

# Basic Conditions Statement

## Cossall Neighbourhood Plan



7 March 2023

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# 1. Introduction

## ***What is the Cossall Neighbourhood Plan?***

- 1.1 The Neighbourhood Plan for Cossall Parish Neighbourhood Area (hereafter the CNP) has been prepared in accordance with the Town and 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 for the Plan area and sets out how that vision will be realised through planning and controlling land use and development change.
- 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 (general) Regulations 2012.

## ***What is the Basic Conditions Statement?***

- 1.3 This Basic Conditions Statement has been prepared to accompany the CNP. Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004, requires that a Neighbourhood Development Plan meets each of the following Basic Conditions<sup>1</sup>:
  - I. has regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
  - II. contributes to the achievement of sustainable development,
  - III. 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),
  - IV. does not breach and is otherwise compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations,
  - V. does not breach the requirements of chapter 8 part 6 of the Conservation of Habitats and Species Regulations 2017,
  - VI. having regard to all material considerations, it is appropriate that it is made.
- 1.4 This document outlines how the CNP meets the Basic Conditions.

# 2. Key Statements

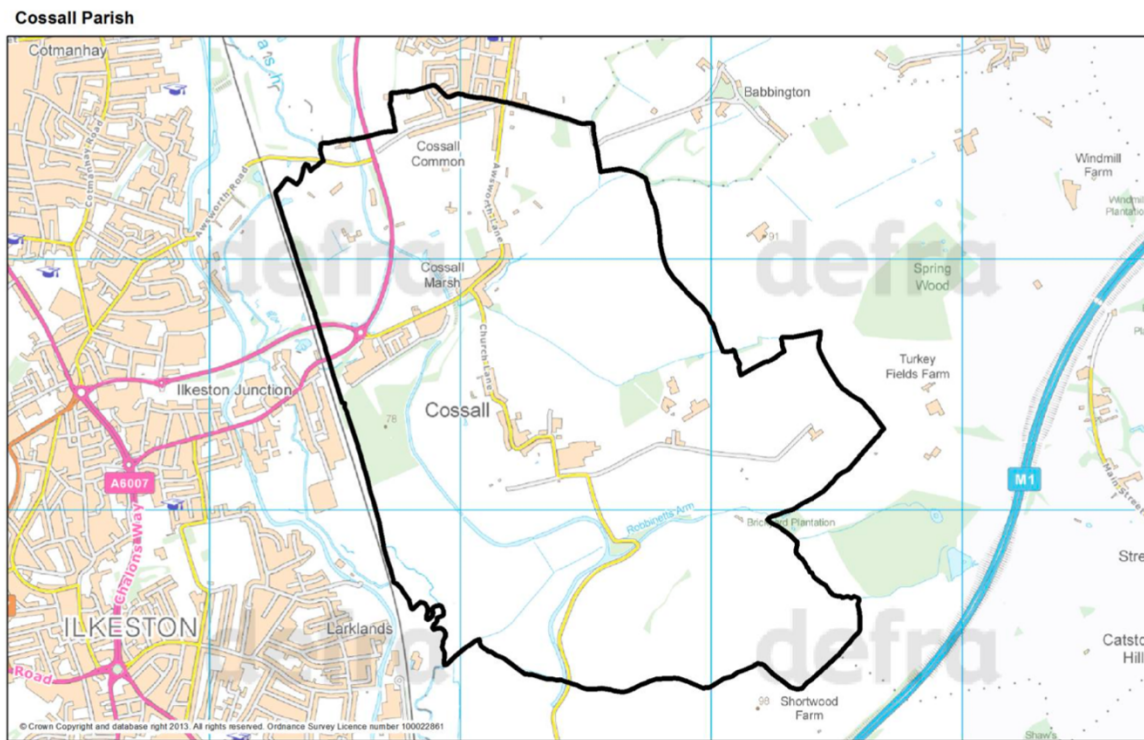
- 1.5 The Plan area covers the Parish of Cossall and the Parish was designated a neighbourhood plan area in December 2017. Cossall Parish Council are the qualifying body for the purposes of neighbourhood planning.
- 1.6 The CNP expresses policies that relate to the development and use of land only within the Neighbourhood Area.

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<sup>1</sup> See national planning practice guidance Paragraph: 065 Reference ID: 41-065-20140306

- 1.7 The Neighbourhood Area is shown on the map accompanying the neighbourhood designation application and the designated area is contiguous with the Parish boundary prior to 2023 (and is the designated Neighbourhood Plan area), see also Figure 1 below.
- 1.8 The CNP Plan covers the period from 2022 to 2037.
- 1.9 The Plan proposals do not deal with 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'.
- 1.10 The CNP does not relate to more than one neighbourhood area. The designated area was the Parish boundary prior to 2023. Minor changes to both Cossall and Awsworth Parish Boundaries were made in 2023. Awsworth already has a made Neighbourhood Plan for its previous boundary. The designated neighbourhood areas for Awsworth and Cossall do not overlap. The amended Cossall Parish boundary is minor and does not have any material implications for the Cossall Parish Neighbourhood Plan.

**Figure 1: Cossall Neighbourhood Plan Area**



- 1.11 There are no other Neighbourhood Plans in place for this area.
- 1.12 The Pre-Submission Draft CNP was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 20<sup>th</sup> September to 1<sup>st</sup> November 2022. Amendments have been made to the document based on all the comments received and these are summarised in the document entitled 'Consultation Statement'.

### 3. Conformity with National and District Policy

- 1.13 The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF)<sup>2</sup>. Paragraphs 28 to 30 and footnote 18 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF.
- 1.14 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).
- 1.15 The NPPF also refers to the need for Neighbourhood Plans to be in general conformity with strategic policies in any Development Plan that covers the area, here it is the Part 1 and Part 2 Local Plan. The Part 2 Local Plan is being reviewed and the Parish Council has been involved in the preliminary discussions with BBC officers particularly regarding the review of the Green Belt.
- 1.16 The Neighbourhood Plan has been in preparation since 2017. In accordance with National Planning Guidance, documents commissioned by BBC have also been used to guide the Neighbourhood Plan policies. These are;
- Part 1 Local Plan (Aligned Core Strategy) 2014
  - Part 2 Local Plan 2019
  - Green Infrastructure Strategy 2015-2030
  - Strategic Housing Land Availability Assessment 2017/2018
  - Conservation Area Assessment 1999
- 1.17 Table 1 sets out how the CNP is in general conformity with National Policy.

**Table 1: Assessment of how each policy in the CNP conforms to the NPPF**

NP Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
1	Sustainable Development	7, 8		The NPPF enshrines sustainable development at the heart of planning. Policy 1 defines what sustainable development is in the context of the Plan Area. This provides certainty in respect of the extent of development and the need to protect valued open spaces, the areas of nature conservation and open countryside in accordance with the NPPF. Policy 1 is based on local analysis including the Cossall Design Code to provide a policy framework that will safeguard the parts of the Parish that have historic and landscape value whilst supporting

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<sup>2</sup> All references are to the NPPF 2021

NP Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
				the growth necessary to meet BBC housing requirements.
2	Protecting the Landscape Character	130, 174		<p>The landscape character of the Plan Area is highly valued by the local community. The NPPF at para 130a requires planning policies to ensure that developments will <i>'function well and add to the overall quality of the area not just in the short term but over the life time of the development'</i>.</p> <p>The NPPF at para 174 requires planning policies to <i>'contribute to and enhance the natural and local environment by [174 a)] protecting and enhancing valued landscapes'</i>.</p> <p>Policy 2 defines the overall approach to protecting landscape character and provides a framework to show how development should be designed to minimise the impact on the landscape. Policy 2 is based on an understanding and evaluation of the defining characteristics of the Plan Area undertaken for the Neighbourhood Plan. The Design Code combines an assessment of landscape character with the historic landscape (in accordance with NPPF para 130c). The identification of the significant green gaps and the key views contributes to this analysis, providing local input in establishing where the landscape is locally valuable. Based on this detailed analysis Policy 2 provides a framework to identify and protect the valued landscape.</p>
3a and 3b	Protecting and Enhancing Blue and Green Infrastructure and Biodiversity	174, 179, 180		<p>The NPPF at para 174 states that planning policies should <i>'minimis[e] impacts on and provid[e] net gains for biodiversity'</i>.</p> <p>Policy 3 provides a clear policy framework to show how the impact on biodiversity of development will be assessed and how it can be mitigated. NPPF para 180 d supports opportunities to improve biodiversity in and around development especially when this can secure measurable net gains. In accordance</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			with para 179, areas of biodiversity value have been identified and Policy 3 protects them.
4	Designation of Local Green Spaces	99, 100	The NPPF encourages communities to identify, for special protection, green areas of particular importance. Policy 4 identifies 2 areas of tranquillity and/or community value that will be protected from development.
5	Protecting or Enhancing Heritage Assets	189,190,194,197	<p>The NPPF places great importance on the protection and enhancement of heritage assets and that <i>‘these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance’</i>.</p> <p>Policy 5 sets out <i>‘a positive strategy for the conservation and enjoyment of the historic environment’</i> in accordance with NPPF para 190. It refers to the borough polices (e.g. the Article 4 Direction) and the importance of the open fields and gardens that are part of the Conservation Area.</p> <p>Policy 5 (1) identifies additional buildings and structures for local listing, recognising the contribution they make to the historic environment of the Parish.</p>
6	Ensuring High Quality Design	126, 127, 128, 129, 134 and 134b, 154	<p>In accordance with NPPF para 127 Policy 7 provides <i>‘a clear vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable’</i>. The NPPF supports the production of Design Codes for neighbourhood areas and Policy 6 is underpinned by the Cossall Design Guidance and Codes 2022.</p> <p>NPPF para 130a) ensures that development <i>‘adds to the overall quality’</i> of the Plan Area. The policy is <i>‘sympathetic to local character and history including the surrounding built environment and landscape setting’</i> as it is based on the local Design Code analysis.</p> <p>Policy 6 encourages the Cossall Design Code and Building for a Healthy Life to provide a</p>

NP Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
				<p>measure of the standard required in accordance with NPPF para 126 '<i>Being clear about design expectations and how these will be tested is essential for achieving [good design]</i>'.</p> <p>NPPF para 154 supports the construction of low carbon homes – this is encouraged as part of the definition of good design in the Plan Area.</p>
7	A Mix of Housing Types	61,62		<p>Policy 7 supports policies that meet local housing need and based on both Borough analysis and feedback from the Household Questionnaire. The policy seeks more accessible and adaptable homes (where these are 1-3 bed houses) than is required through BBC policy. The use of up-to-date evidence is in accordance with the NPPF. This creates a policy framework that identifies different house sizes and types and encourages a range of development to meet this need - (see NPPF para 62).</p>
8	Maintaining Local Employment			<p>Policy 8 supports the existing businesses in the Parish and supports the expansion of the thriving Cossall Industrial Estate where this does not harm the wider landscape. Robinettes is located in the green belt and is therefore more constrained in terms of any intensification of uses. Policy 8 also supports the location of new businesses in the parish where it is in accordance with Borough policies.</p>
9	Enhancing the Provision of Community Facilities	93		<p>The NPPF states that planning policies should '<i>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)</i>'.</p> <p>The Plan Area has limited facilities and Policy 9 supports the need to protect and improve these community facilities.</p>
10	Traffic Management	104,105		<p>Para 104 (e) recognises that streets are integral to the design and contribute to making high quality places. The Cossall Design Guide provides guidance on what this means</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			for the Plan Area and policy 10 requires development to reflect this guidance.
11	Car Parking	107	Policy 11 recognises the constraint of the historic route through Cossall village and requires development proposals to take this into account.

## 4. Contribution to the Achievement of Sustainable Development

- 1.23 The NPPF has a presumption in favour of sustainable development. *‘Achieving sustainable development means the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’*.<sup>3</sup> The CNP recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental objectives.
- 1.24 The **economic** goals are to support the local businesses and to support new businesses in the Parish where it does not harm the landscape character or amenity. See policy 8
- 1.25 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. The CNP supports development where it meets local need and where it does not harm the landscape character or historic built environment. Community facilities are vital to provide social space and the CNP protects the community facilities. The CNP identifies areas of community value as Local Green Spaces (LGS). The new Local Green Spaces in the Parish have a social value (for leisure and recreation) as well as for their tranquillity and environmental value. The CNP supports the reuse of heritage assets like the Almshouses and promotes high quality design for all development to ensure the Plan Area remains a great place to live.
- 1.26 The CNP has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application engagement stage (see Key Principle). By enabling people to become more actively involved in the decision-making process the Neighbourhood Plan has assisted in building social capacity.
- See key principle and policies 1, 4,5,6, 7 and 9
- 1.27 The **environmental** goals are to protect the natural and built environment. The Neighbourhood Plan policies ensure that proposals protect and where possible enhance valued landscapes and the heritage of the Parish. The CNP provides locally specific policies based on the Cossall Design Guidance and Codes to provide clarity to developers on what constitutes sustainable development. The identification of Significant Green Gaps and Key Views based on landscape analysis is an important

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<sup>3</sup> NPPF para 8

part of this process to provide clarity to decision makers and developers about the sensitivity of these spaces within and adjoining the built-up area.

See policies 1, 2, 3a and 3b, 4, 5, 6, 7, 11

- 1.28 There is no legal requirement for neighbourhood plans to have a Sustainability Appraisal and the SEA/HRA Screening report produced by BBC identifies that the policies will have a very positive likely impact, a positive likely impact or a neutral or insignificant likely impact.<sup>4</sup>

## **5. Compatibility with Former EU Obligations post Brexit (SEA and HRA Screening)**

- 1.29 The European Withdrawal Act 2018 (EUWA) provides a new constitutional framework for the continuity of retained EU law in the UK, replacing the EU treaties that had until that point applied in the UK. Section 7 of the EUWA 2018 states that *'Anything which was immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind and continues to be domestic law on and after exit day continues to be domestic law as an enactment of the same kind'*<sup>5</sup>.
- 1.30 The references below are to EU directives and regulations because *'there is no official record of which EU treaty rights were incorporated into UK law'*<sup>6</sup> but the EUWA accepts that the same environmental standards remain.
- 1.31 *'The EU (Withdrawal) Bill incorporates the existing body of EU environmental law into UK law, making sure the same protections have effect in the UK and laws still function effectively after the UK leaves the EU'*<sup>7</sup>.
- 1.32 On the basis of the foregoing the CNP has been assessed in accordance with extant EU regulation that has been incorporated into UK law.

### **Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening**

- 1.33 The environmental assessment of plans with a significant environmental impact is a requirement of the EC Directive on the assessment of plans and programmes on the environment (Directive 2001/42/EC), known as the Strategic Environmental Assessment (SEA) Directive.

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<sup>4</sup> See SEA/HRA Screening Report page 16-19 at <https://www.cossallparishcouncil.co.uk/initiatives/neighbourhood-plan/>

<sup>5</sup> See <https://www.legislation.gov.uk/ukpga/2018/16/section/7>

<sup>6</sup> See <https://www.pinsentmasons.com/out-law/guides/retained-eu-law-uk-after-brexite>

<sup>7</sup> EU Withdrawal Bill Fact sheet 8 Environmental Principles. EU Withdrawal Bill came into force in January 2020

1.34 A Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects on protected European Sites as a result of the Plan's implementation<sup>8</sup>.

1.35 A Strategic Environmental Assessment (SEA) Screening Report was undertaken by BBC in January 2023 to determine whether or not the CNP (Submission Draft) required a SEA and HRA. In accordance with regulations BBC consulted Natural England, the Environment Agency and Historic England. The Screening Report are available on the CNP web site<sup>9</sup>.

1.36 The SEA/HRA Screening Statement concludes at para 5.6 that

*'Natural England confirmed that it agreed with the conclusions of the Borough Council's Screening Report that an SEA was unlikely to be required for the Cossall Neighbourhood Plan. Historic England was also of the view that an SEA was unlikely to be required. The Environment Agency confirmed that it had no formal comments to make in relation to the Borough Council's Screening Report.'*

1.37 And at para 6.17

*'In consideration of the small geographical area of the Cossall Neighbourhood Plan, and its significant distance from the one (unconfirmed) European site well outside the Neighbourhood Plan boundary, the HRA screening concludes that the Cossall Neighbourhood Plan is not likely to have significant effects on EU designated sites, either alone or in combination with other plans and projects.'*

### **Other EU obligations**

1.38 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the **European Convention on Human Rights**. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

1.39 The main issues for planning are the right to family life and in preventing discrimination. The CNP makes positive contributions, such as protecting the heritage and landscape of the Plan area, protecting Local Green Spaces, supporting the improvement of walking and cycling routes and promoting housing to meet local needs. The population profile has revealed that there are not significant numbers of people who do not speak English (as a first language) and it has not been necessary to produce consultation material in other languages.

1.40 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement.<sup>10</sup> There was consultation and engagement early on in the process and residents were encouraged to participate throughout. 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

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<sup>8</sup> Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

<sup>9</sup> See document at <https://www.cossallparishcouncil.co.uk/initiatives/neighbourhood-plan/>

<sup>10</sup> See Consultation Statement at <https://www.cossallparishcouncil.co.uk/initiatives/neighbourhood-plan/>

per the schedule set out in the Statement of Consultation. The Consultation Statement has been prepared by the Neighbourhood Plan Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## 6. General Conformity with Strategic Local Policy

### ***Part 1 Local Plan (Aligned Core Strategy) 2014 and Part 2 Local Plan 2019***

- 1.41 To meet the Basic Conditions, the Neighbourhood Plan is required to demonstrate general conformity with the strategic policies in the adopted Local Plan, here it is the Part 1 Local Plan 2014 (Aligned Core Strategy) and Part 2 Local Plan 2019. These strategic policies provide detailed guidance on where new development can take place and sets out the factors that will be considered by BBC when considering all proposals for development. The CNP has been developed to be in general conformity with these strategic policies.
- 1.42 Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the strategic policies. Table 2 assesses only relevant strategic policies against the CNP policies.

**Table 2: Assessment of how the policies in the CNP are in general conformity with the Strategic Policies in the Part 1 Local Plan 2014 (Aligned Core Strategy) and Part 2 Local Plan 2019**

<b>BBC Policy From the Part 1 Local Plan (Aligned Core Strategy) 2014</b>	<b>How this is addressed in the CNP</b>
<b>Presumption in Favour of Sustainable Development</b>	Policy 1 requires a positive approach to sustainable development and defining what this means for the Parish in terms of development type and location. It provides locally specific information on landscape sensitivity and housing need.
<b>Climate Change</b>	Policy 6 supports the construction of low carbon homes. Policy 3a and 3b recognises and protects the green and blue infrastructure that is invaluable in mitigating the harmful effects of climate change.
<b>The Green Belt</b>	The CNP does not allocate any sites and focuses infill development within the built-up area supporting the green belt designation in the Aligned Core Strategy.
<b>Employment Provision</b>	Policy 8 supports the existing employment sites recognising the important contribution access to local jobs makes to the economic and social well-being of the Parish.

<b>BBC Policy From the Part 1 Local Plan (Aligned Core Strategy) 2014</b>	<b>How this is addressed in the CNP</b>
<b>Housing Size, Mix and Choice</b>	Policy 7 supports the provision of smaller dwellings that are accessible and adaptable based on local evidence in accordance with the Aligned Core Strategy approach.
<b>Design and Enhancing Local Identity</b>	Policy 6 supports development that is in accordance with the Design Codes in the Cossall Design Guidance and Codes. This local, professional analysis highlights the prevailing local styles in the Parish and ensures that development will reinforce local identity.
<b>The Historic Environment</b>	Policy 5 is locally specific and identifies additional buildings that have local historic significance and supports the reuse of heritage at risk buildings in the Parish.
<b>Local Services and Healthy Lifestyles</b>	Policy 9 protects the existing community facilities and supports their enhancement recognising the contribution they make to the health and well-being of local residents.
<b>Green Infrastructure, Parks, and Open Space</b>	Policy 3a identifies the blue and green infrastructure in the Parish and protects it from development recognising its value for biodiversity, and for walking and cycling routes. It provides the parish level detail that fits within the Aligned Core Strategy's overarching approach.
<b>Biodiversity</b>	Policy 3b takes this approach in the aligned CS to the parish level – the CNP is also updated reflecting the Environment Act requirement in relation to biodiversity net gain.

<b>BBC Policy from Part 2 Local Plan 2019</b>	<b>How this is addressed in the CNP</b>
<b>Policy 4.1 Land West of Awsworth</b>	The CNP does not allocate any sites but takes into account the site allocation at Awsworth (that includes approx. 50 dwellings in Cossall Neighbourhood Plan Area parish). The CNP references this allocation only in relation to the need to address highway issues on Newtons Lane see policy 10

<b>Policy 8 Development on the Green Belt</b>	The CNP policies uphold the green belt allocation in the Plan Area and are in accordance with it.
<b>Policy 9 Retention of good quality existing employment sites</b>	Policy 8 of the CNP highlights the two employment sites and supports their continuing use and the value of them to the local economy.
<b>Policy 15 Housing, Mix and Choice</b>	Policy 7 supports the provision of smaller dwellings that are accessible and adaptable based on local evidence of existing housing stock and need in accordance with the analysis done by BBC and consultation feedback from the community. .
<b>Policy 17 Placemaking, design and amenity</b>	Policy 6 supports development that is in accordance with the Design Codes in the Cossall Design Guidance and Codes. This local, professional analysis highlights the prevailing local styles in the Parish and ensures that development will reinforce local identity.
<b>Policy 27 Local Green Space</b>	Policy 4 identifies two sites within the parish that meet the LGS criteria.
<b>Policy 28 Green Infrastructure Assets</b>	Policy 3a identifies the blue and green infrastructure in the Parish and protects it from development recognising its value for biodiversity, and for walking and cycling routes. It provides the parish level detail that fits within the Borough wide approach.
<b>Policy 30 Landscape</b>	Policy 2 uses local analysis and the Design Code analysis of the Parish to provide more detail about the landscape sensitivity of different parts of the Parish to reinforce the Borough wide approach.
<b>Policy 31 Biodiversity Assets</b>	Policy 3b provides local detail about the biodiversity in the Parish and its significance and updates policy 31 requiring development to achieve net biodiversity gain.

## 7. Conclusion

- 1.43 It is the view of Cossall Neighbourhood Plan Steering Group that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the CNP and all the policies therein.
- 1.44 The CNP has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with the strategic policies contained in the Part 1 and Part 2 of the Local

Plan (BBCs Development Plan) and meets relevant EU obligations that have been transferred into UK Law.

- 1.45 On that basis, it is respectfully suggested to the Examiner that the CNP complies with Paragraph 8(2) of Schedule 4B of the Act.