

2016

Wyeside NDP 2011 – 2031: Basic Condition Statement



Wyeside Steering
Group
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Wyeside Neighbourhood Development Plan 2011-2031– provided under separate cover.

Wyeside NDP 2011-2031: Consultation Statement – provided under separate cover.

Wyeside NDP 2011-2031: Consultation Addendum 1: Questionnaire, Analysis of Responses – provided under separate cover.

Wyeside NDP 2011-2031: Strategic Environment Assessment (SEA) Report – provided under separate cover.

Wyeside NDP 2011-2031: Habitat Regulation Assessment (HRA) Report – provided under separate cover.

1 Introduction

The NDP “basic conditions” are those that a draft Neighbourhood Development Plan must meet if it is to proceed to referendum.

Guidance Note 15: Planning and other legislation considers the legal aspects of things in greater detail, but the basic conditions are set out in paragraph 8(s) of Schedule 4B to the Town and Country Planning Act (1990), as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act (2004).

The basic conditions are set out in the following sections:

Section 2 - Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to produce the Neighbourhood Development Plan.

Section 3 – How the production of the Neighbourhood Development Plan contributes to the achievement of sustainable development.

Section 4 - The production 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).

Section 5 - The production of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.

Section 6 - 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.

2 Legal Requirements Confirmation

The Neighbourhood Development Plan is being submitted by a Qualifying Body

The Wyeside Neighbourhood Development Plan is being submitted by a qualifying body, namely Wyeside Group of Parish Councils.

What is being proposed is a Neighbourhood Development Plan

The plan proposal relates to planning matters (the use and development of land) 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 Development Plan states the period for which it is to have effect

The proposed Neighbourhood Development Plan states the period for which it is to have effect. That period is from the Plan being produced (2016) up to 2031 (the same period as the Herefordshire Core Strategy Local Plan 2011-2031).

The Policies do not relate to Excluded Development

The Neighbourhood Development Plan proposal 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.

Designation of Wyeside Neighbourhood Area

The Neighbourhood Development Plan proposal relates to the Wyeside Group of Parishes designated neighbourhood area and to no other area. There are no other Neighbourhood Development Plans relating to that neighbourhood area. The proposed Neighbourhood Development Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

3 Wyese NDP Compliance with National Planning Policy Framework

The Wyese Neighbourhood Development Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Development Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Development Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Development Plan has been drafted with regard to the planning policies of Herefordshire Council, and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Development Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Wyese Neighbourhood Development Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by protecting local built and natural heritage assets from insensitive new development, aiming to ensure appropriate landscaping, and supporting small scale housing development to meet local rural needs.

The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

Table 1 – Wyese NDP Compliance with NPPF Core Planning Principles

NPPF Core Planning Principle	Wyese NDP Compliance with Guidance
<p>1. Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Wyese Group has produced the Neighbourhood Development Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and by involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2031. The Neighbourhood Development Plan sets out a concise and practical suite of policies (17 in total) to guide development control decisions.</p>
<p>2. Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>	<p>The Wyese NDP has offered the local community the opportunity to shape the future development of the Wyese Group of parishes in a creative way, ensuring that the quality of the area is enhanced by including policies which support new housing and local employment. Promote high quality design in new development, protect local landscape character, protect local community facilities and green spaces, and support future renewable energy.</p>
<p>3. Planning should proactively drive and support sustainable economic development to deliver the homes,</p>	<p>The Wyese NDP refines and amplifies Herefordshire-wide policies and proposals set out in Herefordshire’s Core Strategy policies. The plan supports existing</p>

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NPPF Core Planning Principle	Wyeside NDP Compliance with Guidance
<p>business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>businesses and rural enterprises and supports future business and economic growth in the parish in Policies WB01 and WB02. The plan positively supports sustainable housing growth in the parish through criteria based policies, WH01, WH02 and WH03.</p>
<p>4. Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The Wyeside NDP sets out policies which encourage high quality design in new development, WHD01 and WHD02, protect and enhance local landscape character WE02 and identify local green space WE03, and WH01 which ensure that amenity is protected.</p>
<p>5. Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>The Wyeside NDP complies with this guidance fully in plan- making and decision- taking. The Plan recognises the rural character of Wyeside parishes, and the need to protect the rural landscape character and the river Wye SAC in policies WE01, WE02, and WE03. The important role of local community facilities in relation to health and wellbeing is recognised in policies WF01, WF02 and WF03.</p>
<p>6. 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>The Wyeside NDP supports the re-use of brownfield sites / retention of buildings in Policies WH01 and WHO4. The use of Sustainable Drainage Systems is promoted in WHD01 and WHD02, which also supports use of sustainable construction technologies. Policy WE01 deals with flood risk and the River Wye SAC requirements. Policy WE04 promotes renewable energy. Taken together these policies should assist with reducing the carbon footprint.</p>
<p>7. Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Wyeside NDP is fully consistent with this principle. The Plan provides a policy framework for the protection and enhancement of this sensitive rural landscape in Policies WE01 – Environmental Restrictions on Development, including river Wye SAC requirements. Policy WE02 protecting and where possible enhancing local landscape character, and policy WE03 encourages the protection and enhancement of areas of woodland. Taken together these policies seek to encourage country stewardship and similar schemes to enhance the biodiversity and natural environment.</p>
<p>8. Planning should encourage the effective use of land by reusing land</p>	<p>The Wyeside NDP supports the re-use of brownfield sites / retention of buildings in Policies WH01 and WH04.</p>

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NPPF Core Planning Principle	Wyeside NDP Compliance with Guidance
that has been previously developed (Brownfield land), provided that it is not of high environmental value.	
9. Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).	Overall the Wyeside NDP supports an approach which should provide a sustainable future for this rural community, providing policies which protect existing community facilities in Wyeside WF01. Support a mix of new housing, WH02, and small scale rural enterprise appropriate to the local character, WB01 and WB02, and which protect the open countryside and valued green spaces WE01, WE02 and WE03.
10. Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations	The Policies in the Wyeside NDP seek to retain and enhance built and natural features in the Parish, WH04 and WHD02 and WE01 for the river Wye SAC.
11. Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable	The Wyeside NDP seeks to support retention of public transport facilities, promote the safety of pedestrian and cycle users, and focus development in village centres in policy WH01, WHD01 and WHD02.
12. Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs	The Neighbourhood Development Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve community and cultural services policies WF01, WF02 and WF03.

Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

The Wyeside NDP has special regard to the desirability of preserving features of architectural or historic interest within the Parish in all of its policies.

Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

The Wyeside NDP has special regard to the desirability of preserving and enhancing the character and appearance of the Wyeside Group of parishes River Wye SAC through Policy WE01.

3.1 Strategic Environment Assessment and Habitat Regulations Assessment

The Wyeside NDP has also been subject to a separate Screening Process for Strategic Environmental Assessment (SEA) and a Habitat Regulations Assessment (HRA) prepared by Herefordshire Council that accompanies the Wyeside NDP and this Basic Condition Statement.

The draft SEA and HRA reports produced by Herefordshire Council concluded that the Wyeside NDP is in general conformity with both national planning policies contained in the National Planning Policy Framework and strategic policies set within the Herefordshire Local Plan (Core Strategy). Therefore, no changes to the NDP are recommended as a result of the SEA. The HRA

required additional policy safeguards to restrict development close to the River Wye at Bredwardine, which are included in the current September 2016 NDP. This change together with Regulation 14 responses from stakeholders to the Wyeside NDP, SEA and HRA are set out in the accompanying Wyeside NDP – Consultation Statement.

3.2 **Adoption of Wyeside NDP**

Once adopted by Herefordshire Council, the effects of the policies within the Wyeside NPD will be monitored annually via the Council's Annual Monitoring Report (AMR).

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4 Contribute to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development. The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’ The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- “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 at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- Social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well- being; and
- 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.”

In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”. Table 1 above gives a clear and comprehensive narrative of how the Wyese NDP policy framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies and allocations in the Wyese NDP contribute to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Wyese NDP Contribution
Economic	The Wyese NDP seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Group of parishes, for example through supporting and enhancing existing local employment, encouraging new local employment opportunities, home working and supporting rural enterprise and farm diversification WB01 and WB02.
Social	The plan protects local community facilities WF01, and recognises the role of the landscape and countryside WE01, WE02 and WE03 in supporting health and wellbeing of parish residents The Plan also supports new market, local needs (affordable) housing and a mix of tenures, types and sizes of houses in policies WH02 and WH03.
Environmental	The Wyese NDP sets out policies that protect local wildlife and biodiversity and rural landscapes in policies WE01, WE02 and WE03. The Plan seeks to promote more sustainable transport

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Sustainable Development Role	Wyese NDP Contribution
	patterns through walking and cycling. Policies seek to promote the local distinctiveness of the area, WH01, WH02, WH04 and WHD02 and recognises the important natural and built heritage assets to local residents as an important aspect of the Wyese Group parishes identity.

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5 Be in General Conformity with Strategic Local Planning Policy

The Wyeseide Neighbourhood Development Plan is in general conformity with strategic Local Plan policies contained in the Herefordshire Core Strategy (2011-2031).

Planning Practice Guidance 2014 para 009 advises that “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan.

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic conditions. A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

Table 3 below sets out the way that the Neighbourhood Development Plan conforms to the relevant strategic policies set out in the Core Strategy Local Plan for Herefordshire.

Table 3 Conformity with Herefordshire Council Local Strategic Policy

NDP Policy No	NDP Policy Title	Relevant Herefordshire Local Plan- Core Strategy policies	Comment on conformity where relevant
WB01	New Business Opportunities	RA6, E1, E2, E4	Complies and adds local detail
WB02	Retail Development	RA6, E6	Complies
WH01	New Housing Development	RA2	Complies and adds local detail
WH02	Ensuring an appropriate Range of Tenures, Types and Size of Houses	H3	Complies and adds local detail
WH03	Affordable Housing	H1	Complies and adds local detail
WH04	Re-use of Rural Buildings	RA5	Complies and adds local detail
WH05	Housing in Open Countryside	RA3	Complies and adds local detail
WHD01	New Building Design	LD1, SD1	Complies and adds local detail
WHD02	Change of Use	RA5, LD4	Complies and adds local detail
WE01	Environmental Restrictions on Development	LD2, SD3, SD4	Complies and adds local detail
WE02	Landscape Design Principles	LD1	Complies and adds local detail
WE03	Protecting Local Green Spaces and Important Views	LD1-LD3	Complies and adds local detail
WE04	Renewable Energy	SD2	Complies and adds local detail

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NDP Policy No	NDP Policy Title	Relevant Herefordshire Local Plan- Core Strategy policies	Comment on conformity where relevant
WE05	Development that may result in the capacity of the public sewerage network and/or the wastewater treatment works becoming overloaded will not be permitted	SD4	Complies and adds local detail
WF01	Retention of Existing Recreational Facilities	SC1, OS3	Complies and adds local detail
WF02	Picnic Areas, Improving Footpaths and Access to the River Wye	OS1, OS2, E4	Complies and adds local detail
WF03	Additional Community and Recreational Facilities	SC1, OS1, OS2	Complies and adds local detail

6 Compatible with EU Obligations

The Wyeside Neighbourhood Development Plan is fully compatible with EU Obligations, and has been subjected to an SEA Environmental report and a Habitats Regulations Assessment by Herefordshire Council.

The Wyeside Neighbourhood Development Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law.

The Wyeside Neighbourhood Development Plan is fully compatible with the rights outlined in this Article.

Although the Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004 and the Localism Act 2011.

The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Development Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

The Wyeside Group of Parish Councils has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

7 Conclusion

The Wyeside NDP has been carefully drafted to comply both with the legal requirements and the basic conditions. This Statement has demonstrated that prescribed conditions have been met and prescribed matters have been complied with in connection with the proposal for the Wyeside Neighbourhood Development Plan.

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