

ABERFORD & DISTRICT PARISH COUNCIL

ABERFORD NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2028

BASIC CONDITIONS STATEMENT

JUNE 2018

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1. LEGAL REQUIREMENTS

This Statement has been prepared by Aberford and District Parish Council to accompany its submission to the local planning authority, Leeds City Council, of the Aberford Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

The Neighbourhood Plan has been prepared by Aberford and District Parish Council, a qualifying body, for the Neighbourhood Area covering the Aberford area, as designated by Leeds City Council on 26th June 2013.

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 extends until the end of 2028 and it does not contain policies relating to excluded development in accordance with the Regulations.

This Statement addresses each of the four ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state 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 Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- 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);
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.

2. Introduction and Background

In 2012, Aberford and District Parish Council took the decision to produce a Neighbourhood Development Plan in order to give the local community more of a say in the future development of the local area. A Neighbourhood Area application was subsequently made and the Aberford Neighbourhood Area designated by Leeds City Council on June 26th 2013.

A Neighbourhood Plan Management Group was formed, comprising parish councillors and local community volunteers. From 2013 to 2017, extensive community engagement was undertaken, involving questionnaires, community drop-ins and public meetings, together with consultation with Leeds City Council and a range of statutory and non-statutory bodies. The key engagement stages were:-

- Initial community questionnaire;
- Policy Intentions Document consultation;
- Informal Sites consultation.

Based on the results of this engagement, a Pre-Submission Draft Neighbourhood Plan was produced in June 2017 and a Regulation 14 consultation undertaken from late June until mid-August 2017.

Responses from this consultation have been considered, and some changes made to the policies, evidence and supporting text in the plan as a result. It is now ready to be submitted to Leeds City Council, the Local Planning Authority, for further publicity and independent examination.

3. Regard to National Planning Policy

The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012 and to guidance subsequently issued by the secretary of State. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of preparing Neighbourhood Plans.

Table 1 below sets out how the Neighbourhood Plan meets the Core Principles of the NPPF.

Table 1: Conformity of Neighbourhood Plan Policies to NPPF Core Principles

NPPF Core Principle	Neighbourhood Plan Policy Conformity
Plan Led	The plan and its policies are a product of extensive consultation and engagement with local people, Leeds City Council and a wide range of other stakeholders as documented in the Consultation Statement. It is positive in tone, based on up-to-date evidence and succinct with only 13 policies. It provides a practical policy framework for planning decision-making.
Enhance and Improve	The majority of the plan's policies encourage or support the improvement of places in relation to the green environment, built heritage, community facilities and housing development.
Economic Development	Although the plan does not allocate new sites for development, Policy CF3 identifies a site-based opportunity for new mixed community and housing uses. Policy H1 in turn sets out a positive approach to the delivery of any new allocated/identified housing sites. Section 5 and Appendix 1 below show how the plan contributes positively to the economic element of sustainable development.
High Quality Design and Standard of Amenity	Policies GE1, GE2, BH1, BH2, CF4 and H1 will all work to secure high quality design and amenity in the plan area.
Character	Policies GE1, GE2, GE3, BH1, BH2 and CF4 take particular account of character in the Neighbourhood Area, highlighting the role of Special Landscape Areas, green infrastructure, Local Green Spaces, the conservation area and Non-Designated Heritage Assets.
Climate Change and Flood Risk	While the plan is largely silent in relation to this principle, containing as it does no new development allocations, some of its policies (i.e. GE1, BH1, BH2) do work in support of the continued use of existing buildings. Also Policy GE3 seeks to protect sites in continued allotment use. The plan additionally includes 'community actions' in relation to addressing existing flooding issues and providing electric vehicle charging infrastructure.
Conserving and Enhancing The Natural Environment	Policies GE1, GE2, GE3 and GE4 specifically address the issue of conserving and enhancing the area's natural environment.
Using Brownfield Land	Policies CF3 and CF4 promote future development opportunities on brownfield land. Policy H1 seeks to mitigate development impacts on Aberford's landscape, nature conservation and open space assets.
Promoting Mixed Use	Policies CF3 and particularly CF4 promote mixed use development opportunities in Aberford village. Policy H1 expects respect for open space and other uses within new housing developments.
Preserving Heritage	Policies BH1 and BH2 specifically address the issue of conserving Aberford's heritage assets.

Sustainable Transport	Policy H1 states that new housing development should positively provide for public transport, walking and cycling routes. Policy H2 states that any non-allocated housing development should not exceed the capacity of the local public transport network.
Health Social and Cultural Well-being	Policies CF1-4 seek to protect and improve local community facilities to meet local needs. Policy CF4 re Local Green Space enhancement also meets this principle.

Table 2 below, is a summary of how each Neighbourhood Plan policy has regard to the policies of 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. It should also be noted that in generally conforming to the strategic policies of the development plan, notably the Core Strategy adopted in November 2014 – itself prepared in conformity with the NPPF - the Neighbourhood Plan policies themselves should have full regard to the NPPF.

Table 2: Neighbourhood Plan Policies Regard to NPPF Policies

NDP Policy	NPPF paragraph	Comment on regard to policies
GE1: Special Landscape Areas	109, 113	By protecting the character of designated Special Landscape Areas, highlighting the particular features which development should take account of, and promoting landscape enhancement/restoration, the policy is in line with para 109 (contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes) and 113 (setting criteria-based policies against which proposals for any development on or affecting protected landscape areas will be judged).
GE2: Local Green Infrastructure	114,117	The identification and maintenance of Local Green Infrastructure, together with the promotion of its enhancement and extension, is in line with para 114 (planning positively for the creation, protection, enhancement of networks of green infrastructure) and para 117 (planning for biodiversity at a landscape-scale; and identifying/mapping components of local ecological networks, including locally designated wildlife corridors).
GE3: Local Green Space	17(7),76,77	The designation of areas of Local Green Space is supported by para 76 and those identified meet the criteria in para 77 (see Neighbourhood Plan Appendix 2).
GE4: Local Green Space Enhancement	17(7),76,77	The designation of areas of Local Green Space is supported by para 76 and those identified meet the criteria in para 77 (see Neighbourhood Plan Appendix 2). The support for enhancing them is set out in the Core Planning Principle of supporting local strategies to improve health, social and cultural wellbeing.

NDP Policy	NPPF paragraph	Comment on regard to policies
BH1: Aberford Conservation Area – Design & Development	131,133,134,137, 138	The setting out of criteria for design and development within Aberford Conservation Area is in line with para 131 (what should be taken account of in determining planning applications in terms of heritage assets, local character and distinctiveness); para 133 (re substantial harm or total loss of significance of a heritage asset); para 134 (re less than substantial harm to a heritage asset); para 137 (re opportunities for sympathetic new development) and para 138.
BH2: Non-Designated Heritage Assets	135	The identification of a list of Non-Designated Heritage Assets, the framing of a policy to ensure that their heritage significance is taken account of in any development affecting them, plus support/encouragement for their sympathetic enhancement is in line with para 135 (weighing the effects of a planning application on a non-designated heritage asset's significance).
CF1: Protection & Enhancement of Community Facilities	17(12),28,37,70	The policy to protect and enhance existing facilities is in line with para 28 (support the sustainable growth of rural businesses); para 37 (reinforce the sustainability of Aberford); and para 70 (plan positively for the use of community facilities and guard against the unnecessary loss of valued facilities and services).
CF2: Provision of New Community Facilities	17(12),28,37, 70	The policy to support the provision of new community facilities is in line with para 28 (promote the development of local services and community facilities in villages); para 37 (balance land uses to encourage people to minimize journey lengths for employment, shopping, leisure and other activities); and para 70 (plan positively for the provision of community facilities and other local services to enhance the sustainability of communities).
CF3: Aberford Village Hall Site	17(8,12),28,37, 70, 111	The policy to re-use the Aberford Village Hall site for alternative community uses in the event of village hall re-location is in line with para 28 (promote the development of local services and community facilities in villages); para 37 (balance land uses to encourage people to minimize journey lengths for employment, shopping, leisure and other activities); and para 70 (plan positively for the provision of community facilities and other local services to enhance the sustainability of communities). It would also serve to re-use brownfield land (paras 17(8), 111).
CF4: Coal Staithes	17(8,12),28,37,54, 55,70, 111	The policy to re-use the Coal Staithes site for alternative community or mixed community/housing uses is in line with para 28 (promote the development of local services and community facilities in villages); para 37 (balance land

NDP Policy	NPPF paragraph	Comment on regard to policies
		uses to encourage people to minimize journey lengths for employment, shopping, leisure and other activities); and para 70 (plan positively for the provision of community facilities and other local services to enhance the sustainability of communities). It would also serve to re-use brownfield land (para 17(8), 111). Furthermore, in promoting a new housing/affordable housing opportunity, the plan is in line with para 54 (being responsive in rural areas to local circumstances and to plan housing development to reflect local needs, particularly for affordable housing); and para 55 (housing in rural areas should be located where it will enhance or maintain the vitality of rural communities).
H1: New Housing Development – Key Guiding Principles	30,32,35,38,39,56,57,58	The policy setting out key guiding principles for the development of allocated/identified housing sites is in line with paras 30 and 35 (promoting sustainable transport); para 32 (the need for transport statements/assessments for large developments); para 38 (promotion of a mix of uses such as community facilities in large developments); para 39 (re parking); paras 56-58 (requiring good design).
H2: Development on Non-Allocated Sites	30,32,70	The policy setting out ‘sustainability tests’ re the acceptability of new housing development on non-allocated sites is in line with para 30 (supporting a pattern of development which facilitates the use of sustainable modes of transport); para 32 (refusal/prevention of development on transport grounds where residual cumulative impacts of development are severe); and para 70 (planning positively for the provision and use of community facilities and services; ensuring an integrated approach to considering the location of housing and community facilities and services).
H3: Housing Mix	50 (1,2)	The policy re housing mix is in line with para 50(1) (plan for a mix of housing based on trends and the needs of different groups in the community, such as older people); and para 50(2) (identify the size, type, range of housing required in particular locations, reflecting local demand).

In conclusion, it can be seen that all of the policies of the Neighbourhood Plan have clear regard to national planning policy as it relates to those policies.

4. General Conformity with the Strategic Policies of the Development Plan

The development plan for Aberford comprises the Leeds City Council Core Strategy (CS) adopted in 2014, the Saved UDP Review 2006 policies (UDP) and the Natural Resources and Waste Local Plan, adopted in 2013 (with two minerals policies being adopted in 2015).

The Neighbourhood Plan has been prepared to ensure its general conformity with the above applicable components of the adopted development plan.

Table 3 below sets out how each policy is in general conformity with the development plan.

Table 3: Conformity of Neighbourhood Plan Policies with Development Plan

NDP Policy	Development Plan Policy	Comment on Conformity
GE1: Special Landscape Areas	UDP:N37	By protecting the character of designated Special Landscape Areas (SLA), highlighting the particular features which development should take account of, and promoting landscape enhancement/restoration, the policy is in line with UDP N37, the policy which originally designated the SLAs. GE1 amplifies N37 by specifying the special qualities which make Aberford's SLAs of particular value.
GE2: Local Green Infrastructure	CS: Spatial Policy 13	The identification and maintenance of Local Green Infrastructure, together with the promotion of enhancement and extension, is in line with the approach of Spatial Policy 13 (Strategic Green Infrastructure). GE2 is similarly framed and based on the mapping and description of identified infrastructure corridors as listed in the policy.
GE3: Local Green Space	CS: G1,G6	The addition of new green spaces and protection of those existing that this NP Policy enables conforms to these CS Policies.
GE4: Local Green Space Enhancement	CS: G4	Support for development, acceptable in principle, which would result in the enhancement of any designated Local Green Space is in line with G4, which states that in areas of adequate green space supply (such as Aberford), contributions towards improvement of existing green space will take priority over the creation of new areas, in order to address pressures arising from new residential development.

NDP Policy	Development Plan Policy	Comment on Conformity
BH1: Aberford Conservation Area – Design & Development	CS:P11 UDP: N18A-20	BH1 adds Aberford-specific detail to the generic provisions of the development plan policies in respect of conservation areas, while remaining clearly in conformity with those policies. This detail is based on the content of the Aberford Conservation Area Appraisal and Management Plan approved by Leeds City Council in 2011.
BH2: Non-Designated Heritage Assets	CS: P11 UDP: N14-17	BH2 adds Aberford-specific detail to the generic provisions of the development plan policies, by identifying the non-designated assets to which those policies should apply and setting out the mechanism (in line with NPPF) by which planning applications affecting those assets should be judged.
CF1: Protection & Enhancement of Community Facilities	CS: P9	The policy to protect and enhance existing facilities is wholly consistent with P9, but is qualified/tailored in respect of commercially provided facilities; the core area in which alternative facilities should be provided; and the critical open space relationship of the Aberford Albion Clubhouse to its football pitch, in order to take account of local circumstances. It is also updated to take account of 2017 changes to the Use Classes Order.
CF2: Provision of New Community Facilities	CS: P9	The policy to support the provision of new community facilities is in line with P9, which stresses the importance of access to local facilities for community health and wellbeing, while also stating that new provision should be relative to local levels of need and proportionate to size of settlement, as well as easily accessible and centrally located.
CF3: Aberford Village Hall Site	CS: P9	The policy to re-use the Aberford Village Hall site for alternative community uses in the event of village hall re-location is in line with P9, which stresses the importance of access to local facilities for community health and wellbeing, while also stating that new provision should be relative to local levels of need and proportionate to size of settlement, as well as easily accessible and centrally located.
CF4: Coal Staithes	CS: P9,H2	The policy to re-use the Coal Staithes site for alternative community or mixed community/housing uses is in line with P9, which stresses the importance of access to local facilities for community health and wellbeing, while also stating that new provision should be relative to local levels of need and proportionate to size of settlement, as well as easily accessible and

NDP Policy	Development Plan Policy	Comment on Conformity
		centrally located. In addition, the promotion of an opportunity for housing (mixed with community uses) is in conformity with H2 (New Housing Development on Non-Allocated Sites) in terms of scale, service accessibility, Green Belt policy/the site's brownfield status.
H1: New Housing Development – Key Guiding Principles	CS: P9,P10,P12,T2	The policy setting out key guiding principles for the development of allocated/identified housing sites is in conformity with P9 (in respect of the accessibility to community facilities/services); with P10 (in respect of built and natural environment design considerations, surrounding routes, car parking and accessibility); with P12 (in respect of conserving landscape distinctiveness); and with T2 (in respect of the accessibility requirements – re the highway network, public transport, cyclists and pedestrians - of new development).
H2: Development on Non-Allocated Sites	CS: H2	The policy setting out 'sustainability tests' regarding the acceptability of new housing development on non-allocated sites is derived directly from CS: H2, but adds value to it by more closely defining the nature of infrastructure capacity and accessibility standards in the Aberford context.
H3: Housing Mix	CS: H4,H8	H4 states that development should include an appropriate mix of dwelling types and sizes to address needs, taking into account the character of the location. H3 defines an aspect of that appropriate mix, relative to locally-derived evidence. As the development plan does not provide for any new housing at a scale where a Housing Needs Assessment will be required to address local needs at the time of the development, H3 additionally introduces a low dwelling threshold, appropriate to the likely scale of new housing development in the village, to trigger the consideration of specific local needs. This low dwelling threshold trigger should also specifically ensure that older people's needs are provided for in Aberford village, where the H8 threshold is unlikely to apply over the plan period.

In conclusion, it can be seen that all of the policies of the Neighbourhood Plan are clearly in general conformity with the strategic policies of the development plan as they relate to its policies.

5. Contribution to Achieving Sustainable Development

Although a formal sustainability appraisal is not a requirement for a Neighbourhood Plan, an informal sustainability assessment has been undertaken (April 2018 – see Appendix 2) in order to take account of the need for the Neighbourhood Plan to contribute to the achievement of sustainable development.

The policies of the Neighbourhood Plan are derived directly from the vision statement and aims of the plan which have sustainability at their heart. The sustainability assessment assesses each of the plan's thirteen policies against twelve benchmark criteria derived from the plan's aims and covering the three dimensions of sustainability, namely environmental, social and economic. The assessment 'scores' the impact of each policy against the criteria, on a scale from 'significant positive impact' through 'some positive or negative impact' or 'no overall impact/non-applicability' to 'significant negative impact'. It also records uncertainty as to impact.

Table 4 below, reproduced from the sustainability assessment, summarises:-

- The impact/contribution of policies as a whole in relation to the twelve individual benchmark criteria;
- The impact/contribution of individual policies on sustainability/benchmark criteria as a whole.

It shows that there will be positive impacts overall, in terms of individual policies, policies collectively and in relation to all benchmark criteria. Further analysis indicates only minor negative or possible negatives impacts in relation to any policy of benchmark criteria, outweighed in all cases by other positive impacts.

The overriding conclusion is that the policies of the Neighbourhood Plan will make Aberford a more sustainable area.

Table 4: Assessment of Sustainability of Neighbourhood Plan Policies

NEIGHBOURHOOD PLAN POLICY NUMBERS														
BENCHMARK CRITERION	GE1	GE2	GE3	GE4	BH1	BH2	CF1	CF2	CF3	CF4	H1	H2	H3	SUMMARY IMPACT 1
Biodiversity	+	+	++	0	+?	+/-?	0	0	0	-?	0	-?	0	+ve
Landscape	+	+	++	0	++	0	0	0	0	-?	0	-?	0	+ve
Heritage	+?	0	++	0	++	++	+/-?	0	0	0?	0	-?	0	+ve
Natural Resources	0	0	+	0	0	0	0	-?	0	+?	+/-?	+/-?	0	+ve
Movement	0	0	0	0	+	+?	0	-?	+	-?	0	0	0	+ve
Open Spaces	0	+	++	++	+	+?	0	0	0	0	0	-?	0	+ve
Community	0	0	+	+?	-?	0	++	++	+	+	+?	+?	0	+ve
Housing Provision	0	0	0	0	0	0	0	0	0	+	++	++	++	+ve
Safety /Security	0	0	0	0	0	+	0	-?	+/-?	+	0	0	+?	+ve
Social Inclusion	0	+	+	0	0	+?	++	++	+	+	+	+	+	+ve
Businesses	0	0	+/-?	0	-?	+/-?	-	+	+?	+?	++	++	-?	+ve
Jobs/Training	0	0	0	0	-?	0	0	+?	+?	+?	+	+	0	+ve
SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve

significant positive impact = ++

some positive benefit = +

no overall impact or not applicable = 0

some negative impact = -

significant negative effects = --

uncertain as to benefits/effects/impact = ?

6. Compatibility with EU Obligations and Legislation

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.

A screening opinion was issued by Leeds City Council in May 2017 (attached as Appendix 1 to this statement) which advised that:-

“A SEA and HRA screening exercise has been undertaken for the emerging Aberford Neighbourhood Plan. The assessments have concluded that the neighbourhood plan is unlikely to give rise to any significant environmental effects or have significant effects on a European site. These conclusions are supported by comments from the environmental consultation bodies. Accordingly it is considered that an SEA, or further HRA assessment is not required for the draft neighbourhood plan.”

7. CONCLUSIONS

This Aberford Neighbourhood Plan Basic Conditions Statement addresses each of the four 'basic conditions' required by the Regulations and demonstrates that the Aberford Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town and Country Planning Act.

In line with the Regulations, this Basic Conditions Statement explains how the Aberford Neighbourhood Development Plan:-

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Is in general conformity with the strategic policies contained in the development plan for Leeds;
- Contributes to the achievement of sustainable development;
- Does not breach and is otherwise compatible with EU obligations.

It is therefore respectfully suggested that the Aberford Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act and subject to Examination can proceed to a Referendum.

APPENDIX 1

DRAFT ABERFORD NEIGHBOURHOOD PLAN -

STRATEGIC ENVIRONMENTAL ASSESSMENT & HABITATS REGULATIONS ASSESSMENT:

SCREENING REPORT

(see separate appendix document)