

# Yarcombe Neighbourhood Plan

## Basic Conditions Statement



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## Introduction

Our Neighbourhood Plan has been produced by Yarcombe Parish Council, as the “qualifying body” with overall responsibility for the preparation, consultation and submission of the Neighbourhood Plan. The development of the plan and management of the process has been marshalled by a Neighbourhood Plan Steering Group comprised of members of our community and Parish Councillors and the Parish Clerk.

### *What are the Basic Conditions and why do we need this Statement?*

The “Basic Conditions” are a set of conditions that the neighbourhood plan must pass in order for it to proceed to referendum. In relation to neighbourhood plans, the plan will pass 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 plan;
- the making of the plan contributes to the achievement of sustainable development;
- the making of the 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);
- the making of the plan does not breach, and is otherwise compatible with, EU obligations; and,
- prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan.

These requirements (and those for neighbourhood development orders) are formally set out in of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act. (as amended by the Localism Act 2011)<sup>1</sup>.

This Basic Conditions Statement is submitted alongside our draft neighbourhood plan. In submitting the Statement, and through its content demonstrated how our plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the parish council, as the “qualifying body” responsible

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<sup>1</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

for producing the plan, must submit as part of the neighbourhood plan proposal. These are submitted, alongside this Statement. Regulation 15 (1) states<sup>2</sup> that:

“(1) 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.*” (i.e. this Statement).

Following this introduction, the Statement sets out:

- where our Neighbourhood Area is and how this was established;
- a summary of why we need our Neighbourhood Plan;
- how we have complied with relevant legislation;
- a summary of the content of our Neighbourhood Plan proposal; and,
- an explanation of how our Neighbourhood Plan meets the Basic Conditions.

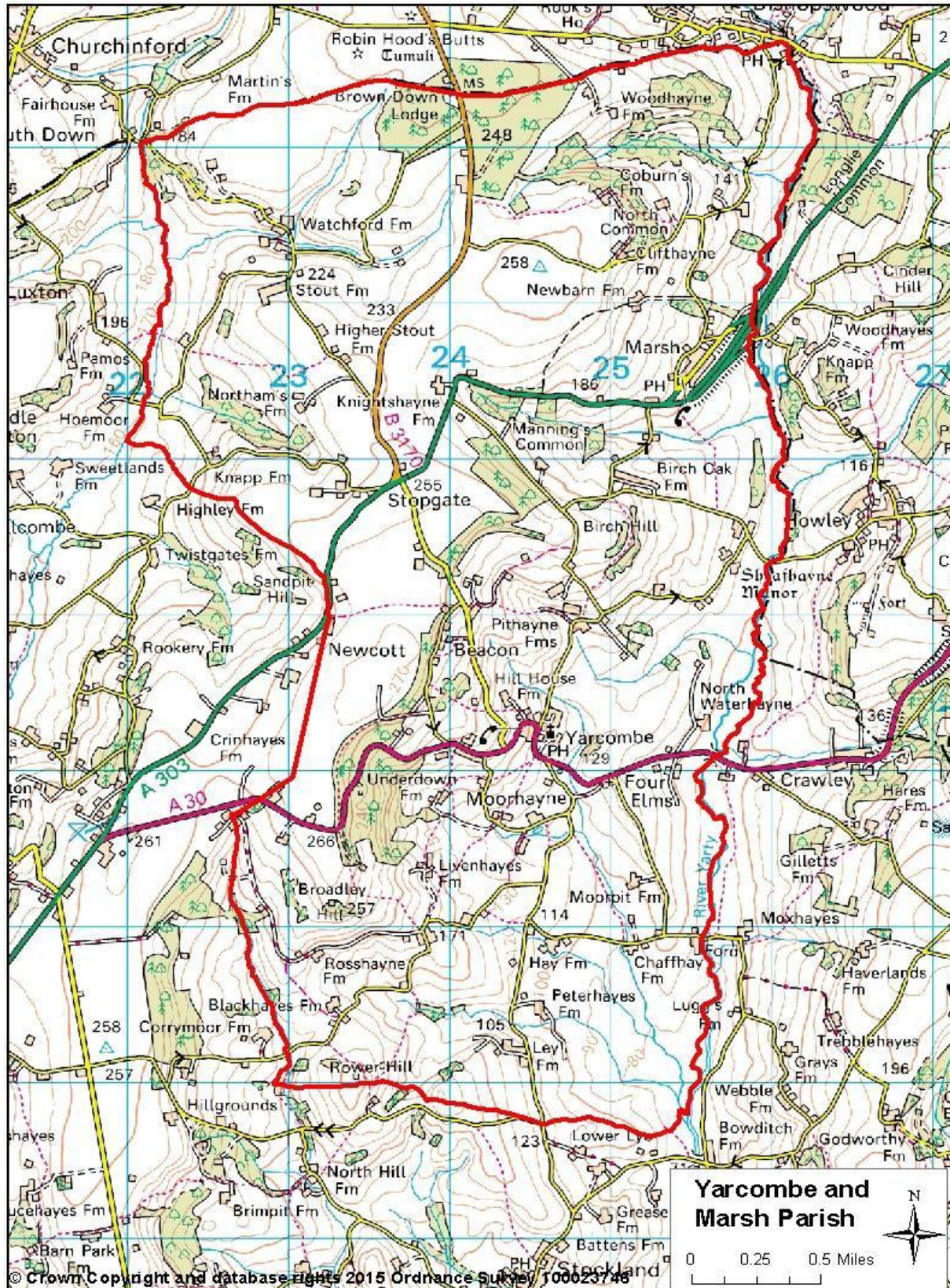
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<sup>2</sup> See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

## **Our Neighbourhood Area**

The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the parish council, as the “qualifying body” for neighbourhood planning activity will have the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to East Devon District Council as the local planning authority on 24<sup>th</sup> March 2014. This application is reproduced in Appendix 1 to this Statement. Following a six week public consultation, our Neighbourhood Area was formally approved by East Devon District Council on 4<sup>th</sup> June 2014. The approval / decision notice is reproduced as Appendix 2 to this Statement. Our approved Neighbourhood Area is the same as the parish boundary and is set out below in Figure 1.

Figure 1 - Approved Neighbourhood Area



## **Why do we need a Neighbourhood Plan?**

Figure 1 The Neighbourhood Plan Area Source: East Devon District Council

## Why do we need a Neighbourhood Plan?

The Parish of Yarcombe is situated in the heart of the Blackdown Hills Area of Outstanding Beauty and is an Environmentally Sensitive Area. Yarcombe consists of two main areas of population and is equidistant from both Honiton and Chard, straddling the A30 whilst the hamlet of Marsh lies beside the A303 to the North.

The centre of Yarcombe Village is situated around the parish church of St John the Baptist, the former Yarcombe Inn currently the subject of a disputed change of use application, and the Belfry Hotel (formerly the village school) with the well located and much used Jubilee Hall and Drakes Meadow Estate a few hundred yards away. Marsh is a ribbon village with the Flintlock Inn in the centre. The 2011 census states that the parish has a population of 500 residents in 203 households.

Our justification for producing the plan is:

- Our community wanted to develop its own local planning policies so that we can have an influence over the type, scale, design and form of development which may come forward in the parish between now and 2031;
- We wanted to develop a plan which gives greater weight to environmental and landscape issues and policies in the Area of Outstanding Natural Beauty;
- We wanted to have a say in shaping the future of our parish including how our valued assets are protected, maintained and enhanced and how we can help to ensure that our services and facilities are sustained into the future;
- We wanted to maintain the special character of our rural landscape and environment;
- We wanted to have some control over local planning matters and decisions;

Having explored the issues and identified the key messages and things of importance to the community, our plan has set out the following aims and objectives:

<b>Natural Environment</b>	
<b>Aims</b>	<b>Objectives</b>
1. Protect and enhance the natural environment, including the distinctive landscape and ecology.	a) Retain and enhance the existing beauty of the parish by encouraging the planting of native trees and hedges, along with the preservation of existing Devon banks.

2. Protect the tranquillity of the environment and maintain the dark skies.	a) Resist any development likely to have a significant adverse effect on tranquillity or dark skies and seek ways to reduce any existing impact.
<b>Built and Historic Environment</b>	
<b>Aims</b>	<b>Objectives</b>
1. Ensure that all new development of domestic and agricultural buildings is sympathetic to the traditional character of the area.	a) Work with EDDC and applicants to ensure that any new development, alteration or extension is constructed according to the Blackdown Hills AONB Design Guide.
	b) Ensure that the size, scale, location and materials used, minimise the visual impact on the essential character of the village and neighbouring properties.
<b>Population and Housing</b>	
<b>Aims</b>	<b>Objectives</b>
1. Support local needs small scale housing development, to include affordable housing and bungalows for downsizing.	a) Facilitate small scale housing development which supports the needs of the ageing population as well as that of young people and families.
	b) Ensure that any new build housing is in keeping with its surroundings.
<b>Community Facilities and Services</b>	
<b>Aims</b>	<b>Objectives</b>
1. Endeavour to maintain and improve local facilities and amenities such as the village hall and pub.	a) Support any necessary and sensitive improvement of local facilities and amenities, and enable and support entertainment and leisure activities for all sections of the community.
2. Encourage small scale retail units such as a village shop or café.	a) Support proposals for new or improved retail or social amenities that are in keeping with the character of the area and which meet local needs.
<b>Transport and Accessibility</b>	
<b>Aims</b>	<b>Objectives</b>
1. Support measures to reduce traffic speed through Yarcombe.	a) Support appropriate physical measures to help reduce traffic speeds when necessary.
2. Maintain, and if possible enhance a network of footpaths.	a) Maintain good public access to footpaths and woodlands.
	b) Support small scale improvement projects for footpaths and bridleways.

	c) Support schemes that extend the footpath network where needed.
<b>Economy and Employment</b>	
<b>Aims</b>	<b>Objectives</b>
1. Support and sustain local businesses.	a) Support the appropriate conversion of agricultural and other buildings where it is necessary to maintain viability of farm business.
2. Aim for provision of high speed internet connectivity to all parts of the parish.	a) Support the provision of high speed internet connectivity to all residential properties and business premises.
<b>Energy and Low Carbon Alternatives</b>	
<b>Aims</b>	<b>Objectives</b>
1. Encourage small scale and unobtrusive renewable energy providing it is sensitively sited.	a) Ensure that any renewable energy schemes are sensitively sited and appropriately landscaped to protect the essential qualities of the AONB.
	b) Resist large scale and obtrusive renewable energy schemes that are likely to have a negative impact on the enjoyment of the natural and built environment and are contrary to our Vision.

## Summary of Compliance with Legislation

This section sets out how our Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

### *Qualifying Body*

A “qualifying body” is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>3</sup> as “a parish council, or an organisation or body designated

<sup>3</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area...”.

Section 38A(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>4</sup> sets out the qualifying body’s entitlement to prepare a Neighbourhood Plan. It states that:

“(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.”

We confirm that the Neighbourhood Plan has been prepared by Yarcombe Parish Council as the “qualifying body” for the purposes of Neighbourhood Planning.

### *Neighbourhood Area*

The Neighbourhood Area (as shown in Figure 1 above) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)<sup>5</sup>. Both the application and the approval / decision notice are appended to this Statement (Appendices 1 and 2).

### *What a Neighbourhood Plan is and the Content of the Neighbourhood Plan*

Section 38A(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>6</sup> sets out the meaning of “neighbourhood development plan”. It states that:

“(2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”

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<sup>4</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>5</sup> See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

<sup>6</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

Section 38B(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>7</sup> sets out what the Plan may include. It states that:

“(1) A neighbourhood development plan—

- (a) must specify the period for which it is to have effect,
- (b) may not include provision about development that is excluded development, and
- (c) may not relate to more than one neighbourhood area.”

“Excluded development” is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>8</sup> as:

- “(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
- (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,
- (c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),
- (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
- (e) prescribed development or development of a prescribed description, and
- (f) development in a prescribed area or an area of a prescribed description.”

Section 38B(2)<sup>9</sup> states that:

“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”

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<sup>7</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>8</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

<sup>9</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

In response to these requirements, we confirm that:

- our Neighbourhood Plan covers the period 2014 to 2031 aligning with the plan period of the Local Plan;
- our Neighbourhood Plan is the only Neighbourhood Plan for the parish of Yarcombe;
- our Neighbourhood Plan does not contain policies relating to “excluded development”;
- our Neighbourhood Plan relates only to the defined Neighbourhood Area set out in Figure 1 above; and,
- our Neighbourhood Plan sets out policies in relation to the development and use of land.

Given the importance of some of the issues and non-planning matters expressed by our community and the cross-cutting nature of some of these issues with planning and land-use matters, our Neighbourhood Plan also sets out non-statutory “Community Actions” which are signposted as actions which can be addressed outside of the remit of the Neighbourhood Plan. This, importantly, joins up and links actions required by the community which, while not dealt with by the planning system, are nevertheless important issues which relate to people, services, projects or how we live in our community.

### *Submission Documents*

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

### *Basic Conditions*

As referred to earlier in this Statement, we consider that all of the Basic Conditions (set out in of paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.<sup>10</sup>) have been met, as demonstrated in this Statement.

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<sup>10</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

## Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012<sup>11</sup>, and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local authority.

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our plan relates);
- Supporting Evidence Base Documents;
- Our Consultation Statement;
- Our SEA/HRA screening report;
- Our Basic Conditions Statement (this document).

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<sup>11</sup> See <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

## How our Neighbourhood Plan meets the Basic Conditions

*Having regard to national policies and advice contained in guidance issued by the Secretary of State*

<b>Neighbourhood Plan Paragraphs and / or Policies</b>	<b>National Planning Policy Framework and National Planning Practice Guidance (and other guidance)</b>	<b>How has the Neighbourhood Plan had regard to national policies and advice?</b>
NE1- To promote measures which protect and enhance the Natural Environment	NPPF para 109	The policy promotes the protection and enhancement of valued landscapes, minimises impact and promotes net gains in biodiversity where there are opportunities to do so.
	NPPF para 115	Yarcombe is situated within the AONB and this policy offers protection to ensure development does not harm its landscape and scenic beauty.
	NPPF para 117	The Neighbourhood Plan offers protection to Devon banks and hedgerows, which are host to a rich variety of flora and fauna.
	NPPF para 118	This policy encourages proposals to incorporate biodiversity into their design.
NE2- To protect tranquillity and maintain dark skies.	NPPF para 109	Dark skies are a significant feature of the landscape of Yarcombe and this policy offers protection to ensure these are maintained.
	NPPF para 115	Dark skies are a feature of the AONB and this policy seeks to ensure their continued protection.
	NPPF para 125	This policy seeks to limit the impact of light pollution from artificial light on the intrinsically dark landscape of the AONB.
BHE1- To maintain the Built Character of our parish through High Quality Design	NPPF para 57	This policy seeks to ensure that high quality design is central to applications for new development and therefore plans positively in this regard.
	NPPF para 58	This policy seeks to ensure good design by requiring new development

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance (and other guidance)	How has the Neighbourhood Plan had regard to national policies and advice?
		proposals to comply with various criteria.
	NPPF para 60	This policy does not promote particular styles but does reinforce local distinctiveness.
PH1- To facilitate small scale housing development which includes affordable housing and bungalows for downsizing	NPPF para 30	By promoting development within or close to the main village, residents will be able to access local facilities and services via sustainable means.
	NPPF para 50	This policy seeks to tailor new development towards the needs of different groups in the community based on a robust housing needs survey. It also promotes a mix of affordable housing and bungalows for downsizing.
	NPPF para 58	This policy seeks to ensure that new exception sites are suitably in keeping with the surroundings/
CFS1- Improvements to local facilities and amenities	NPPF para 28	This policy seeks to enhance Yarcombe's existing local community facilities and amenities.
	NPPF para 70	The policy seeks to plan positively for the provision of new, or the enhancement of existing local community facilities in the parish.
CFS2- Encourage new retail outlets, such as a shop	NPPF para 28	This policy seeks to promote a prosperous rural economy through the delivery of new small scale retail outlets in the parish.
TRA1- To maintain and if possible enhance the network of footpaths	NPPF para 35	This policy seeks to exploit opportunities for sustainable modes of transportation through the promotion of improved public rights of way.
EE1- Conversion of Agricultural Buildings	NPPF para 28	This policy seeks to promote the sustainable growth and expansion of business in the parish through the conversion of existing buildings for business or business-related purposes.
	NPPF para 111	This policy seeks to encourage the effective use of land by re-using land that has been previously developed

Neighbourhood Plan Paragraphs and / or Policies	National Planning Policy Framework and National Planning Practice Guidance (and other guidance)	How has the Neighbourhood Plan had regard to national policies and advice?
		for business-related purposes.
EE2- High Speed Internet Connectivity	NPPF para 43	This policy promotes the expansion of high-speed broadband infrastructure within the parish.
Policy ELC1- Small Scale Renewable and Low Carbon Energy Sources	NPPF para 97	This policy sets out a positive strategy to promote energy from renewable energy sources in the parish.
Policy ELC2- Large Scale Renewable and Low Carbon Energy Schemes	NPPF para 97.	This policy sets out a positive strategy to promote energy from large scale renewable and low carbon energy schemes, providing they have no impact on the enjoyment of the natural and built environment.

### *The making of the plan contributes to the achievement of sustainable development*

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the East Devon Local Plan. The table below sets out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and East Devon Local Plan.

National Planning Policy Framework Paragraph	How we believe our plan contributes towards this
<p>Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):</p> <ul style="list-style-type: none"> <li>● making it easier for jobs to be created in cities, towns and villages;</li> <li>● moving from a net loss of bio-diversity to achieving net gains for nature;</li> <li>● replacing poor design with better design;</li> <li>● improving the conditions in which people live, work, travel and take leisure; and</li> </ul>	<p>Policy CFS2 promotes retail and business opportunities in the parish.</p> <p>Policy NE1 promotes measures which protect and enhance the natural environment.</p> <p>Policy EE1 promotes the conversion of agricultural buildings where appropriate to support farm diversification.</p>

National Planning Policy Framework Paragraph	How we believe our plan contributes towards this
<ul style="list-style-type: none"> <li>● widening the choice of high quality homes. (Paragraph 9)</li> </ul>	
<p>Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. (Paragraph 10)</p>	<p>Policy NE1 promotes measures which protect and enhance the natural environment when considering development proposals.</p>
<p>The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:</p> <ul style="list-style-type: none"> <li>● develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;</li> <li>● plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan;</li> </ul>	<p>Policy BHE1 promotes the maintenance of the built character of our parish through high quality design.</p>
<p>Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:</p> <ul style="list-style-type: none"> <li>● support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;</li> <li>● promote the development and diversification of agricultural and other land-based rural businesses;</li> <li>● support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and</li> <li>● promote the retention and development of local services and community facilities in</li> </ul>	<p>Policy EE1 promotes the conversion of agricultural buildings where appropriate to support farm diversification.</p> <p>Policy EE2 supports the development of high speed internet connectivity for business and leisure purposes.</p> <p>Policy CFS2 promotes business and retail opportunities in the parish.</p>

National Planning Policy Framework Paragraph	How we believe our plan contributes towards this
villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. (Paragraph 28)	
To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. (Paragraph 55, in part)	Policy PH1 promotes the facilitating of small scale housing development, including affordable housing and bungalows for downsizing.

Our Plan has not been required to undertake a Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).

*The making of the 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)*

Neighbourhood Plan Paragraphs and / or Policies	East Devon Local Plan Strategic Policies	How does the Neighbourhood Plan demonstrate that it is in general conformity with the Strategic policies?
NE1- To promote measures which protect and enhance the Natural Environment	Strategy 3	The policy seeks to ensure development is undertaken in such a way as to minimise harm on landscape and biodiversity.
	Strategy 5	This policy seeks to protect the landscape and maximise the opportunities to enhance the natural environment.
	Strategy 46	This policy seeks to conserve the natural environment and ensure that new development does not undermine landscape quality.
NE2- To protect tranquillity and maintain dark	Strategy 3	The policy seeks to minimise harm to the character of the landscape by protecting the valued dark skies.

<b>Neighbourhood Plan Paragraphs and / or Policies</b>	<b>East Devon Local Plan Strategic Policies</b>	<b>How does the Neighbourhood Plan demonstrate that it is in general conformity with the Strategic policies?</b>
skies.	Strategy 46	Dark skies are a feature in the landscape of the AONB and this policy seeks to ensure their continued protection.
BHE1- To maintain the Built Character of our parish through High Quality Design	Strategy 48	This policy seeks to ensure that new development is of good design and supports local distinctiveness.
PH1- To facilitate small scale housing development which includes affordable housing and bungalows for downsizing	Strategy 35	This policy promotes the use of exception sites in the parish to meet local demand for housing.
CFS1- Improvements to local facilities and amenities	Strategy 3	This policy seeks to improve existing facilities and services to meet the local community's needs.
CFS2- Encourage new retail outlets, such as a shop	Strategy 3	This policy seeks to promote economic development through the promotion of new small scale retail development
TRA1- To maintain and if possible enhance the network of footpaths	Strategy 5b	This policy promotes the provision of sustainable methods of transportation and movement by encouraging new or enhanced rights of way in the parish.
EE1- Conversion of Agricultural Buildings	Strategy 3	This policy seeks to promote economic development through the conversion of existing agricultural buildings into business or business-related premises.
EE2- High Speed Internet Connectivity	Strategy 3	This policy encourages sustainable economic development through promoting the provision of additional high speed internet infrastructure, allowing more residents to work from home and providing a crucial service to meet people's needs.

<b>Neighbourhood Plan Paragraphs and / or Policies</b>	<b>East Devon Local Plan Strategic Policies</b>	<b>How does the Neighbourhood Plan demonstrate that it is in general conformity with the Strategic policies?</b>
Policy ELC1- Small Scale Renewable and Low Carbon Energy Sources	Strategy 39	This policy promotes and supports small scale low-carbon or renewable energy projects in the parish.
Policy ELC2- Large Scale Renewable and Low Carbon Energy Schemes	Strategy 39	This policy sets out a positive strategy to promote energy from large scale renewable and low carbon energy schemes, providing they have no impact on the enjoyment of the natural and built environment.

*The making of the plan does not breach, and is otherwise compatible with, EU obligations*

A screening process was carried out by East Devon District Council to determine whether a Strategic Environment Assessment (SEA) and / or a Habitats Regulation Assessment (HRA) would be required as the Neighbourhood Plan was developed. Through consultation with the statutory environmental agencies, it was determined that our Neighbourhood Plan will not have significant negative environmental impacts and that protected European “Natura 2000” sites such as Special Protection Areas (SPA) or Special Areas of Conservation (SAC) will not be affected as a result of its policies.

Therefore, neither an SEA nor HRA was required for our Neighbourhood Plan and the basic conditions concerning Habits and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.

The formal written screening opinion of East Devon District Council is appended to this Statement as Appendix 3.

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.

*The prescribed conditions are met in relation to the plan and prescribed matters complied with in connection with the proposal for the plan*

Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act<sup>12</sup> sets out the definition of “prescribed”. It means conditions prescribed by regulations made by the Secretary of State. Currently there are no additional relevant prescribed conditions which the Neighbourhood Plan needs to meet.

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<sup>12</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

## **Appendices**

### **Appendix 1.**

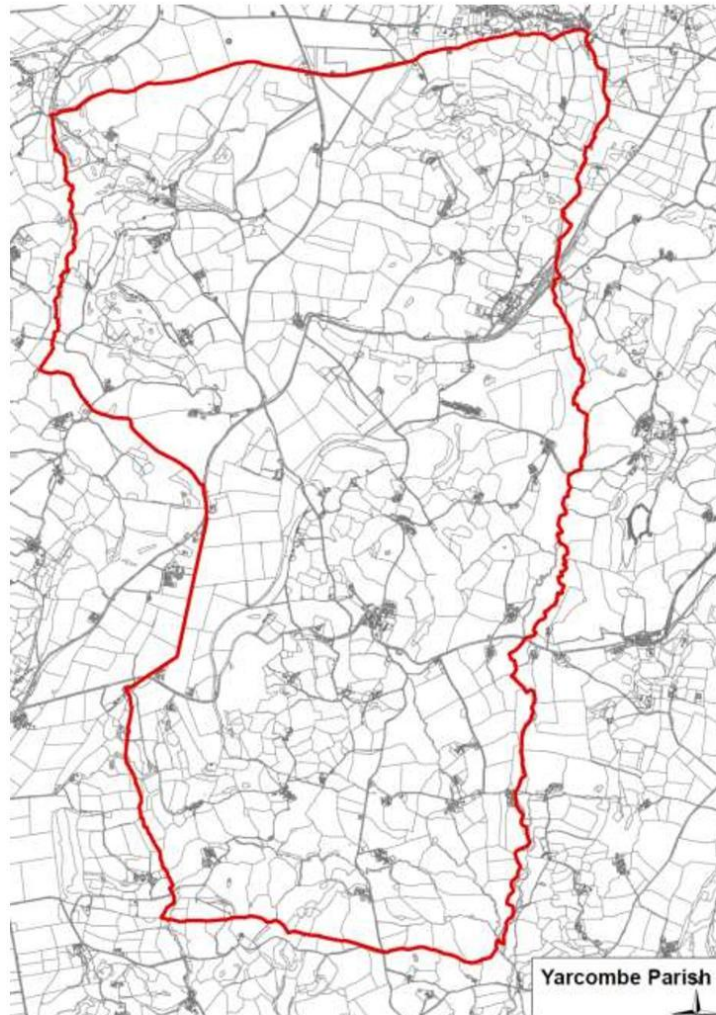
#### **Neighbourhood Area Application and Publicity Notice**

The Neighbourhood Planning (General) Regulations  
2012

## Application for Designation of a Neighbourhood Area



We have received an application from Yarcombe Parish Council for the designation of the Parish of Yarcombe as a Neighbourhood Area.



You can view the proposal on our website at: [www.eastdevon.gov.uk/planning-neighbourhood\\_plans](http://www.eastdevon.gov.uk/planning-neighbourhood_plans)

or by appointment with Yarcombe Parish Council

You can also view or make comments on this proposal by writing to us at Planning Policy, East Devon District Council, Knowle, Station Road, Sidmouth, Devon, EX10 8HL (8.30-5pm Mon-Fri). If you write to us your comments will be kept on a public file and they may be reproduced in writing or on our website.

**THE CLOSING DATE FOR COMMENTS IS 12<sup>th</sup> May 2014**

## **Appendix 2.**

### **Neighbourhood Area Decision Notice**

**\*19 Proposed designation of Yarcombe, Newton Poppleford and Monkton Neighbourhood Areas**

Members gave consideration to the report of the Senior Planning Officer on proposals received to designate the above parishes as Neighbourhood Areas. Members noted that the requisite six week consultation period had been carried out and that no objections had been received.

**RESOLVED** that the following parishes be approved as individual designated Neighbourhood Areas:

- Yarcombe
- Newton Poppleford
- Monkton

**REASON** The legal requirements for the applications for designation as Neighbourhood Areas had been properly made and advertised and the areas applied for were appropriate.

**\*20 Monitoring of formal complaints 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on formal complaints dealt with during 2013/14 together with complaints referred to the Council by the Local Government Ombudsman. Members also noted the number of compliments logged during the year.

The Corporate Manager explained the Council's internal two-stage complaint process and how lessons were learnt from complaints made.

In response to an issue raised, the Chief Executive advised that the planning team would be advised to consider complaints made more impartially (rather than defensively) and to recognise that approved plans could include inaccuracies that generated complaints.

**RESOLVED** that the nature of complaints dealt with and learning points arising be noted.

**REASONS** To continue to improve the way that the Council handles complaints and to learn from them.

**\*21 Freedom of Information Act requests 2013/14**

The Corporate Organisational Development Manager presented the report of the Information and Complaints Officer which provided information on requests received under the Freedom of Information Act (and Environmental Information Regulations) during 2013/14. The report identified subject matter and origin of requests. There had been a rise in the number of requests and a growing number had been received from commercial organisations. Five cases had been decided by the Information Commissioner's Office during the year.

The Chief Executive read out communication received from Mr Todd referring to a specific complaint made to the Information Commissioner's Office. Mr Todd advised that in a letter from the ICO, the Council had been criticised for the handling of this request as less than satisfactory in a number of respects.

## **Appendix 3.**

### **Strategic Environmental Assessment / Habitats Regulation Assessment Screening Opinion**

**Yarcombe Neighbourhood Development Plan  
Strategic Environmental Assessment and Habitat  
Regulations Assessment**

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**Final Screening Report**

Prepared by Officers of East Devon District Council

**June 2016**

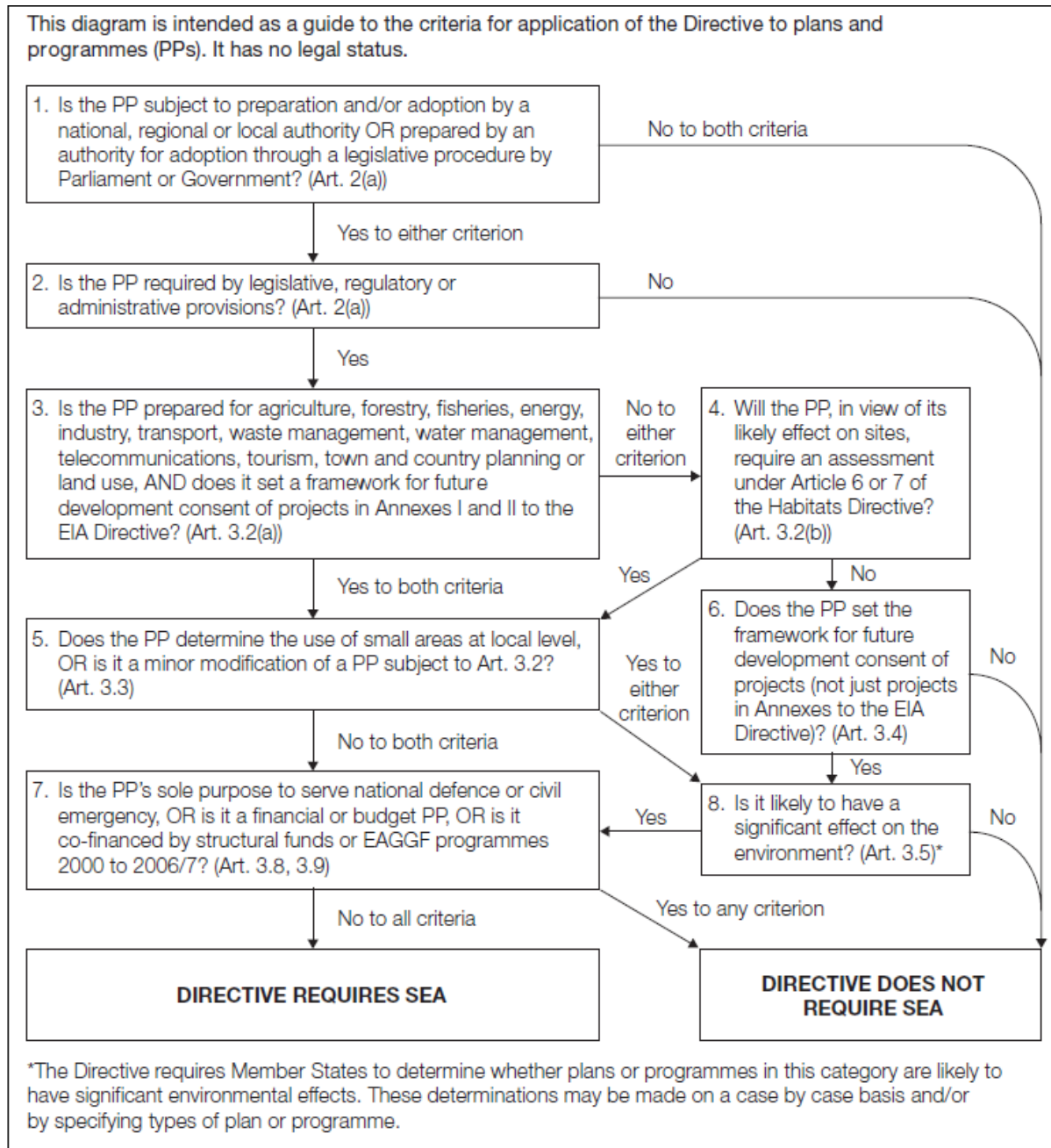
## 1.0 Introduction

- 1.1 The purpose of this report is to assess the vision, aims and objectives of the Yarcombe Neighbourhood Development Plan (hereafter referred to as YNP) to provide an initial assessment as to whether a Strategic Environmental Assessment (SEA) is required in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required under this legislation for all plans which may have a significant effect on the environment.
- 1.2 This report will also provide an initial assessment as to whether or not the YNP requires a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010. An HRA is required when it is deemed that the implementation of the plan is likely to cause negative significant effects on protected European Sites (Natura 2000 sites).
- 1.3 The conclusion of the assessment is that the YNP is unlikely to have a significant effect on the environment so an SEA is not required to accompany the Plan. It is also unlikely to have a negative impact on any Natura 2000 sites so should not be subject to HRA.
- 1.4 This report has been sent to the three statutory consultees designated in the Regulations alongside a draft version of the Neighbourhood Plan (English Heritage, Environment Agency and Natural England) to elicit their views on the findings. Responses have been received and this report has taken their opinions into consideration. The full responses can be found in Appendix 1.

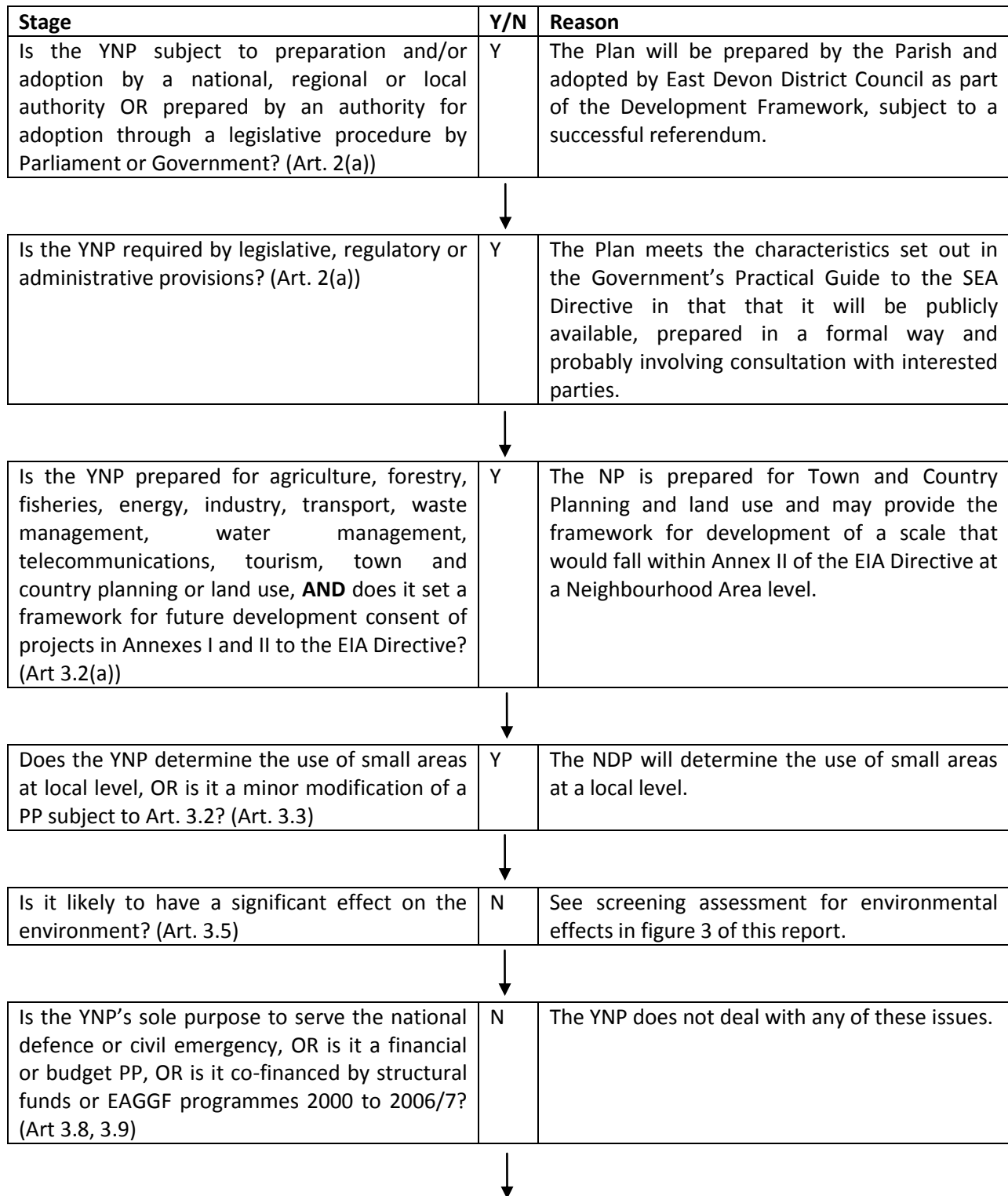
## 2.0 Initial SEA screening

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005).
- 2.2 The objective of SEA is '*to provide for a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation and adoption of development plans.... with a view to promoting sustainable development*' EU Directive 2001/42/EC (Article 1).
- 2.3 Although there is no definitive guidance stating that a Neighbourhood Plan will require an SEA, Local Authorities are legally obliged to advise the plan producers as to whether an SEA is required.
- 2.4 To ascertain if SEA is required, a "screening" exercise will be undertaken by East Devon District Council evaluating the aims and objectives of the YNP against the criteria set out in the SEA Directive. This criterion is set out in the SEA Directive and can be found in Figure 1.
- 2.5 Should the screening report reach the conclusion that that plan will have a significant impact on the environment; a full SEA should be undertaken. If the conclusion is that a full SEA is not required, any significant variations or additions to the aims and objectives will be subject to a further screening.
- 2.6 The plan contains policies that seek to deliver the aims and objectives of the plan but does not identify or propose the allocation of specific development sites.
- 2.7 An SEA accompanied the now adopted Local 2013- 1031, and has been taken into account whilst undertaking this screening assessment.

**Figure 1: Application of the SEA Directive to plans and programmes**



**Figure 2:** Screening assessment against the criteria for whether the YNP requires n SEA.



**Directive Does Not Require SEA**

## 2.8 Screening Assessment for Environmental effects

2.9 Under step 8 of the Application of the SEA directive (Figure 1), in order to establish whether a plan requires an SEA, it was necessary to conduct a thorough assessment of whether the plan was likely to have a significant effect on the environment.

2.10 Yarcombe is situated within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). As such, its outstanding landscape value and setting are of national importance and is offered considerable protection under the planning system. Special weight will be given to the protection of the AONB when assessing whether the aims and objectives of the Neighbourhood Plan will have a significant effect on the environment.

2.11 The table below sets out the criteria by which the aims and proposals of the plan should be judged, as outlined in Article 3.5 of the SEA Directive.

**Figure 3:** Environmental impact screening assesment

<b>Criteria for determining the likely significance of effects (Schedule 1 of SEA regulations)</b>	<b>Is the YNP likely to have a significant environmental effect?</b>	<b>Justification for Screening Assessment</b>
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	<b>N</b>	The YNP sets a framework for developments within the neighbourhood area but does not allocate specific sites for development. It is conformity with the policies within the emerging East Devon Local Plan, which has been subject to SEA.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	<b>N</b>	The YNP must be in general conformity with the adopted East Devon Local Plan and have regard to national policies. It must also be compatible with EU law and the ECHR obligations. It is not considered to have an influence on other plans.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	<b>N</b>	The plan will contribute towards the achievement of sustainable development, as required by the “basic conditions” on which the plan will be judged at examination. In the plan there is an emphasis on the protection of the natural environment but the impact of this is considered to be small.
Environmental problems relevant to the plan or programme.	<b>N</b>	The plan is not intending to propose sites for development so there will be no environmental impact related to the allocation of land.

		The plan proposals are not considered to have a significant impact on any existing environmental problems that are present in Yarcombe.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	<b>N</b>	These community legislation types are not relevant to the YNP and will not need to be considered.
The probability, duration, frequency and reversibility of the effects.	<b>N</b>	Although the YNP will not be allocating sites, it does support small scale development to occur within the lifespan of Plan. However, this will only be in the form of small scale exceptions housing in order to meet local needs, which is something the adopted Local Plan already supports. The aims and objectives on the whole promote sustainable development and are not expected to have a significant environmental impact.
The cumulative nature of the effects.	<b>N</b>	The cumulative effects of the aims and objectives of the YNP are not considered to have a significant effect on the environment.
The trans-boundary nature of the effects.	<b>N</b>	The YNP will set a framework for development within the Neighbourhood Area. The scale of development it will impact upon is unlikely to have an effect on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	<b>N</b>	There are no risks to human health identified.
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	<b>N</b>	The YNP is concerned only with development within the Parish of Yarcombe, which has a resident population of approximately 500. If there are any effects they are not considered to be wide ranging.

<p>The value and vulnerability of the area likely to be affected due to: special natural characteristics or cultural heritage; exceeded environmental quality standards or limit values; intensive land-use; the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p><b>N</b></p>	<p>Yarcombe is situated within the Blackdown Hills Area of Outstanding Natural Beauty. Listed buildings are scattered across the Parish, a large concentration of them being situated within the conservation area in the centre of Yarcombe village.</p> <p>The YNP is unlikely to adversely affect these and there is a considerable focus on the protection of the distinct landscape and ecology of the area, including encouraging the planting of native trees and hedges, maintaining the dark skies, and ensuring new development is in keeping with the surrounding area.</p>
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## 2.12 Conclusion

2.13 Yarcombe Neighbourhood Plan does not require a Strategic Environmental Assessment.

2.14 Taking the above assessment into consideration, the Yarcombe Neighbourhood Plan is unlikely to have a significant environmental impact. The Plan supports the strategic policies in the adopted Local Plan, which has been subject to SEA. It does not propose development in the form of site allocations and any impacts of development that may occur in the lifetime of the plan as a result of its implementation is likely to have a small impact.

## 3.0 Initial Habitat Regulations Screening Assessment

- 3.1 The pre-submission version of the plan has been used to undertake this initial screening assessment. As the conclusion is that a full Habitat regulations screening is not required, any variations or additions to the aims and objectives will be subject to a further screening. A draft screening report was produced as part of the production of the emerging Local Plan and has been taken into account in undertaking this screening assessment.
- 3.2 The Conservation (Natural Habitats &c.) Regulations 1994 (The Habitats Regulations) transpose the requirements of the European Habitats Directive 92/43/EEC into UK law. The Habitats Directive and Regulations afford protection to plants, animals and habitats that are rare and vulnerable in a European context.
- 3.3 Habitats Regulations Assessment (HRA) is a systematic process through which the performance of a plan or project can be assessed for its likely impact on the integrity of a European Site. European Sites, also referred to as Natura 2000 sites, consist of Special Protection Areas (SPA),

Special Areas of Conservation (SAC); Potential Special Protection Areas and candidate Special Areas of Conservation (pSPA and cSAC); and listed or proposed Ramsar sites.

3.4 Article 6(3) of the Habitats Directive states:

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives’.

3.5 There are no Sites which are potentially relevant to the Yarcombe Neighbourhood Plan.

3.6 Natural England will be consulted on this document by the District Council.

### Screening Criteria Questions

1. Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?

*No*

2. Does the Neighbourhood Plan propose new development or allocate sites for development?

*The Neighbourhood Plan does not allocate sites, although the objectives indicate that small scale development to meet local needs will be supported.*

*Yarcombe does not have a Built-up Area Boundary in the adopted or emerging East Devon Local Plans, so there is a presumption against new residential development unless it is very small-scale and is permitted to meet a specific need (eg affordable housing or an agricultural workers dwelling) or to achieve the retention of an historic building. A detailed assessment of potential impacts will be carried out when specific proposals come forward through the planning system.*

*The existing, adopted Local Plan was not subject to an HRA (it pre-dated the requirement) but, as the type of small scale housing referred to in the Yarcombe objectives accords with Local Plan policy, re/development has already been found to be acceptable in principle.*

*The objectives in the Neighbourhood Plan do also accord with the emerging Local Plan for the District which is subject to an HRA. A screening opinion was provided by Land Use Consultants early in the Plan production process and an HRA was completed by Footprint Ecology before, and informed, the submission version of the Local Plan. It indicated that the Local Plan will have*

*sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.*

3. Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European Site?

*No*

### **3.7 Conclusion**

3.8 The Yarcombe Neighbourhood Plan does not require a Habitat Regulation Assessment.

3.9 The Yarcombe Neighbourhood Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. It does not propose a level of development significantly over and above that in the adopted Local Plan (which was itself subject to HRA.

## Appendix 1: Statutory Consultee Responses

Mr Timothy Spurway  
East Devon District Council  
The Knowle  
Sidmouth  
Devon  
EX10 8HL

**Our ref:** DC/2006/000243/AP-  
26/PO2-L01  
**Your ref:**  
**Date:** 17 May 2016

Dear Mr Spurway

### **Yarcombe and Marsh Neighbourhood Plan**

#### **Strategic Environmental Assessment and Habitats Regulation Assessment Screening**

Thank you for your consultation of 05 April 2016 providing us with the opportunity to comment in respect of the above.

We concur with the conclusions of the screening report that the neighbourhood plan is unlikely to have any significant environmental effects and therefore that Strategic Environmental Assessment specific to the plan is not required. Any potential for environmental effects from growth in the parish should already have been addressed through the Sustainability Appraisal which accompanied the East Devon Local Plan.

We have already reviewed the content of the draft plan and responded to the Neighbourhood Plan Steering Group on 13 April 2016. We welcomed the aims and policy regarding the natural environment whilst also encouraging the plan to consider how it can contribute to reducing/managing flood risk and the protection and enhancement of the water environment.

Yours sincerely

**MARCUS SALMON**  
**Sustainable Places Planning Specialist**

Direct dial 02084746289

Direct e-mail [marcus.salmon@environment-agency.gov.uk](mailto:marcus.salmon@environment-agency.gov.uk)

Environment Agency

Manley House Kestrel Way, Sowton Industrial Estate, Exeter, EX2 7LQ.

Customer services line: 03708 506 506

[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

## Timothy Spurway

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**From:** Stuart, David [David.Stuart@HistoricEngland.org.uk]  
**Sent:** 17 May 2016 16:28  
**To:** Timothy Spurway  
**Subject:** RE: Yarcombe SEA/HRA screening report - UNCLASSIFIED:  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Tim

Thank you for your consultation on the SEA Screening of the emerging Yarcombe and Marsh Neighbourhood Plan.

On the basis of the information provided we have no objection to the view that an SEA will not be required. Obviously if the Plan evolves to the extent that site allocations are proposed then we assume that there will be a review of the screening outcome at the appropriate time to see if an SEA is required after all.

Kind regards

David

David Stuart | Historic Places Adviser South West  
Direct Line: 0117 975 0680 | Mobile: 0797 924 0316

Historic England | 29 Queen Square | Bristol | BS1 4ND

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: [HistoricEngland.org.uk/EAS](http://HistoricEngland.org.uk/EAS)

Date: 16 May 2016

Our ref: 182777

Your ref: Yarcombe and Marsh Neighbourhood Plan SEA / HRA Screening



Tim Spurway  
Neighbourhood Planning Officer  
East Devon District Council  
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East Devon District Council  
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[TSpurway@eastdevon.gov.uk](mailto:TSpurway@eastdevon.gov.uk)

**BY EMAIL ONLY**

Dear Tim

**Planning consultation:** Yarcombe and Marsh Neighbourhood Plan (NP) Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) – Draft Screening Report  
**Location:** Yarcombe and Marsh Parish, East Devon

Thank you for your consultation on the above dated and received by Natural England on 05 April 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)**  
**ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004**  
**CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED)**  
**THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

Natural England welcomes the importance attached to protecting and enhancing the natural environment and the designated landscape of Yarcombe and Marsh Parish, as promoted in the pre-submission draft Neighbourhood Plan.

**Strategic Environmental Assessment – Screening**

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environmental Assessment of Plans and Programmes Regulations 2004.

We note that the pre-submission draft Neighbourhood Plan sets a framework for development within the parish boundary, but does not allocate sites for potential development. East Devon Local Plan has now been adopted and the East Devon Villages Plan has been drafted and the SA / SEA scoping for this plan is currently being consulted on. It is considered unlikely that any significant environmental effects will result from the implementation of the Neighbourhood Plan.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

### **Habitats Regulations Assessment**

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

**In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out.** Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that

any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress **before** a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

Natural England recognises that the framework for development proposes small-scale housing and business, purports to meet local needs and does not allocate any development sites. Your assessment notes that the aims and objectives of the NP accord with the Local Plan which is itself subject to HRA. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view.

### **Protected Species**

We are not aware of significant populations of protected species which are likely to be affected by the proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

## **Opportunities through the Neighbourhood Plan**

### **Biodiversity**

There may be opportunities through the Neighbourhood Plan to identify suitable areas for the creation and enhancement of Priority Habitats which would demonstrate how planning applications could contribute to and restore the overall biodiversity network within the Parish. We recommend that you make reference to the [Devon Biodiversity Action Plan](#)

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Moira Manners on 0300 060 0467. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Moira Manners

Lead Advisor  
Sustainable Development – Devon, Cornwall & Isles of Scilly

