

Clutton Neighbourhood Plan Basic Conditions Statement

Introduction

This document explains how the proposed Clutton Neighbourhood Development Plan meets the requirements of the Neighbourhood Planning (General) Regulations 2012. It has been prepared by the Clutton Parish Council in accordance with the Localism Act 2011. By Order of Bath and North East Somerset Council made on the 27th August 2013 the parish of Clutton was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown in Appendix 33 of the Clutton neighbourhood Plan.

Background

Clutton Parish Council considered that a neighbourhood plan would give the local population a greater influence in planning land use in the parish. It would generate interest in community affairs and encourage residents to become more actively involved in the development of their neighbourhood. The Plan will reflect the wishes of the residents as expressed in questionnaires, surveys and public meetings and will be a truly democratic means of delivering the type of neighbourhood that the population desires. It will also seek to facilitate the development of businesses and industries to employ the local population. The decision to undertake a Neighbourhood Plan was one fully supported by the Local Authority of Bath and North East Somerset Council.

Legislation

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

(1) The examiner must consider the following—

- (a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (e) such other matters as may be prescribed.*

(2) A draft neighbourhood development plan meets the basic conditions if—

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and

(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

The relationship between the policies of the National Planning Policy Framework, the Bath and North East Somerset District Council Core Strategy and the Clutton Neighbourhood Plan

Policy No.	Subject Area	Objective	B&NES Core Strategy Policy/Placemaking Plan/Saved Policies of the Local Plan (2007)	National Planning policy Framework (2012)
CNP1	Settlement Separation	To prevent development "creep" into neighbouring settlements	BH16 Village Buffers	
CNP2	Housing development Boundary	To define areas and type of future development		NPPF paras 58, 61
CNP3	Build Character	To ensure distinctive village "look" is retained and enhanced by new development	RA1 Development in the Villages meeting the listed criteria CP10 Housing Mix RA4 Rural Exception Sites CP9 Affordable Housing	NPPF paras 7,37,49 50, 58
CNP4	Future Infrastructure provision	To " future proof" new developments	CP13 Infrastructure Provision	NPPF para 42
CNP5	Sustainability by design	To ensure all developments are as sustainable as possible	SD1 Presumption in favour of Sustainable Development CP3 Renewable Energy	NPPF para 96
CNP6	Safe Roads	To promote safer roads	T14 Introduction of traffic management schemes in residential areas T15 Introduction of traffic management schemes in Rural Areas T24 General development control and access policy	NPPF para 35
CNP7	Sewage Disposal	To prevent future problems with sewage disposal	ES5 Foul and surface water drainage ES9 Pollution and nuisance	NPPF para 58
CNP8	Future Siting of businesses	To ensure all new businesses are as sustainable as possible		NPPF para 34

CNP9	Non- residential development within the HDB	To minimise noise and other disruption to residents	ES 10 Air quality ES 12 Noise and vibration	
CNP10	Traffic Impacts of non-residential development	To minimise traffic problems from non-residential developments	CP13 Infrastructure Provision ES12 Noise and vibration T24 General development control and access policy	
CNP11	Re-use of farms and farm buildings	To promote farms to diversify	POLICY ET.6 Agricultural development POLICY ET.8 Farm diversification POLICY ET.9 Re-use of rural buildings	NPPF paras 28, 55, 111
CNP12	Loss of agricultural land	To ensure no high quality agricultural land is lost	POLICY ET.7 Use of agricultural land	NPPF paras 17, 112
CNP13	Open spaces	To preserve valued open spaces and amenities	GB2 Visual Amenities of the Green Belt NE1 Landscape Character NE4 Trees and woodland conservation NE12 Natural features: retention, new provision and management BH2 Listed buildings and their settings BH15 Visually important open spaces CF1 Protection of land and buildings used for community purposes CF2 New / replacement community facilities CF3 Contributions from new development to community facilities CF8, Allotments SR1A Protection of playing fields and recreational open space SR4 New sports and recreational facilities within or adjoining settlements	NPPF paras 70,73,74,123,171
CNP14	Local Green space	To designate Local Green spaces	GB2 Visual Amenities of the Green Belt BH2 Listed buildings and their settings BH15 Visually important open spaces	NPPF paras 77, 109
CNP15	Landscape and ecology	To ensure that development respects landscape and ecology	GB2 Visual Amenities of the Green Belt NE1 Landscape Character NE4 Trees and woodland conservation	NPPF para 109

			NE12 Trees and woodland conservation BH2 Listed buildings and their settings BH15 Visually important open spaces	
CNP16	Landmark structures	To save local landmark buildings that form part of the heritage of the area.	RA1 Development in Villages meeting the listed criteria RA3 Community Facilities and shops	NPPF para 126
CNP17	Protection of assets of community value	To Protect assets of community value		NPPF para 70
CNP18	Pedestrian Links	To encourage walking by providing more pedestrian links	SR9 Protection of recreational routes T5 Cycling Strategy: improved facilities T14 Introduction of traffic management schemes in residential areas T15 Introduction of traffic management schemes in Rural Areas	NPPF paras 35,69,75
CNP19	Traffic impacts of residential developments	To ensure new developments don't adversely affect roads and all road users	SR9 Protection of recreational routes T5 Cycling Strategy: improved facilities T14 Introduction of traffic management schemes in residential areas T15 Introduction of traffic management schemes in Rural Areas	NPPF paras 35, 69
CNP20	Car Parking Provision	To ensure better parking provision in new developments	T26 On-site parking and servicing provision	NPPF paras 10,39
CNP21	Street Lighting	To reduce future light pollution		NPPF para 125

Meeting Requirements

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed. It is not the case that every Neighbourhood Plan will need an environmental assessment of the type normally required when preparing Local Plans. Strategic Environmental Assessment may be required for Neighbourhood Plans, where they are likely to cause significant environment effects.

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

Regulation	Comments
	<p><i>(1) The examiner must consider the following—</i></p>
<p><i>(a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (2)),</i></p>	<p>The Neighbourhood Plan has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this thriving local rural community ,contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.</p>
<p><i>(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,</i></p>	<p>The provision of 61E (2) 61J and 61L as amended by s38C (5) (b) is a reference to the provisions of 38A and 38B.</p> <p>38A (1)Clutton Parish Council is a qualifying body authorised to act in relation to the neighbourhood area and is therefore entitled to submit a neighbourhood development plan for the neighbourhood area.</p> <p>(2) The neighbourhood plan policies and guidelines relate solely to the Neighbourhood Area – the parish of Clutton.</p> <p>38B(1) (a) The period of the neighbourhood plan is up to 2035. (b)The neighbourhood plan does not include any provision for excluded development such as national infrastructure. (c) There is no other neighbourhood plan in place in this neighbourhood area.</p> <p>38B(2) The neighbourhood plan does not relate to more than one neighbourhood area; it relates to the neighbourhood area as designated by Bath and North East Somerset Council on the 27th August 2013.</p> <p>38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood</p>

	<p>Plan.</p> <p>Clutton Parish Council (the ‘qualifying body’) has submitted as part of the proposal a Consultation Statement setting out the process and extent of the consultation undertaken as part of the neighbourhood plan development. The consultation bodies have been included in the Statement.</p> <p>(Note: NDPs which are likely to have a significant effect on European Sites habitats) must be subject to an appropriate assessment-the Plan will not affect European Sites habitats. NDOs may also be subject to an Environmental Impact Assessment-This is not applicable to NDPs.)</p>
<i>(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i>	It is not considered that there would be any benefit in extending the referendum area beyond the neighbourhood area as the plan relates only to those properties that fall within the neighbourhood boundary.
<i>(e) such other matters as may be prescribed.</i>	There are no other prescribed matters
<i>(2) A draft neighbourhood development plan meets the basic conditions if—</i>	
<i>(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</i>	The Neighbourhood Plan has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this thriving local rural community ,contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.
<i>(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,</i> <i>Para 56</i>	<p>The Government’s approach to sustainable development as set out in the National Planning Policy Framework is about enabling development to cater for the needs of current generations, ensuring that growth doesn’t mean worse lives for future generations.</p> <p>The NPPF attaches great importance to the design of the built environment and states in paragraph 56 that: ‘Good design is a key aspect of sustainable development is indivisible from good planning and through:</p> <ul style="list-style-type: none"> • The Clutton Neighbourhood Plan seeks to protect and enhance the character and identity of the village whilst acknowledging that the village will grow in the future. • The Plan seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes recognising at all times the special protection afforded to the Green Belt and the Area of Outstanding Natural Beauty. • The Plan seeks to ensure that all new dwellings and commercial

	developments shall be laid out to maximise solar energy gain.
<i>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),</i>	This Plan takes due account of the adopted Core Strategy for Bath and North East Somerset Council, including policies for housing and economic development and is in general conformity with them (please see table above)
<i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i>	A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) would be required in support of the plan. It was determined (January 2015) that the Neighbourhood Plan will not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.) As such an SEA is not required for this Neighbourhood Plan. Therefore, basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.) The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.
<i>(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.</i>	None.

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

Conclusion

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