

# **Aveton Gifford Neighbourhood Plan 2014-2034**

## **Submission Version**

Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

## **Basic Conditions Statement**

**October 2019**

Submitted by the qualifying body:

Aveton Gifford Parish Council

<https://www.aveton-gifford.co.uk/local-info/parish-council/>

for:

Aveton Gifford Neighbourhood Plan

<https://www.aveton-gifford.co.uk/neighbourhood-plan/home/>

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## **1. LEGAL REQUIREMENTS**

- 1.1. This statement has been prepared by the Aveton Gifford Neighbourhood Plan Group on behalf of Aveton Gifford Parish Council. It accompanies the submission to South Hams District Council of the Aveton Gifford Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012 (hereinafter referred to as the Regulations).
- 1.2. The Neighbourhood Plan is submitted by Aveton Gifford Parish Council, the appropriate qualifying body. It covers the area designated by South Hams District Council on 18<sup>th</sup> November 2015. Details of the application and its approval can be found at <https://www.neighbourhoodplanning.swdevon.gov.uk/avetongifford>.
- 1.3. The plan has been prepared on behalf of the parish council by a steering group with professional advice from consultants. The assistance of the district council is also gratefully acknowledged.
- 1.4. It relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2014-2034, a period chosen to tie in with the development plan for the area, the Plymouth and South West Devon Joint Local Plan (the JLP).
- 1.5. As laid out in the Regulations, it does not contain policies relating to excluded development – county matters, nationally significant infrastructure or other matters.
- 1.6. The neighbourhood plan area is shown at Appendix 1. It includes the whole of Aveton Gifford parish.
- 1.7. This statement addresses each of the four 'basic conditions' required by the Regulations and explains how the neighbourhood plan meets the requirement of paragraph 8 of schedule 4B of the 1990 Town and Country Planning Act.
- 1.8. The Regulations state that the neighbourhood plan will have met the basic conditions if it:
  - a) has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - b) contributes to the achievement of sustainable development;
  - c) is in general conformity with the strategic policies of the development plan for the area; and
  - d) is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

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

- 2.1. Aveton Gifford is a rural parish about 3 miles inland from the coast at the tidal head of the Avon Estuary. The parish population is about 1,000 people with the village at its centre, providing a shop and post office, local school, pre-school and playgroup, church, pub, car parking, open spaces and a community swimming pool.
- 2.2. The parish experiences the social, economic and environmental pressures and challenges commonly associated with an attractive rural location. The local economy

rests primarily on tourism and agriculture. Job opportunities are few and house prices are high which can make it hard for local people, especially the young, to afford to stay in the parish. To address such issues the community has decided to produce a neighbourhood plan.

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

- 3.1. Aveton Gifford Parish Council decided to proceed with the development of a neighbourhood plan in late 2015. A steering group was quickly established, and the wider parish community has been engaged through a series of events and surveys.
- 3.2. The first public consultation took place in February 2016, followed by a parish-wide housing needs survey later that year and a further public consultation in April 2017. More detail of the process can be found in the Statement of Consultation which accompanies the plan.
- 3.3. The draft plan was first published in May 2018, in accordance with Part 5, Regulation 14 of the Regulations. It was significantly amended in the light of comments received and a further round of consultation at Regulation 14 took place commencing in May 2019.
- 3.4. More information can be found at the Aveton Gifford Neighbourhood Plan website <https://www.aveton-gifford.co.uk/neighbourhood-plan/home/>, including the plan area, steering group minutes, records of consultations and the current state of progress.
- 3.5. The plan is now submitted to South Hams District Council, in accordance with Part 5, Regulation 15 of the Regulations, together with associated documents including this Basic Conditions Statement, the Statement of Consultation, a Strategic Environmental Assessment (SEA) Environmental Report, a Habitats Regulations Assessment (HRA) screening opinion, a Monitoring Report and a schedule of evidence.
- 3.6. The district council will arrange for the plan's examination by an independent examiner who will decide whether it meets the basic conditions. If these conditions are considered to have been met the district council will hold a local referendum on the plan. So long as more than 50% of those voting in the referendum support the plan it will be declared "duly made" and will become part of the development plan and statutory planning decision making framework for the parish.

### **4. VISION, POLICIES AND PROPOSALS**

- 4.1. The local community's vision for the future of Aveton Gifford is that:
  - a) The village and surrounding areas will show a small but continuous growth in housing and population.
  - b) In doing so the village will retain its village feel and remain vibrant as a community of friends and neighbours.
  - c) The buildings and natural heritage of the area will be retained and protected.
  - d) The open spaces and recreational areas including the River Avon will be conserved.
  - e) Development must not change the nature of Aveton Gifford but will enhance it.

4.2. The plan's policies are laid out under the following main headings:

- a) Development, Homes and Jobs,
- b) Community Facilities, Transport and Infrastructure, and
- c) Environment.

## 5. SUBMISSION DOCUMENTS

5.1. In addition to this Basic Conditions Statement, the following documents have been prepared to support the Aveton Gifford Neighbourhood Plan.

- a) **The Neighbourhood Plan** – the neighbourhood development plan for the designated area containing policies to guide future development in the area.
- b) **The Statement of Consultation** – setting out the community engagement and consultation undertaken from the outset of the process.
- c) **A Strategic Environmental Impact Assessment (SEA) Environmental Report**
- d) **A Habitats Regulations Assessment (HRA) screening opinion**
- e) **A Monitoring Framework** – outlining a framework of performance indicators against which the effectiveness of the plan's policies can be assessed.
- f) **An evidence paper** – to support the choice of sites proposed for development.

5.2. The plan is now submitted to South Hams District Council who will arrange for:

- a) a period of 6 weeks for comment on the submitted plan;
- b) the plan's independent examination; and (providing the plan meets the basic conditions set out at para 1.8 above)
- c) a public referendum on the plan.

## 6. COMPLIANCE STATEMENT

6.1. The draft Aveton Gifford Neighbourhood Plan was made available for consultation for 6 weeks from 18<sup>th</sup> May to 29<sup>th</sup> June 2018, and for a further 6 weeks from 17<sup>th</sup> May to 28<sup>th</sup> June 2019, in accordance with Part 5, Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

6.2. Responses to the comments received, including from key consultees are publicly available in a spreadsheet at <https://www.aveton-gifford.co.uk/neighbourhood-plan/home/> which is included among the documents now submitted to South Hams District Council. A separate response to the district council's comments can also be found there.

6.3. Following consultation on the draft plan the amendments considered to be necessary have been made and the plan is now submitted to South Hams District Council. Part 5, Paragraph 15 of the Regulations sets out the requirements for the submission of a neighbourhood plan, as follows:

**Plan proposals:** Where a qualifying body submits a plan proposal to the local planning authority, it must include –

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;

- b) a consultation statement;
  - c) the proposed neighbourhood development plan; and
  - d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act
- 6.4. Part (a) is provided at **Appendix 1** to this statement and includes the map and a hyperlink to the application and designation notice. Parts (b) and (c) are now submitted alongside this Statement. The requirements of part (d) are that the plan meets the basic conditions which are (as set out at para 1.8 above), that:
- the plan has regard to national policies and advice contained in guidance issued by the Secretary of State.
  - the plan contributes to the achievement of sustainable development.
  - the plan is in general conformity with the strategic policies contained in the development plan for the area.
  - the plan does not breach and is compatible with EU obligations.
- 6.5. The following sections of this statement explain how the Aveton Gifford Neighbourhood Plan meets those requirements.

## **7. REGARD TO NATIONAL POLICIES AND GUIDANCE**

- 7.1. The National Planning Policy Framework (NPPF) was published in March 2012 and its revision in July 2018. It provides a framework to plan for sustainable development, including by local communities through the production of neighbourhood plans.
- 7.2. The Aveton Gifford Neighbourhood Plan aims to focus on those planning matters which have been identified as priority concerns by the local community. It seeks to neither hinder nor duplicate policies in existing plans, which should be read alongside the neighbourhood plan. Both independently of one another and in combination the plans meet the requirements of the NPPF.
- 7.3. **Appendix 2** sets out the way that the policies of the plan conform with the NPPF.

## **8. CONFORMITY WITH STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

- 8.1. The development plan for the area is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019. It replaces the various plans which had preceded it. Several adopted Supplementary Planning Documents (SPDs) provide further detail.
- 8.2. The Aveton Gifford Neighbourhood Plan has been prepared in cooperation with the district council. It generally conforms with and does not undermine or constrain the strategic content of the JLP as it relates to Aveton Gifford.
- 8.3. More detail about the way in which the plan's policies generally conform with the strategic content of the development plan policies is set out in **Appendix 2** (along with details of conformity with the NPPF).

## **9. COMPATIBILITY WITH EU LEGISLATION**

- 9.1. The Aveton Gifford Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The consultation process has aimed to include all

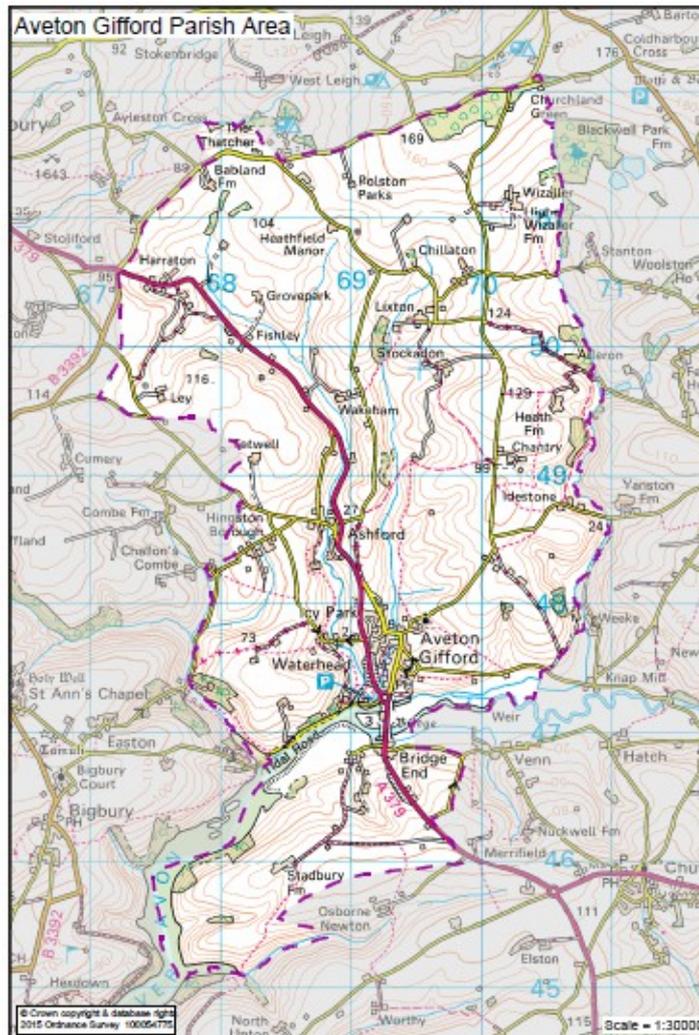
sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled, with local events in accessible locations and an effective digital presence.

- 9.2. A Strategic Environmental Assessment (SEA) Environmental Report and Habitats Regulations Assessment (HRA) screening opinion are now submitted with the plan.

## APPENDIX 1

### AVETON GIFFORD NEIGHBOURHOOD PLAN AREA DESIGNATION

1. The plan area shown on the map below is that confirmed on 18<sup>th</sup> November 2015 by South Hams District Council.



2. The application for and notice of designation of the Aveton Gifford Neighbourhood Plan area can be found at <https://www.neighbourhoodplanning.swdevon.gov.uk/avetongifford>.

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

1. The table below maps the policies of the Aveton Gifford Neighbourhood Plan, their regard for the National Planning Policy Framework (NPPF) and their general conformity with the strategic policies of the development plan for the area.

<b>Aveton Gifford Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
Overall	<p>The plan has regard to the NPPF and particularly to the objectives for neighbourhood plans and in the achievement of sustainable development.</p> <p>It sets out a vision for the future and contains policies which respond to priority concerns expressed by the local community.</p> <p>It sets out a strategy that provides for sustainable development within its area.</p> <p>Its policies align with the NPPF in general and in particular ways as shown below.</p>	<p>The plan is in general conformity with the strategic policies of the development plan and in particular those contained in the Plymouth and South West Devon Joint Local Plan (the JLP) adopted in March 2019.</p> <p>JLP policy TTV25 is of key relevance.</p>
AG1: Development and Settlement Boundary	<p>The policy has regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, part 6 in helping to build a prosperous rural economy, part 11 by making effective use of land, and parts 15 and 16 by aiming to conserve and enhance the natural and historic environment.</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, SPT3, SPT12, TTV2 and TTV26.</p>
AG2: Design and Layout of New Development	<p>The policy has regard to NPPF parts 8, 12 and 14 in aiming to ensure safe, healthy, well designed places and helping to meet the challenges of climate change and flooding.</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, DEV1, DEV2, DEV10, DEV20, DEV32, DEV33, DEV34 and DEV35.</p>
AG3: Affordable, Self-build and Sheltered Housing	<p>The policy has regard to NPPF part 5, delivering a sufficient supply of</p>	<p>The policy generally conforms with JLP policies SPT2, SPT3,</p>

	homes, and in particular to those parts addressing affordable housing and to meeting local needs in rural areas.	DEV8, DEV9 and DEV10.
AG4: New Business and Employment Development	The policy has regard to NPPF part 6 in seeking to support a prosperous rural economy.	The policy generally conforms with JLP policies SPT1, SPT2, SPT4, TTV2, DEV14, DEV15 and DEV19.
AG5: Development at Millhay and Churchfield	The policies have regard to NPPF part 2 in aiming to facilitate sustainable development, part 5 in helping to deliver sufficient homes, and part 11 by making effective use of land.	The policies generally conform with JLP policies SPT1, SPT2, SPT3, DEV8, DEV9, DEV10, TTV2, TTV25, TTV26 and TTV27.
AG6: Development adjoining Pulleys Close - Barton Field		
AG7: Community Facilities, Transport and Infrastructure	The policy has regard to NPPF part 8 in promoting a healthy and safe community and safeguarding and enhancing local services and facilities.	The policy generally conforms with JLP policies SPT1, SPT2, SPT9, SPT10, SPT12, SPT13, TTV25, DEV3, DEV4, DEV5, DEV18, DEV27, DEV29 and DEV30.
AG8: Protecting the Landscape and Biodiversity	The policy has regard to NPPF part 15 in aiming to protect and enhance valued landscapes and sites of biodiversity value, allocating for development land with the least environmental and amenity value.	The policy generally conforms with JLP policies SPT1, SPT2, SPT12, DEV20, DEV23, DEV24, DEV25, DEV26, DEV27, DEV28 and DEV36.
AG9: Heritage and Conservation	The policy has regard to the NPPF part 16 in aiming to conserve and provide for the enjoyment of historic assets.	The policy generally conforms with JLP policies SPT1, SPT2, SPT11 and DEV21.
AG10: Local Green Spaces	The policy has regard to NPPF part 8 in promoting a healthy community and protecting green areas of particular local importance.	The policy generally conforms with JLP policies SPT1, SPT2, SPT12, TTV2, DEV1, DEV3, DEV4, DEV5 and DEV27.