

Basic Conditions Statement

Swanwick Neighbourhood Plan

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1 Introduction

What is the Neighbourhood Plan?

- 1.1 The Swanwick Neighbourhood Development Plan hereafter Swanwick Neighbourhood Plan 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 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 Swanwick Neighbourhood Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions:
 - I. have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
 - 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 local planning authority, in this case Amber Valley District Council's 2009 Core Strategy
 - IV. meet the relevant EU obligations.

This document will outline how the Swanwick Neighbourhood Plan meets all of the above basic conditions.

2 Key Statements

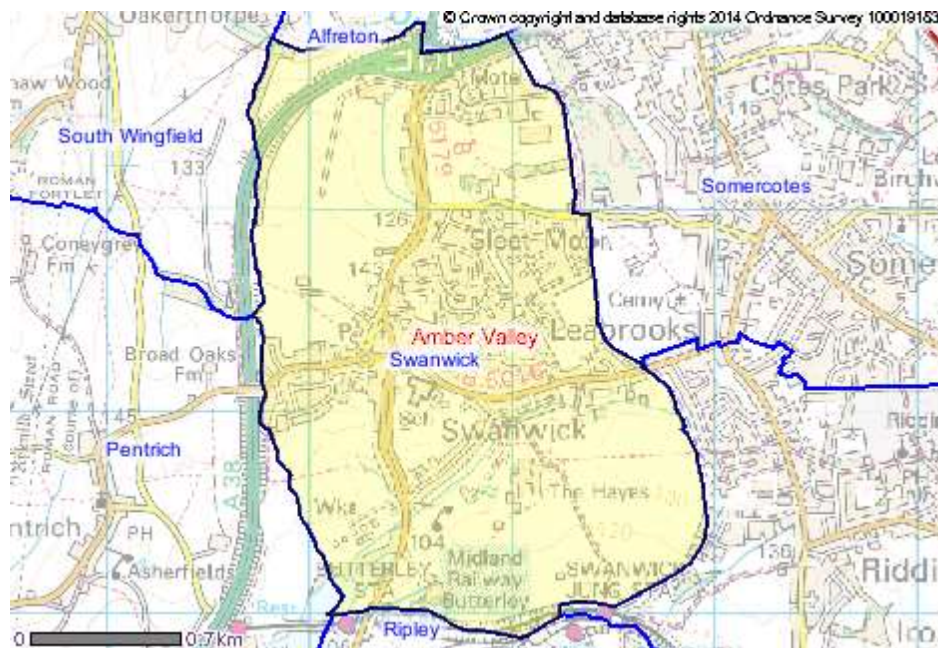
- 2.1 The Plan area covers the Parish of Swanwick and Swanwick Parish Council is the qualifying body responsible for the preparation of this Neighbourhood Plan. The Swanwick Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 2.2 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.

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- 2.3 The Swanwick Neighbourhood Plan covers the period from 2015 to 2028 and is intended to align with Amber Valley's Emerging Local Plan Part 1 which also runs to 2028.¹
- 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 Swanwick Neighbourhood Development Plan does not relate to more than one neighbourhood area. It is solely related to the area of Swanwick Parish as designated by Amber Valley Borough Council in May 2013.
- 2.6 There are no other neighbourhood plans in place for the Swanwick neighbourhood area.
- 2.7 The Draft Swanwick Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012 from 26th March until the 16th May 2015. Some minor amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

¹ At time of writing (September 2015) the Local Plan Part 1 had been suspended by the inspector pending further studies focused on clarifying housing numbers but it was expected to resume and be adopted by the end of 2016.

Figure 1: Swanwick Neighbourhood Area May 2013



3 Conformity with National Policy

- 3.1 Swanwick Neighbourhood 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 (see paragraphs below relating to achieving sustainable development).
- 3.2 Sections 183-185 of the NPPF refer 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'. This is the 2006 Local Plan although the National Planning Guidance Ref 41-009-20140306 explains that the evidence used to support the emerging Plan should be used and the stage the emerging Plan is at will all affect the weight attributed to the emerging Plan.
- 3.3 This section demonstrates that the Swanwick Neighbourhood Plan has regard to relevant 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

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- Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 3.4 The Swanwick NP contains a Vision, Aim and Objectives. The objectives are summarised in **Table 1** alongside the NPPF goals they seek to address.
- 3.5 **Table 2** provides a summary of how each of the development management policies conforms specifically to the NPPF.

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Table 1: Swanwick Neighbourhood Plan Objectives and relevant NPPF Goal

Theme	Objective	Relevant NPPF Goal
Environment	To protect, enhance and extend existing open spaces and non-vehicular routes To secure additional community open space to enhance bio diversity To keep a sense of openness between the edge of the existing settlement and the employment area to the north of the parish. To support development that reinforces Swanwick as a village	Conserving and enhancing the natural environment. Promoting healthy communities Conserving and enhancing the historic environment
Housing	To ensure development is sensitively located (to enhance the attributes of Swanwick as a village) and is designed to be sympathetic to local styles and materials.	Delivering a wide choice of high quality homes, Requiring good design
Employment	To provide local employment opportunities and support economic growth	Building a strong competitive economy and supporting a prosperous rural community.
Community facilities	To promote growth that maintains and increases the range of local services	Promoting healthy communities

Table 2: Assessment of how each policy in the Swanwick NP conforms to the NPPF

Neighbourhood Plan Policy No.	Policy Title	NPPF Ref (para.)	Commentary
1	Sustainable Development	6,7,11	Defines the overall approach to development where growth must bring forward a balance of uses to meet local need. Embraces the core principle of planning being a creative exercise in finding ways to enhance the places where

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Neighbourhood Plan Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			people live whilst also accepting more development.
2	Protected Open Land	17, 109, 110,	Core planning principles include empowering local people to shape their surroundings. The planning system should enhance the natural environment by protecting valued landscapes Plans should allocate land with the least amenity value.
3	Creation of additional open space for community use	73, 109	Access to high quality open spaces can make an important contribution to the health and well-being of communities The planning system should contribute to and enhance the natural and local environment.
4	Improve and extend parks, open spaces and green corridors	75,109,114,117	Seeks to improve the network of green infrastructure by creating new provision as part of development schemes and by enhancing the existing provision.
5	Create a network of pedestrian and cycle connections	30,75, 109,114,117	Seeks to ensure that sustainable modes of transport are encouraged and that pedestrians and cyclists have access to an extensive and safe network of paths that will encourage easier access to the countryside. Seeks to ensure that new development proposals take the opportunity to enhance these connections .
6	Design Principles for New Development	56,57,58,60,61	Sets out design standards expected on all new development, the importance of

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Neighbourhood Plan Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			<p>reinforcing local distinctiveness and the integration of new development with the existing.</p> <p>Recognises that high quality design is also about addressing the connections between people and places and the integration of new development into the natural and built environment.</p>
7	Pre Application Community Consultation	188	<p>Although Amber Valley 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 and seeks to encourage consultation with the community before an application is submitted to ensure the decision making process is well informed and to improve the efficiency of the process (by reducing objections).</p>
8	Protecting the Historic Centre	126,135	<p>Recognises the value of heritage assets (both listed and non-designated assets)</p> <p>Seeks consideration of the impact of development on these heritage assets.</p>
9	Enhancing facilities in the village centre	17, 28,69, 70	<p>A core planning principle is to provide the infrastructure necessary for a community to thrive. In the context of Swanwick additional off street parking in the centre of the village would support the retail and community facilities and help the village to thrive.</p> <p>A key part of ensuring Swanwick Parish continues to be a strong rural community is to</p>

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Neighbourhood Plan Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			ensure the area is equipped with those buildings that enable social interaction. This policy also recognises that the social facilities within the parish are inadequate and seeks to encourage the provision of a new village hall within the centre of the existing settlement.
10	Provision of a mix of housing types	47,50	Addresses the need for a mix of dwelling sizes and particularly the need for a greater proportion of smaller dwellings based on evidence of housing stock and changing population in order to provide for local and district wide needs. Encourages a housing mix to reflect a consideration of the location of the site in relation to facilities.
11	Allocation of Affordable Housing	50	Ensures that new development meets the needs of different groups within the community and sets out local-connection criteria that prioritise people who have a connection to the parish.
12	Supporting Local Businesses	21, 28,	Encourages the growth of small businesses to strengthen the economic base of the village.
13	Supporting High Quality Communications Infrastructure	42, 43	Seeks to ensure that Swanwick is provided with a high quality communications network to strengthen its economic base.

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 Swanwick NP recognises that this is a balancing act and the strategic 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. The economic goals relate to policies that encourage small local businesses to be established within and across the Plan area. The environmental goals are to protect the rural environment and ensure that all development (but especially that proposed to the north of the village) is of a high quality design and minimises the adverse impacts on the open countryside.
- 4.3 This Neighbourhood Plan recognises that as part of the Emerging Local Plan Part 1 a strategic mixed use site may be allocated at Lily Street. However, the Neighbourhood Plan policies will ensure that all development up to 2028 is designed to:
- a) minimise the environmental impact by securing additional community open space as part of the Lily Street allocation,
 - b) protects the sense of openness between the employment area to the north of the parish
 - c) provides smaller dwellings as identified in the Derby Strategic Housing Market Update and to reflect the imbalance in the existing housing stock to meet local needs (for housing for older people and some starter homes)
 - d) allocates affordable housing based on a local connection criteria
 - e) supports the improvement of existing open spaces
 - f) encourages better non-vehicular access both to services within the village and across the Plan area to improve health and well-being and to support the local shops,
 - g) encourages the provision of an additional community facility within the village centre to meet the needs of existing and future residents,
 - h) supports the establishment of small local businesses both in their own premises and as part of home working
- 4.4 The Swanwick 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.

- 4.5 Policy 1 sets out the overarching approach of the Plan to new development across Swanwick Parish; the approach underpins the rest of the policies ensuring the delivery of sustainable development over the long term.

5 Conformity with Strategic Local Policy

- 5.1 The Swanwick NP has been prepared by the Swanwick Neighbourhood Plan Steering Group in liaison with officers from Amber Valley District Council. At the start of the neighbourhood plan process it was expected that the Local Plan Part 1 would be adopted by the time the neighbourhood plan got to examination. However in May 2014 the Inspector suspended the Local Plan examination and has allowed AVBC time to work with other Housing Market Area authorities (Derby City and South Derbyshire) to agree housing figures based on a new Objectively Assessed Housing Need study.
- 5.2 Lily Street Farm, a strategic site of 600 dwellings and 55,000 sq m of employment land, is a site that was not in the original Local Plan Part I. It was added as a further revision to the core strategy. It may be included in the Local Plan that is resubmitted to the Inspector in 2015.
- 5.3 Whilst this Neighbourhood Plan must be in general conformity with the adopted policies in the 2006 Local Plan, with a new Local Plan expected to be adopted in 2016 it is important that the Neighbourhood Plan is also in conformity with the evidence base of the emerging Local Plan.
- 5.4 **Table 3** provides a summary of how each of the 12 neighbourhood plan policies are in general conformity with the Strategic Policies of Amber Valley District Council.

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Table 3: Assessment of how each policy in the Swanwick NP conforms to the Policies in Amber Valley's 2006 Local Plan

Neighbourhood Plan Policy No.	Policy Title	Local Plan 2006 & Saved Policies	Commentary
1	Sustainable Development	Para 1.7 and Policy LS1	Sets out the definition of sustainable development and that any proposals for development should be located taking into account sustainability criteria. The definition still balances up the economic, social and environmental issues but as part of the national 1999 Strategy for Sustainable Development. SNP Policy 1 shows the key considerations in getting this balance right for Swanwick.
2	Protected Open Land	Protected Open Land EN5	Protects this area from built development 'to ensure maintenance of the settlements' separate identities'. SNP Policy 2 is in accordance with this approach.
3	Creation of additional open space for Community Use	Provision of Outdoor Playing Space LC1	Requires via section 106 agreement the provision of a financial contribution towards outdoor playing standards to secure outdoor playing space in conjunction with new housing development to meet National Playing Fields Standards. SNP Policy 3 takes the updated assessment of open spaces in the 2012-2017 Parks and Open Spaces Strategy for AVBC and encourages the provision of open space as part of any major development proposal particularly in relation to the Lily Street application.
4	Improve and extend parks, open spaces and green corridors	Provision of Outdoor Playing Space LC1, Children's Playing Spaces LC2, Playing fields, parks and informal open space LC3	Requires development to provide commensurate open space provision or a financial contribution to improve the existing provision. SNP Policy 4 requires major development to demonstrate how the scheme protects and enhances green infrastructure assets.
5	Create a	Walking and Cycling TP2	Promotes a comprehensive footpath, cycleway and bridleway

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Neighbourhood Plan Policy No.	Policy Title	Local Plan 2006 & Saved Policies	Commentary
	network of pedestrian and cycle connections	and TP3	network TP3 required funding to make enhancements to existing networks where applicable. SNP Policy 5 takes the same approach encouraging all development where appropriate to extend and enhance non-vehicular routes.
6	Design Principles for New Development	Design LS3 and H12, E2	Requires development to conserve or enhance local distinctiveness, respect the character of the locality and consider the relationship of the existing buildings surrounding it. E2 promotes the principle of adaptable housing design to meet changing needs. SNP Policy 6 includes all these elements but provides more assistance to a developer by encouraging the use of BFL12 to assess the scheme.
7	Pre Application Community Consultation on Major Applications		Although AVBC has always encouraged pre application consultation it cannot legally be required (apart from major infrastructure projects). SNP Policy 7 takes its context from the NPPF (which post-dates the Local Plan) and seeks to encourage consultation with the community before an application is submitted
8	Protecting the Historic Centre	EN23, EN24 and EN25	Seeks to protect the setting of listed buildings as well as controlling the extent and nature of any changes proposed to them. SNP Policy 8 seeks to extend this consideration recognising that additional non-designated heritage assets within the parish have local interest and significance and that development proposals should consider the impact on these buildings as well.
9	Enhancing facilities in the village centre	Local Shopping Facilities TC6 Community Facilities LC13	Supports the development of local centres so long as this does not materially harm the vitality or viability of them. LC13 supports the provision of community centres. SNP Policy 9 combines both principles encouraging development that supports the vibrancy of the local centre and particularly

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Neighbourhood Plan Policy No.	Policy Title	Local Plan 2006 & Saved Policies	Commentary
			encourages the provision of a new community building within the village centre
10	Provision of a mix of housing types	No particular reference	
11	Allocation of Affordable Housing	Affordable Housing H10	Policy focused on securing affordable housing SNP 11 focuses on directing its allocation.
12	Supporting Local Businesses	Provision for small firms ER8 and ER9	Protects existing sites and promotes the provision of small units. SNP Policy 12 is proactive encouraging the establishment of small businesses within the existing village.
13	Supporting High Quality Communications Infrastructure	No particular reference	This seeks to promote Digital Derbyshire initiative.

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Table 5: Assessment of submitted Local Plan Part 1 2013 Policies against the Swanwick Neighbourhood Plan (SNP)

Submitted Local Plan Policy.	SNP conformity Y/N	Commentary and link to SNP Policy
SS3 Role of Settlements	Y	Is in accordance with SNP Policies 8,9 and 12 which all promote development that maintain and enhance the vitality and viability of Swanwick
H1: Housing Type Mix and Choice	Y	Is in accordance with SNP Policy 10 which requires the mix of housing development to reflect local housing need.
H3 Affordable Housing	Partial Y	SNP assumes the delivery of AH will be in accordance with national criteria; SNP Policy 11 seeks to direct the allocation of affordable housing to those with a local connection.
E2 Quality and Design of Development	Y	Is in accordance with SNP Policy 6 and reflects the more recent approach from the NPPF much of which is contained in BFL12.
E3 Historic Environment	Y	Is in accordance with SNP Policy 8 and supports the identification of non-designated heritage assets which has been undertaken for this SNP.
E4 Landscape Character	Y	SNP Policy 2 seeks to protect the landscape character of an area to the north of the existing built up settlement
IN2 Green Infrastructure Parks and Open Spaces	Y	Is in accordance with SNP Policies 2 and 4 requiring the provision of GI to be provided as an integral part of development proposals

6 Compatibility with EU Obligations

- 6.1 Amber Valley 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 for older people and for young people wanting to buy their first home. The population profile has revealed that there are not significant numbers of people who do not have 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 substantial input from the community as set out in the accompanying Consultation Statement. There was extensive consultation and engagement early on in the process and later in providing opportunities at every stage for people to get involved in the plan preparation. 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 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 Amber Valley District Council.

7 Conclusion

- 7.1 It is the view of the Swanwick Parish Neighbourhood Plan 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 Swanwick Neighbourhood Plan 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 Amber Valley District Councils Local Plan and meets relevant EU obligations.

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- 7.3 On that basis it is respectfully suggested to the Examiner that the Swanwick Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.