

# **Norton St Philip Neighbourhood Plan 2019-2029**



## **Basic Conditions Statement**

**Norton St Philip Parish Council**

February 2019



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## 1. Legal Requirements

1.1 This Statement has been prepared by LB Planning on behalf of Norton St Philip Parish Council (PC) to accompany its submission to the local planning authority, Mendip District Council (DC), of the Norton St Philip Neighbourhood Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”). No other neighbourhood plan has been submitted for the neighbourhood area.

1.2 The Neighbourhood Plan has been prepared by The Neighbourhood Plan Steering Group, set up by Norton St Philip PC for this purpose. Norton St Philip PC is a qualifying body for the Neighbourhood Area covering the Parish of Norton St Philip, as designated by Mendip DC on the 9<sup>th</sup> April 2018.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan is defined from 2019 until the end of 2029, and it does not contain policies relating to excluded development in accordance with the Regulations.

1.4 This Statement addresses each of the four ‘Basic Conditions’ and, as required by the Regulations, explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act. The Submission documents also include a screening opinion that states there are no likely significant effects on Habitats and therefore a Habitats Regulations Assessment will not be required. Thus the proscribed Basic Condition introduced by the Habitats and Species Regulations 2017 (as amended) has also been met.

1.5 The legislation states that a Neighbourhood Plan will be considered to have met the Basic Conditions if:

- 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;
- The making of the neighbourhood development plan contributes to the achievement of sustainable development;
- 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);
- The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations (including the proscribed Habitats Basic Condition).

## **2. Introduction and Background**

2.1 Norton St Philip has seen a lot of new development recently, and the Parish Council wished to be able to influence the design and location of future new development more directly. There is also a desire to retain valued local green spaces and promote design that reflects and conserves the uniqueness of the village and its conservation area. The Parish Council undertook some exploratory investigations and consultation, before agreeing with interested residents to set up a Steering Group to produce this Neighbourhood Plan.

2.2 The Parish Council began working on this Neighbourhood Plan at the beginning of 2018. A draft plan was produced for December 2018, and a formal seven week formal consultation undertaken, as required by Reg14 of the Regulations (an extra week was added to the usual six week consultation due to running over the Christmas and New Year holiday).

2.3 Responses from this consultation have been considered, and some changes made to the policies in the Neighbourhood Plan as a result, detailed in the Consultation Statement. The Plan is now ready to be submitted to Mendip DC, the Local Planning Authority. As required by the Regulations, the submission of the Neighbourhood Plan to the Local Planning Authority is accompanied by this Basic Conditions Statement; a Consultation Statement; a map showing the neighbourhood area and the results of the Strategic Environmental Assessment and Habitats Regulations Assessment screening opinion.

## **3. Conformity with National Planning Policy**

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF). As submission of the Plan is after the 24<sup>th</sup> of January 2019, it is the revised version of the NPPF2019 that is relevant. The Plan is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 and updated thereafter in respect of formulating neighbourhood plans. It has aimed to plan positively within a sensitive historic context and landscape setting. The Character Assessment was drawn up to provide a robust evidence base as required by the NPPG.

3.2 Set out in Table 1 below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

**Table 1: Conformity of the Neighbourhood Plan (NP) policies to the NPPF2019**

<b>NP Policy</b>	<b>NPPF paragraph</b>	<b>Comment on conformity</b>
<b>Policy 1: Settlement Boundary</b>	<b>16, 28,</b>	The boundary provides clarity for developers to show where infill development will normally be permitted, and where development beyond the village settlement boundary will need to comply with countryside policy.
<b>Policy 2: Bell Hill Garage Site</b>	<b>28, 69, 117, 192</b>	The policy and development brief are promoting development that will be an enhancement to the conservation area and provide new housing.
<b>Policy 3: Exception Sites</b>	<b>59, 71</b>	Where local need is demonstrated, Policy 3 allows exception sites to provide affordable housing in a way that does not adversely impact on the visual integrity and heritage assets of the village.
<b>Policy 4: Promoting Good Design</b>	<b>124-126</b>	As encouraged by the NPPF (paras 124-6) this policy and the evidence supporting it promotes good design that is locally responsive.
<b>Policy 5: Local Green Spaces</b>	<b>99-101</b>	The designation of Local Green Spaces is authorised by the NPPF. These sites have been carefully selected by the Parish Council, working with the LPA and meet the criteria required by the NPPF.
<b>Policy 6: Climate Change</b>	<b>148-152</b>	The policy supports the transition to a low carbon future as required by the NPPF.

#### **4. General conformity with the strategic Policies of the development plan**

4.1 The development plan for Norton St Philip, discounting excluded development policies, is the Mendip Local Plan 2006-2029 Part 1, together with some saved policies from the previous Mendip District Local Plan 2002 and Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011. None of the 2002 Local Plan saved policies are relevant for Norton, but the Joint Structure Plan saved Policy 6 defining the Bristol/Bath Green Belt is relevant to Norton St Philip as much of the Parish apart from the village of Norton is within it. However no policy in this Neighbourhood Plan adversely impacts on the defined green belt and the Neighbourhood Plan is in general conformity with relevant saved strategic policy in the Joint Structure Plan, as required by the Basic Conditions.

4.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for Mendip, but has also taken into account strategic policy in the emerging Mendip Local Plan Part 2 Sites and Policies. Local Green Space designations are similar, as is the settlement boundary proposed in the Neighbourhood Plan. The Local Plan Part 2 (LP2) is not proposing any housing allocations for Norton, but the Neighbourhood Plan is promoting a site within the settlement boundary for development as a positive contribution to new housing.

4.3 Table 2 below sets out how each policy is in general conformity therefore with the key strategic policy document in the development plan for Mendip, the Local Plan Part 1 (LP1) 2006 - 2029

**Table 2: Conformity of Neighbourhood Plan policies with the strategic development plan policies**

<b>NP Policy</b>	<b>Mendip LP1 policy</b>	<b>Comment on conformity</b>
<b>Policy 1: Settlement Boundary</b>	<b>CP2</b>	The boundary has been determined as required by Policy CP2 with regard to development since 2006 and the views of the local community. It is also the boundary proposed in the emerging Mendip LP2. Policy 1 implements Objective 22 of the LP1.
<b>Policy 2: Bell Hill Garage Site</b>	<b>DP14</b>	Policy DP14 in the LP1 promotes a mix of dwelling types and sizes in residential development that reflect local need. Policy 2 sets out this requirement in the local context of Norton St Philip, and implements Objective 16 of the LP1.
<b>Policy 3: Exception Sites</b>	<b>CP3 DP12</b>	Policy 3 complies with Policy DP12 in LP1, and gives additional local detail and requirements. It is implementing Objectives 15 – 16 of the LP1.
<b>Policy 4: Promoting Good Design</b>	<b>DP1 DP7</b>	Policy 4 promotes the local identity and distinctiveness that Policy DP1 requires. The Character Assessment provides a crucial evidence base for both the Local Plan and the Neighbourhood Plan as regards what is locally distinctive design. Policy DP7 of the LP1 requires high quality design in new development. Policy 4 promotes good design, and implements Objective 20 of the LP1.
<b>Policy 5: Local Green Space (LGS)</b>	<b>DP2</b>	The LP1 did not allocate LGS, but stated in the justification to Policy DP2 (para 6.15) that LP2 or neighbourhood plans would review the OALS and designate some or all as LGS. Policy 5 implements Objective 22 of the LP1.
<b>Policy 6: Climate Change</b>	<b>DP9</b>	Policy DP9 of the LP1 requires new development to provide for safe access particularly for means of travel other than the private car. Policy 6 puts further detail on this, and includes provision for electric vehicle charging where appropriate. Policy 6 implements Objectives 21 and 23 of the LP1.

## 5. Contribution to Achieving Sustainable Development

5.1 A Sustainability Appraisal has not been undertaken as this 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.

5.2 The objectives of the Neighbourhood Plan have sustainability at their heart. The vision is

“To maintain the special character and built heritage of the Parish of Norton St Philip while promoting its development as a compact and sustainable community.”

The objectives include encouraging sustainable housing development within the settlement boundary and increasing resilience to Climate Change. Policy 3 promotes the provision of affordable accommodation for local need to meet social sustainability requirements, while the protection of key green spaces meets environmental sustainability concerns.

5.3 Table 3 below has assessed our plan’s policies in terms of how it will deliver sustainable development in the economic, social and environmental aspects of sustainability. It shows that the plan’s policies are normally positive or neutral in impact on all three aspects. Where they are not, a decision has been taken about the greater benefit of the proposal in terms of another aspect of sustainability.



**Table 3: Assessment of sustainability of Neighbourhood Plan policies**

<b>Policy no. and title</b>	<b>Economic factors</b>	<b>Social factors</b>	<b>Envirnmtl factors</b>	<b>Comments</b>
<b>Policy 1: Settlement Boundary</b>	-	-	**	The green field setting of the village is protected from inappropriate development.
<b>Policy 2: Bell Hill Garage Site</b>	X	*	*	The village will lose an existing business, but gain new housing. A site in the conservation area will be improved visually.
<b>Policy 3: Exception Sites</b>	*	**	X	New affordable housing would be provided, on small sites outside of the settlement boundary. The policy requires any exception site to integrate into the character of the settlement and landscape.
<b>Policy 4: Promoting Good Design</b>	*	*	**	Good design will improve the visual appearance of the Parish, but also promote the tourist potential for visitor spend.
<b>Policy 5: Local Green Space</b>	-	**	**	Green Spaces that people value will be protected. The historic setting of the village will be protected offering an environmental and tourism benefit, but removing potential development sites.
<b>Policy 6: Climate Change</b>	*	*	**	Sustainable development and low carbon development will be encouraged, with environmental benefits. Homes will be more resilient for people, and employment opportunities in renewable energy and other low carbon technologies encouraged.

Scale used: \*\* very positive \* positive - neutral x negative xx very negative

## **6. Compatibility with EU Obligations and legislation**

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 A revised screening decision was issued by Mendip DC on the 12<sup>th</sup> February 2019 following consultation on a draft Screening Opinion with the relevant national bodies, and some concerns from Historic England, also expressed during the Reg14 consultation. The revised screening based on the Neighbourhood Plan as altered after the Reg14 consultation, does not consider the Neighbourhood Plan will have likely significant environmental effects. It states (pages 4-5):

“This screening, (following amendments to the plan) demonstrates that the Norton St Philip Neighbourhood Plan is unlikely to have significant effects on the environment. Therefore it will not be necessary to carry out a full SEA on this document.”

“English Nature agree with the conclusion of the screening opinion that the plan is unlikely to result in significant impacts on a European site and therefore HRA is not required. .... The report finds no other detrimental impacts arising from the policies and therefore it is concluded that a full HRA does not need to be undertaken for the Norton St Philip Neighbourhood Plan.”

## **7. References**

National Planning Policy Framework 2019

National Planning Policy Guidance (2014 and updated)

Neighbourhood Planning Regulations 2012 as amended

1990 Town & Country Planning Act as amended

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011

Mendip Local Plan Part1 2006 – 2029 Adopted Dec 2014

Submission Version of the Mendip Local Plan Part2 2006 – 2029: currently submitted for examination