

Waters Upton

Neighbourhood

Plan

Basic Conditions Statement

Amended December 2014



Waters Upton Parish Council

Waters Upton Neighbourhood Plan Basic Conditions Statement June 2014

1. Introduction and Legislation

Neighbourhood Plans are required to meet certain Basic Conditions. These are laid down in the Neighbourhood Planning (General) Regulations 2012 paragraph 15 (d) which states that “a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town and Country Planning Act” must be submitted to the local planning authority at the same time as the Neighbourhood Plan proposal.

Schedule 4B was included in schedule 10 of the Localism Act and is appended to this report in appendix 1. Paragraph 8 of Schedule 4B has two sub paragraphs (1) and (2). Sub paragraph (1) details what legislation the examiner must consider when reviewing the Neighbourhood Plan and sub paragraph (2) defines the basic conditions that the Neighbourhood Plan must comply with.

Since the Neighbourhood Planning (General) Regulations 2012 require a statement addressing the whole of paragraph 8 of Schedule 4B to the 1990 Act, in order to aid the examiner, this Statement will address both sub paragraphs (1) and (2).

2. Compliance Statements

a. 1990 Town and Country Planning Act Schedule 4B Paragraph 8(1)

This paragraph has 5 sub paragraphs (a) to (e) as follows:

(a) “The examiner must consider whether the draft Neighbourhood Development order meets the basic conditions” this will be dealt with in Paragraph 2 (b) of this statement.

(b) “The examiner must consider whether the draft order complies with the provision made by or under sections 61E (2), 61J and 61L”. Note: Schedule 9 part 2 of the Localism Act 2011 modifies the above sections and replaces them with paragraphs 38A and 38B of part 2 of Schedule 9 of the Localism Act.

The relevant sections applicable to the submission of a Neighbourhood Plan are 38(A) paragraphs (1), (2), (11) , 38B paragraphs (1) (a),(b),(c) and 38B paragraphs (2), (3)

Section 38A paragraph (1) states that “any qualifying body is entitled to initiate a process for the purposes of requiring a local planning authority in England to make a Neighbourhood Development Plan”. In this instance the qualifying body is Waters Upton Parish Council which has appointed a Neighbourhood Plan Steering Group to carry out the process of developing the Waters Upton Neighbourhood Plan (NP). The submitted NP was approved by Waters Upton Parish council on the 25th June 2014.

Section 38A paragraph (2) states “A ‘Neighbourhood Development Plan’ is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan”.

This is a self-explanatory paragraph which defines what a Neighbourhood Development Plan is.

Section 38A paragraph (11) states that “if a Neighbourhood Plan is in force in relation to a neighbourhood area, the qualifying body may make a proposal for the existing plan to be replaced by a new one and the process for the making of the replacement plan is the same as the process for the making of the existing plan”.

In this instance, the parish of Waters Upton does not have an existing plan.

38B paragraph (1) (a), (b) and (c) states that “a Neighbourhood Development Plan:

(a) Must specify the period for which to have effect

(b) May not include provision about development that is excluded development and

(c) May not relate to more than one neighbourhood area.

The Waters Upton NP will be in effect from 2014 to 2031 (18 years), the Neighbourhood Plan area does not include any excluded development and only relates to one neighbourhood area.

Section 38B paragraph (2) states “Only one Neighbourhood Development Plan may be made for each neighbourhood area”

Only one Neighbourhood Plan will be completed.

Section 38B paragraph (3) states “If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy”

Care has been taken to ensure that no conflict exists between statements given in the body of the neighbourhood development plan and the policies.

b. 1990 Town and Country Planning Act Schedule 4B Paragraph 8(2)

This paragraph has 7 sub paragraphs (a) to (g) as follows:

“A draft order meets the basic conditions if—

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order, the national policies and guidance issued by the Secretary of State in this instance is the National Planning Policy Framework (NPPF).

Paragraphs 183 to 185 of the NPPF address Neighbourhood Plans and the Waters Upton NP has been formulated based on the objectives of the paragraphs.

The Neighbourhood Plan consists of a set of “local” planning policies through which it will be possible to determine decisions on planning applications which are relevant to the parish of Waters Upton.

The Waters Upton NP will enable the residents of the parish to benefit from appropriate sustainable development whilst maintaining the rural character of the parish.

The Waters Upton NP where applicable, complies with the strategic policies of the Telford & Wrekin saved Wrekin Local Plan policies, The Core Strategy and the emerging Shaping Places. Throughout the development process of the Waters Upton NP, the Steering Group have strived to support the existing and emerging Local Plans in a proactive manner.

Each of the Waters Upton NP policies will be reviewed to show how it complies with the NPPF, and the saved and emerging Local Plans. More detail is given in paragraph (e) below.

(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,

The Waters Upton NP **policy WULC2** seeks to protect the setting, form and character of the Parish thus protecting any special architectural and/or historic interest that the buildings and features may have

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,

The parish of Waters Upton does not feature any conservation areas.

(d) The making of the order contributes to the achievement of sustainable development,

The National Planning Policy Framework (NPPF) defines sustainable development as:-

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 and 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 present and future generations; and by creating a high quality built environment, with accessible local services, that reflect the community's needs and supports its health, social and cultural well-being 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 . On the advice of Telford and Wrekin Council (TWC), English Heritage, The Environment Agency and Natural England have all been informed in writing of the WUNP. TWC have confirmed on 13/11/2014 that the agencies have not identified any significant environmental effects arising from the implementation of the WUNP and no further action is required. Details of the screening process are included in the Evidence Base. The Waters Upton NP does not incorporate proposals which diverge from the saved Wrekin Local Plan policies, The Core Strategy and the emerging Shaping Places. nor is it considered that it will cause significant environmental effects. It is very difficult for small parishes like Waters Upton to dramatically promote all aspects of the sustainability equation. For instance, over 70% of those residents of the Parish, who work, travel by car, while 15% work from home. Waters Upton has a very limited bus service and is 6 miles from the nearest train station. It is not within the remit of the Parish Council to change this paradox. However, where it is possible to promote sustainability, this has been incorporated into the policies of the Waters Upton NP.

Taking each of the NPPF tenets of sustainability in turn, the Waters Upton NP has promoted sustainability as follows:

An economic role- each of the nineteen 2012 SHLAA sites, around the Parish of Waters Upton, was considered by all residents for their ability to accommodate housing over the Waters Upton NP period of 18 years. With some 40 houses already with planning approval, but not yet built, a further two sites were identified for housing. These were chosen by residents as the sites that would have the lowest impact on the existing villages and road network. The highest rated was the site of the closing Dairy Crest operation as this was brown field and would allow 130 new houses to be built. There have already been initial discussions between the Parish Council and the developer regarding this site. This number far exceeds the requirement of the Parish. A further site, SHLAA 551 was the second choice with the capacity for 71 houses. The results of

this process are part of the Waters Upton NP evidence base; this is available on request, from the parish clerk.

In order to support local employment, Waters Upton NP **Policy WUA5** promotes the support of small businesses and to promote the use of suitable redundant buildings.

A social role- The Waters Upton NP allocates up to 201 houses on two sites over the plan period. These developments will provide additional facilities as agreed between TWC, Waters Upton PC and the developers.

Policy WUH2 & WUH3 promotes affordable housing for families with a defined local connection to the parish.

Housing for the elderly is also promoted in **policy WUH2**.

An environmental role- Where possible the Waters Upton NP strives to protect the environment of the Parish in **Policy WULC1 & WULC2**.

Policy WULC3 Is to minimise light pollution and reduce future energy consumption.

In order to protect and enhance the natural, built and historic environment of the Parish, **Policy WULC2** requires the retention and enhancement of features that characterise the villages.

(e) The making of the order 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),

Section 38 of the Planning and Compulsory Purchase Act 2004 defines 'development plan' as the development plan documents adopted for the area and schedule 8 extends this to include saved local plans.

Telford & Wrekin Council is responsible for the Development Plan for the area. The Core Strategy was adopted in December 2007.

The emerging Local Plan, Shaping Places, is at the early consultation phase.

Accordingly, in order to demonstrate that Waters Upton NP is in general conformity with the development plan for the area, each of the policies of the Waters Upton NP will be reviewed against the saved Wrekin Local Plan policies, The Core Strategy and the emerging Shaping Places, and as stated above, where applicable, the NPPF. Where no policy provision has been included in the Waters Upton NP, it is an accepted principle that policy direction is taken from Local or national legislation.

Waters Upton NP Objectives:

Each objective in the Waters Upton NP is used to aid the formulation of one or more policies of the Waters Upton NP thus providing the direction to the Neighbourhood Plan.

Policy WUH1

Planning Permission should only be granted for development in the Parish that complies with the historical conditions set out in the Wrekin Local Plan and the Core Strategy H10. To be restricted to 1 or 2 dwellings on a suitable infill plot within the existing built up frontage and does not cause an extension of the village into open countryside.

This policy is in line with H9, H10, CS7, & NPPF paragraph 12.

Policy WUH2

Planning Permission should only be considered for small scale development in the Parish that provides at least some bungalows or single floor units. Affordable homes should be limited to no more than required. Bi annual Housing Surveys, undertaken by the Parish Council, will provide evidence of need.

This policy is in line with H9, H10, CS7, & NPPF paragraph 50.

Policy WUH3

If larger scale developments are required in the Parish to achieve Borough wide housing targets, these should be fulfilled by developing the Dairy Crest site and SHLAA site 551. These were the sites identified by residents, as those most suitable for development, that will have the least detrimental effect on the rural character of the Parish and conserve agricultural land for future generations, as it is essential and adds to the local character. These developments should include sufficient affordable homes to meet the needs of the Parish.

This policy is in line with TWC SHLAA 2012, and anticipates the emerging Shaping Places requirements as outlined in the SHMA 2014. The NPPF paragraph 184 requires that Neighbourhood Plans should reflect Local Plan policies and should not promote less development than set out in the Local Plan or undermine its strategic policies.

Policy WUH4

To work with Telford & Wrekin Council to obtain a community gain, through S106 conditions, on all new developments where this complies with the NPPF.

This policy anticipates the emerging Shaping Places requirements as, outlined to date, and the NPPF. The NPPF paragraph 16 requires that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development.” This also conforms to the saved policy H22.

6. Green areas and Public Spaces**Policy WUGS1**

To ensure the protection and retention of valuable green areas, play areas and recreational space.

The NPPF paragraph 76 specifically advises that Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.

Policy WUGS2

To protect and enhance rights of way and maintain a good quality network within the Parish.

As NPPF paragraph 75.

Policy WUGS3

To work with Partners and stakeholders to maximise the multi-functional benefits of green open spaces.

As NPPF paragraph 76.

7. Amenities & Employment**Policy WUA1**

To promote the retention, protection and development of local services and community facilities in the Parish including Churches, the Village Shop, the Parish Centre, Crudgington Primary School, and the Village Hall, to meet the needs of residents.

This policy is in line with NPPF paragraphs 17, 28 & 70 plus CS10

Policy WUA2

To promote and support the development of high speed broadband technology and other communications networks, within the parish. To enhance the provision of local community facilities and services and work with partners to ensure the social, economic and environmental impact is kept to a minimum.

This policy is in line with NPPF paragraphs 42 to 45. Also CS9 & T21

Policy WUA3

To ensure that the land identified for additional cemetery space in Waters Upton, identified in the S106 for planning application W/2008/0619, is forthcoming if the development goes ahead.

There are no specific local policies covering this requirement but we are informed TWC support this and H22 has some relevance. NPPF paragraph 28, bullet 4 refers to “community facilities”.

Policy WUA4

To ensure that the land identified for additional parking at the Village Hall in Waters Upton, identified in the S106 for planning application TWC/2013/0685, is forthcoming if the development goes ahead.

This policy is in line with H22 & LR1. NPPF paragraph 28, bullet 4 refers to “community facilities”.

Policy WUA5

To encourage and support small businesses, and to promote the use of suitable redundant buildings for appropriate business use.

The parish is predominantly rural and this policy seeks to support and enhance the rural economy from the standpoint of agriculture and commercial business. It fully supports the thrust of the NPPF paragraph 28 by supporting economic growth in the rural area.

8. Local Character

Policy WULC1

To ensure the protection of rivers and wild life corridors.

This policy is in line with NPPF paragraphs 14 & 58.

Policy WULC2

Future development must seek to retain or enhance features that characterise the villages such as, sandstone walls, hedges, protected trees and Waters Upton Village Well

This policy is in line with NPPF paragraph 58.

Policy WULC3

To keep to an absolute minimum, light pollution in the Parish. The latest designs of external lighting must be used in any new development, to restrict light pollution.

This policy follows the thrust of the NPPF paragraphs 95 and 97 to support a low carbon future by reducing unnecessary energy consumption by restricting the use of street lighting in new developments unless it is needed to address a road safety concern. The majority of the parish roads do not feature street lighting and those that do, cause excessive light pollution. This policy therefore also seeks to limit the light pollution that any new development may introduce.

9. Getting around

Policy WUT1

To work with Telford & Wrekin Council and Shropshire Council to improve and promote public transport opportunities in line with the Shaping Places and other emerging policies.

We are informed this is in line with the emerging Shaping Places. Also NPPF paragraph 30.

Policy WUT2

To ensure any new planning applications, where appropriate, include support for providing or improving pedestrian and cycle way routes.

This policy is in line with NPPF paragraph 69 and the emerging Shaping Places.

Policy WUT3

Any development must make provision for adequate parking (2 spaces per property, or 1 per bedroom, whichever is the greater) taking into consideration the needs of rural residents due to the lack of affordable, reliable, alternative transport.

This is a particular need in the rural area because of the reliance on travel by car and is addressed in LR1. As NPPF paragraph 39.

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
The EU obligations in this instance are the Strategic Environment Assessment (SEA) Directive and the Habitats Regulations Assessment (HRA). The Policies in the Waters Upton NP are reviewed earlier in this statement and Waters Upton Parish Council have concluded that the Waters Upton NP does not incorporate proposals which diverge from inherited or emerging Local Plans, nor is the Waters Upton NP likely to cause significant environmental effects. The higher level Local Authority Plans have been subjected to a SEA and TWC have written on 13/11/2014 to advise that the consultation bodies have confirmed there are no significant environmental effects resulting from the Waters Upton NP. Details of the screening process are included in the Evidence Base. The Core Strategy was subject to a Habitats Regulation Assessment Screening report in April 2012 and in the Madeley Plan this was considered as acceptable.

(g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

There are no prescribed matters other than those addressed in this document.

Document compiled by:

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And amended December 2014

