



Parish of Repton
NEIGHBOURHOOD DEVELOPMENT PLAN
BASIC CONDITIONS STATEMENT
DECEMBER 2016

CEF 4

Legal Requirements

This statement has been produced by the NDP Working Group on behalf of Repton Parish Council to accompany its submission to South Derbyshire District Council of the Parish of Repton Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.

Repton Parish Council is a qualifying body, for the area covered by the Parish of Repton, as designated by South Derbyshire District Council on 2nd June 2015.

The Parish of Repton Neighbourhood Development Plan covers the period from 2016 to 2028.

No provision for excluded development such as national infrastructure is contained within the Parish of Repton Neighbourhood Development Plan.

The Parish of Repton Neighbourhood Development Plan does not relate to more than one neighbourhood area. It is solely related to the area of the Parish of Repton as designated by South Derbyshire District Council on 2nd June 2015.

There are no other Neighbourhood Development Plans in place for the Parish of Repton Neighbourhood Area.

The following statement will address each of the four 'basic conditions' required of the Regulations and describes how the Parish of Repton NDP meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act.

The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- a. Has regard to national policies and advice contained in guidance issued by the Secretary of State.
- b. Contributes to the achievement of sustainable development.
- c. Is in general conformity with the strategic policies of the development plan for the area.
- d. Is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

Introduction and Background

Work started on the plan in January 2015 and via a series of consultation methods such as a parish wide survey and drop-in events (Further details of which are included in the Consultation Statement) and work by the Working Group has progressed to the submission stage (scheduled to be January 2017).

The Parish of Repton Neighbourhood Development Plan is supported by an Evidence Based Consultation Statement and this Basic Conditions Statement.

General Conformity with Strategic Local Policy

The Parish of Repton Neighbourhood Development Plan has been prepared with regard to national policies set out in the National Planning Policy Framework (NPPF) and is in general conformity with the strategic policies of South Derbyshire District Council.

The Parish of Repton Neighbourhood Development Plan has been tested against the South Derbyshire District Councils – Part1 Local Plan which was adopted in June 2016.

The Parish of Repton Neighbourhood Development Plan has not been tested against the South Derbyshire District Council - Emerging Part 2 Local Plan which is scheduled to be formally adopted in the Summer of 2017. Consultation has taken place with South Derbyshire District Council to ensure that wherever possible the Parish of Repton Neighbourhood Development Plan is in general conformity with the South Derbyshire District Councils Part 2 Local Plan.

The Working Group for the Parish of Repton Neighbourhood Development Plan has worked with South Derbyshire District Council to resolve any conflicts between the draft Parish of Repton Neighbourhood Development Plan, and Local Policy taking into account of the following National Planning Practice Guidance (published March 2014):

‘Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body to produce complementary Neighbourhood Development Plans and Local Plans. It is important to minimise any conflicts between policies in the Neighbourhood Development Plan and those in the emerging Local Plan (in this case Part 2). This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.’

In the case of the Parish of Repton Neighbourhood Development Plan, Part 1 of the South Derbyshire District Council Local Plan was adopted in June 2016. Part 2 of the South Derbyshire Local Plan is unlikely to have been adopted before the Parish of Repton Neighbourhood Development Plan is submitted for examination.

Conformity with Strategic Polices of the NPPF

The Parish of Repton Neighbourhood Development Plan has had appropriate regard to the National Planning Policy Framework. The following outlines more specifically how the policies of the Parish of Repton Neighbourhood Development Plan are in general conformity with the strategic policies of the NPPF.

There are some sections of the NPPF that are not applicable to a rural parish that contains one “key” service village and one rural village (hamlet). The sections that are not applicable are:

- 2. Ensuring the vitality of town centres.
- 5. Supporting high quality communications infrastructure.
- 9. Protecting Green Belt land.
- 13. Facilitating the sustainable use of minerals

NPPF Para Ref	NPPF Policy	How Parish of Repton NDP is in general conformity with the NPPF Policies.
14	Presumption in favour of sustainable development.	Policy H2
16	Support local development by shaping and directing development that is outside the strategic elements of the Local Plan	Policy H2
21	Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.	Policy CLE4
28	Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.	Policy CLE2, CLE3, CLE4
28	Promote the development and diversification of agricultural and other land-based rural businesses.	Policy CLE3, CLE4,
28	Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.	Policy OS2, OS2, T3
28	Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.	Policy CLE2, CLE3, CLE4, AS1, AS2, AS3, AS4
30	Provide encouragement to solutions which support reductions in greenhouse gas emissions and reduce congestion. Support should be given to a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.	Policy CLE2, CLE3, CLE4, T2, T3
35	Developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.	Policy T2, T3
35	Developments should be located and designed where practical to create safe and secure layouts which minimize conflicts between cyclists or pedestrians.	Policy T3
35	Developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.	Policy H5
35	Developments should be located and designed where practical to consider the needs of people with disabilities by all modes of transport	Policy H5, T2
50	Plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own home).	Policy H3, H4
53	Set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.	OS1
57	Plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.	Policy H5
58	Neighbourhood Development plans should develop robust and comprehensive policies that set out the quality of development that will be	Policy H5

	expected for the area.	
64	Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.	Policy H5
69	Aim to promote opportunities for meetings between members of the community who might otherwise not come into contact with each other, including through mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the Parish.	Policy AS3, AS4, CLE1
70	Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.	Policy AS3, AS4, CLE1
70	Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.	Policy OS1, AS1, AS2, AS3, AS4, CLE3, CLE4
75	Planning policies should protect and enhance public rights of way and access. Local Authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including national trails.	Policy T3
76	Identify for special protection green areas of particular importance.	Policy OS1
77		Policy OS1
95	Support the move to a low carbon future, planning for new development in locations and ways which reduce greenhouse gas emission and actively support energy efficiency.	Policy T2, T3
109	Protect and enhance valued landscapes, contribute to and enhance the natural and local environment including by protecting and enhancing valued landscapes and minimising impacts on biodiversity.	Policy OS1, OS2, OS3
109	Prevent both new and existing development from contributing to or being at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.	Policy T2, T3
113	Set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged.	Policy OS3
126	Set out a positive strategy for the conservation and enjoyment of the historic environment.	Policy H5

Compatibility with EU Obligations

A Strategic Environmental Assessment (SEA) screening was undertaken by South Derbyshire District Council. The screening confirms that a Strategic Environmental Assessment is not required for the Parish of Repton Neighbourhood Development Plan. The screening was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency).

A Habitat Regulation's Assessment (HRA) screening has been undertaken by South Derbyshire District Council. The screening exercise concluded that there were no European sites that would be affected by the proposals within the Parish of Repton Neighbourhood Development Plan.

It is considered that the Parish of Repton Neighbourhood Development Plan is compliant with human rights requirements and EU obligations.

Conclusion

It is considered that the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 have been met by the Parish of Repton Neighbourhood Development Plan.

The Neighbourhood Development Plan has been reviewed against the appropriate framework of National and Local planning policies and there are no apparent conflicts with the adopted Part 1 of the Local Plan but there are conflicts between the draft Part 2 of the Local Plan and the Parish of Repton Neighbourhood Plan which at this point in time have not been resolved. The conflict concerns Policy H1 of the Parish of Repton Neighbourhood Development Plan and proposed non-strategic sites put forward in the draft Part 2 of the Local Plan. This matter may be resolved prior to or shortly after formal submission of the Parish of Repton Neighbourhood Development Plan as the site is currently the subject of a formal planning application.

The information in this Statement demonstrates that there is general conformity with Paragraph 8(1)(a) of the Town and Country Planning Act and therefore it is respectfully suggested that it should proceed to Referendum.