

Publow with Pensford Neighbourhood Plan Basic Conditions Statement

Introduction

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

By Order of Bath and North East Somerset Council made on the 11th February 2015 the parish of Publow with Pensford was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown on page 4 of the Publow with Pensford Neighbourhood Plan.

Background

Publow with Pensford Parish Council has a strong record of working to serve the community. Our Neighbourhood Plan is a framework for guiding the future development, regeneration and conservation of our area.

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)Publow with Pensford Parish Council is the 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 Publow with Pensford.</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 11th February 2015.</p> <p>38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Publow with Pensford 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>	<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>(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 Parish of Publow with Pensford is “washed over” by the Green Belt which protects its rural character and limits development to infill and small sites within the Housing Development Boundary (HDB). • The Plan seeks to improve the economy and provide housing which is in accordance with the principles within the NPPF.’
<i>the making of the neighbourhood</i>	This Plan takes due account of the adopted Local Plan for Bath and North East Somerset Council, including policies for housing and economic

<p><i>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>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 (May 2016) 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><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></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.

