

# **Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan**

**2011-31**

Statement of Basic Conditions

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## **1.0 Introduction**

- 1.1 This Basic Conditions Statement (“the Statement”) sets out how, in producing the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan (“the Neighbourhood Plan”), Bredenbury Group Parish Council (the “Group Parish Council”) has complied with the basic conditions and legal requirements set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by sections 38A and B of the Planning and Compulsory Purchase Act 2004.

## 2.0 Legal Requirements

2.1 The legal requirements for preparing a Neighbourhood Plan are set out below:

1. The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Bredenbury Group Parish Council.

2. What is being proposed is a neighbourhood development plan

The plan proposal relates to planning matters (the use and development of land) 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.

3. The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made 2011 up to 2031 (the same period as the Herefordshire Core Strategy Local Plan).

4. The policies do not relate to excluded development

The Neighbourhood Plan proposal 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.

5. The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the Bredenbury, Wacton and Grendon Bishop Neighbourhood Area as defined and within the Group Parish of Bredenbury, and to no other area. There are no other Neighbourhood Plans relating to that Neighbourhood Area.

### **3.0 Basic Conditions**

3.1 The Basic conditions are set out in paragraph 8(s) of Schedule 4B to the Town and Country Planning Act (1990), as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act (2004).

3.2 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);
- the making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

3.3 These Basic Conditions are addressed in turn the remainder of this Statement.

## 4.0 Conformity with National Policy

- 4.1 The Bredenbury, Wacton and Grendon Bishop Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 29-30 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. The footnote to paragraph 29 states that “Neighbourhood Plans must be in general conformity with the strategic policies contained in any development plan that covers their area of the local plan.” The Neighbourhood Plan has been drafted with regard to the planning policies of Herefordshire Council, and the comprehensive evidence base that supports these policies. An independent Planning Consultant was engaged to ensure conformity and that relevant policies have been considered and supported.
- 4.2 Paragraph 29 also states that Neighbourhood Plans should “not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. The Bredenbury, Wacton and Grendon Bishop Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by supporting the delivery of an appropriate scale of new development, protecting the local built and natural environment and heritage assets from insensitive new development.
- 4.3 The Bredenbury, Wacton and Grendon Bishop Neighbourhood Plan submission version seeks to deliver a minimum of 30 new houses within the Group Parish across a range of sites. This is in excess of the target of 24 additional dwellings required by the Core Strategy.
- 4.4 Paragraph 16 identifies six criteria that neighbourhood plans must meet. These are set out in Table 1 below:

**Table 1 – NPPF paragraph 16 criteria and the Bredenbury, Wacton and Grendon Bishop Neighbourhood Development Plan:**

<b>NPPF paragraph 16 criteria</b>	<b>Neighbourhood Development Plan</b>
a) be prepared with the objective of contributing to the achievement of sustainable development.	Section 5 of this Basic Condition Statement details how the NDP contributes to sustainable development.
b) be prepared positively, in a way that is aspirational but deliverable.	The Neighbourhood Plan Vision and objectives are aspirational and at the same time realistic, achievable and deliverable.
c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.	The Consultation Statement gives details of the engagement between plan makers and others throughout the period since the plan making process was initiated. All parties that wished to be or needed to be involved were involved in the process from the beginning, and open consultation has been a feature of the process

NPPF paragraph 16 criteria	Neighbourhood Development Plan
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.	During the process of producing the Neighbourhood Plan, policies have been continually reviewed, resulting in their amendment where appropriate in order to make them as clear as possible.
e) be accessible through the use of digital tools to assist public involvement and policy presentation.	The various drafts of this Neighbourhood Plan have been accessible online, and when agreed the final document will also be available online.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	All Neighbourhood Plan policies comply with NPPF and Herefordshire Council Core Strategy policies, but also give local detail those policies. Unnecessary duplication of policies has been avoided.

- 4.5 **Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest.** The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Group Parish - principally through Policies BW&GB10 and BW&GB11. A list of Statutory Listed Buildings and Local Heritage Assets within the Group Parish Area is shown at the Appendix to the Neighbourhood Plan.
- 4.6 **Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area.** There are currently no conservation areas in the Group Parish. But as above, the Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish principally through Policies BW&GB10 and BW&GB11.
- 4.7 The making of the neighbourhood development plan is **not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).** The Neighbourhood Plan has been subjected to a separate Screening Process for Strategic Environmental Assessment Scoping and Habitat Regulations Assessment Screening prepared by Herefordshire Council and published for consultation as a Part of Regulation 14.

## 5.0 Contribution to Achieving Sustainable Development

- 5.1 The Submission Neighbourhood Development Plan contributes to the achievement of sustainable development in reference to paragraphs 7-11 of the National Planning Policy Framework which outline the Government’s definition of sustainable development.
- 5.2 The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’
- 5.3 The NPPF amplifies this simple definition, at paragraph 8, stating that sustainable development has three objectives, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:
- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
  - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 5.5 Table 2 below summarises how the policies and allocations in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

**Table 2 – contribution of the Neighbourhood Plan to sustainable development**

<b>Sustainable Development Role</b>	<b>Neighbourhood Development Plan’s Contribution</b>
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Group Parish (Policies BW&GB15-17), for example through conversion of former agricultural buildings for small scale rural enterprise.
Social	The Plan protects and enhances local community facilities (Policies BW&GB18-20) and recognises the role of the landscape and countryside in supporting health and wellbeing of Group Parish residents (Policies BW&GB 1 and BW&GB 10). The Plan also

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<b>Sustainable Development Role</b>	<b>Neighbourhood Development Plan's Contribution</b>
	supports new market and local needs housing and a mix of tenures, types and sizes of houses (Policies BW&GB 3-9).
Environmental	<p>The Submission Neighbourhood Plan sets out policies that protect local wildlife and biodiversity and protects rural landscapes (Policies BW&amp;GB 1 and BW&amp;GB 10).</p> <p>The Plan seeks to promote more sustainable transport patterns through walking and cycling (Policy BW&amp;GB 14).</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural and built heritage assets to local residents as an important aspect of the Group Parish's identity (Policies BW&amp;GB10-11).</p>

## 6.0 Conformity with the Strategic Policies of the Herefordshire Local Plan – Core Strategy

- 6.1 The Neighbourhood Plan has been written to support the strategic development aims of the Herefordshire Local Plan – Core Strategy, including delivery of housing and economic development, and to plan positively taking into account the local issues of Bredenbury, Wacton and Grendon Bishop.
- 6.2 Table 3 below sets out how each policy is in general conformity with the Herefordshire Local Plan – Core Strategy. This assessment is based on the responses submitted by Herefordshire Council to the Regulation 14 consultation.

**Table 3 – Conformity of Neighbourhood Plan Policies with the Herefordshire Local Plan – Core Strategy Policies**

Neighbourhood Plan Policy Ref	Policy Name	Relevant Herefordshire Local Plan Core Strategy Policy	Comment on conformity where relevant
BW&GB 1	Promoting a Sustainable Community	SS1	Complies and adds local detail.
BW&GB 2	Development Strategy	SS1; RA1; RA2; RA3; RA4; RA5; RA6	Complies and adds local detail.
BW&GB 3	The scale of new housing	SS2; RA2; RA3	Complies by demonstrating how the Core Strategy Housing Target will be met.
BW&GB 4	Housing allocations	RA2	Complies and adds local detail.
BW&GB 5	Housing in the countryside	RA3; RA4	Complies and adds local detail.
BW&GB 6	Extensions to dwellings	SS1; SD1	Complies and adds local detail.
BW&GB 7	Design of new housing	SS1; SS6; LD1; LD2; LD3; LD4; SD1; SD2; SD3; SD4	Complies and adds local detail.
BW&GB 8	Ensuring an appropriate range of tenures, types and sizes of houses	H1; H2; H3	Complies and adds local detail.
BW&GB 9	Affordable housing	H1; H2	Complies and adds local detail.
BW&GB 10	Protecting and Enhancing Local Character	SS6; LD1; LD2; LD3; LD4	Complies and adds local detail.
BW&GB 11	Heritage Assets	SS6; LD4	Complies and adds local detail.
BW&GB 12	Broadband and mobile telephone infrastructure	ID1	Complies and adds local detail.

<b>Neighbourhood Plan Policy Ref</b>	<b>Policy Name</b>	<b>Relevant Herefordshire Local Plan Core Strategy Policy</b>	<b>Comment on conformity where relevant</b>
BW&GB 13	Renewable Energy	SS1; SS7; SD2	Complies and adds local detail.
BW&GB 14	Transport and connectivity	SS4; MT1	Complies and adds local detail.
BW&GB 15	Business development	SS5; RA5; RA6; E1; E2; E3; E4	Complies and adds local detail.
BW&GB 16	Protection of existing commercial business premises	SS5; E2	Complies and adds local detail.
BW&GB 17	Agriculture and forestry enterprises	SS5; RA4; RA6	Complies and adds local detail.
BW&GB 18	Enhanced Services and Facilities for the Community	SC1	Complies and adds local detail.
BW&GB 19	Protection and enhancement of community facilities	SC1	Complies and adds local detail.
BW&GB 20	Open Spaces	OS1; OS2; OS3	Complies and adds local detail.

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## 7.0 Compatibility with EU Obligations and Legislation

- 7.1 The Submission Neighbourhood Plan is fully compatible with EU Obligations.
- 7.2 The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council therefore, it is understood that EU Environmental Obligations have been met. The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels.
- 7.3 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 7.4 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 7.5 Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”
- 7.6 The Group Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

## **8.0 Meeting the prescribed conditions and matters**

- 8.1 The Neighbourhood Plan has been carefully drafted to comply both with the legal requirements and the basic conditions. This Statement has demonstrated that prescribed conditions have been met and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.