

# **Paignton Neighbourhood Development Plan**

THE HISTORIC HEART OF TORBAY

## **Compliance and Basic Conditions Statement** (Skeleton Draft-2) (based on a template produced by 'Locality')

**(Pre-Submission consultation version)**



(Forum 19 November 2015)

## For information

*[This page will not be included in the submitted version]*

Government Planning Practice Guidance (PPG) states:

Paragraph: 066 Reference ID: 41-066-20140306

### ***When should a qualifying body consider the basic conditions that a neighbourhood plan or Order needs to meet ?***

*Throughout the process of developing a neighbourhood plan or Order a qualifying body should consider how it will demonstrate that its neighbourhood plan or Order will meet the basic conditions that must be met if the plan or order is to be successful at independent examination. The basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan or Order meets the basic conditions. A qualifying body is advised to discuss and share early drafts of its basic conditions statement with the local planning authority.*

Revision date: 06 03 2014

Paragraph: 067 Reference ID: 41-067-20140306

### ***What should a local planning authority do to assist a qualifying body in considering the basic conditions?***

*A local planning authority should provide constructive comments on the emerging neighbourhood plan or Order proposal prior to submission and discuss the contents of any supporting documents, including the basic conditions statement. If a local planning authority considers that a draft neighbourhood plan or Order may fall short of meeting one or more of the basic conditions they should discuss their concerns with the qualifying body in order that these can be considered before the draft neighbourhood plan or Order is formally submitted to the local planning authority.*

Revision date: 06 03 2014

Paragraph: 068 Reference ID: 41-068-20140306

### ***What must a qualifying body do to demonstrate that its neighbourhood plan or Order meets the basic conditions?***

*A statement (a basic conditions statement) setting out how a draft neighbourhood plan or Order meets the basic conditions must accompany the draft neighbourhood plan or Order when it is submitted to the local planning authority (see [regulation 15\(1\)\(d\)](#) and [regulation 22\(1\)\(e\)](#) of the Neighbourhood Planning (General) Regulations 2012 (as amended)).*

Revision date: 06 03 2014

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# Part 1: Introduction

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## ***Why this statement has been produced***

1.1 This statement has been produced by the Paignton Neighbourhood Forum ("the Forum") in consultation with Torbay Council ("the Council") to accompany the proposed Paignton Neighbourhood Development Plan ("the Neighbourhood Plan") prepared by the Forum and submitted to the Council in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations of 2012 ("the Regulations").

1.2 The purpose of this statement is to confirm and evidence that the Neighbourhood Plan has been prepared by the Forum in compliance with all formal requirements, as well as the 'basic conditions' defined in the Regulations.

1.3 In accordance with National Planning Practice Guidance ("PPG"), the Forum has considered how the 'basic conditions' requirement will be met throughout the process of developing the Neighbourhood Plan (PPG066) and has discussed and shared early drafts of this statement with the local planning authority (PPG076). In return, the local planning authority has provided constructive comments on the emerging neighbourhood plan and supporting documents in accordance with guidance (PPG067).

## ***Statement Structure***

1.4 Part 2 first provides summary background information about Paignton and how the Neighbourhood Plan has been prepared alongside the Local Plan for Torbay produced by Torbay Council, and adjacent Neighbourhood Plans for Torquay and Brixham prepared by each Forum for those areas.

1.5 Part 3 contains the information that demonstrates how each formal requirement has been met, including each of the 'basic conditions'.

## ***What happens next***

1.6 The next step involves the Council confirming to the Forum that all of the required documents have been received. The submitted Neighbourhood Plan will then be published by the Council for any representations to be made before it is submitted to an Independent Assessor appointed by the Council in agreement with the Forum.

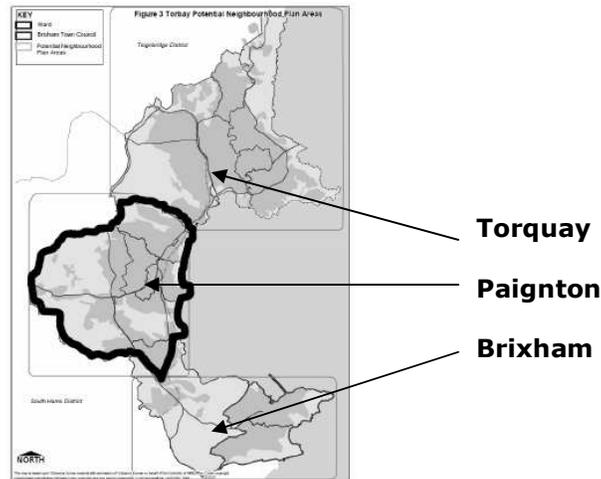
1.7 The Independent Assessor will consider the submitted Neighbourhood Plan and accompanying documents and any representations that may be received. Subject to the outcome of the assessment by the Independent Assessor, a Referendum will be held of all residents who are registered to vote in Paignton. If more than half of those eligible to vote agree, the Neighbourhood Plan will be Adopted formally as part of the Development Plan for Torbay and used by the Council to make decisions on planning applications and similar proposals.

## Part 2: Background Information

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### **Location**

2.1 Paignton is one of the main seaside holiday resorts of South Devon, and the historic heart of Torbay. Torbay is a Unitary Authority area, with Torquay located to the north of Paignton and Brixham to the south.



2.2 Paignton developed from a small fishing village and still has a working commercial harbour. Settlement in the town dates from late Saxon times with significant medieval buildings still remaining. A grid pattern new town was built in the late Victorian period following arrival of the railway and included areas of reclaimed land. The town grew considerably into the hinterland throughout the twentieth century and now incorporates the village of Collaton St Mary and a substantial area of agricultural land within attractive countryside.

### **Other factors of note**

2.3 Preparation of the Neighbourhood Plan has involved a number of factors of particular note:

- a larger than average Neighbourhood Plan resident population (more than 42,000);
- preparing the plan in tandem with two adjoining neighbourhood plans (for Torquay and Brixham) to achieve complete coverage of the Torbay local authority area;
- each Forum producing its neighbourhood plan via different working arrangements in co-ordination with each other;
- 'twin tracking' preparation of all three neighbourhood plans alongside production of a new local plan for Torbay by Torbay Council;
- working with external assistance provided by the Government Department for Communities and Local Government (DCLG) under the 'Frontrunner' and subsequent programmes;
- involvement with several key planning appeals during the preparation stages.

## Part 3: Formal Requirements

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### **Legal Requirements**

3.1 In accordance with Regulation 15(1)(a) to (d) and 22(1)(e) of the 2012 Regulations (as amended), the Neighbourhood Plan submission incorporates the following documents:

- a map or statement which identifies the area to which the proposed Neighbourhood Plan relates;
- a "Consultation Statement" that in accordance with Regulation 15(2):
  - contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - explains how they were consulted;
  - summarises the main issues and concerns raised by the persons consulted; and
  - describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
- the proposed neighbourhood development plan; and
- this statement (Basic Conditions Statement) that explains how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.
- *[Insert here any further documents submitted that may be necessary due to change in legislation or volume of supporting evidence finally involved]*

3.2 Each further legal requirement has been complied with as evidenced below:

**(i) The draft Neighbourhood Plan is being submitted by a qualifying body** (Ref XX)

3.3 *[Insert here confirmation of the Regulation 5 and 8 applications made on 3 May 2012 and statutory designations confirmed by the Council on 6 December 2012 (Minute 96) that continue in accordance with legislation – see [Appendix 1](#) copy of the designated "Neighbourhood Area" and paragraph 3.1 above.]*

**(ii) The Neighbourhood Plan proposal relates to planning matters** (Ref XX)

3.4 *[Insert here confirmation that what is being proposed is a Neighbourhood Development Plan (not an Order granting planning permission) and that the plan proposal relates to planning matters (the use and development of land) prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.]*

**(iii) The proposed Neighbourhood Plan states the period for which it is to have effect** (Ref XX)

3.5 *[Insert here a simple confirmation that the plan specifies the time period for which it will be in force.]*

**(iv) The policies do not relate to excluded development** (Ref XX)

3.6 *[Insert here confirmation that the neighbourhood plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.]*

**(v) The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area** (Ref XX)

3.7 *[Insert here confirmation that the neighbourhood plan proposal relates only to the designated Paignton Neighbourhood Area and to no other area, and that there are no other neighbourhood plans relating to the neighbourhood area. ]*

### **Basic Conditions**

3.8 In accordance with paragraph 8 of Schedule 4B of the 1990 Act, the submitted Neighbourhood Plan meets each of the "basic conditions" defined in paragraph 8(2)(a) to (g), as evidenced below:

**(a) Has regard to national policies and advice contained in guidance issued by the Secretary of State** (Paragraph 8(2)(a);

3.9 *[Insert here demonstration that the neighbourhood plan has had regard to the National Planning Policy Framework (or any policy document that replaces or accompanies the NPPF prior to the submission) by describing how the neighbourhood plan addresses the 12 core planning principles contained in paragraph 17 of the NPPF.]*

**(b) Has special regard to the desirability of preserving any Listed buildings or its setting or any features of special architectural or historic interest that it possesses** (Paragraph 8(2)(b);

3.10 *[Insert here confirmation that although this requirement only relates to an Order granting planning permission, the Neighbourhood Plan has nevertheless taken particular account of listed buildings within the Neighbourhood Area. Attach a schedule of Listed buildings as Appendix 2]*

**(c) Has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area** (Paragraph 8(2)(c);

3.11 *[Insert here confirmation that although this requirement only relates to an Order granting planning permission, the Neighbourhood Plan has nevertheless taken particular account of conservation areas within the Neighbourhood Area. Attach a schedule of the designated Conservation Areas as Appendix 3.]*

**(d) Contributes to the achievement of sustainable development** (Paragraph 8(2)(d);

3.12 *[Insert here reference to the NPPF statement of the general presumption in favour of sustainable development and that, according to the NPPF, sustainable*

*means ensuring that better lives for ourselves does not mean worse lives for future generations and development means growth, and how sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. Cross reference with (a) above and include a bullet point list of the policies and proposals in the neighbourhood plan that contribute to achieving sustainable development.]*

**(e) 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)(Paragraph 8(2)(e);**

3.13 The statutory development plan applying to the designated Paignton Neighbourhood Area is the Torbay Local Plan ('the Local Plan') subtitled "A landscape for success".

3.14 The Local Plan was submitted to the Secretary of State in July 2014. The Examination Hearing commenced in November 2014. Modifications were published in February 2015 and Replacement Modifications in June 2015. The Inspector's final Report was published on 12 October 2015 following an extended period of Examination. The Plan was adopted by the Council as the local planning authority on 10 December 2015.

3.15 Full account has also been taken of the following Supplementary Planning Documents (SPD) produced by the Council as non statutory development plans to help inform preparation of the Neighbourhood Plan:

- Great Parks Masterplan (adopted as SPD on XXX)
- Paignton Town Centre Masterplan (adopted as SPD on 1 June 2015)
- Collaton St Mary Draft Masterplan (public consultation October 2014)

3.16 In addition account has been taken of the following retained SPD's that relate to Torbay overall:

- Sections 13-15 (The Historic Environment) and Sections 16-19 (The Natural Environment) of the 2004 Adopted Torbay Local Plan Environmental Guide.
- Greenspace Strategy SPD (2006)
- Urban Design Guide SPD (2007)
- Planning Contributions and Affordable Housing SPD (2008)

Assessment method applied

3.17 To ensure the Neighbourhood Plan is in general conformity with the strategic policies of the development plan, the assessment made has followed Government advice contained in Planning Practice Guidance (PPG) at paragraphs PPG-074 to PPG-077 as indicated below:

*i) Meaning of 'general conformity'*

3.18 In accordance with PPG-074 the assessment made has considered the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general policy that the strategic policy is concerned with;

- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

*ii) Identifying the strategic policies*

3.19 In accordance with PPG-075 the strategic policies have been addressed no matter where they appear in the development plan, and the assessment has not presumed that every policy in the Local Plan is strategic or that the only policies that are strategic are labeled as such. The strategic policies examined have been those that relate to the following as required by NPPF156:

- Homes and jobs needed in the area
- Provision of retail, leisure and other commercial development
- Provision of infrastructure for transport, telecommunications, waste management, water supply waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- Provision of health, security, community and cultural infrastructure and other local facilities; and
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

3.12 As advised by PPG-076 the assessment has recognised that strategic policies will be different in each local planning authority area, and when reaching a view on whether a policy is a strategic policy, the following considerations have been applied:

- whether the policy sets out an overarching direction or objective;
- whether the policy seeks to shape the broad characteristics of development;
- the scale at which the policy is intended to operate;
- whether the policy sets a framework for decisions on how competing priorities should be balanced;
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations of the Local Plan;
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan;
- whether the Local Plan identifies the policy as being strategic.

*iii) Compliance confirmation*

3.21 Having regard to the advice contained in PPG-067 and PPG-077, **the Local Planning Authority has confirmed** to the Neighbourhood Forum that:

- the assessment made has identified appropriately the strategic policies of the development plan;
- the proposed Neighbourhood Plan is in general conformity;

- the requirement of NPPF182 has been met as the Neighbourhood Plan does not propose less development nor undermines the strategy.

3.22 Further details of the assessment made are contained in Appendix 4

*[insert Appendix 4]*

**(f) Does not breach, and is otherwise compatible with, EU Obligations**  
(Paragraph 8(2)(f);

3.23 *[Insert here confirmation that the neighbourhood plan is compatible with EU obligations around human rights, habitat protection and environmental impacts. Depending on the Torbay Local Plan outcome, this could include reference to an equalities impact assessment, SEA (Strategic Environmental Assessment) screening and reference to the relevance, or not, of Habitat Regulations Assessment.]*

**(g) Complies with such matters as are prescribed in regulations**  
(Paragraph 8(2)(g).

3.24 *[Insert here reference to any further matter that it may transpire is a formal requirement of Regulations the examiner may need to consider – currently there are none.]*

End

## Appendix 1 - Map of the designated Paignton Neighbourhood Area

[Designated by the meeting of Torbay Council on 6 December 2012 - Minute 96]

