

**Holymoorside and Walton  
Parish Neighbourhood  
Plan 2016- 2033**

Basic Conditions Report

April 2017

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Holymoorside and Walton Parish Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
- 1 whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
  - 2 whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
  - 3 whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - 4 such other matters as may be prescribed.
- 1.4 Paragraph 8 (2) states that 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
  - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - (c) 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)
  - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
  - (e) 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.

- 1.5 Section 2 of this Statement sets out how the Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Neighbourhood Plan meets the basic conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## **2.0 Legal Requirements**

- 2.1 The Plan complies with the provisions of sub-paragraph 1(b) as described below.

### **The Plan is being submitted by a qualifying body**

The Neighbourhood Plan has been submitted by Holymoorside and Walton Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area.

### **What is being proposed is a neighbourhood plan**

- 2.2 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed Neighbourhood Plan states the period for which it is to have effect**

- 2.3 The Neighbourhood Plan states that the period which it relates to is from 2016 until 2033. The period has been chosen to align with that of the draft North East Derbyshire Local Plan.

### **The policies do not relate to excluded development**

- 2.4 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. The County Council was consulted as part of the Regulation 14 consultation and did not raise any concerns that the Neighbourhood Plan is not compatible with the existing adopted Derbyshire Minerals Local Plan.

**The proposed Neighbourhood Plan does not relate to more than one neighbourhood plan area and there are no other neighbourhood plans in place within the Neighbourhood Plan area.**

- 2.5 The designated Plan area was approved by North East Derbyshire District Council on 4 March 2015. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.
- 2.6 In relation to sub-paragraph 1(c), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.
- 2.7 In relation to sub-paragraph 1(d), there are no other prescribed matters.

### **3.0 The Basic Conditions**

- 3.1 This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the strategic 'saved' policies contained in the North East Derbyshire Local Plan 2001 – 2011 (adopted November 2005).
- 3.2 In accordance with national guidance, the Neighbourhood Plan has been informed by the evidence base of the emerging Local Plan (Consultation version Local Plan).
- 3.3 Detail of how the Neighbourhood Plan is in general conformity with strategic policies in the Local Plan is provided in table 2.

#### **Having regard to national policies and advice**

- 3.4 The Neighbourhood Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF is outlined in table 1 below.

Table 1: Neighbourhood Plan policies regard to NPPF

NPPF	Neighbourhood Plan
Building a strong, competitive economy (NPPF paras. 18 - 22)	The promotion of a strong and sustainable economy is a key theme of the Plan especially through its policies (E1 and E2) for Employment. These policies support the retention of suitable employment uses (Policy E1) recognising that in special circumstances it may appropriate to allow their development for non-employment uses. Policy E2 supports appropriate new small scale development or expansion of existing employment uses where there is no significant adverse impact on the surrounding area.
Ensuring the vitality of town centres (NPPF paras. 23 – 27)	While there are no identified town centres in the Parish, Policy SCF1 protects and enhances shopping provision that meets local needs and Policy S2 focuses retail, cultural and community facilities within the main settlements of Holymoorside and Walton.
Supporting a prosperous rural economy (NPPF para. 28)	The Plan support this by ensuring that the identified existing and future development needs, including housing, of the Parish are met (Policies H1 and S2). It also supports new and existing appropriate employment uses (Policies E1, and E2). Policy SCF 1 support the retention, provision and enhancement of key community services, facilities and shops. Policies TA1, TA2 and TA3 seek to improve transport and accessibility and reduce congestion, thereby making travel easier and improve access to employment opportunities.
Promoting sustainable transport (NPPF paras. 29 – 41)	This is integral to a range of Plan policies. Policy TA2 seeks to protect the existing network of footpaths, cycleways and bridleways and Policy TA3 seeks opportunities to encourage improvement of the existing network of footpaths, cycleways and bridleways. Policy TA1 seeks to manage the traffic impact by requesting a demonstration that development proposals not result in an unacceptable direct/cumulative.

<b>NPPF</b>	<b>Neighbourhood Plan</b>
	<p>impact on congestion and road safety Policy S2 focuses development proposals within the two main settlements of Holymoorside and Walton, which have the best transport connections and infrastructure to the wider area.</p>
<p>Delivering a wide choice of high quality homes (NPPF paras. 47 – 55)</p>	<p>A range of plan policies supports this. Policy H1 supports proposals for small infill development within defined Settlement Development Limits. Policy H2 requires a mix of market housing types and sizes be provided to reflect local needs. Policy H3 requires that larger housing developments include a proportion of affordable housing, and Policy H4 supports in special circumstances the provision of affordable housing on small rural exception sites.</p>
<p>Requiring good design (NPPF paras. 56 – 68)</p>	<p>The Plan places a strong emphasis on design reflecting the community's desire to ensure that new development responds to the local and the special character of the Parish's built and natural environment. Policy BE 4 seeks high quality design in development proposals (including extensions) and amongst other criteria, enhance and reinforce the local distinctiveness of the area. Policies BE1, BE2, and BE3 seek to conserve and enhance important local buildings and structures and their immediate surroundings from inappropriate development to ensure that design has regard to the local and historic context.</p>
<p>Promoting healthy communities (NPPF paras. 69 – 78)</p>	<p>A number of Neighbourhood Plan policies seek to ensure that Holymoorside and Walton Parish is a healthy, inclusive community. Policies H2 and H3 support the provision of new affordable and market housing to meet local housing needs, including for older people and young families. Policy SCF1 protects key community facilities and shops, and highlights their importance to good health. Policy NE5 protects important local green spaces, including in recognition of their importance to health and wellbeing.</p>

NPPF	Neighbourhood Plan
Meeting the challenge of climate change, flooding and coastal change (NPPF paras. 93 – 108)	The Plan's policies support meeting this challenge. Policies S2 and S3 focus development on the most sustainable locations. Policy NE3 promotes and supports biodiversity, and policies TA2 and TA3 support walking and cycling. Policy NE5 protects important local green spaces highlighting their importance in mitigating flood risk.
Conserving and enhancing the natural environment (NPPF paras. 109 – 125)	Holymoorside and Walton has an attractive natural environment and its protection and enhancement is a key focus of the Plan. This is reflected in Policy S2 which focuses development in the main settlements of Holymoorside and Walton, and Policy S3 which protects the areas outside the main settlements of Holymoorside and Walton from development other than appropriate to a rural area. Policy NE1 protects the character of the special local landscape. Policy NE3 seeks to protect and enhance local biological features and habitats. Policy NE4 recognises the value of trees, hedges and woodlands.

### Achieving sustainable development

- 3.5 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.
- 3.6 Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, this section of the statement demonstrates how the Neighbourhood Plan fulfils the basic condition that the plan contributes to achieving sustainable development.
- 3.7 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.

- 3.8 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- contributing to building a strong and competitive economy by supporting small businesses, the retention of appropriate employment sites in the Parish, and by supporting small scale economic development in appropriate locations;
  - planning positively for housing growth to meet the needs of present and future generations in line with the draft Local Plan;
  - supporting the provision of a mix of housing types and sizes that can help meet the needs of a wide range of people and promote a healthy and inclusive community;
  - supporting new development where it relates well to the existing built up area of the Parish; and
  - promoting policies to protect locally important landscape features and biodiversity, which contribute toward the sense of community and quality of life in the area.

### **General conformity with the strategic policies of the development plan for the area**

- 3.9 The Plan has been developed in general conformity with the strategic saved policies contained in North East Derbyshire's approved Local Plan adopted in 2008. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted Local Plan. However, in accordance with national guidance, significant regard has been paid to the evidence base of the emerging (and now draft Local Plan) in producing the Neighbourhood Plan.
- 3.10 Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved strategic policies in the North East Derbyshire Local Plan 2001-2011.

Local Plan	Neighbourhood Plan
Chapter 1 – General Strategy (Saved Policies GS1, GS2, GS3, GS5, GS6, GS7, GS8, GS9, GS10, GS11 and GS 12)	Policy S1 requires a positive approach to sustainable development. Policy S2 supports that development should be focused within the defined Limits of Development. Policy S3 supports that the countryside should be protected from inappropriate development.
Chapter 2 – Natural Environment (Saved Policies NE1, NE2, NE3, NE4, NE5, NE 6, NE7 and NE9)	The Plan’s environmental policies support the emphasis of the saved policies on the conservation and enhancement of the Natural Environment. The Plan includes policies on protecting important Local Green Spaces (Policy NE5); protecting and enhancing bio-diversity (Policy NE3); and protecting and enhancing trees and hedges of good arboricultural, ecological and amenity value (Policy NE4).
Chapter 3 – Built Environment (Saved Policies BE1, BE2, BE3, BE5, BE6, BE7, BE8, BE9, BE11, BE12 and BE13)	The Plan includes policies (S2 and BE4) which sets out the design principles required in development proposals to ensure that they respond to the local character and history and promote or reinforce local distinctiveness. Policy BE1 supports the protection of Listed Buildings from inappropriate development. Policies BE1, BE2 and BE5 protect other non-designated heritage assets from inappropriate development. This includes dry stone walls which is a particular and cherished feature of the Parish. These policies support and are in line with the Saved Policies.
Chapter 4 – Employment, Development and Tourism (Saved Policies E1, E2, E3, E4, E5, E6, E7, E8, E9, E10, E11 and E12)	Policy E1 seeks to protect and retain existing appropriate employment uses and Policy E2 supports new small scale employment initiatives. This is in line with this chapter, which supports employment and economic development across the District.

Local Plan	Neighbourhood Plan
<p>Chapter 5 – Housing (Saved Policies H1, H2, H3, H5, H6, H7, H8, H9, H11 and H12)</p>	<p>The Neighbourhood Plan conforms to the Saved policies from the Local Plan by ensuring sufficient good quality housing in sustainable locations is provided within the Parish to meet its needs. Policy H1 supports small infill and redevelopment sites within the Settlement Development Limits. This is in conformity with the Draft Local Plan which does not allocate housing to Level 3 settlements (Holymoorside and Walton) but that states windfall developments may be acceptable in line with Local Plan criteria of an adopted Neighbourhood Plan.</p> <p>The Plan includes policies on housing type and mix (Policy H2) and supports the provision of affordable housing (Policy H3), including through in special circumstances through exception sites (Policy H4)</p>
<p>Chapter 6 – Town Centre and Retailing (Saved Policies SH1, SH2, SH3, SH4, SH5, SH6, SH8, SH9, SH10, SH11 and SH12)</p>	<p>The Plan supports the retention of shopping provision within the Parish (Policy SCF 1), which is in line with the Saved Policies.</p>
<p>Chapter 7 – Transport (Saved Policies T1, T2, T3, T4, T5, T6, T8, T9 and T10)</p>	<p>The emphasis of the Saved policies of the Local Plan to reduce the need to travel, especially by car, and to encourage the use of public transport, cycling and walking is supported in the Neighbourhood Plan through policies TA1 and TA2, which support cycling, walking and horse riding. Policy TA1 seeks to manage traffic impact by requesting demonstration that development proposals not result in an unacceptable direct or cumulative impact on congestion and road safety. Policy S2 focuses development proposals within the two main settlements of Holymoorside and Walton, which have the best transport connections and infrastructure to the wider area.</p>

Local Plan	Neighbourhood Plan
Chapter 8 – Recreation and Leisure (Saved Policies R1, R2, R3, R4, R5, R8, R9, R10, R11, R12 and R 13)	The Plan conforms to the Saved policies from the Local Plan by supporting and protecting the provision of community facilities (Policy SCF1) and important local green spaces (Policy NE1).
Chapter 9 – Community Facilities, Services and Utilities (Saved Policies CSU1, CSU2, CSU3, CSU4, CSU5, CSU6, CSU7 and CSU8)	The Plan is in conformity with and supports this chapter. This is reflected in Policy NE5 which protects important Local Green Spaces and Policy SCF1 that supports and protects important community facilities, including recreation and leisure related ones.

## EU obligations

### Strategic Environmental Assessment (SEA)

3.11 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;

- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

3.12 A screening of the draft Neighbourhood Plan for environmental effects was undertaken in August 2016. A screening opinion was issued by North East Derbyshire District Council which determined concurrence with the view of the screening report; stating 'that no significant effects are likely as a result of the implementation of the Holymoorside and Walton Parish Neighbourhood Plan.'

### **Habitats Directive**

3.13 A Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan was undertaken in conjunction with the SEA screening. North East Derbyshire District Council were again in agreement with the view of the screening report stating that there 'is also no requirement to prepare a Habitats Regulation Assessment.'

### **Convention on Human Rights**

3.14 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

3.15 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## **4.0 Conclusion**

4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Holymoorside and Walton Parish Neighbourhood Plan.

- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the North East Derbyshire District Local Plan 2001 -2011 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Holymoorside and Walton Parish Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.