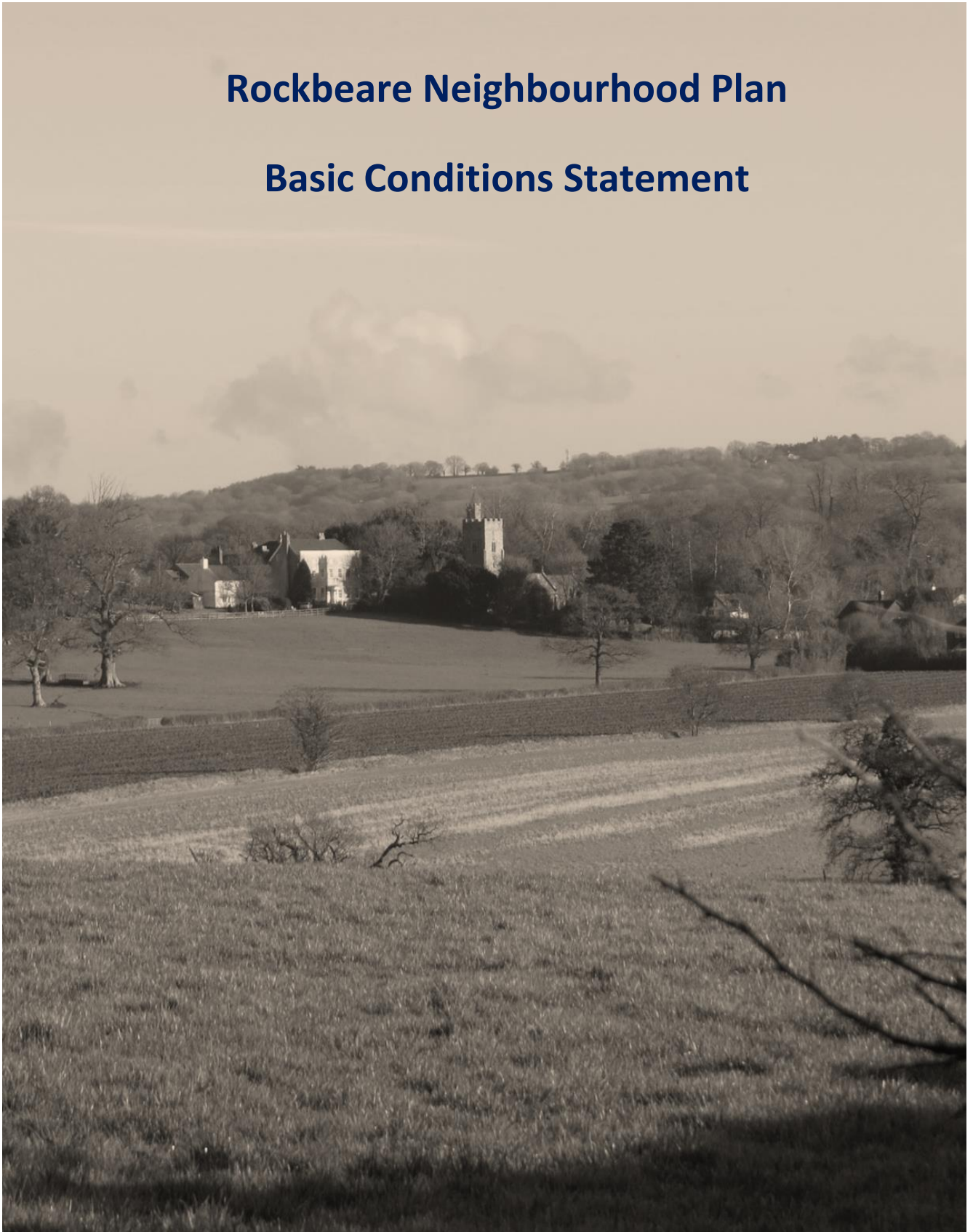


# **Rockbeare Neighbourhood Plan**

## **Basic Conditions Statement**



**Rockbeare Parish Council**  
**January 2018**

## Basic Condition Statement - Rockbeare Neighbourhood Plan

### Contents

<b>Rockbeare Neighbourhood Plan Basic Conditions Statement, January 2018</b>	<b>Page</b>
Introduction	2
Our Neighbourhood Area	3
Why do we need a Neighbourhood Plan?	4
Summary of Compliance with Legislation	6
Content of Our Neighbourhood Plan Proposal	8
How our Neighbourhood Plan meets the Basic Conditions:	
<i>A. Having regard to national policies and advice.....</i>	8
<i>B. Contributes to the achievement of sustainable development</i>	10
<i>C. In general conformity with the strategic policies contained in the development plan...</i>	14
<i>D. Does not breach, and is otherwise compatible with, EU obligations</i>	15
<i>E. The prescribed conditions are met in relation to the Plan.....</i>	16
Appendices	
1. Neighbourhood Area Application	17
2. Neighbourhood Area Decision Notice	18
3. SEA/HRA Screening Opinion	19

## Introduction

Rockbeare Neighbourhood Plan has been produced by Rockbeare Parish Council, as the ‘qualifying body’ with overall responsibility for the preparation, consultation and submission of the Neighbourhood Plan. The development of the plan and management of the process as been marshalled by a Neighbourhood Plan Steering Group comprised of members of our community and parish councillors.

### *What are the Basic Conditions and why do we need this Statement?*

The ‘Basic Conditions’ are a set of conditions that a Neighbourhood Plan must pass, in order for it to proceed to referendum. In relation to neighbourhood plans, the plan will pass the basic conditions if:

- A. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
- B. the making of the plan contributes to the achievement of sustainable development
- C. the making of the 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)
- D. the making of the plan does not breach, and is otherwise compatible with, EU obligations
- E. prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan

These requirements (and those for neighbourhood development orders) are formally set out in of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act (as amended by the Localism Act 2011)<sup>1</sup>.

This ‘Basic Conditions Statement’ is submitted alongside the Rockbeare Neighbourhood Plan. In submitting the Statement and, through its content, demonstrating how the Neighbourhood Plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the Parish Council, as the ‘qualifying body’ responsible for producing the Plan, must submit as part of the neighbourhood plan proposal. Regulation 15 (1) states<sup>2</sup> that:

*“(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—*

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) a consultation statement;*
- c) the proposed neighbourhood development plan; and*
- d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.”* (i.e. this Statement).

---

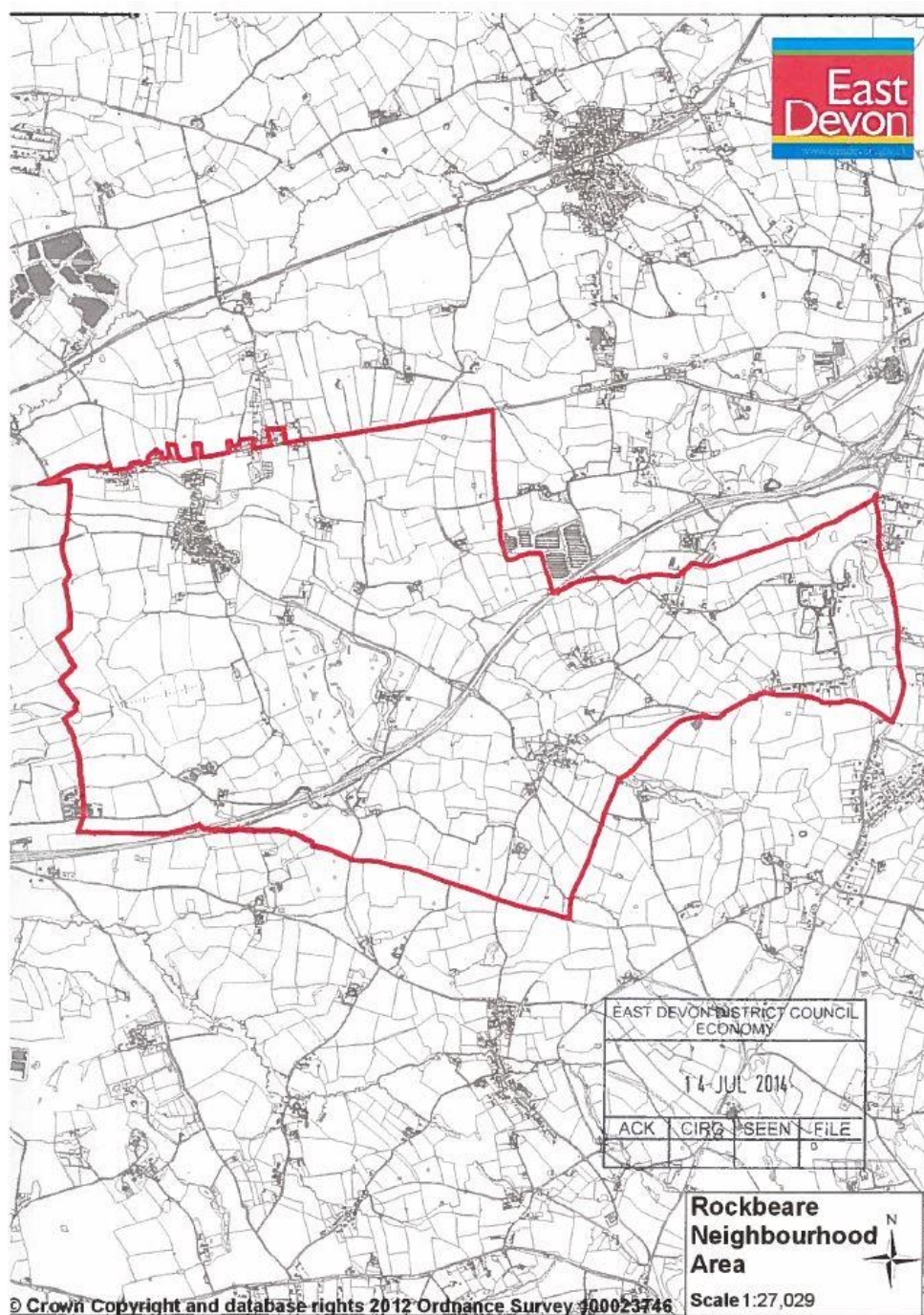
<sup>1</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

<sup>2</sup> See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

## Our Neighbourhood Area

The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the Parish Council, as the 'qualifying body' for neighbourhood planning, has the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to East Devon District Council as the local planning authority on 10 July 2014. This application, using East Devon District Council's standard pro forma, is reproduced in Appendix 1 to this Statement. Following a 6-week public consultation, our Neighbourhood Area was formally approved by East Devon District Council in September 2014. The approval/decision minute of East Devon District Council is reproduced as Appendix 2 to this Statement. Our approved Neighbourhood Area is indicated by the red boundary below in Figure 1.

**Figure 1 – Approved Rockbeare Neighbourhood Area**



## Why do we need a Neighbourhood Plan?

Rockbeare is a Parish close to the city of Exeter, and even closer to the West End strategic growth area and the burgeoning new town of Cranbrook. Despite all of the development taking place in the vicinity, the Parish has retained its essential rural character thanks to the vigilance of the Parish Council, the active support of parishioners, the policies of East Devon District Council and the decisions taken by the local planning authority. The Parish Plan 2012 set out the position of the community, which remains true to this day. *“Rockbeare Parish wants to be kept physically separate from the proposed developments in East Devon’s West End and any perceived detrimental impact (e.g. urbanisation) that they may bring with them. This is particularly true of the Cranbrook development. In this context it is vital for the parish that EDDC maintains the Green Wedge between Rockbeare and the new settlement..... it is clear that the Green Wedge is meant to stop the coalescence of Rockbeare and Cranbrook and the vast majority of parishioners want to see the wedge maintained”*.

The East Devon Local Plan (adopted in 2016) has provided a strategic framework with which we accord and has put in place policies that provide a degree of protection and guidance for development in Rockbeare Parish.

Our reason for producing the Rockbeare Neighbourhood Plan are:

- We have been encouraged to do so by the legislation and by East Devon District Council;
- Our community wanted to formulate its own more detailed local policies so that we can have an influence over the type, scale, design and form of development which may come forward in the area between now and 2031;
- We wanted to have some control over local planning matters and decisions;
- We wanted to maintain the special character of our rural landscape and environment; and
- We wanted to ensure that new development had a positive effect.

The Neighbourhood Plan has been developed with the full participation of the local people as members of working groups and through a process of regular community consultation. This process is summarised in the introductory sections of the Neighbourhood Plan and set out in detail in the Consultation Statement that also accompanies the Plan.

Having explored the issues and identified the key messages and things of importance to the community, our Plan has been framed around the following aims and objectives:

## Rockbeare Neighbourhood Development Strategy – Aims and Objectives

Natural Environment	
Aims	Objectives
Protect and respect habitats	Protect local woodlands
	Encourage traditional hedge-laying
	Protect Devon banks and hedgerows
Improve public access to the countryside	Protect and enhance footpaths and bridleways
Minimise flood risk	Enable measures that increase flood resilience

Built Environment and Housing	
Aims	Objectives
Retain the rural character of the Parish	Maintain character of built-up area
	Influence building styles
	Control scale of infilling and gardens development
	Protect important vistas
	Respect heritage assets
Influence the scale of new development	Control numbers and type of dwellings
	Allow appropriate extensions and out-buildings
	Require sufficient off-street parking spaces
Limit development options	Maintain green wedge
	Control development on London Road
Minimise flood risk	Avoid developing in areas of flood risk
	Use of permeable surfaces wherever possible

Community Facilities and Activities	
Aims	Objectives
Protect and improve community spaces and facilities	Enable broader use of community facilities
	Promote allotments development
	Provide more facilities for young people
	Enable development at primary school
Improve local sport and recreation opportunities	Provide more facilities and equipment at playing fields
	Support additional recreation space when needed
	Increase number of cycle routes

Traffic and Transport	
Aims	Objectives
Make walking and cycling safer	Enable footpath and cycleway link to main road
	Provide more pavements
	Reduce speed limits at key locations
	Discourage through traffic
	Address on-road parking issues

Business and Jobs	
Aims	Objectives
Improve local business facilities	Support appropriate home-working and artisan units
	Ensure all properties have access to superfast broadband

## Summary of Compliance with Legislation

This section sets out how our Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

### Qualifying Body

A 'qualifying body' is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>3</sup> as *"a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area..."*.

Section 38A(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>4</sup> sets out the qualifying body's entitlement to prepare a Neighbourhood Plan. It states that:

*"(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan."*

**We confirm that the Neighbourhood Plan has been prepared by Rockbeare Parish Council as the 'qualifying body' for the purposes of Neighbourhood Planning.**

### Neighbourhood Area

The Neighbourhood Area (as shown in Figure 1) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)<sup>5</sup>. It accords with the recently revised Parish boundary. Both the application and the decision minute of East Devon District Council are appended to this Statement (Appendices 1 and 2).

### What a Neighbourhood Plan is and the Content of the Neighbourhood Plan

Section 38A(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>6</sup> sets out the meaning of 'neighbourhood development plan'. It states that:

*"(2) A "neighbourhood development plan" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."*

Section 38B(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>7</sup> sets out what the Plan may include. It states that:

*"(1) A neighbourhood development plan—*

- (a) must specify the period for which it is to have effect,*
- (b) may not include provision about development that is excluded development, and*
- (c) may not relate to more than one neighbourhood area."*

'Excluded development' is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>8</sup> as:

- "(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,*
- (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,*
- (c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),*

---

<sup>3</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>4</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>5</sup> See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

<sup>6</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>7</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>8</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

*(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),*  
*(e) prescribed development or development of a prescribed description, and*  
*(f) development in a prescribed area or an area of a prescribed description.”*

Section 38B(2)<sup>9</sup> states that:

*“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”*

In response to these requirements, we confirm that the Rockbeare Neighbourhood Plan:

- covers the period up until 2031, aligning with the plan period of the East Devon Local Plan
- is the only Neighbourhood Plan for the parish of Rockbeare
- does not contain policies relating to ‘excluded development’<sup>10</sup>
- relates only to the defined Neighbourhood Area set out in Figure 1 of this report
- sets out policies in relation to the development and use of land

Given the importance of some of the issues and non-planning matters raised by our community and the cross-cutting nature of some of these issues with planning and land-use matters, our Neighbourhood Plan makes reference to ‘Community Actions’ which are signposted as actions that will be addressed outside of the remit of the Neighbourhood Plan. This, importantly, joins up and links actions required by the community which, while not dealt with by the planning system, are nevertheless important issues which relate to people, services, projects or how we live in our community.

### ***Submission Documents***

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

### ***Basic Conditions***

As referred to earlier in this Statement, we consider that all the Basic Conditions (set out in of paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.<sup>11</sup>) have been met, as demonstrated in this Statement.

---

<sup>9</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>10</sup> No policy in the Neighbourhood Plan relates to county matters (mineral extraction and waste development) or to any Nationally Significant Infrastructure Projects

<sup>11</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

## Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012<sup>12</sup>, and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our Plan relates)
- Supporting Evidence Base Documents
- Our Consultation Statement
- Our Basic Conditions Statement (this document)

## How our Neighbourhood Plan meets the Basic Conditions

### A. Having Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State

Neighbourhood Plan Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
Policy No. Rock01 Local Woodlands, Trees and Hedgerows	NPPF para. 118 <i>planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees</i>	Policy Rock01 identifies tree groups and hedgerows that provide important wildlife habitats and help define the essential rural character of the area
Policy No. Rock02 Devon Banks	NPPF para. 109 <i>protecting and enhancing valued landscapes, geological conservation interests and soils</i>	Policy Rock02 places protection on the historic Devon banks that line many of the roads of the Parish and contribute immeasurably to the unique rural landscape of the area
Policy No. Rock03 Public Rights of Way and Bridleways	NPPF 75 <i>protect and enhance public rights of way and access</i>	Policy Rock03 supports improvements and enhancements to the public rights of way of the area
Policy No. Rock04 Flood Defence	NPPF para. 93 <i>Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change</i>	Policy Rock04 supports appropriate, and rurally sensitive, development specifically to provide better flood defences to protect the homes and businesses of the area
Policy No. Rock05 Important Views and Vistas	NPPF 55 <i>be sensitive to the defining characteristics of the local area</i>	Policy Rock05 identifies those special views and vistas that help define the essential rural character of the area
Policy No. Rock06 Green Wedge	NPPF 55 <i>be sensitive to the defining characteristics of the local area</i>	Policy Rock06 supports the green wedge policy of the Local Plan, which is in place to prevent the coalescence of residential areas and ensure that the separate and unique rural identity of the settlement areas of the Parish

<sup>12</sup> See <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

Neighbourhood Plan Policies	National Planning Policy Framework and National Planning Practice Guidance	How has the Neighbourhood Plan had regard to national policies and advice?
		are protected from the potentially negative impact of the growing new town of Cranbrook
Policy No. Rock07 Development Limits	NPPF 55 <i>housing should be located where it will enhance or maintain the vitality of rural communities</i>	Policy Rock07 defines the built-up area of Rockbeare to establish the most appropriate and sustainable location of further residential development
Policy No. Rock08 Garden Development	NPPF para. 53 <i>resist inappropriate development of residential gardens</i>	Policy Rock08 sets criteria to ensure that any garden development will likely enhance rather than harm the character of the local area
Policy No. Rock09 Flood Avoidance	NPPF para. 103 <i>development is appropriately flood resilient and resistant</i>	Policy Rock09 encourages the use of SUDS whenever possible to minimise flood risk
Policy No. Rock10 Community Buildings	NPPF para. 70 <i>plan positively for the provision and use of shared space, community facilities</i>	Policy Rock10 supports the appropriate development of community facilities to ensure they will continue to serve the needs of the local community
Policy No. Rock11 Allotments	NPPF para. 70 <i>deliver the social, recreational and cultural facilities and services the community needs</i>	Policy Rock11 supports the development of land for allotment use in response to an identified community demand
Policy No. Rock12 Outdoor Recreation Space	NPPF para. 73 <i>Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities</i>	Policy Rock12 supports measures to increase accessibility and use of existing sport and recreation spaces
Policy No. Rock13 Cycle Routes	NPPF para. 35 <i>give priority to pedestrian and cycle movements</i>	Policy Rock13 supports improvements and extensions to the local cycle network
Policy No. Rock14 Footpaths	NPPF para. 35 <i>consider the needs of people with disabilities</i>	Policy Rock14 supports the provision of wider and safer footpaths
Policy No. Rock15 Traffic Management	NPPF para. 35 <i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians</i>	Policy Rock15 supports appropriate development to improve road safety for all users
Policy No. Rock16 Home-Working	NPPF para. 28 <i>support the sustainable growth and expansion of all types of business and enterprise in rural areas</i>	Policy Rock16 supports conversions or extensions to enable home-working
Policy No. Rock17 Communications	NPPF para. 42 <i>Advanced, high quality communications infrastructure is essential for sustainable economic growth</i>	Policy Rock17 supports the provision of an advanced, high quality communications infrastructure for the Parish

## B. The Making of the Plan Contributes to the Achievement of Sustainable Development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the East Devon Local Plan. The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and East Devon Local Plan.

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:</i></p> <ul style="list-style-type: none"> <li><i>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 and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;</i></li> <li><i>a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of 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</i></li> <li><i>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.</i></li> </ul> <p>(Paragraph 7)</p>	<p>The Rockbeare Neighbourhood Plan has embraced all three dimensions to sustainable development. The following policies of our Plan address the economic dimension of sustainable development: Rock16 promotes home-working Rock17 supports a super-fast communications strategy</p> <p>The following policies of our Plan address the social dimension of sustainable development: Rock07 focusses development on the settlement are where it will be most sustainable Rock10 facilitates improvements to existing community buildings Rock11 supports the provision of community gardening opportunities Rock12 supports improvements to recreation spaces Rock13 supports improvements and extensions to walking and cycling routes</p> <p>The following policies of our Plan address the environmental dimension of sustainable development: Rock01 protects important habitats Rock02 protects important landscape characteristics Rock04 supports flood defence work Rock05 protects vital views and vistas Rock06 protects valuable countryside and setting for our rural settlements</p>
<p><i>Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):</i></p> <ul style="list-style-type: none"> <li><i>making it easier for jobs to be created in cities, towns and villages;</i></li> <li><i>moving from a net loss of bio-diversity to achieving net gains for nature;</i></li> <li><i>replacing poor design with better design;</i></li> <li><i>improving the conditions in which people live, work, travel and take leisure; and</i></li> <li><i>widening the choice of high quality homes.</i></li> </ul> <p>(Paragraph 9)</p>	<p>The following policies in our Plan are relevant to meeting the delivery of sustainable development as outlined in this NPPF paragraph: Rock07 identifies the preferred development area Rock08 sets standards for garden development Rock14 supports a better footpath system Rock16 supports home-working</p>
<p><i>The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood</i></p>	<p>We have developed the Neighbourhood Plan taking into account the strategic policies of the Local Plan to ensure that our Plan conforms to the overall development strategy for East Devon as</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p><i>planning. Critically, it will mean that neighbourhoods should:</i></p> <ul style="list-style-type: none"> <li>• <i>develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;</i></li> <li>• <i>plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and....</i></li> </ul> <p>(Paragraph 16)</p>	<p>reflected in the adopted East Devon Local Plan 2013-2031</p>
<p><i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to</i></p> <ul style="list-style-type: none"> <li>• <i>accommodate the efficient delivery of goods and supplies;</i></li> <li>• <i>give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;</i></li> <li>• <i>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</i></li> <li>• <i>incorporate facilities for charging plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport.</i></li> </ul> <p>(Paragraph 35)</p>	<p>The following policies in our Plan are relevant to encouraging the greater use of sustainable transport modes as outlined in this NPPF paragraph:</p> <p>Rock13 supports improvements and extensions to walking and cycling routes</p> <p>Rock14 supports a better footpath system</p> <p>Rock16 supports a traffic management scheme to make the roads of the area safer for all users</p>
<p><i>Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.</i></p> <p>(Paragraph 42)</p>	<p>Policy Rock17 supports a super-fast communications strategy</p>
<p><i>The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.</i></p> <p>(Paragraph 56)</p>	<p>Policy Rock07 places emphasis on well-designed development that enhances the built environment of Rockbeare</p>
<p><i>To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</i></p> <ul style="list-style-type: none"> <li>• <i>plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</i></li> <li>• <i>guard against the unnecessary loss of valued facilities and services, particularly where this</i></li> </ul>	<p>The Neighbourhood Plan aims to ensure that we maintain a range of local recreation facilities that are flexible enough to accommodate a range of community activities and help ensure our community remains sustainable. This includes:</p> <p>Rock10 facilitates improvements to existing community buildings</p> <p>Rock12 supports improvements to recreation spaces</p>

National Planning Policy Framework Paragraph	How our Plan contributes towards this
<p>would reduce the community's ability to meet its day-to-day needs;</p> <ul style="list-style-type: none"> <li>• ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and</li> <li>• ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</li> </ul> <p>(Paragraph 70)</p>	
<p>Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.</p> <p>(Paragraph 183)</p>	<p>The neighbourhood planning process has brought the community closer together and enabled a positive dialogue to take place about what development is required and how it can be best accommodated and facilitated. Part of the process has been to agree what is important to us and how this can be protected and enhanced by development so as to realise our vision for the future.</p>

East Devon Local Plan Policy	How our plan contributes towards this
<p>Strategy 3 - Sustainable Development:  <i>The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:</i></p> <p><i>a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers should maximise the proportion of their developments that take place on previously developed land</i></p> <p><i>b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged</i></p> <p><i>c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.</i></p> <p><i>d) Encouraging sustainable economic development - which includes securing jobs.</i></p> <p><i>e) Taking a long term view of our actions - Ensuring that future generations live in a high quality environment where jobs, facilities, education and training are readily available.</i></p>	<p>The Rockbeare Neighbourhood Plan has been written in the context of a neighbourhood development strategy that has amongst its stated aims to:</p> <ul style="list-style-type: none"> <li>• Protect and maintain the character of our unique natural environment and setting; to adequately prepare to prevent flooding; and to maintain and enhance the rural nature of the Parish</li> <li>• Protect and enhance community facilities to ensure they continue to meet local needs and to improve access and accessibility to local facilities and services</li> <li>• Support home-working</li> </ul> <p>The policies in the Rockbeare Neighbourhood Plan are based on the objectives set by the community to achieve these aims.</p>

East Devon Local Plan Policy	How our plan contributes towards this
<p>Strategy 5 – Environment:</p> <p><i>All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote eco-system services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include.....</i></p>	<p>The Rockbeare Neighbourhood Plan has put in place policies that will ensure that the character of the countryside and the green infrastructure of the area is respected and protected</p>
<p>Strategy 5B – Sustainable Transport</p> <p><i>Development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will be need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.</i></p>	<p>The Rockbeare Neighbourhood Plan has put in place policies that seek to reduce the overall impact of the motor vehicle and provide safe alternative travel options that will appeal to local people</p>

Our Plan has not been required to undertake a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA). The explanation is set out in greater detail in Section D of this Report.

*C. The Making of the 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)*

<b>Neighbourhood Plan Paragraphs and/or Policies</b>	<b>East Devon Local Plan Strategic Policies</b>	<b>How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies?</b>
Policy No. Rock01 Local Woodlands, Trees and Hedgerows	EDDC Policy S47	Policy No. Rock01 ensures that development conserves the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats and ensures that opportunities are taken opportunities for restoration, enhancement and connection of natural habitats.
Policy No. Rock02 Devon Banks	EDDC Policy S7	Policy No. Rock02 ensures that development does not harm the distinctive landscape, amenity and environmental qualities within which it is located, specifically manmade features which contribute to the local landscape.
Policy No. Rock03 Public Rights of Way and Bridleways	EDDC Policy S5	Policy No. Rock03 helps create green networks and corridors whilst minimising the fragmentation of habitats.
Policy No. Rock04 Flood Defence	EDDC Policy S3	Policy No. Rock04 supports sustainable development that seeks to reduce flood risk and minimises harm and enhances biodiversity.
Policy No. Rock05 Important Views and Vistas	EDDC Policy S7	Policy No. Rock05 identifies those views from a public place which forms part of the distinctive character of the area that should not be impaired by development.
Policy No. Rock06 Green Wedge	EDDC Policy S8	Policy No. Rock06 supports the Green Wedge policy of the Local Plan and identifies the types of development that could be permitted.
Policy No. Rock07 Development Limits	EDDC Policy S7	Policy No. Rock07 describes the built-up area boundaries and those parts of the plan area that should be regarded as outside of the built-up area.
Policy No. Rock08 Garden Development	EDDC Policy S6	Policy No. Rock08 established the local criteria with which development within the built-up area should accord to ensure it is compatible with the character of the site and area.
Policy No. Rock09 Flood Avoidance	EDDC Policy S3	Policy No. Rock09 seeks to reduce the risk of flooding by ensuring new development incorporates measures such as sustainable drainage systems.
Policy No. Rock10 Community Buildings	EDDC Policy S4	Policy No. Rock10 supports improvements to existing community buildings in the interest of maintaining a balanced and sustainable community.
Policy No. Rock11 Allotments	EDDC Policy S4	Policy No. Rock11 the provision of new community facilities in the interest of maintaining a balanced and sustainable community.
Policy No. Rock12 Outdoor Recreation Space	EDDC Policy S43	Policy No. Rock12 recognises the value of public open space and supports improved access and facilities to ensure the recreational demands of the local community can be met.
Policy No. Rock13 Cycle Routes	EDDC Policy S5B	Policy No. Rock13 promotes sustainable modes of travel and transport.
Policy No. Rock14 Footpaths	EDDC Policy S5B	Policy No. Rock14 supports the provision of safe and accessible means of getting around.
Policy No. Rock15 Traffic Management	EDDC Policy S5B	Policy No. Rock15 promotes sustainable modes of travel and transport.
Policy No. Rock16 Home-Working	EDDC Policy S31	Policy No. Rock16 promotes the provision of employment uses close to where people live.
Policy No. Rock17 Communications	EDDC Policy S30	Policy No. Rock17 supports improvements to electronic media links

#### ***D. The Making of the Plan Does Not Breach, and is Otherwise Compatible with, EU Obligations***

A screening process was carried out by East Devon District Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Through consultation with the statutory environmental agencies, East Devon District Council has advised that the Rockbeare Neighbourhood Plan *“is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan and is in accordance with the emerging Local Plan (which was itself subject to HRA)”*.

Therefore, neither an SEA nor HRA was required for our Neighbourhood Plan and the basic conditions concerning Habits and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for. An extract from the formal written Screening Opinion of East Devon District Council<sup>13</sup>, issued in September 2017, is appended to this Statement as Appendix 3. The Opinion was based on the Pre-submission Version of the Plan. This opinion was re-affirmed for the Submission Version of the Plan by email on 24<sup>th</sup> January 2018.

Neighbourhood Plans are also required to take account of European Human rights requirements. The Rockbeare Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Rockbeare Parish Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been taken into account, especially in ensuring that the Plan would take account of the needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination.

The consultation process included all locally resident people in these groups as well as some organisations outside the plan area but with responsibilities or interests extending over some or all of the area of the draft Plan. The Parish Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

---

<sup>13</sup> <http://www.rockbeareparishcouncil.co.uk/RockbearePC/UserFiles/Files/SEA%20HRA%20Assessment.pdf>

***E. The Prescribed Conditions Are Met In Relation to the Plan and Prescribed Matters Complied With In Connection With the Proposal for the Plan***

Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>14</sup> sets out the definition of “prescribed”. It means conditions prescribed by regulations made by the Secretary of State.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out one basic condition in addition to those set out in the primary legislation. This is:

- *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)*

The following European Designated Sites are within 10km of Rockbeare:

- East Devon Pebblebed Heaths Special Area of Conservation (SAC) – *“although they lie a number of kilometres away from Rockbeare, development may be required to contribute to mitigation measures”*<sup>15</sup>.

It is the view of East Devon District Council that:

*“The Rockbeare Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to HRA).”*

**Natural England** was consulted as part of the SEA screening process.

---

<sup>14</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>15</sup> <http://www.rockbeareparishcouncil.co.uk/RockbearePC/UserFiles/Files/SEA%20HRA%20Assessment.pdf>

## Appendix 1.

### Neighbourhood Area Application

The Neighbourhood Planning (General) Regulations 2012

**Application for Designation of a Neighbourhood Area**

14 JUL 2014

This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required.

**Which Town or Parish Council is applying to designate a neighbourhood area?**

ROCKBESARE

If more than one Town or Parish Council are working in partnership, please give details of all parties

contact details –

contact details –

contact details –

contact details –

☐ Please confirm that all the parishes listed above agree to the application

☒ Please confirm that the organisation/s or body/ies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

**Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working?** Where applications include sites in adjoining Parishes their agreement should be sought.

N/A.

**Please append a map identifying the area to which the area application relates.**

**Please explain why this area is considered appropriate to be designated as a neighbourhood area**

THIS IS THE AREA IDENTIFIED AS THE REVISED ROCKBESARE PARISH BOUNDARY FOLLOWING THE CRANBROOK GOVERNANCE REVIEW

Signed [Redacted] Date 10th July 2014

Position Parish Clerk Organisation ROCKBESARE Parish

## Appendix 2.

### Neighbourhood Area Designation – Cabinet Minute 3<sup>rd</sup> September 2014

Cabinet 3 September 2014

**\*65 Proposed designation of Otterton, Rockbeare (part), Aylesbeare and Feniton Neighbourhood Areas**

Members considered proposals for designation as Neighbourhood Areas; all had been subject to the requisite six-week consultation period. No objections were received in respect of the Otterton, Aylesbeare and Feniton applications.

The Chief Executive reported that since the report had been published Devon County Council had submitted an objection in respect of the proposed designation area for Rockbeare. They considered that the neighbourhood area should not extend into the possible future expansion area of Cranbrook that lies to south of the old A30. Members noted that no objection had been received by the New Community Partners.

**RESOLVED:**

That the following designations as individual Neighbourhood Areas be approved:

- Otterton
- Aylesbeare
- Rockbeare (part)
- Feniton

**REASONS:**

To enable the parishes to prepare a Neighbourhood Plan under the auspices of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

**Strategic Environmental Assessment / Habitats Regulation Assessment Screening  
Opinion (Extract) - September 2017**

**Rockbeare Neighbourhood Development Plan**

**Strategic Environmental Assessment and Habitat Regulations Assessment**

-----

**Screening Report**

**Prepared by Officers of East Devon District Council**

**1.0 Introduction**

- 1.1 The purpose of this report is to assess the draft proposals in the Rockbeare Neighbourhood Development Plan (hereafter referred to as the RNP) to determine whether it requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also screen to determine whether or not the RNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. An HRA is required when it is deemed that the implementation of the plan is likely to cause negative significant effects on protected European Sites (Natura 2000 sites).
- 1.3 The conclusion of the assessment is that the RNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report was sent to the three statutory consultees designated in the Regulations (Historic England, Environment Agency and Natural England) to elicit their views on the findings. They had 6 weeks, until 27<sup>th</sup> September, to respond. The Environment Agency and Natural England both responded and agreed with the District Council's conclusion that the RNP is unlikely to have any significant or negative impact that would warrant an SEA or HRA to be undertaken. Historic England have not responded.