

Totnes Neighbourhood Plan

Statement of Basic Conditions

Revised September 2022

Submitted by Totnes Town Council (the qualifying body)

<http://www.totnestowncouncil.gov.uk/>

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SUMMARY

This Statement of Basic Conditions accompanies the Totnes Neighbourhood Plan at the point of its submission at Regulation 15 stage to South Hams District Council as the local planning authority.

It meets the requirements laid down in the Neighbourhood Planning (General) Regulations 2012 (herein referred to as “the Regulations”) and explains how the plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (herein referred to as “the Act”).

INTRODUCTION

1. This statement sets out the way in which the Totnes Neighbourhood Plan meets the basic conditions set out in the Regulations. It accompanies the submission of the plan to South Hams District Council under section 15 of the Regulations.
2. The plan is submitted by Totnes Town Council, the appropriate qualifying body. It covers the whole of Totnes parish, which is the area designated by South Hams District Council on 15th February 2013. Details of the application and its approval are available on the district council’s website at <https://www.neighbourhoodplanning.swdevon.gov.uk/totnes>. (See also **Appendix A**).
3. The plan has been prepared by the town council assisted by a steering group and consultants. The assistance of the district council is also gratefully acknowledged.

LEGISLATIVE FRAMEWORK

4. This statement explains how the plan meets the requirements laid down in the Act and in the Regulations and in particular how it meets the ‘basic conditions’ for a neighbourhood plan (see para 7 below).
5. The plan relates to planning matters (the use and development of land) within the designated neighbourhood area and covers the period from 2019-2034, a period chosen to tie in with the horizon of the development plan for the South Hams - the Plymouth and South West Devon Joint Local Plan (the JLP).
6. It does not contain policies relating to excluded development – county matters, nationally significant infrastructure or other matters – as laid out in the Regulations.
7. Paragraph 8 of schedule 4B of the Act states that a plan (or neighbourhood development order) will have met 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 order,

- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- d) the making of the order contributes to the achievement of sustainable development,
- e) the making of the order 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),
- f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

LOCAL CONTEXT AND THE NEED FOR A PLAN

8. Totnes is a town well-known and loved by locals and visitors for its uniqueness and historic character. Still supporting a range of markets and with a high proportion of independent traders it numbers a population of some 8,000. Lying at the junction of several major routes, with a mainline railway station and at the lowest bridging point on the River Dart it is a busy place with a lively and diverse community.

9. The town is recognised as a leader in innovation and sustainable development and is the home of the Transition Town Movement. The Town Council and others have declared a Climate Emergency and the aim is for Totnes to become carbon neutral by 2030.

10. Historically Totnes occupied a defensive hilltop position and its Norman castle and town walls survive. Today the town rises from the valley of the Dart and its built-up area extends beyond the parish boundary. The historic core is protected by a variety of designations including listed buildings, scheduled ancient monuments and a conservation area. It is also noted for its medieval street pattern.

11. The challenges of protecting the town's heritage, fostering economic prosperity, securing improving community well-being, promoting sustainable lifestyles and achieving carbon neutrality drive the need and wish within the community to see a neighbourhood plan put in place.

PLAN PROCESS AND CONSULTATION

12. The plan process began in 2013, initiated by the Town Council. A variety of groups have been established to help prepare the plan and the process is described in detail in the **Statement of Consultation** which is also submitted alongside the plan. The complexity of the process mirrors the complexity of the issues and the diversity of the local community.

13. A wide range of groups have contributed to the plan's evolution. There has been a variety of consultation exercises, including household and business surveys, 'Planning for Real' workshops and Task and Finish groups. Consultation on vision and objectives took place in 2016, and an informal draft plan was published for consultation in 2017. The draft plan was published for consultation under Regulation 14 in November 2019 and the comments received have helped to shape the plan which is now submitted to South Hams District Council.

VISION AND OBJECTIVES

14. The vision for Totnes set out in the plan is that:
- As Totnes changes and develops over the coming decades its identity must not be lost;
 - It will continue to be a model of sustainability, innovation, inclusivity and creativity; and
 - It will become an even better place for residents of all ages, visitors and businesses.
15. To support that vision the plan's objectives are to:
- Protect the distinctive historic character of Totnes and its many architecturally significant buildings, streets, squares, open spaces and the wider public realm for their vital importance to the identity and heritage of the town;
 - Seek to ensure that all new housing developments, small or large, give priority to the needs of local people, with particular emphasis on social and affordable homes;
 - Support community-led development and community asset ownership as ways of achieving sustainable development;
 - Support and enhance the Totnes retail and service roles and the way they combine to create a place which is much more than just the sum of its physical attributes;
 - Support and enhance the Totnes economic capability and its role as a visitor destination via the associated hospitality sector;
 - Extend the strength, variety and distinctiveness which characterise the thriving local economy;
 - Encourage and support 'green' and 'ethical' businesses and their local networks and clusters based on the existing strengths in this area of the town;
 - Support the improvement of existing business space and expansion of new space to meet the needs of the local economy;
 - Support and extend the Totnes pioneering approach to sustainable development and local resilience, seeking to reduce the environmental impacts of the town, and mitigate and adapt for climate change;
 - Seek to create a more sustainable transport network for Totnes and its hinterland via transport development which reduces the need for travel by independent vehicle and makes the best use of more sustainable modes of travel, directly reducing the adverse impact of vehicular traffic on the environment and health;
 - Enhance opportunities for open space and recreation facilities to be developed and contribute more to the community's active health and well-being; and
 - Eliminate discrimination, advance equality of opportunity and advance good relations between those sharing protected characteristics and those who do not.

POLICIES AND PROPOSALS

16. The plan's policies fall under three main headings equivalent to the three main pillars of sustainable development:
- Environment – policies dealing with the settlement boundary, development and design, historic and landscape character, environmental capacity, energy, waste and food.
 - Economy – policies dealing with the town centre, training and education, industry, the green economy and sustainable travel and transport.

- Community – policies dealing with the public realm, green spaces, housing, services and facilities and several key development sites.

SUBMISSION DOCUMENTS

17. In addition to this Statement of Basic Conditions the following documents have also been submitted to South Hams District Council:

- 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 Monitoring Framework** – outlining a framework of performance indicators against which the effectiveness of the plan's policies can be assessed.

18. South Hams District Council will now arrange for:

- 6 weeks for comment on the submitted plan;
- the plan's independent examination; and (providing the plan is found to meet the basic conditions set out at para 7 above)
- a public referendum on the plan.

COMPLIANCE STATEMENT

19. The Totnes Neighbourhood Plan is being submitted in accordance with Part 5, Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, which 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.

20. Part (a) is provided at Appendix A to this statement and elsewhere. This statement also includes (at para 2) a hyperlink to the application and designation notice. Parts (b) and (c) are submitted alongside this statement. The requirements of part (d) are that the plan meets the basic conditions which are (as set out at para 7 above), that the plan (or neighbourhood development order) will have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
- having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- the making of the order contributes to the achievement of sustainable development,

- (e) the making of the order 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),
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

21. The following section of this Statement explain how the plan meets these requirements.

REGARD TO NATIONAL POLICIES AND ADVICE

22. The National Planning Policy Framework (NPPF) was published in 2012 and revised in 2018. it provides a framework for planning for sustainable development, including by local communities through the production of neighbourhood plans.

23. The Totnes 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.

24. **Appendix B** sets out the way that the policies of the plan conform with the NPPF.

REGARD TO HERITAGE AND CONSERVATION

25. The plan supports and complements national and local strategic policies for conservation, requiring that development respect Totnes' historic character, protect and where possible enhance historic assets, and have regard to the Totnes Conservation Area Appraisal. It promotes good sensitive design and for development sites proposed in the JLP requires that their development shall not harm historic assets.

ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

26. The plan's objectives are set squarely within the bounds of sustainable development. It provides for:

- environmental sustainability through its promotion of sustainable development and design, care to conserve and improve built heritage and landscape setting, and policies to enhance environmental capacity, generate renewable energy, manage domestic waste and promote local food growing;
- economic sustainability through its provisions for the local economy, training, education and the green economy and sustainable transport, promotion of walking and cycling, support for improved public transport and enhanced connectivity; and
- community sustainability through its policies to improve the public realm and protect green spaces, promote affordable housing and homes designed for sustainable living, protect and provide services and facilities, and secure appropriate development on several sites allocated in the JLP.

CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

27. The development plan for the area is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019. A Supplementary Planning Document (SPD) provides further detail.

28. The Totnes Neighbourhood Plan has been prepared in co-operation with the district council. It generally conforms with and does not undermine or constrain the strategic content of the JLP inasmuch as it relates to Totnes.

29. The plan contains several policies which deal with sites allocated in the JLP. None of these policies conflict with or constrain the policies contained in the JLP.

30. 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 **Appendix B** (along with details of conformity with the NPPF).

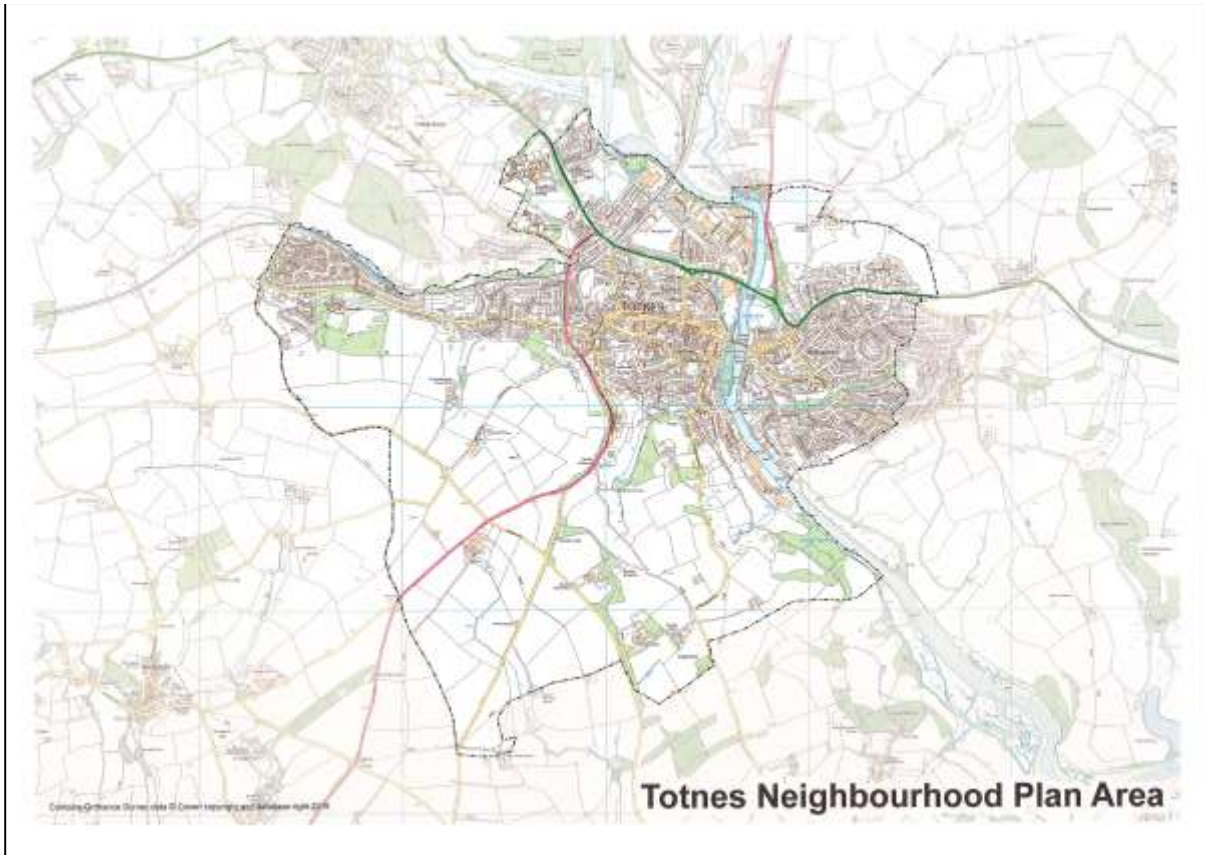
COMPATIBILITY WITH EU OBLIGATIONS

31. The Totnes 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 aimed to include all sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled, with local events in accessible locations and an effective digital presence.

32. The plan has been screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Appropriate Assessment, see Appendix C. Having taken all of the relevant policies of the draft Neighbourhood Plan into account, and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Totnes Neighbourhood Plan. The reasons for this conclusion are set out in the screening report in Appendix C. A Habitats Regulation Assessment (HRA) has been completed by AECOM on behalf of the Town Council who have accepted the report. It concludes that there is no likely significant effect of the Totnes Neighbourhood Plan policies on impact pathways in the nearby South Hams and South Dartmoor Woods Special Areas of Conservation. The HRA states that there is no requirement for the Totnes Neighbourhood Plan to include further policy and/or mitigation requirements to avoid impacts on the integrity of any European sites, neither being deemed to be necessary.

APPENDIX A – TOTNES NEIGHBOURHOOD PLAN AREA DESIGNATION

The plan area shown on the map below is that confirmed on 15th February 2013 by South Hams District Council.



APPENDIX B – THE 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 Totnes Neighbourhood Plan, their regard for the National Planning Policy Framework (NPPF) 2018 and their general conformity with the strategic policies of the development plan for the area.

Totnes Neighbourhood Plan	Regard to NPPF	General conformity with local 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 (the JLP) adopted in March 2019.</p> <p>JLP policies TTV20, TTV21 and TTV22 are of key relevance.</p>
V1: Local Identity	<p>The policy has regard to the NPPF’s declared intention that neighbourhood plans shall give local communities power to develop a shared vision for their area, here focussing on Totnes’ highly distinctive local identity, and parts 7, 8, 12 and 16 in aiming to promote a strong and distinct community, creative and innovative design, community well-being and low carbon living.</p>	<p>The policy generally conforms with the JLP vision for places which states that their past be celebrated and heritage for the future protected, and with JLP policies SPT1 and 2, and DEV17, 27, 30, 32 and 33.</p>
V2: Health and Well-being	<p>The policy has regard to NPPF parts 5, 6, 8, 10 and 12 in seeking to promote community health and well-being, assure housing options, employment opportunities, access to green spaces and safe, convenient movement for all.</p>	<p>The policy generally conforms with JLP policies SPT1, 2, 10 and 13, and DEV1, 2, 3, 4, 5, 8, 9, 10, 14, 17, 19, 27, 29 and 30.</p>
En1: Sustainable Development and the Settlement Boundary	<p>The policy has regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, part 6 in helping to build a prosperous rural economy, part 11 by making effective use of land, and parts 15 and 16 by aiming to conserve and enhance the landscape and historic environment.</p>	<p>The policy generally conforms with JLP policies SPT1, 2, 3 and 12, TTV1, 2, 24, 25, and 26 and DEV20.</p>
En2: Development and Design	<p>The policy has regard to NPPF parts 12 and 14 in aiming to ensure well designed places and helping to meet the challenges of climate change and flooding.</p>	<p>The policy generally conforms with JLP policies SPT1 and 2, TTV3 and DEV1, 2, 10, 20, 32, 33 and 35.</p>

En3: Historic and Built Character	The policy has regard to the NPPF part 16 in aiming to conserve and provide for the enjoyment of historic assets.	The policy generally conforms with JLP policies SPT1, 2 and 11, and DEV20 and 21.
En4: Landscape Setting of Totnes	The policy has regard to NPPF part 15 in aiming to protect and enhance valued landscapes, allocating for development land with the least environmental and amenity value.	The policy generally conforms with JLP policies SPT1, 2 and 12, and DEV20, 23, 25, 27 and 28.
En5: The River Dart	The policy has regard to NPPF parts 8, 10, 12 and 15 in aiming to achieve well-designed places, protect and enhance the natural environment, and promote good access.	The policy generally conforms with JLP policies SPT1, 2 and 12, TTV3, and DEV1,2, 20, 23, 25, 26, 27 and 28.
En6: Enhancing Environmental Capacity	The policy has regard to NPPF parts 2, 14 and 15 in aiming to protect the environment and enhance local environmental capacity.	The policy generally conforms with JLP policies SPT1, 2 and 12, TTV2 and DEV1, 2, 26, 27, 28, 29, 32 and 35.
En7: Renewable Energy Generation	The policy has regard to NPPF parts 2 and 14 in seeking to promote sustainable development through increasing the use and supply of renewable energy.	The policy generally conforms with JLP policies SPT1 and 2, and DEV32, 33 and 34.
En8: Domestic and Small Scale Waste Management	The policy has regard to NPPF part 8 in aiming to ensure that waste is well managed, helping to assure a safe and healthy community.	The policy generally conforms with JLP policy DEV31.
En9: Local Food Growing	The policy has regard to NPPF part 8 in seeking to help support local food-growing as part of a healthy community.	The policy generally conforms with JLP policy DEV5.
E1: The Local Economy	The policy has regard to NPPF parts 2, 6 and 9 in seeking to build a strong, diverse and sustainable local economy and in requiring careful travel and transport planning.	The policy generally conforms with JLP policies SPT1, 2, 4, 5 and 6, TTV2 and DEV14, 15, 16, 17, 18, 19 and 29.
E2: Existing Employment Land and Premises	The policy has regard to NPPF part 6 in seeking to maintain a strong local economy.	The policy generally conforms with JLP policies SPT1 and DEV14.
E3: The Town Centre	The policy has regard to NPPF parts 7 in aiming to ensure the vitality, viability and retail health of the town centre.	The policy generally conforms with JLP policies SPT1, 2, 5 and 6, and DEV16, 17, 18 and 20
E4: Training and Education	The policy has regard to NPPF parts 6 and 8 in aiming to support access to training and education.	The policy generally conforms with JLP policies SPT1 and 2, and DEV19.
E5: The Industrial Estate	The policy has regard to NPPF part 6 in seeking to protect and improve the industrial estate.	The policy generally conforms with JLP policies SPT1 and 4, and DEV14.

E6: The Green Economy	The policy has regard to NPPF's commitment to sustainable development and to parts 2 and 6, with a focus on sustainable economic development.	The policy generally conforms with JLP policies SPT1 and 2 and TTV2.
E7: Sustainable Transport	The policy has regard to NPPF parts 2 and 9 in promoting sustainable transport.	The policy generally conforms with JLP policies SPT1, 2, 9 and 10, TTV2 and 3, and DEV29.
E8: Walking and Cycling	The policy has regard to NPPF parts 2, 8 and 9 in promoting a sustainable transport hierarchy giving priority to walking and cycling.	The policy generally conforms with JLP policies SPT1, 2, 9 and 10, TTV2 and DEV1, 3 and 29.
E9: Public and Community Transport	The policy has regard to NPPF parts 2 and 9 in promoting public and community transport.	The policy generally conforms with JLP policies SPT1, 2, 9 and 10, TTV2 and 3, and DEV29.
E10: Car Parking	The policy has regard to NPPF parts 2 and 9 in aiming to ensure that car parking supports sustainability and in promoting electric and pool vehicles over the private car.	The policy generally conforms with JLP policies SPT1, 2, 9 and 10, and DEV29.
C1: The Public Realm	The policy has regard to NPPF parts 12 and 16 in seeking to ensure that development makes a positive contribution to the public realm and particularly the historic core of the town.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and DEV1, 20, 27, and 30.
C2: Public Open Spaces	The policy has regard to NPPF part 8 in protecting and seeking improvements to public open spaces.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and DEV1, 27 and 30.
C3: Local Green Spaces	The policy has regard to NPPF part 8 in designating local green spaces.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and DEV1, 27 and 30.
C4: Housing	The policy has regard to NPPF parts 2, 5 and 14 in aiming to facilitate sustainable development of homes to meet needs, including affordable homes, and that they be designed for sustainable living.	The policy generally conforms with JLP policies SPT2 and 3, TTV2 and DEV8, 9, 10 and 32.
C5: Services and Facilities	The policy has regard to NPPF parts 2 and 8 in seeking to maintain or enhance community services and facilities.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and DEV1, 18 and 30.
C6: New Services and Facilities	The policy has regard to NPPF parts 2 and 8 in promoting new community services and facilities.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and DEV1, 18 and 30.
C7: Educational Improvement at KEVICC	The policy has regard to NPPF parts 2, 8 and 9 in supporting secondary educational facilities, sports, leisure, the arts and sustainable travel.	The policy generally conforms with JLP policies SPT1 and 2, TTV2 and 20, and DEV20 and 30.

C8: Development of land at KEVICC as identified in the JLP	The policy has regard to NPPF parts 2 and 8 in supporting community engagement in development which will also upgrade school facilities.	The policy generally conforms with JLP policies SPT1, 2 and 3, TTV2 and 20, and DEV20 and 30.
C9: Steamer Quay	The policy has regard to NPPF parts 2, 8, 12, 15 and 16, in promoting well designed development which will maintain or enhance services and facilities without harmful impacts on the natural or historic environment.	The policy generally conforms with JLP policies SPT1, 2, 3, 11 and 12, TTV2 and DEV20, 21, 23, 25, 26 and 28.
C10: Market Square and the Civic Hall	The policy has regard to NPPF parts 2, 6, 8 and 16, in promoting development which will support and complement the economic and social functioning of the town centre without harmful impacts on the historic environment.	The policy generally conforms with JLP policies SPT1, 2, 5, 6 and 11, TTV2 and DEV17, 20 and 21.
C11: Town Centre Car Parks	The policy has regard to NPPF parts 2, 7 and 9 in aiming to ensure that any redevelopment of town centre car parks supports sustainability, promotes electric vehicles and car sharing, is well designed and landscaped, and contributes to the vitality of the town centre.	The policy generally conforms with JLP policies SPT1, 2, 9 and 10, and DEV20, 21, 29 and 32.
C12: Former Dairy Crest Site	The policy has regard to NPPF parts 2, 5, 9, 14, 15 and 16 in aiming to use the brownfield site promote sustainable development to provide homes and economic opportunities that are needed in the town, sustainable transport alongside the mainline railway station, looks to address the risks of flooding, and conserve and enhance the natural and historic environment.	The policy generally conforms with JLP policies SPT2 and 6, TTV2 and 22, and DEV1, 10, 20, 21, 26, 27, 28 and 29.