The Hoe Neighbourhood Plan
2024 – 2034

Basic Conditions Statement
for Regulation 14 Consultation

14 November 2024



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1. Introduction

1.1 The Basic Conditions Statement has been prepared to accompany the Hoe Neighbourhood Development Plan ("the Neighbourhood Plan") under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Hoe Neighbourhood Forum ("the Forum") as the qualifying body must include 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 (as amended).

1.3 Paragraph 8 (1) states that the examiner must consider the following:

(a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),

(b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,

(c) whether any period specified under section 61L(2)(b) or (5) is appropriate,

(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and

(e) such other matters as may be prescribed.

1.4 Paragraph 8 (2) states that a draft Neighbourhood Plan meets the basic conditions if:

(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,

(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

(d) the making of the order contributes to the achievement of sustainable development,

(e) the making of the order 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),

(f) the making of the order does not breach, and is otherwise compatible with, retained EU obligations, and

(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

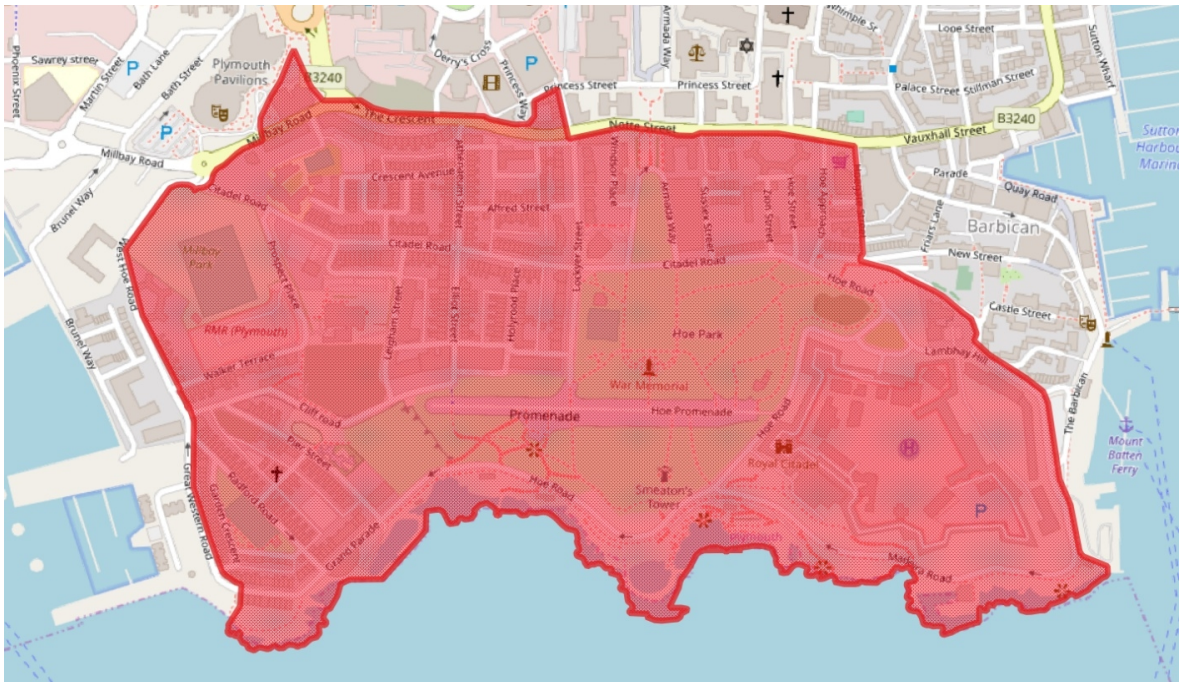
2. Legal Requirements

2.1 This statement has been prepared by Hoe Neighbourhood Forum. It accompanies the submission to Plymouth City Council of the Hoe Neighbourhood Development Plan as required under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

2.2 The Hoe Neighbourhood Development Plan is submitted by the Hoe Neighbourhood Forum, which is a qualifying body and entitled to submit a Neighbourhood Development Plan for the designated Neighbourhood Area.

2.3 Hoe Neighbourhood Forum was designated as an appropriate qualifying body required in under Regulation 11 of the Neighbourhood Planning (General) Regulations 2012 by Plymouth City Council on 14 July 2022. Details of the application and its approval are available on the council's website at https://www.plymouth.gov.uk/hoe-neighbourhood-plan

2.4 The Hoe Neighbourhood Area covers the area designated by Plymouth City Council on 10 July 2017. Details of the application and its approval are available on the council's website at https://www.plymouth.gov.uk/hoe-neighbourhood-plan. The Hoe Neighbourhood Area is shown on the map below. There are no other Neighbourhood Development Plan in place within the Neighbourhood Area.



2.5 The Hoe Neighbourhood Development Plan contains policies relating to the development and use of land within the Hoe Neighbourhood Area and has been 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.

2.6 The Hoe Neighbourhood Development Plan states that the period which it relates to is from 2024 until 2034. The period has been chosen to tie in with the adopted *Plymouth and South West Devon Joint Local Plan* which covers the areas of Plymouth City Council, South Hams District Council and West Devon Borough Council.

2.7 The Hoe Neighbourhood Development Plan 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. Plymouth City Council was consulted prior to Regulation 14 consultation and did not raise any concerns.

2.8 In relation to paragraph 8 (1) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 1(d), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Hoe Neighbourhood Area.

Local Context and the Need for a Plan

2.9 The Hoe Neighbourhood Area is within the St Peter and the Waterfront ward and based on the Hoe Conservation Area. The Hoe is recognised as a distinct area within Plymouth.

2.10 The Hoe Neighbourhood Development Plan provides a vision for the Hoe Neighbourhood Area and sets out clear planning policies to realise this vision in addition to a collection of community actions, which are not designed as planning policies but which will be used by the community to inform decisions on where to put resources and refocus priorities for the area.

2.11 The Hoe Neighbourhood Development Plan provides local policies and community actions to address local issues and concerns which give a local perspective and add value to the policies set out in the *Plymouth and South West Devon Joint Local Plan*.

Plan Process and Consultation

2.12 The Hoe Neighbourhood Forum is a non-political community group, formed in 2017 by residents and supported by local councillors who came together to enable those living and working in the Hoe area to have a greater say in planning decisions which affect the area.

2.13 Since the establishment of the Hoe Neighbourhood Forum there has been ongoing consultation with the local residents, businesses, community groups, and other key stakeholders in Hoe Neighbourhood Area to write the Hoe Neighbourhood Development Plan.

2.14 The draft plan was published in November 2024 and open for comments for a period of at least 6 weeks as per Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

2.15 The Hoe Neighbourhood Development Plan Consultation Statement provides a breakdown of each stage engagement and consultation undertaken in preparing the Hoe Neighbourhood Development Plan.

Hoe Neighbourhood Development Plan Vision and Objectives

2.16 The vision set out in the Hoe Neighbourhood Development Plan is as follows:

The Hoe Neighbourhood Area will be a thriving and balanced community with a strong sense of identity – a place that takes pride in, protects and enhances all its man-made and natural assets, now and in the future.

2.17 The Hoe Neighbourhood Development Plan establishes seven objectives:

- Protect, value and make the most of heritage assets (designated and non-designated)
- Protect, value and improve the local environment, enhancing biodiversity, maintaining and improving access to blue and green spaces
- Provide a sustainable and balanced mix of housing that serves all sections of the community
- Maintain and improve leisure and well-being and support a diverse, unique cultural offer for visitors and locals alike
- Maintain and improve transport and infrastructure connectivity to meet the needs of people who live, work and visit the area, whilst supporting a low-carbon, low-emissions future
- Support a sustainable and fair local economy
- Support measures that address the Climate and Nature Emergencies

Hoe Neighbourhood Development Plan Policies and Community Aspirations

2.18 The Hoe Neighbourhood Development Plan provides a vision for Hoe Neighbourhood Area and sets out clear planning policies to realise this vision. In addition, there is a set of community aspirations, which are not designed as planning policies but which will be used by the community to inform decisions on where to put resources and focus priorities for the area.

2.19 The Plan's policies and community aspirations are divided into seven themes:

Heritage and Design

Policy H1: Integration with the Character Area
Policy H2: High-quality design
Policy H3: Protection of iconic views
Policy H4: Heritage assets
Policy H5: Buildings of negative quality
Policy H6: Heritage and energy efficiency retrofit
Policy H7: Balconies and roof gardens
Policy H8: Retail and commercial frontages

Blue and Green Environment

Policy BG1: Local green space designation / Development on green spaces

Policy BG2: Protection of trees, hedges and biodiversity

Policy BG3: Protection of street trees

Pedestrians and Transport

Policy PT1: Promoting sustainable mobility

Policy PT2: Parking

Housing

Policy HS1: Housing mix and accessibility

Policy HS2: Housing Site at the Former Register Office

Infrastructure

Policy DC1: Developer Contributions

Culture, Tourism and Economy

Regulation 14 Consultation Documents

2.20 In addition to this Basic Conditions Statement, the following documents have been prepared to support the Regulation 14 Consultation Hoe Neighbourhood Development Plan:

- ***The Hoe Neighbourhood Development Plan***
  The neighbourhood development plan for the designated area containing policies and community actions to guide future development in the area.
- ***The Hoe Neighbourhood Plan Consultation Statement***
  Setting out the summary of the engagement and consultation undertaken in preparing the Regulation 14 Consultation draft plan
- **The Hoe Neighbourhood Plan *Strategic Environmental Impact (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions***
  Setting out the view of the local planning authority (Plymouth City Council) that neither SEA nor HRA are required

3. Basic Conditions Statement

3.1 This section addresses how the Hoe Neighbourhood Development Plan fulfils the basic conditions set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph (2). The Hoe Neighbourhood Development Plan has been prepared having regard to national policies and advice set out in the *National Planning Policy Framework* 2019 and to the adopted *Plymouth and South West Devon Joint Local Plan* (as required by sub-paragraph 2(a)).

3.2 Detail of how the Hoe Neighbourhood Development Plan is in general conformity with strategic policies in the adopted *Plymouth and South West Devon Joint Local* is provided (as required by sub-paragraph 2(e)).

Having Regard to National Policies and Advice Contained in Guidance

3.3 In relation to paragraph 8 (1) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(a), a Neighbourhood Plan is required to have appropriate regard to approved national (planning) policies and advice contained in associated guidance. The Neighbourhood Plan has been developed having regard to the *National Planning Policy Framework* 2019 ("NPPF") and Planning Practice Guidance ("PPG").

3.4 The Hoe Neighbourhood Development Plan contains a Vision and Objective. The objectives are set out alongside the NPPF goals they seek to address and explains how each of the Plan policies has shown specific regard to NPPF.

Contribute to the Achievement of Sustainable Development

3.5 The Hoe Neighbourhood Development Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

3.6 While there is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal, this section of the Statement demonstrates how the Plan fulfils the basic condition that the plan contributes to achieving sustainable development (as required by paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(d)).

3.7 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.

3.8 The policies contained in the Hoe Neighbourhood Development Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life.

General Conformity with Strategic Policies of the Development Plan for the Area

3.9 The Hoe Neighbourhood Development Plan has been prepared by the Hoe Neighbourhood Forum Steering Group with support and in liaison with officers from Plymouth City Council.

3.10 The Hoe Neighbourhood Development Plan has been developed to be in general conformity with the strategic (and other) policies contained in the adopted *Plymouth and South West Devon Joint Local Plan*.

3.11 To meet the basic conditions, a Neighbourhood Development Plan is required by paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(e) to demonstrate general conformity with the strategic policies of the adopted Local Plan.

EU Obligations

3.12 In relation to paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(f):

Strategic Environmental Assessment (SEA)
A formal screening of the draft Plan for environmental effects was undertaken in the summer of 2023 on behalf of Hoe Neighbourhood Forum. The opinion at that time from Plymouth City Council was that a Strategic Environmental Assessment was not required.

Habitats Directive
A Habitats Regulation Assessment (HRA) screening of the Plan was undertaken in conjunction with the informal SEA screening. Plymouth City Council's opinion was that an Appropriate Assessment under the EU Habitats Regulations was not required.

The Habitats Regulation Assessment screening complies with the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into effect on 28 December 2018. That is, "the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017".

Statutory Consultation
During July and August 2023 Plymouth City Council, as required, consulted with statutory consultees on their Strategic Environmental Assessment (SEA)/Habitats Regulations Assessment (HRA) Screening Report in relation to the Hoe Neighbourhood Development Plan. The Environment Agency, Natural England and Historic England agreed that SEA/HRA was not likely to be required.

Convention on Human Rights

3.13 The Hoe Neighbourhood Development Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Neighbourhood Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups (as required by In relation to paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(f)).

3.14 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Hoe Neighbourhood Development Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Consultation Statement meets the requirements set out in Paragraph 15 (2) of the Regulations (as required by In relation to paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(g)).

3.16 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) are considered to have been met by the Hoe Neighbourhood Development Plan.

Conformity with the National Planning Policy Framework (2012)

The National Planning Policy Framework (also referred to as NPPF) was published in March 2012 and updated in December 2023. The document sets out the Government's planning principles and policies for England and how these are expected to be applied.

The Hoe Neighbourhood Development Plan has been produced with appropriate regard to the guidance contained within the NPPF. The table below, is a brief summary of how the Hoe Neighbourhood Development Objectives support and conforms to the goals set out in the NPPF. The particular paragraphs referred to in the table are those considered the most relevant but are not intended to be an exhaustive list of all possible relevant paragraphs.

Hoe Neighbourhood Development Plan Objectives	NPPF Paragraph	NPPF Goal
Protect, value and make the most of heritage assets (designated and non-designated)	131-141 195-205 205-214	Achieving well-designed / beautiful places Conserving and enhancing the historic environment Considering potential impacts

Hoe Neighbourhood Development Plan Objectives	NPPF Paragraph	NPPF Goal
Protect, value and improve the local environment, enhancing biodiversity, maintaining and improving access to blue and green spaces	96-101 102-107 157-164 176-179 180-184 185-188	Promoting healthy and safe communities Open space and recreation Meeting the challenge of climate change, flooding and coastal change Coastal change Conserving and enhancing the natural environment Habitats and biodiversity
Provide a sustainable and balanced mix of housing that serves all sections of the community	60-68 69-74 96-101 114-117 123-127 128-130 131-141	Delivering a sufficient supply of homes Identifying land for homes Promoting healthy and safe communities Considering development proposals Making effective use of land Achieving appropriate densities Achieving well-designed / beautiful places
Maintain and improve leisure and well-being, and support a diverse, unique cultural offer for visitors and locals alike	96-101 102-107	Promoting healthy and safe communities Open space and recreation
Maintain and improve transport and infrastructure connectivity to meet the needs of people who live, work and visit the area, whilst supporting a low- carbon, low-emissions future	96-101 108-113 114-117 131-141	Promoting healthy and safe communities Promoting sustainable transport Considering development proposals Achieving well-designed / beautiful places
Support a sustainable and fair local economy	85-87 123-127 131-141	Building a strong, competitive economy Making effective use of land Achieving well-designed / beautiful places
Support measures which address the Climate and Nature Emergencies	157-164 158-164 180-184 185-188	Meeting the challenge of climate change, flooding and coastal change Planning for climate change Conserving and enhancing the natural environment Habitats and biodiversity

Conformity with Adopted *Plymouth and South West Devon Joint Local Plan*

The Hoe Neighbourhood Development Plan must be in conformity with or exceed the requirements of the adopted Local Plan (*Plymouth and South West Devon Joint Local Plan*).

The Hoe Neighbourhood Development Plan seeks to protect and enhance the Hoe's unique man-made and natural heritage and using development and public realm measures proactively to repair damaged environments, re-use historic buildings and enhance the overall enjoyment of the area by visitors and residents. The Hoe Neighbourhood Development Plan seeks to:

- Protect, value and make the most of heritage assets (designated and non-designated)
- Protect, value and improve the local environment, enhancing biodiversity, maintaining and improving access to blue and green spaces
- Provide a sustainable and balanced mix of housing that serves all sections of the community
- Maintain and improve leisure and well-being, and support a diverse, unique cultural offer for visitors and locals alike.
- Maintain and improve transport and infrastructure connectivity to meet the needs of people who live, work and visit the area, while supporting a low-carbon, low-emissions future
- Support a sustainable and fair local economy
- Support measures which address the Climate and Nature Emergencies

Considered collectively the vision, objectives and policies of the Hoe Neighbourhood Development plan support Strategic Objective 11 – Delivering high quality development of the *Plymouth and South West Devon Joint Local Plan*.

The table below sets out how the Hoe Neighbourhood Development Plan policies support and conform to the policies set out in the *Plymouth and South West Devon Joint Local Plan*.

***Plymouth and South West Devon Joint Local Plan* (JLP)**		**Hoe Neighbourhood Development Plan policies' support for JLP**
Policy STP1	Delivering sustainable development	• All 16 policies of the Hoe Neighbourhood Development Plan seek to provide support to Policy STP1 of the *Plymouth and South West Devon Joint Local Plan* (JLP). • The vision set out in the Hoe Neighbourhood Development Plan is for the Hoe to have a thriving and balanced community with a strong sense of identity, and to be a place that takes pride in, protects and enhances all its man-made and natural assets, now and in the future.
Policy SPT3	Provision for new homes	• Policy HS1 seeks to ensure the provision of new housing within the Hoe Neighbourhood Area meets the locally assessed housing need and that new housing is accessible and to the highest environmental standard. • Policy HS1 also supports the wider sustainability aims of the *Plymouth and South West Devon Joint Local Plan.*

***Plymouth and South West Devon Joint Local Plan* (JLP)**		**Hoe Neighbourhood Development Plan policies' support for JLP**
Policy SPT4	Provision for employment floorspace	• The Hoe Neighbourhood Development Plan does not seek to allocate land for employment uses, it does not conflict with Policy SPT4 of the *Plymouth and South West Devon Joint Local Plan* (JLP). • Policy H8 seeks to ensure that design of new, altered or extended employment premises preserves and enhances the character of the Hoe Neighbourhood Area. Policy H8 supports Policy STP1 of the JLP, which seeks a heritage-led regeneration approach and encourages developers and investors to follow a historic and culturally led regeneration approach so as to ensure that development make a positive contribution to local character and enhances local distinctiveness.
Policy SPT5	Provision for retail development	• As above
Policy SPT10	Balanced transport strategy for growth and healthy and sustainable communities	• Policies PT1 and PT2 support Policy STP10 of the *Plymouth and South West Devon Joint Local Plan* (JLP): they seek to ensure that walking, cycling and public transport are prioritised. • Policies PT1 and PT2 also seek to ensure that where private cars are used shared use, car schemes and electric vehicles are supported. In this way Policies PT1 and PT2 support Policy STP1 of the JLP.
Policy SPT11	Strategic approach to the historic environment	• Policy H1, H2, H3, H4, H5, H6, H7, and H8 extend Policy SPT11 of the *Plymouth and South West Devon Joint Local Plan* (JLP). These polices provide the solution-orientated approach for the conservation and enhancement of the historic environment of the Hoe. The polices seek to ensure that local character and distinctiveness is are the core of regeneration and development.
Policy SPT12	Strategic approach to the natural environment	• Policies BG1, BG2 and BG3 provide support to the approach set out in Policy SPT12 of the *Plymouth and South West Devon Joint Local Plan*.
Policy PLY20	Managing and enhancing Plymouth's waterfront	• Policy H1, H2, H3, H4, H5, H6, H7 and H8 support the protection and enhancement of the Hoe's unique man-made and natural heritage and therefore continued to meeting Policy PLY20 of the *Plymouth and South West Devon Joint Local Plan*.
Policy PLY27	Register Office, Lockyer Street, The Hoe	• Hoe Neighbourhood Development Plan seeks to build on and refine the proposals set out in PLY27 given the sites location.
Policy PLY28	Land north of Cliff Road, The Hoe	• Hoe Neighbourhood Development Plan does not seek to build on and refine the proposals set out in PLY28 given the sites location.

***Plymouth and South West Devon Joint Local Plan* (JLP)**		**Hoe Neighbourhood Development Plan policies' support for JLP**
Policy DEV1	Protecting health and amenity	• Hoe Neighbourhood Development Plan seeks to build on and refine the proposals set out in PLY27 given the sites location. • Policy HS2 supports Policy DEV1 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV2	Air, water, soil, noise, land and light	• Policies PT1, PT2 and HS2 support Policy DEV2 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV7	Meeting local housing need in the Plymouth Policy Area	• Policy HS2 supports Policy DEV2 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV9	Meeting local housing need in the Plan Area	• Policy HS2 supports Policy DEV9 of the *Plymouth and South West Devon Joint Local Plan* and also meets part of the identified local housing need for the Hoe Neighbourhood Area.
Policy DEV10	Delivering high quality housing	• Policies HS1 and HS2 support Policy DEV10 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV20	Place shaping and the quality of the built environment	• Policies H1, H2, H3, H4, H5, H6, H7, H8, BG1, BG2, HS1 and HS2 support Policy DEV20 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV21	Development affecting the historic environment	• Policies H1, H2, H3, H4, H5, H6, H7, H8, HS1 and HS2 support Policy DEV21 of the *Plymouth and South West Devon Joint Local Plan*.
Policy DEV23	Landscape character	• Policies H1 and H3 support Policy DEV23 of the *Plymouth and South West Devon Joint Local Plan*
Policy DEV27	Green and play spaces	• Policy BG1 supports Policy DEV27 of the *Plymouth and South West Devon Joint Local Plan*
Policy DEV28	Trees, woodlands and hedgerows	• Policy BG2 supports Policy DEV28 of the *Plymouth and South West Devon Joint Local Plan*
Policy DEV29	Specific provisions relating to transport	• Policies PT1 and PT2 support Policy DEV29 of the *Plymouth and South West Devon Joint Local Plan*
Policy DEV32	Delivering low-carbon development	• Policies H6, HS1 and HS2 support Policy DEV32 of the *Plymouth and South West Devon Joint Local Plan*
Policy DEL1	Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy	• Policy DC1 supports Policy DEL1 of the *Plymouth and South West Devon Joint Local Plan*