



Wickersley Parish Council

Basic Conditions Statement

April 2021

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## 1. LEGAL REQUIREMENTS

This statement has been prepared on behalf of Wickersley Parish Council to accompany its submission to the local planning authority, Rotherham Metropolitan Borough Council (RMBC), of the Wickersley 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 Wickersley Parish Council, a qualifying body, for the Neighbourhood Area covering the parish of Wickersley, as designated by RMBC on 11.12.2011.

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 five ‘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 the 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 is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>1</sup>

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<sup>1</sup>

On 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or project.

## 2. INTRODUCTION & BACKGROUND

In 2011 the Wickersley Neighbourhood Plan (WNP) area was formally designated by RMBC. In 2018 Wickersley Parish council started work on the WNP. The purpose of producing a NDP is to help positively shape and influence new development and to support the aims of the local community.

A Neighbourhood Plan project group was formed which includes residents and local councillors. A series of engagement and consultation events and activities were undertaken in 2018 and 2019 to help inform the scope and content of the Plan. The WNP has been produced working closely with officers at RMBC, with several drafts of the document being shared with RMBC for comment before pre-submission consultation to ensure the Plan and its content are considered appropriate. Where required amendments were made in response to comments received and additional pieces of evidence gathering were undertaken.

The key engagement and consultation stages were:

- Public surveys
- Public drop-in event
- Public feedback session and engagement summary
- Design Code workshop
- Sharing of drafts with RMBC
- SEA & HRA screening opinions
- Regulation 14 Consultation

Following a series of amendments the Pre-Submission Draft Neighbourhood Plan was produced during 2020 and a Regulation 14 consultation undertaken from 7th December 2020 to 29th January 2021. Responses received from pre-submission consultation have been considered, and amendments were made to the policies, evidence and supporting text in the Neighbourhood Plan and Design Code.

It is now considered suitable to be submitted to RMBC, 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 planning policies as set out in the National Planning Policy Framework (NPPF) of February 2019 and to guidance subsequently issued by the Secretary of State. It is also mindful of the National Planning Practice Guidance (NPPG), updated by the government in October 2019 in respect of preparing Neighbourhood Plans.

Table 1 below, is a summary of how each Wickersley Neighbourhood Plan policy has regard to the policies of the NPPF. The paragraphs referred to in the table are those considered the most relevant and appropriate to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
GP1 - High quality design	125, 126, 127, 130	<p>The setting out of key design principles and guidance contained in the Wickersley Design Code in policy GP1 in relation to new development is in line with:</p> <ul style="list-style-type: none"> <li>• para 125 (re clear design vision and expectations and grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood Plans can play an important role in identifying special qualities of each area and explaining how this should be reflected in development)</li> <li>• para 126 (re To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes)</li> <li>• para 127 Planning policies and decisions should ensure that developments: (re b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</li> </ul>

### 3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
GP1 - High quality design	125, 126, 127, 130	<ul style="list-style-type: none"> <li>para 130 (re Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development).</li> </ul>
GP2 - Stonewalls	127, 185	<p>Policy GP2 seeks to encourage the retention and reconstruction of stonewalls.</p> <ul style="list-style-type: none"> <li>This is in line with para 127 'establish or maintain a strong sense of place'</li> <li>Para 185 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment'</li> </ul>
GP3 - Community facilities	91, 92,	<p>GP3 seeks to retain community facilities and services</p> <ul style="list-style-type: none"> <li>Para 91 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'.</li> <li>Para 92 'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: <ul style="list-style-type: none"> <li>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</li> <li>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</li> <li>c) 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;</li> <li>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</li> <li>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</li> </ul> </li> </ul>

### 3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
GP4 - Locally Listed Buildings	185	<p>Policy GP4 designates local heritage assets as Locally Listed Buildings</p> <ul style="list-style-type: none"> <li>Para 185 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.'</li> </ul>
GP5 - Design and development in the conservation area	185, 127	<p>Policy GP5 gives guidance and clarity on design and development in the Conservation Area</p> <ul style="list-style-type: none"> <li>Para 185 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.'</li> <li>Para 127 'Planning policies and decisions should ensure that developments: (re b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'</li> </ul>
H1 - House type and mix	61	<p>Policy H1 sets out the expected mix of new housing in Wickersley</p> <p>Para 61 'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'</p>

### 3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
H2 - Lifetime Homes & Building for a Healthy Life	127, 129	<p>The policy encouraging developments to be built to the Lifetime Homes and Building for a Healthy Life standards is in line with:</p> <ul style="list-style-type: none"> <li>para 127 (Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</li> <li>para 129 ( Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life</li> </ul>
H3 - Sustainable homes and renewable energy	150, 151	<p>Policy H3 encourages new development to be of sustainable design and construction, aiming for low-carbon, is in line with:</p> <ul style="list-style-type: none"> <li>para 150 (New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.)</li> <li>para 151 (To help increase the use and supply of renewable and low carbon energy and heat)</li> </ul>

### 3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
GS1 - Biodiversity and Green Infrastructure	171, 174	<p>This policy encourages new development to include provision of green infrastructure and have regard to, and enhance, existing identified green infrastructure sites, is in line with:</p> <ul style="list-style-type: none"> <li>para 171 (taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure);</li> <li>para 174 (identifying/mapping/safeguarding components of local wildlife-rich habitats and wider ecological networks, including wildlife corridors)</li> </ul>
GS2 - Local Green Spaces	99, 100	<p>The designation of sites as local green spaces is in line with:</p> <ul style="list-style-type: none"> <li>para 99 - The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them</li> <li>para 100 - The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.</li> </ul>
M1 - Pedestrian and cycle connections	102, 104	<p>Requiring new developments to connect with, and enhance walking and cycling routes is in line with:</p> <ul style="list-style-type: none"> <li>para 102 (Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued)</li> <li>para 104 (Planning policies should: d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)</li> </ul>

### 3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
M2 - Parking solutions	102, 105, 106	<p>The setting out of parking standards is in line with:</p> <ul style="list-style-type: none"> <li>para 102 (Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places);</li> <li>para 105 (local parking standards)</li> <li>para 106 (setting of maximum parking standards where there is clear and compelling justification that they are necessary for managing the local road network)</li> </ul>
VC1 - Drinking establishments	85	<p>Restrictions on the number of drinking establishments within the District Centre is in line with:</p> <ul style="list-style-type: none"> <li>para 85 (b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;</li> </ul>
VC2 - Shop frontages	132	<p>Policy VC2 requiring well-designed shop frontages is in line with:</p> <ul style="list-style-type: none"> <li>para 132 'The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'</li> </ul>

### 4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

The development plan for Rotherham is the Local Plan comprising the Core Strategy 2014 and the Sites and Policies document 2018.

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

Table 2 below sets out how each Neighbourhood Plan policy is in general conformity with the development plan.

NDP Policy	Development Plan Policy	Comments on Conformity
GP1 - High Quality Design	CS28 SP55	WNP Policy GP1 conforms with CS28 Sustainable Design and SP55 Design Principles and builds on them by referring applicants to the Wickersley Design Code which details distinctive local qualities and character and provides best practice examples.
GP2 - Stonewalls	CS23 SP55	WNP Policy GP2 conforms with CS23 Valuing the Historic Environment, by encouraging the retention and reconstruction of traditional stonewalls, and conforms with SP55 Design Principles part d) reinforcing local distinctiveness
GP3 - Community facilities and services	CS29 SP62	WNP Policy GP3 conforms with and builds on CS29 and SP62 by adding local detail by identifying facilities and services covered through these policies but not explicitly named.
GP4 - Locally Listed Buildings	CS23 SP43, SP45	WNP Policy GP4 conforms with CS23 Valuing the Historic Environment, SP43 Conserving and Recording the Historic Environment, and SP45 Locally Listed Buildings by designating local heritage assets to become Locally Listed buildings.
GP5 - Design and development in the Conservation Area	CS23 SP41	WNP Policy GP5 conforms with CS23 Valuing the Historic Environment and SP41 Conservation Areas. Policy GP5 adds detail and provides locally specific guidance and advice relating to the Wickersley Conservation Area.

#### 4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
H1 - Housing Mix	CS7	WNP Policy CS7 conforms with policy CS7 by setting a housing mix that responds to local needs, informed by a Housing Needs Assessment for the Plan Area subject to viability and providing flexibility should an alternative mix be demonstrated to be more appropriate.
H2 - Building for a Healthy Life and Lifetime Homes	CS28 SP55	WNP policy H2 conforms to policy CS28 Sustainable Design by encouraging the development of homes built to Lifetime Homes standards and policy SP55 which encourages the use of the Building for Life (now Building for a Healthy Life) toolkit.
H3 - Sustainable Design and Construction	SP57 CS28, CS30, CS24, CS25	WNP Policy conforms to policy SP57 Sustainable Construction, CS28 Sustainable Design, CS30 Low Carbon & Renewable Energy Generation, CS25 Dealing with Flood Risk, and CS24 Conserving and Enhancing the Water Environment by encouraging proposals to be sustainably designed and constructed using renewable energy generation and incorporating SuDS where necessary.
GS1 - Biodiversity and Green Infrastructure	CS19, CS20, CS21, CS22, CS28 SP32, SP33, SP34	WNP policy GS1 conforms to policies CS19 Green Infrastructure, CS20 Biodiversity and Geodiversity, CS21 Landscape, CS22 Green Space, CS28 Sustainable Design, SP32 Green Infrastructure and Landscape, SP33 Conserving and Enhancing the Natural Environment, and SP34 Sites Protected for Nature Conservation by identifying key local green assets and infrastructure and providing policy and guidance on how development should respond to and address these sites.
GS2 - Local Green Spaces	CS22 SP37, SP38	WNP policy GS2 conforms to policies CS22 Green Space, SP37 New and Improvements to Green Space, and SP38 Protecting Green Space, by proposing the designation of Local Green Spaces.
M1 - Pedestrian and cycle connections	CS14, CS19, CS22, CS29 SP26, SP55	WNP Policy M1 confirms to the following policies: CS14 Accessible Places and Managing Demand for Travel, CS19 Green Infrastructure, CS22 Green Space, CS29 Community and Social Facilities, SP26 Sustainable Transport for Development, SP55 Design Principles, by requiring new development to provide safe and convenient routes for pedestrian and cyclists to public transport hubs and into the wider environment.

#### 4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
M2 - Parking Solutions	CS14 SP56	WNP Policy M2 conforms with CS14 Accessible Places and Managing Demand for Travel, and SP56 Car Parking Layout by setting out acceptable levels of parking solutions and layout and by specifying internal dimensions for garaging
VC1 - Drinking establishments	CS13 SP19, SP20	WNP Policy VC1 conforms with policies CS13 Transforming Rotherham Town Centre, SP19 Development within Town, District and Local Centres, and SP20 Primary Shopping Frontage by seeking to limit the number of drinking establishments within the District Centre.
VC2 - Shop Frontages	SP59	WNP Policy VC2 conforms with policy SP59 shop front design by requiring all shop frontages to be high quality and designed sympathetically to their setting.

#### Conclusion

As demonstrated in this section all of the policies contained in the WNP conform with both national and local planning policy.

## 5. CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

Although a formal sustainability appraisal is not required for a Neighbourhood Plan, an informal sustainability assessment has been undertaken for the purposes of this Basic Conditions Statement to assess the Neighbourhood Plan's contribution to achieving sustainable development.

The policies included in the plan are in response to local issues raised at engagement, and seeks to achieve local aspirations for the future of Wickersley. The policies relate to the overall vision for the Neighbourhood Plan and seek to achieve the aims and objectives stated in the Neighbourhood Plan. There is an emphasis on sustainability throughout the Neighbourhood Plan such as conserving the natural and local built environment and enhancing biodiversity and the landscape, where possible.

The sustainability assessment grades each policy in the Neighbourhood Plan against benchmark criteria and covering three dimensions of sustainability, environmental, social and economic. The assessment grades the impact of each policy against the criteria. The grades are:

- Significant positive impact (++) ■
- Some positive impact (+) ■
- No overall impact / Not applicable (0) ■
- Some negative impact (-) ■
- Significant negative effects (-) ■
- Uncertain of the impact / effects (?) ■

The sustainability assessment on the next page summarises:

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

## 5. CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

Table 3. Sustainability Assessment

Benchmark Criterion	WICKERSLEY NEIGHBOURHOOD PLAN POLICY NUMBERS												VC1	VC2
	GP1	GP2	GP3	GP4	GP5	H1	H2	H3	GS1	GS2	M1	M2		
Biodiversity	0	0	0	0	0	0	0	++	++	++	0	0	0	0
Landscape	+	0	0	0	+	0	0	+	++	++	0	0	0	0
Heritage	+	++	0	++	++	0	0	0	0	0	0	0	0	+
Natural Resources	0	+	0	0	0	0	0	+	0	0	0	0	0	0
Movement	+	0	0	0	0	0	+	0	0	0	++	++	0	0
Open Spaces	+	0	++	0	0	0	+	0	++	++	+	0	0	0
Community	0	0	++	0	0	+	+	0	+	+	+	0	++	0
Housing type & quality	++	0	0	+	++	++	++	++	+	0	+	++	0	0
Safety / Security	0	0	0	0	0	0	+	0	0	0	+	0	++	0
Social Inclusion	0	0	++	0	0	++	++	0	0	0	0	0	0	0
Business	0	0	+	0	0	0	0	0	0	0	0	0	-	+
Jobs / Skills	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Summary impact of policy</b>	<b>+</b>	<b>+</b>	<b>++</b>	<b>+</b>	<b>0</b>	<b>0</b>								

## 6. COMPATIBILITY WITH EU OBLIGATIONS AND LEGISLATION

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed the European Convention on Human Rights and complies with the Human Rights Act.

A screening determination statement was issued by Integreat Plus in April 2021 which advised that:

*Based on the preliminary Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinion prepared by Wickersley Parish Council in 2019 and having considered the consultation responses from the statutory bodies (Historic England, Environment Agency, Natural England), Wickersley Parish Council and Rotherham Metropolitan Borough Council determine that the Wickersley Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a strategic environmental assessment.*

*It is considered that none of the policies in the Wickersley Neighbourhood Plan are likely to have a significant effect on designated sites and therefore the Neighbourhood Plan does not give rise to or include any mitigation measures. The conclusions of the HRA of the Rotherham Core Strategy, it is concluded that there are no likely significant effects in combination with other plans or projects.*

*The Council has considered the HRA and the contents of the Neighbourhood Plan and are satisfied that measures intended to avoid or reduce any harmful effects of the plan have not been relied on in order to screen out the Neighbourhood Plan under the Conservation of Habitats and Species Regulations 2017 and that the draft plan meets the revised Basic Condition.*

## 7. CONCLUSIONS

This Wickersley Neighbourhood Development Plan Basic Conditions Statement addresses each of the four basic conditions required by the Regulations and demonstrates that the 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 Wickersley Neighbourhood 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 Rotherham;
- Contributes to the achievement of sustainable development;
- Does not breach and is otherwise compatible with EU obligations.
- Does not include policies which relate to excluded development
- Only covers the Wickersley Neighbourhood Plan Area, which does not currently have an adopted Neighbourhood Plan in place

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