

Westfield Neighbourhood Plan Basic Conditions Statement

Introduction

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

By Order of Bath and North East Somerset Council made on the 23rd April 2015 the parish of Westfield was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown in the Westfield Neighbourhood Plan.

Background

Westfield has a strong record of working to serve their community, and progressing community projects. The 'Big Local' fund supports projects in Westfield and Radstock. Westfield Parish is committed to education and enterprise. The decision to undertake a Neighbourhood Plan was one fully supported by 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 (1) support this thriving community within the Somer Valley, (2) contribute to conserving and enhancing the natural environment, (3) 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) Westfield 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 Westfield.</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</p>

	<p>area. 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 23rd April 2015.</p> <p>38B (4)</p> <p>The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Westfield 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 (1) support this thriving community within the Somer Valley, (2) contribute to conserving and enhancing the natural environment, (3) 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’</p> <p>The Westfield Neighbourhood Plan contributes to the achievement of sustainable development through:</p> <ul style="list-style-type: none"> • seeking good design in its policies on Housing: Policy 1 Residential Infill and Backland development; Policy 2 Housing Accessibility Standard and Policy 3 Housing Design.

	<ul style="list-style-type: none"> • The Westfield Neighbourhood Plan seeks to promote the health of the community by planning positively for the provision of shared space, community facilities and other local services to enhance the sustainability of the community. In particular via Policy 14 A Community Facility for Westfield; Policy 15 Developer Contributions; Policy 19 Air Quality and the consideration of road dangers, see Policy 20. • The Plan seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes recognising the important views, via Policy 4 Ecology: Protecting the importance of the green corridors of Waterside Valley and Land north of Fossey Gardens; Policy 5 Rural Landscape Character: Waterside Valley and land north of Fossey Gardens and Policy 6 Important Views.
<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 Development Plan for Bath and North East Somerset Council, and is in general conformity with policies relating to housing, green spaces and economy. .
<i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i>	<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 (October 2017) 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>
<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.

Policy No.	Subject	BANES Core Strategy	BANES Placemaking Plan	NPPF
Housing				
Policy 1	Residential infill and backland developments		D7	Requiring good design
Policy 2	Housing Accessibility Standard		H7	Requiring good design
Policy 3	Housing Design		D1, D2, D3, D4, D5, D6	Requiring good design
Green Spaces				
Policy 4	Ecology: Protecting the importance of the green corridors of Waterside and land north of Fossey Gardens		NE3, NE4, NE5	Conserving and enhancing the natural environment
Policy 5	Rural Landscape Character: Waterside Valley and land north of Fossey Gardens		NE2, NE2A	Conserving and enhancing the natural environment
Policy 6	Important Views		NE2, NE2A	Conserving and enhancing the natural environment
Preserving Heritage				
Policy 7	Preservation of the Historic Environment		HE1, LCR1A	Conserving and enhancing the historic environment
Policy 8	Preserving the assets of community value		HE1, LCR1A	Conserving and enhancing the historic environment
Economy, Industry and Jobs				

Policy 9	Development of Employment		ED2A	Building a strong, competitive economy
Policy 10	New business development on land already in commercial use			
Policy 11	The provision of any new or additional retail floor-space	CP12	CP12, CR1, CR3, CR4	Building a strong, competitive economy
Policy 12	Land Usage Proposals			Building a strong, competitive economy
Policy 13	Proposals for recreational and tourism activities			Building a strong, competitive economy; Supporting a prosperous rural economy
Amenities and Infrastructure				
Policy 14	A community facility for Westfield	CP13	RA3, LCR6	Promoting healthy communities
Policy 15	Developer Contributions	CP12, CP13	CP13	Promoting healthy communities; Meeting the challenge of climate change, flooding and coastal change; Conserving and enhancing the historic environment; Promoting sustainable transport.
Policy 16	Broadband Provision	CP13	LCR7B	Supporting high quality communications infrastructure
Highways				
Policy 17	Drainage: surface water flooding on	CP5	CP5, SU1	Meeting the challenge of

	the A367			climate change, flooding and coastal change
Policy 18	Road Dangers		ST5, ST7	Promoting sustainable transport
Policy 19	Air Quality	CP6	PCS3	Promoting healthy communities; conserving and enhancing the natural environment
Policy 20	Parking: Domestic Dwellings		ST7	Promoting sustainable transport; Requiring good design