

**Barrowford Submission Neighbourhood Development Plan**

**Paragraph 8 of Schedule 4b**

**'Basic Conditions' Statement**

**June 2018**



## **1.0 Legal Requirements**

### **The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Barrowofrd Parish Council.

### **What is being proposed is a neighbourhood development plan**

The plan proposal 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.

### **The proposed Neighbourhood Plan states the period for which it is to have effect**

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2018 up to 2030.

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

The Neighbourhood 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.

### **The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

## 2.0 Basic Conditions

### Have Appropriate Regard to National Policy

The Barrowford Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the planning policies of Pendle Borough Council, and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Barrowford Neighbourhood Plan does not undermine the strategic policies of Pendle Council; the Plan aims to support these policies by protecting local built and natural heritage assets, promote improved infrastructure, promote new retail development and the sensitive enhancement of existing shop fronts, new housing, protection of green infrastructure and landscape views.

The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

**Table 1 NPPF Core Planning Principles and the Barrowford Submission Neighbourhood Plan**

NPPF Core Planning Principle	Regard that Barrowford Neighbourhood Plan has to guidance
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2030. The Neighbourhood Plan sets out a concise and practical suite of policies (10 in total) to guide development control decisions.</p>
<p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in</p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Barrowford Parish in a creative</p>

<p>which people live their lives.</p>	<p>way, ensuring that the quality of the place is enhanced by including policies which protect the landscape setting, and which support the provision of new housing. The Plan includes policies to promote high quality design and the protection of built and natural heritage assets including local green space designations.</p>
<p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>This Submission Neighbourhood Plan refines and amplifies Pendle wide policies and proposals set out in Part 1: Pendle Core Strategy 2013-2030 Part 2: Site Allocations and Development Policies (emerging) Joint Lancashire Minerals and Waste Local Plan.</p> <p>The Submission Neighbourhood Plan supports appropriate business and economic growth in the Parish in Policy BND 06.</p>
<p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The Submission Neighbourhood Plan sets out policies that encourage high quality design in new housing development (BNDP 01), protect and enhance local landscape character (BNDP 09) and identify local green space (BNDP 07) which will help to ensure that amenity is protected.</p>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>The Submission Neighbourhood Plan takes regard of this guidance fully in plan-making and decision- taking. The Plan recognises the importance of the village on the edge of the rural area, promoting the visitor attraction, continuing to improve and input into infrastructure decisions. The Parish recognises the important role of local facilities and community activities in the Parish, which support the health, and wellbeing of local people and the pressures they are under.</p>
<p>Support the transition to a low carbon future in a changing climate,</p>	<p>The Submission Neighbourhood Plan promotes the use of public transport,</p>

<p>taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>walking and cycling and the use of electric vehicles which together could assist with reducing carbon emissions associated with high levels of dependency on the private car associated with rural areas (BNDP 03).</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for the protection and enhancement of the semi rural landscape in Policy BNDP 08 Landscape Views. This policy along with BNDP 09 Green Infrastructure, protects important local views and encourages the preservation and enhancement of local habitats and wildlife and use of appropriate local species in landscaping schemes.</p>
<p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>	<p>The Submission Plan includes a settlement boundary drawn fairly tight around the existing built up area.</p>
<p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>Overall the Plan supports an approach which should provide a sustainable future for the community, providing policies which support existing business, support a mix of new housing.</p>
<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations</p>	<p>The Submission Neighbourhood Plan is fully in line with this principle.</p> <p>Policy BNDP 10 promotes a new character area at Newbridge. BNDP 06 encourages high quality design in new shop fronts evidenced by several Pendle Council policies documents including Conservation Area Appraisal.</p>
<p>Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus</p>	<p>The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through policies promoting walking and cycling in Policy</p>

significant development in locations which are or can be made sustainable	BNDP 03.
Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs	The Neighbourhood Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve the landscape setting and promote walking and cycling.

**Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest**

The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish through Policies BNDP 10 and BNDP 08.

**Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area**

The Plan covers 4 existing conservation areas and proposes a new character area for Newbridge policy BNDP 10.

**The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).**

The Neighbourhood Plan has been subject to a separate Screening Process for Strategic Environmental Assessment prepared by Kirkwells that accompanies the Submission Plan and this Basic Condition Statement. Plans that may have a significant effect on European Sites have to undertake a Habitat Regulations Assessment (HRA). Responses were received from Natural England, Historic England and the Environment Agency on the Screening Assessment and these are detailed in the accompanying Consultation Statement.

The accompanying Consultation Statement for the Neighbourhood Plan includes the full responses from Natural England, Historic England and the Environment Agency.

**Contribute to the Achievement of Sustainable Development**

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development.

Paragraphs 6-10 of the National Planning Policy Framework outline the Government's definition of sustainable development.

The UK Government's interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- ❑ "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ❑ a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ❑ an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

In Paragraph 6, the NPPF states that "the policies in paragraphs 18-219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system".

Table 1 above gives a clear and comprehensive narrative of how the framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies and allocations in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.



**Table 2 Submission Plan’s contribution to the economic, social and environmental aspects of sustainable development.**

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development by supporting existing businesses
Social	The plan supports existing businesses, design of shop fronts and recognises the role of the surrounding countryside in supporting health and wellbeing of parish residents. The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses.
Environmental	The Submission Neighbourhood Plan sets out policies that protects landscape views, green infrastructure and designates green spaces.

**Be in General Conformity with Strategic Local Planning Policy**

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Pendle Core Strategy.

Planning Practice Guidance 2014 para 009 advises that “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its [Local Plan](#).*”

*A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the Adopted Core Strategy.

**Table 3 Conformity with Local Strategic Policy**

<b>Policy No.</b>	<b>Barrowford Neighbourhood Development Plan</b>	<b>Pendle Core Strategy Policy</b>
<b>BNDP 01</b>	<b>New Housing in Barrowford</b>	<b>SDP1 – Presumption in Favour of Sustainable Development</b> <b>SDP3 – Housing Distribution</b> <b>LIV5 – Designing Better Places to Live</b>
<b>BNDP 02</b>	<b>Infrastructure</b>	<b>SDP6 – Future Infrastructure Requirements</b>
<b>BNDP 03</b>	<b>Travel and Transport</b>	<b>ENV4 – Promoting Sustainable Travel</b>
<b>BNDP 04</b>	<b>Supporting Existing Businesses</b>	<b>WRK1 – Strengthening the Local Economy</b>
<b>BNDP 05</b>	<b>Newbridge Local Shopping Frontage</b>	<b>ENV1 – Protecting and Enhancing our Natural and Historic Environment</b> <b>ENV2 Achieving Quality in Design and Conservation</b>
<b>BNDP 06</b>	<b>Design of new shop fronts</b>	<b>ENV2 Achieving Quality in Design and Conservation</b>
<b>BNDP 07</b>	<b>Local Green Spaces</b>	<b>ENV1 – Protecting and Enhancing our Natural and Historic Environment</b>
<b>BNDP 08</b>	<b>Landscape Views</b>	<b>ENV1 – Protecting and Enhancing our Natural and Historic Environment</b>
<b>BNDP 09</b>	<b>Green Infrastructure</b>	<b>ENV1 – Protecting and Enhancing our Natural and Historic Environment</b>

<b>BNDP 10</b>	<b>Newbridge Character Area</b>	<b>ENV1 – Protecting and Enhancing our Natural and Historic Environment</b> <b>ENV2 Achieving Quality in Design and Conservation</b>

### **Be Compatible with EU Obligations**

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council.

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Town Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

### **Conclusion**

The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Barrowford Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Barrowford Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.