

**Newton Poppleford and Harpford
Neighbourhood Development Plan
Basic Conditions Statement – d03**

[Submission Version Regulation 16
(of the Neighbourhood Planning Regulations 2012)]

January 2020

1. Legal requirements

- 1.1 This statement has been prepared by Newton Poppleford Neighbourhood Planning Group on the behalf of Newton Poppleford and Harpford Parish Council (NPHPC) to accompany its submission to East Devon District Council (EDDC) of the NPHPC Neighbourhood Development Plan (NP) under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2 The NP has been prepared by the Newton Poppleford and Harpford Neighbourhood Plan Steering Group on behalf of NPHPC, a qualifying body, for the area covering the parish of Newton Poppleford and Harpford, as designated by East Devon District Council on 4th June 2014.
- 1.3 The plan proposal relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2019 to 2031. It does not contain policies relating to excluded development as laid out in the Regulations.
- 1.4 The following statement will address each of the four ‘basic conditions’ required of the Regulations and explains how the NP meets the requirement of paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act.
- 1.5 The Regulations state that the NP 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

- 2.1 Initial consultations started in November 2011, which led to the formal establishment of a Neighbourhood Plan Steering Group in January 2015. The Group was community led by members of the wider public and also included members of the Parish Council who sponsored the plan.
- 2.2 The Steering Group’s mission statement was to “preserve and enhance the built, natural and historic environment of the local area and the distinctive character of Newton Poppleford & Harpford whilst allowing for sustainable economic and social growth and development”.
- 2.3 The rationale for producing the plan was to enable the parish to:
 - influence the location, type, scale, design and form of development in the parish for the period up to 2031;
 - influence the provision of services, housing, employment and community facilities in the parish to support the needs of local people;
 - influence the impact of development, in particular on the transport infrastructure and wildlife;
 - maintain the special character of the East Devon Area Of Outstanding Natural Beauty in which the whole parish lies;
 - have some control over local planning decisions.

2.4 The following table is a summary of the key events undertaken by the Neighbourhood Plan Steering Group, including a look forward to the eventual adoption of the NP.

Task	Date
Parish Survey (Filling in the Picture)	November 2011
Parish Plan	2012
Community Consultation	
Pavilion Open Days	2014
Built-up Area Boundary Consultation	2015
Village Fair/Fun Day	September 2015
Coffee Mornings and club events	2015
Queen's Birthday Celebration	June 2016
Popstock	2017
Community Survey	
Create Questionnaire	September 2016
Issue Questionnaire to Parish	October/November 2016
Analysis of Final Report	June 2017
Further Surveys	
Housing Needs	January 2017
School	July 2017
Business	August – September 2017
Housing Styles	August 2017 - February 2018
Medical Facilities	April 2019
Create NHP	
Define Policies	September – December 2018
Draft Plan	March - May 2019
NHP Reviewed & Revised by Parish Council	June 2019
NHP Reviewed & Revised by EDDC	July - September 2019
Updated NHP Reviewed and Revised by EDDC	October 2019
Pre-submission Consultations by Steering Group (6 weeks) and EDDC (6 weeks): <ul style="list-style-type: none"> • Public Consultation • Statutory Bodies consultation 	October 2019 - April 2020
Cabinet agreement	April 2020
NHP Reviewed and Revised by the Inspector	May – June 2020
Public Referendum	July 2020
Final NHP issued to Parish	July 2020

3 Having regard to National Planning Policy

- 3.1 The NP has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF) of February 2019. It also gives regard to the 6 planning principles contained in paragraph 16 of the National Planning Policy Framework, alongside the most recent National Planning Practice Guidance (NPPG) published by the Government in relation to the formation of NPs.
- 3.2 The table at appendix 1 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.

4 General conformity with the strategic policies of the development plan

- 4.1 The NP has been prepared to ensure that it is in general conformity with the development plan for the area.
- 4.2 The current development plan for the area is the adopted East Devon Local Plan 2013-2031 (LP).
- 4.3 The table at appendix 2 sets out how each policy is in general conformity with East Devon Local Plan 2013-2031. The references are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

5 Contribution to the achievement of sustainable development

- 5.1 A neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability – economic, social and environmental.
- 5.2 The parish of Newton Poppleford and Harpford benefits from some good services and community facilities however the parish has recently seen the loss of some long standing businesses. Housing growth across the parish in recent years has tended towards executive style houses and in general housing has become increasingly unaffordable, limiting the ability of some local people to live or remain in the area. Increased traffic through the village is a major issue affecting day to day living. The parish lies in the ED AONB which should be protected, instead the Built-Up Area boundary was extended into the ED AONB to allow a new major housing development

Our vision for the Neighbourhood Plan is “to ensure Newton Poppleford and Harpford will continue to be a thriving and vibrant village community which protects and enhances its distinctive character, rich heritage and its AONB setting, and should become an even better place for young and old in which to live”.

- 5.3 Our planning objectives are in line with the vision. This Neighbourhood Plan aims to:
- Improve all aspects of traffic and pedestrian movement to make the Parish a more pleasant place to live. To limit air pollution, reduce volume of traffic and increase safety, sustainability

and access within the Parish and to the main centres of Ottery St Mary, Sidmouth, Exeter and Exmouth.

- Protect and enhance the natural environment of the parish, and reduce vulnerability to impacts of climate change including minimising and managing flood risk.
- Make sure future development delivers the demonstrable needs and requirements of parishioners, in particular smaller affordable homes within the Built-up Area Boundary, that protect the AONB and those elements of the Parish which are valuable to its character and history, through high quality design.
- Promote opportunities for residents of all ages to access education, community facilities and leisure within the village.
- Protect and enhance the provision of Local Green Spaces, including its green infrastructure and wildlife habitats, for the benefit of parishioners and the ecosystem.
- Support the provision of local medical facilities.
- Support the local economy through its existing businesses, and by encouraging new enterprises and facilities that enhance commercial effectiveness and employment opportunities.

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

6 Compatibility with EU obligations and legislation

6.1 The NP 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.

6.2 A screening process was carried out by East Devon District council which determined that:

- with regard to the SEA, the conclusion of the assessment is that the Plan is unlikely to result in a significant adverse effect on the environment, therefore SEA is not required.
- with regard to the HRA, the conclusion of the assessment is that the Plan is unlikely to result in a significant adverse effect on any Natural 2000 sites so should not be subject to HRA.

6.3 In November 2019, East Devon District Council reported that after 6 weeks, the Environment Agency, Historic England and Natural England had all responded and concurred that the Plan is unlikely to result in significant environmental impact or a significant adverse impact on a European site.

Appendix 1: How the NP policies conform to the NPPF

NP Policy Number and Title	NPPF Paragraph(s)	Comment on conformity
Policy T1 - Adequate Parking	105	To avoid existing parking problems from increasing this policy meets the NPPF requirements: - parking standards for residential and non-residential development; - availability of and opportunities for public transport; - level of local car ownership; and - the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
Policy T2 – Traffic Calming	102 and 108	The busy A3052 cuts through the parish so the following NPPF objectives are important: - consider impact of development from the earliest stage on existing and proposed transport networks and the environment (102); – ensure that safe and suitable access can be achieved for all users and any significant impacts on the transport network or on highway safety can be cost effectively mitigated (108).
Policy T3 – Rights of Way	91c and 102 c)	This policy is supported by the NPPF objectives of: - providing layouts that encourage walking and cycling (91c); - identifying and pursuing opportunities to promote walking, cycling and public transport use (102c).
Policy EP1 - Conservation and enhancement of the ED AONB and Natural Environment	172 and 174 to 177	As the whole parish lies within the East Devon AONB, the following NPPF requirements are vital: - conserve and enhance Areas of Outstanding Natural Beauty (172); - protect, enhance and avoid significant harm to biodiversity and geodiversity; - support development which will conserve or enhance biodiversity (174 – 177).
Policy EP2 – Development on designated floodzones	155 to 165	The parish is surrounded by steep hills and rivers which make it prone to flooding.

<p>Policy EP3 – Minimise damage to existing properties Policy EP4 - Flood Risk Assessment Policy EP5 - Surface Water Run-off Policy EP6 - SuDS Design & Management</p>		<p>Therefore the following NPPF objectives are of particular importance: - divert development from areas with a high risk of flooding; - avoid flood risk to people and property; - ensure all plans provide a flood risk assessment to manage flood risk which takes into account the current and future impacts of climate change.</p>
<p>Policy EP7 – Local Amenity</p>	<p>170 e) and 180</p>	<p>Because the parish is in a rural area, NPPF objectives to protect tranquil areas (180) and prevent new and existing development from unacceptable levels of soil, air, water or noise pollution or land instability are important (170e).</p>
<p>Policy EP8 - Protect agricultural land</p>	<p>170 b)</p>	<p>To protect the East Devon AONB in which all the parish’s agricultural land lies, the NPPF objectives to recognise the intrinsic character and beauty of the countryside, including the benefits of the best and most versatile agricultural land, and of trees and woodland, are important.</p>
<p>Policy EP9 - Development on Farmland for Agricultural Purposes</p>	<p>Para 84</p>	<p>The parish includes much agricultural land and it’s important that development meets NPPF requirements: - to be sensitive to its surroundings; - to not have an unacceptable impact on local roads; and - that previously developed land is used whenever possible.</p>
<p>Policy H1 - Meeting Demand for Smaller Dwellings Policy H2 - Housing which caters for those with mobility issues POLICY H3 - Outside the Built-up area boundary</p>	<p>28, 29, 61 and 127</p>	<p>Meets the requirements of the NPPF by setting out only detailed requirements for the parish (28) and would not undermine the strategic policies for East Devon (29).</p> <p>This policy also seeks to address the local housing need (61).</p> <p>This policy would also ensure that any new development should be designed to respect the character of the area and adjacent properties (127).</p>

<p>POLICY TD1 - Infill and garden developments and extensions within the Built-up area boundary</p>	<p>117 and 137 a)</p>	<p>To prevent development from encroaching further into the ED AONB, the NPPF objectives are important:</p> <ul style="list-style-type: none"> - make as much use as possible of suitable brownfield sites and underutilised land (137a); - promote an effective use of land while safeguarding the environment (117).
<p>Policy HQD1 – Maintain the built character of our parish through High Quality Design.</p>	<p>124 to 132 175d</p>	<p>This policy meets the NPPF strategy of Achieving Well Designed Spaces. Good design is a key aspect of sustainable development as it creates better places in which to live and work and helps make development acceptable.</p> <p>Opportunities to incorporate biodiversity improvements in and around developments should be encouraged.</p>
<p>Policy CF1 – Protect and improve existing local community facilities, amenities and assets. Policy CF2 - Increasing Sports and Recreation Opportunities</p>	<p>83 d), 91 c) and 92</p>	<p>These policies meet the NPPF requirements of retaining local services and community facilities (83d), supporting healthy lifestyles (91c) and guarding against loss of valued facilities and services (92c).</p>
<p>Policy GS1 – Protection of Local Green Spaces</p>	<p>99 and 100</p>	<p>This policy meets the NPPF objective to identify, designate and protect the green spaces listed in the NP as important local spaces (99) which meet the requirements of being close in proximity, special to the local community and local in character (100).</p>
<p>Policy TH1 – Trees and hedgerows</p>	<p>170 b), 171, 175 c) and 181.</p>	<p>This policy is supported by NPPF requirements to:</p> <ul style="list-style-type: none"> - enhance the natural and local environment (170b); - take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure (171); - refuse developments resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) (175c); and - contribute towards improving air quality through green infrastructure provision and enhancement (181).

Submission Version Regulation 16 of the Neighbourhood Planning Regulations 2012

Policy M1 – Medical Facilities	20c	This policy meets the NPPF requirement to make sufficient provision for community facilities such as health.
Policy EM2 – Development of Small Business Enterprises	83 and 84	Meets the NPPF requirements by seeking to provide protection of viable employment uses as a means of supporting the community (83) whilst ensuring they do not have an unacceptable impact on local roads and they do exploit opportunities to make a location more sustainable (84).
Policy EM3 - Superfast Connectivity	112 and 113	This policy is supported by the NPPF requirements to support the expansion of electronic communications networks (112) and to keep network masts and installations to a minimum (113).

Appendix 2: How the NP policies conform to the East Devon Local Plan

NP Policy Number and Title	Local Plan Reference	Comment on conformity
Policy T1 - Adequate Parking	TC9	This policy seeks to exceed the minimum requirement in TC9; for new homes with 3 or more bedrooms, 3 parking spaces would be more appropriate. Also, no development should depend on parking in public areas such as the roadside or village car park.
Policy T2 – Traffic Calming	Para 19.9 TC2 TC7 Strategy 5b	This policy delivers the Local Plan, in particular: - ensures new development provides efficient, safe and accessible means of transport (strategy 5b); - considers the wider impact of traffic (19.9); - ensures the new developments are located to be accessible by pedestrians, cyclists and public transport (TC2); and - does not support developments where the proposed access, or the traffic generated by the development, would be detrimental (TC7).
Policy T3 – Rights of Way	Strategy 5 (2), TC4 (26.9 to 26.13) TC5	This policy meets LP requirements by: - supporting the provision of green networks and corridors to enable access by all potential users (Strategy 5 (2)); - supporting a reopening of the railway line between Newton Pop and Colaton Raleigh (TC5); and - supporting measures to protect existing, and provide new, facilities for pedestrians and cyclists (TC4).
Policy EP1 - Conservation and enhancement of the ED AONB and Natural Environment	Strategies 46 and 47 are	As the whole parish lies within the ED AONB this policy delivers the LP strategy which: - conserves and enhances the landscape character of the ED AONB - does not undermine landscape quality; and - is appropriate to the economic, social and well-being of the area.
Policy EP2 – Development on designated floodzones Policy EP3 – Minimise damage to existing properties Policy EP4 - Flood Risk	Strategy 3 a) Strategy 5 para 7 Strategy 6 para 2	As the parish is surrounded by steep hills and rivers which make it prone to flooding, this policy addresses the following LP objectives: - reduces the risk of flooding by incorporating measures such as sustainable drainage systems

Submission Version Regulation 16 of the Neighbourhood Planning Regulations 2012

<p>Assessment Policy EP5 - Surface Water Run-off Policy EP6 - SuDS Design & Management</p>	<p>EN22.</p>	<p>(Strategy 3 a); - protects from development areas that are vulnerable to surface water runoff and flooding. Strategy 5 para 7); - only permits development that will not adversely affect risk of flooding (Strategy 6 para 2); and - ensures that surface run off has been fully considered and managed (EN22).</p>
<p>Policy EP7 – Local Amenity</p>	<p>EN14 Control of Pollution Section 4 Control of Pollution</p>	<p>This policy is consistent with LP policies in that it seeks to control noise, air, light and noise pollution and also seeks to protect tranquility.</p>
<p>Policy EP8 - Protect agricultural land</p>	<p>EN13</p>	<p>This NP policy supports the LP policy in that it seeks to conserve and protect the highest grades of agricultural land unless it involves the development of land for the purposes of agriculture and forestry.</p>
<p>Policy EP9 - Development on Farmland for Agricultural Purposes</p>	<p>15.27 D7</p>	<p>This policy meets LP requirements in that it - encourages the re-use of agricultural buildings for agriculture-related activity (15.27); and - permits new agricultural buildings where there is a genuine agricultural need and does not harm the ED AONB or cause adverse on transport infrastructure (D7).</p>
<p>Policy H1 - Meeting Demand for Smaller Dwellings Policy H2 - Housing which caters for those with mobility issues POLICY H3 - Outside the Built-up area boundary</p>	<p>Strategy 6, Strategy 34 Strategy 35 Strategy 36</p>	<p>This NP delivers affordable housing consisting of 1, 2 and 3 bedroom family homes and single storey homes adapted for those with mobility issues. It meets LP requirements for 50% affordable homes within the Built-Up Area Boundary and 66% affordable homes outside the Built-up Area Boundary in justifiable exception sites, all based on local need.</p>
<p>POLICY TD1 - Infill and garden developments and extensions within the Built-up area boundary</p>	<p>Strategy 34</p>	<p>This policy delivers the LP strategy to focus development on brownfield land where it is financially viable and increase the use of brownfield sites.</p>
<p>Policy TD2 – Affordable homes to meet Local Need through a Community Land Trust</p>	<p>Self Build Housing Schemes para 16.30</p>	<p>This policy contributes self build plots to the supply of new housing.</p>

Submission Version Regulation 16 of the Neighbourhood Planning Regulations 2012

Policy HQD1 – Maintain the built character of our parish through High Quality Design.	D1 Strategy 48	This policy sets out a design statement to ensure all developments deliver high quality design that is locally distinctive.
Policy CF1 – Protect and improve existing local community facilities, amenities and assets.	RC1 RC6	This NP policy delivers LP policies: - does not permit loss of open space currently or previously used for recreation and/or sports uses, play areas or playing fields (RC1); - permits new facilities, extensions and/or alterations to existing facilities to serve the local community (RC6).
Policy CF2 - Increasing Sports and Recreation Opportunities	RC2 25.2	This NP policy delivers LP policy to provide additional recreational facilities.
Policy GS1 – Protection of Local Green Spaces	EN1 RC3	This policy lists 14 areas to be designated as Green Spaces reflecting the provisions in the LP which allow for the identification and protection of such areas (EN1). It also includes protection of allotments (RC3).
Policy TH1 – Trees and hedgerows	D3	This policy meets the LP requirement to protect green infrastructure, including trees, hedges, ancient woodland and veteran trees, prior to and during and after construction.
Policy M1 – Medical Facilities	RC5	This NP policy meets the LP policy of encouraging the further development of health facilities.
Policy EM2 – Development of Small Business Enterprises	Strategy 3 d)	This policy supports the LP strategy of encouraging sustainable economic development.
Policy EM3 - Superfast Connectivity	TC1	This LP policy supports the LP policy of ensuring that any future improvements to superfast broadband infrastructure serving the Parish should be sensitively sited and sympathetically designed.

Appendix 3: How the NP policies contribute to the achievement of sustainable development

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

	Economic	Social	Environmental
Policy T1 - Adequate Parking	-	**	*
Policy T2 – Traffic Calming	-	**	**
Policy T3 – Rights of Way	-	**	**
Policy EP1 - Conservation and enhancement of the ED AONB and Natural Environment	**	**	**
Policy EP2 – Development on designated floodplains Policy EP3 – Minimise damage to existing properties Policy EP4 - Flood Risk Assessment Policy EP5 - Surface Water Run-off Policy EP6 - SuDS Design & Management	**	**	**
Policy EP7 – Local Amenity	*	**	-
Policy EP8 - Protect agricultural land	*		**
Policy EP9 - Development on Farmland for Agricultural Purposes	**	-	*
Policy H1 - Meeting Demand for Smaller Dwellings Policy H2 - Housing which caters for those with mobility issues POLICY H3 - Outside the Built-up area boundary POLICY TD1 - Infill and	*	**	*

Submission Version Regulation 16 of the Neighbourhood Planning Regulations 2012

garden developments and extensions within the Built-up area boundary			
Policy TD2 – Affordable homes to meet Local Need through a Community Land Trust	**	**	-
Policy HQD1 – Maintain the built character of our parish through High Quality Design.	*	**	*
Policy CF1 – Protect and improve existing local community facilities, amenities and assets.	*	**	-
Policy CF2 - Increasing Sports and Recreation Opportunities	-	**	-
Policy GS1 – Protection of Local Green Spaces	-	**	**
Policy TH1 – Trees and hedgerows	-	*	**
Policy M1 – Medical Facilities	*	**	-
Policy EM1 - Conversion from residential use	**	*	-
Policy EM2 – Development of Small Business Enterprises	**	*	-
Policy EM3 - Superfast Connectivity	*	*	-