

# Freshford and Limpley Stoke Neighbourhood Plan

## Basic Conditions Statement: Town and Country Planning Act 1990

### Introduction

This document explains how the proposed plan meets the requirements of the Neighbourhood Planning Regulations. It has been prepared by the 'qualifying body' - Freshford Parish Council (Bath and North East Somerset) and Limpley Stoke Parish Council (Wiltshire) in accordance with the Localism Act 2011

By Order of Bath and North East Somerset Council made on the 30<sup>th</sup> October 2013 the parishes of Freshford and Limpley Stoke have been designated as a Neighbourhood Plan Area.

### Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown on Map 1 of the draft Neighbourhood Plan.

### Background

Both Parishes have a strong record of working together to serve their communities, and have already made excellent progress on local community projects. The decision to undertake a Neighbourhood Plan was one fully supported by the two Local Authorities of Bath and North East Somerset Council and Wiltshire Council. The background and reasons for the Neighbourhood Plan are as set out in the joint Grant Application submitted to the Department For Communities and Local Government and made by the two Authorities on the 4<sup>th</sup> November 2011.

### Legislation

Neighbourhood Development Plans must meet the following basic requirements (**Paragraph 8, Schedule 4B, 1990 Act**):

- (1) *The examiner must consider the following—*
  - (a) *whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (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).*

## Meeting Requirements

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed.

It is not the case that every Neighbourhood Plan will need an environmental assessment of the type normally required when preparing Local Plans. Strategic Environmental Assessment may be required for Neighbourhood Plans, where they are likely to cause significant environment effects.

Even where there is no need to undertake formal environmental assessment under EU directives, it is good practice to prepare a statement setting out how environmental issues have been taken into account and considered during the preparation of the Neighbourhood Plan.<sup>1</sup>

Regulation	Comments
<b><i>(1) The examiner must consider the following—</i></b>	
<i>(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),</i>	See section 2 below

<p><i>(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,</i></p>	<p>The provision of 61E (2) 61J and 61L as amended by s38C (5) (b) is a reference to the provisions of 38A and 38B.</p> <p><b>38A</b></p> <p><b>(1)</b> Freshford Parish Council and Limpley Stoke Parish Council is a qualifying body authorised to act in relation to the neighbourhood area and is therefore entitled to submit a joint neighbourhood development plan for the neighbourhood area.</p> <p><b>(2)</b> The neighbourhood plan policies and guidelines relate solely to the Neighbourhood Area – the parishes of Freshford and Limpley Stoke.</p> <p><b>38B(1)</b></p> <p><b>(a)</b> The period of the neighbourhood plan is up to 2039.</p> <p><b>(b)</b> The neighbourhood plan does not include any provision for excluded development such as national infrastructure.</p> <p><b>(c)</b> There is no other neighbourhood plan in place in this neighbourhood area.</p> <p><b>38B(2)</b></p> <p>The neighbourhood plan does not relate to more than one neighbourhood area; it relates to the neighbourhood area as designated by Bath and North East Somerset Council On the 30<sup>th</sup> October 2013.</p> <p><b>38B(4)</b> The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p>
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	<p>Continued</p> <p>Freshford Parish Council and Limpley Stoke Parish Council (the 'qualifying body') has submitted as part of the proposal a Consultation Statement setting out the process and extent of the consultation undertaken as part of the neighbourhood plan development. The consultation bodies have been included in the Statement.</p> <p><b>(Note:NDPs which are likely to have a significant effect on European Sites habitats) must be subject to an appropriate assessment-the Plan will not affect European Sites habitats. NDOs may also be subject to an Environmental Impact Assessment-This is not applicable to NDPs.)</b></p>
<i>(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i>	It is not considered that there would be any benefit in extending the referendum area beyond the neighbourhood area as the plan relates only to those properties that fall within the neighbourhood boundary.
<i>(e) such other matters as may be prescribed.</i>	There are no other prescribed matters
<b>(2) A draft neighbourhood development plan meets the basic conditions if—</b>	
<i>(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,</i>	<p>By reason of National Planning Policy Framework (March 2012) paragraph 2, this plan is a material consideration in the determination of an application for planning permission. The Plan seeks to reflect the wishes, needs and priorities of this community</p> <p>The NP has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this thriving local rural community ,contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.</p>
<i>(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,</i>	<p>The Government's approach to sustainable development as set out in the National Planning Policy Framework is about enabling development to cater for the needs of current generations, ensuring that growth doesn't mean worse lives for future generations.</p>
<i>Para 56</i>	<p>The NPPF attaches great importance to the design of the built environment and states in paragraph 56 that: '<i>Good design is a key aspect of sustainable development is indivisible from good planning and</i></p>

<p>Para 69 et seq.</p> <p>Para 76</p> <p>Para 86</p> <p>Paras 109 and 115</p>	<p>through:</p> <ul style="list-style-type: none"> <li>• seeking good design, creating safe, attractive, well-connected streets and pathways and spaces.</li> <li>• promoting the preservation of neighbourhood facilities and the local Galleries community shop, and providing a neighbourhood with good access to public facilities and amenities</li> <li>• encouraging the reuse and conservation of existing buildings</li> <li>• ensuring works to improve the performance of traditional buildings are compatible with their building technology</li> <li>• conserving historic buildings and the environment to ensure they remain in productive use</li> </ul> <p>By the introduction of a Villages Design Statement this neighbourhood plan places a strong emphasis on design to ensure that new development responds to the local character of the area. We support applications for planning permission which demonstrate that they are sustainable development.</p> <p>The Plan seeks to promote the health of the community by planning positively for the provision of shared space, community facilities and other local services to enhance the sustainability of the community. Particular regard should be had to the Feasibility Study for the redevelopment of the Memorial Hall, Freshford which for the purposes of sustainability is based on the theme of 'Wellbeing.'</p> <p>The Plan designates for added protection land which is of particular importance to the community as Local Green Space</p> <p>The Plan introduces the concept of village envelopes to provide additional opportunities for limited infilling and limited affordable housing for local community needs.</p> <p>The Plan seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes recognising at all times the special protection afforded to this Area of Outstanding Natural Beauty.</p>
<p><i>(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plans for the two areas of the local authorities (or any part of those areas),</i></p>	<p>This Plan takes due account of the emerging Local Plans for Bath and North East Somerset Council and Wiltshire Council, including policies for housing and economic development and is in general conformity with them.</p>

<p><i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i></p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) would be required in support of the plan. It was determined (February 2014) that the Neighbourhood Plan will not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.)As such an SEA is not required for this Neighbourhood Plan. Therefore, basic conditions concerning Habits and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.)</p> <p>The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.</p>
<p><i>(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.</i></p>	<p>None</p>

The Qualifying Body has submitted with this application, accompanying documents as set out in Regulation 15 of the Neighbourhood Planning Regulations 2012.

## Conclusion

It is submitted that the Neighbourhood Plan meets the conditions set out in Paragraph 8 of Schedule 4B of the 1990 Act.

NP/CS/

NJS  
27/11/13