



KINGSTON NEIGHBOURHOOD PLAN

Basic Conditions Statement

July 2020

Submitted by the qualifying body:

Kingston Parish Council

www.kingstonparishcouncil.co.uk/

for:

Kingston Neighbourhood Plan

www.kingstonplan.org/

CONTENTS

1. Legal Requirements
2. Local context and the need for a plan
3. Plan process and consultation
4. Vision and objectives
5. Policies and proposals
6. Submission documents
7. Compliance Statement
8. Regard to national policies and guidance
9. Achievement of sustainable development
10. Conformity with strategic policies of the Plymouth and South West Devon Joint Local Plan (JLP)
11. Compatibility with EU legislation

APPENDICES

Appendix 1 – Kingston Neighbourhood Plan area designation

Appendix 2 – Plan policies' regard to the NPPF and general conformity with the strategic policies of the JLP

1. LEGAL REQUIREMENTS

- 1.1. This statement has been prepared by the Kingston Neighbourhood Plan Task 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 (General) Regulations 2012 (the “Regulations”).
- 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 3rd January 2017. Details of the application and its approval are available on the district council's website at www.neighbourhoodplanning.swdevon.gov.uk/kingston.
- 1.3. The plan has been prepared on behalf of the Parish Council by the 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 2019-2034, a period chosen to tie in with the development plan for the South Hams which is the JLP.
- 1.5. It does not contain policies relating to excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 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 'basic conditions' and explains how the neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
- 1.8. 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 JLP; 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. Full details of the process leading to the emergence of the plan and the public consultation in respect of the plan in accordance with Regulation 14 of the Regulations are set out in the Consultation Statement which accompanies this document.

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.***

- 4.2. The local community expects the plan to achieve the following objectives:

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

5. POLICIES AND PROPOSALS

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

- a) Development, Design and Construction
- b) Housing
- c) Environment and Heritage
- d) Community Amenities
- e) 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 development 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 are being submitted to South Hams District Council:

- a) **The Neighbourhood Plan** – the neighbourhood plan for the designated area containing policies to guide future development in the area;
- b) **The Consultation Statement** – setting out the community engagement and consultation undertaken from the outset of the process; and
- c) **The Evidence Base** – listing the key sources for evidence to underpin the plan.

7. COMPLIANCE STATEMENT

- 7.1. Paragraph 15 of the Regulations sets out the requirements for the submission of a neighbourhood plan, as follows:

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 plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.

7.2. Part (a) is provided at **Appendix 1** to this statement and includes the map and a hyperlink to the application and designation notice.

7.3. Parts (b) and (c) accompany this statement.

7.4. The requirements of part (d) are that the plan meets the basic conditions which are as set out at paragraph 1.8 above.

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 2019 (NPPF) provides a framework for planning for sustainable development, including by local communities through the production of neighbourhood plans.

8.2. The Kingston Neighbourhood Plan focuses on those planning matters which have been identified as priority concerns by the local community. It neither hinders nor duplicates the policies in the JLP, which should be read alongside the Neighbourhood Plan.

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:

- a) (a) economic sustainability through its provisions for development, particularly through small sites for housing and policies to promote business development;
- b) (b) social sustainability through its promotion of affordable housing and support for maintenance and development of community infrastructure; and
- c) (c) 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 JLP

10.1. The development plan for the area is the JLP, adopted in March 2019.

10.2. The Kingston Neighbourhood Plan has been prepared in co-operation with the South Hams District Council. It conforms with and does not constrain the strategic content of the JLP in as much as it relates to Kingston.

10.3. More detail about the way in which the plan's policies conform with the JLP is set out in **Appendix 2**.

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 included 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. South Hams District Council formally advised that the plan requires neither a Strategic Environmental Assessment (SEA) nor a Habitats Regulations Assessment (HRA).
- 11.3. Kingston Neighbourhood Plan (Regulation 15 version draft submitted 7th May 2020) Strategic Environmental Assessment and Habitats Regulation Assessment Screening Opinion can be found as **KNP - SEA and HRA screening opinion** in the [Evidence Base](#) on www.kingstonplan.org.

APPENDIX 1 – KINGSTON NEIGHBOURHOOD PLAN AREA DESIGNATION

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



Neighbourhood Plan Area – the Parish of 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.

Kingston Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
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>It has particular regard to paragraphs 170, 172, 173 and 174 of the NPPF.</p>	<p>The plan is in general conformity with the strategic policies of the JLP. The plan generally conforms with strategic objectives SO1, SO6, SO10 and SO11 and strategic policies SPT1, SPT2, SPT3, SPT11 and SPT12.</p>
KNP1: Development and the Development 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. It has particular regard to paragraphs 172 and 173 of the NPPF.</p>	<p>The policy generally conforms with JLP policies SPT1, SPT2, SPT3, SPT11, SPT12, TTV2 and TTV26.</p>

Kingston Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
KNP2: Design and Construction	<p>The policy has particular regard to paragraphs 124 and 125 of the 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>	<p>The policy generally conforms with JLP policies SPT1, SPT2, DEV1, DEV2, DEV10, DEV20, DEV21, DEV34 and DEV35.</p>
KNP3: Flooding and Sewerage	<p>The policy has regard to NPPF guidance in paragraph 148 of the NPPF in relation to flood risk, ensuring that it is not increased and seeking to alleviate existing difficulties (see also paragraphs 155 and 156 of the NPPF).</p>	<p>The policy generally conforms with JLP policies DEV2 and DEV35.</p>
KNP4: Renewable Energy	<p>The policy has particular regard to paragraphs 148 and 151 of the NPPF and its guidance to plan for climate change, managing risk and to help increase the use and supply of renewable and low carbon energy and heat.</p>	<p>The policy generally conforms with JLP policies SPT1, DEV32 DEV33 and DEV34.</p>
KNP 5: Housing Development	<p>The policy has particular regard to paragraphs 60, 61 and 150 of the 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.</p>	<p>The policy generally conforms with JLP policies SPT2, SPT3, TTV2, TTV26, TTV27, TTV28, TTV29, DEV8, DEV9, DEV10, DEV20 and DEV34</p>

Kingston Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
KNP6: Principal Residence Requirement	The policy has particular regard to paragraph 91 of the NPPF and its 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.
KNP7 Protecting the Landscape and Biodiversity	The policy has regard to paragraphs 170, 172, 173 and 174 of the 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, DEV21, DEV23, DEV24, DEV25, DEV26, DEV27 and DEV28.
KNP8: Protecting the Erme Estuary SSSI and the Coast	The policy has particular regard to paragraphs 172 and 174 of the NPPF in aiming to conserve and enhance the estuary and coast.	The policy generally conforms with JLP policies DEV24, DEV25, DEV26, DEV27 and DEV28.
KNP9: Protecting Agricultural Land	The policy has regard to the 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 particular regard to paragraphs 184 and 185 of the NPPF in aiming to conserve and enhance heritage assets and the historic environment.	The policy generally conforms with JLP policy DEV21 .
KNP11: Dark Skies and Tranquillity	The policy has particular regard to paragraph 180 of the 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.	The policy generally conforms with JLP policies DEV2, DEV24 and DEV25.

Kingston Neighbourhood Plan	Regard to NPPF	General conformity with strategic policies
KNP12: Community Facilities and Infrastructure	The policy has particular regard to paragraph 91 of the 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 and DEV18.
KNP13: Local Green Spaces	The policy has particular regard to paragraphs 91, 99 and 100 of the 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 DEV27.
KNP14 New business and Employment Development	The policy has particular regard to paragraphs 80 and 83 of the 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, TTV26, DEV14, DEV15 and DEV19.
KNP15: Broadband and Telecommunications Infrastructure	The policy has particular regard to paragraphs 112 and 113 of the NPPF in promoting high quality communications without undue infrastructure and in keeping with the locality.	The policy generally conforms with JLP policies SPT8 and DEV15.