



## **KINGSTON NEIGHBOURHOOD PLAN**

# **Draft Basic Conditions Statement**

**August 2019**

**Submitted by the qualifying body:**  
**Kingston Parish Council**  
<http://kingstonparishcouncil.co.uk/>

**for:**  
**Kingston Neighbourhood Plan**  
<https://kingstonplan.org/>

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## **1. LEGAL REQUIREMENTS**

- 1.1. This statement has been prepared by the Kingston Neighbourhood Plan Group on behalf of Kingston Parish Council. It will accompany the submission to South Hams District Council of the Kingston Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2. The Neighbourhood Plan will be submitted by Kingston Parish Council, the appropriate qualifying body. It covers the area designated by South Hams District Council on 3<sup>rd</sup> January 2017. Details of the application and its approval are available on the district council's website at [neighbourhoodplanning.swdevon.gov.uk/kingston](http://neighbourhoodplanning.swdevon.gov.uk/kingston).
- 1.3. The plan has been prepared on behalf of the Parish Council by a Task Group with the support of a consultant. The assistance of the District Council is also gratefully acknowledged.
- 1.4. It relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2014-2034, a period chosen to tie in with the development plan for the South Hams which is the South West Devon Joint Local Plan (the JLP).
- 1.5. It does not contain policies relating to excluded development – county matters, nationally significant infrastructure or other matters – as laid out in the Regulations.
- 1.6. The neighbourhood plan area is shown at Appendix 1. It includes the whole of Kingston Parish.
- 1.7. This statement addresses each of the four 'basic conditions' required by the Regulations and explains how the neighbourhood plan meets the requirement of paragraph 8 of schedule 4B of the 1990 Town and Country Planning Act.
- 1.8. The Regulations state that the neighbourhood plan will have met the basic conditions if it:
  - a) has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - b) contributes to the achievement of sustainable development;
  - c) is in general conformity with the strategic policies of the development plan for the area; and
  - d) is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

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

- 2.1. Kingston is a coastal parish set on the South Devon coast and lies entirely within the South Devon Area of Outstanding Natural Beauty (AONB). The parish is home to about 380 people, the majority of whom live in the village.
- 2.2. The parish experiences all the social, economic and environmental pressures and challenges associated with rural isolation, (no school, shop or Post Office, poor public transport) and an attractive and popular coastal location. The local economy rests primarily on tourism and agriculture. Job opportunities are few and house prices are high which can make it hard for local people, especially the young, to afford to stay in

the parish. To address such issues the community has decided to produce a neighbourhood plan.

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

- 3.1. In late 2016 Kingston Parish Council decided to proceed with the development of a neighbourhood plan. A Task Group was formed and the necessary approvals were obtained from the local planning authority (South Hams District Council) – details of the application are at <https://www.southhams.gov.uk/article/3882/>.
- 3.2. A Village Drop-in Day was held in November 2016, and two follow-up events took place to engage more young people and children. As a result, a vision for the parish and 5 key themes were established. The themes included housing, transport / movement, environment, enterprise / employment and community well-being, and the vision was that: ***Kingston must maintain its character as a living village in an area of outstanding natural beauty.***
- 3.3. In September 2017 a neighbourhood plan questionnaire was delivered to every home in the parish, including a separate Very Special Questionnaire for 4-11yr olds. A postal version was arranged for anyone who would be away. Two evening Information sessions were held in the Reading Room and four sessions at the Tuesday morning markets.
- 3.4. The questionnaire included a wide range of questions, including some about the type and scale of development which could be suitable for Kingston and which site or sites might be allocated. It achieved a very high response rate, both from residents and from second home owners.
- 3.5. In December 2017 a Sites Assessment Report (prepared by a consultant) was published for comment and this was followed in January 2018 by the Kingston Character Assessment, also open for comment.
- 3.6. All of these steps are described in more detail in the neighbourhood plan blog at <https://kingstonplan.org/blog/>.
- 3.7. The neighbourhood plan website (<https://kingstonplan.org/>) shows a great deal of helpful information including the plan area, terms of reference, task group minutes, meetings, a detailed Character Assessment of the parish and consultations and every stage of progress.
- 3.8. The plan is now published in draft form for consultation in accordance with Part 5, Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. It will be open for comments for a period of 6 weeks (from 19<sup>th</sup> August to 29<sup>th</sup> September 2019) Representations received, responses to them and consequent changes to the plan will subsequently be set out in a Response Report.
- 3.9. The amended plan will then be submitted to South Hams District Council together with associated documents including the final versions of this Basic Conditions Statement, the Statement of Consultation, the Strategic Environmental Assessment and the Habitats Regulations Assessment (or screening opinions), the Monitoring Report and the Response Report.
- 3.10. The District Council will arrange for the plan's examination by an independent examiner who will decide whether it meets the basic conditions. If these conditions

are considered to have been met the District Council will hold a local referendum on the plan. So long as more than 50% of those voting in the referendum support the plan it will be declared “duly made” and will become part of the development plan and statutory planning decision making framework for the parish.

#### **4. VISION AND OBJECTIVES**

4.1. The vision for Kingston is that:

***Kingston must maintain its character as a living country village  
in an area of outstanding natural beauty.***

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The local community expects the plan to:

- a) protect the beauty, character and heritage of the parish;
- b) prioritise the needs of young and lower income locals in future development;
- c) maintain and enhance community spirit and balance,
- d) safeguard local facilities and encourage new appropriate employment opportunities.

The plan aims to create a place where the following objectives are achieved:

- a) New development is in scale and keeping with the village and the locality;
- b) Support for small scale housing developments, no more than 4 houses per site, which prioritise the needs of local people, are in keeping with the locality and will contribute to a sustainable future for the parish, including:
  - Open market housing for young families on lower/middle incomes to buy or rent, and
  - Affordable community housing for local people who cannot afford to buy or rent open market housing
- c) Opportunities for existing business to flourish and provision of new employment for local people, which promotes sustainable growth in the local economy appropriate to the character and position of the parish in the South Hams AONB
- d) Respect, conserve and enhance the very special qualities of Kingston’s natural environment for future generations, including protection of the exceptional view of the dark night sky
- e) Protect the historic environment of the parish by conserving and enhancing heritage assets which are of special local interest
- f) Support for the delivery of appropriate small-scale technology for generating renewable energy for local use
- g) Promote a healthy, mixed community by enhancing and protecting Kingston’s green spaces, sport/recreational /leisure facilities and services which support community wellbeing and resilience
- h) Seek opportunities to improve infrastructure to make the parish more sustainable for existing and future residents

## 5. POLICIES AND PROPOSALS

5.1. The plan's policies are laid out under five main headings:

1. Development, Design and Construction
2. Housing
3. Environment and Heritage
4. Community Amenities
5. Business and Employment

5.2. Of particular local importance are policies seeking to protect the countryside; the sensitive coastal landscape of the parish; the distinctive character of the village; to establish a settlement boundary; to control the scale of development; to promote appropriate renewable energy, to safeguard local facilities and green spaces, and to guard against harm to local tranquillity and dark skies.

## 6. SUBMISSION DOCUMENTS

6.1. In addition to this Basic Conditions Statement, the following documents have been or are being prepared to support the Kingston Neighbourhood Plan and will be submitted to South Hams District Council when the initial consultation is complete, responses have been considered and any appropriate and necessary changes have been made to the plan:

- a) **The Neighbourhood Plan** – the neighbourhood development plan for the designated area containing policies to guide future development in the area.
- b) **The Statement of Consultation** – setting out the community engagement and consultation undertaken from the outset of the process.
- c) **The Strategic Environmental Impact Assessment (SEA) and/or screening opinion** – assessing the environmental effect of the plan's policies.
- d) **The Habitats Regulations Assessment (HRA) and/or screening opinion** – assessing the effect of the plan's policies on habitats and species.
- e) **The Monitoring Framework** – outlining a framework of performance indicators against which the effectiveness of the plan's policies can be assessed.
- f) **The Evidence Schedule** – listing the key sources for evidence (other than community consultation) to underpin the plan.

6.2. Following the 6 weeks consultation on the draft plan the comments received will be considered and the Task Group will decide whether any changes to the plan are required. The plan will then be submitted to South Hams District Council to arrange for:

1. a further 6 weeks for comment on the submitted plan;
2. the plan's independent examination; and (providing the plan meets the basic conditions set out at para 1.8 above)
3. a public referendum on the plan.

## 7. COMPLIANCE STATEMENT

7.1. The draft Kingston Neighbourhood Plan is being made available for consultation from

19<sup>th</sup> August to 29<sup>th</sup> September 2019 in accordance with Part 5, Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

- 7.2. Responses to the comments received will be set out in a Response Report which will be among the documents submitted to South Hams District Council. Summaries of the responses received and copies of those from key consultees will also be made available at <https://kingstonplan.org/>.
- 7.3. Following consultation on the draft plan any amendments considered to be necessary will be made before the plan is submitted to South Hams District Council. Part 5, Paragraph 15 of the Regulations sets out the requirements for the submission of a neighbourhood plan, as follows:

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

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- (b) a consultation statement;
- (c) the proposed neighbourhood development plan; and
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act

- 7.4. Part (a) is provided at **Appendix 1** to this statement and includes the map and a hyperlink to the application and designation notice. Parts (b) and (c) are now published in draft form alongside the draft plan and will be finalised as part of the plan's submission. The requirements of part (d) are that the plan meets the basic conditions which are (as set out at para 1.8 above), that:

- the plan has regard to national policies and advice contained in guidance issued by the Secretary of State.
- the plan contributes to the achievement of sustainable development.
- the plan is in general conformity with the strategic policies contained in the development plan for the area.
- the plan does not breach and is compatible with EU obligations.

- 7.5. The following sections of this statement explain how the Kingston Neighbourhood Plan meets those requirements.

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

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

## **9. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT**

9.1. The plan's objectives are set squarely within the bounds of sustainable development. It provides for

1. economic sustainability through its provisions for development, particularly through small sites for housing and policies to promote business development;
2. social sustainability through its promotion of affordable housing and support for maintenance and development of community infrastructure; and
3. environmental sustainability through its promotion of sustainable construction and care of local heritage, green spaces and natural resources.

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

10.1. The development plan for the area is the South West Devon Joint Local Plan (the JLP), adopted in March 2019. Several adopted Supplementary Planning Documents (SPDs) provide further detail.

10.2. The Kingston Neighbourhood Plan has been prepared in co-operation with the District Council. It generally conforms with and does not undermine or constrain the strategic content of the emerging JLP or adopted LDF and saved local plan policies inasmuch as they relate to Kingston.

10.3. More detail about the way in which the plan's policies generally conform with the strategic content of the development plan policies is set out in **Appendix 2** (along with details of conformity with the NPPF).

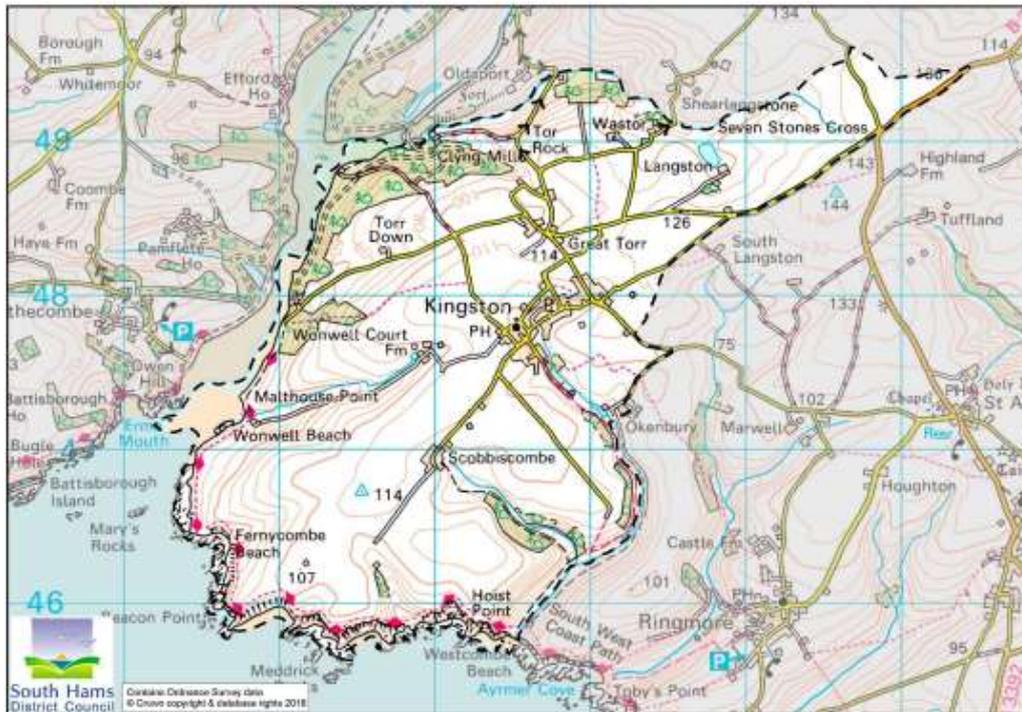
## **11. COMPATIBILITY WITH EU LEGISLATION**

11.1. The Kingston Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The consultation process has aimed to include all sections of the community, including hard-to-reach and under-represented groups such as young people, children and the disabled, with local events in accessible locations and an effective digital presence.

11.2. Screening opinions were requested from South Hams District Council in relation to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). The District Council advice is awaited.

## APPENDIX 1 – KINGSTON NEIGHBOURHOOD PLAN AREA DESIGNATION

1. The plan area shown on the map below is that confirmed on 3<sup>rd</sup> January 2017 by South Hams District Council.
2. The application for and notice of designation of the Kingston Neighbourhood Plan area are at [neighbourhoodplanning.swdevon.gov.uk/kingston](http://neighbourhoodplanning.swdevon.gov.uk/kingston) .



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

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

<b>Kingston Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
Overall	<p>The plan has regard to the NPPF and particularly to the presumption in favour of sustainable development.</p> <p>It sets out a vision for the future and contains policies which support sustainable development and the delivery of strategic policies contained in the JLP and LDF documents.</p> <p>It responds to priority concerns expressed by the local community, aiming to deliver a shared vision for the area.</p> <p>It contains clear and unambiguous policies which are purpose-driven and avoid duplication.</p> <p>Its policies align with the NPPF in general and in particular ways as shown below.</p>	<p>The plan is in general conformity with the strategic policies of the development plan and in particular those contained in the South West Devon Joint Local Plan adopted in 2019 (the JLP).</p> <p>JLP policy TTV30 is of key relevance.</p>
KNP1: Development and the Settlement Boundary	<p>The policy aims to allow for delivery of needed development, including exception sites, whilst conserving and enhancing the natural and the historic environment.</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, SPT3, SPT11, TTV2 and TTV31.</p>

<b>Kingston Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
KNP2: Design and Construction	<p>The policy has regard to NPPF in aiming for good design with clarity about expectations to seek to achieve high quality, effective functionality, harmony with local character and a strong and distinctive sense of place.</p> <p>It also engages with NPPF objectives for conservation and to meet the challenges of climate change.</p>	The policy generally conforms with JLP policies SPT1, SPT2, DEV2, DEV10, DEV20, DEV34 and DEV35.
KNP3: Flooding and Sewerage	The policy has regard to NPPF guidance to plan out flood risk, ensuring that it is not increased and seeking to alleviate existing difficulties.	The policy generally conforms with JLP policies DEV2 and DEV37.
KNP4: Renewable Energy	The policy has regard to NPPF guidance to plan for climate change, managing risk and aiming to help increase the use and supply of renewable and low carbon energy and heat.	The policy generally conforms with JLP policies SPT1, DEV34, DEV35 and DEV36.
KNP 5: Housing Development	The policy has regard to NPPF in aiming to deliver a sufficient and sustainable supply of homes, including affordable homes, designed to mitigate and adapt to climate change by the use of low carbon measures, and incorporating sustainable drainage.	The policy generally conforms with JLP policies SPT2, SPT3, TTV2, TTV31, TTV32, DEV8, DEV9, DEV10, DEV20, DEV34 and DEV35, and LDF policies CS7, CS11, DP1, DP4, DP11 and
KNP6: Principal Residence Requirement	The policy has regard to NPPF guidance to support strong, healthy and vibrant communities, taking local circumstances into account and aiming to enhance or maintain the vitality of rural communities	The policy generally conforms with JLP policies SPT1, SPT2, SPT3, TTV2, DEV8 and DEV9.

<b>Kingston Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
KNP7 Protecting the Landscape and Biodiversity	The policy has regard to NPPF in aiming to conserve and enhance the natural environment, protecting valued natural assets, particularly those which are locally distinctive to the parish.	The policy generally conforms with JLP policies DEV20, DEV24, DEV25, DEV27 and DEV28.
KNP8: Protecting the Erme Estuary SSSI and the Coast	The policy has regard to NPPF in aiming to conserve and enhance the estuary and coast.	The policy generally conforms with JLP policies DEV24, DEV25, DEV27 and DEV28.
KNP9: Protecting Agricultural Land	The policy has regard to NPPF in aiming to protect soils in a manner commensurate with their statutory status.	The policy generally conforms with JLP policy DEV2.
KNP10: Heritage and Conservation	The policy has regard to NPPF in aiming to conserve and enhance heritage assets and the historic environment.	The policy generally conforms with JLP policies DEV21 and DEV22.
KNP11: Dark Skies and Tranquillity	The policy has regard to NPPF in aiming to conserve and enhance the natural environment and reduce pollution, and its advice to identify and protect tranquil areas and limit light pollution (para 180).	The policy generally conforms with JLP policies DEV2, DEV24 and DEV27.
KNP12: Community Facilities and Infrastructure	The policy has regard to NPPF in aiming to help promote healthy and safe communities, providing and guarding against the unnecessary loss of valued facilities and services.	The policy generally conforms with JLP policies SPT1, SPT2, SPT6, DEV3, DEV4, DEV5, DEV18 and DEV32.
KNP13: Local Green Spaces	The policy has regard to NPPF in aiming to help promote healthy and safe communities, identifying and protecting green areas of local importance.	The policy generally conforms with JLP policy DEV29.

<b>Kingston Neighbourhood Plan</b>	<b>Regard to NPPF</b>	<b>General conformity with strategic policies</b>
KNP14 New business and Employment Development	The policy has regard to NPPF in aiming to build the local economy, enabling sustainable business growth, including rural diversification.	The policy generally conforms with JLP policies SPT1, SPT2, SPT4, TTV2, TTV31, DEV14, DEV15 and DEV19.
KNP15: Broadband and Telecommunications Infrastructure	The policy has regard to NPPF in promoting high quality communications without undue infrastructure and in keeping with the locality.	The policy generally conforms with JLP policy SPT8.

### **APPENDIX 3 – COMPATABILITY WITH EU LEGISLATION**

1. South Hams District Council, in commenting on the draft Kingston Neighbourhood Plan has yet to give screening opinions as to whether the plan requires Strategic Environmental Assessment (SEA) or Habitats Regulations Assessment (HRA).
2. If required those reports will be published alongside the plan and made available on the neighbourhood plan website at <https://kingstonplan.org/>.