

**MELBOURNE PARISH COUNCIL**  
**NEIGHBOURHOOD DEVELOPMENT PLAN**  
**BASIC CONDITIONS STATEMENT**  
**APRIL 2017**

**Legal Requirements**

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

Melbourne Parish Council is a qualifying body, for the area covered by the Parish of Melbourne. The area covered by the plan is the area of the parish and is set out on page 8 of the Neighbourhood Plan document. Designation was confirmed by South Derbyshire District Council on 29 January 2015.

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 General Regulations 2012. The plan document also contains statements of intention which are not entirely or necessarily planning matters but those statements are clearly distinguished from the policies of the plan and are given the name "Community Aspirations"

The Neighbourhood Development Plan (NDP) covers the period from 2016 to 2028. 2028 is also the end-date of the South Derbyshire District Local Plan.

The NDP 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.

The NDP does not relate to more than one neighbourhood area. It is solely related to the area of the Parish of Melbourne as designated by South Derbyshire District Council on 29 January 2015.

There are no other Neighbourhood Development Plans in place for the Parish of Melbourne neighbourhood area.

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

## **Introduction and Background**

Work started on the plan in October 2014 and via a series of consultation methods such as a drop-in events and a questionnaire delivered to all homes within the parish plus work by the Working Group has progressed to the submission stage.

The NDP is supported by an Evidence Based Consultation Statement and this Basic Conditions Statement.

## **General Conformity with Strategic Local Policy**

The NDP has been prepared with regard to national policies set out in the National Planning Policy Framework (NPPF) and, as agreed at several meetings with SDDC Planning department, ( Consultation Evidence File CEF 5 ) is in general conformity with the strategic policies of South Derbyshire District Council (SDDC).

The NDP has been tested against SDDC's Local Plan – Part 1 and Part 2, which have been adopted, and is in conformity with both.

The Working Group for the NDP has worked with SDDC to resolve any conflicts between the draft Melbourne NDP and Local Policy, taking into account 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 NDPs and Local Plans. It is important to minimise any conflicts between policies in the NDP 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.

## Conformity with Strategic Policies of the NPPF

The Melbourne NDP has had appropriate regard to the National Planning Policy Framework. The following outlines more specifically how the policies of the Melbourne NDP 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
9. Protecting Green Belt land
13. Facilitating the sustainable use of minerals

<b>NPPF Para Ref</b>	<b>NPPF Policy</b>	<b>How Melbourne NDP is in general conformity with the NPPF policies</b>
7	Support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.	Policy HP3
14	Presumption in favour of sustainable development	Policy HP1, HP3
16	Support local development by shaping and directing development that is outside the strategic elements of the Local Plan	Policy HP3
17	Take account of the different roles and character of different areas	Policy HP2
17	Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value).	Policy HP1
17	Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations	Policy HC1
17	Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Policies OS1, OS2, CA1 - 11
28	Promote the development and diversification of agricultural and other land-based rural businesses	Policy OS4
30	Encouragement should be given to solutions with 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.	Policies CA1, CA2, CA3
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.	Policies HP1, CA1, CA2, CA3

35	Developments should be located and designed where practical to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.	Policy CA1, CA2
43	Support should be given to the expansion of electronic communication networks, including telecommunications and high speed broadband.	Policy CA12
50	Plan for a mix of housing based on current and future demographic trends, market 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 homes.	Policy HP3
53	Set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area	Policy HP2, OS1
58	Development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.	Policy HC1
58	Development should be visually attractive as a result of good architecture and appropriate landscaping.	Policy HC1
70	Deliver the social, recreational and cultural facilities and services the community needs by planning 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, whilst guarding 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.	Policies CA7, CA8, CA9, CA10, CA11, CA12
70	Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.	Policies CA7, CA8, CA9
72	Ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.	Policies CA5, CA6
74	Existing open space, sports and recreational buildings and land should not be built on.	Policies HP1, HP2, OS1
75	Protect and enhance public rights of way and access.	Policy OS2
76	Identify for special protection green areas of particular importance to them.	Policy OS1
109	Enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.	Policy HP1, HP2, OS1, OS2, OS3, OS4

110	Prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.	Policy CA4
112	Take into account the economic and other benefits of the best and most versatile agricultural land by seeking to use areas of poorer quality land in preference to that of a higher quality.	Policy OS4
126	Set out a positive strategy for the conservation and enjoyment of the historic environment, recognising that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.	Policy HC1
129	Identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)	Policy HP2, HC1

## Compatibility with EU Obligations

A Strategic Environmental Assessment (SEA) screening was undertaken by SDDC. This screening confirms that a Strategic Environmental Assessment is not required for the Melbourne NDP. 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 SDDC. The screening exercise concluded that there were no European sites that would be affected by the proposals within the Melbourne NDP.

It is considered that the Melbourne NDP 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 Melbourne Neighbourhood Development Plan.

The NDP has been reviewed against the appropriate framework of National and Local planning policies and there are no apparent conflicts with the adopted Part 1 or Part 2 of the Local Plan.

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.