

Edwyn Ralph Neighbourhood Development Plan

2011-31

Statement of Basic Conditions

July 2022

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1.0 Introduction

1.1 This Basic Conditions Statement (“the Statement”) sets out how, in producing the Edwyn Ralph Neighbourhood Development Plan (“the NDP”), Thornbury 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 amended).

1.2 The Statement confirms that:

- the legal requirements have been met (section 2).
- the NDP meets the basic conditions (section 3).
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP (section 4).
- the NDP contributes to sustainable development (section 5).
- the NDP is in general conformity with the strategic policies contained in the relevant development plan, the Herefordshire Local Plan Core Strategy adopted in October 2015 (section 6).
- the NDP does not breach and is otherwise compatible with EU obligations, and that the making of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (section 7).

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 Thornbury 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).

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 Edwyn Ralph Neighbourhood Area as defined and within the Group Parish of Thornbury, 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).
- 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 in the remainder of this Statement.

4.0 Conformity with National Policy

- 4.1 The Edwyn Ralph 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 Edwyn Ralph 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 Edwyn Ralph Neighbourhood Plan submission version seeks to deliver a minimum of 17 new houses within the Parish across a range of sites. This is in excess of the target of 13 additional dwellings required by the Core Strategy.
- 4.4 Paragraph 16 identifies six criteria that all Plans must meet. These are set out in Table 1 below:

Table 1 – NPPF paragraph 16 criteria and the Edwyn Ralph Neighbourhood Development Plan:

NPPF paragraph 16 criteria	Neighbourhood Development Plan
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
d) contain policies that are clearly written and unambiguous, so it is evident how a decision	During the process of producing the Neighbourhood Plan, policies have been continually reviewed,

NPPF paragraph 16 criteria	Neighbourhood Development Plan
maker should react to development proposals.	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 Parish - principally through Policies ER3&4. A list of Statutory Listed Buildings and Local Heritage Assets within the 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 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 ER3&4.
- 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

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Parish (Policies ER12-14), for example through conversion of former agricultural buildings for small scale rural enterprise.
Social	The Plan protects and enhances local community facilities (Policies ER16 & 17) and recognises the role of the landscape and countryside in supporting health and wellbeing of Parish residents (Policy ER3). The Plan also supports new market and local needs

Sustainable Development Role	Neighbourhood Development Plan's Contribution
	housing and a mix of tenures, types and sizes of houses (Policies ER5-11).
Environmental	<p>The Submission Neighbourhood Plan sets out policies that protect local wildlife and biodiversity and protects rural landscapes (Policies ER1 and ER3 & 4).</p> <p>The Plan seeks to promote more sustainable transport patterns through walking and cycling (Policy ER15).</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 Parish's identity (Policies ER3 & 4).</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 Edwyn Ralph.
- 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
ER 1	Promoting a Sustainable Community	SS1	Complies and adds local detail.
ER 2	Development Strategy	SS1; RA1; RA2; RA3; RA4; RA5; RA6	Complies and adds local detail.
ER 3	Protecting and Enhancing Local Character	SS6; LD1; LD2; LD3; LD4	Complies and adds local detail.
ER 4	Heritage Assets	SS6; LD4	Complies and adds local detail.
ER 5	The scale of new housing	SS2; RA2; RA3	Complies by demonstrating how the Core Strategy Housing Target will be met.
ER 6	Housing allocations	RA2	Complies and adds local detail.
ER 7	Housing in the countryside	RA3; RA4	Complies and adds local detail.
ER 8	Extensions to dwellings	SS1; SD1	Complies and adds local detail.
ER 9	Design of new housing	SS1; SS6; LD1; LD2; LD3; LD4; SD1; SD2; SD3; SD4	Complies and adds local detail.
ER 10	Ensuring an appropriate range of tenures, types and sizes of houses	H1; H2; H3	Complies and adds local detail.
ER 11	Affordable housing	H1; H2	Complies and adds local detail.
ER 12	Business development	SS5; RA5; RA6; E1; E2; E3; E4	Complies and adds local detail.

Neighbourhood Plan Policy Ref	Policy Name	Relevant Herefordshire Local Plan Core Strategy Policy	Comment on conformity where relevant
ER 13	Protection of existing commercial business premises	SS5; E2	Complies and adds local detail.
ER 14	Agriculture and forestry enterprises	SS5; RA4; RA6	Complies and adds local detail.
ER 15	Transport and connectivity	SS4; MT1	Complies and adds local detail.
ER 16	Enhanced Services and Facilities for the Community	SC1	Complies and adds local detail.
ER 17	Protection and enhancement of community facilities	SC1	Complies and adds local detail.
ER 18	Broadband and mobile telephone infrastructure	ID1	Complies and adds local detail.
ER 19	Renewable Energy	SS1; SS7; SD2	Complies and adds local detail.

7.0 Compatibility with EU Obligations and Legislation

7.1 The Submission Neighbourhood Plan is fully compatible with EU Obligations and as transposed into UK law as set out in Table 4 below.

Table 4 – EU obligations

EU obligation	Compatibility with Edwyn Ralph NDP
Strategic Environmental Assessment Directive	<p>Strategic environmental assessment of the NDP has been undertaken by Herefordshire Council. An initial screening opinion concluded that the NDP would require further assessment for the purposes of Strategic Environmental Assessment. A Scoping Report was prepared in March 2020 and published for consultation. Subsequently, a SEA of the draft Plan was undertaken in December 2021 and the resultant Environmental Report was published for consultation alongside the draft Plan. An updated version was produced alongside the Submission Plan in June 2022.</p> <p>The Environmental Report concludes in its non-technical summary that the NDP is in general conformity with both national planning policy contained in the NPPF and strategic policies set within the Herefordshire Local Plan (Core Strategy). SEA paragraph 6.7 reports that the cumulative effect of the NDP will contribute to the achievement of the SEA objectives.</p> <p>Paragraph 6.8 sets out that none of the NDP policies were considered to be in direct conflict with or propose greater levels of growth and development than strategic policies contained in the Local Plan (Core Strategy), which themselves have undergone a full Sustainability Appraisal.</p> <p>The NDP has been prepared in conjunction with a formal process of environmental appraisal in accordance with the SEA Directive, whose requirements have been met.</p>
Habitats Directive	<p>A process of assessment of the NDP pursuant to the Habitats Directive has been undertaken by Herefordshire Council. Initial screening in September 2019 found that the River Wye (including the River Lugg) SAC is located 10.5km away from the Parish boundary, the Parish is however within the River Lugg catchment.</p> <p>The initial screening concluded that the NDP will require further environmental assessment for habitats Regulations Assessment and Strategic Environmental Assessment.</p>

	<p>An Appropriate Assessment of the draft NDP was undertaken by Herefordshire Council and published in December 2021. This concluded there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account. This Report was updated in June 2022 alongside the Submission Plan.</p> <p>The NDP has been prepared in conjunction with an Appropriate Assessment in accordance with the Habitats Directive, whose requirements have been met.</p>
<p>Water Framework Directive</p>	<p>The Local Plan Core Strategy (policies SD3 and SD4) requires that development proposals are considered against Water Framework Directive objectives, including that development should not undermine the achievement of water quality targets.</p> <p>These strategic policies are referenced in Table 3 above as policies with which relevant NDP policies are in general conformity with. NDP policies ER 1, ER 2 and ER 9 require acceptable arrangements for the treatment of waste water and for surface water disposal to be demonstrated, and policy ER3 requires that proposals draining to the River Wye are nutrient neutral in terms of their effect on the River Wye Special Area of Conservation. The Water Framework Directive has also been taken into account within the objectives used for the SEA of the NDP and as a source of baseline information and targets.</p> <p>The NDP is considered to be compatible with the Water Framework Directive.</p>
<p>European Convention on Human Rights</p>	<p>The NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and County-level Human Rights strategic planning policies. In accordance with established process, its preparation has included consultation with the local community and it is subject to independent examination.</p> <p>The policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights.</p>

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.