

# DUNSTON NEIGHBOURHOOD PLAN



## BASIC CONDITIONS STATEMENT

April 2016

# Basic Conditions Statement Dunston Neighbourhood Plan

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# 1 Introduction

## What is the Neighbourhood Plan?

1.1 The Dunston Neighbourhood Plan (DNP) has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future of the parish and sets out how that vision will be realised through planning and controlling land use and development.

1.2 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 Regulations 2012.

## What is the Basic Conditions Statement?

1.3 This Basic Conditions Statement has been prepared to accompany the Dunston Neighbourhood Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Plans must meet the following basic conditions:

- they must have appropriate regard to national policy
- they must contribute to the achievement of sustainable development
- they must be in general conformity with the strategic policies in the development plan for the local area. In this case The Draft Central Lincolnshire Local Plan and the Local Planning Authority, North Kesteven District Council.
- must be compatible with EU obligations, including human rights requirements for Neighbourhood Development Orders and Community Right to Build Orders, there is an additional requirement:
- they must have regard to the protection and enhancement of listed buildings and conservation areas.

Neighbourhood Plans are not just re-stating the council's plan but setting out the community's views on the development and use of land in their neighbourhood. This includes setting policies on where development should go. The basic conditions ensure an appropriate balance between communities being able to take control of the future of their areas, whilst ensuring Neighbourhood Plans do not inappropriately constrain the delivery of important strategic policies for the local area.

This document will outline how the Dunston Neighbourhood Plan meets all of the above basic conditions.

## 2 Key Statements

2.1 Dunston Parish Council is a qualifying body and is entitled to submit a Neighbourhood Plan for its own parish. The Dunston Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.

2.2 The neighbourhood area is contiguous with the parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1.

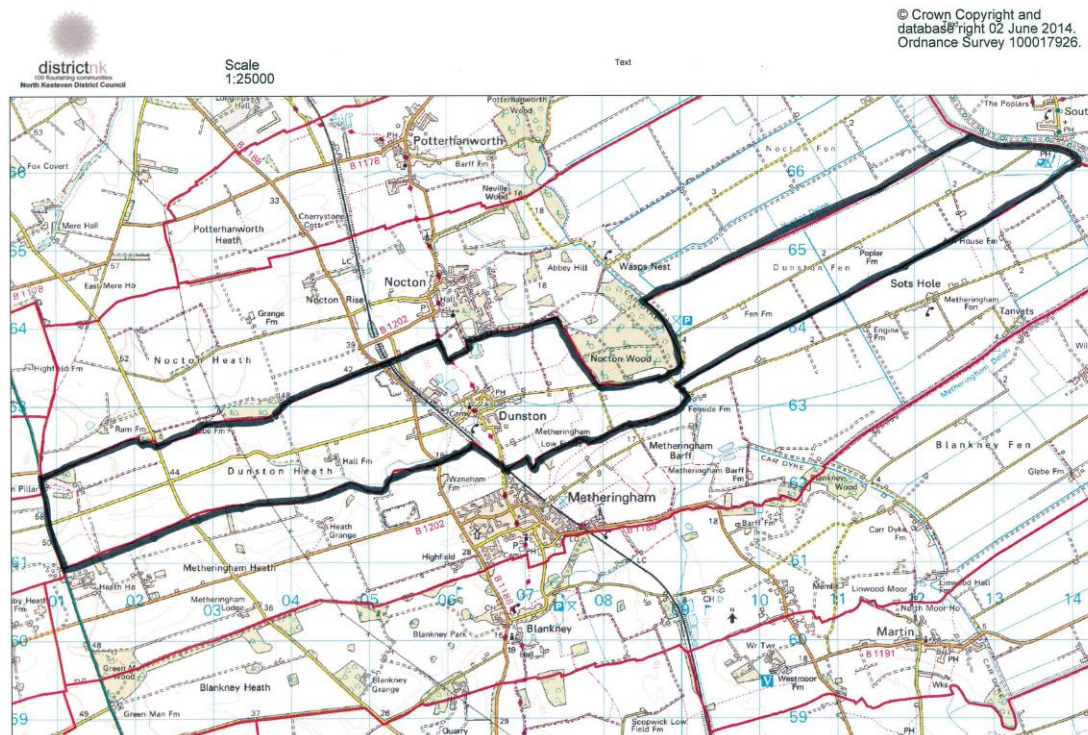


Figure 1.

2.3 The Dunston Neighbourhood Plan covers the period from 2016 to 2036.

2.4 The Plan proposal 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 as 'excluded development'.

2.5 The Dunston Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Dunston as designated by the parish boundary shown above.

2.6 There are no other neighbourhood plans in place for the Dunston neighbourhood area.

2.7 The Draft Dunston Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012, from 21<sup>st</sup> August 2014 until the 6<sup>th</sup> March 2016. Some minor amendments have been

made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

To gain an understanding of things that are important to local people, their concerns and the changes that they would like to see, several community meetings and surveys were conducted by the Neighbourhood Panel during the plan making process. Details of the consultations are given in the Dunston Neighbourhood Plan Consultation Report.

In summary, the main issues that have emerged as being of concern to many people within the local community are:

#### Housing

How to ensure that the scale, location and type of new housing enable reasonable additional choice without detracting from Dunston's character as a small, rural village and a rural Parish?

#### Community Facilities

How to preserve and enhance Dunston's community spirit and protect the local facilities that people value?

#### Natural environment

How best to protect the landscape, support agricultural change, improve access to the countryside and protect and enhance habitats and biodiversity?

#### Built Environment

How to protect the character of the Village and Parish, and their heritage assets, whilst allowing for an appropriate level of new development and change?

#### Transport and Traffic

How to minimise adverse effects of traffic using roads in to, out of and through the village, whilst maintaining and improving accessibility to facilities and services for local people? How to improve road safety at the B1188 junction?

#### Employment

How to support increased provision of local employment opportunities, whilst protecting the amenities that people living in Dunston value?

### 3 Conformity with National Policy

3.1 Dunston Neighbourhood Plan is required to have appropriate regard to national planning policy. This is principally provided in the National Planning Policy Framework (NPPF) published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).

3.2 Sections 183-185 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF and to be in general conformity with the strategic policies of the Local Plan. The Localism Act explains that this is the 'adopted Development Plan'.

3.3 This sections demonstrates that the Dunston Neighbourhood Plan has regard to relevant policies within the NPPF in relation to:

- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

3.4 The Dunston NP contains a Vision and Objectives. The objectives are summarised in Table 1 alongside the NPPF goals they seek to address.

#### Vision

The purpose of a neighbourhood plan – or any other type of planning policy document – is to influence change, steering it in directions that are in the best interests of the community as a whole. This Neighbourhood Plan is based on the following vision of ways that Dunston could evolve over the next 15 to 20 years.

*Dunston village will grow just a little over the period of this Neighbourhood Plan. A few new homes will be built and a few new businesses will be accommodated, providing some additional opportunities for people to live and work locally. The rate and scale of growth will be limited, but sufficient to maintain a strong community and to support the continuation of existing local facilities and, perhaps, the addition of a few more. The essentially rural character of the village will be kept as some new buildings are added and some of the existing ones are replaced. Features that make Dunston a distinctive place will be retained and strengthened. The special character of the village's Conservation Area will be protected and, where possible, enhanced. New buildings will complement their older neighbours; the Beck and the life it supports will be protected; valued green spaces will be kept; and links between the village and the surrounding countryside will be maintained, and strengthened as and when opportunities arise. The wider Parish of Dunston will continue to be a mainly agricultural area, where rural economic activity sits within pleasant countryside and helps to maintain it. There will be some diversification as agricultural needs and practices evolve but, overall, the landscape character of the area will remain much as it is today. Changes that are necessary as we move to a lower-carbon economy and greener lifestyles, will influence the design, construction and adaptation of buildings,*



*the way people living in Dunston travel, and the activities they pursue. The village and parish will adapt, without losing their essential character, in ways that support the health and well-being of the community and the environment.*

## Objectives

The following objectives are based on the Vision set out in the previous section and they provide the context for the Neighbourhood Plan’s Policies (in the next section).

1. To ensure that any new development harmonises with the landscape character of the Parish and the “townscape” character of the village.
2. To allow for development of a type and scale sufficient to meet local needs and support local facilities, without detracting from Dunston’s essential character as a small, rural village and community.
3. To protect and enhance open spaces that are valued for their contribution to recreation, visual amenity, ecology and bio-diversity, and landscape character and quality.
4. To cherish and respect Dunston’s heritage by preserving and enhancing the character, appearance and setting of Dunston’s Conservation Area and Listed Buildings, and by ensuring that new buildings complement their built and natural surroundings.
5. To support and protect community facilities.
6. To ensure Dunston’s residents and businesses have convenient and safe access to the facilities and places they need to travel to, whilst seeking to minimise harmful emissions and avoid high levels of traffic through the village.

**Table 1: Assessment of DNP Objectives against NPPF Goals**

Objective No.		Relevant NPPF Goal
1	To ensure that any new development harmonises with the landscape character of the Parish and the “townscape” character of the village.	<p><b>Paragraph 55 of</b>  <b>The NPPF</b> states that:            “To promote sustainable Development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”.</p>

Objective No.		Relevant NPPF Goal
2	To allow for development of a type and scale sufficient to meet local needs and support local facilities, without detracting from Dunston's essential character as a small, rural village and community.	<p><b>Paragraph 56 of the NPPF,</b> It is stated that: <i>“Good design is a key Aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.</i><b>Paragraph 58</b> requires that: <i>“Local and neighbourhood plans should develop</i> robust and comprehensive policies that set out the quality of development. That will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics”.</p> <p><b>NPPF Paragraph 70</b> States that: “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: 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. Guard against the</p>



Objective No.		Relevant NPPF Goal
		<p>Unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day---to---day needs. 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; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.</p>
3	<p>To protect and enhance open spaces that are valued for their contribution to recreation, visual amenity, ecology and bio-diversity, and landscape character and quality.</p>	<p><b>NPPF Paragraph 73 and 74</b>  Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.</p> <p><b>Para 74</b>  Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:  an assessment has been undertaken which has clearly shown the open</p>

Objective No.		Relevant NPPF Goal
		<p>space, buildings or land to be surplus to requirements; or  the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or  the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</p>
4	<p>To cherish and respect Dunston’s heritage:  By preserving and enhancing the character, appearance and setting of Dunston’s Conservation Area and Listed Buildings,  and  By ensuring that new buildings complement their built and natural surroundings.</p>	<p><b>NPPF Paragraphs 126 &amp; 127</b>  Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:</p> <p>The desirability of Sustaining and Enhancing the significance of Heritage assets and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place.</p> <p><b>Para 127</b></p>

Objective No.		Relevant NPPF Goal
		When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
5	To support and protect community facilities.	<p><b>NPPF Paragraph 70</b> States that: “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: 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. 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. 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; and ensure an integrated approach to considering</p>

Objective No.		Relevant NPPF Goal
		the location of housing, economic uses and community facilities and services”.
6	To ensure Dunston’s residents and businesses have convenient and safe access to the facilities and places they need to travel to, whilst seeking to minimise harmful emissions and avoid high levels of traffic through the village.	<p><b>NPPF Para 69</b>  The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote: opportunities for meetings between members of the community who might not otherwise 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 vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.</p> <p><b>NPPF Para 35</b> states that “Plans should protect and exploit</p>

Objective No.		Relevant NPPF Goal
		<p>opportunities for the use of sustainable transport modes for the movement of goods or people”.</p> <p><b>NPPF paragraphs 6, 7 and 8:</b>  planning policies with a transport aspect, like other planning policies should contribute to sustainable development and make simultaneous economic, social and environmental gains.</p> <p><b>NPPF paragraph 29:</b>  ‘Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives.’</p> <p><b>NPPF paragraph 7, sustainable development</b>  Core Planning Principle  paragraph 17: ‘support the transition to a low carbon future in a changing climate’ and paragraphs 30, 94, 95 &amp; 156.</p> <p><b>NPPF paragraph 34:</b>  Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.  and paragraphs 37, 38, 58 &amp; 70.</p> <p><b>NPPF para 17</b>  actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling’ and  paragraphs 29, 30, 32 &amp; 35</p>

## 4: Contribute to the Achievement of Sustainable Development

### **NPPF Paragraph 28 states that:**

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- 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;
- promote the development and diversification of agricultural and other land based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- 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.

The Dunston Neighbourhood Plan for a small settlement with minimal local amenities and businesses by its objectives and Policies supports sustainable development. As shown above it does so by meeting Many NPPF requirements. From the consultation responses, it appears that there is support for the principle of increasing local employment – including self-employment and working from home, as well as the possibility of allowing development to accommodate some slightly larger businesses where this will not detract from the residential and environmental amenities that people value in Dunston. Policy 7 is intended to enable and allow for that sort of change, without seeking either to predict or to prescribe the forms that change might take. In turn this ought to sustain the development within our small rural Parish by paying due regard to **NPPF Paragraph 28**

## 5: Conformity with Strategic Local Policy

**Table 2: Assessment of how each policy in the DNP conforms to the saved policies from the saved Local Plan**

Policy 1	Appropriate locations for development.	<p><b>Policy 1</b> is consistent with The following policies in the North Kesteven Local Plan, 2007:</p> <p><b>Policy C1</b> Development within Settlement curtilages;</p> <p><b>Policy C2</b> Development in the countryside;</p> <p><b>Policy H1</b> Housing;</p> <p><b>Policy DC1</b> Agricultural or forestry development;</p> <p><b>Policy DC2</b> Agricultural and forestry workers dwellings and Dwellings associated with rural base enterprises;</p> <p><b>Policy DC4</b> New housing in the countryside;</p> <p><b>Policy DC5</b> Replacement of dwellings In the countryside.</p> <p><b>Central Lincolnshire Local Plan 2012---2036 Further Draft, October 2015</b> Draft Central Lincolnshire Local Plan policies considered to be of particular relevance to Policy 1 and with which it is</p> <p>Consistent are:</p> <p>Policy LP3: Level and Distribution of Growth;</p> <p>Policy LP 55 Development in Rural Areas</p>
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		And the Countryside.
Policy 2	Housing	<p><b>North Kesteven Local Plan</b>  Policy 2 is consistent with the following policies in the North Kesteven Local Plan, 2007:  H1  Housing;  H2  Design and layout of Residential developments;  H5  Affordable Housing (with the proviso that the Thresholds referred to in this Local Plan policy have, in effect, been superseded by those referred to in a Ministerial Statement made on 28 November 2014);  North Kesteven, the Local Plan's Locational Strategy (Paragraphs 2.6 - 2.23) Classifies Dunston as one of the Third Tier of settlements villages.</p> <p><b>Central Lincolnshire Local Plan 2012---2036 Further Draft, October 2015</b>  The Draft Central Lincolnshire Local Plan does not allocate any specific sites in Dunston for housing development.</p> <p><b>Following Para's Apply Policy LP2</b>  Spatial Strategy and Settlement Hierarchy.  <b>Policy LP3:</b>  Level and Distribution of Growth.  <b>Policy LP4:</b>  Growth in Villages.  <b>Policy LP11:</b></p>

		Affordable Housing. <b>Policy LP12</b> Infrastructure to Support Growth.
Policy 3	Design and Character of Developments	<b>Local Plan Policy C18 Design,</b> <b>Which reads as follows:</b> “Planning permission Will be granted for development, only if it will: 1.reinforce local identity; and, 2.not adversely affect the Character or appearance of its surroundings; and 3.existing site features that Contribute positively to the Character or appearance of the area are retained, and satisfactorily incorporated into the design; 4.the proposal responds Satisfactorily to its context In terms of its layout, scale, massing, height, density, detailing, external appearance, and the use of materials, and 5.The proposal ha a a cohesive character, and Adds interest and vitality ton its surroundings”. <b>Draft Local Plan Policy LP25:</b> Design and Amenity.
Policy 4	Dunston’s Natural Environment	<b>Kesteven Local Plan</b> Consistent with Local Plan <b>Policy LW7</b> Features of importance for wildlife and gives it local expression. <b>Draft CLLP Policy LP23:</b>

		Biodiversity and Geodiversity.
Policy 5	Movement and Transport	<p><b>North Kesteven Local Plan</b></p> <p>Policy 5 is consistent with the following policies of the North Kesteven Local Plan:</p> <p>T1 Accessibility to developments'</p> <p>T2 Public Transport Facilities;</p> <p>T3 Maximising travel choice;</p> <p>T4 Safety;</p> <p>T5 Parking provision.</p> <p><b>CLLP PolicyLP13:</b> Transport, states That; "Development Proposals which contribute towards an efficient and safe transport Network that offers a range of transport choices for the movement of people and goods will be supported".</p> <p>The policy then sets out Expectations regarding each of the various modes of transport.</p> <p><b>Policy 5</b> is consistent with this approach.</p>
Policy 6	Community Facilities	<p><b>CLLP Draft LP15:</b> Community Facilities, which starts by stating that:</p> <p>"All development proposals should recognise that community facilities such as open spaces, play areas, recreational and leisure facilities, libraries and</p>

		community halls, or registered assets of community value, are an integral component in achieving and maintaining sustainable, well integrated and inclusive development”.
Policy 7	Local Employment	<p><b>North Kesteven Local Plan</b></p> <p>Policy 7 is consistent with <b>Policies:</b></p> <p><b>E4</b> Employment development In the countryside;</p> <p><b>E5</b> Conversion of buildings in the countryside to non-residential use; and,</p> <p><b>E6</b> Farm diversification.</p> <p><b>CLLP Policy LP5:</b> Delivering Prosperity and Jobs.</p>

## 6 Bringing a Neighbourhood Plan forward ahead of a Local Plan

6.1 The National Planning Practice Guidance (PPG) was issued on 6th March 2014. It clarifies certain matters within the NPPF including the situation that we have in North Kesteven where there is no up to date Local Plan. Whilst the DNP would ideally wait until a Local Plan is in place. Given significant developer pressure and an improving economy, the Parish council wanted to provide up to date, locally derived planning policies to assist developers in preparing good proposals that would enhance the neighbourhood / Parish.

6.2 The PPG states that it is possible to bring into force a neighbourhood plan in advance of a local plan. It states that:

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.

6.3 The Dunston Neighbourhood Plan has been prepared in close collaboration with North Kesteven District Council. Regular contact throughout the drafting stages have ensured a clear understanding between the Neighbourhood Plan group and North Kesteven about the emerging role of both the Local Plan (Central Lincolnshire Local Plan 2012--2036 Further Draft, October 2015) and the Neighbourhood Plan and how the policies in the DNP will fit with both the existing saved Local Plan policies and the emerging Local Plan.

6.4 The evidence base for the emerging Local Plan has been used as a basis for the DNP.

## **7 Compatibility with EU Obligations**

7.1 The DNP Steering group submitted a formal screening request regarding the need for a Strategic Environmental Assessment to North Kesteven District Council. NKDC considered that an assessment was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment.

7.2 This document was submitted to English Heritage, Natural England and the Environment Agency who also agreed with this outcome.

7.3 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning are the right to family life and in preventing discrimination. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages. One caveat to this is the local Beeswax farm estate which, on a rotational basis, at times during the year employ foreign nationals on relatively short term stay contracts and again because of this although the estate were consulted it was felt not necessary to produce information in alternative languages.

7.4 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was extensive consultation and engagement early on in the process and later in identifying issues and options. Finally, the draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

7.5 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by North Kesteven District Council.

## **8 Conclusion**

8.1 It is the view of Dunston Parish Council that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the TCPA 1990 Act are considered to be met by the Dunston Neighbourhood Plan and all the policies therein.

8.2 The Plan has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with strategic policies contained in the saved North Kesteven District and the Draft CLLP planning policies and meets relevant EU obligations.

8.3 On that basis it is respectfully suggested to the Examiner that the Dunston Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.