

Whitchurch Village Neighbourhood Plan Basic Conditions Statement

Introduction

This document explains how the proposed Whitchurch Village Neighbourhood Development Plan meets the requirements of the Neighbourhood Planning (General) Regulations 2012. It has been prepared by the Whitchurch Village Parish Council in accordance with the Localism Act 2011. By Order of Bath and North East Somerset Council made on the 3rd November 2014 the parish of Whitchurch Village was designated as a Neighbourhood Plan Area.

Map

The Neighbourhood Plan Area - the 'Designated Area' is as shown in the Whitchurch Village neighbourhood Plan.

Background

Whitchurch Village has a strong record of working to serve their community, and have already made excellent progress on local community projects. 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 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)Whitchurch Village 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 Whitchurch Village</p> <p>38B(1) (a) The period of the neighbourhood plan is up to 2042. (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 3rd November 2014.</p> <p>38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan.</p> <p>Whitchurch Village 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"> • seeking good design • The Whitchurch Village Neighbourhood Plan seeks to promote the health of the community by encouraging a reduction in air pollution • The Plan seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes and important ecological corridors recognising at all times the special protection afforded to the Green Belt
<i>the making of the</i>	This Plan takes due account of the adopted Local Plan for Bath and North

<p><i>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>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 (December 2014) 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.

Policy no	B&NES Core Strategy	NPPF	WV NP Objectives
<p>Policy WV 1.1 - Village Design</p> <p>All proposals for new development shall comply with Whitchurch Village Character Assessment Document (2015). Furthermore, each new development application shall demonstrate the following:</p> <p>a) is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Whitchurch Village as defined in the Character assessment in terms of; height, scale, spacing, layout, orientation, design and materials of buildings, the scale, design and materials of the public realm (highways, footways, open space and landscape)</p> <p>b) is sympathetic to the setting of any heritage assets</p> <p>c) incorporates energy efficient design and climatic resilience into the design; and,</p> <p>d) efficiently uses water (such as through the use of flow regulators, water efficient fittings and appliances) and encourages water reuse</p>	<p>DW1 SD1 CP2 SCR5 CP6 D1 D2 D4 D5 D6 D8 D10 HE1 NE2 H7</p>	<p>7, 17, 56, 58, 70, 126, 129</p>	
<p>Policy WV 1.2- Provide a mix of housing types</p> <p>On schemes of more than 10 dwellings, will require a mix of types and sizes to meet the needs of current and future households. Large areas of uniform type and size will not be acceptable.</p>	<p>CP9 H1 CP10</p>	<p>50,55,56.</p>	
<p>Policy WV 1.3- Allocation of Affordable Housing</p> <p>At least 30% of affordable housing within Whitchurch village (or such different number as is evidenced by demonstrable need at the</p>	<p>CP9</p>	<p>7, 47, 50, 51, 54, 55</p>	

<p>time of development) shall be allocated based on a local connection, meaning that people with a strong local connection to the Parish and whose needs are not met by the open market will be the first to be offered the tenancy or shared ownership of the dwelling. A strong local connection means an applicant(s) who:</p> <ul style="list-style-type: none"> a) Is resident in the Parish and needs separate accommodation b) Is not resident in the Parish, but: c) Has family associations in the Parish; or d) Has had periods of residence in the Parish; or e) Through their work provides important services to the Parish and who need to live closer to the community or has employment or the offer of employment within the Parish. 			
<p>Policy WV 1.4- Heritage Assets & Their Setting</p> <p>Any development must conserve and enhance the heritage assets of the Parish and their setting, including maintaining settlement separation. Besides the nationally Listed Buildings, the following buildings and sites are of architectural significance, local distinctiveness and character and historic importance:</p> <p>Inappropriate extensions or revisions to Listed Properties and other properties that, while not Listed, make a contribution to the character of the area will be resisted. Any development must not cause harm or adversely impact on the setting of important heritage</p>			

sites in the Parish.			
<p>Policy WV 1.5- Retain employment in the village</p> <p>Proposals for the redevelopment or change of use of the ground floor of redundant land or buildings in employment or service trade use to non-employment uses will only be permitted if the existing use is no longer economically viable and the site has been marketed for freehold or leasehold at a reasonable price for at least a year without restriction.</p>	SD1, ED1B, ED1c	28	
<p>Policy WV.1.6-Broadband Provision Policy</p> <p>To be supported development proposals for new dwellings, employment premises, and education facilities must make provision to connect to the internet with a minimum symmetrical speed of 25Mbps where available and with realistic future proof upgrades available (demonstrated through a 'Connectivity Statement' provided with relevant planning application).</p>	<p>DW1 SD1 D1 D4 D5 H3 LCR7E RE1</p>	9, 21, 37	
<p>Policy WV 2.1- Positive green buffer management between Whitchurch Village and Bristol</p> <p>Development will not be permitted outside the housing development boundary, as defined on Fig.13 if individually or cumulatively it would result in increasing the coalescence between Whitchurch Village and Bristol or reducing their separate identity by:</p>	<p>BH16 BaNES green Spaces infrastructure study 2013 DW1 RA1 RA5 CP7 BH15</p>	79, 80, 81, 83, 84, 85,87, 88, 89,	

<p>a) Reducing the gap between Whitchurch Village and Bristol or, b) Increasing the density of development within existing curtilages</p>			
<p>Policy WV 2.2- Development proposals, particularly where sited on the edge of Whitchurch Village must maintain visual connections with the countryside</p> <p>Where possible, open views towards the countryside, and across open spaces must be maintained from key existing routes within the village. Views along streets and/or open spaces to the surrounding countryside must be created within new developments where there are opportunities to do so.</p>	<p>DW1 CP6 D1 D2 D5 D10 NE2 NE2a CP7 NE1 GB1</p>	<p>109</p>	
<p>Policy WV2.3- The Visual impact of new development on views into and from the countryside must be minimised.</p> <p>An assessment of views to and from the proposed development must be included in a supporting Visual Impact Statement. Visual impact should be minimised through the design of the site layout, buildings and landscape. The approach to minimising visual impact must be fully explained in the visual impact statement.</p>	<p>DW1 CP6 D1 D5 D10 NE2 NE2a CP7 NE1 PCS3</p>	<p>109</p>	

<p>Policy WV 2.4-Wildlife Corridors and Ecological Network</p> <p>Development must avoid harming existing ecological assets i.e. the habitats and dependent local biodiversity, including any features of importance for foraging and for maintaining habitat connectivity (including local and strategic Ecological Networks). Any development must submit evidence which shows how development will not harm these attributes. This shall be in the form of a Landscape and Ecological Mitigation and Management Plan.</p>	<p>DW1 CP6 D8 NE3 NE4 NE5 NE6</p>	<p>109, 118</p>	
<p>Policy WV 3.1- Proposals for new housing in Whitchurch Village must ensure that the new homes are well integrated with the existing village.</p> <p>Proposals for new housing must ensure that the new homes are well connected both within any site and with the wider village.</p>	<p>DW1 D1 D3 D4 D5 ST1</p>		
<p>Policy WV 4.1- Air Quality</p> <p>Development proposals must demonstrate that developers have considered the impact of their proposals on air quality and where appropriate, provide an air quality management assessment. Developers which would result in detrition of Whitchurch Village’s nitrogen dioxide pollution levels will be resisted.</p>	<p>PCS3</p>	<p>30, 32, 35, 39, 41, 123, 124</p>	

<p>Policy WV4.2 -Traffic Impacts of Developments Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and in operation, in particular addressing impacts on:</p> <ul style="list-style-type: none"> a) Road dangers b) Pedestrian environment and movement c) Cycling infrastructure provision d) Public transport e) The street network 	T25	30, 31, 32, 36	
<p>Policy WV4.3- Traffic and Safety</p> <p>Proposals that accord with the policies in the Plan and result in improvements to the free flow of traffic in the Village will be supported. Proposals requiring planning permission and which seek to increase the number of access points, or which would involve an increase in traffic generation, will need to demonstrate that they do not further inhibit the free flow of traffic or exacerbate conditions of parking stress, including conflict with larger vehicles or encourage through traffic.</p>	D1, D3 D4 D6 D10 LCR2 ST1 ST2 CP13	30, 32	

<p>Policy WV 4.4- Pedestrian and cycle routes must be provided to link together housing and Whitchurch Village community facilities and services</p> <p>Pedestrian and cycle routes must follow desire lines and clearly link new development to community facilities and services. Routes must keep road crossings and changes in level to a minimum. Road crossings must form a natural part of the route, avoiding detours that make the crossing</p>	<p>D1` D4 D10 ST1 ST2a</p>	<p>Manual for streets 2</p>	
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