

Basic Conditions Statement

Marden Neighbourhood Plan

April 2019



BASIC CONDITIONS

The purpose of this Basic Conditions Statement is to set out how the Marden Neighbourhood Plan (MNP) met the basic conditions required for plan making. This will allow the MNP to proceed to referendum.

This document is submitted in support of the draft MNP. It is submitted in addition to the following documents

- the draft Marden Neighbourhood Plan document
- the Consultation Statement

The basic conditions that the MNP is obliged to meet are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as amended by the Localism Act 2011, NPPF 2012, NPPF 2018 and The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations and comprise the following:

- a) The MNP must have regard to national policies and advice contained in guidance issued by the Secretary of State
- b) The MNP must contribute to the achievement of sustainable development.
- c) The MNP must be in general conformity with the strategic policies contained in the development plan for the area of the authority
- d) The MNP does not breach, and be otherwise compatible with, EU obligations.
- e) The MNP must meet the prescribed conditions

- f) The MNP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

This Basic Conditions Statement demonstrates compliance with the above. In order to demonstrate general conformity with EU Regulations, national policy (NPPF & NPPG) and the Maidstone Borough Council (MBC) Local Plan 2017, the results are presented in a checklist format at Appendix 2.

The checklist also includes conformity with the MNP's vision for Marden which seeks to maintain and enhance the Marden spirit.

CONFORMITY WITH NATIONAL POLICIES AND ADVICE

(a) The MNP must have regard to national policies and advice contained in guidance issued by the Secretary of State.

The Qualifying Body

The MNP is submitted by Marden Parish Council which is the qualifying body as defined by the Localism Act 2011. The MNP has been prepared by the MNP Steering Group.

The Neighbourhood Area

The MNP applies to the Parish of Marden. Marden is located within the MBC Council district. The designated Neighbourhood Plan area comprises the whole of the Parish of Marden (see Appendix 1). The application was made to MBC as the Local Planning Authority on 15 August 2012 in accordance with the Neighbourhood Planning Regulations 2012, and approved by MBC on 14 January 2013.

Marden Parish Council, as qualifying body, confirms that the MNP:

- a) Relates only to the Parish of Marden and to no other Neighbourhood Area(s);
- b) Is the only NP within the designated area and no other NP exists nor is in development for part or all of the designated area;
- c) The MNP policies do not relate to any other neighbourhood plan area although policies have been developed in consultation with neighbouring parish councils;
- d) The MNP policies do not relate to planning issues of mineral extraction or waste management or to planning matters of a national significance in terms of infrastructure projects or to development that is likely to require an Environmental Impact Assessment.

Marden is a village and Rural Service Centre within the Borough of Maidstone in the Weald of Kent. Although predominantly rural with significant agricultural and horticultural enterprises, it also has a large and expanding residential and industrial areas and is served by the London to Ashford mainline rail service

The MNP comprises 26 planning policies which relate to land use within the parish of Marden. The policies have 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.

Timeframe

The Plan is designed to cover the period 2017-2031 in line with the MBC Local Plan 2017.

It is envisaged that a review of the MNP will take place in line with the review period of MBC's Local Plan.

SUSTAINABLE DEVELOPMENT

(b) The MNP must contribute to the achievement of sustainable development.

The National Planning Policy Framework (NPPF) was introduced in 2012 and updated in 2018. The golden thread running throughout this planning document is the presumption in favour of sustainable development. This is broadly defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The NPPF identifies three dimensions to sustainable development and requires the planning system to perform an economic, social and environmental role to achieve sustainable development.

The vision of the MNP is to ensure that Marden will continue to be a thriving parish, to maintain its individual character, heritage and community spirit. The plan aims to balance the existing and future needs of residents and businesses to fulfil Marden's function as a Rural Service Centre, by:

- managing the expansion of:
 - housing provision;
 - employment;
 - education; and
 - recreation opportunities
- retaining and enhancing the natural beauty and biodiversity of the surrounding rural area.

The MNP vision, therefore, recognises the importance of economic growth balanced with social need, whilst seeking to maintain natural beauty and biodiversity for the needs of existing and future residents. The MNP has sustainable development at the heart of its vision in the same manner as the NPPF. The checklist table in Appendix 2 will demonstrate that each MNP policy promotes sustainable development.

CONFORMITY WITH STRATEGIC POLICY

(c) The MNP must be in general conformity with the strategic policies contained in the development plan for the area of the authority

The Steering Group were conscious from the outset of plan preparation that the NP policies would need to be in general conformity with existing national and local policy. In the case of the MNP, policies would need to be in general conformity with the MBC Local Plan 2017. The importance of ensuring conformity is shown in the early drafts of the MNP, which are structured to show how the MNP policies had been formulated with regard to the existing policy hierarchy. Earlier drafts of the MNP policies included in the supporting evidence files also demonstrate how MNP policies have evolved in response to views of local residents and other consultative bodies.

The checklist will demonstrate the conformity of each MNP planning policy with the existing development plan. The existing strategic policies of the development plan comprise:

MBC Local Plan 2017

Kent Minerals and Waste Local Plan 2016

COMPATIBLE WITH EU OBLIGATIONS AND PRESCRIBED CONDITIONS

(d) The MNP does not breach, and be otherwise compatible with, EU obligations.

(e) The MMP must meet the prescribed conditions

Strategic Environmental Assessment - Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).

SEA is a mechanism for assessing the potential impacts of an emerging plan. The aim of a SEA is to inform the plan making process in order to mitigate any unacceptable adverse environmental impacts.

The planning policies set out in the MNP are concerned with shaping development. The MNP does not allocate sites for specific large scale development. The MNP will, therefore, have no significant environmental impacts which would warrant a SEA.

Habitat Regulations Assessment - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.

The HRA is a mechanism for assessing the potential effects of an emerging plan against the conservation objectives of any European sites designated for their importance to nature conservation. HRAs ensure that there are no adverse effects from a plan on the integrity of a European designated site for nature conservation (Special Protection Areas and Special Areas of Conservation) and internationally designated Ramsar sites.

The planning policies set out in the MNP will have no direct effect on any designated nature conservation sites.

Environmental Impact Assessment – Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).

EIA is a mechanism for assessing the potential impacts of certain types of development. The criteria of EIA development is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Development falling with Schedules 1 and 2 will require the submission of an Environmental Statement as part of any planning application.

The planning policies set out in the MNP seek to shape development. The MNP does not allocate any large scale sites or specifically promote development likely to fall within Schedule 1 or Schedule 2 of the EIA Regulations.

Human Rights – The MNP must be prepared with regard to the fundamental rights enshrined within the European Convention on Human Rights and the Human Rights Act 1998. This means that the planning policies set out in the MNP must be fair and inclusive. The MNP policies have been assessed in the following terms in line with Equality Impact Assessment guidance.

Gender (men, women and transgender)

Race (race, colour, ethnicity and national origins)

Disability (physical, sensory and mental)

Age (younger and older)

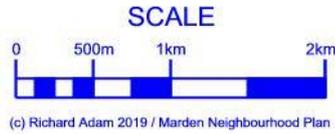
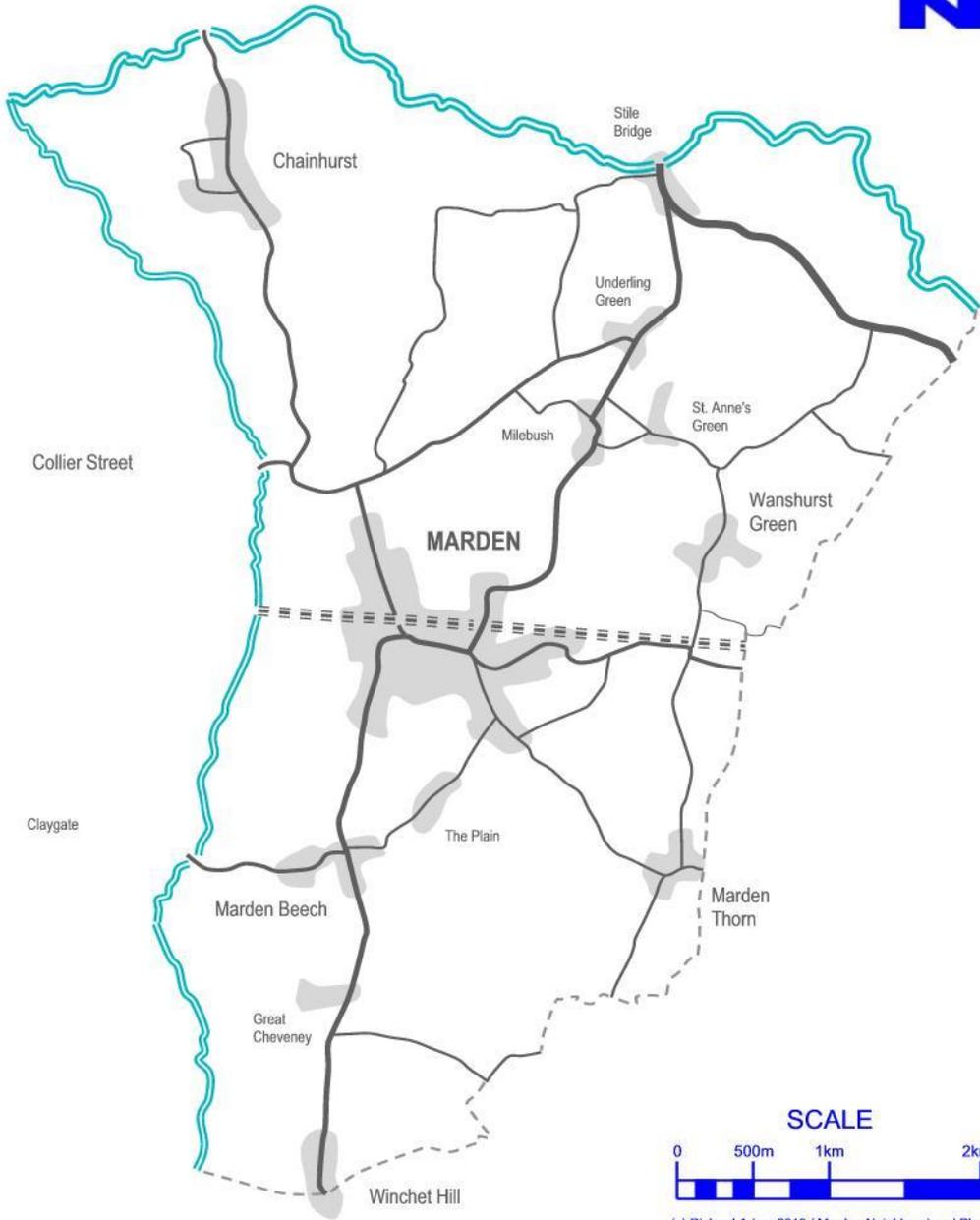
Sexual Orientation (lesbian, gay, bisexual, transgender and queer)

Religion (faith groups)

As set out in the accompanying Consultation Statement the MNP has employed a variety of traditional and innovative methods to reach the widest possible number of Marden residents. The MNP does not infringe on the human rights of any potential user. On the contrary the MNP will have a positive impact. A summary of this assessment can be found on the checklist in Appendix 2.

APPENDIX 1 – MAP OF THE PARISH

MARDEN



Key

- Main Settlements
- Parish Boundary
- Rivers
- Roads
- Railway

APPENDIX 2 - MARDEN NEIGHBOURHOOD PLAN CHECKLIST

Forward to Appendix 2 (Checklist – *attached as a separate document*) of the Basic Conditions Statement of the Marden Neighbourhood Plan

The NPPF defines a Neighbourhood Plan as “a plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.”

Paragraph 2 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The development plan includes neighbourhood plans that have been brought into force (adopted).

Paragraph 13 of the NPPF requires neighbourhood plans to support the delivery of strategic policies contained in local plans or spatial development strategies. The MNP recognises that the plan’s policies must support and therefore be in conformity with the strategic policies in the MBC Local Plan. The following checklist demonstrates that all the policies within the MNP conform, not only with the relevant strategic policies in the MBC Local Plan, but also with all the relevant non-strategic policies. This conformity has been essential in the way the MNP has been developed. At each stage of MNP policy development the policies contained within the emerging, draft and then adopted MBC Local Plan have been considered. This has ensured that the MNP is robust and this is demonstrated in the following checklist.

Paragraph 29 of the NPPF states that neighbourhood planning gives communities the power to develop a shared vision for their area that can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. As the following checklist demonstrates each MNP policy has been assessed to ensure it is in conformity with the vision of the plan – to maintain and enhance the community spirit of Marden.

Paragraph 35 of the NPPF sets out the tests that local plans and spatial development strategies must meet in order to demonstrate that they are ‘sound’. Plans must be positively prepared, justified, effective and consistent with national policy. Although this paragraph makes no specific reference to neighbourhood plans, the policies within the MNP meet these requirements and this is demonstrated throughout the plan and in the following checklist and other supporting documents.

Paragraph 99 of the NPPF allows neighbourhood plans to designate land as Local Green Space and to identify and protect green areas of particular importance to the community. The Open Space chapter of the MNP identifies such areas and policy A2 of the MNP specifically promotes the creation of a variety of additional areas of open space.

Paragraph 125 of the NPPF states that neighbourhood plans can play an important role in identifying the special qualities of the area and explain how this should be reflected in development. The policies contained within the MNP have all been developed specifically to reflect the unique character of Marden. The MNP is a planning document and therefore policies relate to development and land use. However the vision for Marden, as identified by its residents, encompasses the importance of Marden’s community spirit and the sense of place that is more than just the built form of the Parish.

