

Claverton Neighbourhood Plan Basic Conditions Statement

Introduction

This document explains how the proposed Claverton Neighbourhood Development Plan meets the requirements of the Neighbourhood Planning (General) Regulations 2012. It has been prepared by Claverton Parish Council in accordance with the Localism Act 2011.

By Order of Bath & North East Somerset Council made on the 18th October 2017 the parish of Claverton was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown on page 5 of the Claverton Neighbourhood Plan.

Background

Claverton Parish Council recognises that Claverton occupies a special place in the magnificent Limpley Stoke valley where development is already constrained by policies relating to those of the Green Belt, the Cotswold Area of Outstanding Natural Beauty. The decision to undertake a Neighbourhood Plan was taken to ensure that future development is in line with the wishes of the community to safeguard its essential character whilst welcoming change which improves its sustainability and enhances its assets for the benefit of the parish. This is fully supported by the Local Authority of Bath & North East Somerset.

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 sub- paragraph (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).

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
<i>(1) The examiner must consider the following—</i>	
<i>(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),</i>	<p>By reason of National Planning Policy Framework (February 2019) paragraph 2, this plan is a material consideration in the determination of an application for planning permission. The Plan seeks to reflect the wishes, needs and priorities of this community.</p> <p>The Neighbourhood Plan has due regard for the Plan-making principles set out in Para 15/16 of the NPPF and in particular seeks to:</p> <ol style="list-style-type: none"> 1. preserve and protect the rural valley and historical character of the Parish. 2. maintain the integrity of the buildings to preserve the Parish’s historical setting and heritage 3. safeguard and enhance the biodiversity and natural habitat within the Parish and encourage measures to reduce its carbon footprint and increase resilience to climate change. 4. support and enhance existing amenities and services within the Parish for the benefit of the community and other stakeholders while preserving its essential local character. 5.
<i>(b) whether the draft neighbourhood</i>	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><i>development plan complies with the provision made by or under sections 61E(2), 61J and 61L,</i></p>	<p>38A (1) Claverton 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 Claverton.</p> <p>38B(1) (a) The period of the neighbourhood plan is up to 2036. (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 18th October 2017.</p> <p>38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Claverton 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>
<p><i>on(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i></p>	<p>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.</p>
<p><i>(e) such other matters as may be prescribed.</i></p>	<p>There are no other prescribed matters</p>
<p><i>(2) A draft neighbourhood development plan meets the basic conditions if—</i></p>	
<p><i>(a) having regard to national policies and advice contained in</i></p>	<p>By reason of National Planning Policy Framework (February 2019) paragraph 2, this plan is a material consideration in the determination of an application for planning permission. The</p>

<p><i>guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</i></p>	<p>Plan seeks to reflect the wishes, needs and priorities of this community.</p> <p>The Neighbourhood Plan has due regard for the Plan-making principles set out in Para 15/16 of the NPPF and in particular seeks to:</p> <ol style="list-style-type: none"> 1. preserve and protect the rural valley and historical character of the Parish. 2. maintain the integrity of the buildings to preserve the Parish's historical setting and heritage 3. safeguard and enhance the biodiversity and natural habitat within the Parish and encourage measures to reduce its carbon footprint and increase resilience to climate change. 4. support and enhance existing amenities and services within the Parish for the benefit of the community and other stakeholders while preserving its essential local character.
<p><i>(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,</i></p> <p><i>Para 56</i></p>	<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 124 that: 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'</p> <p>The Claverton Neighbourhood Plan contributes to the achievement of sustainable development by seeking to;</p> <ul style="list-style-type: none"> • preserve and protect the rural valley and historical character of the Parish. • maintain the integrity of the buildings to preserve the Parish's historical setting and heritage • safeguard and enhance the biodiversity and natural habitat within the Parish and encourage measures to reduce its carbon footprint and increase resilience to climate change. • support and enhance existing amenities and services within the Parish for the benefit of the community and other stakeholders while preserving its essential local character.
<p><i>the making of the neighbourhood development plan is in general conformity with the</i></p>	<p>This Plan takes due account of the adopted Development Plan for Bath & North East Somerset Council, and is in general conformity with policies relating to housing, green spaces and economy.</p>

<p><i>strategic policies contained in the development plan for the area of the authority (or any part of that area),</i></p>	
<p><i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i></p>	<p>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 2019) 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 a 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.)</p> <p>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.</p>
<p>(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.</p>	<p>None.</p>

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.

How Claverton's Neighbourhood Plan is in accordance with the National Planning Policy Framework – July 2018 (NPPF) and B&NES Core Strategy and Placemaking Plan

	NPPF	B&NES Core Strategy / Placemaking Plan (PMP)
<p>PLANNING AND DEVELOPMENT</p> <p><i>To preserve and protect the rural valley and historical character of the Parish.</i></p>		
<p>PD1a Development proposals must demonstrate how they protect and enhance existing green infrastructure whilst not adversely impacting the current agricultural pastures and woodlands.</p>	<p>15. Conserving and enhancing the natural environment</p> <p>6. Building a strong, competitive economy</p>	<p>CP8: Green Belt</p> <p>PMP - NE3: Sites, Species and Habitats</p> <p>PMP - NE4: Ecosystem Services</p> <p>PMP - NE5 -Ecological Networks</p>
<p>PD1b Given the heavy traffic on the main roads (A36 and Claverton Hill) planning applications for developments that generate significant levels of movement should be accompanied by a transport statement in accordance with National Planning Policy Framework and Planning Practice Guidance.</p>	<p>9. Promoting sustainable transport</p>	<p>PMP - ST7: Parking Standards</p>
<p>PD2a Development proposals should promote the retention of the landscape setting of the Parish and its surrounding countryside as an essential part of Claverton's character and important views.</p> <p>Nine key viewpoints were identified in the Claverton Area Appraisal (See Fig2 p16)</p>	<p>15. Conserving and enhancing the natural environment</p>	<p>CP8: Green Belt</p>

<p>PD3a Proposals for the development of existing buildings for housing are supported.</p>	<p>5. Delivering sufficient supply of homes</p>	<p>PMP - H3: Residential uses in existing buildings PMP- RA1: Development in the villages meeting the listed criteria PMP- RE6: - Re-use of Rural Buildings</p>
<p>PD3b Proposals relating to buildings of architectural or historic distinction including non-designated heritage assets should seek to preserve or enhance their character setting. Restoration of original features and/or improvements to previous unsympathetic alterations will be supported.</p>	<p>16. Conserving and enhancing the historic environment 12. Achieving well-designed places</p>	<p>PMP – HE1: Historic Environment PMP – D5: Building Design</p>
<p>PD4a Development should not in isolation or cumulatively cause negative impact to the tranquillity and ambience of the Parish.</p>	<p>15. Conserving and enhancing the natural environment 12. Achieving well-designed places</p>	<p>PMP - NE2: Conserving and Enhancing the Landscape and Landscape Character PMP – NE1: Development and Green Infrastructure</p>
<p>PD5a Development proposals for farming businesses, arboricultural enterprise, small holdings, fruit growing, artisan workshops, will be supported provided they can be shown to be sustainable and benefit the local economy and the wellbeing of the community. They must be sensitive to the local setting without having a detrimental impact on the surrounding landscape, the openness of the Green Belt or historic buildings.</p>	<p>15. Conserving and enhancing the natural environment 6. Building a strong, competitive economy 11. Making effective use of land</p>	<p>PMP- RE3: Farm Diversification PMP – RE5: Agricultural Land PMP- RE6: Re-use of Rural Buildings PMP - HE1: Historic Environmental Beauty PMP - LCR6A: Local Green Spaces</p>

<p>BUILDINGS</p> <p><i>To maintain the integrity of the buildings to preserve the Parish's historical setting and heritage.</i></p>		
<p>B1a</p> <p>Development within or affecting the setting of the Conservation Area will only be supported where the proposal preserves or enhances those elements which contribute to its special character, including the historical assets identified in Appendix IV.</p>	<p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p> <p>12. Achieving well-designed places</p>	<p>PMP - NE2: Conserving and Enhancing the Landscape and Landscape Character</p> <p>PMP - NE1: Development and Green Infrastructure</p> <p>PMP - HE1: Historic Environment</p> <p>PMP - D5: Building Design</p>
<p>B1b</p> <p>Any new development must ensure there will be no detrimental impact of traffic which adversely affects the village environment.</p>	<p>9. Promoting sustainable transport</p>	<p>PMP - ST7: Parking Standards</p>
<p>B2a</p> <p>In line with Claverton Landscape Assessment and the Claverton Conservation Area Appraisal, development proposals which do not sit well, and which dominate the landscape or historical assets, including the form and shape of the rooflines, will not be supported.</p>	<p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p> <p>12. Achieving well-designed places</p>	<p>PMP - D2: Local Character and Distinctiveness</p> <p>PMP- D5 Building Design</p>

<p>ENVIRONMENT</p> <p><i>To safeguard and enhance the biodiversity and natural habitat within the Parish and encourage measures to reduce its carbon footprint and increase resilience to climate change.</i></p>		
<p>E1a</p> <p>Any development should demonstrate how it will: ensure the preservation and protection of hedgerows; support planting of native species of hedging on site boundaries; preserve and protect existing flora and fauna (i.e. hedgerows, trees, wildlife sites). It must not result in any damage to designated wildlife sites.</p>	<p>15. Conserving and enhancing the natural environment</p>	<p>PMP – NE3: Site, Species, and Habitats PMP- NE5: Ecological Networks PMP- NE6 Trees & Woodland Conservation</p>
<p>E2a</p> <p>Development should not increase any form of pollution which would have a detrimental impact on the valley’s flora and fauna.</p>	<p>15. Conserving and enhancing the natural environment</p>	<p>PMP – PCS1: Pollution and Nuisance PMP- NE3: Site, Species, and Habitats</p>
<p>E3a</p> <p>Support will be given to developments which;</p> <ul style="list-style-type: none"> • Incorporate sustainable and natural building materials • Seek to maximise energy efficiency • Provide renewable energy generation <p>These should be on a scale which is sympathetic to and do not detract from the visual character of the Parish</p>	<p>15. Conserving and enhancing the natural environment</p> <p>14. Meeting the challenge of climate change, flooding and coastal change</p>	<p>PMP - D5: Building Design CP2: Sustainable Construction CP3: Renewable Energy</p>
<p>E4a</p> <p>Any development should take account of all the lighting associated with it to include spillage beyond the site boundary into neighbouring properties, the wider countryside and night sky. Lighting should be designed to protect light sensitive species and dark skies.</p>	<p>14. Meeting the challenge of climate change, flooding and coastal change</p> <p>12. Achieving well-designed places</p>	<p>PMP – D8: Lighting PMP – PCS1: Pollution and Nuisance PMP- PCS2: Noise and Vibration</p>

<p>E4b Development which would increase noise pollution is unacceptable as it would be detrimental to tranquillity, biodiversity, community health and wellbeing.</p>	<p>14. Meeting the challenge of climate change, flooding and coastal change</p> <p>12. Achieving well-designed places</p>	<p>PMP- PCS2: Noise and Vibration</p>
<p>E4c Any development along the River Avon and the Kennet & Avon Canal within the Parish should take into consideration B&NES Water Space Design Guidance (June 2018) relating to bat protection and lighting.</p>	<p>8. Promoting healthy and safe communities</p>	<p>H6 Moorings</p>
<p>COMMUNITY AMENITIES</p> <p><i>To support and enhance existing amenities and services within the Parish for the benefit of the community and other stakeholders while preserving its essential local character.</i></p>		
<p>CA1a Proposals to enhance, footpaths, towpaths, cycling routes and bridleways that maintain their original character for public enjoyment of these facilities would be supported.</p>	<p>8. Promoting healthy and safe communities</p>	<p>PMP - ST2A: Cycle Routes</p>
<p>CA2a Proposals for recreational and educational facilities will be supported providing that the siting, design and scale of the development conserves or enhance the quality of the Parish's historic setting, the ecology and surrounding use of the land.</p>	<p>16. Conserving and enhancing the historic environment</p> <p>8. Promoting healthy and safe communities</p>	<p>PMP – LCR6A: Local Green Spaces PMP – HE1: Historic Environment</p>
<p>CA2b Proposals that ensure the retention, improve the quality and/or extend the existing range of community facilities, such as the American Museum, Pumping Station, and Church will be</p>	<p>8. Promoting healthy and safe communities</p>	<p>LCR1- Safeguarding Local Community Facilities</p>

supported provided that the facility and the scale are appropriate to the needs of the community.		
<p>CA3a Any development of the church building should maintain its heritage character while enhancing its potential as a community heritage asset.</p>	16. Conserving and enhancing the historic environment	<p>PMP – HE1: Historic Environment PMP – LCR1: Safeguarding Local Community Facilities</p> <p>PMP - NE2: Area of Outstanding Natural Beauty PMP - NE2A: Landscape Setting of Settlements</p>
<p>CA4a Development that would conflict with the reasons that the local green space has been demonstrated to be special to the local community and holds a particular local significance; and which prejudice its role as Local Green Space, will not be permitted unless very special circumstances are demonstrated.</p>	<p>15. Conserving and enhancing the natural environment</p> <p>13. Protecting Green Belt land</p>	<p>PMP - NE2: Area of Outstanding Natural Beauty PMP - NE2A: Landscape Setting of Settlements</p>
<p>CA5a All development proposals should make provision to connect to the internet to the latest industry standard, supported by a 'Connectivity' Statement provided with the relevant planning application.</p>	10. Supporting high quality communications infrastructure	<p>PMP – LCR 7A: Telecommunications Development PMP - LCR 7B: Broadband</p>