

South Milton Neighbourhood Plan 2017-34

Basic Conditions Statement

Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B Statement



October 2017

Amended December 2022

South Milton Neighbourhood Plan Steering Group

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1 Introduction

1.1 The South Milton Parish Council is designated as the Qualifying Body for the purposes of the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

1.2 Under Part 5 paragraph 15 of the Regulations states that:

‘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.’

This document fulfils requirement (d).

1.3 On 27 October 2014 the Parish Council agreed to appoint a Steering Group to investigate the potential and then to apply for designation of a neighbourhood development plan area to cover the whole parish. This was confirmed by the South Hams District Council on 13 February 2015. A questionnaire survey of all residents was then carried out leading to the preparation of a Regulation 14 Neighbourhood Plan. Full details of this and the associated consultation process are set out in the Consultation Statement.

1.4 This Basic Conditions Statement has been prepared to accompany the South Milton Neighbourhood Plan (the Neighbourhood Plan) and the Consultation Statement. This report sets out how the Neighbourhood Plan has met the legal requirements and basic conditions for producing a Plan for the South Milton Parish designated area.

2 Documents to be submitted under Regulation 15

2.1 The following documents have been prepared in order to meet the requirements of Regulation 15:

The South Milton Neighbourhood Plan: This sets out the planning policies and supporting evidence to protect and enhance the parish up to 2034, based on extensive public consultation.

Consultation Statement: This explains the process of consultation carried out with residents and other stakeholders in preparing the Neighbourhood Plan.

Basic Conditions Statement: This involves an appraisal of the Plan policies against European Union (EU) obligations, national policies as set out in the National Planning Policy

Framework, **emerging** policies from the Plymouth and South West Devon Joint Local Plan (JLP), and other policies and guidance from relevant agencies.

The Strategic Environment Assessment for the South Milton Neighbourhood Plan: Scoping Report: This was circulated to statutory consultees for a response by 20 June 2017.

A Strategic Environment Assessment: This has been prepared by consultants AECOM to identify how well the Plan policies promote sustainable development objectives. In particular, it identifies the social, economic and environmental impacts of policies within the Neighbourhood Plan area. A report dated 5 May 2017 from the local planning authority confirmed that a Habitat Regulations Assessment would not be required. **A rescreening has been carried out in relation to the proposed changes to housing policy in the neighbourhood plan and a full SEA and HRA are not required.**

3 Vision towards 2034

3.1 The Neighbourhood Plan proposes the following vision statement:

By 2034 we would like South Milton to be an even better place in which to live and work with a strong sense of identity and community spirit. Our ambition is to protect and enhance our coastline and the rural nature of the parish.

3.2 The Neighbourhood Plan sets out detailed policies on: Environment and Coastal Management; Housing; the Economy and Wellbeing; and ends with a section on implementation and projects which fall outside planning powers.

4 Legal Requirements

4.1 Policies in the Neighbourhood Plan relate exclusively to the designated area and have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.

4.2 The Neighbourhood Plan will be in force from the time it is made until 2034 and will be reviewed at regular intervals according to the legislation and any future guidance. The Neighbourhood Planning Act 2017 provides further guidance on the status and review process for NPs.

4.3 The designated area (Plan Area) is shown in Table 1 below and it is anticipated that this will also be the area subject to the referendum.

4.4 The policies do not relate to excluded development

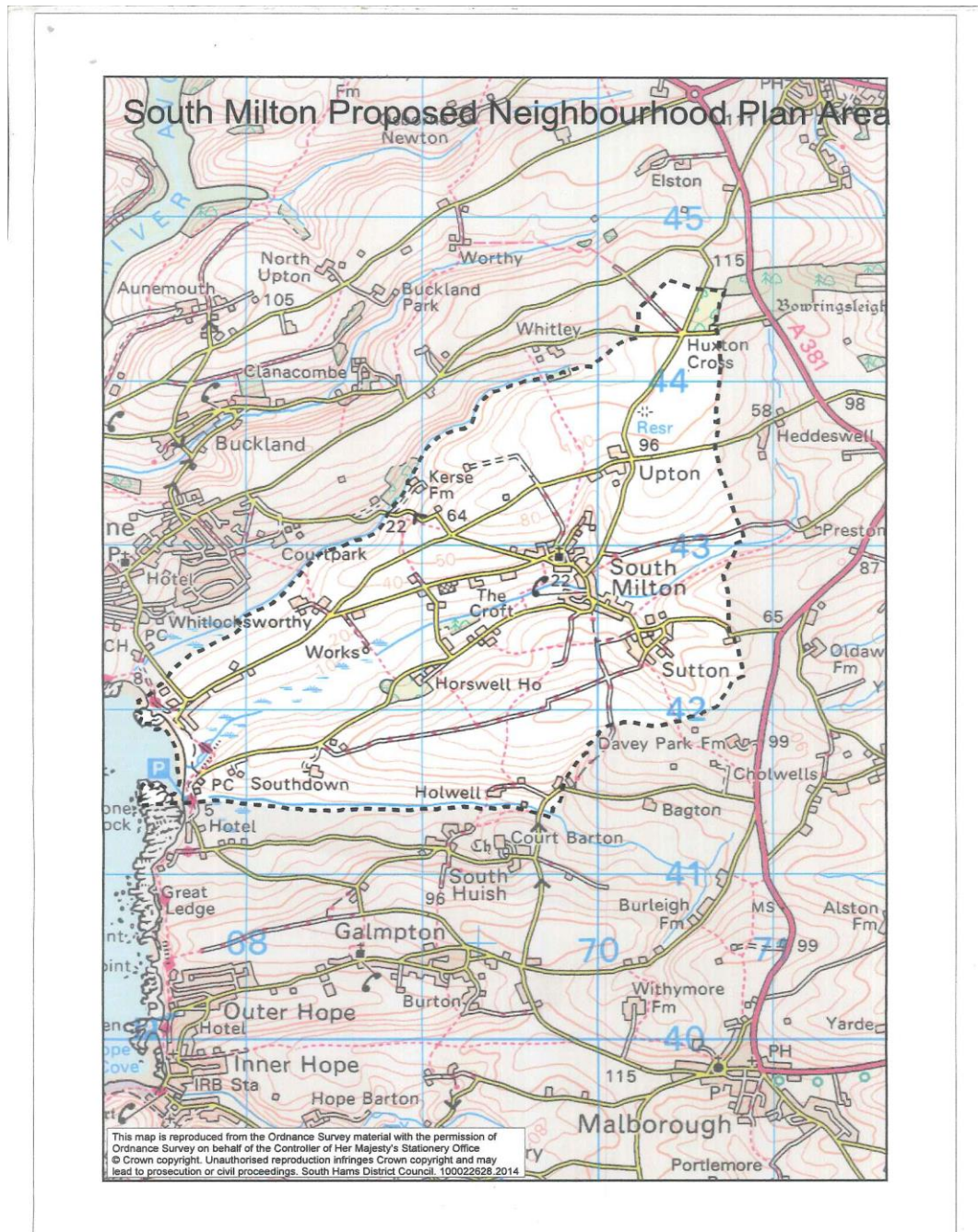
The Neighbourhood Plan does not propose policies on county matters (mineral extraction and waste development), nationally significant infrastructure, or any other matters described

as 'excluded development' as defined in Section 61K of the Town and Country Planning Act 1990 (as amended)(1). 'Excluded development' includes development that could have 'likely significant effects on the environment'. There are no sites of European significance in South Milton parish.

4.5 **The proposed Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.**

The Neighbourhood Plan proposal relates only to the designated South Milton Neighbourhood Area and to no other area and there are no other Neighbourhood Plans relating to this Neighbourhood Area. The designated Neighbourhood Areas of Thurlestone, South Huish, Churchstow, West Alvington and Malborough have common boundaries with the South Milton Neighbourhood Area to the north and south, as agreed by each parish and the Council in the designations made.

Figure 1: South Milton Neighbourhood Plan Designated Area



5 Meeting the Basic Conditions

5.1 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 requires that NDPs must meet the following basic conditions:

- i. The NDP does not breach, and is otherwise compatible with, EU obligations;
- ii. The NDP must have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
- iii. The NDP must be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case the **emerging** Joint Local Plan (JLP) for Plymouth and South West Devon;
- iv. The making of the NDP contributes to the achievement of sustainable development.

The South Milton Neighbourhood Plan is considered to meet all of the basic conditions and this document is intended to demonstrate this.

5(i) Compatibility with EU Obligations

5.2 A Scoping Report was published on 15 May 2017 and distributed to statutory consultees. The local planning authority has screened the Draft Neighbourhood Plan and determined that a SEA is required in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The SEA sets out in more detail the ways in which the Neighbourhood Plan complies with EU obligations including the likely impact of the site designation policy as well as policies for the protection of the wider environment.

5(ii) National Policies and Guidance

5.3 The NPPF provides a framework within which local people, and their accountable Town or Parish Council, can produce their own distinctive NDP and the NPPF must be taken into account in the preparation of NDPs. It sets out the Government's requirements for the planning system as far as it is relevant, proportionate and necessary to do so. The NPPF (**paragraph 29**) states that neighbourhood planning ~~provides a powerful set of tools for local people to ensure they receive the right types of sustainable development for their community.~~ **'gives communities the power to develop a shared vision for their area.'**

Paragraph 8 of the NPPF lists three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

This section demonstrates that the Neighbourhood Plan has regard to the elements set out in the NPPF, relevant to the Plan Area, to delivering sustainable development through:

- Conserving and enhancing the historic environment;
- Conserving and enhancing the natural environment;
- Supporting a prosperous rural economy;
- Promoting sustainable transport;
- Delivering a range of high quality homes to meet local needs;
- Requiring good design;
- Promoting a healthy community;
- Meeting the challenge of climate change and flooding.

6 Contribution to the Achievement of Sustainable Development

- 6.1 The NPPF states a presumption in favour of sustainable development. According to the NPPF, sustainable means ensuring that better lives for the community does not mean worse lives for future generations.
- 6.2 Development means growth. Sustainable development is about positive growth, which allows economic, environmental and social progress for this and future generations. National Planning Practice Guidance (online) provides further advice on how development should be sustainable and respond to climate change.
- 6.3 NPPF (**paragraph 11**) requires that plans and decisions take account of local circumstances so that they respond to the different opportunities for achieving sustainable development in different areas. This is an acknowledgement that what constitutes sustainable development will be different in different areas.
- 6.4 **The NPPF asserts in paragraph 9 that ‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area’.**

7 Community Consultation

- 7.1 The Neighbourhood Plan has been prepared with extensive input from local residents, elected members and other stakeholders in accordance with the legislation and Regulations. This process is fully explained in the Consultation Statement.
- 7.2 A questionnaire was prepared by the Steering Group based on the comments made at the initial consultation meeting held in September 2014, informal soundings, and advice from the liaison officer appointed by the Planning Group of South Hams District Council. This questionnaire was hand-delivered to all residents on the electoral roll as at May 2015, plus one to each home in the parish with no person on the electoral roll, making a total of 399 in all.
- 7.3 One hundred and ninety (190) or 47.6% questionnaires were completed and returned. It was divided into four sections: Our parish Life; Our Homes; Our Village Economy; Our Infrastructure. Respondents were asked to make selections, state preferences and rank attributes on a scale from 0 to 10, with zero being strongly disagree and ten being strongly agree. Respondents were also invited to make specific comments throughout the questionnaire.
- 7.4 The responses were tabulated and analysed by the Steering Group. Summaries of the responses and analyses were prepared for each section and uploaded to the South Milton website (see the Consultation Statement, Appendix 3). This information formed a major part of the evidence base for the draft Neighbourhood Plan.
- 7.5 Further consultation was carried out in relation to the site selection process and after publication of the Regulation 14 draft Neighbourhood Plan. The responses are fully discussed in the Consultation Statement and its appendices.
- 7.6 Further consultation was carried out in 2022 regarding the proposed changes in wording to policies H1, H4 and H5. See the revised Consultation Statement.

8 Conformity of the Plan Policies with Strategic National and Local Policies

- 8.1 This section describes the Neighbourhood Plan objectives, resulting policies and how they are aligned with national and local policy frameworks. It demonstrates that the Plan has regard to the seven policy topics set out in the NPPF and summarised below:
- i. Conserving and enhancing the historic and natural environments.
 - ii. Supporting a prosperous rural economy.
 - iii. Promoting sustainable transport.
 - iv. Delivering a range of high quality homes to meet local needs;
 - v. Requiring good design.
 - vi. Promoting a healthy community.
 - vii. Meeting the challenge of climate change and flooding.

It then identifies the relevant policies in the ~~draft~~ JLP under each heading.

8.i Conserving and enhancing the historic and natural environments.

8.2 ~~Paragraphs 109 to 126~~ **Section 15** of the NPPF addresses 'Conserving and enhancing the natural environment' and ~~Paragraphs 126 to 141~~ section 16 covers 'Conserving and enhancing the historic environment'. In line with the NPPF, our objective is to preserve and enhance the characteristics and heritage of the different settlements in the Plan Area. This will be achieved by:

- maintaining the shape and character of the village settlements in the parish;
- maintaining and enhancing the designated areas of the AONB, the SSSI and Protected Heritage Coast by resisting further inappropriate and intrusive development contrary to policies in the Neighbourhood Plan;

8.3 South Milton village has two designated Conservation Areas as well as 35 historic and listed buildings and structures. Neighbourhood Plan policies are designed to preserve and enhance the protected buildings and areas in the parish. Where possible alterations and developments should be fully in keeping with the historic character and appearance of the area and in accordance with Plan policies.

8.4 *Biodiversity*

8.5 The NPPF requires that planning policies minimise negative impacts on biodiversity and, where possible, enhance it (NPPF paragraphs **179-182**). The Plan supports the NPPF and JLP policies to ensure the continued protection of any protected and rare species and a wide range of internationally, EU and UK protected species and local species present in the Plan Area and that any development in the Plan Area has no impact on biodiversity and, where possible, creates gains and enhances it in accordance with best practice and legislation. Where new development occurs, it should conserve, enhance and restore the biodiversity of the Plan Area, taking into account the hierarchy of any protected sites.

8.6 Planning Guidance for the AONB (2017) states that 'Information on the South Devon AONB to assist communities preparing Neighbourhood Plans is available on the South Devon AONB website. Pertinent information includes: defining the legally protected status, the AONB Management Plan **2019-2024**, relevant planning policies and a wide range of research work, reports and Position Statements. Additionally, the Devon Landscape Policy Group has produced useful guidance on using Landscape Character Assessments in Neighbourhood Planning. The existence of an AONB should be considered at the very outset of plan preparation and its conservation and enhancement should influence all stages of the plan-making process and inform the approach of the Neighbourhood Plan' (paras 106-107).

- 8.7 Under the Biodiversity Duty introduced by the Natural Environment and Rural Communities (NERC) Act 2006, part c 16, Section 40: ‘Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.’
(<http://www.legislation.gov.uk/ukpga/2006/16/section/40>) Moreover, biodiversity is recognised by the Department for Environment, Food and Rural Affairs (DEFRA) as ‘a core component of sustainable development, underpinning economic development and prosperity and has an important role to play in developing locally distinctive and sustainable communities.’ (DEFRA: Guidance for Public Authorities in implementing the Biodiversity Duty),
(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69311/pb12585-pa-guid-english-070516.pdf) This duty requires consideration of biodiversity to be embedded as an integral part of policy and decision making which needs to visibly contribute to achieving the national Government’s Biodiversity 2020 strategy.
(<https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>)
- 8.8 The ~~draft~~ JLP, which includes the South Hams, sets out a number of strategic policies relating to the historic and natural environments as well as biodiversity. Key strategic policies are listed in Table 2 and set out in Appendix 1.
- 8.9 The Neighbourhood Plan sets out more detailed policies for implementation in the South Milton context. The special qualities of the parish which must be taken account in assessing any development proposals include:
- The South Milton valley (and adjacent South Huish valley) provides a rural backdrop to the South West Coast Path between the coastal settlements of Hope Cove and Thurlestone. The rural setting of South Milton is shown in the views taken from the ridges to the north and south of the village as shown in Photograph 6.1b of the Neighbourhood Plan;
 - There are clear demarcations between the countryside and built environment along Kerse Lane and Horswell Lane at Collacott which effectively ‘bookend’ the seaward boundary of South Milton village. Primrose Cottage similarly ‘bookends’ the ribbon development along Links Road from the coast;
 - Devon lanes, Devon banks and green lanes are a distinctive feature of the landscape.
 - Devon lanes and banks restrict views along the highways and footpaths. Gateways and other openings are therefore important viewpoints and the most important are shown on Figure 6.2 and views shown in Photographs 6.2a and b in the Neighbourhood Plan.

- Light pollution is minimal. There are few street lights in the parish and at the initial consultation meeting there were strong objections to a suggestion that more be installed within the village

These aspects are covered by policies E&CM1-6 in the Neighbourhood Plan.

8.10 **Table 2: Summary of Key Policies relating to Historic and Natural Environments**

South Milton NP policies	JLP Strategic Policies	NPPF References
E&CM1 general development policy E&CM2 coastal environment policy E&CM3 farmland policy E&CM4 biodiversity policy E&CM6 flood control policy E&CM7 Renewable energy policy	SO6, SO9, SO10 Landscape character DEV24, Nationally protected landscapes DEV25; Strategic landscape areas Dev 26; Trees, woodland and hedgerows DEV28, Undeveloped coast and heritage coast DEV24	Section15 Conserving and enhancing the natural environment; Section 16 Conserving and enhancing the historic environment
E&CM5 conservation area policy	Development affecting historic environment DEV21	Section 16

8.ii **Supporting a prosperous rural economy**

8.11 Paragraph 84 of the NPPF promotes a sustainable rural economy through

- i. the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- ii. the development and diversification of agricultural and other land-based rural businesses;.
- iii. sustainable rural tourism and leisure developments which respect the character of the countryside; and
- iv. the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Although the parish will continue to rely on agriculture and tourism to provide the bulk of employment within the parish in the future, the Plan at policy EMP1 supports the development of small businesses and working from home. The diversification of employment opportunities is fully supported so long as:

- i. It can be accommodated as part of home-working or live/work units.
- ii. It makes use of barns or outbuildings which would otherwise be redundant.
- iii. It does not create additional noise, emissions, disturbance or traffic generation.
- iv. It creates additional employment primarily for local people.

8.12 *New Technologies*

- 8.13 The NPPF states in section 10 ‘Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections’.

Broadband internet connections are slow in many parts of the Plan area and this impacts adversely on the performance of rural businesses that rely on broadband as a key means of communication. This is not ideal for attracting new businesses or for growth in existing ones. It also affects the ability of residents to access information and on-line services particularly those in outlying areas. High-speed broadband will help to address these issues and can bring with it a range of new opportunities, such as better remote and home working as well as access to more on-line applications and services. Mobile phone connections are also intermittent or impossible in certain parts of the parish.

- 8.14 Residents supported the concept of expanding existing businesses in the parish to maintain economic growth and were in favour of diversification of farms and farmland. However, this Plan does not anticipate any major expansion of economic activity in the parish as it would be contrary to the aim of preserving it as an AONB. Residents working from home depend on high quality telecom connectivity.

8.15 **Table 2: Summary of Key Policies relating to the rural economy**

South Milton NP policies	JLP Strategic Policies	NPPF References
Employment policy EMP1	SO9, TTV2	Paragraphs 84 and 85
Renewable energy E&CM7	Renewable and low carbon energy DEV33	
Project: the improvement of broadband access and speed across all parts of the parish	Delivering a prosperous and sustainable SW Devon SO6	Section 10 Supporting high quality communications

8.iii **Promoting Sustainable Transport**

- 8.16 Section 9 of the NPPF, Promoting sustainable transport, states that:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

- 8.17 Policies in the JLP promote improvements to infrastructure and communications throughout the plan area and especially on rural areas which may lack adequate bus services and technology such as broadband and mobile phone reception.

South Milton benefits from only two bus services per weekday to Kingsbridge through the village thus most residents depend on their own cars or motorbikes. The roads through the parish are narrow and winding and in summer are often heavily congested as visitors drive down to the beach at South Milton Sands. There are no separate footpaths along the roads but there is a well maintained network of cross-country footpaths, including a section of the South West Coastal Path.

Table 3: Summary of Key Policies relating to Promoting Sustainable Transport

South Milton NP policies	JLP Strategic Policies	NPPF References
	Strategic connectivity SPT8	Section 9 Promoting sustainable transport
Project: to press for improved bus services through the parish.	Sustainable linked neighbourhoods and rural communities SPT2	Section 9
Project: to reduce speeding through the village	Balanced transport policies for growth and health and sustainable communities STP10	

8.iv Delivering a range of high quality homes to meet local needs

- 8.18 The NPPF attaches great importance to the delivering of a choice of high quality homes through sustainable development, particularly in rural areas, and advocates a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, and people wishing to build their own homes).
- 8.19 The JLP housing requirement was based on the two volumes of the SHMA which updated the objective assessment of need (Vol. 1 Peter Brett, 2017; Vol. 2 HDH Planning & Development Ltd, 2017). These suggest a need for 27,303 more dwellings by 2034 in the whole plan area and an increase of about 18% in social rent/affordable rent units. The consultants recorded 10% of houses in the South Hams District as second homes; well below the percentage identified in the NP for South Milton of 17% (excluding the conversion of two large hotels). House prices as measured by pounds per sq. m. in the South Milton postcode (TQ7) were rated as the second highest in the JLP area.
- 8.20 The population of the parish of South Milton has remained at around 400 at least since 1841. Between 2001 and 2011 it declined by 23 people while the number of dwellings increased by 26. Research by the Parish Council indicates that 36 additional dwellings have been constructed or converted between 1980 and 2016, of which six have never been occupied. Approximately 11 of these are used as second homes, three have planning restrictions for agricultural use only while 13 resulted from the conversion of the Holiday Fellowship Hotel into holiday apartments. A survey conducted by the Parish Council in 2015 estimated that the total number of second or holiday homes was 77 (31 per cent of total number of dwellings). This is an increase from 51 second or holiday homes (23 per cent) in the 2001 Census; an increase of 50 per cent in 14 years. Thirty-four of these 77 homes are the result of conversion of two former hotels (Links Court and the Holiday Fellowship Hotel) and if

these are excluded the proportion of second homes is 17 per cent of the total number of dwellings. A more recent survey carried out in 2022 has indicated that there are now 85 second homes or 34% of the total.

- 8.21 High property prices in the South Hams District means that many cannot afford to buy or rent open market properties. In May 2017 there were 59 households in the TQ7 3 postcode area registered on the Devon Home Choice waiting list. Of these, five are in South Milton who are seeking 1 x 3 bed unit, 1 x 2 bed unit and 3 x 1 bed units.
- 8.22 The high proportion of holiday and second homes in the parish noted above have forced up average house prices such that younger age groups are increasingly excluded. This has led the Steering Group to seek ways of accommodating both an increase in population and provision for affordable homes. Thus in 2015 an invitation was issued asking landowners to submit possible sites for allocation in the Plan for future housing development. The Consultation Statement explains this process in more detail and includes supporting documentation.
- 8.23 These sites were fully evaluated with the help of a SHDC planning officer and one site was selected as meeting most of the criteria. Some initial discussions were carried out with the landowner and it was agreed that approximately 18 homes could be provided on the site with approximately a third being affordable or socially rented, a third self-build and a third as open market housing.
- 8.24 The Steering Group strongly favours the affordable units being allocated to people with local or work connections applying the Devon Homes Choice allocation criteria. It also wishes to see a condition attached to all planning permissions specifying that the open market housing can only be occupied as primary residences based on evidence of children attending local schools or local employment.
- 8.25 ~~Paragraph 5.156 of the JLP states 'It will be for neighbourhood plans themselves to determine which sites to bring forward for development, provided that they are consistent with the provisions of the JLP'.~~
- 8.25 Thus the approach adopted in the Neighbourhood Plan is fully in accordance with strategic policy SO9 and DEV25 where the presumption is against further housing development in the South Devon AONB apart from in exceptional circumstances. and Figure 5.8 (para. 5.157) in the JLP which identifies South Milton as a 'village able to accommodate around 10 dwellings each'. The emphasis is on the provision of a mix of housing with a substantial proportion of affordable housing conforms directly with JLP policy DEV9 on Meeting Local Housing need in the Plan Area.
- 8.26 Policy DEV9 specifically addresses the need to provide a mix of housing tenures, including self-build, in order to meet local housing need in the plan area. The proposed modifications to the neighbourhood plan policies H1, H4 and H5 are designed to ensure that new build housing and conversions are restricted to primary residences in order to foster a more

sustainable local community. This ensures that local services are supported and social and economic wellbeing are enhanced for those living and working in the area.

8.27 Table 4: Summary of Key Policies relating to Delivering a range of high quality homes to meet local needs

South Milton NP policies	JLP Strategic Policies	NPPF References
All housing policies and site allocation policy in Chapter 7	Meeting local housing need DEV9; Delivering high quality housing DEV10; Community energy DEV34; Devon Home Choice waiting list	Section 5 Delivering a sufficient supply of homes
Revised policies H1, H4, H5 stress the importance of meeting local need through use of S106 agreements and/or a condition on planning permissions.	Promoting viability of sustainable villages S09; Meeting local housing need DEV 8, DEV9; importance of NPs in meeting local housing need paras 5.161-5.163	Section 5

8.v Requiring Good Design

8.28 The NPPF in **section 12** attaches great importance to the design of the built environment and that neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area:

*Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. **Neighbourhood planning groups** can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers. [paragraph 127]*

8.29 The JLP sets out a development strategy for the whole area in which all new building should be appropriate in terms of its location, mix of uses and design as well as respecting designated areas such as conservation areas, the South Devon AONB and the Heritage Coast where the presumption should be against permitting further development.

8.30 The Neighbourhood Plan strongly supports high quality design and building and sets this out in policy H4. The justification for this is stated in paragraph 7.31:

The environmental quality of South Milton parish requires great sensitivity in integrating new housing development. Two Conservation Areas and 35 listed buildings lie within the parish. It is also located within the South Devon AONB and part of the parish lies in the

Undeveloped/Heritage Coast designation. High quality design and layout of new development, combined with sympathetic landscaping, is therefore of paramount importance in order to complement the existing built form and to reduce impact on the wider environment to the absolute minimum.

8.31 The Neighbourhood Plan sets out a clear policy that on its allocated site for housing, the scale, layout and design should reflect the history and character of the parish and should use traditional materials while also meeting current standards or better of energy efficiency.

8.32 **Table 5: Summary of Key Policies relating to Requiring Good Design**

South Milton NP policies	JLP Strategic Policies	NPPF References
All housing policies and site allocation in chapter 7	Meeting local housing need DEV8 & DEV9; Delivering high quality housing DEV10	Section 12 Achieving well designed places

8.vi Promoting a Healthy Community

8.33 Section 8 of the NPPF states that:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

8.34 One of the strategic objectives of the JLP (SO9) is ‘maintaining the viability of the many sustainable villages’. Policy TTV30 also relates to ‘Empowering local residents to create strong and sustainable communities’. A healthy community is also a sustainable community and this is an underlying theme throughout the Neighbourhood Plan. SO11 refers to ‘deliver development which is sustainable and of the right type and quality’, which:

1. Supports healthy communities that enjoy good quality and clean environments and where healthy lifestyles are positively encouraged through the developments and services that are provided.

8.35 **Table 6: Summary of Key Policies relating to Promoting a Healthy Community**

South Milton NP policies	JLP Strategic Policies	NPPF References
All housing policies and site allocation	Meeting local housing need DEV9; Delivering high quality housing DEV10	Section 8 Promoting healthy and safe communities
All policies	Maintain a naturally beautiful and thriving countryside SO10 Delivering high quality development SO11	

8.vii **Meeting the Challenge of Climate Change, Flooding and Coastal Change**

8.36 Section 14 of the NPPF sets out detailed guidance to local authorities on how to meet the challenge of climate change, flooding and coastal change. Paragraph 152 states:

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

8.37 Under SPT1, Delivering Sustainable Development, the JLP promotes:

A sustainable economy where: i. Opportunities for business growth are both encouraged and supported. ii. Environmentally conscious business development takes place. iii. Strategically important economic assets are protected for the purpose of economic activity. iv. A low carbon economy is promoted.

8.38 The Neighbourhood Plan sets out policies reflecting the JLP strategic objectives particularly in relation to flood control and the protection of agricultural land and greenfield sites in the AONB and the Heritage Coast.

8.39 **Table 7: Summary of Key Policies relating to Meeting the Challenge of Climate Change, Flooding and Coastal Change**

South Milton NP policies	JLP Strategic Policies	NPPF References
Flood control policy E&CM6	Delivering sustainable development SPT1	Section 14 Meeting the challenge of climate change, flooding and coastal change
Site allocation policy		Paragraphs 28-29
E&CM 7 Renewable energy policy	Delivering low carbon development DEV32 Renewable and low carbon energy DEV33	Section 14

9 Conclusions

- 9.1 The Steering Group has fully reviewed all extant policies at national and local authority levels, including those relating to the South Devon AONB. **The proposed minor material modification has also been addressed and found to be in general conformity with higher tier plans and the NPPF.** It thus submits this report as part of the South Milton Neighbourhood Plan in the expectation that it meets the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990.

10 References

Ministry of Communities and Local Government (2021). *National Planning Policy Framework*. London: MCLG

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

Plymouth and South West Devon Joint Local Plan, (2019):

[file:///C:/Users/User/Downloads/Plymouth_SW_Devon_JLP_\(1\)%20\(2\).pdf](file:///C:/Users/User/Downloads/Plymouth_SW_Devon_JLP_(1)%20(2).pdf)

JLP Evidence Base documents:

<http://web.plymouth.gov.uk/homepage/environmentandplanning/planning/planningpolicy/plymouthplan/ppevidencebase.htm>

South Devon AONB Partnership (2017), *Planning for the South Devon AONB: Planning Guidance v1*. South Devon AONB Partnership. <http://www.southdevonaonb.org.uk/our-work/responding-to-planning/south-devon-aonb-planning-guidance-consultation>

South Devon AONB Partnership (2019), *South Devon AONB Management Plan 2019-2024* https://www.southdevonaonb.org.uk/wpcontent/uploads/2019/07/AONB_Management_Web5_8Mb.pdf

South Hams Strategic Viability Assessment Stage 1: Residential Viability for South Hams District Council. Levvel LLC, February 2015.

Plymouth & South West Devon Joint Local Plan Strategic Housing Market Assessment Part 1: The Housing Market Area and Updating the Objectively Assessed Need. Peter Brett, Feb 2017.

Strategic Housing Market Assessment Part 2 – Objectively Assessed Need for Affordable Housing. HDH Planning and Development Ltd, Feb 2017.

Note: Appendix 1 in the 2017 Basic Conditions Statement has been deleted. It reproduced strategic policies from the JLP. These can now be viewed on the website:

[file:///C:/Users/User/Downloads/Plymouth_SW_Devon_JLP_\(1\)%20\(2\).pdf](file:///C:/Users/User/Downloads/Plymouth_SW_Devon_JLP_(1)%20(2).pdf)

Appendix 1: Checklist for Compliance with AONB Management Plan and policies

Checklist for plan-makers when preparing Local Plans	Tick Box
Gathering Evidence	
Was the South Devon AONB Management Plan, and its supporting documents, which provide a strategic context for the AONB, used to inform the evidence base?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did plan-makers co-operate with other local planning authorities to address crossboundary issues or strategic priorities? Such as:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Positive planning for the conservation and enhancement of the natural and historic environment, including the AONB	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Sharing housing allocations to avoid or reduce development in the AONB	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Were up-to-date assessments used to inform the evidence base? (NPPF paragraph 158)	Yes <input type="checkbox"/> No <input type="checkbox"/>
- Landscape Character Assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
- Seascape Character Assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
- Historic Landscape Characterisation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Was an assessment of the existing and potential components of the ecological network of the plan area undertaken to inform the evidence base? (NPPF paragraph 165)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<i>Preparing the Strategic Housing Land Availability Assessment (SHLAA)</i>	
Was the South Devon AONB used as an environmental constraint in the SHLAA?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the assessment of site suitability identify harm to the AONB from development using the AONB special qualities, in addition to landscape and seascape character assessment?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Did the SHLAA have regard to the conservation and enhancement of the AONB during the assessment of sites?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Plan Preparation	
<i>Strategy, Vision, Aims and Objectives</i>	
Do the strategic vision, aims and objectives reflect the national importance of the South Devon AONB and its conservation and enhancement? Including:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Does it address the significance of the South Devon AONB? - Does it acknowledge the contribution of the high quality environment of the South Devon AONB to the economic prosperity of the plan area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Do the strategic priorities incorporate and support the policy approach and objectives of the South Devon AONB Management Plan?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<i>Formulating strategic and development management policies</i>	
Has plan-making had regard to the AONB during the formulation of all strategic and development management policies, not just those related to protected landscapes or conserving the natural environment? (Section 85 duty) Such as:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Historic environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Development outside settlement boundaries	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Development in the countryside	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Rural exception sites	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Renewable energy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Telecommunications	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Good design	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
- Rural economy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did plan-makers have regard to conserving and enhancing the AONB when generating and deciding on options for the strategic distribution of development? (Section 85 duty)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the strategic distribution of development steer development towards areas outside the AONB, which would cause least harm?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<i>Making allocations</i>	
One site has been allocated for housing development in the plan area. This is a site currently used for agricultural purposes and in a depression in the landscape but with direct access to a road. The allocation has been acknowledged by CPRE as a good solution for housing development in a very sensitive, AONB-designated area. See Neighbourhood Policy H1.	