



# WINSHILL PARISH COUNCIL



NEIGHBOURHOOD PLAN 2012 - 2031

## BASIC CONDITIONS STATEMENT - FEBRUARY 2017

## **CONTENTS**

<b>Basic Conditions</b>	<b>3</b>
<b>Legal Requirements</b>	<b>4</b>
<b>Compatibility with National Policies</b>	<b>5</b>
<b>Conformity with the Local Plan</b>	<b>9</b>
<b>EU Habitat Obligations</b>	<b>13</b>
<b>Human Rights Assessment</b>	<b>13</b>

## Basic Conditions

Planning Practice Guidance (March 2014) issued by the Department for Communities and Local Government sets out the basic conditions which are required to be met before a draft Neighbourhood Plan can proceed to a referendum. In summary, these conditions are as follows:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State – this includes support for strategic development needs set out in the Local Plan for the area; positive support in their area for local development, including that outside the strategic elements of the Local Plan; and not undermining the strategic priorities of the Local Plan or promoting less development than set out in the Local Plan.
2. Contributing to the achievement of sustainable development – this includes a requirement to demonstrate how the plan will contribute to improvements in environmental, economic and social conditions, or that consideration has been given to how any potential adverse effects arising from the proposal may be prevented, reduced, or offset; and the presentation of sufficient and proportionate evidence on how the draft neighbourhood plan guides development to sustainable solutions.
3. General conformity with the strategic policies contained in

the development plan for the area - this includes whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with; the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy; whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy; and the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

4. Compatibility with EU obligations – this includes Directive 2001/42/EC (the Strategic Environmental Assessment Directive); Directive 2001/92/EU (the Environmental Impact Assessment Directive); and Directives 92/43/EEC and 2009/147/EC (the Habitats and Wild Birds Directives).
5. Compatibility with Human Rights Obligations.

This Basic Conditions Statement demonstrates how the Winshill Neighbourhood Plan meets these requirements together with the legal requirements.

## Legal Requirements

These in effect are that the Plan:

1. is being submitted by a qualifying body.
2. sets out policies in relation to the development and use of land.
3. states the period in which it is to have effect.
4. policies do not relate to excluded development.
5. does not relate to more than one neighbourhood area.

## Compatibility with Legal Requirements

With regard to the Legal Requirements The Neighbourhood Plan covers the parish of Winshill, a parished area within the urban area of Burton upon Trent, East Staffordshire, with a population (2011) of 8,466. On 24 April 2014, following an application from the Parish Council, and a period of public consultation, East Staffordshire Borough Council designated the whole of the parish as a Neighbourhood Plan Area.

Winshill Parish Council confirms that the Winshill Neighbourhood Plan:

1. has been compiled by the Parish Council as the qualifying body.
2. sets out policies in relation to the development and use of land.
3. covers the period 2012 – 2031.
4. relates only to the Parish of Winshill and to no other neighbourhood area.
5. is the only Neighbourhood Plan for the neighbourhood area it covers.

## **Compatibility with National Policy**

With regards to Basic Condition 1 and 2 The Winshill Neighbourhood Plan has been prepared in accordance with National Policy which is expressed through the National Planning Policy Framework (NPPF). NPPF contains a central presumption of Sustainable Development, which is a golden thread running through plan-making and decision-taking, and which is generally accepted as planning to meet the needs of the present without compromising future generations.

NPPF includes three strands of Sustainable Development, to which Neighbourhood Plans must demonstrate a contribution.

- **Building a strong, responsive, and competitive economy**
- **Supporting strong, vibrant, and healthy communities**

- **Protecting and enhancing the natural, built, and historic environment**

The Neighbourhood Plan sets out a clear vision for Winshill to be an attractive and safe economically and socially thriving community and a place where people wish to live. There are limited opportunities at present for new development, but the plan is clear that small scale new housebuilding should be allowed when opportunities arise, and that employment should be encouraged, particularly through support for home working and local enterprise. The plan includes clear policies regarding the protection and enhancement of the natural, built, and historic environment.

The following table shows how the Winshill Neighbourhood Plan in accordance with Basic Condition 3 complies with the 12 core planning principles and 13 sustainability policies included in the National Planning Policy Framework (NPPF).

<b>NPPF Core Principles and Sustainability Policies</b>	<b>Winshill Neighbourhood Plan – relevant Objectives and Policies</b>
<i>Principles</i>	
<b>Plan led</b>	All objectives and policies are relevant in demonstrating that the plan will lead the delivery of community aspirations.
<b>Enhance and Improve Places</b>	The plan contains a strong focus on enhancing the natural and built environment in Winshill.
<b>Economic Development</b>	Objective 8 (re Improving employment prospects) and Policies 9 (Support for Home Working and Local Enterprise) and 10 (Supporting the Local Shopping and Service Areas) demonstrate the importance of local economic growth.
<b>High Quality Design and Standard of Amenity</b>	Objective 1 (regarding new developments being of a high quality design) and Policy 8 (Support for Good Design) set out the standards expected.
<b>Character</b>	Objectives 1 (design to reflect local vernacular), 3 (resisting change of use) and 9 (enhancing and creating public open space) and Policies 1 (Enhancing and Protecting Open Space), 4 (Green and Blue Infrastructure Protection), 5 ( Local Heritage Area) and 8 (Support for Good Design ) demonstrate the importance placed by the plan on the retention and enhancement of character of the neighbourhood area.
<b>Climate Change and Flood Risk</b>	There are no specific policies in the plan – however, Objective 1 (which commits the Parish Council to encourage sustainable construction with low energy use), Policy 4 (Green and Blue Infrastructure Protection, which will protect areas at risk of flooding adjacent to the River Trent) and Policy 10 (Support for Home working and local enterprise, which will reduce the need for work related travel) are relevant.
<b>Conserving and Enhancing the natural environment</b>	Environmental enhancement is a key feature of the plan - Objective 9 (enhancing and creating new public open space) and Policies 1 (Enhancing and Protecting Open Space) and 4 (Green and Blue Infrastructure Protection) are relevant.
<b>Using brownfield land</b>	There are very few existing or potential brownfield sites in the neighbourhood area and as such no reference is included in the plan.
<b>Promoting mixed use</b>	Mixed use is promoted through Objective 3 (resisting change of use) and policies 9 (Supporting Home Working and Local Enterprise) and 10 (Supporting the Local Shopping and Service Areas), which highlight the importance of a range of economic activities in a predominately residential

<b>Conserving heritage</b>	Objective 1 (protecting local heritage assets) and policy 5 (Local Heritage Area) are intended to offer protection to the principal area of historic interest in Winshill.
<b>Sustainable transport</b>	The plan promotes sustainable transport through Objective 7 (identifying and supporting improvements in local public transport) and policies 12 (Public Transport) and 13 Cycling and Walking).
<b>Health and social and cultural well being</b>	Most of the objectives and policies are relevant to a positive framework to promote health and social well-being and improvement and protection of the cultural environment. In particular policies 1,2,3 and 4 in terms of environmental improvement and protection of open space and policies 12 and 13 in relation to public transport and encouraging walking and cycling.
<i>Policies</i>	
<b>Building a strong competitive economy</b>	Policy 9 (Support for Home Working and Local Enterprise) encourages entrepreneurial activity and additional investment.
<b>Ensuring the vitality of town centres</b>	Policy 10 (Supporting the local shopping and service areas) will support the retention and development of the existing District Centre.
<b>Supporting a prosperous rural economy</b>	Not relevant to this plan.
<b>Promoting sustainable transport</b>	The promotion of sustainable transport is covered extensively – see Objectives 5 (re parking), 6 (re traffic), 7 (re public transport); Policies 3 (Protecting and Enhancing Rights of Way), 11 (Parking), 12 (Public Transport), 13 (Cycling and Walking), 14 (Connectivity with the local Highway network).
<b>Supporting high quality communications infrastructure</b>	Not addressed directly.
<b>Delivering a wide choice of quality homes</b>	Following advice received from the Local Planning Authority, the Neighbourhood Plan does not make an explicit allocation for the development of new housing; however the plan assumes that a quantum of 100 – 150 new dwellings over the plan period is appropriate to meet the needs of the local community and contribute to the overall Local Plan allocation for Burton. The expectation is that opportunities for development will be through windfall sites, some limited residential conversions and sub-division, and possibly through redevelopment.

<b>Requiring good design</b>	A high quality of design is a priority, with a focus on the local vernacular – see Objective 1 (re protection of local built heritage and promotion of high quality design); Policy 8 (Support for Good Design).
<b>Promoting healthy communities</b>	The plan contains several references to activities which will promote health and well-being, including Policies 1 (Enhancing and Protecting Open Space), 2 (Local Green Space), 3 (Protecting and Enhancing Rights of Way), 4 (Green and Blue Infrastructure Protection), 13 (Cycling and Walking); in addition, recreational facilities and indoor sports facilities are included as priorities for future investment.
<b>Protecting green belt land</b>	Not relevant to this plan.
<b>Meeting the challenge of climate change, flooding, and coastal change</b>	The plan gives prominence to the retention of green space, (Policies 1, 2, 3, and 4) which will ensure the retention of significant areas where surface water runoff will be minimised; in addition, Policy 11 requires the use of permeable surfaces for any development which would result in existing garden space being used for parking or access.
<b>Conserving and enhancing the natural environment</b>	Policies 2 (Local Green Space), 4 (Green and Blue Infrastructure Protection) demonstrate the importance of the natural environment.
<b>Conserving and enhancing the historic environment</b>	The plan states that Winshill’s cultural and built heritage will be cherished with Georgian and Victorian housing improved and conserved; Policies 5 (Local Heritage Area), 7 (Support for Creative and Innovative Infill Development), 8 (Support for Good Design) expand on this theme.
<b>Facilitating the sustainable use of minerals</b>	Not relevant to this plan.



**Conformity with the East Staffordshire Local Plan 2012-2031**

The Winshill Neighbourhood Plan has been prepared in full recognition of The East Staffordshire Local Plan 2012 – 2031 **ESBCLP\_2031** which includes 35 Strategic Policies, of

which 13 are described as being of particular relevance for Neighbourhood Planning. The following tables show how the Winshill Neighbourhood Plan is compatible with the **ESBCLP\_2031** Strategic Policies, with the most relevant Strategic Policies shown in bold type.

<b>ESBC Local Plan 2012 – 2031 Strategic Policies</b>	<b>Winshill Neighbourhood Plan – relevant objectives and policies</b>
<b>SP1 – Sustainable Development</b>	The plan guides development to sustainable solutions through Objective 1 (re protection of local heritage assets and encouragement for high design quality and sustainable construction) and Policies 6 (Housing Mix), 7 (Support for Creative and Innovative Infill Development), 8 (Support for Good Design), 9 (Support for Home- working and Local Enterprise), and 10 (Supporting the Local Shopping and Service Areas).
<b>SP2 – Settlement Hierarchy</b>	The plan reflects the settlement hierarchy set out in the Local Plan.
<b>SP3 – Provision of Homes and Jobs</b>	The Plan sets clear aspirations to deliver housing for local needs, including an appropriate contribution to the overall housing requirement for East Staffordshire set out in the Local Plan, and to create improved employment opportunities for local residents - Objective 8 (re employment); Policies 6 (Housing Mix), 7 (Support for Creative and Innovative Infill development), 9 (Support for Home Working and Local Enterprise) are relevant.
<b>SP4 – Distribution of Housing Growth</b>	Following advice received from the Local Planning Authority, the Neighbourhood Plan does not make an explicit allocation for the development of new housing; however the plan assumes that a quantum of 100 – 150 new dwellings over the plan period is appropriate to meet the needs of the local community and contribute to the overall local plan allocation for Burton upon Trent. The expectation is that opportunities for development will be through windfall sites, some limited residential conversions and sub-division, and possibly through redevelopment. The plan is clear in acknowledging that the area will seek to accommodate a relevant proportion of the housing allocation for the Burton urban area, and retains flexibility to increase housing capacity in the event of the redevelopment of public housing areas.

<b>SP5 – Distribution of Employment Growth</b>	The Local Plan does not contain any specific employment targets for Winshill; however Policy 9 (Support for Home Working and Local Enterprise) encourages the establishment of new small scale employment opportunities.
<i>SP6 – Managing the release of Housing and Employment Land</i>	Not relevant to this plan.
<i>SP7 – Sustainable Urban Extensions</i>	Not relevant to this plan.
<b>SP8 – Development outside settlement boundaries</b>	Not relevant to this plan.
<i>Infrastructure delivery and implementation</i>	See Community Action 4 (Local priorities for infrastructure).
<i>SP10 – Education Infrastructure</i>	Not relevant to this plan.
<i>SP11 – Bargates / Molson Coors Strategic Allocation</i>	Not relevant to this plan.
<i>SP12 – Derby Road regeneration corridor</i>	Not relevant to this plan.
<b>SP13 – Existing employment land policy</b>	Objective 3 sets a clear aspiration to retain existing buildings used for employment and Policy 10 supports the retention of existing shopping and service areas.
<b>SP14 – Rural Economy</b>	Not relevant to this plan.
<i>SP15 – Tourism , Culture and Leisure Development</i>	Not relevant to this plan.
<b>SP16 – Meeting Housing Needs</b>	The plan acknowledges the extent to which Winshill will need to accommodate some of the housing Requirement identified for the Burton Urban Area in the <b>ESBCLP_2031</b> ; however, following advice from the Local Planning Authority, no specific housing figure is included in the Neighbourhood Plan, although an assumption is included that a quantum of 100 – 150 new dwellings over the plan period will be appropriate. Acknowledging the Plan makes no residential land allocations and opportunities for new development are limited the quantum of housing is reconciled to the windfall allowance. See Objective 2 (re housing need); Policies 6 (Housing Mix),7 (Support for Creative and Innovative Infill Development).

<b>SP17 – Affordable Housing</b>	There is a clear local preference for the provision of low cost market homes – this is covered in Policy 6 (Housing Mix).
<b>SP18 – Residential Development for Exception Sites</b>	Not covered in this plan.
<i>SP19 – Sites for Gypsies, Travellers, and Travelling Showpeople</i>	Not relevant to this plan.
<b>SP20 – Town and Local Centres Hierarchy</b>	Policy 10 (Supporting the local shopping and service areas) encourages the retention and enhancement of the existing District Centre.
<i>SP21 – Managing Town and Local Centres</i>	Policy 10 (Supporting the Local Shopping and Service Areas) encourages the retention and enhancement of the existing District Centre.
<i>SP22 – Supporting Communities locally</i>	See Objective 4 (re developer contributions); Community Action 4 (Local Priorities for Infrastructure).
<i>SP23 – Green Infrastructure</i>	See Policies 1 (Enhancing and Protecting Open Space), 2 (Local Green Space), 4 (Green and Blue Infrastructure Protection) .
<i>SP24 – High Quality Design</i>	See Objective 1 (re protection of local built heritage and promotion of high quality design); Policy 6 (Support for Good Design).
<i>SP25 – Historic Environment</i>	Policy 6 (Local Heritage Areas) will give protection to the principal area of historic interest in the neighbourhood.
<i>SP26 – National Forest</i>	Not relevant to this plan.
<i>SP27 – Climate Change, Water Body Management and Flooding</i>	Not relevant to this plan.
<i>SP28 – Renewable and Low carbon Energy Generation</i>	Not relevant to this plan.

<i>SP29 – Bio and Geo Diversity</i>	Not relevant to this plan.
<i>SP30 – Locally Significant Landscape</i>	Not relevant to this plan.
<i>SP31 – Green Belt and Strategic Green Gaps</i>	Policy 4 (Green and Blue Infrastructure Protection) refers.
<b>SP32 – Outdoor Sports and Open Space Policy</b>	The plan contains very clear aspirations to maintain and improve the quality of open space, and to improve access to enable greater use by local residents – see Objective 9 and Policies 1 (Enhancing and Protecting Open Space), 2 (Local Green Space), 4 (Green and Blue Infrastructure Protection).
<i>SP33 – Indoor Sports Policy</i>	See Objective 4 (re developer contributions); Community Action 4 (Local Priorities for Infrastructure).
<i>SP34 – Health and Wellbeing</i>	See comments regarding conformity with National Policy.
<i>SP35 – Accessibility and Sustainable Transport</i>	See Objectives 5 (re parking), 6 (re traffic), 7 (re public transport); Policies 2 (Local Green Space), 3 (Protecting and Enhancing Rights of Way), 11 (Parking), 12 (Public Transport), 13 (Cycling and Walking), 14 (Connectivity with the Local Highway Network).



## Compatibility with EU Obligations

### EU Habitat Regulations

To satisfy Basic Condition 4 Screening Opinion for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment was undertaken by ESBC in relation to the Consultation Draft Plan (August 2015). Following the process of consultation with the appropriate statutory bodies this concluded that an SEA would not be required.



East Staffordshire Borough Council further concluded that a Habitat Regulation Assessment would not need to be carried out as it was not considered to be a large enough plan area or involve any policies which are likely to lead to a level of development significant enough to have a negative impact on a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site. The Sustainability Appraisal for the draft Local Plan has taken into account the impact on all relevant protected sites and the Plan's

policies reflect the actions that will need to be taken.



### Human Rights

With regards to Basic Condition 5 There are two key Human Rights aspects on which the Neighbourhood Plan might have a detrimental impact - these are Protection from Discrimination and Protection of Property. The Plan has been assessed to ensure that there are no intended or unintended consequences which might have an impact in these respects, taking account (with regards to Discrimination) of individuals with protected characteristics (Age, Disability, Sex / Gender Reassignment / Pregnancy and Maternity, Race, Religion or Belief, Sexual Orientation). The following table shows the impact (Positive, Negative, or Neutral) of each of the Objectives and Policies contained in the plan on individuals with any of these characteristics, and in regard to property rights.

## Human Rights Assessment of Winshill Neighbourhood Plan - Objectives and Policies

Winshill Neighbourhood Plan	HUMAN RIGHTS (Impact on persons with protected characteristics)
<b>Objective 1</b> – To protect local built heritage assets and ensure that any new developments are of a high design quality reflecting the local vernacular, are of sustainable construction with low energy use and meet the needs of local people	Neutral
<b>Objective 2</b> – To ensure that new housing provision meets the needs of the local community and complements the existing character of the area	Neutral
<b>Objective 3</b> – To resist the change of use of employment premises and shops to residential use unless it is clear that no compatible other use with the existing use class order may be found	Neutral
<b>Objective 4</b> – To ensure that developer contributions are used within Winshill for defined needs which have public support	Neutral
<b>Objective 5</b> – To ensure that opportunities are taken to increase the provision of adequate off street parking to maintain traffic flows and ensure adequate parking spaces are freed up to enable customers access to local shops and services	Positive – ensures access for people with mobility difficulties
<b>Objective 6</b> – To deter unnecessary through traffic in the ward by appropriate signage and traffic control measures	Neutral
<b>Objective 7</b> – To identify and support improvements in public transport provision to meet the needs of local residents, especially bus services to Burton and Swadlincote Town centres and employment areas and to Burton Hospital	Positive – ensures access for people with mobility difficulties

<b>Objective 8</b> – To improve the employment prospects for WInshill residents	Neutral
<b>Objective 9</b> – To enhance existing areas of public open space and seek to create new ones. The enhancement will meet the needs of local residents and wildlife to offer safe leisure experiences and generally increase the use of such spaces.	Neutral
<b>POLICY 1 – Enhancing and Protecting Open Space</b>	Neutral
<b>POLICY 2 – Local Green Space</b>	Neutral
<b>POLICY 3 – Protecting and Enhancing Rights of Way</b>	Neutral
<b>POLICY 4 – Green and Blue Infrastructure Protection</b>	Neutral
<b>POLICY 5 – Local Heritage Area</b>	Neutral
<b>POLICY 6 – Housing Mix</b>	Positive – supports housing for people with specific age related and other needs
<b>POLICY 7 – Support for Creative and Innovative Infill Development</b>	Neutral
<b>POLICY 8 – Support for Good Design</b>	Neutral
<b>POLICY 9 – Support for Home-working and Local Enterprise</b>	Neutral

<b>POLICY 10 – Supporting the Local Shopping and Service Areas</b>	Positive – local services are more likely to be important to some people with protected characteristics
<b>POLICY 11 - Parking</b>	Positive – contains specific requirements relating to dwellings targeted at older age groups
<b>POLICY 12 – Public Transport</b>	Positive – contains specific requirements related to developments targeted at older age groups
<b>POLICY 13 – Cycling and Walking</b>	Positive – requires the provision of fully accessible footways within developments
<b>POLICY 14 – Connectivity with the Existing Highway</b>	Neutral