

BERE PENINSULA NEIGHBOURHOOD PLAN (BPNP)

BASIC CONDITIONS STATEMENT

V3.1 December 2017

www.berepeninsulaplan.org.uk



Legal Requirements

- 1.1. This Neighbourhood Plan (The Plan) is submitted by Bere Ferrers Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Bere Peninsula Neighbourhood Plan Group (BPPG), a team of volunteer parishioners operating under the auspices of Bere Ferrers Parish Council.
- 1.2. The whole parish of Bere Ferrers (also known as the Bere Peninsula) has been formally designated as a Neighbourhood Area through an application made in May 2014 under the Neighbourhood Planning Regulations 2012 (part 2, S6) and approved by West Devon Borough Council on 15th July 2014.
- 1.3. The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) 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 Regulations 2012 as well as being cognisant of the various local constraints imposed by AONB, World Heritage and Conservation Area policies and management plans.
- 1.4. The Plan identifies the period to which it relates as 2017 to 2034. This period has been chosen to align with the dates of the West Devon Borough Council Core Strategy and the emerging Joint Local Plan (JLP) being formulated by West Devon Borough, South Hams District and Plymouth City Councils.
- 1.5. The Plan does not deal with county matters, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 1.6. The Plan relates only to the parish of Bere Ferrers. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.
- 1.7. The following statement will address each of the four ‘basic conditions’ required of the Regulations and explains how the Neighbourhood Plan meets the requirement of paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act.
- 1.8. The Regulations state that the Neighbourhood Plan will have met the basic conditions if it:
 - Has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contributes to the achievement of sustainable development;
 - Is in general conformity with the strategic policies of the development plan for the area;
 - Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

2. Introduction and Background

2.1. Work started in April 2010 on a relatively simple Parish Plan project by a group of volunteers who felt that a forward looking blueprint was desirable to prevent unsuitable development in the parish, an area with World Heritage and AONB status. This objective gradually evolved via Community Plan to, in March 2014, following the introduction of the Neighbourhood Planning Regulations in 2012, into the present project. During this 4 year period a Working Group was formally established and proceeded with a series of consultations within the community to gauge aspirations and opinion. This resulted in a formal community Questionnaire being distributed to each dwelling, the results being used to formulate the subjects that would form the contents of the Neighbourhood Plan. Details of all the activities and work involved in preparing The Plan are contained in the Statement of Consultation.

3. Having regard to National Planning Policy

- 3.1. The Neighbourhood plan has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF) of April 2012. It also gives regard to the 12 core planning principles contained in paragraph 17 of the National Planning Policy Framework, alongside the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in relation to the formation of Neighbourhood Plans.
- 3.2. The table 3.3 below sets out a summary of how each policy has regard to the NPPF. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 3.3

NP Policy ref. and Title		NPPF Paragraphs	Comment on Conformity
E1	Protecting the Local Environment	109, 110, 115, 117, 125,	The Plan recognises the area's unique biodiversity, the special qualities and features of AONB status, the Outstanding Universal Value of the World Heritage Site and promotes the avoidance of adverse impacts from any development proposals.
E2	Supporting Biodiversity	118,	The Plan promotes maintaining and enhancing the area's biodiversity and the protection of national and internationally protected sites.
E3	Progressing towards a Low Carbon Environment	94, 95,	All new development (domestic, commercial, extensions and conversions) will be expected to contribute to lowering carbon emissions.

H1	Allocate land for 50 new homes at Bere Alston for local needs, 2016-34	47, 50, 52	Two site allocations have been assessed as being the most suitable, available and achievable alternatives for housing development and having the least impact on the character and special qualities of the AONB and World Heritage designations, as well offering the best opportunities to moderate any potential impacts from development. They also offer the greatest opportunity to minimise the impact of through traffic in the village.
H2	Development considerations for Land to North of Woolacombe Road (Ref: WD_48_19_08/14)	47, 55,	The Plan emphasises the need to promote a range, mix and type of housing to meet local needs and in character with the area.
H3	Development considerations for Land to South of Woolacombe Road (Ref: WD_48_04_08/13)	47, 55,	The Plan emphasises the need to promote a range, mix and type of housing to meet local needs and in character with the area.
H4	Unallocated Development	48, 132	The Plan support proposals for minor developments, (defined as 6 or fewer dwellings), on infill or redevelopment sites, subject to the proposals being in response to specifically identified local needs. Such proposals will require an objective statement of need. The justification of how any detrimental effects on the AONB and World Heritage environment could be moderated will need to show how the public benefits outweigh their harm.
H4A	Bere Ferrers	55, 132	The Plan reflects the community's desire to protect the character of this 12 th century village while enabling a level of development that meets identified local needs.
H5	Rural Development	55,	The Plan supports the potential for very limited development in rural areas, as well as the need for development in rural areas to provide homes close to places of work - where the impact of so doing is acceptable. This policy applies to development proposals not defined as permitted development under the current planning regulations.

H6	Housing Density and Design	14, 58, 59, 60, 61, 115, 116	The Plan emphasises conserving the area's landscape and scenic beauty, as well as its wildlife and cultural heritage. The adopted AONB and WH management plans both emphasise the need for good design. The Plan requires residential development to be of high quality, inclusive and safe and of a density that reflects the rural nature of the area. It should meet or exceed the current minimum space standards for new property sizes as set out by RIBA.
H7	Housing Need	47, 173	The Plan provides for new housing in the parish to include a mix of housing size, type and tenure to meet a range of local needs guided by a Community Housing Assessment questionnaire. The sites and the scale of development identified in the Plan are regarded as 'deliverable'.
EC1	Small Scale Expansions	28,	The Plan supports small scale expansion of existing retail and other business premises subject to a respect for the established sense of place and local character of existing buildings in the area of the development and the surrounding countryside, all in the interest of improving the local economy and creating employment..
EC2	Railway Goods Yard	28,	This area at Bere Alston Station is already designated as an employment area in the adopted Local Plan. The NP supports the redevelopment of the Goods Yard for employment uses that maximise the tourist potential of the site and the linkages between the network of cycling and pedestrian routes serviced and promoted by the railway line.
EC3	Home-Based Businesses	28,	The Plan supports further development of a prosperous, rural economy through conversion of buildings, promoting tourism, and the retention and development of local shops and local businesses.
T1	Sustainable Transport	29, 30, 35	Plan promotes electric vehicle charging points in new housing, provision of foot and cycle paths and access to public transport
T2	Public Transport	35,	New Infrastructure encouraged to facilitate walking, cycling and public transport

T3	Bere Alston Gateway	35,	New development work should not compromise safety in adjacent development and avoid proliferation of access points onto main road
T4	Woolacombe Cross	35,	Modification to existing crossroads is required to enhance safety
C1	Neighbourhood and Village Shopping	70,	The Plan promotes the retention and sustainable development of local shops, services and amenities to satisfy the local needs of a relatively isolated community.
C2	Open Space, Sport and Recreation	73, 76, 77,	The Plan identifies local green spaces for protection and promotes the establishment of additional spaces alongside new developments
C3	Community Services and Facilities	69,	The Plan supports proposals to increase and enhance open space, sport, recreation, leisure, cultural, health and education facilities where they will contribute to the wellbeing of a community and improve accessibility to services.

4. General conformity with the strategic policies of the Development Plan

- 4.1. The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the current development plan for the area and also having regard to the emerging Joint Local Plan (JLP).
- 4.2. The current development plan for the area is the West Devon Borough Council's adopted Local Plan (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review).
- 4.3. The emerging Joint Local Plan (JLP) is that prepared jointly by Plymouth City Council, West Devon Borough Council and South Hams District Council and is currently (December 2017) submitted for Examination.

5. Contribution to the achievement of sustainable development

- 5.1. A Neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability; economic, social and environmental.
- 5.2. A review of the Plan that considers these aspects was carried out by AECOM and their SEA report is included in the Section 15 Submission documentation.

6. Compatibility with EU obligations and legislation

- 6.1. The 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. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.

- 6.2. West Devon Borough Council (WDBC) advised that the Neighbourhood Plan required a mandatory Strategic Environmental Assessment because the Bere Peninsula is situated wholly within an AONB. This assessment was carried out by consultants AECOM (Plymouth office) and their report is included in the Submission documentation.
- 6.3. It was determined by WDBC that the plan did not require a Habitats Regulations Assessment (HRA) - see HRA Screening Report included in the Submission documentation.