

Basic Conditions Statement

Fernwood Neighbourhood Development Plan

1-Nov-16

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1 Introduction

What is the Neighbourhood Plan?

- 1.1 The Fernwood Neighbourhood Development Plan (FNP) has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future of the parish and sets out how that vision will be realised through planning and controlling land use and development.
- 1.2 The Plan 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.

What is the Basic Conditions Statement?

- 1.3 This Basic Conditions Statement has been prepared to accompany the Fernwood Neighbourhood Development Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions¹:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
 - contribute to the achievement of sustainable development,
 - be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.
- 1.4 This document will outline how the Fernwood Neighbourhood Development Plan meets all of the above basic conditions.

2 Key Statements

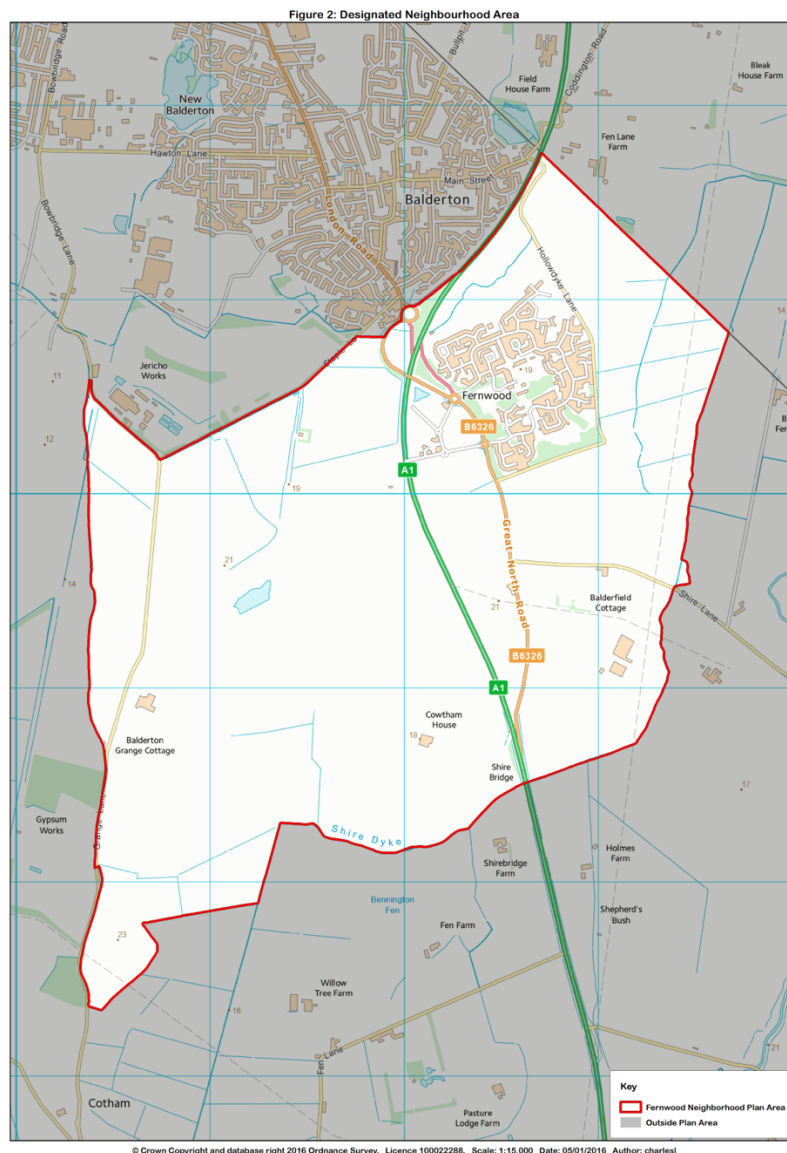
- 2.1 The Plan area covers the Parish of Fernwood. Fernwood Parish Council is the qualifying body and responsible for the preparation of this Neighbourhood Plan. The Fernwood Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.

¹ See national planning practice guidance Paragraph: 065 Reference ID: 41-065-20140306

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- 2.2 The neighbourhood area is contiguous with the Parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1.
- 2.3 The Fernwood Neighbourhood Development Plan covers the period from 2016 to 2031.
- 2.4 The 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 as 'excluded development'.
- 2.5 The Fernwood Neighbourhood Development Plan does not relate to more than one neighbourhood area. It is solely related to the area of Fernwood as designated by Newark and Sherwood District Council on 28th May 2015.
- 2.6 There are no other neighbourhood plans in place for the Fernwood neighbourhood area.
- 2.7 The Pre Submission Fernwood Neighbourhood Development Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012, from 23rd June 2016 until the 12th August 2016. Some amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

Figure 1: Fernwood Neighbourhood Area



3 Conformity with National Policy

- 3.1 Fernwood Neighbourhood Development Plan is required to have appropriate regard to national planning policy. This is principally provided in the National Planning Policy Framework (NPPF) published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development.
- 3.2 Sections 183-185 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF and to be in general conformity with the strategic policies of the Local Plan. The Localism Act explains that this is the 'adopted Development Plan'. For Fernwood the development plan is Newark and Sherwood

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District Council's Core Strategy adopted in 2011 and the Allocation and Development Management DPD adopted in 2013. Both are available to view on the Council's website, at its offices and that's libraries throughout the district.

- 3.3 In accordance with National Planning Guidance Paragraph, Newark and Sherwood District Council and Fernwood Parish Council have collaborated in the preparation of this Plan prior to and then during the drafting of the Pre Submission Plan.
- 3.4 Table 1 and Table 2 demonstrate that the Fernwood Neighbourhood Development Plan has regard to relevant national policies within the NPPF in relation to:
- Delivering a wide choice of high quality homes
 - Supporting a prosperous local economy
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 3.5 The Fernwood NP contains a Vision and Objectives. The objectives are summarised in **Table 1** alongside the NPPF goals they seek to address.
- 3.6 **Table 2** provides a summary of how each of the neighbourhood plan policies conforms specifically with the NPPF.

Table 1: Summary of Fernwood Neighbourhood Plan objectives assessed against NPPF Goals

| Objective No. | | Relevant NPPF Goal |
|---------------|--|---|
| 1 | Ensuring that new development is designed to the highest national standards | Requiring good design |
| 2 | Ensuring that car parking is integrated into the design and that the provision reflects car ownership and the rural location. | Requiring good design. |
| 3 | Ensuring that new development integrates with the existing settlement | Requiring good design Promoting healthy communities |
| 4 | Ensuring that future housing is varied and suitable to meet local needs | Delivering a wide choice of high quality homes |
| 5 | Ensuring that development is sensitive to and minimises the impact on the natural environment; protecting and enhancing the natural environment where possible | Conserving and enhancing the natural environment |
| 6 | Ensuring easy access to the countryside, wooded areas, local lanes and open spaces within the built up area | Promoting healthy communities Conserving and enhancing the natural environment |
| 7 | Ensuring that existing community facilities are maintained and that additional facilities compliment this provision | Promoting healthy communities |
| 8 | To seek solutions to the existing problems of road safety | Requiring good design |
| 9 | To encourage developers to consult with the community early in the planning application process wherever possible so local people can inform the design, location and layout of a scheme. ² | Promoting healthy communities |

Table 2: Assessment of how each policy in the Fernwood Neighbourhood Plan conforms to the NPPF

| Policy No. | Policy Title | NPPF Ref (para.) | Commentary |
|------------|---------------------------------------|-----------------------|---|
| 1 | Design Principles for New Development | 17,56,57,58,60,61, 62 | NP 1 sets out robust and comprehensive design standards based on an understanding |

² As community objective 9 is not a land use policy this is reflected as a key principle in the Neighbourhood Plan

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| Policy No. | Policy Title | NPPF Ref (para.) | Commentary |
|------------|--|------------------|---|
| | | | of its characteristics, the importance of reinforcing local distinctiveness and the integration of new development with the existing built and natural environment. NP 1 supports the use of a design review process. |
| 2 | Housing Type | 47, 50 | The NPPF requires policies to be based on evidence of housing need. NP 2 supports the provision of a mix of housing based on evidence provided in the Neighbourhood Plan about existing housing stock and local and District housing need up to 2031. |
| 3 | Residential Parking on New Development | 39,56 | NP 3 accords with the NPPFs reference to setting local parking standards, reflecting the rural location of Fernwood and car ownership levels. The policy is justified based on evidence that car parking provision in parts of central Fernwood, based on previous County and District parking standards and layout in parts of central Fernwood has resulted in under provision in some areas or the location of parking spaces in unsuitable locations. |
| 4 | Designating the Meadows as a Local Green Space | 76,77 | Identifies an area of tranquillity, biodiversity and community value that will be protected from development. |
| 5 | Green Spaces, Landscaping and Biodiversity | 61 | In accordance with the NPPF, NP 5 sets out the requirements showing how major applications should retain the environmental assets of the parish and where possible add to the overall biodiversity quality of the area |

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| Policy No. | Policy Title | NPPF Ref (para.) | Commentary |
|------------|---|------------------|--|
| | | | by minimising the adverse impact of development. |
| 6 | Protecting and Enhancing Heritage Assets | 126,131, 132 | The NPPF places great importance on the protection and enhancement of heritage assets. NP 6 identifies particular heritage assets of value to local people and sets out a clear framework within which heritage assets at risk can be brought back into use. |
| 7 | Supporting Better Movement and Connections | 58, 35 | NP 7 sets out the principles for designing street layout to improve legibility and considerations about movement enabling people to walk and cycle more easily (and so reduce the use of the car) in accordance with NP 7. |
| 8 | Enhancing the Provision of Community Facilities | 17, 69, 156 | The NPPF identifies as a core planning principle the need to deliver sufficient community facilities to meet local needs. An important part of Plan making for local authorities is having strategic policies to deliver community facilities. Whilst the provision of community facilities in Fernwood is good, with a growing population likely as the large sites to the north and south are built out, NP 8 seeks to encourage a consideration of how the existing and new provision will work together to maximise the benefit to local people. |

4 Contribute to the Achievement of Sustainable Development

- 4.1 The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three dimensions: economic, social and environmental.
- 4.2 The **economic** goals relate primarily to the wider role Fernwood will play in meeting wider district housing need. The neighbourhood plan accepts that significant growth will occur but the design policy will ensure that new development learns from the experience of building central Fernwood. The Plan places great weight on the need to ensure high quality design, which government policy endorses is a central tenet of sustainable development.
- 4.3 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. This Plan seeks to achieve this by encouraging the enhancement of community facilities and the integration of the existing uses in Fernwood central with the new uses in the Local Centre proposed on the southern development to meet the needs of a growing population.
- 4.4 The **environmental** goals are to protect the natural and built environment. Neighbourhood plan policies ensure that proposals protect and where possible enhance existing biodiversity, improve access to the countryside and improve the quality of the existing open spaces. (designating the Meadows as a Local Green Space.)

5 Conformity with Strategic Local Policy

- 5.1 The FNP has been prepared by a Neighbourhood Plan Steering Group on behalf of the Parish Council in close collaboration with officers from Newark and Sherwood District Council (NSDC).
- 5.2 In accordance with National Planning Policy Guidance this Neighbourhood Plan is informed by district policies and by evidence (the SHMA in particular) that will form the basis of a new Local Plan in due course.
- 5.3 The documents used to inform this Neighbourhood Plan are
 - National Planning Policy Framework
 - National Planning Policy Guidance
 - Strategic Housing Market Assessment (SHMA) 2015
 - Sustainability Appraisal Scoping Report April 2016
 - NSDC Core Strategy 2011
 - NSDC Allocation and Development Management DPD 2013

- 5.4 **Table 3** provides a summary of how the FNP policies are in general conformity with the adopted policies in the Core Strategy 2011 and the Allocations Development Plan Document 2013.

Table 3: Assessment of how each policy in the FNP conforms to the policies in the Core Strategy and Allocations and Development Management DPD

| Neighbourhood Plan Policy No. | Neighbourhood Policy | Ref in Core Strategy and Allocations and Development Management DPD | Commentary on how District policies fit with FNP policies |
|-------------------------------|--|---|---|
| 1 | Design Principles for New Development | Core Policy 9 DM 5 | CP 9 requires new development to achieve a high standard of sustainable design and to provide a layout that is capable of being accessible to all. DM 5 establish a framework to consider access, parking, local distinctiveness and character and the use of trees woodland and green infrastructure. NP 1 requires schemes to be of the highest design standards in accordance with BLF 12 criteria. Good connectivity, car parking that is well integrated, street layout that makes them safe social spaces and quality landscaping are particularly encouraged. Major development is encouraged to be assessed to ensure it does meet national design standards. |
| 2 | Housing Type | Core Policy 2 | CP 2 requires a mix of housing types dependent on local circumstances and viability. It identifies the need for housing for older people to adequately address housing need. NP 2 refers to need identified in 2015 SHMA and local evidence (the existing housing stock that has very few bungalows) and consultation feedback that wanted more dwellings suitable for older people. |
| 3 | Residential Parking on New Development | DM 5 | DM 5 requires parking provision to be based on the scale and specific location of development, the approach is described by NSDC as 'flexible and pragmatic'. NP 3 requires the scheme to provide sufficient parking to reflect the rural location and car ownership and to be in accordance with best practice outlined in national and County guidance. |

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| Neighbourhood Plan Policy No. | Neighbourhood Policy | Ref in Core Strategy and Allocations and Development Management DPD | Commentary on how District policies fit with FNP policies |
|-------------------------------|--|---|---|
| 4 | Designating the Meadows as a Local Green Space | Core Policy 12, NAP 2C | CP 12 seeks to conserve and enhance biodiversity and to maximise opportunities to conserve, enhance and restore biodiversity and increase access to green infrastructure. NAP 2C requires development to enhance existing habitats and existing spaces. NP 4 designates the principle area of nature conservation (that was formally a Local Wildlife Site) within Fernwood central as a LGS reflecting its biodiversity and the value local people place on it. |
| 5 | Green Spaces, Landscaping and Biodiversity | Core Policy 9, Core Policy 13, DM 5, Core Policy 12, NAP 2C | CP 9 requires development to complement the landscape character DM 5 encourages the use of green infrastructure to access development and requires the rich local distinctiveness of the landscape to be reflected in proposals for new developments. NAP 2C requires development to enhance existing habitats and open spaces and improve links to the countryside and to provide landscaping and structural planting. CP 12 requires natural features of importance within adjacent development sites to be protected and enhanced and to utilise green infrastructure where possible for connectivity and integration. CP 13 requires proposals to be considered against the landscape character condition and sensitivity of each landscape policy zone. assessment supplementary planning documents. NP 5 requires development to provide a landscape strategy that seeks every opportunity to minimise the impact of development and maximise the opportunity to safeguard and enhance existing green infrastructure. |
| 6 | Protecting and Enhancing Heritage Assets | Core Policy 14 and DM 9 | CP 14 requires development to continue to preserve and enhance the character, appearance and setting of heritage assets and the historic environment. DM 9 requires that all |

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| Neighbourhood Plan Policy No. | Neighbourhood Policy | Ref in Core Strategy and Allocations and Development Management DPD | Commentary on how District policies fit with FNP policies |
|-------------------------------|---|---|--|
| | | | development proposals secure the continued protection and enhancement of heritage assets. NP 6 identifies particular heritage assets of value to local people and sets out a clear framework within which heritage assets at risk can be brought back into use. |
| 7 | Supporting Better Movement and Connections | Core Policy 11, NAP 2C DM 5 | DM 5 encourages the use of green infrastructure to access development; CP 11 seeks to improve public transport to the villages NAP 2C requires development to maximise opportunities for sustainable travel, achieving suitable access to local facilities, high quality passenger transport links to Newark and Balderton, safe, convenient pedestrian and cycle routes within and adjoining the development. NP 7 sets out the principles for designing street layout to improve legibility and considerations about movement, enabling people to walk and cycle more easily (and so reduce the use of the car). |
| 8 | Enhancing the Provision of Community Facilities | Spatial Policy 8, NAP 2C | SP 8 supports the provision of community facilities where they address a deficiency in current provision; NAP 2C requires future development in Fernwood to include the provision of a new local centre, primary school and health centre ‘to ensure the creation of sustainable neighbourhoods’. NP 8 seeks to encourage a consideration of how the existing facilities at Fernwood central and the new provision will work together to maximise the benefit to local people. |

6 Compatibility with EU Obligations

- 6.1 The FNP Steering group submitted a formal screening request regarding the need for a Strategic Environmental Assessment to NSDC who considered that an SEA was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment.
- 6.2 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Neighbourhood Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 6.3 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. There was consultation and engagement early on in the process and later in identifying issues and options.
- 6.4 The main issues for planning in relation to human rights are the right to family life and in preventing discrimination. The FNP accepts the need for additional dwellings in the Parish to meet objectively assessed housing need and focuses on ensuring that development integrates with central Fernwood and reflects the latest design standards. The population profile reveals that there are not significant numbers of people who have English as a second language and it has not been necessary to produce consultation material in other languages.
- 6.5 Finally, the draft Neighbourhood Plan has been consulted on 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 Consultation Statement has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.
- 6.6 The Neighbourhood Plan is not proposing any development in addition to that identified as part of District policy so an Appropriate Assessment under the EU Habitats Regulations this has not been required by NSDC.

7 Conclusion

- 7.1 It is the view of Fernwood Parish Council that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the TCPA 1990 Act are considered to be met by the Fernwood Neighbourhood Plan and all the policies therein.

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- 7.2 The Plan has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with strategic policies contained in Newark and Sherwood's District planning policies and meets relevant EU obligations.
- 7.3 On that basis it is respectfully suggested to the Examiner that the Fernwood Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.