

Statement of Basic  
Conditions

Brackenfield  
Neighbourhood Plan

January 2019

# Contents

---

1.0	Introduction.....	3
2.0	Legal Requirements.....	4
3.0	The Basic Conditions.....	5
4.0	Conclusion.....	19

## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Brackenfield Neighbourhood Plan (“the 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 Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement

sets out how the 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 Plan has been submitted by Brackenfield 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 Plan contains policies relating to the development and use of land within the 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 Plan states that the period which it relates to is from 2017 until 2034. The period has been chosen to align with that of the Publication draft North East Derbyshire Local Plan.

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

- 2.5 The 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 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 in June 2017. 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 Plan fulfils the basic conditions set out in sub-paragraph (2). The Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF 2012) 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 Plan has been informed by the evidence base of the emerging Local Plan (Publication draft North East Derbyshire Local Plan).
- 3.3 Detail of how the Plan is in general conformity with 'saved' strategic policies in the Local Plan is provided in table 2.

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

- 3.4 The Plan has been developed having regard to the NPPF. The NPPF was published in March 2012 and revised in July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The policies of the previous Framework apply for the purpose of examining plans, where submitted on or before 24 January 2019.

An explanation of how each of the Plan policies has shown regard to the NPPF 2012 is outlined in table 1 below.

Table 1: Neighbourhood Plan policies regard to NPPF

NPPF	Neighbourhood Plan
<p>Supporting a prosperous rural economy (NPPF para. 28)</p>	<p>The objectives of the Plan include:</p> <ul style="list-style-type: none"> <li>• to promote the local economy through support for farming-related rural businesses, small-scale eco-tourism and home based businesses; and</li> <li>• support small scale, sustainable tourism enterprises where it does not prejudice the special qualities of the Plan area.</li> </ul> <p>Both objectives align with the NPPF and are delivered through a number of policies, specifically:</p> <p>Policy REE1 which supports the diversification of agricultural and other land-based rural business through the re-use or conversion of an existing building for tourism enterprises. Policy REE2 supports home based businesses and Policy HW1 promotes the retention and enhancement of local community facilities.</p>
<p>Promoting sustainable transport (NPPF paras. 29 – 41)</p>	<p>The Plan's transport policies promote the use of sustainable transport for health and wellbeing and for the environment. The objectives of the Plan broadly aim to facilitate the use of sustainable modes of transport:</p> <p><b>O6</b> promote the safety, health, enjoyment and wellbeing of residents and visitors by seeking measure which address community safety concerns, traffic issues and improved walking, cycling and horse riding routes; and</p> <p><b>O7</b> work with Derbyshire County Council and community transport groups to promote more frequent and direct public transport services.</p> <p>Policy REE2, in addition to supporting the local rural economy also aims to reduce green-house gas emissions by reducing journeys to work.</p>

NPPF	Neighbourhood Plan
	<p>Policy HW3 seeks to improve the safety of local roads for all users including pedestrians, cyclists and horse riders. Policy HW4 aims to improve opportunities for sustainable transport by maintaining and improving the network of footpaths and bridleways through the creation of new permissive and public rights of way to join up existing paths.</p>
<p>Delivering a wide choice of high quality homes (NPPF paras. 47 – 55)</p>	<p>The Plan supports housing that is proportionate to the size of the settlement and designed to respect Brackenfield’s intrinsic rural character, identity and setting in the open countryside. The emerging Local Plan identifies the Plan area as a settlement with very limited sustainability and thus not a focus for future housing. The Plan seeks to ensure that future housing proposals deliver the type and design of development that reflect and complement the distinctive and historic character of the Plan area.</p>
<p>Requiring good design (NPPF paras. 56 – 68)</p>	<p>Good design is a key element of the NPPF and is an integral component of the NPPF;</p> <p><b>O1</b> Ensure that any new development in the Plan area, whether it is new housing, conversion of existing buildings or other built development is proportionate to the size of the settlement and designed to respect Brackenfield’s intrinsic rural character, individuality and setting in the open countryside; and</p> <p><b>O5</b> preserve and enhance Brackenfield’s historic environment, prioritising local distinctiveness in every element of growth and change.</p> <p>Having regard to the NPPF, the Plan does not seek to stifle innovation by imposing architectural styles, but highlights the key characteristics and historic pattern of development from which future development should seek to reflect.</p> <p>Policy CH2 requires new development to demonstrate that they reinforce and enhance the character of the area (as evidenced by the Brackenfield Historic and Character Assessment). Policy H1 supports proposals for small scale infill housing subject to being well designed.</p>

NPPF	Neighbourhood Plan
<p>Promoting healthy communities (NPPF paras. 69 – 78)</p>	<p>The NPPF highlights the important role that the planning system can play in facilitating social interaction and creating healthy, inclusive communities. Brackenfield is a rural community with limited community facilities but a strong community spirit. Ensuring Brackenfield continues to be a healthy, inclusive community is a key theme in the Plan:</p> <p><b>O6</b> Promote the safety, health, enjoyment and wellbeing of residents and visitors by seeking measures which address community safety concerns, traffic issues and improved walking, cycling and horse riding routes; and</p> <p><b>O9</b> Provide an opportunity for the community to meet and engage in activities through the facilitation of broader community use of existing facilities such as the Church Hall.</p> <p>Policy HW1 guards against the unnecessary loss of valued facilities in the Plan area and plans positively for the future provision of facilities that will enhance the sustainability of the area.</p> <p>The protection of Local Green Spaces (Policy NE4) and the maintenance and enhancement of footpaths and bridleways (Policy HW4) are recognised as underpinning health and wellbeing.</p> <p>It also provides greater local detail and certainty as it identifies those green spaces that are of greatest importance to the community.</p>
<p>Meeting the challenge of climate change, flooding and coastal change (NPPF paras. 93 – 108)</p>	<p>The NPPF recognises the role that the planning system can play in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change.</p> <p>The Plan includes objective <b>O4</b>; to contribute positively to the environment, by promoting actions that contribute to mitigating climate change and reducing our carbon footprint.</p> <p>Given its rural location, the delivery of this objective is primarily through reducing the need of residents to travel by supporting the retention and enhancement of community facilities (policy HW1) and supporting working from home (policy REE2).</p>

NPPF	Neighbourhood Plan
	Secondly, by encouraging sustainable modes of transport (HW3 and HW4) by supporting a safe and enhanced environment for walking and cycling and thus a reduction in greenhouse gas emissions.
Conserving and enhancing the natural environment (NPPF paras 109-125)	The Plan seeks to conserve and enhance the natural environment through a number of policies. Policies NE1, NE2 and NE3 seek to minimise the impact of development on biodiversity and where possible provide net gains in biodiversity.
Conserving and enhancing the historic environment (NPPF paras 126 – 141)	<p>The Plan sets out a positive strategy for the conservation and enjoyment of the historic environment. The Plan is underpinned by a significant body of research on the character and historical development of the Plan area.</p> <p>Policies CH1 and CH2 seek to reinforce and enhance the historical character of the natural and built environment, ensuring that new development makes a positive contribution to local character and distinctiveness.</p> <p>Policy CH3 identifies and protects local character buildings, structures and archaeology and explains how developers should have regard to these assets.</p> <p>It also provides greater local detail and certainty as it identifies those local character buildings and structures that are of greatest importance to the community.</p>

### Achieving sustainable development

- 3.5 The Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development 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

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 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 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.

The social goals of the Plan are to:

- support a strong, vibrant and healthy community by ensuring; access to local community facilities; improved opportunities to enjoy the countryside and travel safely around the Plan area via a network of walking cycling and horse riding routes.

The environmental goals are to:

- support new development which; contributes to a high quality built environment and reinforces local character and distinctiveness; and protects locally important landscape features and biodiversity.

The economic goals are to:

- support a prosperous rural economy by promoting the retention and development of local community facilities and support for rural businesses, small-scale eco-tourism and home-based businesses.

### **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 2005. To meet the basic conditions, the 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 (Publication draft Local Plan) in producing the Plan.
- 3.10 Table 2 provides a summary of how each of the 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 Publication Draft Local Plan (2014 – 2034) is also provided where relevant.

Table 2: General conformity of the Plan policies with the 'saved' strategic policies in the Local Plan

Neighbourhood Plan Policies	'Saved' Local Plan Policy (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
CH1 Protecting the Countryside and Landscape	NE1	<p>The Local Plan through Policy NE1 identifies the need for development to protect the distinctive features that contribute towards and add value to the landscape character of the area.</p> <p>The Plan has a strong focus on reinforcing the character and historic development of the area. Policy CH1 adds significant and valuable local detail to guide development proposals through the identification of the local historic landscape features and important views through the Brackenfield Historic and Character Assessment and Important Views Report.</p>	<p>The Plan supports and provides local detail to the Draft Local Plan which requires development in the countryside to respect, form, scale and character of the landscape, notably through Policy SS9.</p>
CH2 Protecting Local Character and Distinctiveness	BE1, H12	<p>The Local Plan seeks to ensure that new development proposals contribute to creating and maintaining an attractive built environment.</p> <p>The Plan articulates through Policy CH2 (and the supporting studies) what should be considered in the context of Brackenfield by identifying those elements that contribute to local distinctiveness.</p>	<p>The Plan supports the Draft Local Plan which encourages high quality and distinctive design and place-making as articulated in Policy SDC 12.</p>

Neighbourhood Plan Policies	Local Plan Policy (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
CH3 Local Character Buildings, Structures and Archaeology	BE6, BE12	<p>The Local Plan affords significant value to the protection of heritage assets including archaeological sites, Scheduled Ancient Monuments and buildings of architectural and historic interest.</p> <p>In recognition of the special historic character and high quality built environment of the Plan area, the Plan (in accordance with the NPPF) identifies buildings, structures and sites of local heritage interest for protection.</p>	The Draft Local Plan supports the identification of heritage assets of local importance for inclusion on a local list.
CH4 Protecting and Enhancing Archaeological Sites	BE6	<p>Policy BE6 seeks to protect Scheduled Ancient Monuments and Archaeological Sites.</p> <p>Policy CH4 draws on local evidence gathered through the Brackenfield Historic and Character Assessment and aims to ensure that the significance of archaeological sites is understood and taken into account when considering development proposals.</p>	The Draft Local Plan supports the identification of heritage assets of local importance as reflected in policies SDC7 and SDC 9.

Neighbourhood Plan Policies	'Saved' Local Plan Policies (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
NE1 Biodiversity	NE1, NE3, NE5, NE7	<p>The Plan's Environmental policies establish a local framework for implementing the district strategic level approach to the conservation and enhancement of the Natural Environment.</p> <p>The Local Plan seeks to conserve and enhance landscape character, protect and enhance biodiversity and protect trees and hedgerows. The Plan supports these aims through the identification of environmental assets and landscape elements at a local level.</p>	The Draft Local Plan seeks to protect and enhance the district's natural environment and seek to increase the quantity and quality of biodiversity and geodiversity as reflected in Policy SDC4.
NE2 Dark Skies	BE2	<p>Policy BE2 seeks to ensure that lighting systems are sensitively designed and installed to minimise excessive spillage.</p> <p>Similarly, policy NE2 aims to limit non-essential external lighting in order to maintain dark skies in the Plan area and limit the impact on local wildlife. The Policy draws on work undertaken by the CPRE and local wildlife data to provide local context and justification for the policy.</p>	

Neighbourhood Plan Policies	'Saved' Local Plan Policies (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
NE3 Woodland, Trees and Hedgerows	NE7	<p>Policy NE7 seeks to protect ancient woodland and important hedgerows or trees that make a significant contribution to the character or amenity of the area.</p> <p>The Plan further supports this ambition and provides additional detail regarding some of the specific trees, woodlands and hedgerows in the Plan area that are particularly significant.</p>	The Draft Local Plan seeks to protect important trees, woodlands and hedgerows, which the Plan supports and adds local context to.
NE4 Protecting Important Local Green Spaces	R3, R4	<p>Policy NE4 identifies two important Local Green Spaces within the Plan area.</p> <p>The opportunity to designate areas as Local Green Space was introduced with the NPPF (2012). The Plan is in general conformity with the Local Plan's general approach to identification of open spaces (Urban Green Space and Allotments) for protection.</p>	The Draft Local Plan supports the protection of Local Green Spaces identified in a Plan.
REE1 Rural Tourism and Employment	GS7, E10	Policy REE1 supports the re-use or conversion of buildings in order to encourage small scale tourism initiatives that are in keeping with local character.	The Draft Local Plan identifies the need to balance and integrate the requirement to protect the countryside with the need to sustain and encourage vitality and viability of the rural economy, including agriculture and tourism.

Neighbourhood Plan Policies	' Saved' Local Plan Policies (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
		<p>Policy REE1 is in general conformity with the Local Plan (GS7) which supports change of use and conversion of rural buildings provided their form, bulk and general design are in keeping with their surroundings. Policy E10 supports tourist facilities and attractions outside of Settlement Development Limits where it can be demonstrated that a countryside location is appropriate.</p>	
REE2 Working from Home	E9	<p>Policy REE2 supports the construction of extensions, conversion of outbuildings and the development of new freestanding buildings for small-scale business.</p> <p>The Local Plan supports opportunities for employment in rural area through the conversion of existing buildings or new built development, provided the use is appropriate to a countryside location.</p>	<p>The Draft Local Plan supports the visitor economy and tourism development in the countryside, notably through Policy WC6.</p>
H1 Housing	H3, GS5, GS6	<p>The objective of the Local Plan is to direct new development away from the countryside to within the built framework of existing settlements. The term countryside, for the purposes of the Local Plan's policies is the area outside the Settlement Development</p>	<p>The Plan has regard to the draft Local Plan in terms of its spatial strategy and distribution of development. Brackenfield is identified as Level 4: <i>'very small villages and hamlet with</i></p>

Neighbourhood Plan Policies	'Saved' Local Plan Policies (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
		<p>Limits. Settlement Development Limits do not apply to Brackenfield.</p> <p>Policy GS5 states that development proposals outside of the Settlement Development Limits will be considered against countryside policies. Policy H3 identifies the categories within which housing development outside of the Settlement Development Limit must fall including change of use, new build which is necessary for the operation of an agricultural or rural use, replacement dwellings and affordable housing on rural exception sites.</p>	<p><i>very limited sustainability</i> in the settlement hierarchy.</p> <p>The Draft Local Plan states that 'Land which is not within a Settlement Development Limit, if not allocated for development (such as Brackenfield), will be treated as 'countryside.' Policy SS9 outlines the circumstances in which development in the countryside will be permitted including limited infilling or complete redevelopment of previously developed sites which would not have a greater impact on the character of the countryside than the existing development.</p> <p>The Plan supports proposals for small scale infill subject to requirements set out in the policies in the Plan (including the Brackenfield Historic and Character Assessment) and the Local Plan.</p>
HW1 Protection and enhancement of community facilities	SH8, CSU3	Policy HW1 supports the retention and provision of new or improved community facilities subject to accessibility, amenity, landscape and environmental considerations.	The Draft Local Plan supports and adds local context to the protection of existing social infrastructure and proposals for new infrastructure.

Neighbourhood Plan Policies	'Saved' Local Plan Policies (2001-11)	Commentary	Publication Draft Local Plan (2014-2034)
		<p>This policy approach is consistent with the Local Plan which similarly seeks retention of these essential services. The Plan provides further rationale by listing those facilities considered most important to the Brackenfield community.</p>	
HW2 Asset of Community Value	-	<p>Policy HW2 supports the listing and protection of Assets of Community Value.</p>	<p>The draft Plan supports the protection of existing community facilities through the nomination by local communities, of important local buildings and facilities on a central list.</p>
HW3 Road Safety Measures	T2, T3	<p>Policy HW3 supports appropriate measures aimed at improving and mitigating road safety and speed in the Plan area.</p> <p>The 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.</p>	<p>The Draft Local Plan seeks to maximise opportunities for sustainable transport. The Plan provides further details as to how this can be supported at a local level.</p>
HW4 Footpaths and Bridleways	T5, R11	<p>Policy HW4 supports the creation of new permissive and public rights of way and protection of the existing network of footpaths and bridleways. Similarly, the Local Plan (through policies T5 and R11) seek to encourage cycling and walking.</p>	

## **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 Plan for environmental effects was undertaken in December 2018. It was determined that a Strategic Environmental Assessment was not required.

### **Habitats Directive**

3.13 A Habitat Regulation Assessment (HRA) screening of the 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 Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The 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 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 Group 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 Brackenfield 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 Brackenfield Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.