

# VIA Idridgehay & Alton and Ashleyhay Draft Neighbourhood Development Plan 2014-28

## Basic Conditions Statement–October 2014

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C(5)] sets out that neighbourhood development plans must meet some basic conditions. A draft neighbourhood development plan meets **the basic conditions** if:

- 1) 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,
- 2) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- 3) 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),
- 4) the making of the neighbourhood development plan does not breach and is otherwise compatible with EU obligations.
- 5) 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.

**The following is a statement from Idridgehay & Alton and Ashleyhay Parish Council** regarding the VIA Neighbourhood Development Plan (VIANDP) and is presented to help the Examiner in his/her consideration.

- a. Idridgehay & Alton and Ashleyhay Parish Council is a qualifying body and entitled to submit a neighbourhood development plan (NDP) for its own parishes.
- b. Idridgehay & Alton and Ashleyhay Parish Council initiated the formation of a Steering Committee to research and create a neighbourhood plan for the parishes.
- c. The VIANDP expresses policies relating to the development and use of land within the Neighbourhood Area as designated by Amber Valley Borough Council (AVBC).
- d. The period of the VIANDP is from 2014 to 2028, this means that the VIANDP aligns with the dates of the emerging Core Strategy Part 1 being prepared by AVBC.
- e. There are no other neighbourhood plans in place in this Neighbourhood Area and the Neighbourhood Plan does not relate to any other area than that designated as the Idridgehay & Alton and Ashleyhay Neighbourhood Area.
- f. It is not considered that there is any benefit in extending the area for the referendum beyond the Designated Neighbourhood Area.
- g. The VIANDP does not include any provision for excluded development such as national infrastructure or waste matters.

Application to AVBC for the Designated Neighbourhood Area, the decision notice dated May 23<sup>rd</sup> 2013, and Steering Committee minutes can be found in Supporting Documents.

### Basic Condition 1: Conformity with the National Planning Policy Framework

Neighbourhood Plans must conform to the framework given by higher level planning policy. This means that the VIANDP must be in line with the National Planning Policy Framework (NPPF). All policies conform to NPPF Core Planning Principles para.17 and the Table below demonstrates how VIA policies conform to other sections of the NPPF.

VIANDP Policy Number and Title	NPPF paragraph	Comment on conformity
VIA Landscape Policy L1	Section 11, para. 109	Protects & enhances a valued landscape
VIA Housing Policy H1	Section 6 para. 55, Section 7 para.58	Promotes sustainable development in a small village to support services and reflects local character
VIA Housing Policy H2	Section 6 para.55 & Section 7 para.58	Promotes sustainable development in the countryside to support local services in Idridgehay and reflect local character
VIA Policy Housing H3		Extensions & alterations not covered by NPPF
VIA Business Policy B1	Section 3 para.28 & Neighbourhood Planning para.184	Promotes sustainable small scale rural based businesses
VIA Environment Policy E1	Section 11	Protects and enhances biodiversity
VIA Environment Policy E2	Section 11, para 123	Protects an area of tranquility
VIA Renewable Energy Policy RE1	Section 10, paras. 93-108	Encourages renewable energy usage
VIA Renewable Energy Policy RE2	Section 10, paras. 93-108	Encourages alternative energy use in new development
VIA Community Policy C1	Section 8 paras. 69 & 70	Promotes community cohesion and healthy lifestyles

### Basic Condition 2: Contribution to Achieving Sustainable Development

A Sustainability Appraisal is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development by using the appraisal methodology as recommended in Neighbourhood Planning Workshops organized by CPRE and NALC. The result of this can be found in the Supporting Documents: Sustainability Grid.

### Basic condition 3: Conformity with Amber Valley Borough Council saved policies (2006) and emerging Core Strategy part 1.

The objectives and policies in the VIANDP have taken into account the requirements of the Amber Valley Borough Local Plan (2006) saved policies and the AVBC emerging Core Strategy Part 1. The VIANDP sets out policies that the VIANDP aims to deliver and links them to the Local Plan (2006) and the Strategic Objectives and emerging policies in the Core Strategy. This can be seen in the following table. The VIANDP also refers to relevant

supplementary guidance that will help interpret the application of the Plan's policies.

VIANDP Policy Number and Title	Relevant AVBC Local Plan saved policy (2006)	Emerging AVBC Core Strategy Part 1.		Comment on conformity
		Strategic Objective	Policy	
VIA Landscape Policy L1	EN6 & EN1	7	SS12, E4 & E5	Protects and enhances a valued landscape
VIA Housing Policy H1	H4	1 & 4	SS12	Promotes good design, local distinctiveness and provision of houses
VIA Housing Policy H2	H5 & H6	1,4 & 7	SS12	Promotes good design, local distinctiveness and provision of houses
VIA Housing Policy H3	LS3	4 & 7	E2	Meets local housing needs
VIA Business Policy B1	LS1	2 & 7	R1 & SS13	Provides sustainable development while protecting environmental quality
VIA Environment Policy E1	EN12, EN13 & EN14	7 & 8	E6	Protects and enhances environmental quality and biodiversity
VIA Environment Policy E2	EN12, EN13 & EN14	7 & 8	E6	Protects and enhances environmental quality and biodiversity
VIA Renewable Energy Policy RE1	EN35 & EN36	1	R1 & R2	Promotes use of renewable energy
VIA Renewable Energy Policy RE2	EN35 & EN36	1	R1 & R2	Promotes energy efficient design
VIA Community Policy C1	LC11, LC12, LC13	6 & 9	IN2 & IN6	Promotes community cohesion and provision recreational facilities

Relevant Policies in the AVBC emerging Core Strategy:

#### **Policy SS12: Countryside**

Development will only be permitted in the countryside where it

- a) is essential in conjunction with the requirements of agriculture or forestry, or
- b) is necessary within the countryside and cannot reasonably be located within an existing settlement, or
- c) will improve the viability, accessibility or community value of existing services and facilities in settlements remote from service centres provided by the towns and larger villages.

All forms of development in the countryside will be required to be of an appropriate scale or character and to not have a significant adverse impact on the character of the locality and is, where possible, located within or adjacent to existing buildings to retain the openness of the countryside and minimise visual impact.

#### **Policy E4: Landscape Character**

The character, local distinctiveness and quality of Amber Valley's landscapes including the historic landscape character of the setting of the Derwent Valley Mills World Heritage Site and other areas of historic landscape character will be protected and enhanced through the

careful design, siting and sensitive implementation of new development. Development proposals that will have an unacceptable impact on landscape character, visual amenity and sensitivity will not be permitted.

Development proposals must demonstrate that close regard has been paid to the landscape character areas and landscape types identified in the Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out within this document and demonstrate that mitigation proposals are appropriate to the character of the landscape. Where there is evidence of deliberate neglect or degradation of landscape character, the state prior to neglect or damage and not the deteriorated state will be taken into account during the consideration of any development proposal.

### **Policy E5 Special Landscape Area**

Development proposals including agricultural development, conversions of existing buildings and extensions to existing buildings will be supported in the Special Landscape Area, where they protect the visual qualities of the area and involve high qualities of design consistent with the particular special qualities of the landscape.

The relationship between the saved policies (2006) and the emerging policies (2014) relevant to the Neighbourhood Area is found in Appendix D of the AVBC emerging Core Strategy and reproduced below:

Saved Policy (2006)	Saved ?	Reason
LS1 Sustainable Development	No	To be replaced by policy R1 in the Core Strategy
LS3 Design	No	To be incorporated into E2 in the Core Strategy
ER6 Diversification of the rural economy	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
H4 Housing development within other settlements <i>[i.e. not urban areas and/or larger villages as in H3]</i>	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
H5 Housing development outside settlements	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
H6 Planning permission for the conversion of existing buildings in the countryside for residential use	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
H11 Affordable housing in rural areas	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
H12 Quality and design of housing development	No	To be incorporated into Policy E2 of the Core Strategy, which combines H12, TC9 and ER11
EN1 Protection of the countryside	No	To be replaced by SS12 in the Core Strategy
EN6 Special Landscape Area	No	To be incorporated into E5 in the Core Strategy
EN7 Landscape Character Areas	No	To be incorporated into E4 in the Core Strategy
EN11 Agricultural development	No	To be incorporated into SS12 in the Core Strategy
EN12 Biodiversity	No	To be incorporated into E6 in the Core Strategy
EN13 Protection of species	No	To be incorporated into E6 in the Core Strategy

EN14 Protection of area of nature conservation	No	To be incorporated into E6 in the Core Strategy
EN23 Demolition of listed buildings	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
EN24 Alterations of listed buildings	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
EN26 Demolition of buildings in Conservation Areas	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
EN27 Development within & adjacent to conservation Areas	Yes	To be considered for inclusion in the Site Allocations and Development Management Policies DPD
EN35 Renewable energy installations	No	To be incorporated into R2 in the Core Strategy
EN36 Use of renewable energy resources	No	To be incorporated into R1 in the Core Strategy
TP2 Walking & cycling	No	To be incorporated into IN1 in the Core Strategy
TP3 Enhancement of footpaths, bridleways and cycleways	No	To be incorporated into IN1 in the Core Strategy
LC11, LC12, LC13 Community centres and play spaces	No	To be incorporated into IN2 & IN6 in the Core Strategy

#### **Basic conditions 4: Compatibility with EU Obligations and legislation**

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the First Protocol (property) and therefore complies with the Human Rights Act 1998. An equalities impact assessment has not been undertaken because it is considered that the Neighbourhood Plan will have positive or neutral impacts on groups with protected characteristics. Issues concerning anonymity were implemented when the Household Questionnaire was produced and processed. At all times as far as is reasonably practicable, venues for public meetings have been accessible.

Following the screening exercise for the VIANDP and consultation with relevant bodies, Amber Valley Borough Council has concluded that the Plan does not require a Strategic Environmental Assessment. Similarly the Neighbourhood Area is not in close proximity to any European designated nature sites and so does not require an Appropriate Assessment under the EU Habitats Regulations. This report can be found in Supporting Documents: AVBC SEA and Habitats Regulations Assessment screening report.

#### **Basic condition 5: Prescribed matters - Community Engagement and Statutory Consultation**

A Statement of Community Engagement and Statutory Consultation (SCE&SC) has been prepared and this sets out the comprehensive process by which the VIANDP has been developed from the views of the community within the Parishes. This is submitted as separate document.

As shown in Part 1a and 1b in the SCE&SC, the views of the community on how the village

and parish should develop in the future have become the foundation for the Plan's policies and proposals. Through the household questionnaire, business survey and young people's question sheet an objective assessment of local opinions has been established. The information and views obtained have informed the Plan to meet future local needs at an appropriate scale for the parishes. There has been a clear mandate to the Steering Group from these sources and other collected data that any development should be limited, small scale and in keeping with the character of the village and surrounding countryside.

Part 2a and 2b address how required and statutory consultation bodies for NDPs have been consulted. The Statement demonstrates that the Plan fully accords with the requirements of the Localism Act and meets the requirements of Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

This Statement of Community Engagement and Statutory Consultation can be found at Neighbourhood Planning [www.iaa-pc.org.uk](http://www.iaa-pc.org.uk)

### Conclusions on Conformity

All documentary evidence to substantiate these statements can be viewed on [www.iaa-pc.org.uk](http://www.iaa-pc.org.uk) Supporting Documents.

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