

Wingerworth
Parish
Neighbourhood
Plan 2016 - 2033

Statement of Basic
Conditions

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Wingerworth 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.

- 1.4 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

- 2.2 The Neighbourhood Plan has been submitted by Wingerworth 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

- 2.3 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

- 2.4 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

- 2.5 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.

- 2.6 The designated Plan area was approved by North East Derbyshire District Council on 16 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.
- 2.7 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.
- 2.8 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 Neighbourhood Plan proactively supports sustainable economic growth. Policy W12 safeguards existing employment sites where it is economically viable to do so.
Supporting a prosperous rural economy (NPPF para. 28)	The Neighbourhood Plan promotes policies to support the viability and vitality of Wingerworth through Policy W8 and W9 which protect and enhance shops and community facilities. Policy W10 seeks to ensure that local services and community facilities continue to meet the needs of the community in the event of new major housing developments.
Promoting sustainable transport (NPPF paras. 29 – 41)	The Neighbourhood Plan’s transport policies promote the use of sustainable transport. Policy W21 and W22 seek to reduce congestion and green-house gas emissions. The policies aim to improve pedestrian safety, including support for ‘safer routes to schools’ and in so doing, encourage walking as a viable option for moving around the Parish. This is further encouraged by Policy W24 which supports the enhancement of footpaths, cycleways and bridleways.
Delivering a wide choice of high quality homes (NPPF paras. 47 – 55)	The Neighbourhood Plan’s housing policies will deliver a wide choice of high quality homes and create a sustainable, inclusive and mixed community. Policy W3 supports the strategic housing development needs set out in the draft Local Plan through the support for two significant allocation sites and allowance for windfall development. The Plan through policy W5 provides for a mix of housing based on current and future demographic trends. Policy W6 seeks to ensure affordable housing for the local community.
Requiring good design (NPPF paras. 56 – 68)	Good design is integral to a range of Neighbourhood Plan policies. Policy AP15 requires new development to be of good and sensitive design. Policy AP14 seek to protect important heritage assets and their immediate surroundings from inappropriate development to ensure that design has regard to the local and historic context.

NPPF	Neighbourhood Plan
<p>Promoting healthy communities (NPPF paras. 69 – 78)</p>	<p>A number of the Plan policies seek to ensure that Wingerworth continues to be a healthy, inclusive community. Policy W5 supports the provision of new housing to meet local housing needs, including for older people and young families. Policies W8 and W9 protect and support the enhancement of key community facilities and shops, drawing attention to their importance for good health and strong community. The protection of Local Green Spaces (Policy W19) and enhancement of footpaths, cycleways and bridleways (Policy W24) are recognised as underpinning health and wellbeing.</p>
<p>Meeting the challenge of climate change, flooding and coastal change (NPPF paras. 93 – 108)</p>	<p>Policies W1 and W2 focus development on the most sustainable locations, within the limits to development where the need to travel is reduced. Policies W7 and W12 support the retention and safeguarding of local shops and employment sites, thereby reducing the need to travel outside of the Parish for goods and services and work.</p> <p>Policies W21, W22 and AP24 support a safe and enhanced environment for walking and cycling and thus a reduction in greenhouse gas emissions.</p>
<p>Conserving and enhancing the natural environment (NPPF paras 109-125)</p>	<p>The Neighbourhood Plan seeks to conserve and enhance the natural environment through a number of policies. Policies W16 and W17 aim to minimise the impact of development on biodiversity and where possible provide net gains in biodiversity. In accordance with the NPPF, Policies W18 and W20 endeavor to protect and enhance locally valued landscapes through the protection of important views and vistas and Local Settlement Gaps.</p>
<p>Conserving and enhancing the historic environment (NPPF paras 126 – 141)</p>	<p>The Neighbourhood Plan sets out a positive strategy for the conservation and enjoyment of the historic environment. Policy W13 seeks to highlight the importance and need for conservation and appreciation of a Listed Building and Scheduled Monument. Policy W14 seeks to protect locally important (non-designated) heritage assets and explains how developers should have regard to these assets.</p>

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:
- supporting a prosperous rural economy by promoting the retention and development of local services, community facilities and employment sites.
 - supporting a strong, vibrant and healthy community by endorsing the strategic development needs set out in the draft Local Plan and ensuring accessible local services.
 - supporting the provision of a mix of housing types and sizes that can meet the needs of present and future generations and promote a healthy and inclusive community.
 - supporting new development which contributes to a high quality built environment and responds to local character and sense of place.
 - promoting policies to protect locally important landscape features and biodiversity, which contribute toward the sense of community and quality of life in the area.
 - supporting the move to a low carbon future through policies which encourage development which reduce greenhouse gas emissions and seek to protect and enhance opportunities for sustainable modes of transport.

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. A statement regarding general conformity with the Consultation Draft Local Plan (2011 – 2033) is also provided where relevant.

Neighbourhood Plan Policies	Local Plan Policy (2001-11)	Commentary	Consultation Draft Local Plan (2011-2033)
W1 Wingerworth Settlement Development Limit	GS1, GS5, GS6, H3	Policy GS1 requires a positive approach to sustainable development. The Neighbourhood Plan is in general conformity with Policy GS5 supporting development within the defined Limits of Development and Policy GS6 which seeks to protect the countryside from inappropriate development.	The Draft Local Plan supports Settlement Development Limits as a method of defining the extent of the built-up area of a settlement. In consultation with the District Council, the Neighbourhood Plan has not sought to revise the existing Settlement Development Limits, but instead supports a review through the Local Plan process (the revised boundaries are due to be published alongside the Publication version of the Local Plan).
W2 Development in the Countryside			
W3 Housing Growth	No reference		<p>Given how dated the adopted Local Plan is, the Neighbourhood Plan in accordance with the national guidance, has considered the latest most up-to-date evidence of housing need used to inform the emerging Local Plan. The Neighbourhood Plan supports the level of housing provision outlined for Wingerworth in the Draft Local Plan (Policy SS3 and LC1).</p> <p>Furthermore, the Neighbourhood Plan provides for windfall development, providing an added level of flexibility.</p>
W4 Windfall Sites			

Neighbourhood Plan Policies	Local Plan Policy (2001-11)	Commentary	Consultation Draft Local Plan (2011-2033)
W5 Housing Mix	No reference		The Neighbourhood Plan and Draft Local Plan share the principle aim to provide housing to meet local need. The Neighbourhood Plan spells out in greater detail what the needs are for Wingerworth Parish.
W6 Affordable Housing	H6, H8	The Neighbourhood Plan reflects the provisions for Affordable Housing outlined in the Local Plan and goes a step further by advocating priority be given to local people.	The Neighbourhood Plan supports the proposed policy in the Draft Local Plan, adding further criteria regarding priority for those with a local connection.
W7 Shops	SH8, CSU3	The Neighbourhood Plan seeks to protect and where possible, enhance local shops and community facilities in Wingerworth. This policy approach is consistent with the Local Plan which similarly seeks retention of these essential services.	The Draft Local Plan supports the protection of existing social infrastructure and proposals for new infrastructure. The Neighbourhood Plan provides further rationale by listing those facilities considered most important to the community.
W8 Community Facilities			
W9 New Shops and Community Facilities			
W10 New Shops and Community Facilities in New Major Housing Developments	CSU2	The Local Plan supports proposals for purpose built community facilities.	
W11 Assets of Community Value	No reference		
W12 Employment and Economic Growth	E6, E7, E8	Policy W12 is general conformity with the Local Plan which supports employment and economic development across the District.	

Neighbourhood Plan Policies	Local Plan Policy (2001-11)	Commentary	Consultation Draft Local Plan (2011-2033)
W13 Listed Buildings and Scheduled Monument	BE6, BE12	The Neighbourhood Plan seeks to highlight the importance of Listed Buildings and the Scheduled Monument in the Parish. Policy W14 is in general conformity with the Local Plan's aim of conserving unlisted buildings in a Conservation Area but extends this to recognise non-designated heritage assets within the Parish.	The Draft Local Plan supports the identification of heritage assets of local importance for inclusion on a local list.
W14 Non Designated Heritage Assets			
W15 Design Principles	BE1, H12	The Local Plan seeks to ensure that new development proposals contribute to creating and maintaining an attractive built environment. The Neighbourhood Plan articulates through Policy W15 what should be considered in the Wingerworth context by identifying those elements that contribute to local distinctiveness.	
W16 Biodiversity	NE1, NE3, NE5, NE7	The Neighbourhood Plan's Environment policies establish a local framework for implementing the strategic approach to the conservation and enhancement of the Natural Environment. The Local Plan seeks to conserve and enhance landscape character, protect and enhance biodiversity and protect trees and hedgerows. The Neighbourhood Plan supports these aims through the identification of environmental assets and landscape elements at a local scale.	
W17 Trees and Hedgerows			
W18 Important Views and Vistas			

Neighbourhood Plan Policies	Local Plan Policy (2001-11)	Commentary	Consultation Draft Local Plan (2011-2033)
W19 Local Green Spaces	R3, R4	The opportunity to designate areas as Local Green Space came in with the NPPF. The Neighbourhood Plan is in general conformity with the Local Plan's general approach to identification of open spaces (Urban Green Space and Allotments) for protection.	The Draft Local Plan supports the protection of Local Green Spaces identified in a Neighbourhood Plan.
W20 Local Settlement Gaps	No reference		The Neighbourhood Plan supports the Local Settlement Gaps proposed in the Draft Local Plan.
W21 Highway Safety	T2, T3	The Neighbourhood Plan is in general conformity with the Local Plan's ambitions to support traffic management measures that seek to reduce congestion and increase road safety for all users.	The Draft Local Plan seeks to maximise opportunities for sustainable transport. The Neighbourhood Plan provides further details as to how this can be supported at a local level.
W22 Highway Safety: The A61			
W23 Car Parking	T9	The Local Plan seeks to ensure adequate car parking associated with development taking into account local factors such as access to public transport. The Neighbourhood Plan identifies criteria where a reduction in car parking provision will not be supported based on the local context.	
W24 Enhancement of Footpaths, Cycleways and Bridleways	T5, R11	The desire of the Local Plan to encourage cycling and walking is reflected in the Neighbourhood Plan through the protection and enhancement of local footpaths, cycleways and bridleways.	

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 April 2017. It was determined that a Strategic Environmental Assessment was not required.

Habitats Directive

- 3.13 A Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan was undertaken in conjunction with the SEA screening. It was determined that an Appropriate Assessment under the EU Habitats Regulations was not required.

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 Wingerworth 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 Wingerworth Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.