32 RC7	Conforms to strategy 32 in resisting the loss of local community facilities, amenities and assets; RC7 in supporting new shared community facilities in villages and rural areas.

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NP POLICY NUMBER AND TITLE	RELEVANT LOCAL PLAN POLICY	COMMENT ON CONFORMITY
Policy F1 New build, self build, conversion or extension	EN21 EN22	Conforms to EN21 in seeking to establish a sequential approach to consider new development proposals in areas subject to river and coastal flooding; EN22 in that development implications have been fully considered.
Policy TRA1 Rights of Way	TC4	Conforms in seeking to improve, extend and protect the provision of footpaths, bridleways and cycleways
Policy EE1 Super-fast connectivity	Strategy 27 RC6	Conforms to strategy 27 by reflecting the need to allow development steered by communities other than that which is supported through strategies in the plan, supported by justification; RC6 in establishing a proven need prior to permitting development in the countryside.
Policy EE2 Conversion of agricultural buildings	D8 E16	Conforms to D8 in permitting the re-use of rural buildings, subject to criteria; E16 in permitting conversion of existing buildings in the open countryside for small scale holiday accommodation uses.
Policy EE3 Farming (new development proposals)	D7	Conforms to D7 in permitting agricultural buildings and development where there is a genuine need and limiting potential adverse impacts
Policy ELC1 Small-scale renewable & low carbon energy schemes	Strategy 39 Strategy 41	Conforms to Strategy 39 in supporting renewable and low carbon energy schemes subject to outlined criteria, including specific local guidance; Strategy 41 in supporting off-site provision contributing to energy conservation and renewable initiatives.
Policy ELC2 Large scale renewable & low carbon energy schemes	Strategy 39 Strategy 41	Conforms to Strategy 39 in supporting renewable and low carbon energy schemes subject to outlined criteria, including specific local guidance; Strategy 41 in supporting off-site provision contributing to energy conservation and renewable initiatives.

5. Contribution to the achievement of sustainable development

The Neighbourhood Plan has taken into account the need to contribute to the achievement of sustainable development. This has involved working to address the three separate strands of sustainability; economic, social and environmental and completing a Strategic Environmental Assessment [SEA], the results of which are submitted with the plan.

6. Compatibility with EU obligations and legislation

- (A) 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 to ensure that no sections of the community have been isolated or excluded.
- (B) A screening process was carried out by East Devon District council which determined that the Neighbourhood Plan required a Strategic Environmental Assessment. That study was conducted by ClearLead Consulting Ltd. of Ottery St. Mary on behalf of the Parish Council. The results of the statutory consultation suggested that the wording of Policy NE1 - "retaining and enhancing the natural beauty of our parish" should be strengthened and this was done.
- (C) It was also determined that the plan did not require a Habitats Regulations Assessment.