

Marchington Neighbourhood Plan

Basic Conditions Statement



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



March 2016

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

Related Documents

- 1** Marchington Neighbourhood Plan Policy Document
- 2** Consultation Report
- 3** Evidence base papers and reports.

1 Introduction

1.1 This statement has been prepared by the Marchington Parish Council Neighbourhood Plan Steering Group to accompany submission to the local planning authority (East Staffordshire Borough Council) of the Marchington 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 2015 - 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 Marchington 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 Marchington Neighbourhood Plan is submitted by Marchington 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 Marchington 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 Marchington 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 Marchington 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 Marchington was formally designated as a Neighbourhood Area by East Staffordshire Borough Council on 7th April 2014. The Neighbourhood Plan relates only to the Parish of Marchington. 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 Marchington 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 – 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. LE2 provides a criteria based, positively based, Policy for the Marchington Industrial Estate. 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.

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 T1 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. Policy BE1 relates 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 BE2 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 Marchington is a healthy, inclusive community. Policy T1 and Community Proposal T1 promote a wider consideration of traffic generating development proposals and improved facilities for pedestrians and cyclists. Policies 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.

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

3.10 The Built Environment Policies BE1, BE2 and BE3 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 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 Marchington 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 Marchington 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 the industrial estate to continue to develop 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 Marchington respects local character.
- supporting the provision of a mix of housing types and sizes 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.

4.3 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)

4.4 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 six stages of consultation and a summary is given below.

- 1 - The designation of a Neighbourhood Plan area (by the Borough Council in March 2014).
- 2 - Public engagement and awareness raising on the approach to the Plan in June 2014.
- 3 – An issues and options consultation on emerging ideas in December 2014.
- 4 – A specific consultation on the draft findings of the housing sites assessment exercise and the (community based) local character study in March 2015.
- 5 - Public and Statutory consultation on a first and second version Draft Neighbourhood Plan, under Regulation 14, in October/November 2014 and January/February 2015.
- 6 - Consultation by the Borough Council on the Strategic Environmental Assessment – SEA – screening in October and December 2014.

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

5.1 The Steering Group has worked closely with the 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 15th 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 Marchington is designated as a Tier 2 “Local Service Village” with a requirement of approximately 20 dwellings (17 net). 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.

Neighbourhood Plan Policy	Objective	Local Plan	NPPF
DP1 Sustainable Development Principles	All	All	6 - 17
DP2 Flood prevention & management	1	SP1	94 & 100
SB1 Development in the settlement boundary	1 & 2	SP 2,3,4	17 & 64
SB2 Development not in settlement boundary	1, 2 & 3	SP8 & 18	17
AB1 HMP Dovegate	1	N/A	
AB2 The Former Barracks site	1, 2 & 7	SP 2,3 & 4	17 & 55
H1 Smaller infill sites criteria	2	SP4 & 16	56 - 58
H2 Meeting needs of all population sectors	2	SP 4 & 16	50
H3 Design; residential conversion & extension	2	N/A	56 - 58
H4 Forestside residential area	2	N/A	56 - 58
BE1 Protecting and enhancing local character	3	SP8 (CAA)	58, 59 & 64
BE2 Protect & enhance local built heritage ts	3	N/A (CAA)	126 - 141
BE3 Protect & enhance archaeological sites	3 & 4	N/A	126 - 141
NE1 Protecting the countryside & landscape	3	SP8	109 - 125
NE2 Nature Conservation	3	SP8	109 - 125
T1 Development related traffic requirements	1	N/A	35
CFOS 1 Community buildings, shops and pubs	1	SP2	70
CFOS 2 Existing Open Spaces	3 & 6	SP32	73 - 76
CFOS 3 Local Green Spaces	3 & 6		76 - 78
LE1 Local Employment	7	SP14	28
LE2 Marchington Industrial Estate	7	SP14	28
RE 1 Renewable Energy	1	N/A	96 – 98
RE 2 Telecommunications	1	N/A	42 - 46
CPSB1 Flood prevention & water management	1	N/A	94 & 100
CPNE1 Partnership work on conservation	3	N/A	109 - 125
CPT1 Pedestrian & cycle accessibly/connections	1 & 6	N/A	35

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.

- Marchington 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. 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 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 Marchington Neighbourhood Plan:

- it does not allocate specific sites for development
- 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 Sustainability Appraisal on the WNJNCS.

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 Marchington 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 Marchington 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 and one nationally designated nature conservation site (a Site of Special Scientific Interest) within Marchington. However, it has been concluded that the plan will not result in any adverse impact on this feature.

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. 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.

In addition, although the responses from Her Majesty's Prison Service and Serco have been limited, attempts were made to engage that institution on the preparation of the Neighbourhood Plan with reference to HMP Dovegate, which is in the Plan area.

Consultation

6.8 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Report. There was extensive consultation and engagement early on in the process and later in identifying issues and options. Finally, the 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 Statement of Consultation. The Consultation report has been 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 the remote residential area of Forestside and to engage the owners of the industrial estate.

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

Ref:

Please leave blank for completion by DS officers

Executive Decision Record

A1 Service Area:

Regulatory Services

A2 Title

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

A3 Decision Taken By

Deputy Leader and Chief Officer

A4 Chief Officer

Please Philip Somerfield
Please sign 

A5 Leader/Deputy Leader

Please Cllr S Andjelkovic
Please sign 

A6 Date of Decision

7th April 2014

A7 Is this Decision confidential by containing exempt information as described in Schedule 12A of the Local Government Act 1972?

No

A7.1 If yes, please state relevant paragraph from Schedule 12A LGA 1972.

Paragraph []

A8 Which Scrutiny Committee should this decision be submitted to? (please tick as appropriate)

- Scrutiny (Encouraging Local Enterprise) Committee
- Scrutiny (Enhancing Lives) Committee
- Scrutiny (Relevant and Better Value Services) Committee

The questions contained in this questionnaire are not to be altered in any way. If you have any queries regarding the contents of this document, please contact Peter Davies Ext 1309 or refer to Part 3 Section 6 of the Constitution.