



BROOMFIELD & KINGSWOOD NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT

February 2015

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BASIC CONDITIONS STATEMENT

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EXECUTIVE SUMMARY

- S1. This statement refers to the Submission Draft Broomfield & Kingswood Neighbourhood Plan, produced by the Parish Council. An experienced, multi-disciplinary consultancy team was assembled to assist the Parish Council in taking forward the plan-making process, with the assistance of the Neighbourhood Plan Steering Group, and the local residents whose opinions were gathered and tested in a series of public consultation events and workshops. The study area is the whole of the Parish.
- S2. In order to be considered suitable to be taken forward to referendum, Neighbourhood Plans must satisfy a series of basic conditions. These are set out by Central Government. In summary, these are a series of tests to ensure the Plan has regard to;
- a) National Planning Policy
 - b) Listed Buildings
 - c) Conservation Areas
 - d) Sustainable Development
 - e) The Local Plan
 - f) EU Obligations
 - g) Prescribed Conditions and Prescribed Matters
- S3. The subsequent sections of this statement demonstrate how and why the Submission Draft Neighbourhood Plan is acceptable regards these considerations.

BROOMFIELD & KINGSWOOD NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT

1 Condition a: National Planning Policy

“having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).”

1.1 This Draft Neighbourhood Plan is the culmination of almost 4 years of work by the Parish Council, Neighbourhood Plan Steering Group, local people, and consultancy team, commencing in 2012. The Plan also is the culmination of many public consultation events and workshops and numerous meetings with the Local Planning Authority (Maidstone Borough Council). The Plan is therefore in accordance with national guidance regards the due process of neighbourhood plans.

1.2 Furthermore, the Plan is in accordance with specific national planning policies as set out in the NPPF. The glossary of the National Planning Policy Framework (NPPF), which is the highest level of planning in England, provides the following definition of Neighbourhood Plans;

“A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.”

1.3 The NPPF goes on to offer further guidance of the nature and remit of Neighbourhood Plans. They are mentioned in the very first paragraph of the introduction;

“It (the NPPF) provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.”

1.4 At paragraph 2, the NPPF notes;

“The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans”

1.5 There is a set process of Neighbourhood Plan adoption that must be followed, as set out below;

i) Firstly Propose a Boundary/Boundaries.

ii) Send the Proposed Boundary/Boundaries to the Local Planning Authority (LPA) which in this case is Maidstone Borough Council (MBC). The LPA can be reasonably expected to Endorse the Proposed Boundaries.

iii) Write a Letter to the Public (perhaps every household in the Parish) showing the area(s) and explaining what sort of proposals may be brought forward for those areas.

iv) Draft Options and Public Meeting(s) and Workshop(s).

v) Final Proposals.

vi) Formal 6-week consultation carried out by the Parish Council.

vii) Proposals checked by LPA (MBC) for compliance with the Local Plan.

viii) Formal consultation carried out by the LPA.

ix) Sent to an Examiner (similar to a Planning Inspector) to check for soundness.

x) Goes to Local Referendum. Needs min. 50% support.

xi) Becomes Adopted as soon as the Referendum is passed.

xii) Goes to the LPA (MBC) to be incorporated in the Local Plan. Becomes an integral part of the Local Plan and carries as much weight as other parts of the Local Plan.

1.6 This process has been followed, and the Plan currently is at stage vii) and about to enter stage viii) as set out above.

1.7 The time-line of the Neighbourhood Plan is set out in detail in the Consultation Statement.

1.8 At paragraph 15, the NPPF notes the importance of sustainable development and the presumption in favour of sustainable development. This means the proposals must be sustainable in their layout and proximity to services and in their detailed design and construction, such as under the Code for Sustainable Homes. The “presumption in favour” indicates that if developments are sustainable then they should go ahead: i.e. the wording is strongly pro-development provided it is the right kind of development. This places an obligation on communities to welcome development: it is no longer acceptable to simply resist development.

1.9 At paragraph 16, the NPPF sets out the following;

“The application of the presumption (in favour of sustainable development) will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and

- identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with their neighbourhood plan to proceed.

1.10 The NPPF attaches great importance to good design. Paragraphs 56 to 60 set out the following;

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

- 1.11 The NPPF sets out further important principles in subsequent chapters. Chief amongst these are;

That planning 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. (para. 17)

The importance of strengthening the rural economy. (para. 28)

The importance of local people identifying local green spaces that are important to them. (para. 76)

Giving local people genuine power in terms of setting policies that will help determine planning applications and furthermore effectively in granting their own planning approvals by creating Neighbourhood Development Orders. (para. 183)

- 1.12 The NPPF also notes;

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.” (Para 73)

“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.” (Para 76)

“Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.” (Para 171)

- 1.13 The main goal of the Plan is the creation of a new Village Green to serve the existing community. It is seen that the sense of community and well-being is very important in planning and is recognised as such in the NPPF.

- 1.14 The social aspect of the proposal also is significant and should not be lost in planning consideration of the Plan. The NPPF notes the following;

“A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.” (Paragraph 7).

“recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” (Para 17)

“Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.” (Para 28)

“The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.”

“local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions”

“opportunities for meetings between members of the community who might not otherwise come into contact with each other” (all the above at Para 69)

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and

ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” (all the above at Para 70)

- 1.15 The above NPPF policies strongly and unequivocally note the need for balanced decision-making and the need to retain existing community facilities. In other words, the need for housing should not prevail over these other considerations.
- 1.16 The Draft Neighbourhood Plan is in accordance with the above guidance, as supported by the public, and in liaison with the local authority.

2 Condition b: Listed Buildings

“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. This applies only to Orders.”

- 2.1 The subject matter under consideration is a Draft Neighbourhood Plan rather than a Development Order. This aspect therefore is not relevant in this case.
- 2.2 Notwithstanding the above, it is noteworthy that the Plan would not adversely affect the setting of a listed building.

3 Conservation Areas

“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. This applies only to Orders.”

3.1 Similarly, the subject matter under consideration is a Draft Neighbourhood Plan rather than a Development Order. This aspect therefore is not relevant in this case.

3.2 Again, notwithstanding the above, it is noteworthy that the Plan would not adversely affect the setting of a conservation area. The proposals contained within the Plan are located in the south of the Parish, to the south of and adjoining the settlement of Kingswood, which is at considerable distance from, and beyond the viewshed of, the heritage asset of the Broomfield Conservation Area in the north of the Parish.

4 Sustainability

“the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.”

4.1 The plan is in accordance with the above, in being sustainable.

4.2 There has been some discussion with the Local Planning Authority regards this matter. At a basic level of planning consideration, the Local Planning Authority does not support housing development in rural parts of the Borough. However, there are a number of mitigating circumstances to be taken into account in this case;

- i) While rural, the site of the key proposals contained within the Plan are well served by a sizeable settlement, namely Kingswood, with its facilities including shops and school. The site cannot in any way be considered isolated.
- ii) While outside the settlement boundary, the proposed development under the Plan adjoins the settlement boundary. This is an important planning consideration. By way of illustration, the planning consultancy team has successfully secured planning approval for the residential development of other sites which are outside but adjoining a settlement boundary.
- iii) The main goal of the Plan is the creation of a Village Green to serve an existing community, as set out in Chapter One. This accords with the principles of sustainability, meaning an existing population can have improved access to amenity on their doorstep.
- iv) Despite the rural setting, the LPA recently supported an affordable housing development in the vicinity (the Peter Pease Estate). This was in part justified by local needs housing, although the dwellings subsequently were allocated to applicants on the Borough-wide list, causing a degree of local resentment.
- v) The housing component of the Plan is enabling development for the Village Green which otherwise could not go ahead.
- vi) The housing component, being only 20 dwellings, is modest and is proportionate to the existing settlement of Kingswood. It would not give rise to any undue burden on local facilities nor highways.
- vii) The dwellings forming a part of the Plan would be of sustainable design and construction.
- viii) Given the above considerations, the LPA has concluded that it can support the Plan. The support of the LPA is a further material consideration in favour of the Plan.

4.3 Given all the above, and in liaison with the LPA, the Plan is therefore considered sound regards its sustainability.

5 The Local Plan

“the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

- 5.1 The LPA is currently in the process of plan-making and there are therefore two Local Plans to consider;
 - i) The Maidstone Borough Council Local Plan 2000
 - ii) The Emerging Local Plan
- 5.2 The existing Local Plan evidently is very old although many of its policies are saved and remain in effect.
- 5.3 The Emerging Local Plan is taking longer to prepare than the LPA initially had intended. It appears on course to be adopted sometime in 2016, after the subject Neighbourhood Plan.
- 5.4 There are two specific matters which had to be addressed relating to Local Plan compliance which are development in principle and affordable housing provision as reviewed below.
- 5.5 The Local Plans (both the 2000 and Emerging Local Plan) generally do not encourage development in rural areas, as reviewed in Chapter 4 under Sustainability. However, the LPA has concluded that it can support this plan in this case because of the reasons as set out in Chapter 4.
- 5.5 The other main planning consideration regards Local Plan policy (both existing and emerging) was the issue of affordable housing provision. This was the subject in the meetings with the LPA. The discussions centred around the threshold number for the provision of affordable housing, which is 15no. in the 2000 Local Plan but is only 10no. in the emerging plan. It was at one stage suggested that the housing component could be 14no. market dwellings to avoid affordable housing provision. However, the LPA decided to adopt a very hard line on this issue, insisting on a threshold of 10no. as set out in the emerging Local Plan. The LPA also was insistent on on-site provision rather than off-site contribution. These matters did cause some difficulties for the Parish Council, which ultimately concluded that the best way forward was to comply with the LPA request and with emerging policy. The Plan therefore is fully policy compliant, being for 20no. dwellings of which 12no. are market units and 8no. (40%) are affordable housing. However, given the precedent set by the Peter Pease Estate, the Parish is of the firm opinion that these affordable dwellings should in the first instance be offered to local needs people in the Parish, and the Draft Neighbourhood Plan makes mention of this.
- 5.6 There are no other aspects of contention regards the Local Plan, whether the 2000 Local Plan or the Emerging Local Plan. Those Local Plans include many policies in support of the proposal, particularly regards recreation. Those Local

Plans also are in agreement with the Draft Neighbourhood Plan regards resisting development elsewhere in the Parish and thereby protecting heritage assets and local open areas and countryside considered important to local people.

- 5.7 It is therefore concluded that the Draft Neighbourhood Plan can be considered sound regards its compliance with the Local Plan.

6 EU Obligations

“the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.”

- 6.1 This seeks to provide a high level of protection of the environment by integrating environmental considerations, environmental impact assessments, consideration of habitat and wild birds, and the considerations of matters including waste disposal/recycling and water management into the process of preparing plans and programmes. It may in some cases be of relevance to neighbourhood plans.
- 6.2 The proposals contained within the Draft Neighbourhood Plan in this case are of such modest scale that they will not have any discernible adverse impact on the above considerations. They would not be flagged by a typical screening or scoping opinion and do not require further work in this regard.
- 6.3 Furthermore, the proposals of the Draft Neighbourhood plan are located on agricultural land. Such monoculture agriculture actually offers a very low grade of wildlife habitat. In contrast, the proposed Village Green would offer an excellent diverse habitat comprising new trees, new shrubs, and grassland, and with the intention of also including a Village Pond thereby providing water-borne habitat. Even the gardens of the dwellings would offer a better and more varied habitat than the existing situation. In addition to the Village Green, the proposals are flanked by a generous swathe of landscape planting, providing further habitat.
- 6.4 It is concluded that the Draft Neighbourhood Plan is compliant with EU obligations.

7 Prescribed Conditions and Prescribed Matters

“prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

7.1 There are two aspects to this clause, namely that;

“the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).”

and

“having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made, where the development described in an order proposal is EIA development.”

7.2 The proposals within the Draft Neighbourhood Plan are modest and are not in the vicinity of any European Site and will not have any impact on any European Site as so defined. The Parish is inland and does not include and is not near any major watercourse so evidently will not have any impact on any offshore marine site.

7.3 The second clause relates to Neighbourhood Development Orders, which is not relevant in this case.

7.4 The Draft Neighbourhood Plan is therefore compliant in this regard.

8 Conclusion

- 8.1 The Draft Neighbourhood Plan is seen to be compliant with the Basic Conditions.
- 8.2 It is therefore concluded that the Draft Neighbourhood Plan is sound and suitable for taking forward toward referendum.

Designscape Consultancy Limited
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