

Statement of Basic Conditions

(March 2016)

Ashover Parish Neighbourhood Plan

Introduction

- 1.1 This statement has been prepared by *Yourlocale* on behalf of Ashover Parish Council to accompany its submission to the local planning authority (North East Derbyshire District Council) of the Ashover Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 The policies described in the Neighbourhood Plan relate to development and the use of land in the designated Neighbourhood Plan area only. The plan period for the Neighbourhood Plan is 2016 to 2031 and it does not contain policies relating to excluded development, in accordance with the Regulations. The way in which the Neighbourhood Development Plan meets the Regulations and the Basic Conditions is set out below.
- 1.3 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38(C)] sets out in the following way how the Neighbourhood Plans must meet the basic conditions:
 - (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, as amended by s38C(5)(b)
 - (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.

- 1.4 Section 2 of this Statement sets out how the Ashover Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (d) and (e). 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.

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

- 2.1.1 The Ashover Neighbourhood Plan has been submitted by Ashover Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for its own Parish. The Neighbourhood Plan has been prepared by a Steering Group set up by Ashover Parish Council.

What is being proposed is a neighbourhood plan

- 2.1.2 The Ashover Neighbourhood Plan contains policies relating to the development and use of land within the neighbourhood 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

- 2.1.3 The Ashover Neighbourhood Plan states that the period which it relates to is from 2016 until 2031. The period has been chosen to align with that of the emerging North East District Council Local Plan.

The policies do not relate to excluded development

- 2.1.4 The Ashover 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.
- 2.1.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area.
- 2.1.6 The whole parish of Ashover was formally designated as a Neighbourhood Area by North East Derbyshire District Council on 16 February 2015. The proposed neighbourhood plan relates only to the parish of Ashover and no other area. It does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the neighbourhood area.
- 2.1.7 In relation to sub-paragraph 1(d), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

2.1.8 In relation to sub-paragraph 1(e), there are no other prescribed matters.

The Basic Conditions

3.1 This section addresses how Ashover 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). The Neighbourhood Plan is therefore in general conformity with the saved policies from the North East Derbyshire Local Plan, which it was agreed by the Government Office for the East Midlands on 26 November 2008 should be extended beyond the original timescales envisaged in the Local Plan. The Neighbourhood Plan has been prepared with reference to the emerging Local Plan, the initial draft of which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is scheduled to be Adopted sometime after 2017. Detailed references to relevant paragraphs in the NPPF and to relevant saved policies in the approved Local Plan are given in the justification for each Neighbourhood Plan policy in the main text of the Plan. For this Statement, the table in Appendix 1 shows a summary of the links between Neighbourhood Plan policies and the key themes for delivering sustainable development set out in the NPPF and the strategic saved policies in the approved Local Plan. These links are explored further below

3.2 Having regard to national policies and advice

Building a strong, competitive economy (NPPF paras. 18 - 22)

3.2.1 The Neighbourhood Plan proactively supports sustainable economic growth through its policies for Employment and the Economy. Policy AP 9 safeguards existing employment sites and Policy AP 10 supports small scale employment proposals elsewhere where there is no adverse impact on the surrounding area.

Ensuring the vitality of town centres (NPPF paras. 23 – 27)

3.2.2 The Neighbourhood Plan promotes policies to support the viability and vitality of Ashover and other village centres through Policy AP 10 that protects and enhances shops within the main settlements. Policy AP 2 defines limits to development around the main settlements and set out the type of development that would be supported within it. Policies AP 24, AP 25 and AP 26 protect the village by addressing traffic and parking issues.

Supporting a prosperous rural economy (NPPF para. 28)

3.2.3 The Neighbourhood Plan promotes a strong rural economy through policies AP 9 and AP 10 which promote employment and policies AP 12 and AP 13 which support the retention, provision and enhancement of key community services, facilities and shops.

Promoting sustainable transport (NPPF paras. 29 – 41)

3.2.4 The Neighbourhood Plan's transport policies promote the use of sustainable transport. Policy AP 25 seeks to improve connectivity within the settlements and Policies AP 27 and AP 28 supports 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)

3.2.5 The Neighbourhood Plan's housing policies will deliver a wide choice of high quality homes and create a sustainable, inclusive and mixed community. Policy AP 4 provides a positive contribution to meeting housing needs whilst Policies AP 2, AP 3, AP 5 and AP 6 describe the preferred location and type of housing. Policy AP 7 provides for a mix of market housing types and sizes to reflect local needs. Policy AP 8 introduces policies in relation to affordable housing.

Requiring good design (NPPF paras. 56 – 68)

3.2.6 Good design is integral to a range of Neighbourhood Plan policies. Policy AP 14 requires new development to be of good and sensitive design. Policies AP 15 and AP 16 protect important local buildings and their immediate surroundings from inappropriate development to ensure that design has regard to the local and historic context.

Promoting healthy communities (NPPF paras. 69 – 78)

3.2.7 A range of Neighbourhood Plan policies seek to ensure that Ashover is a healthy, inclusive community. Policy AP 7 supports the provision of new housing to meet local housing needs, including for older people and young families. Policy AP 12 protects key community facilities and shops, drawing attention to their importance for good health. Chapter 12 in the Neighbourhood Plan deals with the natural environment. The protection of Local Green Spaces (Policy AP 19) is recognised as underpinning health and wellbeing.

Meeting the challenge of climate change, flooding and coastal change (NPPF paras. 93 – 108)

3.2.8 Policies AP 2 and AP 3 focus development on the most sustainable locations. Policy AP 20 supports biodiversity and AP 22 Renewable Energy and Low Carbon Technologies. Policies AP 27 and AP 28 support walking and cycling.

Conserving and enhancing the natural environment (NPPF paras. 109 – 125)

3.2.1 The Neighbourhood Plan's environment policies contribute to and enhance the local natural environment by protecting valued landscape and minimising impacts on biodiversity. Policy AP 22 protects the character of the local landscape, and Policy AP 3 the countryside. Policy AP 20 plans positively for the conservation and enhancement of local biological features and habitats. Policy AP 21 recognises the value of trees, hedges and woodlands.

3.3 Achieving sustainable development

3.3.1 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.

3.3.2 Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, this section of the Statement demonstrates how Ashover Neighbourhood Plan fulfils the basic condition that the plan contributes to achieving sustainable development.

3.3.3 The NPPF sets out three dimensions to sustainable development: -

- an economic role– contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.3.4 The ways in which the Ashover Neighbourhood Plan contributes to achieving the economic, social and environmental aspects of sustainable development are set out below:

- 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 line with District wide housing needs and growth projections.
- 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.

3.4 General conformity with the strategic policies of the development plan for the area

3.4.1 The Neighbourhood Plan has been developed in general conformity with the strategic saved policies contained in North East Derbyshire's approved Local Plan adopted in 2008 as shown below and in appendix 1.

Chapter 1 – General Strategy (Saved Policies GS1, GS2, GS3, GS5, GS6, GS7, GS8, GS9, GS10, GS11 and GS 12)

3.4.2 The Neighbourhood Plan Policy AP 1 requires a positive approach to sustainable development. Policy AP 2 supports that development should be focused within the defined Limits of Development. Policy AP 3 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)

3.4.3 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 (AP 19); conserving bio-diversity (AP 20); protecting trees, hedgerows and woodlands (AP 21). Policy AP18 supports the emphasis of the saved policies in the Local Plan on the importance of the landscape quality.

Chapter 3 – Built Environment (Saved Policies BE1, BE2, BE3, BE5, BE6, BE7, BE8, BE9, BE11, BE12 and BE13)

3.4.4 The Saved Policies of the Local Plan stress the importance of the conservation and enhancement of the built heritage. This is reflected in the Neighbourhood Plan through Policy AP 14 which sets out the design standards required in development proposals, and Policy AP 15 which supports the protection of Listed Buildings from inappropriate development. Policies AP 16 and AP 17 protect other non-designated heritage assets from inappropriate development.

Chapter 4 – Employment, Development and Tourism (Saved Policies E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11 and E12)

3.4.5 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.

Chapter 5 – Housing (Saved Policies H1, H2, H3, H5, H6, H7, H8, H9, H11 and H12)

3.4.6 The Neighbourhood Plan conforms to the Saved policies from the Local Plan by ensuring sufficient good quality housing in sustainable locations is provided within the Parish to meet its needs. Policy AP 5 provides for a minimum of 98 new homes in the Parish over the lifetime of the Plan. Policy AP 5 identifies sites for development and Policy AP 6 supports appropriate windfall development. The housing target contained in the Neighbourhood Plan takes into account the latest district wide housing need requirements as reflected the draft Local Plan 2011 – 2031. The Neighbourhood Plan supports the provision of affordable housing (AP 8) and includes policies on housing mix (AP 7) and design (AP 14).

Chapter 6 – Town Centre and Retailing (Saved Policies SH1, SH2, SH3, SH4, SH5, SH6, SH8, SH9, SH10, SH11 and SH12)

3.4.7 The Neighbourhood Plan protects and supports shopping provision within Ashover Parish through Policy AP 7.

Chapter 7 – Transport (Saved Policies T1, T2, T3, T4, T5, T6, T8, T9 and T10)

3.4.8 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 AP 27 and AP 28, which support cycling, walking and horse riding. Policies AP 24, AP 25 and AP 26 address traffic management and improved connectivity, in support of the saved policies of the Local Plan.

Chapter 8 – Recreation and Leisure (Saved Policies R1, R2, R3, R4, R5, R8, R9, R10, R11, R12 and R 13)

3.4.9 The Plan is in conformity with and supports this chapter. This is reflected in Policy AP 19 which protects important Local Green Spaces and Policy AP 12 that supports and protects important community facilities, including recreation and leisure related ones. Policy AP 23 addresses the issue of Noisy Sports.

Chapter 9 – Community Facilities, Services and Utilities (Saved Policies CSU1, CSU2, CSU3, CSU4, CSU5, CSU6, CSU7 and CSU8)

3.4.10 The Neighbourhood Plan conforms to the Saved policies from the Local Plan by supporting and protecting the provision of community facilities (AP 12 and AP 13), including the identification of the key ones. Policy AP 22 supports the provision of appropriate renewable energy and low carbon technologies.

3.5 EU obligations

Strategic Environmental Assessment (SEA)

- 3.5.1 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.
- 3.5.2 In the case of Ashover Neighbourhood Plan:
- the specific sites allocated for development are not significant comprising five small scale housing developments each between 5 and nine dwellings and within or on the edge of the settlements of Ashover, Fallgate and Kelstedge;
 - there are no sensitive natural or heritage assets that may be adversely affected by the proposals in the Plan;
 - it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and shown at Appendix 2.
- 3.5.3 The Parish Council has screened the NP to determine whether an SEA is required.

Habitats Directive

- 3.5.4 A HRA screening of the Neighbourhood Plan has been undertaken. This did not identify any significant effects arising from the proposals contained in the Plan.
- 3.5.5 The Parish therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

Convention on Human Rights

- 3.5.6 The Neighbourhood Plan must have regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights.

3.6 Other Basic Conditions

- 3.6.1 An additional basic condition prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 is that: -

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).

- 3.6.2 Natural England, Environment Agency and Historic England have formally been consulted on the draft Neighbourhood Plan and did not raise any concerns that the Plan would adversely affect an internationally or nationally designated nature conservation sites within Ashover or the

surrounding area. The Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.

3.7 Consultation

- 3.7.1 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was extensive consultation and engagement in identifying issues and objectives and the draft Neighbourhood Plan is being consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made. The Statement of Consultation has been prepared and meets the requirements set out in Paragraph 15 (2) of the Regulations.

Appendix A: Ashover Neighbourhood Plan Policy Links			
Ashover NP POLICY		NPPF	Approved NEDDC Saved Policies
AP1	PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT	Presumption in favour of sustainable development - paragraph 14	Sustainable Development – GS1
AP2	DEVELOPMENT WITHIN LIMITS TO DEVELOPMENT	Delivering a wide choice of high quality homes - paragraph 55	Settlement Development Limits – GS5
AP3	DEVELOPMENT PROPOSALS OUTSIDE THE DEFINED LIMITS OF DEVELOPMENT	Core planning principles - paragraph 17	New Development in the Open Countryside – GS6
AP4	NEW HOUSING PROVISION	Delivering a wide choice of high quality homes - paragraph 47	Sites for Residential Development – H1 Regards has also been had to the housing requirements for the District set out in the draft Local Plan
AP5	NEW HOUSING ALLOCATIONS	Delivering a wide choice of high quality homes - paragraph 47	Sites for Residential Development – H1
AP6	WINDFALL HOUSING SITES	Delivering a wide choice of high quality homes - paragraph 48	Housing Development on other sites within the Settlement Development Limits – H2
AP7	NEW HOUSING MIX	Delivering a wide choice of high quality homes - paragraph 50	Sites for Residential Development – H1
AP8	AFFORDABLE HOUSING	Delivering a wide choice of high quality homes - paragraph 47	Affordable housing in settlements with a population of 3,000 or fewer – H7
AP9	EXISTING EMPLOYMENT USES	Supporting a prosperous rural economy - paragraph 28	Development in new and existing employment areas – E7
AP10	NEW SMALL SCALE EMPLOYMENT-RELATED DEVELOPMENT PROPOSALS	Supporting a prosperous rural economy - paragraph 28	Development in new and existing employment areas – E7
AP11	PROTECTION AND ENHANCEMENT OF SHOPPING PROVISION	Supporting a prosperous rural economy - paragraph 28	Loss of local facilities – SH8

AP12	PROTECTION AND ENHANCEMENT OF COMMUNITY FACILITIES	Supporting a prosperous rural economy - paragraph 28	Protection of existing community facilities – CSU3
AP13	ASSETS OF COMMUNITY VALUE	Supporting a prosperous rural economy - paragraph 28	Protection of existing community facilities – CSU3
AP14	DESIGN	Requiring good design - paragraph 58	General Design Principles – BE1
AP15	LISTED BUILDINGS	Conserving and enhancing the historic environment - paragraph 132	Alterations and works to Listed Buildings – BE7
AP16	BUILDINGS AND STRUCTURES OF LOCAL HERITAGE INTEREST	Conserving and enhancing the historic environment - paragraph 135	Alterations and works to Listed Buildings – BE7
AP17	DRY STONE WALLS	Requiring good design - paragraph 58	General Design Principles – BE1
AP18	SPECIAL LANDSCAPE AREA	Conserving and enhancing the natural environment - paragraph 109	Special Landscape Areas – NE2
AP19	IMPORTANT LOCAL GREEN SPACES	Promoting healthy communities - paragraph 77	Urban Green Space – R3
AP20	BIODIVERSITY	Conserving and enhancing the natural environment - paragraph 109	Protecting and managing features of importance to wild flora and fauna – NE3
AP21	IMPORTANT TREES, HEDGES AND WOODLANDS	Conserving and enhancing the natural environment - paragraph 118	Protection of trees and hedgerows – NE7
AP22	RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES	Meeting the challenge of climate change, flooding and coastal change - paragraph 97	Renewable Energy – CSU7
AP23	NOISY SPORTS	Conserving and enhancing the natural environment - paragraph 109	Specialist and noise generating recreational activity – R8

AP24	TRAFFIC	Promoting sustainable transport environment - paragraph 34	Highway access and the impact of new development – T2
AP25	TRAFFIC MANAGEMENT	Promoting sustainable transport environment - paragraph 34	Highway access and the impact of new development – T2
AP26	TRAFFIC MANAGEMENT	Promoting sustainable transport environment - paragraph 34	Highway access and the impact of new development – T2
AP27	FOOTPATHS, CYCLEWAYS AND BRIDLEWAYS	Promoting sustainable transport environment - paragraph 35	Walking and cycling – T5
AP28	FOOTPATHS, CYCLEWAYS AND BRIDLEWAYS	Promoting sustainable transport environment paragraph 35	Walking and cycling – T5