

# Basic Conditions Statement East Markham Neighbourhood Plan

7 February 2017

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## 1 Introduction

### What is the Neighbourhood Plan?

- 1.1 The East Markham Neighbourhood Development Plan hereafter the East Markham NP has been prepared in accordance with the Plan area & 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 Plan area and sets out how that vision will be realised through planning and controlling land use and development change.
- 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 East Markham NP. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions<sup>1</sup>:
  - I. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
  - II. contribute to the achievement of sustainable development.
  - III. 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.)
  - IV. 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.

This document will outline how the East Markham NP meets all of the above basic conditions.

## 2 Key Statements

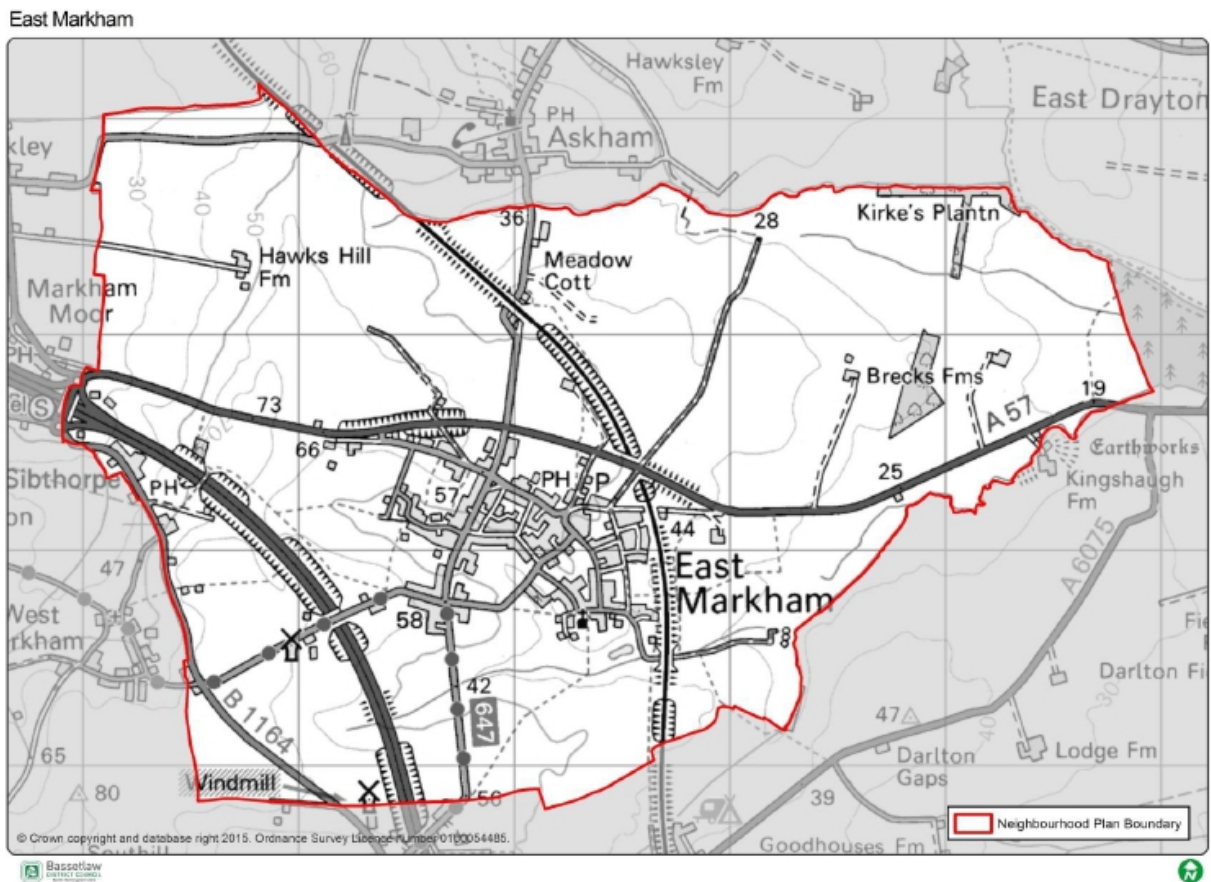
- 2.1 The Plan area covers the parish of East Markham. East Markham Parish Council is the qualifying body responsible for the preparation of this Neighbourhood Plan. The East Markham NP expresses policies that relate to the development and use of land only within the neighbourhood area.

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<sup>1</sup> See national planning practice guidance Paragraph: 065 Reference ID: 41-065-20140306

- 2.2 The neighbourhood area is contiguous with the Plan area boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1.
- 2.3 The East Markham NP covers the period from 2016 to 2031 extending slightly beyond the District Council's Core Strategy which runs to 2028. As the NP uses the evidence base for the emerging Local Plan (i.e. the SHMA 2014 which covers the period to 2033) it is considered appropriate that the NP extends 3 years beyond the Core Strategy.
- 2.4 The Plan proposals do not deal with County matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Plan area and Country Planning Act 1990 as 'excluded development'.
- 2.5 The East Markham NP does not relate to more than one neighbourhood area. It is solely related to the area of East Markham Parish as designated by Bassetlaw District Council in December 2013.
- 2.6 There are no other neighbourhood plans in place for the East Markham neighbourhood area.
- 2.7 The Pre-Submission Draft East Markham NP was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 18<sup>th</sup> June until 31<sup>st</sup> July 2016. Amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

**Figure 1: East Markham Neighbourhood Area**



### 3 Conformity with National Policy

- 3.1 The East Markham NP 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 (see paragraphs below relating to achieving 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'.
- 3.3 Whilst most of Bassetlaw's district policies in the Core Strategy are up to date those relating to housing supply are not. National Planning Guidance Paragraph: 009 Reference ID: 41-009-20160211 provides guidance on how a neighbourhood plan should relate to a Local Plan in this circumstance. The NPPG advises that

- *the reasoning and evidence used to support an emerging Local Plan is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested,*
- *the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*
  - *the emerging neighbourhood plan*
  - *the emerging Local Plan*
  - *the adopted development plan*
  - *with appropriate regard to national policy and guidance.*
- *The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.*

3.4 In accordance with the National Planning Guidance Paragraph, documents commissioned by BDC to support their emerging Local Plan have been used to guide the Neighbourhood Plan policies and there has been collaboration in assisting the Parish Council with the Neighbourhood Plan.

3.5 Table 1 and Table 2 demonstrate that the East Markham 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

3.6 The East Markham NP contains a Vision and Objectives. The objectives are summarised in **Table 1** alongside the NPPF goals they seek to address.

3.7 **Table 2** provides a summary of how each of the Neighbourhood Plan policies conform specifically with the NPPF.

**Table 1: Summary of NP Objectives with NPPF Goal**

NP Objective	Relevant NPPF Goal
Improving pedestrian safety by minimising on street parking	Promoting healthy communities Conserving and enhancing the historic environment
Ensuring development is small scale and built to a high design quality that reflects the local character	Conserving and enhancing the historic environment Requiring good design
Ensuring that future housing growth provides a mix of house types to meet local as well as district need	Promoting healthy communities Delivering a wide choice of high quality homes Ensuring the vitality of Plan area
To reduce flood risk and to ensure that the design of future development takes this issue into account	Meeting the challenge of climate change
To improve the educational facilities in the village to meet existing and future needs	Promoting healthy communities
Maintaining and enhancing the community facilities and local services	Building a strong competitive economy Supporting a prosperous rural economy Ensuring the vitality of Plan area
Protecting the landscape character whilst improving non-vehicular access to the countryside, maximising the opportunity provided by new development to extend or link up routes	Conserving and enhancing the natural environment Promoting healthy communities

**Table 2: Assessment of how each policy in the East Markham NP conforms to the NPPF**

<b>Policy No.</b>	<b>Policy Title</b>	<b>NPPF Ref (para.)</b>	<b>Commentary</b>
1	Pre Application Community Consultation	69	Although Bassetlaw District Council have always encouraged pre application consultation they cannot legally require it (apart from major infrastructure projects). This Policy takes its context from the NPPF (which post-dates the Core Strategy). The NPPF promotes the principle that LPAs should involve all sections of the community in planning decisions. NP 1 seeks to encourage consultation with the community before an application is submitted.
2	Development Design Principles	17,56,57,58,60,61, 62	NP 2 sets out robust and comprehensive design standards based on an understanding of its characteristics, the importance of reinforcing local distinctiveness and the integration of new development with the existing built and natural environment. The policy takes account of the differing character of the settlements that make up the Parish. NP 2 supports the use of a design review process.
3	A Mix of Housing Types	47, 50	The NPPF requires policies to be based on evidence of housing need. NP 3 supports the provision of a mix of housing based on evidence provided in the Neighbourhood Plan about existing housing stock and local and district need up to 2031.



<b>Policy No.</b>	<b>Policy Title</b>	<b>NPPF Ref (para.)</b>	<b>Commentary</b>
4	Development within the East Markham Conservation Area	126, 131	NP 4 sets out a framework for development located within the conservation area and it places great importance on the protection and enhancement of the heritage assets in the Conservation Area.
5	Protecting the Landscape Character across the Plan area	170	NP 5 defines the overall approach to protecting landscape character in considering the location for future development in the parish. It requires development to conform with NCCs Landscape Character Assessment
6	Conservation and Enhancement of non-Vehicular routes	75	NP 6 seeks to ensure that walking or cycling access to the countryside is improved and that the footpaths is extended and connected to encourage easier access to the countryside.
7	Enhancing the Provision of Community Facilities	69, 70	A key part of ensuring East Markham NP area continues to be a strong rural community is to ensure the area is equipped with those buildings and spaces that enable social interaction. NP 7 recognises the importance of improving the community facilities (including the school) in the village.
8	Reducing the Risk of Flooding	99,100	NP 8 seeks to ensure that new development does not worsen the impact from flooding and that development in those areas susceptible to flooding is designed in accordance with recognised standards that will not exacerbate flood risk.
9	Car Parking on Residential Development	39	NP 9 sets a local parking standard for parts of the village where it is demonstrated that

Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			<p>there are particular parking constraints related to car ownership and existing limited on street parking due to historic street patterns. The setting of a local car parking standard is acceptable where it can be locally justified.</p>

## 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. The East Markham NP recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental goals.
- 4.2 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 extension and reconnection of footpaths and cycle routes will create additional opportunities for local residents to exercise and socialise within the parish.
- 4.3 The **environmental** goals are to protect the natural and built environment. Neighbourhood plan policies ensure that proposals protect and where possible enhance existing landscape character.
- 4.4 There is also a significant emphasis on protecting and enhancing the historic built environment which reflects the dominance of heritage assets in the Plan area.
- 4.5 The **economic** goals are to sustain existing businesses – the loss of local shops and services in the last 10 years is a loss to the community. East Markham’s location near the A1 means that the vast majority of demand for dwellings will be for people who will work outside the parish. It was considered that policies at District level provided an adequate framework for business growth in the parish.
- 4.6 The East Markham NP has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application stage. The Policies therefore aim to enable development necessary to meet district requirements whilst protecting and where possible enhancing the quality of life for local people.

## 5 Conformity with Strategic Local Policy

- 5.1 The East Markham NP has been prepared by the Neighbourhood Planning Steering Group for East Markham Parish Council in close collaboration with officers from Bassetlaw District Council. This has ensured that the process of developing the policies in the East Markham NP has been informed by the Strategic Policies in the Core Strategy and from the evidence base which will be used for the new Local Plan.
- 5.2 **Table 3** provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the District’s Strategic Policies.

**Table 3: Assessment of how each policy in the East Markham NP conforms to the Policies in Bassetlaw’s Core Strategy**

Neighbourhood Plan Policy No.	Policy Title	Core Strategy Policy	Commentary
1	Pre Application Community Consultation		Although Bassetlaw District Council have always encouraged pre application consultation they cannot legally require it (apart from major infrastructure projects). This Policy takes its context from the NPPF which post-dates the Core Strategy and seeks to encourage consultation with the community before an application is submitted.
2	Development Design Principles	SO7, DM4: Design and Character	NP 2 seeks to ensure that new development integrates with the existing settlement, is built to the highest national standards and that the provision enhances the character of the Plan area in keeping with the key tenets of SO7 and DM4.
3	A Mix of Housing Types	SO1, DM5 Housing Mix	NP 3 is the local expression of DM5 referencing local housing need and requiring development to show how it meets this need.
4	Development within the East Markham Conservation Area	SO9, DM8 The Historic Environment	NP 4 seeks to protect the character of the conservation area by setting out clear design policies that allow for some development where it is in accordance with specific design standards. This positive approach whilst ensuring heritage is protected is in accordance with SO9 and DM8.
5	Protecting the Landscape Character across the Plan area	DM9 C Landscape Character	NP 5 is in accordance with DM9 C but it provides more specific detail regarding the view corridors that are particularly valued; development is required to minimise visual intrusion in these areas.
6	Conservation and Enhancement of Non – Vehicular Routes	SO8, SO10, DM9 Green Infrastructure	SO8 and SO10 support the protection and enhancement of green infrastructure and encourage the growth of the GI network, DM9 expects proposals to enhance GI and restore or enhance biodiversity. NP 6 promotes the improvement and

Neighbourhood Plan Policy No.	Policy Title	Core Strategy Policy	Commentary
			connection of the existing footpaths and cycle ways that run through the Plan area.
7	Enhancing the Provision of Community Facilities	SO10, CS8c	SO10 supports the provision of essential social infrastructure, CS8c supports the provision of community facilities in Rural Service Centres. NP 7 reinforces the support for improved local community facilities particularly focusing on the need to improve the school building to provide the educational space and car parking provision to meet today's needs.
8	Reducing the Risk of Flooding	SO6, DM12 Flood risk sewerage and drainage	SO6 requires all new development to mitigate flood risk, DM12 requires all new development (other than minor extensions) to incorporate Sustainable Urban Drainage Systems with preference given to systems that contribute to conservation of biodiversity. Based on extensive local knowledge of the flooding issues in the parish. NP 8 provides more specific requirements based on evidence of localised issues in the Parish to address the risk of flooding.
9	Car Parking on Residential Development	DM 13 C Sustainable Transport Parking standards	DM13 C requires proposals to be in accordance with local parking standards and para 5.50 reinforces the need to consider parking requirements as an integral part of a well-designed scheme.

## **6 Compatibility with EU Obligations**

- 6.1 Bassetlaw District Council considered that a Strategic Environmental Assessment was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment that had not been already assessed as part of the Sustainability Appraisal for the Core Strategy
- 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 Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 6.3 The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs. The population profile has revealed that there are not significant numbers of people who do not speak English as a first language and it has not been necessary to produce consultation material in other languages.
- 6.4 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was consultation and engagement early on in the process and residents were encouraged to participate throughout. 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 Statement of Consultation has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.
- 6.5 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by Bassetlaw District Council.

## **7 Conclusion**

- 7.1 It is the view of the East Markham NP Steering Group 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 East Markham NP and all the policies therein.
- 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 Bassetlaw District Councils Local Plan and meets relevant EU obligations.
- 7.3 On that basis, it is respectfully suggested to the Examiner that the East Markham Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.