

BASIC CONDITIONS STATEMENT

Stratton St Margaret Parish Council

(Revised in February 2021 to account for Examiner's recommendations from May 2020)

Purpose

1. This basic conditions statement has been prepared in support of the Stratton St Margaret Neighbourhood Development Plan (NDP) as part of its submission to Swindon Borough Council.
2. It has been prepared by the Stratton St Margaret NDP Steering Group, acting on behalf of Stratton St Margaret Parish Council ('the qualifying body') following the final designation of the parish as a neighbourhood area on 4 May 2018, in order to set out how the NDP meets the basic conditions required of a NDP and other legal tests.
3. The Stratton St Margaret neighbourhood area was originally designated for the purposes of neighbourhood planning under regulation 7 of the Neighbourhood Planning (General) regulations 2012 on 25 November 2013. It was then re-designated on 4 August 2015 following the establishment of Nythe parish council.
4. In May 2018 the Neighbourhood Area was re-designated for a second time in order to reflect changes to the parish boundary implemented by the 2016 community governance review. The designated Neighbourhood Area now reflects the revised parish boundary.
5. Paragraph 8(1) 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, notes that in examining a neighbourhood plan, the examiner must consider the following:
 - a. "whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),
 - b. whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
 - c. whether any period specified under section 61L(2)(b) or (5) is appropriate,
 - d. whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
 - e. such other matters as may be prescribed".
6. Paragraph 8(2) then outlines the basic conditions that a neighbourhood plan must adhere to (where relevant) in order to progress to a referendum and be made. These are as follows:

"A draft order 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 order,
 - b. the making of the order contributes to the achievement of sustainable development,
 - c. the making of the order 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),
 - d. the making of the order does not breach, and is otherwise compatible with, EU obligations, and
 - e. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
7. Please note that sub paragraphs 8(2)(b) and 8(2)(c), as outlined below, do not apply to NDPs, as confirmed by paragraphs 8(3) and 8(4):
- a. 8(2)(b): “having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order”
 - b. 8(2)(c): “having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order”
 - c. 8(3): “Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.”
 - d. 8(4): “Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.”
 - e. Paragraph 8(6) confirms that the examiner is not to consider any matter that does not fall within sub-paragraph (1), apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.
8. This statement responds to each of the legal tests and basic conditions in turn.

Legal requirements

- 9. The NDP is submitted by a qualifying body. Stratton St Margaret Parish Council submits the NDP, being a qualifying body in accordance with the regulations.
- 10. The parish decided to embark on preparing the NDP in 2013. An application to designate the full parish boundary as the neighbourhood plan area’ was submitted in 2013 and revised in 2018 as set out above, in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

11. Swindon Borough Council publicised the NDP area application in 2013/14 in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012 (as amended).
12. There are no other NDPs relating to the Stratton St Margaret neighbourhood area and the NDP does not relate to any other areas. It contains an informative and reference to development outside the Parish Boundary but these are not policies that can be used in decision-making.
13. The NDP sets out policies in relation to the development and use of land in the neighbourhood area. It includes land use planning policies that can be used in the determination of planning applications.
14. The proposed NDP extends across the years 2019 - 2026, the same plan period as the Swindon Local Plan.
15. The policies in the NDP do not relate to excluded development, as defined in s.61K of the Localism Act 2011.

National Planning Policy Framework (2019)

16. The NDP has been prepared having regard to national policy and advice contained in guidance issued by the Secretary of State as set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and written ministerial statements. Table 1 below provides a summary of this attention to national policy and guidance, focusing specifically on the NPPF. The paras quoted are not exhaustive.

Table 1: NPPF as it relates to the policies in the NDP:

NDP policy	NPPF Paragraph ref.	NDP response
SSM1: redevelopment of large sites	39,40,41	Pre-application engagement with the local community is encouraged by the policy. The NPPF does not require pre-application consultation but should the applicants wish to do so, this policy sets out the Parish Council's standards and expectations how this should be done.
SSM2: Housing	61	The policy sets out the size, type of tenure of housing needed in the parish.
SSM3: Community facilities and publicly accessible sites	92	The policy protects existing and encourages the development of new community facilities and lists the most important types of facilities.
SSM4: Transport and movement	98, 102c, 104d, 108, 110a	The policy seeks to ensure that Major new development makes appropriate provision for walkers and cyclists and seeks to ensure that where wider networks (off site) will be used by residents from the

		development, appropriate improvements will be made to the network.
SSM5: Local Centres	85e, 87	This policy seeks to encourage the creation and maintenance of small edge of centre business and retail areas that are within walking distance of a range of neighbourhoods. The policy is flexible in that it only indicates general areas where such proposals would be considered favourably.
SSM6: Locally Important Buildings and Assets	197	The policy and supporting text seeks to provide clarity on how development proposals should consider impacts upon non-designated heritage assets.
SSM7: Open Space, Allotments, Burial Space	91c, 92a, 93, 97, 170,174b, 175d	The policy seeks to protect all types of open space that are important to the community and ensure that major development will make sufficient provision for open space, allotments and burial space.

Sustainable Development

17. The Stratton St Margaret NDP delivers sustainable development in all its policies:
18. - Policy SSM1 seeks to encourage developers of large employment sites within the Parish to engage with the Stratton St Margaret community to ensure that development brings benefits to parishioners in the form of appropriate employment opportunities and the design of major schemes. This policy is read in conjunction with other policies in the NDP. It meets all three sustainability objectives.
19. - Policy SSM2 seeks to introduce a locally-defined mix of new housing thus meeting the social objective of ensuring that a range of homes can meet the needs of present and future generations.
20. - Policy SSM3 seeks to protect key community infrastructure to meet the needs of present and future generations, part of the social objective.
21. - Policy SSM4 seeks to encourage greater walking and cycling in the Parish which meets the economic objective in that it identifies necessary infrastructure, but also encourages non-motorised transport which has a positive effect on how we manage climate change in a low carbon economy. It also meets a social objective in that it seeks to provide accessible services.
22. - Policy SSM5 seeks to direct local services to neighbourhood clusters so that people can walk or cycle to them, rather than drive to more distant service centres. Like SSM5, this contributes to management of climate change in a low carbon economy.
23. - Policy SSM6 identifies locally important buildings and assets which meets the social objective by fostering a well-designed environment and protects the Parish's cultural well-

being. It meets the environmental objective in that it seeks to protect the built and historic environment.

24. - Policy SSM7 contributes to protecting and enhancing the natural environment and seeks to allow provision for allotments which meet the environmental objective of using natural resources prudently.

Conformity with the Development Plan

25. NDPs must be in general conformity with the strategic policies contained in any development plan that covers their area (NPPF footnote 16) and non-strategic policies should be used by communities to set out detailed policies for neighbourhoods (NPPF 28) and NDP should not undermine strategic policies (NFFP 29).

26. The Development Plan for the NDP is:

- a. Swindon Borough Local Plan 2026
- b. Wiltshire and Swindon minerals core strategy 2006-2026
- c. Wiltshire and Swindon Waste Core Strategy 2006-20026

There are no minerals policies that are affected by proposals in the NDP.

27. The NDP has been prepared having regard to relevant policies in the Development Plan. Table 2 below provides a summary of how each NDP policy conforms with relevant policies in the Development Plan.

Table 2: Development Plan policies as they relate to the policies in the NDP:

NDP policy	Development Plan policy	NDP response
SSM1: redevelopment of large sites	SD1	The policy seeks to ensure that development of larger sites in the borough conform to the principles of sustainable development
	SD2	The policy provides support to realising development opportunities in central Swindon by setting out how community engagement should be undertaken
	SD3	The policy seeks to add support to the decision-making process by adding a layer of consultation with the community that is sometimes difficult for developers to access.
	EC1/EC2	The policy does not hinder the objectives of EC1 or EC2
SSM2: Housing	HA1	The policy provides local evidence in support of this policy

SSM3: Community facilities and publicly accessible sites	CM2	The policy seeks to increase provision of cultural, faith and multi-use community facilities
	CM3/CM4	This policy seeks to protect flexible multi-use buildings in public and community ownership and to enable new facilities to be created.
SSM4: Transport and movement	TR1a	The policy provides local detail in support of walking and cycling
	TR2	The policy identifies walking and cycling routes, including PROW, that should be preserved and enhanced where possible
	IN1	The policy sets out necessary infrastructure
	CM2	The policy seeks to increase opportunities to walk and cycle
SSM5: Local Centres	TR1	The policy seeks to retain and encourage local services within walking distance of neighbourhoods
SSM6: Locally Important Buildings and Assets	DE1	The policy seeks to add detail to what the community considers to be important in support of this policy.
	EN5	The policy provides local detail about non-designated assets of local distinctiveness
	EN10g	The policy provides detail about assets
SSM7: Open Space, Allotments, Burial Space	CM2	The policy seeks to increase access to green spaces
	IN1	The policy sets out necessary infrastructure
	EN1	The policy provides local definition of which green infrastructure is important in the parish.
	EN3	The policy provides local definition of which open space is important in the parish
	EN4	The policy is aligned with regard to biodiversity

Conformity with the emerging Local Plan

28. The local plan is currently being reviewed and a Submission Draft Swindon Borough Plan 2036 was subject to consultation in December 2019 – January 2020. The NDP is also in conformity with these policies as shown in Table 3.

Table 3: Development Plan policies as they relate to the policies in the NDP:

NDP policy	Emerging Development Plan policy	NDP response
SSM1: redevelopment of large sites	SP1	The policy seeks to ensure that development of larger sites in the borough conform to the principles of sustainable development
	SP2 and LA9	The allocation at the former Stratton Education Centre for 11 dwellings and retention of school constitutes major development and SSSM1 will ensure that development takes account of the community's needs.
	DM14	The policy will assist applicants to determine local needs and requirement by encouraging strong engagement.
SSM2: Housing	SP2 and LA9	The policy provides local evidence in support of this policy
	DM5, DM6, DM7, DM8	This policy adds local detail to these more strategic housing mix policy.
SSM3: Community facilities and publicly accessible sites	DM27	This policy and supporting text provides local detail in support of this more strategic policy.
SSM4: Transport and movement	DM21	This policy and supporting text provides local detail to assist applicants when designing the sustainable transport aspects of their schemes.
SSM5: Local Centres	DM17, DM18, DM18, DM20	This policy provides a local context for these more strategic policies by indicating where these land uses would be supported.
SSM6: Locally Important Buildings and Assets	DM34	This policy and supporting text provides detail about important but unprotected historic buildings and assets.

SSM7: Open Space, Allotments, Burial Space	DM30	This policy and supporting text adds local detail to this more strategic policy and lists local open spaces of importance in Stratton St Margaret.
	DM32	This policy identifies local areas of green space that are important, including ecologically.

Viability

29. Plans, including NDPs, should set out the contributions expected from development. This should include setting out the levels and types of infrastructure and should be informed by evidence of need and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including developer contributions and CIL.
30. Most of the policies do not require new development per se, but generally seek to preserve or replace what is already in place. As such, the execution of the policies would be a normal and expected part of either application preparation or development. Where additional costs might be incurred, for instance for improvements to the walking and cycling network, or the provision of allotments and burial space, these are normal expected development costs and not in any way exceptional. This is true because all the local plan policies anticipate any development proposed in the NDP and therefore, any applicant will have a good understanding of development requirements and costs when preparing an application.

Strategic Environmental Assessment

1. It is a requirement that SEA is undertaken in-line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004, which transposed into national law EU Directive 2001/42/EC on SEA.
2. In-line with the Regulations, a report (known as the Environmental Report) must be published for consultation alongside the draft plan that 'identifies, describes and evaluates' the likely significant effects of implementing 'the plan, and reasonable alternatives'. The report must then be taken into account, alongside consultation responses, when finalizing the plan.
3. A Screening exercise was undertaken by Swindon Borough Council and it was concluded that Strategic Environmental Assessment was not required. This was confirmed in an email dated Wed 17/04/2019.

Other EU OBLIGATIONS

Equal Opportunities and Human Rights

4. The NDP Steering Group has sought to reach out to the whole community in preparing the NDP, via a variety of methods of consultation, to ensure that the views of the whole

community are reflected. It is not considered that the NDP discriminates unfairly or in a manner contrary to the Human Rights Act 1998.

Habitats Regulations Assessment

5. On the matter of Habitats Regulation Assessments, Stratton St Margaret Parish Council has provided Swindon Borough Council with all the necessary information they reasonably require for the purposes of determining whether an Appropriate Assessment is required or to carry out the Appropriate Assessment if one is required.

Conclusion

6. This Basic Conditions Statement has been prepared in support of the Stratton St Margaret NDP as part of its submission to Swindon Borough Council.
7. It has been prepared by the NDP Steering Group, acting on behalf of Stratton St Margaret Parish Council ('the qualifying body'), to explain how the NDP meets the basic conditions required of it and other legal tests.
8. This statement has shown how these basic conditions and legal tests have been met. It is therefore appropriate for the NDP to be made and become a part of the adopted development plan.