

LYTCHETT MATRAVERS NEIGHBOURHOOD PLAN
BASIC CONDITIONS STATEMENT

November 2015



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1.0 The Purpose of the Basic Conditions Statement

1.1 The National Planning Practice Guidance states that “*only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made*”. It continues to explain that a “*basic conditions statement is likely to be the main way that a qualifying body can seek to demonstrate to the independent examiner that its draft neighbourhood plan... ..meets the basic conditions*”.

1.2 The basic conditions are set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). Paragraph 8 of Schedule 4B:

(1) 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.

(2) 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) 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,
- (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,
- (d) the making of the order contributes to the achievement of sustainable development,
- (e) 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),
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

- 1.3 A basic conditions statement setting out how a draft neighbourhood plan or order meets these basic conditions must accompany the draft neighbourhood plan when it is submitted to Purbeck District Council. This statement has been prepared to accompany the 2015 submission of the Lytchett Matravers Neighbourhood Plan (LMNP).

2.0 Legal Requirements

The LMNP is submitted by	Lytchett Matravers Parish Council Council Office, Vineyard Close Lytchett Matravers Dorset BH16 6DD
What is proposed	The LMNP relates to town planning matters and aspirations for the village. It does not allocate any site specific allocations for development. It seeks to add to the adopted Purbeck Local Plan. It 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 Regulations 2012.
The period to which it is to have effect	2016 - 2031
Excluded development	The LMNP does not deal with county matters, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
Neighbourhood plan area	The neighbourhood plan proposal relates to the Lytchett Matravers Parish boundaries and no other areas. There are no existing neighbourhood plans relating to this area.

3.0 National Policy

3.1 The National Planning Policy Framework (NPPF) was published on the 27th March 2012. This document sets out the Government's objectives for the planning system, placing sustainability at the heart of national planning policy and explaining that it should be considered as a golden thread running through decision making. Paragraph 9 states:

“pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life.”

3.2 The LMNP is broadly split into two areas of focus. The first part, set out in Chapter 3, identifies Development Management Policies that are expected to become part of the wider Development Plan. The second half, set out in Chapter 4, involves Strategic Village Improvements. These are aspirations of the group and are an indication of areas where the plan sees infrastructure priority and future change for the benefit of the village. For the purposes of compliance, it is considered that the Strategic Village Improvements explicitly lead on the social role of planning, by creating a high quality built environment with accessible local services that reflect the community's needs and supports its health, social and cultural well-being.

3.3 The compliance of the Development Management Policies and the NPPF will be considered on a policy-by-policy basis. The assessment will look to establish what role(s) the policy plays (economic, social or environmental) in contributing towards sustainable development and which of the Core Planning Principles it delivers.

3.4 The Core Planning Principles:

1. *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;*
2. *not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;*
3. *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability,*

and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- 4. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- 5. take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- 6. support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- 7. contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- 8. encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;*
- 9. promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- 10. conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;*
- 11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- 12. take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.*

3.5 The policies set out in the LMNP are considered to be consistent with the NPPF, playing a key role in delivering sustainable development and meeting the Core Principles of the Framework:

Policy	What is does	Role(s)	Core Principles
1	Protects local assets identified in the plan, encourages opportunities that deliver the Strategic Village Improvements. This plays an important social role to preserve and enhance the facilities available to residents.	Soc	1, 5, 8, 9, 11, 12
2	Requires that developers of two or more dwellings have a public consultation where the village are invited to attend. The requirement for applicants to demonstrate that the development principles of the plan have been considered is important to ensure that the vision and objectives are delivered.	Soc Env Eco	1, 2, 4, 5, 7, 9, 11, 12.
3	This looks for developments to be designed to preserve or enhance the appearance of the village through the use of suitable materials and using good design principles.	Env	2, 4, 10
4	Where new internal roads are proposed they should be introduced as a shared surface to encourage walking and slow vehicle speeds. It is also considered important that useable off-street parking is included with new homes to avoid conflicting with existing residents and having an over-demand for on-street parking.	Soc Env	1, 2, 4, 6, 11
5	Involves protecting the environment by retaining important hedgerows and trees and seeking new development to include open space and green assets and to link these to existing green infrastructure.	Soc Env	1, 2, 7, 8, 9, 11, 12
6	Encourages new B1 development in the village to provide for new local jobs, while also recognising the important role that mixed-use schemes and live-work units can play.	Eco	1, 3, 5, 6, 8, 9, 11
7	Seeks to retain existing commercial uses to retain jobs and services within the village.	Soc Eco	3, 5, 6, 11, 12

8	In conjunction with the strategic aim of remodelling the centre this policy encourages new commercial uses in this central location providing the use does not harm the living conditions of neighbours.	Soc Eco	2, 3, 5, 6, 8, 9, 11, 12
9	Enables new shopping facilities providing there is not an adverse impact on existing services. The policy also seeks to protect the loss of community benefiting services within the A use classes, including the two public houses.	Soc Eco	3, 5, 11, 12

3.6 The analysis demonstrates that when taken as a whole the Development Management Policies satisfy the three dimensions of sustainable development, by having an economic (Eco), social (Soc) and environmental (Env) role in the planning system.

3.7 Whilst the focus of the plan is heavily weighted towards the residents and the services on offer, the policies do look to reduce the need to travel, have a creative and positive approach to development and are considered to meet all the Core Planning Principles of the NPPF.

4.0 Local Policy

4.1 Purbeck Local Plan Part 1: Planning Purbeck’s Future (LPP1) was published in 2012. It is the key document within the suite of documents that form the Local Plan. The LPP1 sets out the vision for Purbeck. The Development Management Policies were then compared to the Vision for Purbeck and have been shown as compliant with the delivery of that vision:

Vision for Purbeck

Purbeck will be a place where the distinctive characteristics of the five spatial areas will be enhanced, whilst improving the quality of life for the whole community. Swanage, Wareham and Upton will continue to thrive, with good access to facilities to meet everyday needs. Bere Regis, Bovington, Corfe Castle, Lytchett Matravers, Sandford and Wool will retain their facilities and services for surrounding villages, while the more rural areas will retain their functional character.

To achieve this, the Council will plan a mix of housing types, sizes and tenures which are affordable and suitable in meeting local needs first and those of the wider housing market. New development will have high standards of sustainable design and will respond positively to

Purbeck's rich diversity of local architectural traditions, helping sustain the special character of the District and the distinctiveness of places in it.

The local population will have a wider access to well-paid and diverse employment opportunities. Agriculture, farm diversification, estate management and Purbeck stone quarrying will play a role in retaining small rural communities, the wider rural landscape and the function of the countryside.

Local organisations will continue to enhance Purbeck's exceptional landscape and internationally important habitats in the face of modern pressures, including the effects of climate change. At the same time, its excellent tourist facilities will serve its world-famous visitor sites and will continue to draw visitors to its coast, beaches, historic towns and villages.

While acknowledging and planning for the importance of the links between Purbeck and the Poole/Bournemouth conurbation, the need to travel will be reduced by increased self-containment and the concentration of employment, shops, services and community facilities. These will be accessible to communities through the provision of a wider range of transport methods and a shift in travel choices and patterns to reduce dependence on the private car. Connectivity between settlements will have been enhanced through improvements to existing public footpaths, cycle ways, the District's road network, and a greater provision of public transport, including support for the reconnection of the Wareham to Swanage branch line to the national rail network

Lytchett Matravers, Sandford and Wool will retain their facilities and services for surrounding villages,

- 4.2 A priority of the LMNP is to retain community facilities and services and this is delivered through policies 1, 2, 7 and 9. This is further supported through the detailed Strategic Village Improvements that looks to retain and enhance what is on offer in the village.

New development will have high standards of sustainable design and will respond positively to Purbeck's rich diversity of local architectural traditions,

- 4.3 In some areas of the village it is accepted that traditional architecture is not always going to be in character. What the LMNP does set out to achieve is the delivery of very good design and this is delivered explicitly in Policy 3.

The local population will have a wider access to well-paid and diverse employment opportunities.

- 4.4 Retaining employment in the village and encouraging new commercial uses is considered to be an integral part of the plan. Making the village more self-sufficient and providing jobs locally so that the

need to commute for work is reduced, the LMNP policies 6, 7, 8 and 9 all have an economic element.

Increased self-containment and the concentration of employment, shops, services and community facilities.

- 4.5 This is a key focus for the LMNP and in addition to the employment opportunities there is a recognition that the village wants to preserve existing facilities and add to these through the investment of development finance and longer term funding avenues. The self-containment is most evident in policies 1, 2, 6, 7, 8 and 9.

Improvements to existing public footpaths, cycle ways

- 4.6 An underlying theme of the LMNP is to refocus road priority from the private vehicle to walking and cycling. The improvement to existing public footpaths and cycle ways can be delivered in a number of ways and larger scale new development will be expected to take opportunities available to integrate with the village. The most applicable policies are 1, 2, 3, 4 and 5.

5.0 EU Obligations

- 5.1 The LMNP has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012. It has given all interested parties a fair and equal opportunity to submit their views. The public workshop events were held at the public library on various days of the week throughout the consultation period. The library offers a level entrance and is fully accessible to people with physical disabilities. Having considered the Articles of the Act it is considered that the LMNP complies with the requirements, particularly in regards to the right to Article 8 as the policies explicitly seek to protect the amenity of existing residents and preserve their right to a private life in their home.
- 5.2 The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:
- Determine whether a plan or project may have a significant effect on a European site
 - If required, undertake an appropriate assessment of the plan or project
 - Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment

5.3 The LMNP does not deviate from the existing Local Development Plan. It is consistent with the policies, objectives and vision of the Purbeck Local Plan Part 1. It is therefore concluded that the adoption of the LMNP will have NIL impact on the internationally important habitats in the Purbeck and Dorset area. The habitats regulation assessment of the Core Strategy identified the following issues were identified:

- Impacts of new housing and recreational pressure on the Dorset Heaths (the Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC, Dorset Heathlands SPA, Dorset Heathlands Ramsar).
- Increased recreational pressure on Poole Harbour SPA/Ramsar from shore-based and water based activities likely to increase as a result of new housing.
- Increased recreational pressure to coastal sites as a result of enhanced transport links and housing (Isle of Portland to Studland Cliffs SAC, St Alban's to Durlston Head SAC).
- Increased recreational pressure to the New Forest (New Forest SPA/SAC/Ramsar) as a result of increased population and enhanced transport links within Purbeck.
- Water issues, including abstraction and water quality, affecting Poole Harbour SPA/Ramsar and Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC, Dorset Heathlands SPA, Dorset Heathlands Ramsar).
- Fragmentation and pressure on heathland sites (Dorset Heaths SAC, Dorset Heathlands SPA/Ramsar) as a result of employment allocation (Holton Heath).
- Air quality issues as a result of increased traffic (Dorset Heaths SAC, Dorset Heaths (Purbeck & Wareham) and Studland Dunes SAC, Dorset Heathlands SPA/Ramsar and Poole Harbour SPA/Ramsar).

5.4 The LMNP will not result in the creation of new housing above and beyond that which would be developed in its absence. There is no direct impact on strategic transport in the area and traffic levels will be unaffected by the introduction of the LMNP. Similarly and for the same reasons the LMNP will not result in significant environmental effects, it therefore does not require a Strategic Environmental Assessment. The assessment that was sent to Natural England for their views on this conclusion and their response confirming this is attached at Appendix A to this statement.

5.5 The conclusion is that neither a more detailed Habitat Regulations Assessment nor Strategic Environmental Assessment is required.

6.0 Summary and Conclusion

6.1 This statement has demonstrated that the Lytchett Matravers Neighbourhood Plan (LMNP) meets the necessary legal requirements for a neighbourhood plan. It complies explicitly with both national and local planning policy and the adopted Development Plan. The provisions of the Human Rights Act and the directives of European Habitats protection have been considered and, as no additional development will be delivered as a direct result of the LMNP, the LMNP does not have a negative impact on protected habitats or the environment as a whole and therefore further assessment is not required.

6.2 The basic conditions have been satisfied.

APPENDIX A

From: Alf Bush
Sent: 07 October 2015 18:28
To: 'Alf Bush'
Subject: RE: SEA screening .GOV practical guide

Dear Mr. Low

Following on from discussion a few weeks ago, Purbeck District Council have advised Lytchett Matravers Parish Council that there is a need to 'screen' our draft plan, to check whether the plan has significant environmental effects. In order to do this we should consult with Natural England, the Environment Agency, and Historic England.

I have checked through your recommended practical guide and have tried to follow the decision tree shown in figure 2 on page 13. I have also assumed that the Lytchett Matravers Neighbourhood Plan comes under the general heading of a 'PP', although Appendix 1 doesn't itemise Neighbourhood Plans.

Q1:

Is the PP subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))?

The Lytchett Matravers Neighbourhood Plan is subject to adoption by a local authority, i.e. Purbeck District Council.

Q2:

Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))?

A neighbourhood plan is not a requirement, it is optional. So the answer is No, so an SEA is not required. This would imply that an SEA is never required for a neighbourhood plan

If for the sake of completeness, we assume the answer to Q2 is yes, then

Q3:

Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))

The Lytchett Matravers Neighbourhood Plan has not set out any specific plans for development. Since it is surrounded by green belt, it has no authority to do that. Only PDC can re-designate green belt and they have their review underway. The plan only requires that any new development meets a set of development guidelines, but this will apply to any land usage that PDC decides to 'convert' from green belt. So the answers to Q3, Q4 and Q6 are all No, because the Lytchett Matravers Neighbourhood Plan has no specific site it is allowed to reference.

So in conclusion, I do not think an SEA is required.

I would appreciate it if you could review and let me know the final view of Natural England.

For your information, both the Environment Agency and Historic England were also sent a copy of the Lytchett Matravers Neighbourhood Plan and neither party had any comments.

Regards, Alf Bush
Lytchett Matravers Parish Council

From: Matt.Low@naturalengland.org.uk
To: alfbush@hotmail.com
Subject: SEA screening .GOV practical guide
Date: Fri, 28 Aug 2015 14:06:33 +0000
Hello Mr Bush

Just in case you haven't got this (I'm sure you have)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

Matt

Matt Low
Natural England
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Date: 26 October 2015
Our ref: T157890 Lytchett Matravers NP ML 26-10-15
Your ref: [Click here to enter text.](#)



Alf Bush
Lytchett Matravers Parish Council

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BY EMAIL ONLY

Dear Mr Bush

Planning consultation: Lytchett Matravers Neighbourhood Plan Consultation
Location: Lytchett Matravers

Thank you for your consultation on the above dated 08 October 2015 which was received by Natural England on the same day.

Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.

Thank you for sending me your assessment of the need to apply the SEA Regulations to the Lytchett Matravers Neighbourhood Plan. It is likely that at stage 2 of the flowchart the wording maybe should be read as 'is the PP the result of legislative provision' (in this case the Localism Act 2011) , otherwise no NP would be subject to SEA and we know that some are.

That said your responses for the subsequent stages appear to follow a logical progression to conclude that an SEA is not required, given the particular circumstances of the Lytchett Matravers NP area (principally the Greenbelt location precluding NP housing allocations).

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me, Matt Low on 07771 838550. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Matt Low

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.