

Englishcombe Neighbourhood Plan Basic Conditions Statement

Introduction

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

By Order of Bath and North East Somerset Council made on the 15th March 2013 the parish of Englishcombe was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown in Appendix 7 of the Englishcombe Neighbourhood Plan.

Background

Englishcombe Parish Council has a strong record of working to serve the community, and has already made excellent progress on local community projects such as the Millstream Project. The decision to undertake a Neighbourhood Plan was taken to ensure that future development of Englishcombe is in line with the wishes of the community and is fully supported by the Local Authority 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).

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 (March 2012) 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 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>
<i>(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,</i>	<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)Englishcombe 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 Englishcombe</p> <p>38B(1) (a) The period of the neighbourhood plan is up to 2034. (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 15th March 2013.</p> <p>38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Englishcombe 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>(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 guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</i></p>	<p>By reason of National Planning Policy Framework (March 2012) 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 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>(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 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"> • Our over-riding vision has been to preserve what is best about Englishcombe Parish today – its open rural environment and landscape, its small-village ambience, its history and its sense of place and timelessness -- while ensuring that it has a plan for the future to ensure the continuing health, happiness and well-being of all its residents. • The Plan seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes

	<p>recognising at all times the special protection afforded to the Green Belt and the Area of Outstanding Natural Beauty.</p> <ul style="list-style-type: none"> • The Plan seeks to improve the economy and provide housing which is in accordance with the principles within the NPPF.’
<p><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></p>	<p>This Plan takes due account of the adopted Local Plan for Bath and North East Somerset Council, including policies for housing and economic development and is in general conformity with them.</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 (June 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.)</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 the Englishcombe neighbourhood plan is in accordance with the National Planning Policy Framework (NPPF) and the B&NES Core Strategy

Englishcombe Neighbourhood Plan Policy	How it is in accordance with the NPPF/other National Policy	How it is in accordance with the B&NES Core Strategy/Saved Local Plan Policies
<p>P&D 1</p> <p>The Neighbourhood Plan will encourage and support farming businesses, arboriculture enterprise, small holdings, fruit growing, light industry, artisan workshops, provided they meet the following criteria:</p> <p>a) They can be shown to be viable and sustainable b) Be shown to benefit the local economy and the wellbeing of the parish c) Is on previously developed land or is limited in-fill within the housing development boundary d) Is in accordance with other Green Belt policies</p> <p>Any development should be sensitive to the local Green Belt setting and not have a detrimental impact on the surrounding landscape or historical buildings.</p>	<p>Paragraph 7 of the NPPF);</p> <p>i) 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;</p> <p>The Rural Economy (paragraph 28 of the NPPF)</p> <p>To promote a strong rural economy, the NPPF state that local an Neighbourhood Plans should: support the sustainable growth and expansion of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; promote the development & diversification of agricultural and other rural businesses;</p>	<p>Core Strategy: 6e A Prosperous Economy</p> <p>Economic Strategy for Bath and North east Somerset 2010-2026</p>
<p>P&D 2</p> <p>The Neighbourhood Plan will seek to support development where it makes use of existing buildings and those that are under-used or derelict in accordance with other polices within this Plan.</p>	<p>Core Planning Principle 17:</p> <p>support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable</p>	<p>Policy CP6:</p> <p>The sensitive reuse and adaptation of historic buildings and spaces will be supported, and in areas where regeneration is required the imaginative integration of new development with the historic environment will be promoted.</p>

<p>It must be clearly demonstrated that the impacts of a proposed development does not have an impact upon existing (& likely) bat roosts or other European Protected Species. Developments involving works to roofs are most likely to encounter bats or birds, for instance: demolitions, barn conversions, loft conversions, roof raising and other alterations to roofs and appropriate mitigation will need to be incorporated to prevent unacceptable damage.</p>	<p>resources (for example, by the development of renewable energy);</p> <p>Paragraph 113</p> <p>Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.</p>	<p>Core Strategy, pg 195:</p> <p>Green Belt</p> <p>Areas of land where development is particularly tightly controlled.</p> <p>The purposes of Green Belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.</p> <p>Policy 6d of the Core Strategy.</p> <p>Policy 6c of the Core Strategy</p>
<p>P&D 3</p> <p>The Neighbourhood Plan will support buildings, conversions and additions of a size, design and height which do not have an adverse impact on the Green Belt, Cotswold Area of Outstanding Natural Beauty or the historical assets of the Parish.</p>	<p>Section 9 of the NPPF, para 79, protection of the Green Belt.</p> <p>Para 87.</p> <p>As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p>	<p>Policy CP6:</p> <p>The sensitive reuse and adaptation of historic buildings and spaces will be supported, and in areas where regeneration is required the imaginative integration of new development with the historic environment will be promoted.</p> <p>Objective 2 of the Core Strategy: maintaining an outstanding built and natural environment by ensuring</p>

		that new development responds appropriately to the locally distinctive context and meets high standards of design.
<p>P&D 4</p> <p>Community Infrastructure Levy funds generated through development in this Parish will be used in accordance with the aspirations set out in this Neighbourhood Plan or in future reviews.</p>		
<p>P&D 5</p> <p>Any development must take into account all of the lighting needs associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary into the wider countryside.</p> <p>In addition, dark corridors for bats and light sensitive species should be incorporated into all new development or redevelopments within the Parish.</p>	<p>Para125.</p> <p>By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>	<p>Policy 6c of the Core Strategy: Landscapes</p>
<p>RE1</p> <p>The neighbourhood Plan will support the re-use of farm buildings provided they are in accordance with the following criteria:</p> <p>a) this is likely to be small scale development and will be of an individual character in keeping with the existing Character of the parish</p> <p>b) Where the building has been in an agricultural use for at least 10 years</p>	<p>Permitted Development Rights Class M (2013)</p> <p>Core Planning Principle 17:</p> <p>support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);</p>	<p>Policy CP6:</p> <p>The sensitive reuse and adaptation of historic buildings and spaces will be supported, and in areas where regeneration is required the imaginative integration of new development with the historic environment will be promoted.</p> <p>Policy 6d of the Core Strategy.</p> <p>Core Strategy, pg 195:</p> <p>Green Belt</p>

<p>c) Where there are no highways and access impacts</p> <p>d) Where there are no noise impacts</p> <p>e) Where there are no contamination risks on the site</p> <p>f) Where there are no flooding risks on the site</p> <p>g) Where a proposed development does not have an impact upon existing (& likely) bat roosts or other European Protected Species.</p> <p>h) Where the design or external appearance of the building is in accordance with other policies in this Plan</p>	<p>The sensitive reuse and adaptation of historic buildings and spaces will be supported, and in areas where regeneration is required the imaginative integration of new development with the historic environment will be promoted.</p>	<p>Areas of land where development is particularly tightly controlled. The purposes of Green Belt are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.</p>
<p>RE2</p> <p>The Neighbourhood Plan will seek to protect the parishes existing ancient hedgerows and would support the planting of additional native-species hedging as part of any new development.</p>	<p>NPPF Para 7:</p> <p>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.</p> <p>Para 81:</p> <p>Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.</p>	<p>Policy 6c of the Core Strategy: Landscapes</p>
<p>RE3</p> <p>All development proposals should seek to retain native trees on site or on the boundary of the site. All development proposals should be accompanied by a tree survey that establishes</p>	<p>Para 109:</p> <p>minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current</p>	<p>Policy 6c of the Core Strategy: Landscapes</p>

the health and longevity of any tree on the site or on the boundary.	and future pressures;	
RE 4 The Neighbourhood Plan will support the conversion of derelict agricultural into recreational use.	Core planning principle 17 Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.	Policy RA3 of the Core Strategy
VE1 Any development should be within the defined Housing Development Boundary as shown on the map on page 17	Para 89: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.	Rural policies within the Core Strategy-villages washed over by the Green Belt.
VE2 The Neighbourhood Plan will support developments where the boundaries of each individual development consist of either of native species hedging and/or local stone.	Para 109: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;	Objective 2 of the Core Strategy: maintaining an outstanding built and natural environment by ensuring that new development responds appropriately to the locally distinctive context and meets high standards of design
FSA1 The Neighbourhood Plan will support the development of an appropriate Parish facility in Englishcombe Village to meet the social, recreational and cultural needs of the community. Any parish facility development must be in accordance with other policies within this Plan.	Para 28: promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. Para 70: To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:	Policy RA3: Access to community facilities – maintaining and enhancing local village centres. Objective 2 of the Core Strategy: maintaining an outstanding built and natural environment by ensuring that new development responds appropriately to the locally distinctive context and meets high standards of design.

	<ul style="list-style-type: none"> plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; 	
<p>CC 1</p> <p>The Neighbourhood Plan will support development that seeks to incorporate sustainable and natural building materials.</p>	<p>Para 99:</p> <p>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</p>	<p>Policy CP2:</p> <p>Sustainable design and construction will be integral to new development in Bath & North East Somerset. All planning applications should include evidence that the standards below will be addressed:</p> <ul style="list-style-type: none"> Maximising energy efficiency and integrating the use of renewable and low-carbon energy (i.e. in the form of an energy strategy with reference to Policy CP4 as necessary); Minimisation of waste and maximising of recycling of any waste generated during construction and in operation; Conserving water resources and minimising vulnerability to flooding; Efficiency in materials use, including the type, life cycle and source of materials to be used; Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting; Consideration of climate change adaptation. <p>Applications for all development will need to be accompanied by a B&NES Sustainable Construction Checklist.</p>
<p>CC 2</p> <p>CC 2 – Renewable energy. (i) The Neighbourhood Plan will support development that seeks to incorporate renewable energy generation as part of a development provided it is in accordance with other policies in this Plan.</p>	<p>Para 99:</p> <p>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When</p>	<p>Policy CP2:</p> <p>Sustainable design and construction will be integral to new development in Bath & North East Somerset. All planning applications should include evidence that the standards below will be addressed:</p> <ul style="list-style-type: none"> Maximising energy efficiency and integrating the use

<p>(ii) The neighbourhood Plan will support renewable energy generation structures where appropriate sites are identified and in accordance with other policies in this Plan.</p> <p>(iii) The Neighbourhood Plan will support renewable energy generation structures that are accompanied by a full impact assessment of the potential effect on bats and other European species and where any impacts are satisfactory mitigated.</p>	<p>new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</p>	<p>of renewable and low-carbon energy (i.e. in the form of an energy strategy with reference to Policy CP4 as necessary);</p> <ul style="list-style-type: none"> • Minimisation of waste and maximising of recycling of any waste generated during construction and in operation; • Conserving water resources and minimising vulnerability to flooding; • Efficiency in materials use, including the type, life cycle and source of materials to be used; • Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting; • Consideration of climate change adaptation. <p>Applications for all development will need to be accompanied by a B&NES Sustainable Construction Checklist.</p>
<p>CC 3</p> <p>The Neighbourhood Plan would support development that seeks to maximise energy efficiency on site.</p>	<p>Para 99:</p> <p>Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</p>	<p>Sustainable design and construction will be integral to new development in Bath & North East Somerset. All planning applications should include evidence that the standards below will be addressed:</p> <ul style="list-style-type: none"> • Maximising energy efficiency and integrating the use of renewable and low-carbon energy (i.e. in the form of an energy strategy with reference to Policy CP4 as necessary); • Minimisation of waste and maximising of recycling of any waste generated during construction and in operation; • Conserving water resources and minimising vulnerability to flooding; • Efficiency in materials use, including the type, life cycle and source of materials to be used; • Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting; • Consideration of climate change adaptation. <p>Applications for all development will need to be</p>

		accompanied by a B&NES Sustainable Construction Checklist.
<p>T&M 1</p> <p>The Neighbourhood Plan will support development if adequate off road parking is included within the area of the development and is in accordance with other policies in this Plan.</p>	<p>Para 35</p> <p>create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;</p>	<p>T19 Saved Policy from the Local Plan Policy (2007)</p> <p>Saved Policy D.2: General design & public realm considerations</p>
<p>T&C 1</p> <p>To support sustainable economic growth, and enhance the provision of local community facilities and services, developers will be required to show how telecommunications services, both fixed line and mobile, will be provided to achieve the government's aspirational target of 100 Mbps.</p>	<p>Para: 156</p> <p>the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);</p> <p>162. Local planning authorities should work with other authorities and providers to:</p> <ul style="list-style-type: none"> ● assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and ● take account of the need for strategic infrastructure including nationally significant infrastructure within their areas. 	<p>5C: Infrastructure and Delivery</p>