

Basic Conditions' Statement

2016-2031



East Budleigh with Bicton Neighbourhood Plan

August 2016

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1.0 INTRODUCTION

- 1.1 On 26th July 2016 East Budleigh with Bicton Parish Council approved the Neighbourhood Plan for submission to East Devon District Council. When submitting a Neighbourhood Development Plan to the relevant local Planning Authority the legislation requires the qualifying body to submit a number of documents to accompany it. One of these is commonly known as a Basic Conditions Statement.
- 1.2 This Basic Conditions Statement has therefore been prepared in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. It explains how the proposed Neighbourhood Development Plan meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to 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 Neighbourhood Plan;
 - the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
 - the making of the Neighbourhood Plan 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); and
 - the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations;
 - prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with, in connection with the proposal for the Neighbourhood Plan
- 1.4 The prescribed Condition is that the 'making' of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.5 The Basic Conditions Statement must set out how the Neighbourhood Plan meets the requirements of each Basic Condition and other legal tests. It is an opportunity for the Parish Council to clearly set out how its Plan meets the legal tests and should therefore proceed to referendum. It will be used by both the independent Examiner and East Devon District Council to help them decide whether or not the plan meets the Basic Conditions.

2.0 LEGAL REQUIREMENTS

- 2.1 This statement is required to set out how the East Budleigh with Bicton Neighbourhood Plan meets the requirements of each legal test. This is set out below.

Qualifying Body

- 2.2 This Neighbourhood Plan is being submitted by a qualifying body, namely East Budleigh with Bicton Parish Council.

The Neighbourhood Area

- 2.3 The Neighbourhood Plan relates to a designated Neighbourhood Area, which is identical to the Parish boundaries of East Budleigh and Bicton Parishes. The application to designate the Neighbourhood Area was approved by East Devon District Council on 30th June 2015. A map of the East Budleigh with Bicton Neighbourhood Area is attached in section 3.

What is being proposed is the Neighbourhood Plan.

- 2.4 The plan proposal relates to planning matters (the use and development of land) and has 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.

The proposed Neighbourhood Plan states the period for which it is to have effect.

- 2.5 The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made up to 2031 (the same period as the Adopted East Devon Local Plan which was adopted on 26th January 2016)

The policies do not relate to excluded development.

- 2.6 The Neighbourhood Plan proposal does not contain policies that relate to 'excluded development'. For example it does not contain matters dealt with by Devon County Council (mineral extraction and waste development) and nationally significant infrastructure projects or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area.

- 2.7 The Neighbourhood Plan proposal relates to the East Budleigh and Bicton designated neighbourhood area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

3.0 EAST BUDLEIGH WITH BICTON NEIGHBOURHOOD PLAN AREA



4.0 NATIONAL PLANNING CONTEXT

- 4.1 It is required that the East Budleigh with Bicton Neighbourhood Development Plan (EBBNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF) April 2012. Further advice can also be found in the Government's on-line National Planning Practice Guidance (NPPG) published by the Government in April 2014.

- 4.2 The East Budleigh with Bicton Neighbourhood Plan has thereby been prepared with regard to national policies as set out in the NPPF and is mindful of the NPPG. It includes a specific NPPF conformity reference for each policy, and, where relevant further reference in the supporting text.

National Planning Policy Framework

- 4.3 The NPPF in sections 183-185 refers to Neighbourhood Development Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act 2011 which refers to the 'adopted Development Plan'.
- 4.4 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

Para 16

Paragraph 16 states that “*neighbourhoods should:*

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed”.*

The Parish Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the district by developing policies to promote sustainable economic and residential development. The latter policies seek to sustain the character of the Parish and meet identified local needs. It also seeks to protect and enhance open spaces and valued community facilities that benefit the parish.

Para 183

Paragraph 183 of the NPPF states that “*Parishes and neighbourhood forums can use neighbourhood planning to:*

- *set planning policies through neighbourhood plans to determine decisions on planning applications; and*
- *grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order”.*

The Parish Council believes the Neighbourhood Plan establishes a shared community vision for the Parish that reflects the views of the majority of the

local community. It makes the output of these activities real by translating them into objectives and planning policies to determine future planning applications as part of the development plan.

Para 184

Paragraph 184 of the NPPF states that “*The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.*”

The Neighbourhood Plan has been drafted with regard to the relevant strategic planning policies for East Devon and is in conformity with the Development Plan for the area and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Plans should “*not promote less development than set out in the Local Plan or undermine its strategic policies*”.

The East Budleigh with Bicton Neighbourhood Plan does not undermine the strategic policies of the Adopted East Devon Local Plan and does not promote less development than outlined in this Plan. The Local Plan does not specially allocate housing amounts to the Parish leaving any decisions on the amount and location of any housing to the Neighbourhood Plan. The Plan supports small scale community led exception schemes that meet identified housing needs in the Parish and reflects the significant environmental – both natural and heritage – constraints within and surrounding the village.

Para 185

Para 185 of the NPPF states “*Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation*”.

The Neighbourhood Plan avoids duplicating development plan policies by focusing on site-specific policies that translate the general requirements of the development plan into an East Budleigh and Bicton context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

The East Budleigh with Bicton Neighbourhood Development Plan has established thirteen principal objectives which it seeks to achieve. We summarise them in Table 1 below and which NPPF sustainable delivery goals

each objective seeks to address. The relevant goals, required to deliver sustainable development as defined in the NPPF, are as follows:-:

- Building a strong, competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Supporting high quality communications infrastructure
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

4.5 Table 2 below is a brief summary of how each Policy in the Neighbourhood Development Plan conforms to the NPPF and NPPG. The particular paragraphs referred to in the table are those considered the most relevant to each Policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1:- Summary of how each objective in the East Budleigh with Bicton Neighbourhood Development Plan conforms to the NPPF sustainable delivery goals

East Budleigh with Bicton Neighbourhood Development Plan Objectives	Relevant NPPF Goal
Objective 1: Improve opportunities and infrastructure for new and existing small business enterprises to thrive.	Supporting a prosperous rural economy. Building a strong, competitive economy. Supporting high quality communications infrastructure.
Objective 2: Protect high grade agricultural land in order to increase sustainability of food supplies.	Supporting a prosperous rural economy. Promoting healthy communities.
Objective 3: Enhance and protect community facilities to address identified needs of the community.	Supporting a prosperous rural economy. Promoting healthy communities.
Objective 4: Promote and support education and training in the Parish.	Promoting healthy communities.

East Budleigh with Bicton Neighbourhood Development Plan Objectives	Relevant NPPF Goal
Objective 5: Promote and support the pastoral and spiritual needs as well as the overall wellbeing of the community.	Promoting healthy communities.
Objective 6: Enhance and protect recreational facilities and tourist assets within the Parish.	Promoting healthy communities.
Objective 7: Improve transport links and address traffic, parking and pedestrian movement issues.	Promoting sustainable transport.
Objective 8:- Protect and enhance the AONB designated landscape, rural identity, biodiversity and wildlife habitats of the Parish.	Conserving and enhancing the natural environment.
Objective 9: Protect and enhance the green spaces of value to the community.	Conserving and enhancing the natural environment. Conserving and enhancing the historic environment.
Objective 10: Protect and enhance the historic fabric and environment, including the Conservation Area and its setting.	Conserving and enhancing the historic environment.
Objective 11: Ensure that new development is of the highest design and build quality and does not harm the character and appearance of the Parish and the landscape.	Requiring good design. Conserving and enhancing the natural environment. Conserving and enhancing the historic environment.
Objective 12: Identify measures to improve water quality and reduce the risk of river, coastal and surface water flooding in East Budleigh and immediate surrounding areas and ensure proper controls are applied to any development to eliminate flood risk and improve water quality	Meeting the challenge of climate change, flooding and coastal change.
Objective 13: Ensure responsible developments that meet the needs of the local community.	Delivering a wide choice of high quality homes.

Table 2: Summary of how each policy in the East Budleigh with Bicton Neighbourhood Development Plan conforms to the NPPF

Policy Number	Policy Title	NPPF Ref	Commentary
Policy P1	Supporting the development of small business enterprises	28	<p>Policy P1 seeks to support small business enterprises and sustainable economic development which promotes and creates a strong rural economy and which respects the character of the countryside and the AONB.</p> <p>Policy P1 is compatible with the NPPF objective of promoting a strong rural economy through neighbourhood planning.</p> <p>The policy is in conformity with NPPF paragraph 28 which identifies how planning policy can support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In particular it promotes the conversion of existing buildings and agricultural diversification.</p>
Policy P2	Mobile Telecommunications and Broadband Provision	42,43	<p>Policy P2 is in conformity with the NPPF objective of promoting a strong rural economy through neighbourhood planning and the objective of supporting high quality communications infrastructure.</p> <p>Policy P2 encourages the development of new communication infrastructure that is sympathetically designed (para 43 of the NPPF), to serve the whole Parish. This advanced high quality communication infrastructure to promote sustainable economic growth and enhance the provision of community facilities and services (para 42 of the NPPF)</p>

Policy Number	Policy Title	NPPF Ref	Commentary
Policy P3	Protection of highest grade agricultural land	112,143	Policy P3 is in general conformity with the NPPF paragraphs 112 and 143 in their intent to safeguard and protect the long term potential of the best and most versatile agricultural land in order to increase sustainability of food supplies. The Policy in general conformity with paragraph 112 that supports a sequential approach when development is exceptionally demonstrated to be necessary, whereby areas of poorer quality land are developed in preference to that of a higher quality. Special protection is afforded to Grade 1 agricultural land.
Policy C1	Protecting and enhancing Community Facilities	28, 70	<p>Policy C1 is compatible with the NPPF objective of promoting a strong rural economy and the objective of promoting healthy communities.</p> <p>Policy C1 is in conformity with the NPPF paragraphs 28 and 70 which promote the retention and positive development of a variety of social, recreational and cultural facilities that meet community needs, facilitate social interaction and enhance the sustainability of East Budleigh village. It guards these valued community assets against their unnecessary loss.</p>
Policy E1	Bicton College	28, 72,115,126, 128-134, 136-137,140	<p>Policy E1 is compatible with the NPPF objectives of 1) promoting a strong rural economy 2) promoting healthy communities 3) conserving and enhancing the natural environment 4) conserving and enhancing the historic environment.</p> <p>Policy E1 is in conformity with the NPPF paragraphs 28 and</p>

Policy Number	Policy Title	NPPF Ref	Commentary
			<p>72 which support proposals to secure the long term future of the College as an education provider and as a sustainable local employer.</p> <p>Policy E1 is also in conformity with Paragraphs 115,126, 128-134, 136-137,140 which promote putting important heritage assets into a viable use while ensuring that any development is sympathetic to the setting of an important listed building and AONB landscape.</p>
Policy L1	Protecting and Enhancing Recreational Facilities	28, 70	<p>Policy L1 is compatible with the NPPF objective of promoting healthy communities.</p> <p>Policy L1 is in conformity with the NPPF paragraphs 28 and 70 which support the retention and positive development of a variety of recreational facilities that can promote the health and social wellbeing of the community and enhance the sustainability of East Budleigh village. It guards these valued community assets against their unnecessary loss.</p>
Policy L2	Budleigh Salterton Cricket Ground	28, 70 ,74	<p>Policy L2 is compatible with the NPPF objective of promoting healthy communities</p> <p>This Policy is in conformity with paragraphs 28 and 70 which support the retention and positive development of the Cricket Ground within the community. In conformity with paragraph 74 it encourages proposals that will secure the future of the Cricket Ground including the provision of equivalent space if the Cricket Ground were to be relocated in a more suitable location.</p>

Policy Number	Policy Title	NPPF Ref	Commentary
Policy L3	Bicton Park Botanical Gardens	28, 115, 126,128-134, 136-137,140	<p>Policy L3 is compatible with the NPPF objectives of 1) promoting a strong rural economy 2) promoting healthy communities 3) conserving and enhancing the natural environment 4) conserving and enhancing the historic environment</p> <p>Policy L3 is in conformity with NPPF paragraph 28 which supports proposals to secure the long term future of Bicton Park Botanical Gardens as an important rural business and tourist attraction. Policy L3 also acknowledges the garden's designation as a heritage asset and their setting in the AONB landscape and is in general conformity with the NPPF paragraphs 115, 126,128-134, 136-137,140. These paragraphs promote putting important heritage assets into a viable use while ensuring that any development is sympathetic to the setting of important listed gardens within an AONB landscape.</p>
Policy G1	To protect and enhance the network of public rights of ways and bridleways around the parish	75	<p>Policy G1 is compatible with the NPPF objective of 1) promoting healthy communities 2) conserving and enhancing the natural environment 3) promoting sustainable transport</p> <p>Policy G1 is in conformity with NPPF paragraph 75 which seeks to protect and enhance public rights of ways.</p>
Policy G2	Off road parking	39	<p>Policy G2 is compatible with the NPPF objective of promoting sustainable transport</p> <p>Policy G2 is in conformity with the NPPF paragraph 39 as it recognises the impact of on-street parking and seeks to</p>

Policy Number	Policy Title	NPPF Ref	Commentary
			ensure that new development provides for a sustainable level of off-street parking commensurate with the comparatively high levels of car ownership and limited public transport in the rural Parish.
Policy N1	Protecting and enhancing the landscape, biodiversity and local countryside character	7, 17, 58, 109, 113, 115, 116, 118	<p>Policy N1 is compatible with the NPPF objective of conserving and enhancing the natural environment</p> <p>Policy N1 is in conformity with the NPPF paragraphs 7, 17, 58,109,113,115,116 and 118 by seeking to protect and enhance the AONB landscape and existing biodiversity, geodiversity assets in the Parish. It has a strong emphasis on protecting a particularly valued landscape from inappropriate development. Policy N1 also seeks to ensure new development responds to the local character of the area via appropriate landscaping, protecting views of value, ensuring new development incorporates, where appropriate, existing trees, ponds and hedgerows, wildlife habitats and by adding to the biodiversity of the area.</p>
Policy N2	Protection of Local Green Spaces	76-78	<p>Policy N2 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities</p> <p>Policy N2 is in conformity with the NPPF paragraphs 76-78 which protect green areas that are special to the local community from the threat of development and makes use of the provision for making a designation in the NPPF.</p>
Policy N3	Protection of Allotment	70, 73	Policy N3 is compatible with the NPPF objective of promoting

Policy Number	Policy Title	NPPF Ref	Commentary
	Space		<p>healthy communities</p> <p>Policy N3 is in conformity with the NPPF paragraphs 70 and 73 by seeking to protect the existing allotments that are valued by the community and important to the social well-being of residents in the Parish.</p>
Policy N4	Green Corridor	7, 69, 75, 109	<p>Policy N4 is compatible with the NPPF objectives of 1) conserving and enhancing the natural environment 2) promoting healthy communities</p> <p>Policy N4 is in conformity with paragraphs 7, 69, 75 and 109 by seeking to enhance and create green infrastructure of value to the community in terms of the corridor's biodiversity, recreational role and importance to the well-being of residents in the Parish.</p>
Policy B1	Heritage Assets and their Setting	17, 126-141	<p>Policy B1 is compatible with the NPPF objective of conserving and enhancing the historic environment</p> <p>Policy B1 is in conformity with the NPPF paragraphs 17,126-141 by seeking to conserve and enhance heritage assets and their settings so they can be enjoyed for their contribution to the quality of life of this and future generations.</p>
Policy B2	General Design Principles	17, 53, 56, 58, 60, 61, 115	<p>Policy B2 is compatible with the NPPF objectives of 1) requiring good design 2) conserving and enhancing the natural environment 3) conserving and enhancing the historic environment</p>

Policy Number	Policy Title	NPPF Ref	Commentary
			<p>Policy B2 establishes general design principles for all developments in the Parish to ensure proposals are well designed (NPPF para 17, 56) and a good standard of amenity for all existing and future occupants of land and buildings is secured. The design criteria in Policy B2 seek to protect the surrounding valued AONB landscape and reflect the distinctive character of the Parish (NPPF para 58, 60,115) while integrating new development into the natural, built and historic environment (para 61). One of the criteria in Policy B3 sets down guidance for residential garden space (NPPF para 53) The Policy also supports a thriving community and supports the transition to a low carbon future.</p>
Policy B3	Infill Developments	17, 53, 56, 57, 58	<p>Policy B3 is compatible with the NPPF objectives of requiring good design</p> <p>Policy B3 is in conformity with the NPPF paragraphs 17, 53, 56, 57, and 58 in seeking to ensure secure high quality design. It resists inappropriate infill development where this would have an unacceptable impact on the character of the natural and built environment and on residential amenity for all existing and future occupants of land and buildings. The Policy sets out criteria to ensure proposals are well designed, resist inappropriate development of residential gardens, protect the surrounding valued landscape and reflect the distinctive character of the Parish.</p>
Policy B4	Extensions	17, 56, 58, 60	<p>Policy B4 is compatible with the NPPF objectives of requiring good design</p>

Policy Number	Policy Title	NPPF Ref	Commentary
			<p>Policy B4 is in conformity with the NPPF paragraphs 17, 56, 58, and 60 in seeking to ensure secure high quality design. It resists the inappropriate extension of dwellings where this would have an unacceptable impact on the character of the natural and built environment and on residential amenity for all existing and future occupants of land and buildings. The Policy sets out criteria to ensure proposals are well designed, protect the surrounding valued landscape and reflect the distinctive character of the Parish.</p>
Policy F1	Flood Risk Assessment	99-104	<p>Policy F1 is compatible with the NPPF objectives of meeting the challenge of climate change, flooding and coastal change</p> <p>Policy F1 is in general conformity with the NPPF paragraphs 99-104 and the NPPG that advises that site-specific flood risk assessments should be undertaken in areas situated in areas at particular risk of flooding (flood zones 2 and 3 and flood zone 1 for developments over 1 hectare). Policy F1 is in line with national policy also seeks to ensure new development is directed to areas of lower flood risk and also ensures developments are safe from flood risk over their lifetime.</p>
Policy F2	Surface water run-off	99-104	<p>Policy F2 is compatible with the NPPF objectives of meeting the challenge of climate change, flooding and coastal change.</p> <p>Policy F2 is in conformity with the NPPF paragraphs 99-104 and the NPPG that advises that any risks such as through</p>

Policy Number	Policy Title	NPPF Ref	Commentary
			additional surface water run-off should be managed through suitable adaptation measures.
Policy F3	SuDS Design and Management	99,100,103	<p>Policy F3 is compatible with the NPPF objectives of meeting the challenge of climate change, flooding and coastal change.</p> <p>Policy F3 is in general conformity with the NPPF paragraphs 99,100, 103 and the NPPG that advises that any risks such as through additional surface water run-off should be managed though suitable adaptation measures such as SuDS.</p>
Policy D1	Built-up Area Boundary of East Budleigh Village	54-55, 109,113,115,116	<p>Policy D1 is compatible with the NPPF objectives of 1) delivering a wide choice of high quality homes. 2) conserving and enhancing the natural environment</p> <p>Policy D1 is in conformity with the NPPF paragraphs 54-55 as it defines the Built-up Area Boundary to ensure consistency with the need to deliver, in a sustainable manner, affordable and open market rural homes to meet the needs of the community.</p> <p>By insisting that development, except to meet the community need for affordable housing, is within the existing Built-up Area Boundary, the Plan in conformity with the NPPF paragraphs 109,113,115-116, that recognises the need to protect the surrounding landscape (all of which is located in an AONB) and biodiversity of the area.</p>
Policy D2	Mixed open market and	17, 47, 50, 54,	Policy D2 is compatible with the NPPF objectives of 1)

Policy Number	Policy Title	NPPF Ref	Commentary
	exception sites	110, 111-113, 115	<p>delivering a wide choice of high quality homes. 2) conserving and enhancing the natural environment</p> <p>Policy D2 is in conformity with the NPPF paragraphs 17, 47, 50 and 54. This is achieved by identifying a community led mixed open market and exception site to meet the identified housing needs (through a robust housing needs survey) of the Parish.</p> <p>The site identified in Policy D2 is located on previously developed land outside the existing Built-Up Area Boundary as there is no land available within the boundary for this purpose. The site adjoins the boundary and the proposal is in conformity with NPPF paragraphs 110,111-113 and 115 as the site has been assessed as having the least harmful environmental impact on the character of the AONB compared to alternative sites adjoining the boundary. Policy D2 in conformity with the NPPF also incorporates a requirement to ensure any adverse impacts on the AONB landscape and biodiversity are a material part of any application for exception housing.</p> <p>In this way the identified exception site and others than may come forward though Policy D2 are being achieved in a sustainable manner.</p> <p>The Policy also takes into account five year land supply which forms part of the evidence base.</p>
Policy D3	Dwelling Size	47, 50, 54	Policy D3 is compatible with the NPPF objectives of

Policy Number	Policy Title	NPPF Ref	Commentary
			<p>delivering a wide choice of high quality homes.</p> <p>Policy D3 is in conformity with the NPPF paragraph 47, 50, 54 by seeking to ensure any new residential development addresses the imbalance in smaller dwellings in the Parish and meets current and future demographic trends.</p>

5 LOCAL PLANNING CONTEXT

- 5.1 The Neighbourhood Plan is tested against the strategic policies in the adopted Development Plan and must be in general conformity.
- 5.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the Development Plan for East Devon. It includes a specific Development Plan conformity reference for each policy, and, where relevant further reference(s) in the supporting text. Table 3 provides a summary how each Policy is in general conformity with the appropriate strategic policies in the Development plan.
- 5.3 The Development Plan currently consists of the Adopted East Devon Local Plan 2013-2031. This plan was adopted on 26th January 2016. It has two sections:-
- Part 1:- Strategic approach and policies:** - This part of the Local Plan sets out strategic policies. These policies set the strategy for the rest of the plan and are of key relevance in the determination of planning applications
- Part 2:- Development Management Policies:** - This part of the New Local Plan is specifically concerned with the local or development management policies. These policies provide more detail on the implementation and application of the strategic policies in the plan. Any planning application that is to be assessed will be done so under the strategic policies in Part One of the Plan and also these development management policies of Part 2 of the Plan.
- 5.4 Part 1 of the Adopted East Devon Local Plan states *“If a Neighbourhood Plan is produced it will be in accordance with and apply these strategic policies but it can supersede or overwrite the development management policies in Part Two of the Plan”*.
- 5.5 The Local Plan will be accompanied by a Village DPD.

Table 3: Relevant policies in the Adopted East Devon Local Plan

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
1	Policy P1:- Supporting the development of small business enterprises	Strategies 3, 4, 28 Development Management Policies E4, E5	Policy P1 is in conformity with Strategies 3, 4 and 28 and Development Management Policies E4 and E5. These policies encourage and support small scale sustainable economic development in the rural area that respect and seek to minimise harm on biodiversity/geodiversity and the quality and character of the countryside and the AONB landscape. The emphasis being on sustaining and diversifying rural enterprises, the conversion of rural buildings and the use of previously developed land.
2	Policy P2:- Mobile Telecommunications and Broadband Provision	Development Management Policy TC1	Policy P2 is in conformity with Development Management Policy TC1 which encourages sympathetically designed proposals for new investment in communications infrastructure
3	Policy P3:- Protection of highest grade agricultural land	Strategy 3 Development Management Policy EN13	Policy P3 is in general conformity with Strategy 3 of the Local Plan which encourages sustainable economic development and Development Management Policy EN13 which seeks to protect the best and most versatile agricultural land (Grades 1,2,3a) from development not associated with agriculture or forestry. As East Budleigh Village is surrounded by Grades 1, 2, 3a, the policy is in conformity with Policy EN13, and only supports development if a) there is an exceptional and overriding need for development and b) where a sequential approach has been taken whereby lower grade land is developed in preference to higher grade land. Special protection is afforded to Grade 1 agricultural land in general conformity with this policy.
4	Policy C1:- Protecting and enhancing	Strategies 3, 4, 32	Policy C1 is in conformity with Strategies, 3, 4 and 32, and Development Plan Policy E14 which seek to enhance and protect important local community buildings and land from unnecessary change of use. Development Plan Polices

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
	Community Facilities	Development Management Policies E14, RC5, RC6.	<p>RC5 and RC6 plan positively for new facilities and the extension and alteration of existing facilities to serve the local community. These local plan policies encourage sustainable development and the provision of facilities that meet local needs and maintain the viability and vitality of local communities.</p> <p>In conformity with local plan policies, Policy C1 defines community facilities that are of value to the local community and which through their retention and enhancement can promote social well-being, help in achieving a balanced community and enable East Budleigh to remain and develop as a vibrant and functioning village.</p>
5	Policy E1:-Bicton College	Strategy 4, 46, 49 Policy EN8, EN9	Policy E1 is in general conformity with Strategy 4 of the Local Plan, which seeks to secure education infrastructure to contribute towards creating vibrant and viable communities. In conformity with Strategies 46 and 49 and Development Management Policies EN8 and EN9 it is recognised that Bicton College, as a significant designated heritage asset in the AONB landscape, can also play an important economic and social role while recognising any development needs to be sympathetic to the setting of an important listed building and AONB landscape.
6	Policy L1:- Protecting and Enhancing Recreational Facilities	Strategies 3 and 4 Development Management Policy RC2	Policy L1 is in general conformity with Strategies 3 and 4 and Development Management Policy RC2 of the local plan, which seeks to support and promote the provision of leisure and open space facilities in the district. In conformity with these policies Policy L1 also promote social wellbeing, vibrant balanced communities and facilities that are sustainable and meet community needs
7	Policy L2:- Budleigh Salterton Cricket Ground	Strategies 3 and 4 Development	Policy L2 is in general conformity with Strategies 3 and 4 and Development Management Policy RC2 of the local plan, seeks to support and promote the provision of leisure and open space facilities in the district. In conformity with these policies Policy L2 also promotes social wellbeing and facilities that are sustainable

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
		Management Policies RC1,RC2	and meet community needs. In this case an additional aim, in conformity with Development Management Policy RC1 is to ensure an important recreational facility impacted upon by regular flooding is retained within the community and equivalent facilities are provided in a sustainable way.
8	Policy L3:- Bicton Park Botanical Gardens	Strategies 3,4, 33,46,49 Development Management Policies EN8, EN9.	Policy L3 is in general conformity with Strategies 3, 4 and 33 which seek to support and promote sustainable leisure, economic and tourism facilities in the district. In general conformity with Strategies 33, 46 and 49 and Development Management Policies EN8 and EN9 it is recognised that Bicton Park Botanical Gardens are a significant designated heritage asset in the AONB landscape. While having an important economic and social role it is recognised any development needs to be sympathetic to the setting of the listed gardens and AONB landscape.
9	Policy G1:- To protect and enhance the network of public rights of ways and bridleways around the parish	Strategies 3,4 5B Development Management Policy TC4	Policy G2 is in general conformity with Strategies 3 and 4 of the Local Plan, which seek to protect and promote social wellbeing through the provision of recreational space and green infrastructure. Local Plan Development Management Policy TC4 also seeks to protect existing footpaths and promote new provision of footpaths in the district. Policy G2 is also in general conformity with Strategy 5B that promotes sustainable travel modes such as walking.
10	Policy G2:- Off road parking	Strategy 5B Development Management	Policy G2 is in conformity with Strategy 5B and Development Management Policy TC9 which set standards for car parking at a level to promote sustainable transport modes.

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
		Policy TC9	
11	Policy N1:- Protecting and enhancing the landscape, biodiversity and local countryside character	Strategies 3, 5, 46, 47 Development Management Policies D2, D3 EN4, EN5	<p>Policy N1 is in general conformity with Strategies 3, 5, 46 and 47 and Development Management Policies D2, D3, EN4 and EN5 which seek to deliver sustainable development by conserving and enhancing the natural environment including its biodiversity, geodiversity and the character of the AONB landscape.</p> <p>Policy N1 of the Neighbourhood Plan conforms with these Strategies by requiring any development proposals to demonstrate that a range of landscape design principles are met in order to ensure that the landscape, biodiversity and countryside character of the Parish are protected and, wherever possible, enhanced. This includes ensuring new developments respond to the local character of the area through appropriate high quality landscaping, protecting views of value, ensuring new development incorporates, where appropriate, existing trees, ponds and hedgerows, wildlife habitats and by adding to the biodiversity of the area.</p>
12	Policy N2:- Protection of Local Green Spaces	Strategies 3,4 5	Policy N2 is in general conformity with Strategies 3, 4, and 5 which seek to secure and protect open spaces for the benefit of the local community. Policy N2 protects these small areas of local green space which are of historic, recreational or biodiversity value from harmful development.
13	Policy N3:- Protection of Allotment Space	Strategies 3,4 5	<p>Policy N3 is in general conformity with Strategies 3, 4, and 5 which seek to deliver sustainable development by protecting important recreational open spaces for the benefit of the local community from harmful development.</p> <p>Policy N3 also establishes criteria to secure equivalent or greater allotment provision if any development proposals result in the loss of all or part of existing allotment space.</p>

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
14	Policy N4:- Green Corridor	Strategies 5, 46, 47	The green corridor in Policy N4 is in conformity with Strategy 5 of the Adopted East Devon Local Plan which encourages the creation of green networks and corridors to link settlements to the wider countryside. The creation of a green wildlife corridor along East Budleigh Footpath 14 offers the opportunity to enhance the rural setting and increase the biodiversity and wildlife habitats along its route. This is also in conformity with Strategies 46 and 47 of the Local Plan which seeks to protect the natural environment and biodiversity of the Parish.
15	Policy B1:- Heritage Assets and their Setting	Strategies 48, 49 Development Management Policies EN8, EN9, EN10	Policy B1 is in general conformity with Strategies 48 and 49 of the local plan, which seek to protect the physical and cultural heritage of the district and reinforce local distinctiveness. It is also in general conformity with Development Management Policies EN8, EN9, EN10 which lay down more detailed guidance on development impacting on designated heritage assets and their setting. Policy B1 extends this protection to non-designated historic assets that make a contribution to the character of the area.
16	Policy B2:- General Design Principles	Strategies 37, 38, 48, 49	Policy B2 is in general conformity with Strategies 48 and 49 of the Local Plan, which seek to reinforce local distinctiveness and protect the physical and cultural heritage of the district. Policy B2 sets down a range of design criteria to require safe environments (Strategy 37), sustainable construction (Strategy 38) and high quality design that reflect the local character of the area including the AONB landscape and, where necessary, the historic and architectural character of heritage assets.
17	Policy B3:- Infill Developments	Strategy 48	Policy B3 is in general conformity with Strategy 48 of the local plan, which seeks high quality design to reinforce local distinctiveness. Policy B3 lays down criteria to

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
		Development Management Policy D1	resist inappropriate infill development which could impact adversely on residential amenity and the character of an area. Local Plan Policy D1 also seeks to protect the amenity of existing residents.
18	Policy B4:- Extensions	Strategy 48 Development Management Policy D1	Policy B4 is in general conformity with Strategy 48 of the local plan, which seeks to achieve high quality design to reinforce local distinctiveness. Policy B4 lays down criteria to resist inappropriate extensions which could impact adversely on residential amenity and the character of an area. Local Plan Policy D1 also seeks to protect the amenity of existing residents.
19	Policy F1:- Flood Risk Assessment	Strategies 3 and 5 Development Management Policy EN21	Policy F1 is in general conformity with Strategies 3 and 5 of the local plan, which seek to protect areas that are susceptible to flooding. It is also in general conformity with Development Management Policy EN21 by seeking to protect areas most at risk of flooding from development including reducing the risk of flooding by incorporating appropriate mitigation measures. Policy F1 does however, given the flood risk in East Budleigh, extend the requirement of flood risk assessments and exception tests to wet spots as identified in the current Strategic Flood Risk Assessment.
20	Policy F2:-Surface water run-off	Strategies 3 and 5 Development Management Policy EN22	Policy F2 is in general conformity with Strategies 3 and 5 of the local plan, which seek to protect areas that are susceptible to flooding. It is also in general conformity with Development Management Policy EN22 by requiring the introduction of suitable measures to mitigate the adverse impact of surface water run-off in new residential development
21	Policy F3:- SuDS Design and Management	Strategies 3 and 5 Development	Policy F3 is in general conformity with Strategies 3 and 5 of the local plan, which seek to protect areas that are susceptible to flooding. It is also in general conformity with Development Management Policy EN22 by requiring the introduction of suitable measures to mitigate the adverse impact of surface water

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
		Management Policy EN22	run-off in new residential development. In the case of Policy F3 it requires the incorporation of sustainable drainage systems, where appropriate in new residential development.
22	Policy D1:- Built-up Area Boundary of East Budleigh Village	Strategies 6, 7 and 27	<p>Policy D1 is in general conformity with Strategy 6 and 27 of the Local Plan, which seek to designate built-up area boundaries (BUAB) to villages across East Devon where development is considered to be acceptable. The intent of these policies is to direct development to within the existing built up area boundary of the village and to protect the distinctive character of the AONB landscape, amenity and environmental quality.</p> <p>The defined Built-Up Area Boundary in Policy D1 is in conformity with the boundary contained in the Habitat Regulations Screening Report, July 2016 and the Draft East Devon Villages Plan (once a small drafting error relating to gardens on the eastern boundary(to be excluded from the BUAB) admitted to and made by East Devon District Council has been corrected). East Devon District Council have confirmed in writing that the Boundary in Policy D1 of the Submission Plan (same as Habitat Screening Report) is the correct boundary. This is seen in the following email comments from EDDC officers:-</p> <p>Email 4th July 2016</p> <p><i>“It was our intention that the gardens be excluded from the Built-up Area Boundary as per the 2006 Local Plan and as per the Habitat Regs assessment. Unfortunately an erroneous, earlier, version of the plan was used on the Committee Agenda. We intend to circulate a corrected Plan for discussion at the Strategic Planning Committee and to use the amended version for the public consultation itself”</i></p>

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
			<p>Email 4th July 2016</p> <p><i>“As Claire mentioned, the BUAB shown in the Habitat Regulations Screening Report is correct and the one shown in the agenda for the Strategic Planning Committee is an old version that will be amended when we release the plan for consultation”</i></p> <p>Email 4th August 2016 from EDDC Planning Policy Officers to EDDC Councillors</p> <p><i>“The change relates to a couple of rear gardens at Middletown Lane that are in the BUAB in one plan and out in the other – this is a drafting error that we thought had been corrected. Officer recommendation had intended to be for the gardens to be excluded, but this was not what featured in Committee papers and therefore not agreed for consultation by the Strategic Planning Committee”</i></p> <p>Policy D1 is also mindful of and in conformity with the East Devon District Council draft criteria for defining the Built-up Area Boundaries, 2015. In particular the gardens east of Middletown Lane have been excluded from the BuAB in conformity with Criteria A1 (should not seek expansion to facilitate development), A2 (large gardens that stretch out into open countryside) and C1 (large gardens that could extend the built form).</p> <p>The exclusion of these gardens is also in conformity with Strategy 6, paragraph 6.22 of the Adopted East Devon Local Plan which states <i>“In a number of cases Built-up Area Boundaries cut across the rear gardens of properties, rather than following defined garden areas or property boundaries. This is to ensure that inappropriate ‘back land’ development does not occur and lead to urban sprawl on the edge of settlements. Furthermore the rear gardens of properties, especially large gardens, can be more akin to the open countryside in character, rather than</i></p>

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
			<p><i>the built environment and also can provide a ‘soft’ landscape edge to settlements”.</i> Any development in the gardens on the eastern edge of the village could set a precedent and could lead to inappropriate and undesirable ‘back land’ development. This would be contrary to paragraph 6.22 of Strategy 6. They also provide a soft landscape edge to the village which acts as a transition between the built up part of the village and the countryside beyond.</p>
23	Policy D2:- Mixed open market and exception sites	Strategies 2, 3, 6, 27, 35	<p>Policy D2 is in general conformity with the Local Plan Strategy 3, 6, 27, which allow Neighbourhood Plans to allocate land for sustainable development outside of the built-up area boundary.</p> <p>It takes into account Strategy 2 of the Adopted East Devon Local Plan that allocates 206 dwellings to be delivered in villages and rural areas in the period 2013-2031. These dwellings to be delivered through Strategy 27. Strategy 27 does not however allocate any land for development. It is left to communities to decide whether to promote community led development via Neighbourhood Plans (Paragraph 15.20 of the Development Plan states “<i>Some settlements may wish to see development to help deliver facilities or provide housing to meet a specific need. This will be acceptable provided it is supported by evidence and a Neighbourhood Plan demonstrating that the local community is supportive</i>”).</p> <p>Given that under Strategy 2 only 206 dwellings remain to be developed in small villages and the rural areas, on 15th January 2016 the Inspector, reporting on the examination into the East Devon Local Plan, stated in paragraph 30 of his report that “<i>The number remaining to be delivered through Strategy 27 is relatively small compared to the overall target and lack of delivery does not pose a significant threat to meeting the overall target</i>”. Meanwhile in paragraph 33 the inspector agreed that the District has “<i>a housing land supply in excess of 5 years</i>”. This housing supply situation is supportive of Policy D2.</p>

No	Policy Title	Adopted East Devon Local Plan Ref	Commentary
			<p>In accordance with Strategy 27, Policy D2 of the Neighbourhood Plan seeks to deliver community led affordable housing that is sustainable. In general conformity with Strategy 35 of the local plan, it allows mixed exception and open market sites to come forward beyond the boundary where there is a demonstrated affordable housing need (from a robust housing needs survey of the Parish). An exception site is identified in Policy D2 to meet currently identified need in the Parish, subject to the landowner's continual willingness to release the site.</p> <p>It is the 'exception' status of the identified sites which will ensure, that in accordance with community wishes, small scale affordable housing schemes will be built 'on site' in a sustainable way and irrespective of changes in government policy on rural site thresholds.</p> <p>The approach in Policy D2 also accords with Strategy 46 which states development will only be permitted where it can be shown that it cannot be reasonably accommodated elsewhere in the AONB. Given the sensitive natural and built environment around East Budleigh Policy D2 has an emphasis on small scale exception schemes (5 or less dwellings) that can minimise the adverse impact on the AONB, Grade 1 agricultural land and biodiversity. This is in accordance with the views of Natural England that even limited small scale development can have an adverse impact on the landscape.</p>
24	Policy D3:- Dwelling Size	Strategies 1 and 4	<p>Policy D3 is in general conformity with Strategy 1 of the local plan, which states that housing in smaller villages should be geared towards meeting local needs. It also conforms with Strategy 4, which promotes and encourages residential development suitable for younger people and younger families to promote more age-balanced communities across the district. Policy D3 is seeking to ensure any new residential development in the Parish meets current and future demand and demographic trends.</p>

6.0 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 6.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking.’ The Neighbourhood Plan contributes strongly to the achievement of sustainable development.
- 6.2 Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development.
- 6.3 The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’
- 6.4 The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

“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 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 the 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.”

- 6.5 Table 3 below summarises how the policies and allocations in the Submission Neighbourhood Development Plan contribute to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Neighbourhood Plan seeks to support and encourage a range of goods and services. The plan seeks to support business premises and employment opportunities with an emphasis on creating the conditions for small businesses to

Sustainable Development Role	Neighbourhood Development Plan's Contribution
	thrive.
Social	<p>The Neighbourhood Plan sets a strong framework that will help to support the achievement of sustainable social development. The plan protects local community facilities and promotes health and well-being by protecting recreational facilities and green spaces, encouraging investment in new facilities and identifying a network of foot and cycle paths to improve connectivity and accessibility</p>
Environment	<p>The Neighbourhood Plan sets out policies that protect and enhance the AONB landscape character and local green spaces are identified for protection from development.</p> <p>Policies seek to promote the local distinctiveness and historic character of the area and recognise the significance of natural and built heritage assets to local residents as an important aspect of the village's identity.</p>

6.6 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals.

7 DOES NOT BREACH AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

- 7.1 The Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 7.2 The Neighbourhood Plan is in line with European Regulations on strategic environmental assessment and habitat regulations (SEA). A SEA Screening Report was carried out by East Devon District Council in accordance with Regulation 9 of the Environmental Assessment of Plan and Programmes Regulations 2004. This screening report assessed whether the Plan is likely to have any significant environmental impact.
- 7.3 In May 2016 East Devon District Council completed a screening report and this was amended in August 2016 following small textual changes to the Neighbourhood Plan. The report concluded "*The EBNP is unlikely to have a significant environmental impact beyond that has previously been identified through the SEA of the Local Plan. Although East Budleigh with Bicton is located in a sensitive area in the district, the impact of the allocation and policies in the plan is not considered to be significant enough to warrant further analysis through a bespoke SEA*".
- 7.4 After consulting the Environment Agency, Natural England and English Heritage East Devon District Council confirmed in August 2016 that a SEA would not be required.
- 7.5 A copy of the SEA Screening Report, August 2016 is provided in the supporting documentation submitted with the Neighbourhood Plan.
- 7.6 The District Council also assessed whether a Habitats Regulations Assessment (HRA) was required. The report concluded that a full Habitat Regulations Screening Report is not required.
- 7.7 The 'making' of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations.

8 CONCLUSION

- 8.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the East Budleigh with Bicton Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the East Budleigh with Bicton Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.