

# Ashover Neighbourhood Plan 2016 - 2033

## Statement of Basic Conditions

Ashover Parish Council  
May -2017

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## **1.0 Introduction**

- 1.1 The Basic Conditions Statement has been prepared to accompany the Ashover Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
  - 1 whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
  - 2 whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
  - 3 whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - 4 such other matters as may be prescribed.
- 1.4 Paragraph 8 (2) states that 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
  - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - (c) 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)
  - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
  - (e) 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.

- 1.4 Section 2 of this Statement sets out how the Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Neighbourhood Plan meets the basic conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## **2.0 Legal Requirements**

- 2.1 The Plan complies with the provisions of sub-paragraph 1(b) as described below.

### **The Plan is being submitted by a qualifying body**

- 2.2 The Neighbourhood Plan has been submitted by Ashover Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area.

### **What is being proposed is a neighbourhood plan**

- 2.3 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan states the period for which it is to have effect**

- 2.4 The Neighbourhood Plan states that the period which it relates to is from 2016 until 2033. The period has been chosen to align with that of the draft North East Derbyshire Local Plan.

### **The policies do not relate to excluded development**

- 2.5 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. The County Council was consulted as part of the Regulation 14 consultation and did not raise any concerns that the Neighbourhood Plan is not compatible with the existing adopted Derbyshire Minerals Local Plan.

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

- 2.6 The designated Plan area was approved by North East Derbyshire District Council on 16 February 2015. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.
- 2.7 In relation to sub-paragraph 1(c), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.
- 2.8 In relation to sub-paragraph 1(d), there are no other prescribed matters.

### **3.0 The Basic Conditions**

- 3.1 This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the strategic 'saved' policies contained in the North East Derbyshire Local Plan 2001 – 2011 (adopted November 2005).
- 3.2 In accordance with national guidance, the Neighbourhood Plan has been informed by the evidence base of the emerging Local Plan (Consultation version Local Plan).
- 3.3 Detail of how the Neighbourhood Plan is in general conformity with strategic policies in the Local Plan is provided in table 2.

#### **Having regard to national policies and advice**

- 3.4 The Neighbourhood Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF is outlined in table 1 below.

Table 1: Neighbourhood Plan policies regard to NPPF

<b>NPPF</b>	<b>Neighbourhood Plan</b>
Building a strong, competitive economy (NPPF paras. 18 - 22)	The Neighbourhood Plan proactively supports sustainable economic growth through its policies for Employment and the Economy. Policy AP6 safeguards existing employment sites and Policy AP7 supports small scale employment proposals elsewhere where there is no adverse impact on the surrounding area.
Supporting a prosperous rural economy (NPPF para. 28)	The Neighbourhood Plan promotes policies to support the viability and vitality of Ashover and other village centres through Policy AP8 and AP9 which protect and enhance shops and community facilities within the main settlements. Policies AP6 and AP7 seek to protect existing and support new small scale employment opportunities to retain jobs and create prosperity.
Promoting sustainable transport (NPPF paras. 29 – 41)	The Neighbourhood Plan’s transport policies promote the use of sustainable transport. Policy AP22 seeks to improve connectivity within the settlements and policies AP23, AP24 and AP25 support pedestrians, cyclists and horse riders to key locations in the Parish, and the surrounding countryside.
Delivering a wide choice of high quality homes (NPPF paras. 47 – 55)	The Neighbourhood Plan’s housing policies will deliver a wide choice of high quality homes and create a sustainable, inclusive and mixed community. Policy AP3 provides a positive contribution to meeting housing need arising during the Plan period. The Plan through policy AP4 provides for a mix of housing based on current and future demographic trends. Policy AP5 seeks to ensure affordable housing for the local community.
Requiring good design (NPPF paras. 56 – 68)	Good design is integral to a range of Neighbourhood Plan policies. Policy AP11 requires new development to be of good and sensitive design. Policies AP12 and AP13 protect important local buildings and their immediate surroundings from inappropriate development to ensure that design has regard to the local and historic context.

NPPF	Neighbourhood Plan
Promoting healthy communities (NPPF paras. 69 – 78)	A number of the Plan policies seek to ensure that Ashover continues to be a healthy, inclusive community. Policy AP4 supports the provision of new housing to meet local housing needs, including for older people and young families. Policy AP9 protects key community facilities and shops, drawing attention to their importance for good health. The protection of Local Green Spaces (Policy AP15) is recognised as underpinning health and wellbeing.
Meeting the challenge of climate change, flooding and coastal change (NPPF paras. 93 – 108)	Policies AP1 and AP2 focus development on the most sustainable locations, within the limits to development where the need to travel is reduced. Policy AP19 sets out the conditions by which renewable and low carbon energy development would be acceptable. Policy AP21 supports energy efficiency through the promotion of dark skies. Policies AP24 and AP25 support walking and cycling and thus the reduction in greenhouse gas emissions.
Conserving and enhancing the natural environment (NPPF paras 109-125)	Ashover Parish is bestowed with a beautiful and rich natural environment. The Plan seeks to pursue sustainable development through policies that ensure that the landscape is protected and enhanced (AP2, AP14, AP 17, AP18 and AP21) and minimising impact and where possible, providing net gains in biodiversity (AP16, AP17 and AP21).
Conserving and enhancing the historic environment (NPPF paras 126 – 141)	The Plan sets out a positive strategy for the conservation and enjoyment of the historic environment. Policy AP12 seeks to highlight the importance and need for conservation and appreciation of a Listed Building. Policy A13 seeks to protect non-designated heritage assets.

### **Achieving sustainable development**

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

- 3.6 Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, this section of the Statement demonstrates how the Neighbourhood Plan fulfils the basic condition that the plan contributes to achieving sustainable development.
- 3.7 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.8 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- contributing to building a strong and competitive economy by supporting small businesses, the retention of appropriate employment sites in the Parish, and by supporting small scale economic development in appropriate locations.
  - planning positively for housing growth to meet the needs of present and future generations in accordance with the strategic development needs set out in Local Plans.
  - supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people and promote a healthy and inclusive community.
  - supporting new development where it relates well to the existing built up area of the Parish and
  - promoting policies to protect locally important landscape features and biodiversity, which contribute toward the sense of community and quality of life in the area.

### **General conformity with the strategic policies of the development plan for the area**

- 3.9 The Plan has been developed in general conformity with the strategic saved policies contained in North East Derbyshire's approved Local Plan adopted in 2008. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted Local Plan. However, in accordance with national guidance, significant regard has been paid to the evidence base of the emerging (and now draft Local Plan) in producing the Neighbourhood Plan.
- 3.10 Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved strategic policies in the North East Derbyshire Local Plan 2001-2011.



Local Plan	Neighbourhood Plan
Chapter 1 – General Strategy (Saved Policies GS1, GS2, GS3, GS5, GS6, GS7, GS8, GS9, GS10, GS11 and GS 12)	Policy S1 requires a positive approach to sustainable development. Policy S2 supports that development should be focused within the defined Limits of Development. Policy S3 supports that the countryside should be protected from inappropriate development.
Chapter 2 – Natural Environment (Saved Policies NE1, NE2, NE3, NE4, NE5, NE 6, NE7 and NE9)	The Neighbourhood Plan’s Environment policies establish a local framework for implementing the strategic approach to the conservation and enhancement of the Natural Environment. The Neighbourhood Plan includes policies on protecting important Local Green Spaces (AP15); conserving bio-diversity (AP16); protecting trees, hedgerows and woodlands (AP17).
Chapter 3 – Built Environment (Saved Policies BE1, BE2, BE3, BE5, BE6, BE7, BE8, BE9, BE11, BE12 and BE13)	The Neighbourhood Plan (policy AP11) is in general conformity with the General Design Principles (BE1) of the Local Plan. The Darks Skies Policy (AP21) is consistent with and provides further local detail to Local Plan policy BE2. The remaining saved Local Plan policies address heritage assets to which the Neighbourhood Plan policies (AP12 and AP13) are in alignment.
Chapter 4 – Employment, Development and Tourism (Saved Policies E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11 and E12)	Policy AP 9 safeguards existing appropriate employment uses and Policy AP 10 supports small scale employment initiatives. This is in line with this chapter which supports employment and economic development across the District.

Local Plan	Neighbourhood Plan
Chapter 5 – Housing Policies (Saved H1, H2, H3, H5, H6, H7, H8, H9, H11 and H12)	<p>Given how dated the adopted Local Plan is, the Neighbourhood Plan in accordance with the national guidance, has considered the latest and up-to-date evidence of housing need used to inform the emerging Local Plan. The Neighbourhood Plan housing policies are in conformity with the settlement hierarchy identified in the Draft Local Plan and the corresponding strategic development needs.</p> <p>Policy AP1 is consistent with the Local Plan’s encouragement of sustainable patterns of development including through Settlement Development Limits.</p>
Chapter 6 – Town Centre and Retailing (Saved Policies SH1, SH2, SH3, SH4, SH5, SH6, SH8, SH9, SH10, SH11 and SH12)	<p>The Neighbourhood Plan seeks to protect and where possible, enhance local retail provision in Ashover. This policy approach is consistent with the Local Plan which similarly seeks retention of these essential services.</p>
Chapter 7 – Transport (Saved Policies T1, T2, T3, T4, T5, T6, T8, T9 and T10)	<p>The emphasis of the Saved policies of the Local Plan to reduce the need to travel, especially by car, and to encourage the use of public transport, cycling and walking is supported in the Neighbourhood Plan through policies AP23 and AP25, which support cycling, walking and horse riding. Policies AP22, AP23 and AP24 address traffic management and improved connectivity, in support of the saved policies of the Local Plan.</p>
Chapter 8 – Recreation and Leisure (Saved Policies R1, R2, R3, R4, R5, R8, R9, R10, R11, R12 and R 13)	<p>The Plan is in conformity with and supports this chapter. This is reflected in Policy AP15 which protects important Local Green Spaces and Policy AP9 that supports and protects important community facilities, including recreation and leisure related ones. Policy AP 20 addresses the issue of Noisy Sports.</p>

Local Plan	Neighbourhood Plan
Chapter 9 – Community Facilities, Services and Utilities (Saved Policies CSU1, CSU2, CSU3, CSU4, CSU5, CSU6, CSU7 and CSU8)	The Neighbourhood Plan conforms to the Saved policies from the Local Plan by supporting and protecting the provision of community facilities (AP9 and AP10, including the identification of the key ones. Similar to the Local Plan, Policy AP19 supports the provision of appropriate renewable energy and low carbon technologies but provides further detail to the local context.

## EU obligations

### Strategic Environmental Assessment (SEA)

3.11 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

3.12 A screening of the draft Neighbourhood Plan for environmental effects was undertaken in February 2017. A screening opinion was issued by North East Derbyshire District Council which determined concurrence with the view of the screening report; stating ‘that no significant effects are likely as a result of the implementation of the Ashover Parish Neighbourhood Plan.’

### Habitats Directive

3.13 A Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan was undertaken in conjunction with the SEA screening. North East

Derbyshire District Council were again in agreement with the view of the screening report stating that there 'is also no requirement to prepare a Habitats Regulation Assessment.'

### **Convention on Human Rights**

- 3.14 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 3.15 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## **4.0 Conclusion**

- 4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Ashover Neighbourhood Plan.
- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the North East Derbyshire District Local Plan 2001 -2011 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Ashover Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.