

Broxton and District Neighbourhood Plan

BASIC CONDITIONS STATEMENT



December 2015

Broxton and District Neighbourhood Plan

Basic Conditions Statement

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1 INTRODUCTION

Introduction

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Broxton and District Neighbourhood Development Plan (hereafter known as the “Broxton and District Neighbourhood Plan” or “the Neighbourhood Plan”) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the ‘basic conditions’ of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Neighbourhood Plan has been produced by a Neighbourhood Planning Steering Group including Broxton and District Parish Council members and the Group has worked closely with Cheshire West and Chester Council (CWaC).
- 1.3 Effective community engagement throughout the process will mean that the Neighbourhood Plan will belong to the people of Broxton and District.
- 1.4 The Neighbourhood Plan is supported by an Evidence Base Summary document, Character Assessment and a Consultation Statement. All of these documents have been submitted alongside the Neighbourhood Plan.

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2 BASIC CONDITIONS

Basic conditions to be met

- 2.1 Schedule 4B to the Town and Country Planning Act (Para 8) sets out the following basic conditions that Neighbourhood Development Plans must meet:

- 8(1)** *The examiner must consider the following—*
- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L,*
 - (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
 - (e) such other matters as may be prescribed.*
- (2)** *A draft neighbourhood development 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 neighbourhood development plan,*
 - (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
 - (e) the making of the neighbourhood development 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),*
 - (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
 - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6)** *The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

Para 8 of schedule 48 to the 1990 Town and Country Planning Act (excluding 2b. c3-5 as required by 38C (5))

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How the Neighbourhood Plan meets the basic conditions

- 2.2 The Broxton and District Neighbourhood Plan meets the basic conditions of schedule 48 to the 1990 Town and Country Planning Act, Schedule 4B, 8(1) (a). This is set out in the following sections of this Basic Conditions Statement.
- 2.3 Schedule 4B section 8(1) (b) covers the provision of 61E (2), 61J and 61L as amended by s38C (5) (b) this provides a reference to the provision of 38A and 38B. The following information is submitted in respect of 38A and 38B.

38A

- 2.4 **(1)** Broxton and District Parish council is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP) for its own Parish. A Neighbourhood Plan Steering Group, which includes representatives from both Broxton and District parishes, has been formed to produce a Broxton and District Neighbourhood Plan. The Neighbourhood Plan area, was approved by CWaC on 17 April 2013.
- 2.5 **(2)** The Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area. Other 'aspirations' are also described in the Neighbourhood Plan but these are clearly distinguished from the policies and are non-statutory.

38B

- 2.6 **(1a)** The period of the Neighbourhood Plan has been specified as 2015 to 2030. This deliberately follows the period of the CWaC Local Plan. It is intended that the Neighbourhood Plan is to be reviewed and updated regularly during this process (potentially every 5 years).
- 2.7 **(1b)** No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 2.8 **(1c)** The Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Broxton and District as designated by Cheshire West and Chester Council on 17th April 2013.
- 2.9 **(2)** There are no other Neighbourhood Development Plans (NDPs) in place for the approved Broxton and District neighbourhood area.
- 2.10 **(3)** If there are any conflicts within the Neighbourhood Plan, it is clarified that in the event of a conflict between a policy and any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 2.11 **(4)** Regulations made by the Secretary of State relating to NDPs in the Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan. These regulations set out:
- Processes by which neighbourhood plans are to be made and set out the consultation bodies for NDP's.
 - NDP's that are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. An

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Environmental Screening and Habitats Regulation Assessment Statement has been prepared for the Neighbourhood Plan by CWaC. The screening exercise concluded that it is unlikely there will be any significant environmental effects arising from the Plan and that a Strategic Environmental Assessment is not required. It also concluded that the Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).

- 2.12 (5) Refers to the publication of NDP's once made by a local planning authority in accordance with the regulations.
- 2.13 (6) Clarifies what is excluded development.
- 2.14 Para 1(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates. It is not considered that there is any benefit or reason for extending the area for the referendum beyond the Designated Neighbourhood Plan Area.
- 2.15 Para 1(e) such other matters as may be prescribed. There are no other matters.

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3 CONFORMITY WITH THE NATIONAL PLANNING POLICY FRAMEWORK

take account of market signals, such as land prices and housing affordability, and

Paragraph 2a

A draft neighbourhood development 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 neighbourhood development plan

3.1 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the policies contained in the NPPF, taken as a **whole**, constitute the Government's view of what sustainable development in England means in practice for the planning system.

3.2 NPPF sets out 12 core land-use planning principles that should underpin plan-making and decision-taking. These are that planning should:

1. Be **genuinely plan-led**, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area;
2. Be a **creative exercise** in finding ways to enhance and improve the places in which people live their lives; **proactively drive and support sustainable economic development** to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and **respond positively to wider opportunities for growth**. Plans should

set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

3. Always seek to secure **high quality design** and a good standard of amenity for all existing and future occupants of land and buildings;
4. **Take account of the different roles and character of different areas ...**, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
5. Support the **transition to a low carbon future in a changing climate**, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resource;
6. Contribute to **conserving and enhancing the natural environment** and reducing pollution;
7. **Encourage the effective use of land** by reusing land that has been previously

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developed (brownfield land), provided that it is not of high environmental value;

8. **Promote mixed use developments**, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
9. **Conserve heritage assets** in a manner appropriate to their significance;
10. **Actively manage patterns of growth** to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
11. Take account of and support local strategies to **improve health, social and cultural wellbeing** for all...

- 3.3 These principles have been embodied throughout the preparation of the Broxton and District Neighbourhood Plan, which has had regard to the following key policy sections of the NPPF, as evidenced below.

Building a strong, competitive economy

- 3.4 The NPPF Para 21 states that local planning authorities (LPA's) should plan positively for local inward investment to match and meet anticipated needs over the plan period. Support should be given to existing business whilst identifying priority areas for infrastructure provision and environmental enhancement. The NPPF encourages flexible working practices such as the integration of residential and commercial units within the same unit.

- 3.5 The Neighbourhood Plan positively responds to this in the following ways:

- Policy LE2 supports the development and expansion of small scale local and rural businesses
- Policy LE3 supports the growth of businesses working from home and rural businesses wishing to diversify
- Policy IF4 seeks to ensure that the required communications infrastructure is in place to support the local economy

- 3.6 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Ensuring the vitality of town centres

Broxton and District does not have a town centre

Supporting a prosperous rural economy

- 3.7 The NPPF Para 28 states that sustainable growth and expansion of all business types will be supported along with the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues and cultural facilities.

- 3.8 The Neighbourhood Plan positively responds to this in the following ways:

- Policy LE2 supports the development and expansion of small scale local and rural businesses
- Policy LE3 supports the growth of businesses working from home and rural businesses wishing to diversify

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- 3.9 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Promoting sustainable transport

The rural community of Broxton and District is served by limited public transport and although an aspiration it is unlikely that public transport will be increased in the coming years

Supporting high quality communications infrastructure

- 3.10 Para 162 of the NPPF, refers to infrastructure and specifically the provision of telecommunication infrastructure. Para 42 specifically refers to the development of high speed broadband technology which plays a vital role in the provision of local community facilities and services..

- 3.11 The Neighbourhood Plan positively responds to this in the following ways:
- The Neighbourhood Plan makes it clear that it is very important for the rural community where access to public transport is limited that virtual communications are enhanced and continues to respond to technological advances
 - Policy IF4 supports the provision of superfast broadband in the Neighbourhood Plan area, especially to support home working and businesses in the rural area.
 - There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Delivering a wide choice of high quality homes

- 3.12 The NPPF para 54 states that LPA's should be responsive to local needs particularly for affordable housing. It is appropriate that NDP's as locally specific and statutory elements of the adopted Development Plan can set the criteria that refine the application of National Policy. It is clear that the NPPF does not wish to set a blanket approach to such elements of policy and a NDP is an appropriate mechanism to provide a locally distinctive approach to the aspect of policy.

- 3.13 The NPPF encourages a mix of housing to create a choice of house types. It seeks mixed and inclusive communities through planning for demographic trends. The NPPF also defines intermediate affordable housing as housing that is sub market and restricted to eligible households by reference to local incomes and house prices.

- 3.14 The Neighbourhood Plan positively responds to this in the following ways:
- Broxton and District is designated Countryside under the Local Plan Part 1 . On this basis any development will be in line with Strat9 which supports :
 - Development that has an operational need for a countryside location
 - Replacement buildings
 - Small scale rural/ farm diversification
 - Reuse of existing buildings
 - Expansion of existing buildings to facilitate growth of established businesses
 - This is underpinned by Policy RC4 recognises the significance of maintaining the local character as

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detailed in the document Broxton and District Character Assessment

- 3.15 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Requiring good design

- 3.16 Paragraphs 56-62 of the NPPF explain how plan-making should promote high quality design. It states that good design is a key aspect of sustainable development. Developments should ensure that they add to the overall quality of the area for the lifetime of the development, establishing a strong sense of place responding to local character, and are safe yet attractive.
- 3.17 The Neighbourhood Plan positively responds to this in the following ways:
- Policy RC4 Identifies the style of the buildings that will ensure any development is in keeping with the existing building styles
- It also seeks to ensure that the scale and form of new development responds positively to existing local character which is further defined in the Broxton and District Character Assessment which forms part of the evidence base to the Neighbourhood Plan
- 3.18 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Promoting healthy communities

- 3.19 The planning system plays an important role in facilitating social interaction and creating healthy, inclusive communities. The NPPF Para

69 promotes the creation of safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourages the active and continual use of public areas.

- 3.20 Access to high quality open spaces and opportunities for sport and recreation are promoted in Para 73 of the NPPF for making an important contribution to the health and well being of communities. Building on existing open space, sports and recreation buildings and land will only be permitted under exceptional circumstances.
- 3.21 The NPPF encourages NDPs to identify special protection for green spaces which have significant importance to the community.
- 3.22 The Neighbourhood Plan positively responds to this in the following ways:
- Policy RC3 (and the Proposals Map) identifies a series of Community Green Spaces some of which have value as a recreational resource for the local community
 - Policy RC2 supports the importance of the landscape and the significant views , part of which is designated as an Area of Special County Value. Sustaining these vistas promotes the area as a place to visit , walk , ride and cycle.
- Indeed the Vision for the area is

“Broxton and District will continue to be an attractive place, where distinctive and traditional buildings sit comfortably within a beautiful landscape. It will be-seen as an excellent place to live, to visit and to work; people will come to enjoy the

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scenery and the views and to enjoy walking, cycling and horse riding”

- 3.23 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Protecting Green Belt Land

- 3.24 There is no Green Belt Land within the Neighbourhood Plan area.

Meeting the challenge of climate change, flooding and coastal change

- 3.25 Local Authorities are encouraged to adopt proactive strategies to mitigate and adapt to climate change, taking into full account of flood risk.
- 3.26 Para 95 of the NPPF states that in order to support the move to a low carbon future, LPA's should plan for new development in locations and ways which reduce greenhouse gas emissions. The NPPF actively supports energy efficiency improvements to existing buildings and set local requirements for sustainable buildings that is consistent with the Government's zero carbon policy and adopt nationally described standards.
- 3.27 The aspiration of the plan as stated on page 7 is that “ It is important that all activities are sustainable whilst recognising the challenges that the rural location brings and reduce carbon- dependency and this should inform all policy making”

- 3.28 The Neighbourhood Plan responds positively to the challenges of climate change and is in conformity with the flooding policies of the NPPF. It largely leaves these matters to existing national and local policy and regulation. There are no significant watercourses within the Neighbourhood Plan area and flood risk is not a particular local issue.

- 3.29 Policy LE1 of the Neighbourhood Plan supports the development of renewable energy technology on appropriate sites. This will contribute to the Government's objective of reducing reliance on fossil fuels, which will help in the challenge to reduce the effects of climate change.

- 3.30 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Conserving and enhancing the natural environment

- 3.31 Para 109 of the NPPF reinforces that planning should contribute to and enhance the natural and local environment, through protecting existing landscapes and minimising impacts on biodiversity. Brownfield development should be encouraged, providing the land is not of high environmental value.
- 3.32 Para 76 of the NPPF allows for Neighbourhood Development Plans to designate land as Local Green Space which prevents development other than in special circumstances. Local Green Space designation should only be permitted where the area is in reasonably close proximity to the community it serves, and where it can be demonstrated to hold a particular local significance.

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3.33 The NPPF states that the aim of conserving and enhancing the natural environment should be to minimise pollution and other adverse effects on the local and natural environment.

- Community Green Spaces are designated in the form of the “Green Spaces and Corridors” referred to in Policy RC3 These are identified as having general community and amenity value.
- Policy RC2 also seeks to protect identified significant views that are important to local character
- Policy RC5 protects the landscape ,maintains the rural character and encourages nature conservation

There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

within the Character Assessment and Evidence Base

3.37 As these existing designations are well covered by existing national and local policy and legislation, the Neighbourhood Plan instead focuses on undesignated heritage assets that have not been currently identified, thereby seeking to add value.

3.38 The Neighbourhood Plan positively responds to this in the following ways:

- Policy RC4 requires new development to reflect the character of Broxton and District (which includes the historic character provided by heritage assets) and the existing building styles

3.39 There is nothing within the Neighbourhood Plan that conflicts with these plan-making aims, as set out in the NPPF.

Conserving and enhancing the historic environment

3.34 NPPF para 126 states that LPA's should have a positive strategy for the conservation and enjoyment of the historic environment.

3.35 Proposals that preserve historic elements and character of the setting, which make a positive contribution to or better reveal the significance of the historic asset should be treated favourably. The NPPF recognises the importance of both designated and non-designated heritage assets.

3.36 The Neighbourhood Plan area includes a number of listed buildings, a Scheduled Monument and an Area of Special County Value. All of these features are identified

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4 CONTRIBUTING TO SUSTAINABLE DEVELOPMENT

Paragraph 2(d)

A draft neighbourhood development plan meets the basic conditions if -

(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development

- 4.1 Sustainable development is about positive growth - making economic, environmental and social progress for this and future generations.
- 4.2 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- **an economic role** - contributing to building a strong responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - **an environmental role** - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 4.3 At the heart of the National Planning Policy Framework is a “*presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking*”.
- 4.4 The Neighbourhood Plan has considered all aspects of economic, social and environmental sustainability in its production and its policies will contribute to the promotion of sustainable development consistent with CWaC’s Strat9 Policy

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Table 4.1: Contribution of the Neighbourhood Plan to Development

Neighbourhood Plan Policy	Summary of Policy	Contribution to sustainable development
Style of Buildings		
NH1 Housin	Supports development within the Strat9 “ Countryside” designation and seeks to ensure that any development demonstrates an understanding of prevalent architectural styles and is of an appropriate scale not to harm the character of the countryside	<ul style="list-style-type: none"> • Supports development that requires an operational need for a countryside location • Supports reuse of existing rural buildings • Supports expansion of existing buildings to facilitate growth of established businesses
2. Built Environment and Local Character		
RC4. Style of Buildings	Sets out the prevalent architectural styles and distinctive features of buildings	<ul style="list-style-type: none"> • Ensures that any development for which approval is sought supports the retention of the local character to ensure that the area becomes an attractive place in which to live and visit.
3. Landscape Character and the Natural Environment		
RC1. Landscape Character	Sets out to explain that Broxton and District has a very special landscape that should be protected	<ul style="list-style-type: none"> • Protection of existing landscape.
RC2. Landscape Views	Sets out to define the significant views which will to be protected should approval be sought for development	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape
RC3. Community Green Spaces	Policy seeks protection and enhancement of locally valued Green Spaces.	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape. • Continued open space provision for local population • Protection and enhancement of biodiversity
RC5 Nature Conservation	Policy seeks to ensure that landscape , flora and fauna and farm animals are protected	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape. • Protection and enhancement of biodiversity.
LE1. Renewable Energy	Promotes appropriate renewable energy development. Sets out criteria for new renewable energy development in the area.	<ul style="list-style-type: none"> • Promotion of renewable energy sources. • Protection and enhancement of existing cultural heritage and landscape.
LE1	Promotes appropriate renewable energy development. Sets out	<ul style="list-style-type: none"> • Promotion of renewable energy sources.

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	criteria for new renewable energy development in the area.	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape.
LE2. Employment Development	Promotes the expansion of small scale local business	<ul style="list-style-type: none"> • Supports the expansion of local businesses
LE3. Home Working	Supports diversification of rural businesses and businesses operating from home	<ul style="list-style-type: none"> • Improves economic viability of existing rural enterprises • Sustains and supports growth of entrepreneurial businesses
IF4 Communications Infrastructure	Sets out the significance of providing good quality virtual connection	<ul style="list-style-type: none"> • Supports the enhancement of digital communications
LT1 Local Tourism	Supports Local Tourism	<ul style="list-style-type: none"> • Promotes ENV4 • Protection and enhancement of existing cultural heritage and landscape
IF1 Community Facilities	Sets out how enhanced community facilities will be supported	<ul style="list-style-type: none"> • Supports development that requires an operational need for a countryside location
IF2 All Saints Harthill	Supports retention of the church to support local community and enterprise	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape
IF3 Road Safety	Supports safe pedestrian movement	<ul style="list-style-type: none"> • Protection and enhancement of existing cultural heritage and landscape

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5 CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Paragraph 2(e)

*A draft neighbourhood development plan meets the basic conditions if -
(e) the making of the neighbourhood development 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)*

5.1 Neighbourhood plans must demonstrate that they are in general conformity with the strategic policies of the adopted development plan for the local area. Section 38 of the Planning and compulsory Purchase Act 2004 defines "development plan" as the development plan documents (DPDs) adopted for the area and Schedule 8 extends this to include saved local plans.

5.2 The current adopted Local Plan for the area is the Cheshire West and Chester Local Plan (Part One): Strategic Policies (2015). Certain policies have been saved from the Chester District Local Plan (2006), until they are replaced by future documents.

5.3 This assessment of conformity is therefore made against both the saved policies of the **Chester District Local Plan** and the **Cheshire West and Chester Local Plan Part One: Strategic Policies**.

The Cheshire West and Chester Local Plan

5.4 Cheshire West and Chester was formed following the Local Government Reorganisation in 2009. This consisted of Chester City, Vale Royal, Ellesmere Port and Neston and Cheshire County Council all becoming Chester West and Chester Council. Work has subsequently commenced on a new Cheshire West and Chester Local Plan. The Examination on the Local Plan part 1 has been concluded and. Part 2 of the Local Plan is scheduled for completion by mid 2016

5.5 The Broxton and District Neighbourhood Plan has been produced in parallel with the emerging Cheshire West and Chester Local Plan. The close relationship between the community and the Council has ensured general conformity between the plans and minimised any potential conflict between the two documents.

5.6 The evidence used in the production of the Neighbourhood Plan includes information and analysis used to inform the production of the Cheshire West and Chester Local Plan, alongside new evidence base analysis collated specifically for the Neighbourhood Plan.

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- 5.7 Broxton and District Parish Council area is designated as Countryside in the Local Plan (Part One), and draws services and support from neighbouring key and local service centres
- 5.8 The Broxton and District Neighbourhood Plan conforms to STRAT 9 which sets the proposed level of development that will be considered for approval. In so doing it supports the special landscape value of the Area.
- 5.9 This Basic Condition Statement endeavours to demonstrate that the Neighbourhood Plan will not conflict with the policies of the existing Local Plan and the emerging local plan once it is made.
- 5.10 The policies in the Neighbourhood Plan reflect that the Local Plan (Part Two) is still under preparation. It seeks to refine and add detail to the overall strategic planning policy of the Local Plan, and to be flexible enough to work alongside the implementation of the Local Plan once adopted.
- 5.11 It is considered that the Neighbourhood Plan is aligned with and positively supports the strategic needs and priorities of the local area.
- Council secured agreement from the Secretary of State.
- 5.13 The Cheshire West and Chester Local Plan (Part One) replaced those policies of a strategic nature within the Chester District Local Plan. The remaining policies remain part of the development plan for Cheshire West and Chester, until their intended replacement by the Cheshire West and Chester Local Plan (Part Two): Detailed Policies and Land Allocations.
- 5.14 The Neighbourhood Plan is in conformity with the strategic policies of both the adopted Chester District Local Plan and the emerging CWaC Local Plan (Part Two). Please refer to Table 5.1 which cross-references this conformity.

Chester District Local Plan Saved Policies

- 5.12 Chester District Local Plan Saved Policies were adopted on 12th May 2006, under the Planning and Compulsory Purchase Act 2004 and the policies within the Plan were saved for a period of 3 years from the date of adoption. For Chester, this meant that the policies in the Chester District Local Plan were saved until May 2009. To ensure that these policies continued to be valid in the determination of planning applications after May 2009, the

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Table 5.1: Compliance of the Neighbourhood Plan with the Development Plan

Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Local Plan Part One: Strategic Policies (2015)
Objectives		
1. Maintain the rural character, protect the landscape and encourage nature conservation		Supports strategic objectives SO10, and SO12.
2. Ensure that development conforms to Countryside Status		Supports strategic objective SO3.
3. Support local economy and local businesses		Supports strategic objective SO3.
4. Support local tourism and recreation.		Supports strategic objectives SO2 and SO3.
5. Improve infrastructure and access to facilities		Supports strategic objectives SO5, and SO8.
1. Housing		
NH1 Housing	Conformance to“ Open Countryside” designation and Strat9	This policy reiterates that of STRAT9 of the Local Plan (Part One), which sets out the level of development expected in the Countryside.
2. Built Environment and Local Character		
RC4. Style of Buildings	To ensure that permitted developments do not compromise local architectural styles	This policy is line with ENV6 of the Local Plan (Part One) sets out that the character and distinctiveness of the built environment will be protected. This policy is line with ENV4
3. Landscape Character and the Natural Environment		
RC1. Landscape Character	Sets out requirements for protecting landscape character	This policy is in line with STRAT2 of the Local Plan (Part One), which sets out the extent of development, and the hierarchy of settlements expected to take development. STRAT8 sets out that development in the rural area will need to be in the most sustainable and accessible areas. Broxton and District is not identified as one of these areas, and so is designated Countryside, as set out in STRAT9.
LE1 Renewable Energy	Promotes appropriate renewable energy development. Sets out criteria for new renewable energy development in the area.	This policy is in line with ENV7 of the Local Plan (Part One), which sets out that the requirements of new renewable energy developments. These include no unacceptable impacts on: <ul style="list-style-type: none"> • Landscape, visual or residential amenity • Noise, air, water, highways or health • Biodiversity, the natural or historic environment • Radar, telecommunications, or the safety of aircraft operations This policy is line with ENV4
RC2. Landscape Views	Sets out requirements development to protect Significant Views.	This policy is in line with ENV2 of the Local Plan (Part One), which sets out that landscape character and distinctiveness will be protected.
RC3. Community Green Spaces	Policy seeks protection and enhancement of locally valued Green Spaces	This policy is in line with ENV3 of the Local Plan (Part One), which sets out that green infrastructure will be protected. Further, SOC6 sets out the intent to protect, manage and enhance existing open spaces.
RC5 Conservation	Policy seeks protection of landscape , fauna ,fauna, soil types,biodiversity and geodiversity in line with NPPF	This policy is in line ENV4 of the Local Plan (Part One), which sets out that internationally, nationally, and locally important wildlife sites and species will be identified and protected.It also supports NPPF paras 109 to 125
5. Supporting the Local Economy		
LE2. New Employment Development	Promotes development of expansion of small scale businesses	This policy is in line with STRAT9 of the Local Plan (Part One), which sets out the approved developments within the countryside. This supports the expansion of existing businesses. ENV6 and SOC5 protect landscape and residential amenity. This policy is in line with ENV4
LE3. Home working	Promotes growth of rural diversification and businesses operating from home.	Whilst the Local Plan (Part One) does not have a specific policy form Homeworking, ECON1 supports the delivery of high speed broadband across the borough, and STRAT 9 supports business development appropriate to a rural area.
IF4 Supporting communications infrastructure	Promotes development of “virtual” connectivity	This policy is in line with STRAT11 of the Local Plan (Part One), which sets out the need for ensure the delivery of infrastructure improvements. This will include communications infrastructure. This policy is

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Neighbourhood Plan Policy and Objectives	Summary	Conformity with the Local Plan Part One: Strategic Policies (2015)
		in line with ENV4
LT1 Local Tourism Development	Sets out conditions for expansion of local tourism	This policy is in line with ECON3 of the Local Plan (Part One), which sets out that new or expanded tourism development will need to be of a suitable scale and type for its location. This policy is in line with ENV4
6. Transport and Communications		
IF3.Road Safety for pedestrians	Sets out to protect pedestrian road safety	This policy is in line with STRAT10 of the Local Plan (Part One), which requires development to demonstrate no negative impacts on road safety.

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6 COMPATABILITY WITH EU REGULATIONS

Paragraph 2f

*A draft neighbourhood development plan meets the basic conditions if -
(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations*

- 6.1 The Strategic Environmental Assessment (SEA) is a requirement of the EU Directive on the assessment of the effects of certain plans and programmes on the environment. The requirements of the SEA Directive have been fully considered during the screening assessment for the Broxton and District Neighbourhood Plan assessment. An Environmental Screening and Habitats Regulation Assessment Statement has been prepared for the Neighbourhood Plan by CWaC.
- Article 8 – Right to respect for private and family life
 - Article 14 – Prohibition of discrimination
 - Protocol 12 – Article 1 – General prohibition of discrimination.
- 6.2 The screening assessment has been undertaken in accordance with the published government guidance "Sustainability Appraisal of Regional Spatial Strategies and Local Development plan Documents" (2005).
- 6.3 The screening assessment concluded that it is unlikely there will be any significant environmental effects arising from the Plan and that a Strategic Environmental Assessment is not required. It also concluded that the Plan is unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010).
- 6.4 The Broxton and District Neighbourhood Plan is considered to have met the following Human Rights Articles:
- Article 1 – Protection of property
- 6.5 The proposed policies within the Neighbourhood Plan do not give rise to any potential impacts on these Human Rights.
- 6.6 In conclusion it is considered that the Broxton and District Neighbourhood Plan is compliant with EU obligations.

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7 PRESCRIBED CONDITIONS AND PRESCRIBED MATTERS

Paragraph 2g

A draft neighbourhood development plan meets the basic conditions if -

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

7.1 There are no other prescribed matters.

Basic Conditions Statement

8 CONCLUSION

- 8.1 It is considered that the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 have been met by the Broxton and District Neighbourhood Plan.
- 8.2 In reviewing the Neighbourhood Plan against the appropriate framework of National and Local planning policies there were no conflicts apparent.
- 8.3 The information within this document demonstrates general conformity with Paragraph 8(1) (a) of the Town and Country Planning Act (1990); therefore it is recommended that the Development Plan should proceed to Referendum.