

Whitegate & Marton Neighbourhood Plan 2015-2030 Basic Conditions Statement

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1 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Whitegate and Marton Neighbourhood Development 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(2) of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - 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;
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - 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); and
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

Supporting documents and evidence

- 1.4 The Whitegate and Marton Neighbourhood Plan is supported by a Consultation Statement and this Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination.

Basic Conditions & Legal Requirements

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, 2c and 3 to 5 as required by 38(C)] sets out that neighbourhood development plans must meet a number of 'Basic Conditions'.

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
- c) Whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- d) Such other matters as may be prescribed.

8 (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
- 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.

Key statements

- 1.5 Whitegate and Marton Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application.
- 1.7 The Whitegate and Marton Neighbourhood Plan covers the period from 2015 to 2030.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 The Whitegate and Marton Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Whitegate & Marton as designated by Cheshire West and Chester Council on 16th April 2013.
- 1.10 There are no other neighbourhood plans in place for the Whitegate and Marton neighbourhood area.

2 CONFORMITY WITH NATIONAL PLANNING POLICY

- 2.1 It is required that the Whitegate & Marton Neighbourhood Plan (WMNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF).

National Planning Policy Framework

- 2.2 The NPPF in sections 183-185 refers to Neighbourhood Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.
- 2.3 This section demonstrates that the WMNP has regard to relevant policies within the NPPF in relation to:
- Delivering a wide choice of high quality homes
 - Supporting a prosperous rural economy
 - Promoting sustainable transport
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 2.4 The WMNP has identified nine principal objectives which it seeks to address. We summarise them in Table 2.1 below and which NPPF goals each objective seeks to address. The WMNP also addresses the 12 Core Planning Principles set out in paragraph 17 of the NPPF.
- 2.5 Table 2.2 then provides a summary of how each policy in the WMNP conforms specifically to the NPPF.

Table 2.1: Assessment of challenges that the WMNP addresses against NPPF goals

WMNP Objective	Relevant NPPF goal
Policy Objectives	
To ensure that housing development permitted by STRAT 9 of the Local Plan (Part One) Strategy for Green Belt and Countryside reflects the needs of the local community for smaller homes.	Delivering a wide choice of high quality homes
To ensure that the design and use of materials for new building, and changes to existing stock of dwellings, is in keeping with the existing character of Whitegate & Marton.	Requiring good design Conserving and enhancing the historic environment
To protect the character of listed buildings, scheduled monuments and the Conservation area.	Conserving and enhancing the historic environment
To ensure that any development respects the landscape and views that make the village a special place to live and work.	Conserving and enhancing the natural environment
To support economic activity in the parish through appropriate small-scale improvements or development of existing buildings, and through the protection of existing commercial activity.	Supporting a prosperous rural economy
To continue to provide good access to the countryside by supporting and encouraging maintenance and improvement to footpaths, cycle-ways and bridle ways.	Promoting sustainable transport
Non-Policy Objectives	
To support the development of existing and new leisure and tourist spaces and facilities consistent with the rural character of Whitegate & Marton.	Promoting healthy communities Supporting a prosperous rural economy
To establish, and implement, plans for traffic management, community activity and community well being.	Promoting sustainable transport Promoting healthy communities
To encourage community involvement in the process of planning and delivery of this Neighbourhood Plan.	Promoting healthy communities

Table 2.2: Assessment of how each policy in the WMNP conforms to the NPPF

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	Policy 1: Housing stock appropriate to the needs of the local community	50, 54, 55	Ensures that where limited residential opportunities, arise, they provide for identified local needs in terms of dwelling size
2	Policy 2: Design and use of materials	57, 58, 60	To ensure that design is of the highest standard in order to protect the high quality rural environment.
3	Policy 3: Listed buildings, scheduled monuments and the Conservation Area	126, 129	Seeks to protect the Conservation Area in the parish as well as its key heritage assets.
4	Policy 4: Landscape	109	Protects the high quality local landscape.
5	Policy 5.1: Generating employment	21, 28	Seeks to promote and deliver rural employment, where it is appropriate in a countryside location.
6	Policy 5.2: Employment activities within residential properties	21, 28	Recognises the potential for small start-up businesses to grow and seeks to provide for their needs.
7	Policy 5.3: Loss of commercial premises	21, 22, 28	Seeks to protect commercial land and premises that is valuable in maintaining the vitality of the local economy.
8	Policy 6: Access to the countryside	30, 75	Seeks to improve access to the countryside

3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking.'
- 3.2 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals.
- 3.3 The **economic** goals are to retain and improve the existing employment base within Whitegate and Marton. This it seeks to achieve by ensuring that existing employment is protected and that new employment opportunities – including those working from home – are maximised.
- 3.4 The **environmental** goals are to protect the environment and ensure that development recognises this in its design, landscaping and access. This it seeks to achieve through its policies on design and on the landscape.
- 3.5 The **social** goals are to maintain a thriving community within Whitegate and Marton, recognising that the community lives in a high quality rural environment that should be preserved and enhanced. This it seeks to achieve by requiring a high quality of design of new development and improving access to the countryside.
- 3.6 Cheshire West and Chester Council considered that a Strategic Environmental Assessment (SEA) was not required because the WMNP is not likely to have a significant impact upon the environment. With regard to the Habitats Regulation Assessment Screening, it was identified through the assessment that the Whitegate and Marton Neighbourhood Plan was unlikely to have an adverse effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d), alone or in combination with other plans and projects. As such, a separate full screening exercise and Habitats Regulations Assessment were not considered to be required.

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the following:
- 2015 CWAC Local Plan (Part One) Strategic Policies
 - 2006 Vale Royal Borough Local Plan
 - 1999 Cheshire Replacement Minerals Local Plan
 - 2007 Cheshire Replacement Waste Local Plan.
- 4.2 The policies of relevance are shown in Table 4.1 below, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made of whether the WMNP is in general conformity with them.
- 4.3 Any policy that is not identified in Table 4.1 is not considered to be relevant to the WMNP because the WMNP does not have any policies that directly relate to it.
- 4.4 It is confirmed that there are no policies in either the 1999 Cheshire Replacement Minerals Local Plan or the 2007 Cheshire Replacement Waste Local Plan that the WMNP policies have any relevance to.

Table 4.1: Relevant policies in the 2015 CWAC Local Plan and 2006 Vale Royal Local Plan

Local Plan Policy	WMNP Policy
CWAC Local Plan	
STRAT1 – Sustainable Development	The NP recognises that the Parish fails to meet sustainability criteria cannot be classified as a Local Service Centre.
STRAT 9 – Green Belt and Countryside	Policy 1 reinforces the requirements of STRAT 9 and clarifies requirements of residential development should they be permissible under STRAT 9.
STRAT 10 – Transport and accessibility	Policy 6 seeks to provide a reliable access to the countryside, improve quality of life and enhance the local environment.
ECON 1 – Economic growth, employment and enterprise	Policies 5.1 and 5.2 seek to promote the creation of new employment opportunities. Policy 5.3 seeks to protect employment premises unless they are unviable with that use, which directly accords with ECON 1.
ECON3 – Visitor Economy (Policy 5 of the NDP)	Section 5 of the NP recognises the importance of tourism to the Parish.
SOC 3 – Housing mix and type	Policy 1 directly seeks the same focus on smaller properties as SOC 3.
SOC 5 – Health and well-being	Policy 6 seeks to improve access by walking. Policy 5.1 seeks to provide and retain community facilities.
ENV 2 - Landscape	Policy 4 seeks to ensure that high quality landscapes are protected and their character taken into account when assessing development.
ENV 4 – Biodiversity and geodiversity	Policy 4 seeks to maintain and enhance the range of biodiversity assets in the parish.

Local Plan Policy	WMNP Policy
ENV 5 – Historic environment	Policy 3 seeks to protect the heritage assets of the parish.
ENV 6 – High quality design and construction	Policy 2 requires high quality design and materials to be used in development.
Vale Royal Local Plan	
GS5 – Open countryside BE1 – Safeguarding and improving the quality of the environment BE10 – Conservation Areas NE1 – Protection of nature conservation resources NE7 –Protection of landscape features NE6 – Wildlife corridors and green wedges NE9 – Tree and woodland	Policy 4 seeks to protect the character of the open countryside Policy 6 seeks to maintain and enhance the local environment and access to the countryside
E1 – General requirements for employment uses E3 – Redevelopment of employment land for employment purposes E4 – Redevelopment for non-employment purposes	Policies 5.1, 5.2 and 5.2 address the creation of new employment opportunities and the protection of exiting premises and land which provide employment.
BE5 – Historic Environment – Listed Buildings BE6: Alterations/Extensions to Listed Buildings BE7 – Changes of Use to Listed Buildings BE8 – Listed Buildings BE9 – Demolition Control of Listed Buildings	Policy 3 seeks to protect listed buildings.
H8 – Extensions/Alterations to Dwellings	Policy 1 seeks to ensure extensions are appropriate in scale

5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

- 5.1 The 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.
- 5.2 The WMNP Group submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA) of the draft WMNP in March 2015. Cheshire West and Chester Council formally stated that neither an SEA nor an HRA was required. The formal opinion is provided as a separate supporting document.

Strategic Environmental Assessment

Neighbourhood plans require a Strategic Environment Assessment (SEA) and/or a Habitat Regulations Assessment (HRA) in accordance with the European Directive 2001/42/EC and 92/43/EEC, and the requirements of the Environmental Assessment of plans and programmes regulations 2004 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

The requirements of the SEA Directive have been fully considered during the Screening Assessment for the Whitegate and Marton Neighbourhood Plan. An Environmental Screening and Habitats Regulation Assessment Statement and determination has been prepared for the Neighbourhood Plan by Cheshire West and Chester.

The screening assessment and determination 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).

Habitats Regulations Assessment

'A Habitats Regulations Assessment was undertaken as part of the Cheshire West and Chester Local Plan (Part One) which concluded that the Cheshire West & Chester Local Plan policy framework was sufficient to deliver necessary measures to avoid or mitigate any adverse effects on the integrity of European sites.

As the Neighbourhood Plan is intended to be in conformity with the Local Plan, a separate HRA was not considered to be necessary

6 CONCLUSION

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Whitegate & Marton Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Whitegate & Marton Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

