

Wraxall & Failand Parish Council

# Basic Conditions Statement

May 2023

**WRAXALL & FAILAND**

NEIGHBOURHOOD PLAN

2022 – 2038

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# 1 Introduction

## Background and Context

- 1.1 This basic conditions statement has been prepared by Polden Planning Ltd. on behalf of Wraxall and Failand Parish Council as qualifying body. It has been submitted to support the Regulation 15 Submission Draft and subsequent publication and examination of the Wraxall & Failand Neighbourhood Plan (hereinafter referred to as the “Neighbourhood Plan”).
- 1.2 Preparation of the Neighbourhood Plan process has been led by the Neighbourhood Plan Steering Group, working on behalf of the Parish Council. The Steering Group is made up of Parish Councillors and residents appointed by the Parish. Polden Planning Ltd. has provided a professional consultancy role to the Neighbourhood Plan Steering Group throughout the process of preparing the plan, including attendance at Steering Group meetings and Parish Council meetings.
- 1.3 The Submission Draft Neighbourhood Plan includes further information about the Neighbourhood Plan Area. Consultation activities which have informed the plan are explained within the Consultation Statement submitted alongside this Basic Conditions Statement. The Neighbourhood Plan includes nine policies that seek to support the plans vision and objectives. Topics covered by the policies include:
- community facilities
  - local green space
  - community cohesion
  - cycling, walking and wheeling
  - traffic and transport
  - rural diversification
  - green infrastructure, biodiversity and food production
  - infrastructure (phasing and delivery)
  - building design, efficiency and sustainability

## Purpose of this Statement

- 1.4 This statement forms part of a suite of documents prepared in connection with the submission of the Neighbourhood Plan by the qualifying body to the local planning authority, North Somerset Council, under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The following requirements of Regulation 15(1) are addressed specifically within this statement:

*“(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act or in the case of a modification proposal, how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act;*

*(e) (i) an environmental report prepared in accordance with paragraphs (2) and (3) of the regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; or*

*(e) (ii) where it has been determined under regulation 9(1) of those Regulations that the plan proposal or the modification proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination.”*

1.5 Alongside other matters, the examiner must consider Schedule 4B of the 1990 Act sets out the following basic conditions that must be met:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to “make” the Neighbourhood Plan.
2. The making of the Neighbourhood Plan contributes to the achievement of sustainable development.
3. The making of the Neighbourhood 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 Plan does not breach, and is otherwise compatible with, retained EU obligations.
5. Prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Plan.

1.6 In relation to the final basic condition (prescribed conditions) regulation 32 of the 2012 Regulations also sets out that the requirement that the making of the Neighbourhood Plan must not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Alongside the other provisions of Regulation 15, this therefore has the effect that like other land use plans, Neighbourhood Plans are subject to both Strategic Environment Assessment and Habitats Regulations Assessment requirements.

## Structure of this report

1.7 This report first considers various other matters as prescribed by the Regulations and Town and Country Planning Act 1990 (as amended) that the examiner must consider (section 2), before moving on to consider the key basic conditions relating to regard for national policy, achievement of sustainable development, and general conformity with strategic development plan policies (sections 3-5). Section 6 then considers compatibility with the key retained EU obligations relevant to the plan.

## 2 Legal Requirements

2.1 In relation to the various legal requirements which the examiner is required to consider we can confirm the following:

- The Neighbourhood Plan has been prepared by Wraxall & Failand Parish Council, a qualifying body.
- The proposed plan relates only to the Wraxall & Failand Neighbourhood Area and no other areas. The Wraxall & Failand Neighbourhood Area covers the full area of the Parish and was designated by North Somerset Council on 21<sup>st</sup> August 2021. The area to which the plan relates is stated and shown on a map in the submitted Neighbourhood Plan.
- The Neighbourhood Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the relevant statutory requirements and procedures.
- The Neighbourhood Plan covers the time period 2022-2038 which is stated in the Neighbourhood Plan document. This period aligns with the North Somerset Local Plan period, covering the timescales of both the adopted and emerging Local Plan.
- The Neighbourhood Plan does not contain policies relating to, or otherwise dealing with, excluded development as laid out in the legislation. For example, it does not consider excluded county matters, waste development or Nationally Significant Infrastructure Projects.

## 3 Regard to National Policy

- 3.1 The Neighbourhood Plan has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF), latest revision July 2021. As well as the various topic based national policy provisions, particular regard has also been had to the core principles set out in the framework relating to the presumption in favour of sustainable development and the role for Neighbourhood Plans in setting non-strategic policies for their local area, and not promoting less growth than that set out in adopted strategic policies. This key national policy context is set out in section 3 of the Neighbourhood Plan. Alongside the NPPF, the detailed advice of the currently published National Planning Practice Guidance (NPPG) has also been taken into account where relevant.
- 3.2 The table below sets out a summary of how each policy has had regard to the NPPF. The NPPF paragraphs referred to within **Table 1** below are considered to be the most relevant to each policy, although it is important that the framework should be read as a whole.

Neighbourhood Plan Policy:	Key NPPF Paragraph(s):	Commentary:
WF1: Community Facilities	8b, 28, 84	In supporting a prosperous rural economy WF1 is considered to align with NPPF 84d in seeking the retention and development of local services and community facilities. The provision of community facilities at the local level is highlighted as a role for non-strategic policies in NPPF 28.
WF2: Local Green Space	101, 102, 103, 147-151	The NPPF supports the communities identifying and protecting green areas of particular importance to them as Local Green Space. Consistent with the NPPF the policy for managing the local green space is consistent with those for Green Belts.
WF3: Community Cohesion	92, 130	The policy is considered consistent with the NPPF which seeks to create well designed and safe places, with clear and legible walking and cycling routes, that do not undermine quality of life or community cohesion.

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<p>WF4: Cycling, Walking and Wheeling Networks</p>	<p>85, 92c, 104c, 100 106d, 110, 112a</p>	<p>Consistent with this policy the NPPF supports sustainable modes of transport through the creation and enhancement of walking and cycling routes through new development, and the protection of existing routes and access.</p>
<p>WF5: Traffic and Transport</p>	<p>110, 113</p>	<p>NPPF sets out that new development should ensure that any significant impacts on the highway network, in terms of both capacity/congestion and road safety can be effectively mitigated.</p>
<p>WF6: Rural Diversification</p>	<p>84, 85, 147-151</p>	<p>The policy is considered consistent with the NPPF which support the sustainable growth and expansion of all types of businesses in rural areas, including the development and diversification of agricultural and other land-based businesses.</p> <p>Given the extent of green belt in the parish area, the policy has also been worded to be consistent with NPPF 147-151 regarding development in the green belt.</p>
<p>WF7: Planning for Green Infrastructure, Biodiversity and Food Production</p>	<p>20, 92c, 154, 174, 179,</p>	<p>The policy is considered align with the NPPF which supports the conservation and enhancement of the nature environment and green infrastructure.</p>
<p>WF8: Phasing of Infrastructure within Development</p>	<p>8, 20, 55-58</p>	<p>The policy is considered consistent with the NPPF which sets the need to coordinate the provision and infrastructure. Paragraphs 55-58 set out the relevant mechanisms to secure the necessary onsite/offsite improvements and contributions and the need to take into account development viability. These aspects of the NPPF are also considered consistent with policy WF8.</p>
<p>WF9: Building Design and Sustainability</p>	<p>8c, 154</p>	<p>WF9 support proposals that maximise energy efficiency and demonstrate sustainable design and construction techniques. The NPPF addresses climate</p>

		<p>change mitigation and adaptation, and the need to transition to a low carbon future. It sets out that new development should be planned in ways that avoid increased vulnerability to climate change impacts and help to reduce greenhouse gas emissions. Given NPPF wording on local requirements for sustainability of buildings, WF9 wording encourages and supports developments that incorporate these measures, rather than specific standards being policy requirements.</p>
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**Table 1: NPPF Considerations**

## 4 Contribution to achievement of Sustainable Development

- 4.1 A neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. As set out in the NPPF this involves working to address the three separate objectives of sustainability; economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways.
- 4.2 The vision and objectives of the Neighbourhood Plan (set out in section 4 of the plan) have been prepared in the context of these overarching sustainable development objectives, whilst also taking into account specific local circumstances of the area to reflect the character, needs and opportunities specific to Wraxall & Failand Parish. The following summarises how the objectives of the Neighbourhood Plan contribute to achieving the three sustainable development objectives:
- 4.3 **Economic objective:** To help support a strong, responsive and competitive economy neighbourhood plan objectives 3 and 5 seek to support the provision of adequate strategic and local infrastructure and support the rural economy through the expansion and diversification of businesses.
- 4.4 **Social Objective:** To support vibrant, healthy communities and meet existing and future community needs the neighbourhood plan objectives 2 and 4 seek to retain and enhance local facilities and green spaces and encourage high quality and distinctive design.
- 4.5 **Environmental Objective:** To protect and enhance the natural environment, built and historic environment neighbourhood plan objectives 1, 2 and 4 seek to protect and enhance the green belt, retain and enhance important green spaces, and encourage high quality and locally distinctive design.
- 4.6 As well as the plans overarching objectives contributing to sustainable development, **Table 2** below also sets out commentary on each policy in the plan and its role in contributing towards sustainable development objectives. Taken as a whole this review of policies is considered to demonstrate a 'balanced' Neighbourhood Plan with regard to sustainable development, in terms of the suite of policies taken altogether contributing to all three strands of sustainable development.

Neighbourhood Plan Policy	Sustainable Development Objective			Commentary
WF1: Community Facilities	✓	✓		Through supporting the retention and provision of local facilities WF1 is considered to support vibrant rural communities through ensuring accessible services, as well as support rural businesses.
WF2: Local Green Space		✓	✓	Through the designation of local green spaces special to the community and supporting their enhancement WF2 is considered protect and enhance the natural environment and support healthy communities by supporting their access to open spaces.
WF3: Community Cohesion		✓		WF3 sets out a number of criteria to support the integration of any major development with existing communities, supporting healthy and vibrant communities through accessibility to services and open space for both existing and future residents.
WF4: Cycling, Walking and Wheeling Networks		✓	✓	Through the protection and enhancement of sustainable transport modes WF4 supports community accessibility and the principles of climate change mitigation through reducing car reliance and supporting low carbon transport methods.

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WF5: Traffic and Transport	✓	✓		WF5 requires the adequate provision of infrastructure to support development as well as supporting healthy communities by ensuring the needs of pedestrians and cyclists are taken into account in any highway improvements schemes.
WF6: Rural Diversification	✓			Through supporting the appropriate diversification of rural businesses WF6 is considered to contribute to economic objectives by supporting the innovation and productivity of the rural economy.
WF7: Planning for Green Infrastructure, Biodiversity and Food Production			✓	WF7 is considered to contribute to the natural environment through supporting the protection and enhancement of local biodiversity and landscape features in the parish.
WF8: Phasing of Infrastructure within Development	✓	✓	✓	WF8 supports the adequate provision of infrastructure to support development which could relate to both social and environmental related infrastructure. Through consideration of viability in determining obligations the policy is considered to be responsive to economic circumstances.
WF9: Building Design and Sustainability			✓	WF9 supports and encourages sustainable construction methods including energy/water efficiency and the use of low/zero carbon renewable energy where feasible. The policy contributes to the key sustainable development aim of mitigating and adapting to climate change and supporting the move to a low carbon economy.

**Table 2: Sustainability Objectives**

## 5 General Conformity with Strategy Development Plan Policies

- 5.1 The basic conditions require that local policies set out in neighbourhood plans should be in general conformity with Strategic Development Plan policies set out in the higher tier Local Plan. In coming to a judgement on whether general conformity has been met the Government's NPPG sets out the following guidance to consider:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
  - the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
  - whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy; and
  - the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.
- 5.2 As set out in the Neighbourhood Plan, the document has been prepared in the context of both an emerging and adopted North Somerset Development Plan. In term of the emerging plan, the North Somerset Local Plan 2038 has recently completed its regulation 18 'preferred options' stage. Whilst the final form and policy wording of the adopted Local Plan 2038 is far from certain<sup>1</sup> the Steering Group has sought as far as possible to ensure NP policy wording aligns and is in conformity with its emerging policies. This is to seek to ensure the Neighbourhood Plan stays 'up-to-date' and is afforded significant weight for as long as possible.
- 5.3 The basic conditions are clear however that general conformity should be judged against the current Development Plan for the area. At a meeting between the Steering Group and North Somerset Council officers in March 2022 it was agreed that strategic policies for the purpose of judging Neighbourhood Plan general conformity are those set out in the North Somerset Core Strategy 2026. The Core Strategy provides the overarching policy framework for the suite of other currently adopted Development Plan documents. Having regard to NPPG guidance, **Table 3** below provides commentary of each Neighbourhood Plan policy relating to general conformity with relevant strategic policies.
- 5.4 Following a detailed review of policies in the submitted plan against the Core Strategy it is considered that the Neighbourhood Plan is in general conformity with relevant adopted strategic policies.

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<sup>1</sup> <https://n-somerset.gov.uk/my-services/planning-building-control/planning-policy/our-local-plan/local-plan-2038/draft-plan-2021>

Neighbourhood Plan Policy	Relevant Strategic Policy or Policies	Commentary on General Conformity
WF1: Community Facilities	CS27	WF1 is considered to be in general conformity with Core Strategy policy CS27. The Neighbourhood Plan Policy upholds the general principles of the strategic policy in terms of safeguarding existing community facilities. WF1 provides an additional level of local detail to the strategic policy, including the identification of specific facilities in the parish.
WF2: Local Green Space	CS9	Strategic policies in the Core Strategy do not directly address Local Green Space designations (this is left to non-strategic, DPD policies), however the identification of designations special to the community is in general conformity and uploads the principles of policy CS9 (Green Infrastructure) which seeks to safeguard and enhance green infrastructure (which incorporates parks, green spaces, woodlands and open spaces).
WF3: Community Cohesion	CS12, CS15	Policy WF3 is considered to uphold the general principles set out in policy CS12, which seeks to ensure the design of new development takes into account existing context and contributes to economic, social and environmental sustainability. Policy wording is also in general conformity with policy CS15 which seeks to create accessible, inclusive and safe communities with easy access to a range of services.
WF4: Cycling, Walking and Wheeling Networks	CS10, CS12, CS26	Policy WF4 upholds the principles and is in general conformity with CS10 which similarly promotes sustainable transport modes and enhancing facilities for pedestrians and cyclists. Policy WF4 is also considered in general conformity with CS26 which promotes active living, and creating

		places that are accessible and safe to move around by walking and cycling.
WF5: Traffic and Transport	CS10	WF5 seeks to address highway safety and capacity issues that can arise from new development in the parish and ensure they are adequately mitigated. This uploads the principles of Policy CS10 which seeks to ensure development mitigates against increased traffic congestion and improves road safety.
WF6: Rural Diversification	CS33	Whilst Core Strategy policies do not directly address rural diversification WF6 is considered to be in general conformity with CS33 in highlighting the need to appropriately restrict development in the Green Belt and focus on forms of development that are appropriate in the Green Belt and protect its openness, including dwellings for essential rural workers and other uses making use of extension or alterations of existing buildings or replacing existing buildings.
WF7: Planning for Green Infrastructure, Biodiversity and Food Production	CS4, CS9	WF7 seeks to protect and enhance the parishes green infrastructure and local biodiversity and landscape features. The policy is considered to support the general principles sets out in this regard to strategic Policies CS4 and CS9 whilst providing local detail in policy wording and supporting text of features of specific value in the Neighbourhood Plan Area.
WF8: Phasing of Infrastructure within Development	CS34	WF8 sets out the requirement for development to contribute as required to the provision of infrastructure. The policy wording is considered to be consistent with and support the principles of strategic Policy CS34, which sets out the expectation to contribute towards the cost of infrastructure required to support development.

WF9: Building Design and Sustainability	CS2	WF9 supports proposals that maximise energy efficiency, on-site renewables and demonstrate other sustainable design and construction techniques. The policy is considered to support the principles of policy CS2 which sets out that new development should demonstrate a commitment to sustainable design and construction, increasing energy efficiency and prioritise the use of renewable energy generation.
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**Table 3: Assessment Against Strategic Policies**

## 6 Compatibility with retained EU Obligations

### Convention Rights

- 6.1 The Neighbourhood Plan is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.

### Strategic Environmental Assessment and Habitats Directives

- 6.2 Having regard to SEA and HRA requirements for the Neighbourhood Plan, North Somerset Council have undertaken a comprehensive SEA and HRA screening report (dated January 2023). This will be submitted with the Neighbourhood Plan alongside other support documents.
- 6.3 Following a detailed screening exercise, the report concludes in respect of SEA that there are not likely to be significant environmental effects arising from the Wraxall and Failand Neighbourhood Plan. As a result, a full SEA of the plan is not required. Similarly, in respect of HRA the report concludes that it is unlikely that there will be any significant effect on protected species or their habitats, and therefore a full HRA is not required. In preparing the screening report consultation was undertaken with the Environment Agency, Natural England and Historic England. All three bodies agreed with these above conclusions.

# 7 Summary and Conclusions

## Summary

- 7.1 The submission draft Neighbourhood Plan has been prepared having regard to national planning policy and advice and is in general conformity with strategic policies in North Somerset's adopted Development Plan.
- 7.2 Overall, it is considered that the Neighbourhood Plan policies will contribute to achieving sustainable development and is compatible with retained EU obligations with regards to the SEA Directive and Habitats Directive. It has been determined that the Neighbourhood Plan can be screened out of both assessment processes.

## Conclusions

- 7.3 In conclusion it is considered that the Neighbourhood Plan meets the basic conditions set out within paragraph 8 of the Town and Country Planning act 1990 (as amended) and all other requirements of Regulation 15 of the Neighbourhood Planning Regulations.