

Pluckley Neighbourhood Plan

Basic Conditions Statement:

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1.0 Introduction

This document explains how the proposed Pluckley Neighbourhood Plan meets the requirements of the Neighbourhood Planning (General) Regulations 2012. It has been prepared by the Pluckley Parish Council in accordance with the Localism Act 2011.

The Qualifying Body has submitted with this application, accompanying documents as set out in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

2.0 Background

Pluckley has a strong record of working as a community, and has already made excellent progress on local community projects.

The decision to undertake a Neighbourhood Plan was fully supported by Ashford Borough Council.

3.0 The Area of the Pluckley Neighbourhood Plan

The parish of Pluckley was designated as a Neighbourhood Plan Area by Ashford Borough Council on 10 March 2015.

The Neighbourhood Plan Area - the 'Designated Area' is as shown in the Pluckley Neighbourhood Plan.

4.0 Vision towards 2031

PNP policies are designed with the intention of complying with National and Local policies and objectives whilst delivering development locally that will respond to the community's vision for its area:

Our vision is for Pluckley to continue to thrive, meeting the evolving needs of its community while preserving the rural character, natural beauty and views that are what attract its residents and visitors alike.

In this our vision for Pluckley Parish supports the vision of the Greater Ashford Local Plan (2008) which states:

“Set in the heart of the Garden of England, Ashford borough provides a safe, healthy and thriving environment that offers an excellent quality of life to all who live, work and visit the area.”

5.0 Content of the proposed Neighbourhood Plan

A number of documents have been produced in order to support the plan and meet the Basic Conditions. These include:

1. **Pluckley Neighbourhood Plan:** The main document which includes policies developed by the community.
2. **Consultation Statement:** sets out how the community and other stakeholders have been involved in preparing the PNP.
3. **Basic Conditions Statement:** Appraisal of PNP policies to national policies, strategic policies of Ashford Borough Council and other policies and guidance.
4. **Site Assessment:** This appendix to the Basic Conditions Statement explains how sites were selected to achieve sustainable development objectives. It is prepared by the community to ensure due consideration of social, economic and environmental issues within the area.

The Neighbourhood Plan has been drafted to be in conformity with the Ashford Borough Council Local Plan (2008) and the sustainable development objectives that underpin it. PNP has been in discussion with ABC to ensure the proposals would not conflict with the emerging Local Plan published June 2016.

6.0 Basic Conditions

The Regulations provide that the submission of a proposed neighbourhood plan by a qualifying body to a planning authority must be accompanied by a statement explaining how the plan meets the Basic Conditions, as well as other statutory requirements.¹ This document provides a summary of the measures that have been taken to ensure that the Pluckley Neighbourhood Plan meets the Basic Conditions.

An Independent Examiner is required by paragraph 8(1)(a) of Schedule 4B to the 1990 Act (amended by the Localism Act 2011) to consider whether a neighbourhood plan meets the “Basic Conditions”.²

The table comprising Section 8 of this Statement demonstrates how Pluckley NP meets the Basic Conditions.

s 2.4 Paragraph 8(2) of Schedule 4B provides that a neighbourhood development plan meets the basic conditions if:

“(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make [the plan],
(d) the making of [the plan] contributes to the achievement of sustainable development,
(e) the making of [the 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),
(f) the making of [the plan] does not breach, and is otherwise compatible with, EU obligations, and
(g) prescribed conditions are met in relation to [the plan] and prescribed matters have been complied with in connection with the proposal for [the plan].”³

Basic Conditions (b) and (c), relating to the built heritage, apply to the examination of proposed neighbourhood development orders, but not to that of neighbourhood plans. Only one further Basic Condition has been prescribed under paragraph 8(2)(g), as follows:

“The making of the neighbourhood development 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 projects).”⁴

¹ Neighbourhood Planning (General) Regulations “NP(G)R 2012”, reg 15(1)(d);

² TCPA 1990, Sched 4B, para 8(1), applied by PCPA 2004, ss 38A(3), 38C(5)(b), (c).

³ TCPA 1990, Sched 4B, para 8(2), applied by PCPA 2004, ss 38A(3), 38C(5)(d).

⁴ NP(G)R 2012, Sched 2, para 1.

A proposed plan must meet all of the Basic Conditions specified in paragraph 8(2), if it is to be submitted to a referendum, not just some of them.

7.0 Development Plan Status

The current Development Plan for the Pluckley Neighbourhood plan area comprises:

- Ashford Borough Core Strategy 2008 – 2021.
- Saved policies of the Ashford Borough Local Plan 2000, updated in 2014
- Tenterden and Rural Sites Development Plan Document 2010 - 2021 (TRSDPD)

The Core Strategy was adopted by Ashford Borough Council on 10 July 2008 and sets out the overall vision and objectives for the delivery of growth in Ashford between 2006 and 2021. The Core Strategy is the principal Development Plan Document (DPD) for the Borough and all other Local Plan documents must conform to it.

The PNP must be in general conformity with the strategic policies of the ACS and the TRSDPD where these policies can be regarded as up to date and not in conflict with the NPPF.

The Core Strategy is currently under review and will be called the Local Plan to 2030. This new plan will determine how the most sustainable and deliverable pattern of growth can be achieved within the Borough up to 2030.

The emerging Local Plan for the Borough is well advanced and was published for public consultation in June 2016.

Therefore the policies of the PNP have been mindful of the direction of travel of the emerging plan and have drawn from its up to date evidence base with regard to the SHELAA: its anticipated housing numbers for Pluckley parish and consideration of sites, covered later in this report.

8.0 Neighbourhood Plan policies considered against NPPF & Ashford Borough Council Core Strategy		
Draft Pluckley Neighbourhood Plan Policy	Considered against NPPF	General Conformity With Ashford Borough Council Core Strategy
Overall Plan	<p>The PNP is considered to have regard to the NPPF particularly in relation to the objectives for neighbourhood plans and in achieving sustainable development for the area. See Table below.</p> <p>Has particular regard to Core planning principles NPPF 17; Achieving sustainable development NPPF 7-16; Supporting a prosperous rural economy NPPF28; Planmaking NPPF156; Using a proportionate evidence base: environment NPPF165-170.</p>	<p>The PNP is considered to be in general conformity with the saved policies of the Local Plan and those saved policies identified as more strategic within the adopted Core Strategy.</p> <p>Specifically in relation to Core Strategy, the PNP is considered to be in general conformity with overarching Policy CS1: Guiding Principles; CS2: The Borough Wide Strategy.</p>
Managing our rural environment: R1, R2, R3, R4 and R5, H2C	<p>Design NPPF59; Promoting healthy communities NPPF69, 70, 73 and Recreation and green space NPPF74 -78; Climate change NPPF99; Conserving and enhancing the natural environment 109, 114, 116;</p>	<p>Core Strategy CS9, CS11, and para. 9.31 relating to reducing the effect of light pollution.</p>

Housing and Development: H1, H1A, H2A, H2B, H2C	Design NPPF59; Dark landscapes NPPF125; Plan making NPPF156; Delivering a wide choice of high quality homes NPPF 47-55	Core Strategy CS6, CS9, CS12, CS13
Economy, Communications and Transport: E1, E2, E3	Building a strong, competitive economy NPPF20-22; Supporting high quality communications infrastructure NPPF42-46	Core Strategy CS7, CS15, CS17
Community and Leisure: C1, C2, C3	Supporting a prosperous rural economy NPPF28; Promoting healthy communities NPPF69, 70, 72; guard against the unnecessary loss of valued facilities NPPF70	Core Strategy CS18, CS18a insofar as it supports the 'green necklace'.

9.0 Neighbourhood Plan policies considered against the Basic Conditions	
<i>(2) A draft neighbourhood development plan meets the basic conditions if</i>	
<i>(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</i>	<p>The PNP has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this quietly thriving local rural community, contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.</p> <p>The PNP has been prepared positively in order to support and shape local development that is outside the strategic elements of ABC Core Strategy (2008) in accordance with NPPF 16.</p>
<p><i>Basic conditions (b) and (c), relating to the built heritage, apply to the examination of proposed neighbourhood development orders, but not to that of neighbourhood plans.</i></p> <p><i>(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,</i></p>	<p>The Government's approach to sustainable development as set out in the National Planning Policy Framework is about enabling development to cater for the needs of current generations, ensuring that growth doesn't mean worse lives for future generations. The presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking, NPPF 14. The overall PNP positively seeks to promote sustainable development in all of its policies, including promoting site allocations for new housing ahead of the emerging local plan based on its up to date evidence base. PNP Policy H1 in particular.</p> <p>The NPPF attaches great importance to the design of the built environment and states in paragraph 56 that: 'Good design is a key aspect of sustainable</p>

	<p>development , is indivisible from good planning and through seeking good design, PNP Policies: H2A, H2B, R1, R2 and R5.</p> <p>PNP seeks to promote the health of the community by planning positively for the provision of shared space, community facilities and other local services to enhance the sustainability of the community. Policies C1, C2, C3, and E1, E2, E3.</p> <p>The PNP seeks to contribute and enhance the natural and local environment by protecting and improving valued landscapes. R1, R2, R3, R4</p>
<p><i>(e) the making of the neighbourhood development 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),</i></p>	<p>The PNP takes due account of the adopted Core Strategy for Ashford Borough Council, including policies for housing and economic development and is outlined in the Table comprising S.8 of this document above.</p>
<p><i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i></p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) would be required in support of the plan. It was determined on 1st April 2016 that the Neighbourhood Plan will not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.) As such an SEA is not required for this PNP.</p> <p>Therefore, basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.)</p> <p>The PNP has regard to the fundamental rights and freedoms guaranteed under the European</p>

	Convention on Human Rights and complies with the Human Rights Act 1998.
<i>g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.</i>	None.

10.0 Compliance with other statutory requirements

Regulation	Comments
Para. 8 (1) ⁵ The examiner must consider the following	
(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),	These matters are dealt with above. PNP has due regard for the core planning principles set out in Para 17 of the NPPF and in particular seeks to support this thriving local rural community, contribute to conserving and enhancing the natural environment, improve health, social and cultural wellbeing for all and deliver facilities and services to meet local needs.
(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,	<p>The provision of 61E (2) 61J and 61L as amended by s38C (5) (b) is a reference to the provisions of 38A and 38B of the 2004 Planning and Compensation Act.</p> <p>38A</p> <p>(1) Pluckley Parish Council is a qualifying body authorised to act in relation to the neighbourhood area and is therefore entitled to submit a neighbourhood development plan for the neighbourhood area.</p> <p>(2) The PNP sets out policies in relation to the development and use of land in the whole or part of the designated neighbourhood area. The PNP therefore</p>

⁵ Schedule 4B Town & Country Planning Act 1990, inserted by S. 61E of Localism Act 2011

	<p>comprises a planning document.</p> <p>38B (1) (b)The neighbourhood plan does not include any provision for excluded development (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. (c)There is no other neighbourhood plan in place in this neighbourhood area.</p> <p>S. 38B(2) The neighbourhood plan does not relate to more than one neighbourhood area; it relates to the neighbourhood area as designated by Ashford Borough Council on 10 March 2015</p> <p>S. 38B (3) provides that policy takes precedence over any internal conflict within the PNP. The PNP has been written so that there should be no conflict between written text and the policies.</p> <p>S. 38B (4) The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the Neighbourhood Plan. Pluckley Parish Council (the ‘qualifying body’) has submitted as part of the proposal a Consultation Statement setting out the process and extent of the consultation undertaken as part of the neighbourhood plan development. The consultation bodies have been included in the Statement.</p>
(c) whether any period specified under section 61L(2)(b) or (5) is appropriate	S. 38B (1) (a) The period of the PNP is until 2031.
<i>(d) whether the area for any referendum</i>	It is considered that there would not be any

<i>should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i>	benefit in extending the referendum area beyond the neighbourhood area as the plan relates only to those properties that fall within the neighbourhood boundary.
<i>(e) such other matters as may be prescribed.</i>	There are no other prescribed matters

11.0 Conclusion

It is submitted that the Pluckley Neighbourhood Plan meets the Basic Conditions set out in Paragraph 8 of Schedule 4B of the 1990 Act.

Appendix 1: List of Policies

Managing our Rural Environment

- R 1. Landscape Character and Design
- R 2. Protection of Views and Rural Setting
- R 3. Designation of Local Green Spaces
- R 4. Recreation and Community Use
- R.5. Renewable Energy

Housing and Development

- H 1. New Residential Development
 - H 1A. Windfall sites
 - H 2A. Design Standards
 - H 2B. Encouraging Sustainable Development
 - H 2C. Lighting

Economy, Communications and Transport

- E 1. Agriculture and Tourism Development
- E 2. Better Communications
- E 3. Traffic Management throughout the Parish

Community and Leisure

- C 1. Social inter-action and Community Life
- C 2. Protection of Community Facilities
- C 3. Assets of Community Value

Appendix 2. Written confirmation from Ashford Borough Council of the Qualifying Body status of the Parish and of the Designated Area

Planning & Development

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NOTIFICATION OF DECISION REGARDING THE APPLICATION FOR DESIGNATION OF A NEIGHBOURHOOD AREA UNDER SECTION 61G OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

APPLICANT:
Pluckley Parish Council

APPLICATION:
Application dated 5th January 2015 for the Designation of a Neighbourhood Area.

DECISION:
Under delegated authority stated in paragraph 15.1 of the Responsibility for Functions section of the Constitution, the Head of Planning and Development is authorised to determine such neighbourhood area applications. The Head of Planning and Development has delegated this to the Planning Policy Manager.

The application is approved and the parish of Pluckley as shown on the plan attached is designated as a Neighbourhood Area under section 61G of the Town and Country Planning Act 1990 as amended. The reasons for this decision are set out in the accompanying 'Neighbourhood Area Designation Application Report'.

Signed:

Simon Cole
Planning Policy Manager
Dated: 10th March 2015



NEIGHBOURHOOD AREA DESIGNATION APPLICATION REPORT – OFFICERS DECISION ACTING UNDER DELEGATED POWERS

DESIGNATION OF PLUCKLEY NEIGHBOURHOOD AREA

Background

1. Neighbourhood planning was introduced in the Localism Act 2011 and The Town and Country Planning England Neighbourhood Planning (General) Regulations 2012 prescribe the process that needs to take place to enable a Neighbourhood Plan to be produced and the procedures that need to be undertaken by the Local Planning Authority.
2. The first formal stage in the preparation of a Neighbourhood Plan is for an appropriate organisation to submit their proposed neighbourhood area to the local planning authority for designation as a Neighbourhood area. The Council then holds a public consultation on the application, and makes a decision on whether it is approved.
3. A Neighbourhood Plan is a planning document that covers a geographic area and sets out the vision for the area and contains policies for the development and use of land. Neighbourhood Plans must however be consistent with the adopted Local Plan.
4. The neighbourhood plan produced will also be subject to an independent examination into soundness, and if found to be sound, subject to a local referendum. If approved by the majority vote of the local community, the borough council must adopt the Neighbourhood Plan as part of the statutory development plan for that area and will be used in determining planning applications.

The Pluckley Parish Application

5. The application from Pluckley Parish Council for neighbourhood area designation was received on 5th January. The area requested is the entire parish of Pluckley, as shown on the map at Appendix 1.
6. Pluckley Parish Council forms the 'relevant body' (for the purposes of section 61G (2) of the Town and Country Planning Act 1990) and submitted an application for the designation of Pluckley Neighbourhood Area. The application is for the whole area of Pluckley Parish to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning and so satisfies section 61G(3) of the Act. The submission of the application complied with the regulations.

7. The regulations state that in determining this application, the council must have regard to (a) the desirability of designating the whole area of a Parish Council as a neighbourhood area, and (b) the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas. It also must assess if the area should be designated as a business area.

Public Consultation

8. In line with the requirements of the Regulations, the borough council published on its website the complete application for a neighbourhood area from Pluckley Parish Council, with a map and details of how to make comments in support or objecting to the application. This was held over a six week period between Monday 19th January and Monday 2nd March 2015 and was advertised on the council's dedicated Neighbourhood Planning webpage, linked to the consultation portal. Email notifications of the application were sent to the ward member, all neighbouring parish councils and the Members for adjoining wards.
9. Hard copies of the application and Map were placed on notice boards in the parish, and copies were available in the Ashford Gateway.
10. The application was featured as a news item on the council's website and was featured in the Kentish Express on 22nd January. Pluckley PC have also contacted residents to inform them of the consultation and placed an advert on their own website.
11. 5 Responses to the application were received. 4 in support and 1 that raised issues relating to being consulted on proposed building heights, which would be a matter for the neighbourhood plan itself. The full responses can be seen at Appendix 2.

Conclusion

12. The application states that the whole parish is appropriate as there is no reason to alter the existing parish boundary. The Council agrees with this statement. The specified area falls completely within the Council's area.
13. The proposed area is adjacent to the already designated Bethersden Neighbourhood Area but will have no impact on this area boundary as there are no immediate cross boundary issues.
14. Pluckley is not wholly or predominantly business in nature, and therefore it is inappropriate to designate as a business area.
15. Taking into consideration the application and the comments received during consultation, along with the 2012 Neighbourhood Planning Regulations, this Neighbourhood Area Application is acceptable. Pluckley Neighbourhood Area is recommended for designation to the Planning Policy Manager.

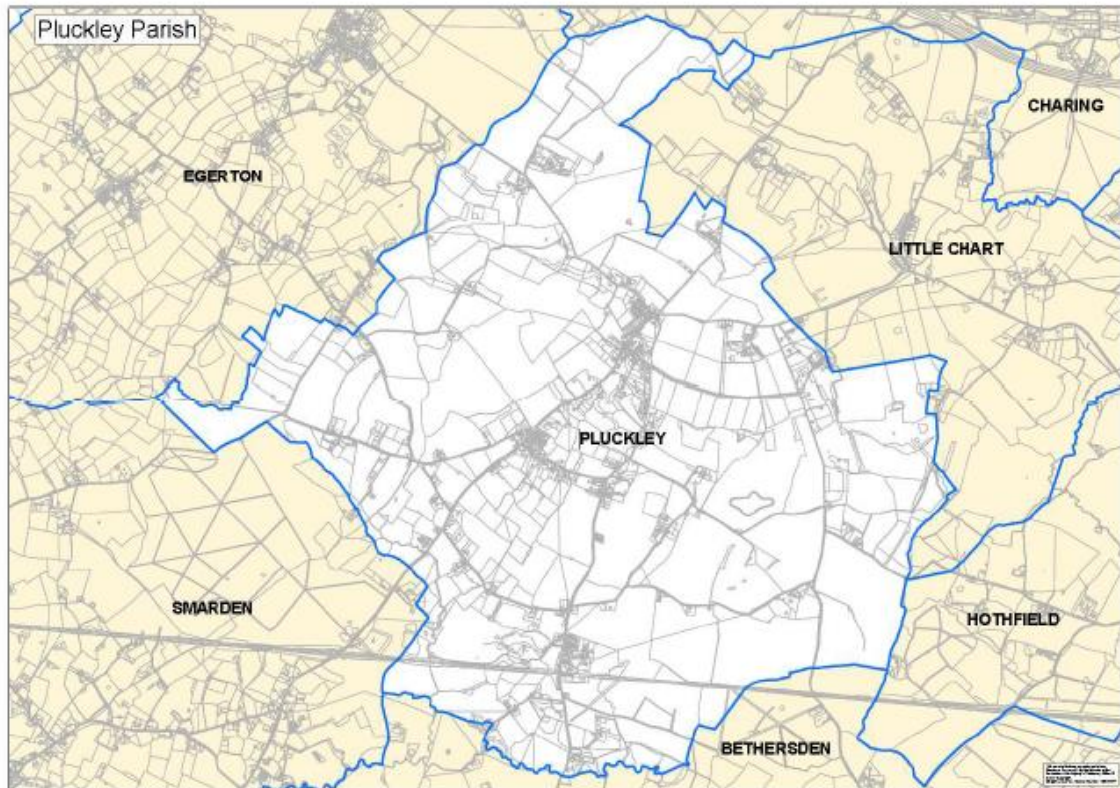
Decision

16. **The Designation of the Pluckley Neighbourhood Area (as shown on Appendix 1) of this report is approved in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.**

Next Steps

17. The council will publish the name and map of the area on the council's website on the neighbourhood planning page, where a map of all neighbourhood areas must be kept. Public notices will also be placed in the parish. Residents or people that work in the parish will also be notified in other ways by the Parish Council.
18. Pluckley PC and/or a designated neighbourhood plan group will then commence formal consultation and preparation of their draft Neighbourhood Plan. Grants of up to £5000 can be applied for by the local authority once a neighbourhood area has been designated, to assist with the preparation.

Appendix 1 – Neighbourhood Area Boundary Map



Appendix 2 – Representations on Consultation

Mason Brannan Design Partnership		Strongly support this proposal and hope that there will be an opportunity to relate it to the Bethersden Plan that is nearing completion
		I support the application
		Support
		I support this application.
Defence Infrastructure Organisation	Assistant Safeguarding Officer - Statutory & Offshore, DIO Safeguarding	Thank you for consulting the Ministry of Defence in relation to the above referenced consultation. On reviewing the site boundary for the proposed Pluckley Neighbourhood Plan, I can confirm the Statutory Meteorological safeguarding zone for Thurnham surrounds the borough of Ashford. Therefore, we are interested in development of height which may infringe or inhibit the operational capability of the radar. In relation to Pluckley, this area falls within the 45.7m height consultation zone, therefore any development which exceeds this criterion should be referred to this office for review. Therefore, we have no comments at present except to register our interests in the identified area.

24.08.16

Appendix 3. Pluckley Site Appraisal Document (attached separately)

Appendix 4. Ashford Borough Council SEA/HRA screening

Planning & Development

Ask For: Danielle Dunn
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Direct Line: 01233 330328
Our Ref:

Pluckley Parish Council
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Date: 1st April 2016

Dear Mr Smith

Pluckley Neighbourhood Plan Environmental Assessment Screening Determination

The Council fully supports the production of a Neighbourhood Development Plan for the parish of Pluckley. To this end, one of the roles for the Local Authority is to screen the expected contents of the Neighbourhood Plan to determine whether a Strategic Environmental Assessment (SEA) and/or assessment under any relevant European legislation are required. This letter therefore sets out whether the plan meets one of the basic requirements: not to breach, and otherwise be compatible with, EU and Human Rights obligations.

These comments relate to the need for either a: Strategic Environmental Assessment (2001/42/EC); or a Habitats Regulation Assessment, Regulation 61(2) of the Conservation of Habitats and Species Regulations 2010. In this instance the decision has been based on the Environmental Assessment Screening Report and following consultation with the relevant statutory bodies.

This letter confirms that **an environmental assessment is not required** for the Pluckley Neighbourhood Plan.

Please find enclosed a copy of the comments received on the Screening Opinion, where further information may be of use for the plans production. Please note however, that if the contents of the Plan is revised considerably and/or if there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this letter would need to be revisited.

Yours Sincerely



Mrs Danielle Dunn Policy Planner



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Comments made on the Screening Opinion

Statutory Body	Comments Received
Environment Agency	Thank you for consulting us on this screening report, however we have no comments. The environmental risks (as far as our remit is concerned) would appear to be fairly low in this area. If proposals come forward for development in the flood plain just south of the railway, or on or adjacent to the Pluckley Brickworks landfill we'd probably want to know at that stage.
Natural England	Thank you for consulting Natural England on this matter. In terms of national and international habitats, and nationally important landscapes we accept your conclusion that there are not likely to be significant effects, and that an SEA and HRA are not necessary.
Historic England	Having reviewed the draft plan and the sites proposed for allocations I am happy to confirm that, within the areas of interest to Historic England, we agree that the plan does not, at this point, need to be subject to SEA as it appears very unlikely it would result in significant environment effects. We would have some reservation if the numbers of housing units to be delivered by each of the allocated housing sites were to increase as there may then be some potential for significant effects to nearby listed buildings at Lambden Road and Smarden Road or the Pluckley Station Conservation Area. Should such changes be made to the plan following the Regulation 14 consultation we would request the right to review this decision.

