

# Basic Conditions Statement

October 2017

Submitted by the qualifying body: **Newton and Noss Parish Council**

[newtonnossclerk@aol.com](mailto:newtonnossclerk@aol.com)

[www.newtonandnoss-pc.gov.uk](http://www.newtonandnoss-pc.gov.uk)

for: **Newton and Noss Neighbourhood Plan**

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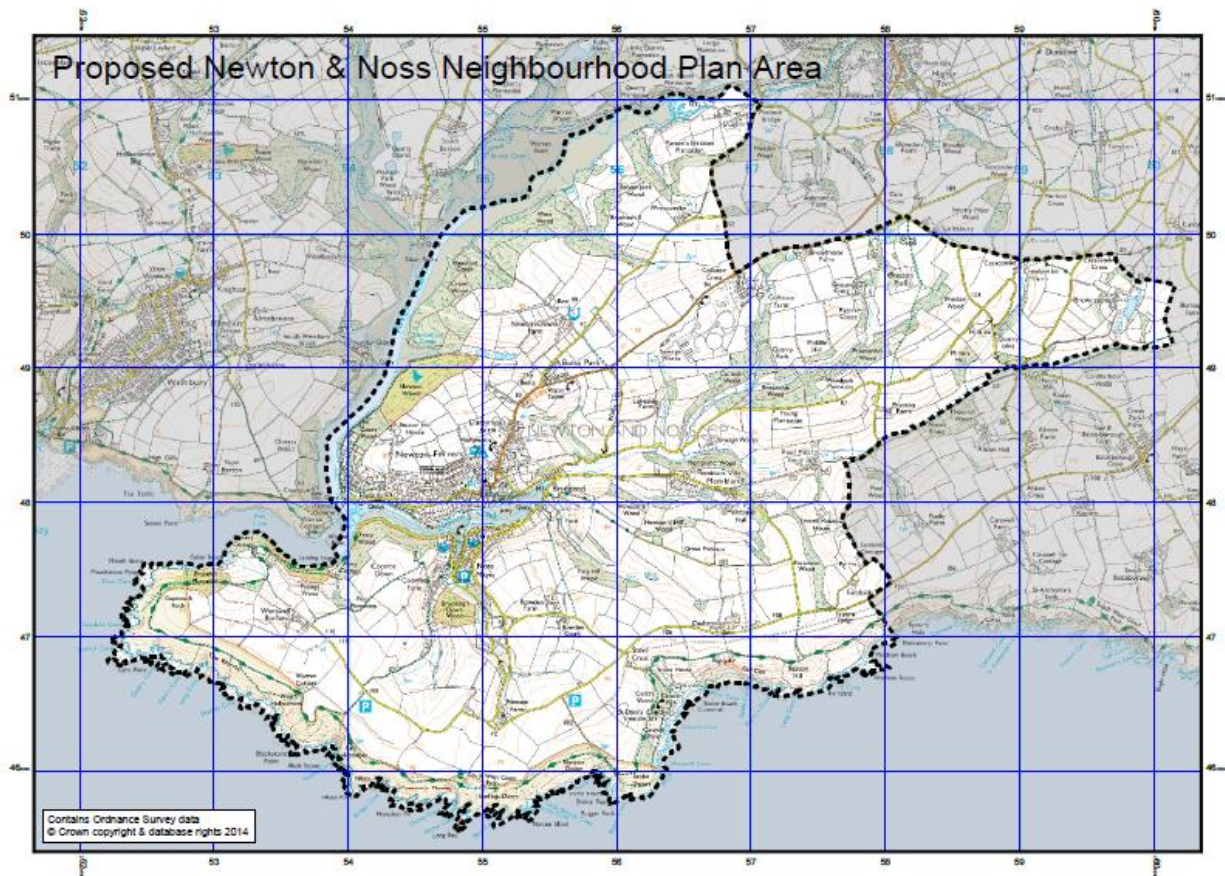
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[www.n3p.co.uk](http://www.n3p.co.uk)

## 1. LEGAL REQUIREMENTS

- 1.1. This statement has been prepared by the Newton and Noss Neighbourhood Plan Group on behalf of Newton and Noss Parish Council. It accompanies the submission to South Hams District Council of the Newton and Noss Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2. The Neighbourhood Plan is submitted by Newton and Noss Parish Council, the appropriate qualifying body. It covers the area designated by South Hams District Council on 5<sup>th</sup> June 2014. 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 steering group, a coordinating group, several working groups and a local 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 local 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 neighbourhood plan area is shown on the map below. It includes the whole of Newton and Noss parish.



- 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 advice contained in guidance issued by the Secretary of State;
  - 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.

## **2. LOCAL CONTEXT AND THE NEED FOR A PLAN**

- 2.1. Newton and Noss is a coastal parish lying about 10 miles south east of Plymouth. Its principal villages are Newton Ferrers and Noss Mayo from which it takes its name. The parish population is less than 2,000 people.
- 2.2. The parish experiences all the social, economic and environmental pressures and challenges associated with an attractive and popular coastal location. These are the issues that led the community to decide to produce a neighbourhood plan.

## **3. PLAN PROCESS AND CONSULTATION**

- 3.1. In February 2014 the parish council considered a scoping study produced on their behalf by the River Yealm and District Association, considering whether a neighbourhood plan should be produced for Newton and Noss. The title “n3p” was adopted as a neat abbreviation for **Newton and Noss Neighbourhood Plan**.
- 3.2. The decision to proceed was taken in May 2014 and application was duly made to South Hams District Council. The district council confirmed the order in June 2014.
- 3.3. There has been a great deal of activity in the parish to progress the plan. A steering group, a coordinating group and several working groups were formed, public events, meetings and surveys took place, a dedicated website set up (<http://www.n3p.co.uk/>) and the plan was published in draft for consultation in June 2017.
- 3.4. All this activity has drawn out a great deal of local information and opinion which has helped to shape the plan, which is now submitted to South Hams District Council.

## **4. VISION AND OBJECTIVES**

- 4.1. The plan is based on the Vision produced by the local community, which ranks 5 factors in priority order as follows:
- 1. Being a Devon waterside village that retains its local character and heritage;
  - 2. Being a place that supports its local shops, businesses and services and ensures there is adequate infrastructure and accessibility for current and future needs;
  - 3. Offering a balanced range of housing types and tenures: e.g. rented, open market, affordable rented and affordable open market;
  - 4. Being a place that protects its environment, views, ecology and landscape; and
  - 5. Being a strong inclusive community that has lots to do, with clubs, societies, activities and leisure opportunities.
- 4.2. The plan's objectives have been set by the working groups in response to the priorities identified by the local community.

## 5. POLICIES AND PROPOSALS

- 5.1. The plan's policies and proposals similarly respond to the community's priorities and seek to establish meaningful and locally distinctive parameters to support the parish's sustainable growth and to foster care for and improvement of its many assets.
- 5.2. The policies fall under the following main headings:
- |                |                   |                          |
|----------------|-------------------|--------------------------|
| 1. General     | 5. Second homes   | 7. Health and well-being |
| 2. Heritage    | 6. Local business |                          |
| 3. Environment |                   |                          |
| 4. Housing     |                   |                          |
- 5.3. Of particular importance in seeking to effect beneficial change are policies dealing with the waterfront, local green spaces, the size and scale of new dwellings and a requirement that these be occupied only as a principal residence (and not as a second home).
- 5.4. Other policies aim to re-establish settlement boundaries for Newton Ferrers and for Noss Mayo, fix development policy areas which are subject to specific local requirements, protect sensitive areas and important local assets, foster good sustainable design and construction, enable business development and infrastructure provision and enhance the vitality and viability of the local community.

## 6. SUBMISSION DOCUMENTS

- 6.1. In addition to this Basic Conditions Statement, the following documents have been prepared to support the Newton and Noss 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 Report** – setting out the view of the local planning authority (South Hams District Council) that neither SEA nor 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 Schedule** – listing key sources of evidence underpinning the plan.
- 6.2. The plan is now submitted to South Hams District Council who will arrange for:
- a 6 weeks period for comment on the submitted plan;
  - the plan's independent examination; and (providing the plan meets the basic conditions set out at para 1.8 above)
  - a public referendum on the plan.

## 7. COMPLIANCE STATEMENT

- 7.1. The Newton and Noss 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) 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.

7.2. Part (a) is provided at **Appendix 1** to this statement and includes the map and a hyperlink to the application and designation notice. Part (b) is now published alongside part (c), the submitted plan. The statement required as part (d) is this document, which explains how 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.

7.3. The following sections of this statement explain how the Newton and Noss Neighbourhood Plan meets those requirements.

## **8. 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 Newton and Noss 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. **Appendix 2** sets out the way that the policies of the plan conform with the NPPF.

## **9. 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 rebalancing of housing stock; 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. N3P-1 Village Settlement Boundaries
2. N3P-2: Protecting the Waterfront
3. N3P-4: Development and Construction
4. N3P-6: Drainage and Flooding
5. N3P-8: Heritage and Conservation
6. N3P-9: Protecting the Landscape
7. N3P-10: Green Spaces
8. N3P-11: New Houses - Balanced Housing Stock and Local Needs Housing
9. N3P-13: Business Premises
10. N3P-14: Community Facilities and Infrastructure

## **10. 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 Newton and Noss (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 Newton and Noss 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 emerging JLP or adopted LDF and saved local plan policies inasmuch as they relate to Newton and Noss.

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 **Appendix 2** (along with details of conformity with the NPPF).

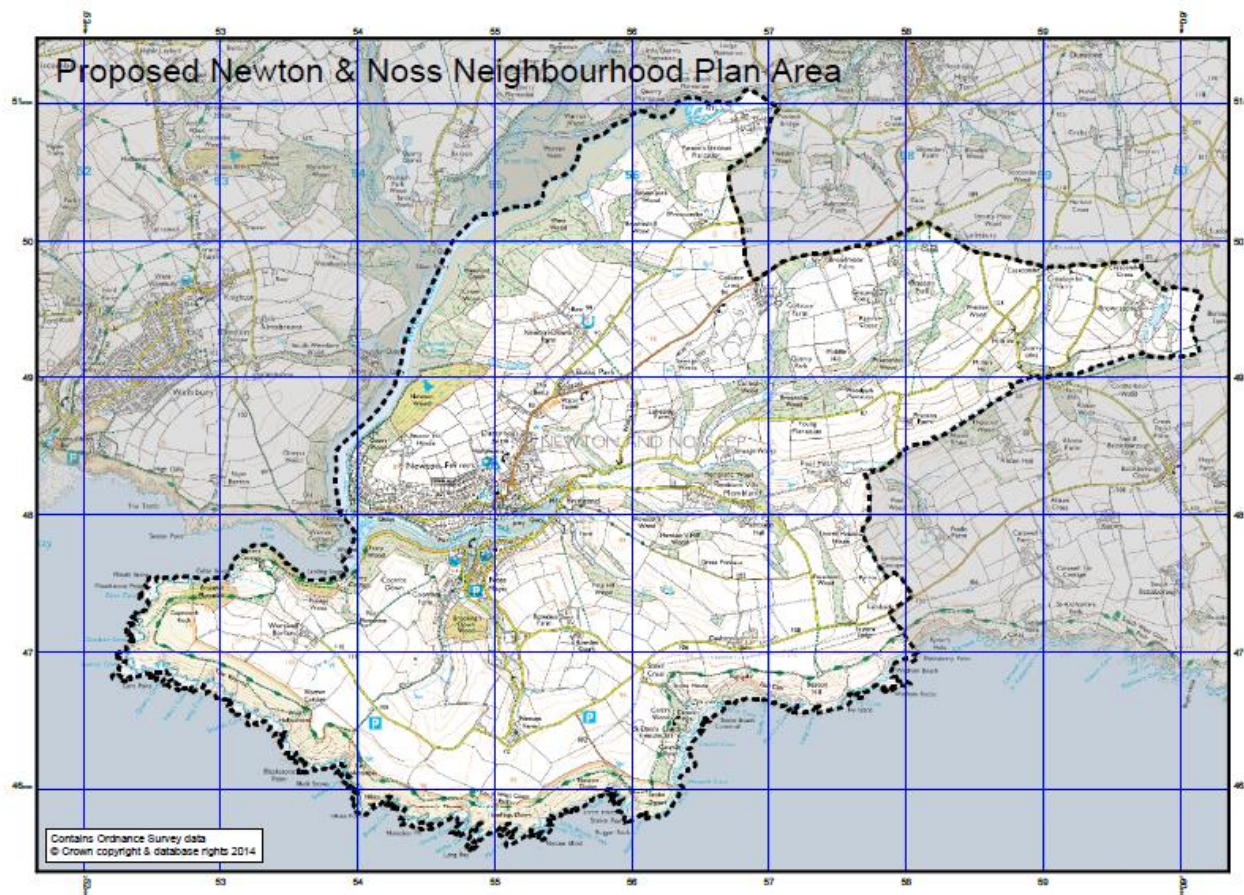
## **11. COMPATIBILITY WITH EU LEGISLATION**

11.1. The Newton and Noss 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.

11.2. In relation to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA), South Hams District Council have reported that it is their opinion that neither is required in relation to the Newton and Noss Neighbourhood Plan. That report is now published alongside the plan.

## APPENDIX 1 – NEWTON AND NOSS NEIGHBOURHOOD PLAN AREA DESIGNATION

1. The plan area shown on the map below is that confirmed on 5<sup>th</sup> June 2014 by South Hams



District Council.

2. The application for and notice of designation of the Newton and Noss Neighbourhood Plan area are at <http://old.southhams.gov.uk/shneighbourhoodplans>.

**APPENDIX 2 – NEWTON AND NOSS NEIGHBOURHOOD PLAN POLICIES'  
REGARD TO THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF) AND  
GENERAL CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

1. The table below maps the policies of the Newton and Noss 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.

<b>Newton and Noss Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
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 draft 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>
N3P-1: The Village Settlement Boundaries	<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>
N3P-2: Protecting the Waterfront	<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>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>The policy generally conforms with JLP policies SPT11, DEV2, DEV24, DEV25, DEV28, DEV37 and DEV38. It also generally conforms with LDF policies CS9, CS10 and, CS11.</p>



<p>N3P-3: Development Policy Areas</p>	<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 generally conforms with JLP policies SPT2, DEV10, DEV20 and DEV24. It also conforms with LDF policy CS7.</p>
<p>N3P-4: Development and Construction</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, DEV10, DEV20, DEV34 and DEV35. It also conforms with LDF policy CS7.</p>
<p>N3P-5: Movement and Parking</p>	<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>
<p>N3P-6: Drainage and Flooding</p>	<p>The policy has regard to NPPF core principles to secure good design and standards of amenity and meet the challenge of flooding.</p> <p>It aligns with NPPF part 10 (meeting the challenge of climate change, flooding and coastal change).</p>	<p>The policy generally conforms with JLP policies DEV2 and DEV37. It also conforms with LDF policy CS11.</p>
<p>N3P-7: Planning Obligations and Commuted Sums</p>	<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>
<p>N3P-8: Heritage and Conservation</p>	<p>The policy has regard to the NPPF core principle to conserve heritage assets and to part 12 (conserving and enhancing the historic environment).</p>	<p>The policy generally conforms with JLP policies DEV21 and DEV22. It also conforms with LDF policy CS9.</p>
<p>N3P-9: Protecting the Landscape</p>	<p>The policy has regard to NPPF core principles to recognise the intrinsic character and beauty of the countryside, conserve and enhance the natural</p>	<p>The policy generally conforms with JLP policies DEV20, DEV24, DEV25 and DEV27. It also conforms with</p>

	environment and encourage effective use of land.	LDF policy CS9.
N3P-10: Green Spaces	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.
N3P-11: New Houses – Balanced Housing Stock and Local Needs Housing	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.
N3P-12: Second Homes and Principal Residence Requirement	The policy has regard to NPPF core principles to support the rural economy, deliver a choice of homes and promote healthy communities.	The policy generally conforms with JLP policy DEV8.
N3P-13: Business Premises	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.
N3P-14: Community Facilities and Infrastructure	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, DEV3, DEV4, DEV5, DEV18 and DEV32.