

BRIXTON PARISH NEIGHBOURHOOD PLAN

Basic Conditions Statement

Brixton Parish Neighbourhood Plan

Submitted by the qualifying body:

Brixton Parish Council

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BASIC CONDITIONS STATEMENT

1.0 LEGAL REQUIREMENTS

- 1.1. This statement has been prepared by the Brixton Neighbourhood Plan Group on behalf of Brixton Parish Council. It accompanies the submission to South Hams District Council of the Brixton Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2. The Neighbourhood Plan is submitted by Brixton Parish Council, the appropriate qualifying body. It covers the area designated by South Hams District Council on 15th July 2015. Details of the application and its approval are available on the district council's website at:
<http://old.southhams.gov.uk/shneighbourhoodplans>.
- 1.3. The plan has been prepared on behalf of the Parish Council by a coordinating group with assistance from a planning consultant. The assistance of the District Council is also gratefully acknowledged.
- 1.4. The plan relates to planning matters (the use and development of land) in the designated neighbourhood area. It covers the period from 2014-2034, a period chosen to tie in with the emerging new development plan for the South Hams.
- 1.5. It does not contain policies relating to excluded development – county matters, nationally significant infrastructure or other matters – as laid out in the Regulations.
- 1.6. The designated neighbourhood plan area is shown on the map in Appendix 1. It includes the whole of Brixton parish, but excludes the new town of Sherford.
- 1.7. The following statement addresses each of the four 'basic conditions' required by the Regulations and explains how the neighbourhood plan meets the requirement of paragraph 8 of schedule 4B of the 1990 Town and Country Planning Act.
- 1.8. The Regulations state that the neighbourhood plan will have met the basic conditions if it:
 - a. has regard to national policies and Secretary of State guidance;
 - b. contributes to the achievement of sustainable development;
 - c. is in general conformity with the strategic policies of the development plan for the area; and
 - d. is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

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2.0 LOCAL CONTEXT AND THE NEED FOR A PLAN

- 2.1. Brixton is a rural parish lying adjacent to the eastern boundary of Plymouth. The parish population is less than 2,000 people.
- 2.2. The parish has experienced considerable pressure from developers to expand housing, particularly in the village of Brixton. The rate of growth of housing in the village since 2014 has been 25% and has resulted in a cumulative impact on the rural character of the village, against the requirements of the Local Development Framework and the emerging Joint Local Plan.

3.0 PLAN PROCESS AND CONSULTATION

- 3.1. The district council confirmed the area to be covered by the plan in July 2015.
- 3.2. A working group chaired by the chair of the Parish Council organised Public events, questionnaire surveys and open days for consultation, and a dedicated web page has been launched.
(http://www.brixtonparishcouncil.org.uk/Neighbourhood_Plan_2016_4508.aspx)
- 3.3. All this activity has drawn out a great deal of local information and opinion which has helped to shape the plan, which is now published.

4.0 VISION AND OBJECTIVES

- 4.1. The plan is based on the Vision produced by the local community:
- 4.2. Brixton parish offers the opportunity to embrace village and rural life: a sense of community, tranquillity, a safe environment with public green spaces and beautiful landscapes. Our community benefits from both the South Devon Area of Outstanding Natural Beauty and the close proximity to the historic port city of Plymouth, with all the advantages of connectivity, culture, educational facilities, heritage, employment, sport and commerce.
Our vision is:
 - to conserve and enhance the rural and historic environment of Brixton parish, with its beautiful landscape of woods, farmland and estuary;
 - to retain the identity and independent character of Brixton village and its surrounding hamlets;
 - to nurture thriving communities across the parish by providing improved facilities and taking opportunities to meet the needs and wishes of the community.



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- 4.3 The plan's objectives and policies have been set in response to the priorities identified by the local community under 6 themes:

Environment

Transport

Employment

Community Facilities

Sport and Recreation

Development

5.0 POLICIES AND PROPOSALS

- 5.1. The plan's policies respond to the community's priorities and seek to establish a basis for support to the parish's sustainable growth and to conserve and enhance assets.
- 5.2. The policies fall under the six themes. They include policies to protect the AONB, other sensitive areas and important local assets, foster good design and construction, enable business development, infrastructure and the vitality of the local community.

6.0 SUBMISSION DOCUMENTS

- 1.1. The following documents have been prepared to support the Brixton Neighbourhood Plan.
- The Neighbourhood Plan – the neighbourhood development plan for the designated area containing policies to guide future development in the area.
 - The Statement of Consultation – setting out the community engagement and consultation undertaken from the outset of the process.
 - The Strategic Environmental Impact (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions – setting out the view of the local planning authority (South Hams District Council) as to whether SEA or HRA are required.
 - The Monitoring Framework – outlining a framework of performance indicators against which the effectiveness of the plan's policies can be assessed.
 - The Evidence Summary – listing the key sources for evidence (other than community consultation) to underpin the plan.

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7.0 COMPLIANCE STATEMENT

- 7.1. The draft Brixton Neighbourhood Plan was made available for consultation from mid November 2017 for six weeks in accordance with Part 5, Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 7.2. Responses to the comments received are set out in a Response Report which will be submitted to South Hams District Council. Summaries of the responses received and copies of those from key consultees will be posted on the BPNP website.
- 7.3. Following consultation on the draft plan any amendments considered to be necessary have been made and the revised plan is now submitted to South Hams District Council. Part 5, Paragraph 15 of the Regulations sets out the requirements for the submission of a neighbourhood plan, as follows:

Plan proposals

Where a qualifying body submits a plan proposal to the local planning authority, it must include –

- a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- a consultation statement;
- the proposed neighbourhood development plan; and
- a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

The map and the application notice of designation of the Brixton Neighbourhood Plan area can be found at: www.southhams.gov.uk/article/3882/Neighbourhood-Plans.

- 7.4. Application and designation notice. Parts (b) and (c) are now published alongside the plan and will be finalised as part of the plan's submission. The requirements of part (d) are that the plan meets the basic conditions which are (as set out at para 1.8 above), that:
- the plan has regard to national policies and advice contained in guidance issued by the Secretary of State.
 - the plan contributes to the achievement of sustainable development.
 - the plan is in general conformity with the strategic policies contained in the development plan for the area.
 - the plan does not breach and is compatible with EU obligations.
- 7.5. The following sections of this statement explain how the Brixton Neighbourhood Plan meets those requirements.



BASIC CONDITIONS STATEMENT

8.0. REGARD TO NATIONAL POLICIES AND GUIDANCE

- 8.1. The National Planning Policy Framework (NPPF) was published in March 2012. It provides a framework for planning for sustainable development, including by local communities through the production of neighbourhood plans.
- 8.2. The Brixton Neighbourhood Plan aims to focus on those planning matters which have been identified as priority concerns by the local community. It seeks to neither hinder nor duplicate policies in existing plans, which should be read alongside the neighbourhood plan. Both independently of one another and in combination the plans meet the requirements of the NPPF.
- 8.3. **Annex 1** sets out the way that the policies of the plan conform with the NPPF.

9.0. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

- 9.1. The Plan's objectives are set squarely within the bounds of sustainable development. It provides for:
 1. economic sustainability through its provisions for development, job creation and protection,
 2. social sustainability through its support for maintenance and development of community infrastructure and housing development; and
 3. environmental sustainability through its promotion of sustainable construction and care of local heritage, green spaces and natural resources.
- 9.2. Sustainability is a key aspect of the plan, and in particular of the following policies:
 1. Env1 and Dev 1 – AONB protection and sustainable design
 2. Env3 – Priority habitats
 3. Env 4 – Green corridor
 4. Env 5 - Local Green Spaces
 5. Env 8 and Dev 4 – Renewable energy
 6. Sar 1 – Sport and recreation spaces
 7. Tpt 1 – Sustainable Transport
 8. Dev 2 – Housing design and standards

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10.0 CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 10.1. The development plan for the area is set to be the Plymouth and South West Devon Joint Local Plan (the JLP). Until that plan's final adoption the development plan also includes the South Hams Local Development Framework (LDF) Core Strategy (2006), Affordable Housing DPD (2008), Development Policies DPD (2010), and a series of Site Allocations DPDs, including one for the Rural Areas including Brixton (2011) plus a number of saved policies from the South Hams Local Plan (1996). Several adopted Supplementary Planning Documents (SPDs) provide further detail.
- 10.2. The Brixton Parish Neighbourhood Plan has been prepared in co-operation with the District Council. The Plan conforms with and does not undermine or constrain the strategic content of the emerging JLP or adopted LDF and saved local plan policies inasmuch as they relate to Brixton parish.
- 10.3. More detail about the way in which the Plan's policies generally conform with the strategic content of the development plan policies is set out in Annex 1 (along with details of conformity with the NPPF).

11.0 COMPATIBILITY WITH EU LEGISLATION

- 11.1. The Brixton Parish 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 1998. The consultation process has strived to include all sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled.
- 11.2. Screening opinions have been provided by South Hams District Council in relation to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). In consideration of the SEA, amendments have been made to the draft Plan to enable the draft screening report to be updated to conclude that a full SEA is not needed. Assessment under the HRA was deemed not required. Refer to Appendix 2, **Annex 2**.
The full screening option is available to view at:
http://www.brixtonparishcouncil.org.uk/Neighbourhood_Plan_2016_4508.aspx



ANNEX 1 – BRIXTON NEIGHBOURHOOD PLAN POLICIES REGARD TO THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) AND GENERAL CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

The table below maps the policies of the Brixton Neighbourhood Plan, their regard for the National Planning Policy Framework (NPPF) and their general conformity with the strategic policies of the development plan for the area.

Brixton Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
Overall	<p>The plan has regard to the NPPF and particularly to the objectives for neighbourhood plans and in the achievement of sustainable development.</p> <p>It sets out a vision for the future and contains policies which respond to priority concerns expressed by the local community.</p> <p>It sets out a strategy that provides for sustainable development within its area.</p> <p>Its policies align with the NPPF in general and in particular ways as shown below.</p>	<p>The plan is in general conformity with the strategic policies of the development plan and in particular those contained in the South West Devon Joint Local Plan 2017 (the JLP) and the South Hams LDF Core Strategy 2006 (the LDF).</p> <p>JLP policy TTV30 is of key relevance.</p>
Settlement Boundaries (Dev 2)	<p>The policy has regard to NPPF core principles to support thriving rural communities, recognise the intrinsic character and beauty of the countryside, conserve and enhance the natural environment and encourage effective use of land.</p> <p>It clearly sets out where sustainable development can be located, to meet local needs and help support a prosperous local economy (NPPF part 3).</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, SPT3, SPT11, TTV2, TTV31 and LDF policies CS1 and CS13.</p>
Environment (Env1-6)	<p>The policy has regard to NPPF core principles to conserve and enhance the natural environment taking full account of flood risk and coastal change.</p>	<p>The policy generally conforms with JLP policies TTV1, TTV30, TTV31, SPT11, DEV2, DEV24, DEV25, DEV26 DEV28, DEV30, DEV35, DEV36 DEV37 and DEV38.</p>

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	<p>It helps to meet the challenges of climate change, flooding and coastal change and to conserve and enhance local landscapes, geology, soils, ecosystems and biodiversity (NPPF part 10).</p>	<p>It also generally conforms with LDF policies CS9, CS10 and, CS11.</p>
Location, scale , character, housing design standards (Dev 2 and 3)	<p>The policy has regard to NPPF core principles to secure high quality design and a good standard of amenity, and to protect and conserve environmental and heritage assets.</p> <p>The policy requires that development be distributed and designed with due regard to the character of the localities (NPPF part 7).</p> <p>The policy has regard to NPPF core principles to always seek to secure high quality design and support the transition to a low carbon future.</p> <p>It aligns with NPPF part 7 (requiring good design) and part 10 (meeting the challenge of climate change, flooding and coastal change).</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, DEV2, DEV8, DEV10, DEV20, DEV24, DEV34, and DEV35.</p> <p>It also conforms with LDF policy CS7. It also conforms with LDF policy CS7.</p>
Transport (Tpt 1)	<p>The policy has regard to NPPF core principles to promote sustainable transport, good design and healthy communities.</p>	<p>The policy generally conforms with JLP policies SPT10 and DEV31.</p>
Planning Obligations and Commuted Sums (Cof2)	<p>The policy has regard to NPPF core principles and in particular paras 203-206.</p>	<p>The policy generally conforms with JLP policy DEL1. It also conforms with LDF policy CS8.</p>



COMPATIBILITY WITH EU LEGISLATION

South Hams District Council (SHDC) provided an initial screening opinion as to whether the draft Brixton Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).

European Obligations and Human Rights requirements:

Strategic Environmental Assessment - SEA Screening Opinion:

Following the initial screening opinion, a Site Assessments for Development report was prepared and submitted to SHDC. On the basis of this document and amendments to the BPNP policy wording SHDC have confirmed that a Strategic Environment Assessment is not required.

Habitats Regulation Assessment - HRA Screening Opinion:

Following the initial screening opinion, and subsequent Site Assessments for Development report, SHDC determined that an Appropriate HRA was necessary.

This assessment has been carried out by SHDC and the results found acceptable.

The Brixton HRA SEA Screening Opinion report for both the Strategic Environment Assessment and Habitats Regulation Assessment is available on the Brixton Parish Council website:
http://www.brixtonparishcouncil.org.uk/Neighbourhood_Plan_2016_4508.aspx

Note: the Site Assessments for Development report is also available on the Brixton Parish Council website:
http://www.brixtonparishcouncil.org.uk/Neighbourhood_Plan_2016_4508.aspx

Heritage and Conservation (Env6)	The policy has regard to the NPPF core principle to conserve heritage assets and to part 12 (conserving an enhancing the historic environment).	The policy generally conforms with JLP policies DEV21 and DEV22. It also conforms with LDF policy CS9.
Protecting the Landscape (Env4)	The policy has regard to NPPF core principles to recognise the intrinsic character and beauty of the countryside, conserve and enhance the natural environment and encourage effective use of land.	The policy generally conforms with JLP policies DEV20, DEV24, DEV25 and DEV27. It also conforms with LDF policy CS9.
Local Green Spaces (Env5)	The policy has regard to NPPF core principles to conserve and enhance the natural environment and promote healthy communities, particularly paras 76-78.	The policy generally conforms with JLP policy DEV29.
Housing Stock and Local Needs Housing (Dev 3)	The policy has regard to NPPF core principles to deliver needed homes, and in particular to part 6 (delivering a wide choice of high quality homes).	The policy generally conforms with JLP policies SPT2, SPT3, DEV8, DEV9, DEV10, . It also conforms with LDF policies CS1, CS2 and CS6.
Business Premises (Emp 1-3)	The policy has regard to NPPF core principles to proactively drive and support sustainable economic development and part 3 (to support a prosperous rural economy).	The policy generally conforms with JLP policies SPT1, SPT2, SPT4, DEV14, DEV15 and DEV19. It also conforms with LDF policies CS1, CS12 and CS13.
Community Facilities, Sport and Recreation (Cof1-3 & SaR1-3).	The policies have regard to NPPF para 8 paras 69 and 79 to promote healthy communities with opportunities for social interaction	The policies generally conform with JLP policies TTV2 an DEV3
Community Facilities and Infrastructure (Cof2)	The policy has regard to NPPF core principles to deliver sufficient community facilities to meet local needs and part 8 (promoting healthy communities).	The policy generally conforms with JLP policies SPT1, SPT2, SPT6, TTV2, DEV3, DEV4, DEV5, DEV18 and DEV32.

