



# Tiverton Neighbourhood Plan 2020 to 2033



**Basic Conditions Statement**

**Presented by Tiverton Town Council**

**November 2021**

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## 1. Introduction

1.1. This Basic Conditions Statement has been produced to accompany the Tiverton Neighbourhood Plan ('the Neighbourhood Plan' or 'the Plan').

1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:

- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
- Planning and Compulsory Purchase Act 2004: ss 38A-C
- Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (as amended)

1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five<sup>1</sup> basic conditions before it can proceed to a referendum. These are:

- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
- iii. The making of the neighbourhood development 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);
- iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, (retained) EU obligations; and
- v. 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. 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 etc.) Regulations 2007) (either alone or in combination with other plans or projects).

1.4. This document sets out how the Tiverton Neighbourhood Plan meets the Basic Conditions.

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<sup>1</sup> There are two further basic conditions which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

### **Supporting documents and evidence**

- 1.5. The Submission Version Neighbourhood Plan, with its policies, is supported by a Consultation Statement, this Basic Conditions Statement and an extensive evidence base. It has also been subject to a Screening, organised by Mid Devon District Council (MDDC), to ascertain whether it requires a Strategic Environmental Assessment and/or a Habitat Regulations Assessment, and the Determination Statement is included as part of the accompanying documentation.
- 1.6. Alongside the planning policies, the Plan contains both infrastructure priorities and a series of projects which fall outside planning policy. These are intended to contribute towards the achievement of the Plan's vision and form the basis of the principles for the use of any developer funding and other monies arising from other planning obligations. They complement the Neighbourhood Plan document but are not a formal part of the Development Plan.

### **Key statements**

- 1.7. Tiverton Parish Council, as the qualifying body, has prepared the Neighbourhood Plan which has the same boundary as the parish area of Tiverton, as shown in Figure 1. It was designated a Neighbourhood Area by MDDC on 12 November 2018.
- 1.8. The Plan sets out planning policies that relate to the development and use of land within only the Tiverton Neighbourhood Area.
- 1.9. The Plan refers only to the administrative boundary of Tiverton. There are no other adopted Neighbourhood Plans that cover all or part of the Tiverton Neighbourhood Area.
- 1.10. The Neighbourhood Plan Working Group has prepared the Plan to establish a vision for the future of the parish and a series of objectives to deliver this. It has engaged with the community to set out how the vision will be realised through planning and controlling land use and development change over the plan period 2020 to 2038.
- 1.11. The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.



## **2. Basic condition (i) - conformity with national planning policy**

- 2.1. To meet this condition, it is necessary to demonstrate that the Plan has regard to national planning policies and the advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').
- 2.2. It should be noted that the Neighbourhood Plan has been prepared in accordance with the NPPF, most recently revised in July 2021.

### **National Planning Policy Framework**

- 2.3. The NPPF has 13 key objectives which are:
  - Delivering a sufficient supply of homes
  - Building a strong, competitive economy
  - Ensuring the vitality of town centres
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Supporting high quality communications
  - Making effective use of land
  - Achieving well-designed places
  - Protecting Green Belt land
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
  - Facilitating the sustainable use of minerals
- 2.4. This basic conditions statement explains how the Neighbourhood Plan contributes to meeting these objectives, where relevant, and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.5. The Neighbourhood Plan has nine objectives, which are shown in Table 2.1 alongside the corresponding NPPF objective or objectives that each one seeks to address.
- 2.6. Table 2.2 then provides further detail by detailing each of the 18 policies of the Neighbourhood Plan and which specific paragraphs of the NPPF it has had regard to along with a commentary.

**Table 2.1: Assessment of the Tiverton Neighbourhood Plan objectives against NPPF goals**

Plan objective	Relevant NPPF goal
<p><b>OBJECTIVE 1:</b> New development in the parish is located in sustainable locations and housing prioritises locally evidenced need.</p>	<ul style="list-style-type: none"> <li>• Making effective use of land</li> <li>• Delivering a sufficient supply of homes</li> </ul>
<p><b>OBJECTIVE 2:</b> All new development is of high quality – in terms of use of local sustainable materials, maximising energy efficiency and reducing flood risk – and reflects local character in terms of building style and materials.</p>	<ul style="list-style-type: none"> <li>• Achieving well-designed places</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> </ul>
<p><b>OBJECTIVE 3:</b> Existing homes are improved in energy efficiency by supporting refurbishment. Changes required to bring empty homes back into use are allowed.</p>	<ul style="list-style-type: none"> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Making effective use of land</li> <li>• Delivering a sufficient supply of homes</li> </ul>
<p><b>OBJECTIVE 4:</b> The historic and architecturally significant built environment – in addition to the rich archaeology heritage and historic landscapes (rural and built streetscapes) is conserved and enhanced for future generations, taking opportunities to enable it to be better understood and appreciated.</p>	<ul style="list-style-type: none"> <li>• Conserving and enhancing the historic environment</li> </ul>
<p><b>OBJECTIVE 5:</b> The biodiversity of the rural environment and open spaces within the parish are conserved and enhanced, giving opportunities for sustainable rural employment, recreational enjoyment and carbon sequestration. Tree planting, food production for the local market and rural crafts are actively encouraged and supported. Land based activities are carbon neutral by 2030.</p>	<ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Promoting healthy and safe communities</li> </ul>

<p><b>OBJECTIVE 6:</b> The provision of community infrastructure and local facilities is adequate to address the needs and aspirations of existing and future residents in the transition to a zero-carbon economy.</p>	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> </ul>
<p><b>OBJECTIVE 7:</b> Opportunities for community renewable energy generation using natural resources in the area are strongly supported and encouraged.</p>	<ul style="list-style-type: none"> <li>• Meeting the challenge of climate change, flooding and coastal change</li> </ul>
<p><b>OBJECTIVE 8:</b> The use of public transport (including electric buses), electric vehicles, cycling and walking are prioritised over conventional car use. There is a safe environment for pedestrians, wheelchair users, and cyclists and public transport is effectively connected to ensure free movement.</p>	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> </ul>
<p><b>OBJECTIVE 9:</b> Employment opportunities are enhanced by improved infrastructure, universal mobile and fast broadband connectivity and a sustainable economy. The thriving town centre has an important role and the buildings there are fully used.</p>	<ul style="list-style-type: none"> <li>• Ensuring the vitality of town centres</li> <li>• Building a strong, competitive economy</li> </ul>

**Table 2.2: Assessment of how each policy in the Neighbourhood Plan conforms to the NPPF**

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
<b>Spatial strategy</b>		
POLICY T1: LOCATION AND SCALE OF DEVELOPMENT IN TIVERTON	20, 29, 80, 119, 120, 121	<p>A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should support strategic development needs as set out in the adopted Local Plan and actively manage patterns of growth.</p> <p>Policy T1 supports the development strategy set out in the adopted Local Plan Review. It does not seek to allocate housing sites as the sites allocated in the Local Plan Review (and in the pipeline) are considered to adequately address housing need both at the local level and contributing to strategic need.</p> <p>The policy supports the use of brownfield sites, with the inclusion of a local iteration of paragraphs 119 and 120 (c) of the NPPF.</p>
<b>Housing</b>		
POLICY T2: MEETING LOCAL HOUSING NEEDS	62, 63	<p>The NPPF sets out that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the Neighbourhood Plan does not seek to allocate housing sites, the evidence base and local engagement revealed a significant challenge in terms of affordability of property. This can be addressed by delivering homes of a size and tenure to meet local needs.</p> <p>Considering the constraints posed by way of being located within a very rural area, Policy T2 seeks to ensure that all residential development proposals are adequately informed by the locally specific housing need study, that drills down to the neighbourhood level as opposed to relying solely on data prepared at the</p>
POLICY T3: PROVIDING LIFETIME AFFORDABLE HOUSING		

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		<p>strategic level.</p> <p>Policy T3 supports not only the minimum % of affordable required, but also encourages an uplift on this – using the First Homes provision – to help address this challenge.</p>
<b>Design and heritage policies</b>		
POLICY T4: CHARACTER OF DEVELOPMENT	112, 128, 129, 130, 201, 202	<p>National policy encourages neighbourhood plans to develop policies that achieve well-designed places that reflect local aspirations and are grounded in an understanding and evaluation of each area’s defining characteristics. Policy T4 contributes to this aim by ensuring that development in the neighbourhood area is designed to respect the recognisable character of Tiverton. To do this, nine Character Areas have been identified, each displaying recognisable features. These are described further in the Tiverton Neighbourhood Plan Design Codes for a Sustainable Town, which forms an integral part of the Neighbourhood Plan.</p> <p>The policy also seeks to protect heritage assets, including below ground archaeological deposit that can be found in the neighbourhood area, which are a replaceable resource and therefore should be conserved. The area is rich in such assets.</p>
POLICY T5: DESIGN OF DEVELOPMENT	62, 126-131	<p>The NPPF states the need for development to be of high quality and inclusive design. Neighbourhood Plans are actively encouraged to consider what this means at the very local level and Policy T5 achieves this in the Tiverton context. It seeks to ensure that development is in keeping with the design its immediate surroundings and sets out criteria that should inform development proposals. A neighbourhood-level Design Guide has been developed to support this, drawing on elements from the National and strategic design guidance, but tailored to</p>

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		Tiverton.
POLICY T6: ENERGY EFFICIENCY AND DESIGN	127, 128, 129, 153, 154, 155, 156	The policy supports the national objective of designing development to mitigate climate change, a government priority. Notwithstanding the fact that energy efficiency matters are largely controlled by the Building Regulations, the policy identifies a series of design features which would be supported where they are incorporated into development. It supports features aimed at reducing energy consumption and energy loss that should be incorporated into both new development and to retrofit sensitively historic buildings. It also supports community energy schemes.
POLICY T7: MINIMISING THE RISK OF FLOODING	152, 153, 154, 159-169	<p>The policy seeks to reduce the risk of flooding the area. This is already a problem within the parish as a result of the natural hydrogeological features of the parish and the impact that development has had on the network of watercourses and other features. Whilst flooding issues are generally dealt with at the strategic level, the Neighbourhood Plan presents an opportunity to encourage effective urban drainage solutions that can add additional capacity and flexibility to water drainage systems in cost effective ways.</p> <p>The policy conforms to the national of minimising flood risk, while promoting the biodiversity benefits of alternative solutions.</p>
POLICY T8: LOCAL BUILDINGS AND STRUCTURE OF MERIT AND HERITAGE ASSETS	189, 190, 203,	National policy recognises the importance of conserving heritage assets for future generations and sets out a series of guidance for both designated and non-designated assets. The policy supports this by identifying locally important assets that should be considered as non-designated heritage assets. Furthermore, it sets out a positive strategy for at risk heritage, notably the Conservation Area.

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
AT RISK		
<b>Natural Environment</b>		
POLICY T9: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN	131, 174, 175, 179, 180	<p>This policy supports the national objective of ensuring that development contributes to and enhances the natural environment and biodiversity. It maps out, at the neighbourhood level, components of wildlife-rich habitats and wider ecological networks, including the hierarchy of national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation through protecting designated and non-designated landscape assets.</p> <p>It recognises the importance of trees and the variety of roles they play, seeking to safeguard them against loss.</p> <p>In line with the emerging Environment Bill, the policy requires developments to deliver a biodiversity net gain of at least 10%. Where this cannot be achieved on-site, the locally mapped network of green infrastructure offers locations where units can most effectively make a positive contribution to local habitats and landscapes.</p>
POLICY T10: LOCAL GREEN SPACES	101, 102, 103 147-151	The NPPF enables communities to designate spaces that are demonstrably special to them as Local Green Spaces. The policy identifies 30 such spaces in Tiverton and provides the justification as to how they meet the NPPF criteria.
POLICY T11: LOCALLY SIGNIFICANT VIEWS	126, 127	The NPPF states that Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how these should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		<p>developers.</p> <p>This policy identifies views and viewpoints that are considered to be locally distinctive – either because they encompass a local landmark or notable landscape. The policy seeks to ensure that any development that takes place within the view ‘arcs’ limits its impact on the view itself and, where possible, enhances it.</p>
POLICY T12: SUPPORTING LOCAL AGRICULTURE AND OPPORTUNITIES FOR DIVERSIFICATION	84, 174	Tiverton has a significant agricultural heritage and there are numerous farms within the wider parish. These not only play an important economic role, but also contribute to maintaining the distinctive landscape character of the area and its biodiversity. As the economy evolves, however, the role of agriculture is also changing and this is recognised in the NPPF, which supports the diversification of farms. Policy T12 provides support for diversification, subject to a series of locally specific criteria.
<b>Community Facilities</b>		
POLICY T13: SPORTS AND LEISURE PROVISION	92, 93, 98, 99	The NPPF encourages policies that contribute to healthy, inclusive communities. Tiverton has an excellent range of local facilities for the community and this policy seeks to safeguard these. In addition, it sets out new or improved facilities that would be supported, as evidenced by the community engagement.
POLICY T14: PROTECTING CULTURAL AND COMMUNITY VENUES	92, 93, 98, 99	The policy is closely connected to Policy T13 but specifically focusses on the cultural and community facilities. It identifies needs that have arisen as a result of the consultation, and which would contribute towards the national aim of facilitating healthy, inclusive communities.

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY T15: ALLOTMENTS AND COMMUNITY GROWING SPACES	92, 93	Allotments are noted within the NPPF as facilities that can contribute towards the achievement of healthy and inclusive communities. They also offer a range of biodiversity benefits. The policy seeks to not only safeguard existing allotments – which have been in situ over many decades – but also encourages proposals to consider including community growing spaces, which can be achieved in smaller and/or denser developments.
<b>Transport and movement</b>		
POLICY T16: ENCOURAGING SAFE AND SUSTAINABLE MOVEMENT	92, 100, 104, 106	The policy supports the NPPF objective of encouraging sustainable modes of transport by identifying the key movement routes within the neighbourhood area that enable people to access local facilities most easily and directly by foot or by bike, rather than relying on less sustainable modes of transport. The policy seeks to ensure that all development links up to these routes and that the routes are protected, maintained and, where feasible, enhanced, to encourage greater and safer usage. It also identifies where new routes might be created, or where improvements to existing routes could be achieved, to enhance the overall movement network. Finally, it encourages the installation of electric vehicle (and bicycle) charging points at locations around the area.

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
<b>Tiverton town centre and the wider local economy</b>		
POLICY T17: FLEXIBLE WORKSPACES	81, 84, 85	This policy supports the national objective of supporting an environment that enables local businesses to flourish. It recognises the changing nature of work and the increasing desire among many to work from home or more locally.
POLICY T18: SUPPORTING A SUSTAINABLE VISITOR ECONOMY	84	The policy supports proposals that will enable sustainable tourism, which is recognised as an important part of the economy in the NPPF.

### 3. Basic condition (iv) - contribution to sustainable development

- 3.1. The NPPF states in paragraph 7 that *'the purpose of the planning system is to contribute to the achievement of sustainable development.'*
- 3.2. For the Tiverton Neighbourhood Plan, sustainable development has provided the fundamental basis of each of its policies. The National Planning Practice Guidance advises that *'sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions<sup>2</sup>.*
- 3.3. Table 3.1 below summarises how the objectives and policies in the Plan contribute towards economic, social and environmentally sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

**Table 3.1: Assessment of the Tiverton Neighbourhood Plan objectives and policies against sustainable development**

Deliver economic sustainability	
<b>NPPF definition – <i>'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.'</i></b>	
<b>NP Objectives</b>	<b>OBJECTIVE 9:</b> Employment opportunities are enhanced by improved infrastructure, universal mobile and fast broadband connectivity and a sustainable economy. The thriving town centre has an important role and the buildings there are fully used.
<b>NP Policies</b>	T12: Supporting sustainably friendly agriculture and opportunities for diversification T17: Flexible workspaces T18: Supporting a sustainable visitor economy
<b>Commentary</b>	These policies of the Neighbourhood Plan collectively seek to support a vibrant and viable economy. A major part of Tiverton's economy has been built on agriculture and manufacturing. The agricultural sector has played a role in shaping the look and character of the parish and there is a strong feeling locally that this part of the economy should be supported. Enabling diversification will help to achieve this.  The provision of start up work hubs would assist in creating local job opportunities, particularly as working habits continue to shift toward remote and home working.

<sup>2</sup> Planning Practice Guidance, Paragraph: 072 Reference ID: 41-072-20140306

	<p>From a tourism perspective, the parish is well-situated near to a range of attractions and is also rich in natural and heritage assets itself. Support for additional visitor facilities would enable the parish to capitalise further on this sector.</p> <p>Furthermore, the Plan supports the diversity of farms; this is important as the farming heritage has created (and continues to create) a notable landscape. Where diversification of farms can help to maintain the viability of those farms, this would be considered a positive step.</p> <p>In these ways, the Plan seeks to contribute to building a sustainable economy.</p>
<p><b>Deliver social sustainability</b></p>	
<p><b>NPPF definition – ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’</b></p>	
<p><b>NP Objectives</b></p>	<p><b>OBJECTIVE 1:</b> New development in the parish is located in sustainable locations and housing prioritises locally evidenced need.</p> <p><b>OBJECTIVE 6:</b> The provision of community infrastructure and local facilities is adequate to address the needs and aspirations of existing and future residents in the transition to a zero-carbon economy.</p> <p><b>OBJECTIVE 8:</b> The use of public transport (including electric buses), electric vehicles, cycling and walking are prioritised over conventional car use. There is a safe environment for pedestrians, wheelchair users, and cyclists and public transport is effectively connected to ensure free movement.</p>
<p><b>NP Policies</b></p>	<p>T1: Location and scale of development in Tiverton  T2: Meeting local housing needs  T3: Providing affordable lifetime housing  T13: Sports and leisure provision  T14: Protecting cultural and community venues  T15: Allotments and community growing spaces</p>
<p><b>Commentary</b></p>	<p>The NPPF underlines the importance of supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. The Neighbourhood Plan has been developed as a result of extensive local engagement to understand local priorities to contribute to this national objective.</p> <p>It does not seek to allocate homes at this time as both local and strategic housing need is adequately met at the district level. This has been discussed and agreed with MDDC but may be considered further at a future review of the Neighbourhood Plan. It does, however, focus on the type of housing that should be supported in the parish, based on the findings of the local housing needs assessment. In particular, homes</p>

	<p>that are suited to those on a more modest household income are needed in Tiverton, where the gap between incomes and house prices – both sale and rental – is too large to bridge for many.</p> <p>The Plan also includes a range of policies to provide the social, recreational and cultural facilities and services the community needs. These are based on community engagement and each policy provides locally specific detail on what is required and how this can be supported through planning.</p> <p>In these ways, the Plan aims to support a strong, vibrant and healthy community.</p>
<b>Deliver environmental sustainability</b>	
<p><b>NPPF definition – ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy,’</b></p>	
<p><b>NP Objectives</b></p>	<p><b>OBJECTIVE 2:</b> All new development is of high quality – in terms of use of local sustainable materials, maximising energy efficiency and reducing flood risk – and reflects local character in terms of building style and materials.</p> <p><b>OBJECTIVE 3:</b> Existing homes are improved in energy efficiency by supporting refurbishment. Changes required to bring empty homes back into use are allowed.</p> <p><b>OBJECTIVE 4:</b> The historic and architecturally significant built environment – in addition to the rich archaeology heritage and historic landscapes (rural and built streetscapes) is conserved and enhanced for future generations, taking opportunities to enable it to be better understood and appreciated.</p> <p><b>OBJECTIVE 5:</b> The biodiversity of the rural environment and open spaces within the parish are conserved and enhanced, giving opportunities for sustainable rural employment, recreational enjoyment and carbon sequestration. Tree planting, food production for the local market and rural crafts are actively encouraged and supported. Land based activities are carbon neutral by 2030.</p> <p><b>OBJECTIVE 7:</b> Opportunities for community renewable energy generation using natural resources in the area are strongly supported and encouraged.</p>
<p><b>NP Policies</b></p>	<p>T4: Character of development  T5: Design of development  T6: Energy efficiency and design  T7: Minimising the risk of flooding  T8: Local buildings and structure of merit and heritage assets at risk  T9: Network of green a blue infrastructure  T10: Local Green Spaces  T11: Locally significant views  T16: Encouraging safe and sustainable movement</p>

<b>Commentary</b>	<p>Protecting the natural and historic built environment of the parish is an extremely important part of the Plan and conforms to the national aims set out in the NPPF.</p> <p>In addition to the existing Conservation Areas, nine Character Areas are identified and defined, to ensure that any development within them is in-keeping with the immediate context. A locally distinctive Design Guide has been developed to underpin this.</p> <p>Natural features and habitats have been mapped so that they can be safeguarded and, where possible, enhanced. This includes the designation of Local Green Spaces, the recognition of the role of the canal and waterways, and the identification of important local views and viewpoints.</p> <p>The Parish has declared a Climate Emergency and many of the policies underpin the need for development proposals to consider how they will contribute to climate change mitigation.</p> <p>The Plan emphasises the need to promote non-car modes of transport in order to reduce traffic congestion and travel by the private car to reduce carbon emissions.</p> <p>In these ways, the Plan seeks to contribute to environmental sustainability.</p>
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- 3.4. As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic, and environmental goals. The policies in the Plan demonstrably contribute to sustainable development.

**4 Basic condition (v) - general conformity with the strategic policies of the development plan**

- 4.1. The current development plan for Mid Devon consists of:
- Mid Devon's Local Plan (Review) (2013 – 2033);
  - Cullompton Neighbourhood Plan (made June 2021);
  - Devon Minerals Plan (2011-2033); and
  - Devon Waste Plan (adopted 2014).
- 4.2. The policies of the neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan documents. A commentary of this is set out in Table 4.1.
- 4.3. Where a strategic policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.4. It is confirmed that there are no policies in the strategic documents relating to minerals and waste that are of relevance to the Neighbourhood Plan.
- 4.5. To note, those policies starting with "S" in the table below are considered to be the strategic policies of the Local Plan Review. For those with the prefix "DM", these are considered to be local policies, and not subject to this element of the basic conditions test and can in essence be replaced by the policies in the Neighbourhood Plan where conflicts exist. "DM" policies are noted in the table below for information only.

**Table 4.1: Relevant strategic policies**

Policy Title and Ref.	Mid Devon Local Plan Review	Commentary
POLICY T1: LOCATION AND SCALE OF DEVELOPMENT	S1, S2, S3, S6, S8, S10, S14	<p>The strategic planning policies identify Tiverton as a key settlement for future development. It sets out the employment requirements and quantum of housing to be delivered in the parish, focused on the town (and an urban extension to the east), as the most sustainable locations.</p> <p>Policy T1 provides a spatial strategy for Tiverton parish, supporting the strategic approach. It adds additional local detail, for instance by supporting the reuse of redundant/ vacant buildings in the parish, of which there several, largely agricultural. It also seeks to make best use of brownfield sites, which is considered important in the context of the high-quality landscape afforded by the parish.</p>
POLICY T2: MEETING LOCAL HOUSING NEEDS	S1, S3	<p>The policy references the evidence base that has been compiled at the neighbourhood level (the Housing Needs Assessment) to add additional local detail to the strategic policies on housing mix. It encourages proposals to deliver smaller (in terms of no. bedrooms) homes and more affordable homes.</p>
POLICY T3: PROVIDING LIFETIME AFFORDABLE HOUSING	S1, S3	<p>Affordability of housing is a challenge in the parish. The policy seeks to ensure that the full requirement of affordable homes is delivered, of the type and tenure identified in the Housing Needs Assessment prepared for the parish. In particular, and in the absence of a Local Plan policy, it supports the delivery of First Homes and an uplift in both the % delivered and the minimum discount offered, as a way of tackling identified affordability issues.</p>
POLICY T4: CHARACTER OF DEVELOPMENT	S1, S9, S10, S14	<p>The policy adds additional local detail to the strategic policies, which seek to ensure that development reinforces the character and distinctiveness of the historic environment, while preserving and, where possible, enhancing the character, appearance and biodiversity of the countryside. It does this by defining Character Areas within the Parish, building on and adding greater detail</p>

Policy Title and Ref.	Mid Devon Local Plan Review	Commentary
		to existing studies. This is achieved through the Design Codes.
POLICY T5: DESIGN OF DEVELOPMENT	S1, S9, S10, S14, DM1	The policy builds on the strategic design policies, which seek to ensure high-quality, safe, inclusive design. It does this by adding specific detail at a neighbourhood level, drawing on feedback from the community and reflecting the need to consider the Design Codes that have been prepared for Tiverton.
POLICY T6: ENERGY EFFICIENCY AND DESIGN	S1, S9, S10, S14	The desire to mitigate climate change is a key aspect of the Plan. The policy sets out detail at a neighbourhood level about how development proposals can contribute to this agenda. This includes support for a variety of individual and community scale energy schemes.
POLICY T7: MINIMISING THE RISK OF FLOODING	S9	The policy has been prepared in consultation with the strategic flood officer and sets out how development should be designed with flood mitigation in mind, taking into account particular features within Tiverton, such as the Leat.
POLICY T8: LOCAL BUILDINGS AND STRUCTURE OF MERIT AND HERITAGE ASSETS AT RISK	S1, S9, S10, S14, TIV1-10	This policy has two parts: firstly, it identifies a series of historic assets, considered to be important locally, as non-designated heritage assets. This adds additional detail to the strategic policy, which supports the conservation of such assets but does not drill down to this level of information. The second area it covers is Heritage at Risk, in particular the Conservation Area. This draws on comments from Historic England, who recommended that this would add detail to Policy S9 in particular.

Policy Title and Ref.	Mid Devon Local Plan Review	Commentary
POLICY T9: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN	S1, S9, S10, S14	The policy addresses the green and blue infrastructure assets of the Plan area, including their importance in combatting pressure on wildlife, habitats, biodiversity and geodiversity and in offsetting the effects of air pollution. The policy conforms to strategic policies, which seek to safeguard and enhance biodiversity and landscapes across the borough. It provides additional local detail by mapping out, at the local level, the network of green infrastructure. It requires a measurable net gain in biodiversity and the local map identifies areas where this can most helpfully be delivered, should the net gain not be possible wholly on-site.
POLICY T10: LOCAL GREEN SPACES	S1 S9, S10, S14, DM24	The policy identifies 30 Local Green Spaces (including some clusters of Local Green Spaces) that are demonstrably special to the community and provides a justification of this in the context of the criteria set out in the NPPF. This adds additional local detail to the Local Plan policies.
POLICY T11: LOCALLY SIGNIFICANT VIEWS	S1, S9, S10, S14, TIV1-16, DM25	Strategic policy recognises the contribution that views can make to the character of an area – not only does this emphasise the ‘sense of place’ and identity for local people, but it can also contribute to attracting visitors to the area. The policy adds additional local detail by identifying a series of view corridors and views that are considered to be particularly significant in the parish – because they take in a landscape feature or historic asset – that epitomises the character and sense of place of Tiverton.
POLICY T12: SUPPORTING LOCAL AGRICULTURE AND OPPORTUNITIES FOR DIVERSIFICATION	S1, S2, S3, S9, S10, S14, DM18	The policy supports the diversification of agricultural and land-based businesses, encouraging this to be undertaken in a way that will help to mitigate impact on climate change. Farming is a key sector in Tiverton and has been a driving force in shaping the nature of the countryside and the local economy. There was a strong desire to support its continuation, including through diversification, where this can help to keep a farm viable.

Policy Title and Ref.	Mid Devon Local Plan Review	Commentary
POLICY T13: SPORTS AND LEISURE PROVISION	S1, S5, S10, S14	The policy adds local detail to strategic policies by setting out specific projects and infrastructure that will be supported locally, based on the community feedback.
POLICY T14: PROTECTING CULTURAL AND COMMUNITY VENUES	S1, S8, S10, S14, DM23	The policy adds local detail to strategic policies by setting out specific projects and infrastructure that will be supported locally, based on the community feedback.
POLICY T15: ALLOTMENTS AND COMMUNITY GROWING SPACES	S1, S10, S14, TIV1-16	Strategic policy recognises the value of allotments – for health, recreation, social, biodiversity and cultural reasons. This policy supports this with two clauses, firstly to resist the loss of all or part of existing allotment spaces and secondly, to support and encourage the provision of new community growing spaces of a size appropriate to developments, which could, for example, provide screening to adjoining urban uses.
POLICY T16: ENCOURAGING SAFE AND SUSTAINABLE MOVEMENT	S1, S8, S9, S10, S14, TIV1-16, DM1, DM3, DM5	The policy supports the strategic aim of encouraging, as far as possible, sustainable transport modes. It adds additional local detail by identifying key movement routes within the town (and wider parish) that offer the most direct and quickest routes between key facilities and residential areas. This is helpful for considering where improvements can be prioritised and to ensure that new homes and development link to this primary route network. It also supports the provision of a series of new/improved routes/connections.
POLICY T17: FLEXIBLE WORKSPACES	S1, S6, S10, S14	The policy recognises the need for additional business start up space in the parish, which has become more acute since the onset of the covid-19 pandemic.

Policy Title and Ref.	Mid Devon Local Plan Review	Commentary
POLICY T18: SUPPORTING A SUSTAINABLE VISITOR ECONOMY	S1, S6, S10, S14, DM22	The policy supports the strategic objectives to promote sustainable tourism locally. It identifies specific developments that are needed/supported in Tiverton, and which would enable this.

## **5 Basic Condition (vi) - conformity with EU obligations**

- 5.1 The Plan, and the process under which it was made, conforms to the Strategic Environmental Assessment (SEA) Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2 In accordance with Regulation 9 of the SEA Regulations 2004, Mid Devon District Council, as the responsible authority, determined in 2021 that a Strategic Environmental Assessment (SEA) is not required as the Plan's policies are unlikely to have significant environmental effects.
- 5.3 The Screening Report is contained in the Evidence Base alongside the Neighbourhood Plan.
- 5.4 Whilst the SEA is not required, a Sustainability Statement has been prepared to support the Neighbourhood Plan and this is included in the Evidence Base.

## **6 Basic condition (vii) - conformity with the prescribed conditions**

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive<sup>3</sup>, it must be ascertained whether the Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 Mid Devon District Council, as the responsible authority, determined in April 2021 that the Neighbourhood Plan is unlikely to have significant impact on European sites and therefore does not require a full HRA to be undertaken.
- 6.3 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.
- 6.4 The Screening Report is contained in the Evidence Base alongside the Neighbourhood Plan.

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<sup>3</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

## **7 Conclusion**

7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Tiverton Neighbourhood Plan and all the policies therein.

7.2. It is therefore respectfully suggested to the Examiner that the Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.