

# **Denstone Neighbourhood Plan**

## ***Basic Conditions Statement***



**Submission version** *(as required by Regulation 15.1.d of the Neighbourhood Planning (General) Regulations 2012)*

**Denstone Parish Council** and

**Neighbourhood Plan Steering Group**

**August 2016**

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**Appendix 1** - The Executive Decision Record (EDR) of East Staffordshire Borough Council on the designation of Denstone Parish as a Neighbourhood Plan Area.

## **1 Introduction**

1.1 This statement has been prepared by the Denstone Parish Council Neighbourhood Plan Steering Group to accompany submission to the local planning authority (East Staffordshire Borough Council) of the Denstone Neighbourhood Development 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 only to the development and use of land in the designated Neighbourhood Plan area. The plan period is 2016 - 2031. In accordance with the Regulations, it does not contain policies related to excluded development.

1.3 The way in which the plan meets the Regulations and the Basic Conditions is set out below

1.4 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 that Neighbourhood Development Plans must meet the following Basic Conditions.

- Have regard to national policies and advice contained in guidance
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies of the development plan for the area
- Meet EU obligations and Human Rights legislation

1.5 Section 2 sets out how the Denstone Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (d) and (e). Section 3 of this Statement sets out how the Plan meets the Basic Conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## **2 Meeting the Legal Requirements**

*The Plan is being submitted by a qualifying body*

2.1 The Denstone Neighbourhood Plan is submitted by Denstone Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the Parish. The Neighbourhood Plan has been prepared by a Steering Group set up by the Parish Council.

*What is being proposed is a neighbourhood development plan*

2.2 The Denstone 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*

2.3 The Denstone 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 adopted East Staffordshire Local Plan.

*The policies do not relate to excluded development*

2.4 The Denstone 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 plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.*

2.5 The whole parish of Denstone was formally designated as a Neighbourhood Area by East Staffordshire Borough Council on 5<sup>th</sup> February 2014. The Neighbourhood Plan relates only to the Parish of Denstone. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area. The Executive Decision Record (EDR) of East Staffordshire Borough Council on the designation of Denstone Parish as a Neighbourhood Plan Area is attached as Appendix 1.

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

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

*Building a strong, competitive economy and supporting a prosperous rural economy (NPPF Paragraphs 18 to 22 & 28)*

3.2 The Neighbourhood Plan proactively supports sustainable economic growth through its policies for Business and Employment. Policy LE1 provides a positive planning framework for the development of new or expanded small business units and working from home, subject to reasonable criteria. The area based policies, AB1 & AB2 provide a criteria based, positively worded contexts for Denstone College and the JCB proving grounds. Policy CFOS 1 promotes the retention and development of local services and community facilities in villages, such as local shops, community buildings and public houses. Policy RE 2 provides a positive context for investment in new telecommunications facilities which can be important to businesses

*Promoting sustainable transport (NPPF Paragraphs 29 to 41)*

3.3 The Neighbourhood Plan policies promote accessibility. Policy T1 requires sensitively designed and implemented access improvements as part of new development. Community Proposal CPT1 promotes a partnership approach to improving connectivity. In each case, the emphasis is on improved facilities for pedestrians and cyclists.

*Delivering a wide choice of high quality homes (NPPF Paragraphs 47 to 55)*

3.5 Policy SB1 sets out a positive framework for meeting the Local Plan dwelling requirement on sites inside an amended village settlement boundary. Policy H1 provides for new, small scale housing development on infill sites. Policy H2 encourages a range of house types to be provided in new developments, including 1, 2 and 3 bed properties and single level dwellings to meet the needs of elderly people and people with disabilities. These policies will help to create a wide choice of high quality homes and create a sustainable, inclusive and mixed community. Policy H3 is directed towards residential extensions to allow property owners to meet changing needs of households over time.

*Requiring good design (NPPF Paragraphs 56 to 68)*

3.6 Good design is integral to a range of Neighbourhood Plan policies. Policy DP1 promotes good design as part of the approach to achieving sustainable development. Policies BE1 & BE2 relate to heritage features and to identified character areas and requires good design so that the character and atmosphere of the identified areas is maintained and enhanced. Policy BE3 is intended to protect identified local (non-designated) heritage assets.

*Promoting healthy communities (NPPF Paragraphs 69 to 78)*

3.7 A range of Neighbourhood Plan policies seek to ensure that Denstone is a healthy and inclusive community. Policy T1 and Community Proposal CPT1 promote a wider consideration of traffic generating development proposals and improved facilities for pedestrians and cyclists. Policy CFOS2 seeks to protect and enhance existing open space and Policy CFOS3 proposes the designation of three Local Green Spaces.

*Meeting the challenge of climate change, flooding.... (NPPF Paragraphs 93 to 108)*

3.8 The overall Development Principles Policy DP1 sets out general requirements for sustainable development objectives to be met and Policy DP2 sets out more requirements for flood prevention and management issues to be considered. The Community Proposal CPDP1 encourages partnership working to solve existing flooding problems. The Renewable Energy Policy RE1 provides positive context for the consideration of proposals for renewable energy installations, taking account of other environmental considerations.

*Conserving and enhancing the natural environment (NPPF Paragraphs 109 to 125)*

3.9 The Neighbourhood Plan Natural Environment Policies NE1 and NE2 contribute to and enhance the local natural environment by protecting valued landscapes and seeking to enhance biodiversity through requirements for nature conservation. Policy CFOS 3 adds to the level of protection through the designation of Local Green Spaces

*Conserving and enhancing the historic environment (NPPF Paragraphs 126 to 141)*

3.10 The Built Environment Policies BE1, BE2, BE3 and BE4 contribute to and enhance the historic environment by recognising character areas, protecting the Conservation Area, designated and non-designated local heritage assets and archaeological features.

*Plan making - Neighbourhood Plans (NPPF Paragraphs 183 to 185)*

3.11 The preparation of the Neighbourhood Plan, the evidence base and the policies all reflect the guidance and advice contained in relevant section of the NPPF.

## 4 Achieving sustainable development

4.1 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, the Denstone Neighbourhood Plan has been drafted to be in conformity with the adopted East Staffordshire Local Plan, for which a full sustainability appraisal has been carried out to help deliver sustainable development in the Borough. This section of the Statement demonstrates how the Neighbourhood Plan fulfils the basic condition that the plan contributes to achieving sustainable development.

4.2 The NPPF (paragraphs 6 to 10) 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.

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

- contributing to a strong and competitive economy by enabling local employment development, recognising the importance of Denstone College and nearby JCB operations and supporting the viability and vitality of other small business and the village centre.
- planning positively for housing growth, in accordance with the requirement in the adopted Local Plan, to meet the needs of present and future generations and ensure that any development in Denstone respects local character.
- supporting the provision of a mix of housing types and sizes, with a focus on small units, that can meet the needs of a wide range of people, especially older households and promote a healthy and inclusive community.
- supporting new development where it relates well to the local area and incorporates pedestrian and cycle links which provide good connectivity with the rest of the village and encourage the use of sustainable transport.
- promoting policies to protect and enhance open space and biodiversity, which contribute to the sense of community and quality of life in the area.
- promoting policies which encourage the use of sustainable transport, especially walking and cycling (for journeys to work, shop and school and for recreation) to contribute to the health and well-being of the community.

4.4 Policy DP 1 establishes general principles for sustainable development. The other policies of the plan are expressed in such a way as to reflect the presumption in favour of sustainable development and the core planning principles (paragraphs 11 to 16 and 17 of the NPPF)

4.5 The Steering Group considered that, in order for it to be genuinely sustainable, the Neighbourhood Plan needed to be prepared in consultation with the local community. Details of the extensive programme of community engagement and consultation are given a separate Consultation Report. There were four stages of consultation, summarised below.

- 1 November 2014** – Initial questionnaire for local residents.
- 2 September 2015** – A three-week consultation on issues and options, using Denstone show on September 5th as a launch date, with a newsletter and questionnaire, which was distributed across the Parish. In addition, statutory consultees and other interested parties were notified and invited to comment.
- 3 March 2016** – Direct consultation with landowners and developers on a sites assessment exercise and a public exhibition in the Village Hall, attended by 125 people, with 77 questionnaires returned.
- 4 May and June 2016** – Consultation on the draft Neighbourhood Plan, including local residents, businesses, statutory consultees and other interested parties, in accordance with Regulation 14.

4.6 In addition, throughout the consultation process the Steering Group was keen to give opportunities to young people to get involved. All schools which educate Denstone children (4 -18) were asked to take part in an information gathering exercise, including school visits and surveys.

4.7 In order to help to engage younger people outside school (and social media using adults), a Facebook page was set up.

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

5.1 The Steering Group has worked closely with East Staffordshire Borough Council in the preparation of the Neighbourhood Plan and care has been taken to ensure that it is in general conformity with the recently adopted Local Plan.

### **The East Staffordshire Local Plan**

5.2 The Borough Council adopted the Local Plan on 15<sup>th</sup> October 2015. The strategic policy context for Neighbourhood Plans is set by Policy NP1, which includes a cross reference to the other Local Plan policies which, for the purposes of Neighbourhood Plans meeting the Basic Conditions, are considered by the Borough Council to be Strategic. It is set out below.

### **STRATEGIC POLICY NP1 - Role of Neighbourhood Plans**

*Neighbourhood Planning legislation requires Neighbourhood Development Plans to meet the following basic conditions:*

- *have regard to national policies and advice*
- *contributes to the achievement of sustainable development.*
- *be in general conformity with the strategic policies of the development plan for the area*
- *be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.*

*For the purposes of meeting the basic conditions, East Staffordshire Borough Council considers the following Local Plan policies to be strategic:*

- P1 – Principle of Sustainable Development*
- SP1 – East Staffordshire Approach to Sustainable Development from the list of strategic policies*
- SP2 – Settlement Hierarchy*
- SP3 – Provision of Homes and Jobs 2012-2031*
- SP4 – Distribution of Housing Growth 2012 - 2031*
- SP5 – Distribution of Employment Growth 2012 – 2031*
- SP8 – Development outside Settlement Boundaries*
- SP13 – Burton and Uttoxeter Existing Employment Land Policy*
- SP14 – Rural Economy*
- SP16 – Meeting Housing Needs*
- SP17 – Affordable Housing*
- SP18 – Residential Development on Exception Sites*
- SP20 – Town and Local Centres Hierarchy*
- SP32 – Outdoor Sports and Open Space*

*Neighbourhood Plans will be in general conformity with the relevant requirements set out in the strategic policies. Of particular importance is SP2 which seeks to locate new development within existing settlements. Neighbourhood Plans have the ability to:*

- *add settlement boundaries to existing settlements (those listed in SP2), or*
- *extend existing settlement boundaries*

*In addition, Neighbourhood Plans can propose more growth than that set out in the East Staffordshire Local Plan strategic policies. Where Neighbourhood Plans identify a strategy for growth the Borough Council will expect the plan to provide sufficient evidence to demonstrate deliverability of the strategy.*

*For all other policies in the Local Plan there is an opportunity for Neighbourhood Plans to identify a specific local approach, which will only be supported by the Local Authority where there is evidence of a specific local circumstance.*

*The Borough Council expects all Neighbourhood Plans to include proposals for monitoring the policies in the plan. Should monitoring indicate that the development is not coming forward as envisaged in the Neighbourhood Plan action will be taken by the Borough Council to bring forward sites through a Development Plan Document in accordance with SP6.*

5.3 In the Local Plan Denstone is designated as a Tier 2 “Local Service Village” with a requirement of approximately 20 dwellings. Neighbourhood Plan Policy SB1 (village settlement boundary) addresses this. The links between Neighbourhood Plan and Local Plan Policies (and the relevant sections of the NPPF) are summarised in the table below.

<b>Neighbourhood Plan Policy</b>	<b>Objective</b>	<b>Local Plan</b>	<b>NPPF</b>
<b><i>Development Principles</i></b>			
<b>DP1 Sustainable Development Principles</b>	All	All	6 - 17
<b>DP2 Infrastructure – flooding and drainage</b>	1	SP1	94 & 100
<b><i>Settlement boundary Policies</i></b>			
<b>SB1 Development in Village Settlement Boundary</b>	1, 6 & 7	SP 2,3 & 4	17 & 64
<b>SB2 Development outside Settlement Boundaries</b>	1, 6 & 7	SP8 & 18	17
<b><i>Area Based Policies</i></b>			
<b>AB1 Denstone College</b>	2 & 5	N/A	17 & 55
<b>AB2 JCB Testing ground</b>	2 & 5	N/A	17 & 55
<b><i>General Housing Policies</i></b>			
<b>H1 Smaller infill sites criteria</b>	1 & 6	SP4 & 16	56 - 58
<b>H2 Meeting the needs of all sectors of the population</b>	1	SP4 & 16	50
<b>H3 The design of residential conversions and extensions</b>	1 & 6	N/A	56 - 58
<b><i>Built Environment Policies</i></b>			
<b>BE1 Protecting and enhancing local character</b>	5 & 6	SP8	58, 59 & 64

<b>BE2 – Protect and enhance local built heritage assets</b>	6	SP8	126 - 141
<b>BE3 Protect and enhance local non- designated heritage assets</b>	6	SP32	126 - 141
<b>BE4 - Protect and enhance archaeological sites</b>	5 & 6	N/A	126 - 141
<i><b>Natural Environment Policies</b></i>			
<b>NE1 - Protecting the countryside and landscape</b>	5, 6 & 7	SP8	109 - 125
<b>NE2 - Nature Conservation</b>	1, 4 & 5	SP8	109 - 125
<i><b>Transport and Access Policies</b></i>			
<b>T1 Development related traffic requirements</b>	1 & 8	N/A	29 - 41
<i><b>Community &amp; Open Space Policies</b></i>			
<b>CFOS 1 Community buildings, shops and public houses</b>	3	SP2	70
<b>CFOS 2 Existing Open Spaces</b>	4, 6 & 7	SP32	73 - 76
<b>CFOS 3 Proposed Designation of Local Green Spaces (LGS)</b>	4 & 6	N/A	76 - 78
<i><b>Local Employment Policies</b></i>			
<b>LE 1 Local Employment</b>	2	SP14	18 - 22 & 28
<i><b>Renewables &amp; Telecommunication Policies</b></i>			
<b>RE 1 Renewable Energy</b>	5 & 6	N/A	96 -98
<b>RE 2 Telecommunications</b>	5 & 6	N/A	42 - 46
<i><b>Informal Community Proposals</b></i>			
<b>CPDP1 Flood prevention and water management</b>	1 & 2	N/A	94 & 100
<b>CPNE1 Landscape enhancement and countryside management</b>	4 & 5	N/A	109 & 125
<b>CPT1 Pedestrian and cycle accessibly</b>	1	N/A	29 - 41

### **Supplementary Planning Documents**

5.8 The Supplementary Planning Documents (SPDs) prepared by East Staffordshire Borough Council provide guidance to assist in the implementation of planning policies. SPDs are a material consideration in the determination of planning applications. The following SPDs provide a context for the Neighbourhood Plan, and are cross referred to in the relevant NP policies, but they are not considered to be part of the formal Strategic Policy context.

- Denstone Conservation Area Appraisal (CAA) 2015
- East Staffordshire Design Guide
- Re-Use Of Rural Buildings
- Guidance on Traditional Farmsteads in East Staffordshire

## 6 EU obligations

### Strategic Environmental Assessment (SEA)

6.1 In some, limited, circumstances where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment (SEA) under the relevant EU Directive. Government (CLG) 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 neighbourhood plan. An SEA may be required, 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 in a sustainability appraisal of the Local Plan.

6.2 In the case of the Denstone Neighbourhood Plan:

- it does not allocate specific sites for development, relying instead on a settlement boundary approach,
- it does not contain sensitive natural or heritage assets that may be 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.
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Local Plan Sustainability Appraisal.

6.3 However, in accordance with recommended good practice, a screening of the Neighbourhood Plan has been undertaken by East Staffordshire Borough Council to determine whether a SEA is required. The Environment Agency, Natural England and Heritage England were consulted on the draft Plan and on the SEA screening. On the basis of this screening (see separate Determination Statement), the Borough Council concluded that the Denstone Neighbourhood Plan **does not require a SEA to be undertaken** and that it is not in breach of the relevant EU Directive.

### Habitats Directive

6.4 The East Staffordshire Local Plan was required under European Directive 92/43/EEC to be subject to a Habitats Regulations Assessment (HRA). A HRA screening of the Local Plan did not identify any significant effects arising within or adjoining the area of the Denstone Neighbourhood Plan. The Parish Council therefore considers that the Neighbourhood Plan is not in breach of the EU Habitats Directive.

6.5 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).

6.6 Natural England has been consulted during the drafting of the Neighbourhood Plan and confirmed that there are no internationally or nationally designated nature conservation sites within the Denstone Neighbourhood Plan Area.

### **Human Rights**

6.7 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing for older people. The inclusive nature of the preparation of the Plan is a further benefit. In addition, specific attempts have been made to engage young people in the Neighbourhood Plan process.

6.8 The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages.

### **Consultation**

6.9 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. There was extensive consultation and engagement early on in the process and later in identifying issues and options. Finally, a full Draft Neighbourhood Plan has been consulted on 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 Consultation Statement. That statement was prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations. The consultation has been inclusive, with particular efforts made to engage younger people.

**Appendix 1** - The Executive Decision Record (EDR) of East Staffordshire Borough Council on the designation of Denstone Parish as a Neighbourhood Plan Area.

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Executive Decision Record

A1 Service

Area:

Regulatory

Services

A2 Title

Designation of Denstone Parish as a Neighbourhood Area for the purpose their  
Preparation of a Neighbourhood (Development) Plan.

A3 Decision Taken B

Deputy Leader and Chief

Officer

A4 Chief Officer

**Please Philip Somerfield**

**Please sign**



AS Leader/Deputy Leader

*Please Cllr J Jessel*

*Please sign*

A6 Date of  
Decision

, 27th January 2014