



Uplyme Neighbourhood Plan, October 2016

Basic Conditions Report

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1. Legal requirements

This statement has been prepared by the Uplyme Neighbourhood Plan Group on behalf of Uplyme Parish Council to accompany its submission to East Devon District Council of the Uplyme Neighbourhood Plan under section 15 of the Neighbourhood Planning Regulations 2012.

The Uplyme Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the whole parish of Uplyme, as designated by East Devon District Council on 4 September 2013. The area is shown outlined in blue over the page.

The plan proposal relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2016 to 2031. It does not contain policies relating to excluded development as laid out in the Regulations.

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.

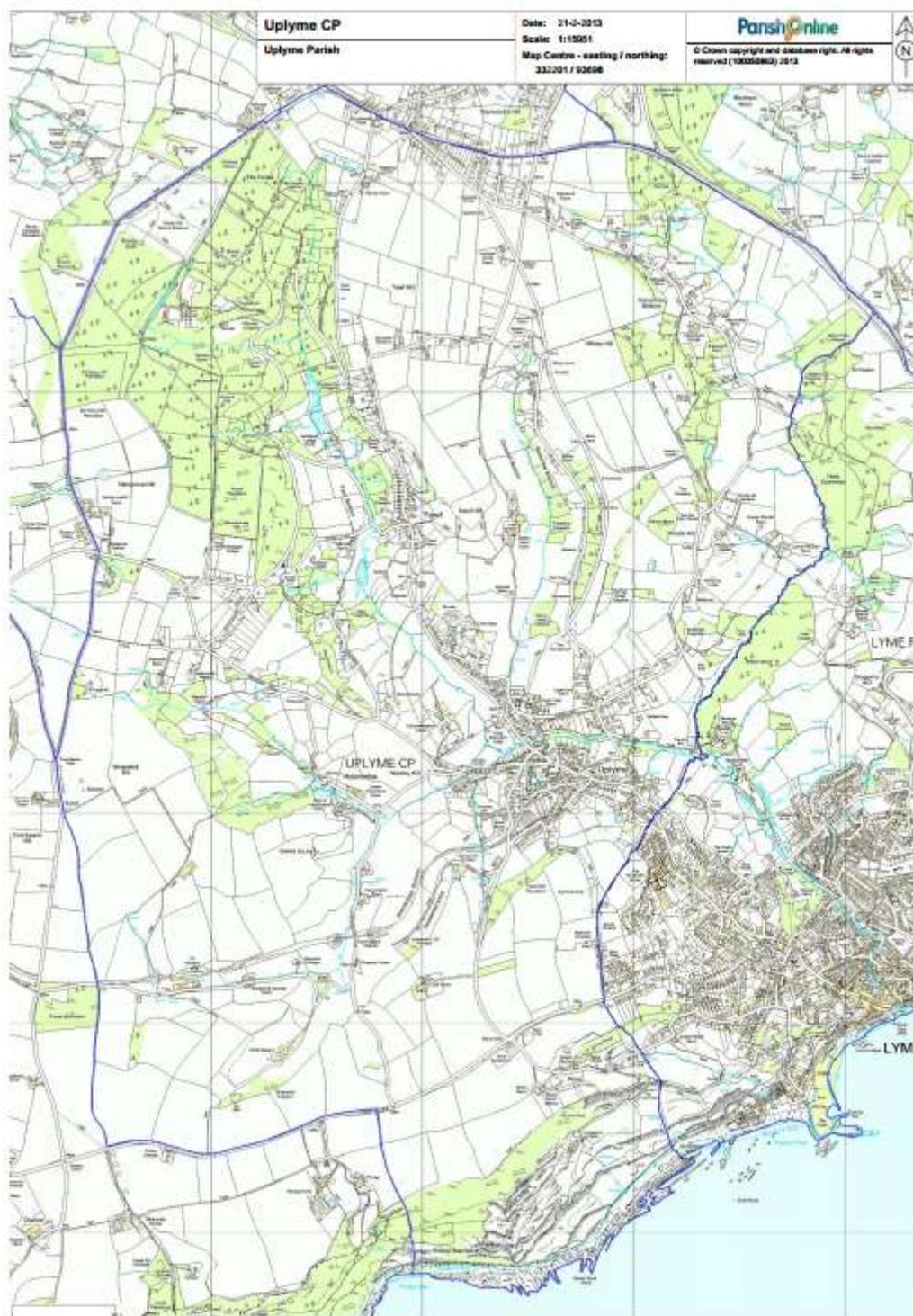
The Regulations state that the Neighbourhood Plan will have met the basic conditions if it:

- 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

The Parish Council decided in early 2013 that it wished to create a neighbourhood plan for the parish. Following designation of the area in September the same year, an extensive period of consultation with local and national stakeholders, local organisations, businesses, landowners, and residents was undertaken, finally concluding in September 2016. As well as written and email consultations, face-to-face meetings were arranged, and a number of public consultation events were staged. Press, local newsletters and noticeboards, and social media, were all used to publicise the various stages of the process.

During the later stages of this period, the draft plan was developed by the NP Group and approved by the Council in June 2016, then sent out for Regulation 14 consultation for an eight-week period. Comments received were considered and implemented where necessary, and the regulation 15 draft was approved by the Council in October 2016.



3. Conformity with National Planning Policy and the Local Plan

1. The Neighbourhood Plan has been prepared in conformity with 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.

2. The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area, namely the adopted East Devon Local Plan 2013-2031.

The table below sets out a summary of each policy and the relevant provisions of the NPPF and the EDLP that apply. Each policy in the Neighbourhood Plan was carefully written to conform to these national and local planning guidance and policies, therefore the cross-references to relevant sections of the NPPF and EDLP are set out in the following table. Comparison between all three of these documents therefore demonstrates the conformity of the Neighbourhood Plan.

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.

The table also includes references to the objectives of the Uplyme Neighbourhood Plan (UNP) that guided the whole process. These are reproduced in section 4.1.

<i>Policy, title</i>	<i>Description</i>	<i>NPPF</i>	<i>EDLP</i>	<i>UNP</i>
USD1 – Presumption in favour of sustainable development	Planning applications which accord with the policies in the Neighbourhood Plan and the Local Plan will be supported unless material considerations indicate otherwise. Planning permission will also be granted if the Neighbourhood Plan is silent or out of date on the matter, unless any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the National Planning Policy Framework and Local Plan.	Sections 18-219	Strategy 3	A-F
UHG1 – Built-up Area Boundary	The Built-up Area Boundary (BUAB), for Uplyme (and proposed amendments) will be retained in the position shown on the Proposals Map. Proposals for development within the BUAB will be supported, subject to detailed requirements of other policies in the Neighbourhood Plan being met.	Sections 11, 16, 183, 184, 185	Strategy 6, Strategic Policy 26c	A-F
UHG2 – General housing guidelines	Applications for new housing development within the BUAB and on exception sites will be supported provided they: <ul style="list-style-type: none"> • demonstrate high quality design • use materials and detailing that reflect local themes and distinctiveness in the vicinity of the development site • incorporate sustainable construction techniques and energy conservation measures within their development proposals • do not result in the loss of land of local amenity or recreational importance unless an alternative space of equal or greater size, quality and convenience were to be included as part of the proposal • do not damage but, where practical, 	Sections 56, 57, 58	Policy D1	A, B, D

Policy, title	Description	NPPF	EDLP	UNP
	<p>enhance biodiversity, landscape and historic interests</p> <ul style="list-style-type: none"> take into account the current AONB Management Plans, Landscape Character Assessment & Management Guidelines 2008 and the Devon County Council Landscape Character Areas Assessment. <p>Regard will also be had to prevailing scale, massing and density in the locality and the general development design principles as set out in the Village Design Statement in Appendix H of the UNP.</p>			
UH3 – Exception housing development	<p>Affordable housing schemes delivered through rural exception sites, and the conversion of suitable existing buildings, will be supported, subject to detailed requirements of other policies in the Neighbourhood Plan being met. <i>(Although this policy is part of the EDLP, it is considered to be particularly relevant to this Plan as it provides the context for subsequent policy.)</i></p>	Sections 54, 55	Strategies 6, 7	A, B
UH4 – Exception housing sites	<p>The following sites are proposed as exception housing sites, as defined on the Proposals Map, to be developed by social housing providers/housing associations for at least 66% affordable housing with up to a 33% element of market housing.</p> <p>Tappers Knapp/Springhead Road</p> <p>The site is 0.89 acres (0.36 ha) and is well located close to existing amenities within Uplyme. Access would have good visibility in both directions and is capable of being provided without highway danger. The topography of the site lends itself to an interesting layout of a small scale affordable housing development, of 8-10 frontage dwellings. The site is not prominent in the landscape and development would not adversely impact upon other dwellings. Supplementary landscaping would be required on the western edge of the new development in order to soften its impact when viewed from higher ground to the west.</p> <p>Masters Close</p> <p>The site is 0.27 acres (0.11 ha) at the northern end of Masters Close is suitable as an exception site, subject to this being considered for a small scale development of at least 4-5</p>	Section 54	Strategies 6, 7	B

Policy, title	Description	NPPF	EDLP	UNP
	<p>houses, essentially to 'round off' the recently developed affordable housing scheme. It is a suitable site in the light of its overall attributes, namely: accessibility, proximity to services, school, highway access etc. It would be set down well below the road level, minimising visual prominence with supplementary landscaping required on the northern boundary, to mitigate the visual impact of the development at the gateway to the village.</p> <p>Lime Kiln Lane</p> <p>In principle, a small scale affordable housing exception site scheme of approximately four houses could be accommodated on the frontage of this site of 0.42 acres (0.17 ha) without undue landscape or other impacts. Peripheral landscaping will be required round the development to integrate it well within the surrounding landscape.</p>			
UHGS – Rural building conversions for residential use	<p>Planning applications for conversions of suitable redundant farm and other buildings in rural areas will be favourably considered for residential use, providing that:</p> <ul style="list-style-type: none"> the proposals are consistent with protecting the character and landscape quality of the East Devon Area of Outstanding Natural Beauty the buildings are capable of conversion rather than requiring rebuilding or disproportionate extension the design approach is appropriate and sympathetic to the building, surroundings and wider context traffic, access, landscaping and general amenity considerations are satisfied. 	Sections 17, 28	Strategy 38, policy D8, East Devon AONB Landscape Character Assessment	A, B
UEM1 – Business development	<p>New business development and uses will be supported subject to fulfilling all the following criteria:</p> <ul style="list-style-type: none"> the scale and nature of the proposals would not have significant adverse impacts on the amenities of adjoining businesses and householders, on the landscape of the AONB or on sites designated for their biodiversity or geodiversity importance the scale and nature of the proposals would be compatible with other land-use 	Section 28	Strategy 27, policy E5	UNP objective E

<i>Policy, title</i>	<i>Description</i>	<i>NPPF</i>	<i>EDLP</i>	<i>UNP</i>
	<p>activities</p> <ul style="list-style-type: none"> any increase in traffic resulting from the proposal can be safely accommodated on the local road network they use sustainable forms of construction, providing energy conservation measures and renewable energy provision is made for parking appropriate to the needs of the development. 			
UEM2 – Promote range of businesses	<p>Proposals that support the development of local businesses, including small scale social enterprises that meet the needs of the community and the creation of ‘live -work’ units, will be permitted provided that they:</p> <ul style="list-style-type: none"> contribute to the character and vitality of the local area do not have a significant adverse impact on the landscape of the AONB do not detract from residential amenity, and do not adversely impact upon road safety <p>The residential element of any live-work unit would have to demonstrate a specific need for that aspect of the development.</p>	Section 28	Strategy 27, policy E5	E
UEM3 – Conversion of rural buildings	<p>Planning applications for conversions for business uses of suitable redundant farm or other buildings in rural areas should be favourably considered, providing that:</p> <ul style="list-style-type: none"> the proposals do not have a significant adverse impact on the landscape of the AONB the buildings are capable of conversion rather than requiring rebuilding the design approach is appropriate and sympathetic to the building and its surroundings traffic, access, landscaping and general amenity considerations are satisfied 	Section 28	Strategy 27, policy E5	E
UEM4 – Tourism uses and development	<p>Proposals for the development and expansion of tourism-related businesses will be supported providing that:</p> <ul style="list-style-type: none"> the scale of development is small and proportionate to existing activity and the immediate locality the potential impact on neighbouring residential properties is acceptable having 	Sections 23, 28,	Strategy 27, policy E5	E

Policy, title	Description	NPPF	EDLP	UNP
	<p>regard to potential noise and disturbance</p> <ul style="list-style-type: none"> • they do not have a significant adverse impact on the landscape of the AONB and are mitigated by extensive landscaping and visual screening • traffic, access and highway issues are satisfactorily addressed 			
UEM5 – Business centre	The re-use of the current school land and buildings as a small business centre (for Classes A2 and B1) will be supported subject to the relocation of the school to the proposed new site on the Lyme Road.	Section 28	Strategy 31	E
UCF1 – Expansion of community facilities	Proposals for the expansion of local community facilities will be fully supported, to ensure that these facilities continue to support the needs of the local community, subject to impacts of traffic / noise, and on local character and the amenity of residents being acceptable.	Section 28	Strategy 27	C
UCF2 – Education	<p>The relocation of the Primary School – Mrs Ethelston’s CE Academy – to a new site adjacent to the village hall, as illustrated on the Proposals Map, is supported and endorsed.</p> <p>In principle, any proposals for the provision of school buildings to meet the educational needs of Woodroffe School within Uplyme parish will also be supported, subject to consideration of detailed plans and potential impacts of traffic and noise on the residential amenity of nearby properties.</p>	Section 28	Strategy 27	C
UCF3 – Sporting/ recreational facilities	Proposals for the improvement of or provision of new sporting, social and recreational facilities on the sites within the parish will be supported, providing they do not significantly impact upon the character and appearance of the area or the amenity of neighbouring residents. New sites easily accessible by sustainable means will be especially supported.	Section 28	Strategy 27	C
UTR1 – Traffic calming at Stanbury	Either a traffic calming chicane to include a footpath within the highway outside Stanbury’s boundary on the B3165, or alternative footway arrangements on the opposite side of the highway, would be supported to improve access to village facilities for pedestrians and improve highway	Sections 32, 35	Strategy 50	C

<i>Policy, title</i>	<i>Description</i>	<i>NPPF</i>	<i>EDLP</i>	<i>UNP</i>
	safety.			
UTR2 – Pavement near Crogg Lane	The plan prepared by Devon County Council – to install a chicane and traffic calming measures on the B3165 near the Crogg Lane junction where the road narrows and there are no footways – is supported as a high priority. Financial contributions that may be secured from new development in the village by the local authorities, including through Community Infrastructure funds, could be used to assist in funding this much needed safety improvement.	Sections 32, 35	Strategy 50	C
UEN1 – Historic character	Development proposals will be assessed with regard to their potential impact on recognised assets or features of historic value and to the contribution they make to the character and culture of Uplyme. Where appropriate, planning conditions will be imposed to mitigate impacts or further investigate a site’s historic or archaeological value. Schemes that would result in substantial harm to such assets will not be supported.	Section 124	Policy D1	D
UEN2 – General design	All new development within Uplyme should demonstrate a design that respects and reflects the character and appearance of the surrounding area. Development proposals will be supported where they: <ul style="list-style-type: none"> • use good quality materials that complement the existing palette of materials used within the parish • are innovative to achieve low carbon sustainable design • ensure safe access for pedestrians, cyclists and other road users • provide adequate external amenity space, refuse and recycling storage, car and bicycle parking, to ensure a high quality and well managed streetscape • use green hedging and/or trees for highway and other boundaries wherever possible and in keeping with the existing street scene. 	Section 124	Section 22.14, policy D1	D
UEN3 – Scale	In considering new developments, the scale proposed should reflect the gradual incremental historical growth of the village that has formed part of its special character.	Section 126	Strategies 5, 46 and 49	D

Policy, title	Description	NPPF	EDLP	UNP
	New development should not be prominent in scale, visually dominant or significantly change the character of the village. Any proposals for new development should reflect the grain, density, quality and materials of the immediate area within which it will be located.			
UEN4 – Farm diversification	Proposals for development that enable farm diversification, or for changes required for agriculture or land management practices which respect or enhance the natural beauty of the AONB, will be supported, providing that proposals are complementary to, or compatible with, the existing agricultural use.	Section 11.5	Strategy 46	D
UEN5 – Trees and hedgerows	Development proposals should include the protection of existing trees / hedgerows of significant landscape, amenity, historic or conservation value, and new housing or development schemes will be required to include additional planting of trees and hedges, to enhance the landscape character of the immediate neighbourhood and wider parish.	Section 11.5, 11.7	Policy D3	D
UEN6 – Wildlife protection	Development proposals should not cause significant direct or indirect harm to any site designated for its wildlife value or geodiversity. Proposals to protect or restore any existing features, or to create new features of wildlife habitat – particularly where these form linkages between habitats within or beyond the site – will be supported.	Section 11	Policies 5, EN4 and EN5	D
UEN7 – Green Space in Uplyme	The Local Green Space defined on the Proposals Map provides an important green link and green corridor within the built up area of Uplyme. This is to be retained as undeveloped land, which physically links important landscape and/or open areas. Notwithstanding the location of part of this corridor within the Built Up Area Boundary for Uplyme, proposals for permanent built development within this Green Space area will be resisted and the area protected for its landscape, recreational and/or amenity value, as well as for benefits to wildlife.	Sections 10, 76, 77	Strategy 43, section 18.4.4	D
UEN8 – Renewable energy	Proposals for individual and community scale energy from hydro-electricity, solar photovoltaic panels, local biomass facilities, anaerobic digestion and wood fuel products	Section 17	Strategy 39	F

<i>Policy, title</i>	<i>Description</i>	<i>NPPF</i>	<i>EDLP</i>	<i>UNP</i>
	<p>will be supported subject to all the following criteria:</p> <ul style="list-style-type: none"> • the siting and scale of the proposed development is appropriate to its setting and position in the wider landscape • the proposed development does not create an unacceptable impact on the amenities of local residents in terms of noise, vibration or electromagnetic interference • where appropriate, the energy generating infrastructure and its installation complies with the Microgeneration Certification Scheme or equivalent standard. • planning permission is subject to a requirement that the energy generating infrastructure is removed at the end of its useful life. 			

4. Contribution to the achievement of sustainable development

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.

Economic and social sustainability was supported through the promotion of policies regarding affordable housing, the needs of local businesses, improvement of pedestrian/cyclist safety, and local community facilities.

During the preparation of the draft Plan, 12 potential development sites were identified by residents, local landowners, and the group. A Strategic Environmental Assessment of all the identified sites was conducted, as a result of which three were proposed in the Plan. Regard was also given to the natural environment, an issue strongly resonant with individual respondents to the plan.

4.1 Uplyme Neighbourhood Plan vision and strategic objectives

Vision

“We recognise that Uplyme village and its surrounding Parish is a special place to live, lying within an Area of Outstanding Natural Beauty, and bordered by England’s only natural World Heritage Site. We aim to maintain these qualities, whilst enhancing the rural and built environment by allowing limited and appropriate development — to include the provision of affordable housing — to meet the needs of local people for the next 15 years, in a way that will not compromise future generations and will encourage the maintenance of a sustainable and balanced community.”

Objectives

- A.** To satisfy the diverse housing needs for all by meeting changing demographic and social requirements.
- B.** To keep housing development to small scale and designed to a high quality which is sustainable, reflecting the local character and distinctiveness of the area.

- C. To preserve the sustainability of the area by retaining and, if possible, enhancing local services and facilities.
- D. To protect and enhance the natural and built environment of the parish, including its landscape, geological assets, built heritage, archaeological sites and wild-life habitats.
- E. To support the local economy through its existing businesses, and by encouraging new enterprises and facilities that enhance commercial effectiveness and employment opportunities.
- F. To reduce vulnerability to impacts of climate change, particularly flooding.

4.2 Sustainability review

The table below sets out an assessment of each policy of the plan and how it impacts on each of the three strands of sustainability; economic, social and environmental.

Green shading indicates an assessment of a very positive impact, amber a more modest impact. It is not considered that any policy has a negative effect on sustainability, though some are neutral.

Policy, title	Economic	Social	Environmental
USD1 – Presumption in favour of sustainable development	This policy, by its very nature, concentrates the direction of the plan towards the three sustainability strands		
UHG1 – Built-up Area Boundary	Limited development will provide opportunities for construction firms as well as new households in the village to support local businesses		The wider environment is protected from the presumption of development by a limited BUA
UHG2 – General housing guidelines	High quality development will enhance the village scene, making it more attractive for tourists and local residents alike		Protection of biodiversity and landscape is one of the key points of the policy
UHG3 – Exception housing development	Affordable housing is a key element in retaining local workers and achieving a balanced demographic for the community		Sites were all appraised for their impact on the landscape
UHG4 – Exception housing sites	See above		
UHG5 – Rural building conversions for residential use	Limited development will provide opportunities for construction firms	New households in the village to support local businesses	No new building in open countryside
UEM1 – Business development	New or enhanced business opportunities have obvious economic advantages	Recruitment for new businesses has social benefits	

Policy, title	Economic	Social	Environmental
UEM2 – Promote range of businesses	New ways of working may improve employment prospects	Live-work units provide opportunities for local households	Live-work implies less commuter traffic
UEM3 – Conversion of rural buildings	New workplaces may improve employment prospects	Recruitment for new businesses has social benefits	Protection of landscape is one of the key points of the policy
UEM4 – Tourism uses and development	Improving and retaining tourism is an important factor, both in providing local employment, and retaining the lively community that results		Protection of landscape is one of the key points of the policy
UEM5 – Business centre	New workplaces may improve employment prospects	Recruitment for new businesses has social benefits	
UCF1 – Expansion of community facilities	There may be limited business opportunities connected with these facilities	Village community life is an important social factor, so more facilities will assist	
UCF2 - Education	Development will provide opportunities for construction firms (but probably not locally)	A new school is badly needed and will be an asset to the community	
UCF3 – Sporting/recreational facilities	There may be limited business opportunities connected with these facilities	Village sporting life is an important social factor, so more facilities will assist	Sustainable access is one of the key points of the policy
UTR1 – Traffic calming at Stanbury	Less dangerous pedestrian routes through the village may have limited benefits for tourism and the local shop etc.	Both policies address serious concerns for pedestrians in the village	
UTR2 – Pavement near Crogg Lane			
UEN1 – Historic character		Protection of historic assets may contribute positively to the character of the village	Historic assets are a valued part of the environment of the village
UEN2 – General design	Good design of new development will have positive effects on the desirability of Uplyme as a place to live and do business and for visitors		Good design protects the built environment from unsympathetic additions
UEN3 – Scale			Appropriate scale promotes the harmony of the built environment
UEN4 – farm diversification	New business will allow farming to be more economically sustainable		

<i>Policy, title</i>	<i>Economic</i>	<i>Social</i>	<i>Environmental</i>
UEN5 – Trees and hedgerows		Trees are thought to have positive impact on health and wellbeing, so the retention and addition of trees and hedges may have a beneficial effect	The protection of existing trees and hedges, and the provision of new ones, will enhance the environment
UEN6 – Wildlife protection		As above, natural habitat can have positive effects	The protection and improvement of existing sites with wildlife or geological importance, and the provision of new ones, will enhance the environment
UEN7 – Green Space in Uplyme		Green space has recreational, amenity and landscape value, and is valued by residents	Designated Green Space in the village will be protected, with obvious environmental benefits
UEN8 – renewable energy			Larger renewable schemes will probably help to mitigate the impact of climate change on the environment

5. Compatibility with EU obligations and legislation

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, by engagement in various media used by different sections of the community (including local press, social media, noticeboards and posters), and at village occasions, as well as two questionnaires delivered to every household.

A screening process was carried out by East Devon District Council which determined that the Neighbourhood Plan required a Strategic Environmental Assessment. This comprehensive document is part of the Plan, and is available for download from the Council web site if required.

It was also determined that the Plan did not require a Habitats Regulations Assessment.