

Broadhembury Parish Neighbourhood Development Plan

Basic Conditions Statement

August 2018

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1. Legal Requirements

- This statement has been prepared by Broadhembury Parish Council to accompany its submission to East Devon DC of the Parish Neighbourhood Development Plan (the 'Neighbourhood Plan') under S15 of the Neighbourhood Planning regulations 2012. It should be read in conjunction with the Plan.
- The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body for the administrative area of Broadhembury Parish as designated by EDDC.
- The plan concerns planning matters in the designated neighbourhood area and covers the period from 2014-2031, although it will legally commence from the date 'made' following referendum.
- The plan does not contain any policies concerning excluded development as laid out in relevant regulations
- This statement will set out how the Plan meets the four 'basic conditions' for compliance with para 8/schedule 4B of the Town and Country Planning Act (1990)
- These 'basic conditions' state that the Plan will be in compliance if it: has regard to national policies, contributes to sustainable development, is in general conformity with EDDC Local Plan and is compatible with EU and ECHR obligations. These basic conditions are only summarised here for ease of reference.

2. Introduction and Background

- Broadhembury Parish Council resolved in July 2012 to carry out work which would result in a Neighbourhood Plan. A Steering Group (technically a 'Task and Report group under the PC's Standing Orders) was set up comprising Parish councillors and local parishioners in equal proportions.
- Initially the work was conducted by a consortium of parishes in the Blackdown Hills AONB. Most of the Evidence base was carried out in this way and the work was collectively commissioned from a consultant.
- At various stages of the process questionnaires were distributed, articles written for the Parish magazine, public meetings were held and at every Parish Council meeting progress was reviewed and questions taken from the public. Detailed literature was produced and delivered by hand to every household and all documents were published on the Parish Council web site. The Communications Statement will detail this process with examples.
- We resolved to undertake this work because we wanted to get control of planning decisions in our neighbourhood and have a properly researched basis on which to apply for and secure grants for projects of concern to local people.

- As a by-product of the process we have also collected data about many things which local people would like us to address. These are not issues subject to Planning Law and technically form no part of the Plan, but the Parish Council consider them of sufficient importance that they are included for reference to assist the Council in its decision making and its allocation of resources.
- For a small rural Parish, the production of a Neighbourhood Development Plan is a demanding process which of necessity restricts the Council's efforts on other projects. We have been fortunate in being able to secure grants to fund the process because without them the work would not have been possible.

3. The 'Basic Conditions'

- The Neighbourhood has been prepared 'having due regard' to the policies set out in the National Planning Policy Framework referred to in this document as the NPPF. The references in the Plan refer to paragraphs from the NPPF of 2012, but the Parish Council is fully aware of the more recent NPPF of July 2018 which was published towards the end of the process. In addition the PC has given regard to the twelve 'core Planning principles' (para 17/2012 doc) and the National Planning Practice Guidance (NPPG) , April 2014 concerning the formation of Neighbourhood plans.
- In the paragraphs below is set out how the policies of the Neighbourhood plan conform to or are in compliance with the four basic conditions. The paragraphs referenced in national policy documents are not intended to be an inclusive list. The references are considered the most relevant and indicative of relevant sections in those documents. It is assumed that expert readers will be fully conversant with national policies and will not need more detailed guidance from the Parish Council.

4. Conforming to the National Planning Policy Framework (NPPF, 04/2012 and 07/2018 Dept for Housing, Communities and Local Government) and National Planning Practice Guidance (NPPG)

- Broadhembury Parish Council Neighbourhood Plan contains seven policies. These concern; the natural environment (NE), local heritage and the built environment, (DEV) developing a balanced community(BC), community facilities (COM), travel and transport (TRA), local business and lastly policies concerned with low carbon energy.
- NE1-NE4 (refer to policy numbering convention in Plan) conforms with Para 109 NPPF 2012 and Para 170 NPPF 2018 especially paras a, b. Also relevant for that part of the Parish in the Blackdown Hills AONB Para 172 NPPF2018
- DEV1-DEV3 conforms with Paras 17,56,57 and 66 (NPPF 2013) and Paras 124,127 especially b,c,d (NPPF 2018)
- BC1-BC4 conforms with Para 55 (NPPF 2012) and Paras 77,78 (NPPF 2018). This policy is discussed in more detail at the end of this report.

- COM1-COM4 conforms with Paras 28,70,73, 74, (NPPF 2012) and Paras 96,97,99 (NPPF 2018)and 005 of NPPG
- TRA1 conforms with Para 75 (NPPF 2012) and Para 004 Of NPPG
- LB1 conforms with Para 28,(NPPF 2012) and Para 001 (NPPG) and Para 83 a,b,c (NPPF 2018)
- LCE1 conforms with Para 97 (NPPF 2012) and paras 151,152(NPPF 2018)

5. 'General conformity with the strategic policies of the area's development plan (EDDC adopted Local Plan 2013-2031)

- Broadhembury Parish Neighbourhood Plan has been prepared in such a way as to insure 'general conformity' with the relevant development plan for the area. The EDDC Local Plan and the Villages Development Plan were both adopted during the planning process for the Neighbourhood plan.
- The Neighbourhood Plan has been prepared with the assistance of a Planning Officer from EDDC who sat as a member of the Steering Group. The seven policies already listed (using the same coding)conform as follows:
 - NE1-NE4 conform with Strategies 5,46,47,7,3 of EDDC Local Plan 2013-31
 - DEV1-DEV3 conform with Strategy 48,
 - BC1-BC4 conform with Strategies 3,4,7,35,
 - COM1-COM4 conform with Strategies 32,RC1,RC3,RC4,
 - TRA1 conforms with Strategies 5B,RC4,TC4
 - LB1 conforms with Policy E5, E 15
 - LCE 1 conforms with Strategy 39

In addition, the policies coded above are in alignment with the relevant policies in the Management Plan of the Blackdown Hills Area of Outstanding Beauty. Some 40% of the designated neighbourhood area lies within the AONB but the Parish Council considers that the 'natural beauty' of the whole neighbourhood is such that the policies should be applied universally to the whole area. These are listed under the relevant section in the Plan itself.

6. Contribution to the Achievement of Sustainable development

- It is a 'basic condition' that the Plan should contribute to the achievement of 'sustainable development'. The three strands economic, social and environmental sustainability should be addressed.
- A SEA was conducted on behalf of Broadhembury Parish Council by EDDC and this has been published on the web site [Broadhembury-pc.gov.uk].
- This report draws attention to this SEA which details the impact of each policy on the achievability of sustainable development

7. Compatibility with EU Obligations and HRA legislation

- The Neighbourhood Plan process has been conducted over a four-year period. At each stage there has been substantial public consultation. No section of the community has been isolated or excluded. Substantial amendments have been made to the plan to reflect public opinion driven by surveys, public meetings and feedback. Hard copies of the plan have been lodged in prominent public places and individual parish Councillors have canvassed views. This process is described in more detail in the Communications Report.
- The plan does not require a Habitats Regulations Assessment

7 Further Material Considerations: Comment

- The Parish Council does not believe that it is a reasonable requirement of this planning process to require Parish councils to demonstrate conformity to National policy and Local plans by the production of this additional document. The relevant conformity is already laid out in the Plan itself and the process requires professional expertise not normally available to rural Parish Councils with limited resources.

8. Further material Considerations: Development in Rural Neighbourhoods

- During the course of this work the EDDC Local Plan was rejected by the Planning Inspectorate and as a result the development plans for the villages of East Devon were revised, resulting in the Villages Development Plan. This removed the 'development boundary' (black line) from the village of Broadhembury. The whole neighbourhood is now therefore deemed to be 'open countryside' where there is a presumption against any development except in special cases. The Parish Council understands the imperatives which drove the District Council to settle for this solution but it is contrary to the wishes of people in the neighbourhood.
- Prior to work commencing on the Plan the Parish Council believed that it had secured consensus to endorse a site for development under the terms of SHLA assessment. However, when it became clear that the development of affordable housing on this site would require an element of commercial housing, the most closely effected community was opposed. The Parish Council supports this view and has endorsed the argument that an element of commercial housing would have an adverse impact on the unique nature of the Broadhembury Conservation Area. This effectively rules out any development in the neighbourhood because all other potential sites do not meet the 'sustainability' criterion required for development in the EDDC Local Plan.
- The Parish Council believes that some, or maybe all of the adjoining hamlets could support limited development with a substantial 'affordable' element but they fail the 'sustainability' test because they are not adjacent to services. However we believe

that the services in Broadhembury village which would sustain development in the hamlets (the school, public house, shop, church and Memorial Hall) will themselves need development to be viable in the long-term. Although the Parish Council has constructed the Plan to comply with the law, we have also attempted to set out the broad parameters of a broader definition of 'sustainability'. The PC does not have the resources or the professional expertise to challenge the Local Plan on this issue and will probably not seek to do so during the life of the Plan.

- The Parish Council believes that the definition of 'sustainability' in EDDC's Local Plan is a 'Catch 22' [Heller 1961] which effectively rules out development in local hamlets. Although the NPPF has a 'presumption in favour of sustainable development' the Parish Council cannot challenge the definition of 'sustainable' to make development a reality for those who need it.

9. Conclusion

- Para 16 of the National Planning Policy Framework urges 'plan-makers' to prepare aspirational but deliverable plans and to engage with the community early. Broadhembury PC believes that it has conducted the process in this spirit.
- Broadhembury Parish Council has collaborated with adjacent Parish neighbourhoods in compiling the Plan. In fact the first year of the work was conducted as a collaborative venture with eight other parishes. The PC has also reflected the plans of the Blackdown Hills AONB in its Plan, and urged other parishes to conduct a similar process.

Broadhembury Parish Council, August 2018

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