

LEEKFRITH NEIGHBOURHOOD PLAN

2019 -2033

BASIC CONDITIONS STATEMENT



Tittesworth from the Roaches

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1.0 Introduction

1.1 This Basic Conditions Statement has been produced in accordance with Regulation 15 (1)(d) of the Neighbourhood Planning (General) Regulations 2012, to explain how the proposed Leekfrith Neighbourhood Plan (LNP) meets the 'basic conditions' of neighbourhood planning and other considerations as prescribed by paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.

Basic Conditions Legal Framework

1.2 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 sets out the following basic conditions that Neighbourhood Development Plans must meet. The examiner must consider the following —

- (a) whether the draft Neighbourhood Plan meets the basic conditions
- (b) whether the draft Neighbourhood Plan 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 Neighbourhood Plan relates, and
- (e) such other matters as may be prescribed.

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

2.0 Meeting Prescribed Legal Conditions

2.1 Leekfrith Neighbourhood Plan (LNP) has been prepared and is submitted in accordance with statutory requirements and processes set out in the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations.

2.2 LNP is submitted by Leekfrith Parish Council, which is a qualifying body.

2.3 LNP sets out policies that relate to the development and use of land only within Leekfrith Neighbourhood Area (LNA).

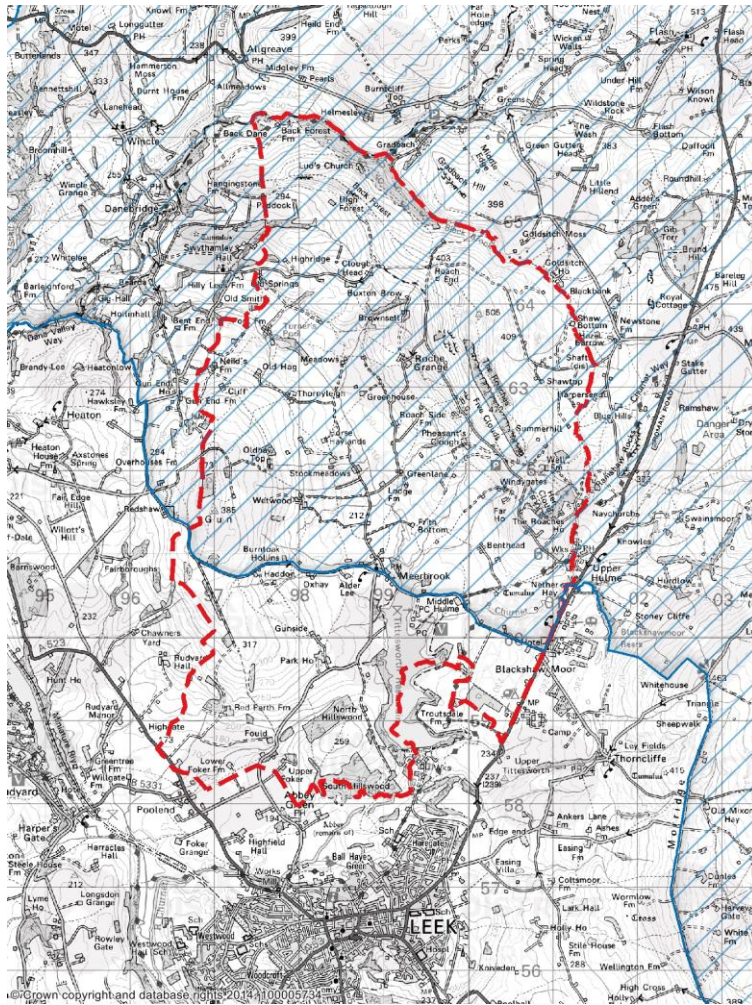
2.4 LNP is the only neighbourhood plan for LNA.

2.5 LNA was designated by Staffordshire Moorlands District Council (SMDC) and the Peak District National Park Authority (PDNPA) in March 2015. LNA is the same as Leekfrith Parish.

2.6 LNP does not include policies regarding excluded development.

2.7 LNP covers the period from 2018-2033.

Map of Leekfrith Neighbourhood Area and parish



Boundary of parish and neighbourhood area

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Boundary of Peak District National Park

3.0 Linking LNP to the National Policy Planning Framework

3.1 Table 1 below describes how Leekfrith Neighbourhood Plan has regard to and is consistent with the NPPF (July 2018).

Table 1

NPPF	Leekfrith Neighbourhood Plan (LNP)
Chapter 2 Sustainable Development	
<p>Para 13 Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.</p>	<p>LNP supports the delivery of strategic policies contained in the Peak District National Park Authority's (PDNPA) Local Plan which comprises the Core Strategy (2011), the Local Plan (2001) and the Development Management Policies (2018), and Staffordshire Moorlands Local Plan.</p>
Chapter 3 Plan Making	
<p>Para 18 Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.</p>	<p>LNP contains only non-strategic policies.</p>
<p>Para 29 Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.</p>	<p>LNP promotes development, in line with strategic policies, by:</p> <ul style="list-style-type: none"> • promoting the redevelopment of an underused industrial site (Policy 1) • supporting the renting of ancillary holiday accommodation on the general rental housing market (Policy 2)
<p>Para 31 The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.</p>	<p>LNP recognises that the majority of the area's planning issues are adequately addressed by the strategic policies. The 4 policies are derived from and supported by evidence derived from consultation with local people, and this is outlined in the consultation statement.</p>
<p>Para 32 Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.</p> <p>Footnote 17</p>	<p>LNP has been subject to a Habitats Regulation Assessment screening process which concluded that the risk of significant harm to designated European sites was not likely.</p> <p>LNP has been subject to a Strategic</p>

<p>The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.</p>	<p>Environmental Assessment Screening process which concluded it is unlikely that LNP will have any adverse environmental effects.</p> <p>See Part 6 of this document for full details.</p>
<p>Chapter 5 Delivering Homes</p>	<p>The Plan provides for increased access to a variety of accommodation in the parish, through mixed housing at the Upper Hulme site and increased flexibility in the use of ancillary holiday accommodation. This should lead to an increased parish population and thus greater sustainability.</p>
<p>Para 58 it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay</p>	<p>Policy 1 supports the delivery of homes on an underused industrial site.</p>
<p>Para 61 Within this (strategic) context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p>	<p>Policy 1 requires a mix of different houses depending on the needs of the site and the value or otherwise of the existing structures.</p>
<p>Para 65 Strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.</p>	<p>PDNPA strategic policies do not set out a housing target therefore there is no housing requirement for LNP.</p> <p>Staffordshire Moorlands Local Plan has an aspiration, based on historical data, that 4-8 “windfall” unplanned dwellings will transpire during the lifetime of this plan within the SMDC part of the parish. There is no requirement for this Neighbourhood Plan to identify specific plots.</p> <p>Policy 1 supports the development of more houses than are required by strategic policies.</p>
<p>Para 69 Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.</p>	<p>See above.</p>
<p>Chapter 6 Economy</p>	<p>Developments at the Upper Hulme site will provide opportunities for business entrepreneurship and a broad mix of housing</p>

	stock, which will sustain the parish population. Flexibility in the use of ancillary holiday accommodation also has the potential to add to the local economy and sustain the parish population.
<p>Para 83 Planning policies and decisions should enable:</p> <p>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;</p> <p>b) the development and diversification of agricultural and other land-based rural businesses;</p> <p>c) sustainable rural tourism and leisure developments which respect the character of the countryside; and</p> <p>d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship</p>	Policy 1 supports the development of tourist accommodation, and A and B class business use.
Chapter 7 Vitality of Town Centres	This section is not applicable to LNP as there are no town centres within the neighbourhood area
Chapter 8 Healthy & Safe Communities	The LNP area is almost entirely agricultural in nature, the land being dominated by small farms. The population is sparse, and the re-use of land to provide housing and business units, plus flexibility on the use of holiday homes would bring newcomers to the area and thus enhance 'community health'. (LNP Section 7.1 Policy 1, LNP Section 7.2 Policy 2)
<p>Para 91 (a) Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p>	Policy 1 supports the mixed use redevelopment of an underused industrial site.
<p>Para 91 (b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and</p>	Policy 1 and Policy 4 (proposing a temporary car park at a tourist 'honeypot') support the provision of high quality public spaces, including highways.
<p>Para 92 (a) Plan positively for the provision and use of shared spaces, community facilities (such as</p>	Policy 2 (supporting the renting of ancillary holiday accommodation on the general rental housing market provides) achieves this by

local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;	making best use of existing facilities.
Para 92 (d) Ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community	This is adequately addressed by strategic planning policies.
Chapter 9 Sustainable Transport	
Para 102 (d) The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.	Policies 3 (supporting suitable parking arrangements) and 4 (allocating temporary parking at a 'honeypot' site) address the impacts of transport.
Para 102 (e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.	Policy 1 addresses this issue by requiring 'parking requirements must be sufficient to ensure that parking on the main road through Upper Hulme is completely discouraged'.
Chapter 11 Effective use of land	
Para 121 (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.	Policy 1 supports the mixed use redevelopment of an underused industrial site
Chapter 12 Well designed places	
Para 125 Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.	Policy 1 and the accompanying map set out the requirements of any development in terms of its relationship to existing buildings that are of architectural merit, and the use of traditional styles of building.
Para 127 (a) 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	Overall, long term quality is achieved through a balance between protection and limited growth (limited by the national park context and strategic policy); and where development is permitted, ensuring that it is of the highest quality, respecting both character and setting.

<p>Para 127 (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping</p>	<p>Policy 1 and the accompanying map set out the requirements of any development in terms of its relationship to existing buildings that are of architectural merit, and the use of traditional styles of building.</p>
<p>Para 127 (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)</p>	<p>As above</p>
<p>Para 127 (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit</p>	<p>As above</p>
<p>Para 127 (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks</p>	<p>Policy 1 offers the opportunity to maximise use of a site in a mixed use redevelopment.</p>
<p>Chapter 14 Climate change & flooding</p>	<p>These issues are adequately addressed in strategic policy.</p>
<p>Chapter 15 Conserving & enhancing the natural environment</p>	<p>The Plan seeks to alleviate any inconvenience to local people caused by road congestion and parking on narrow lanes, by:</p> <ul style="list-style-type: none"> •Requiring, with regard to the redevelopment of Upper Hulme, that parking space is provided “sufficient to ensure that parking on the main road through Upper Hulme is completely discouraged.” (Policy1) •Requiring a transport statement for all proposed development (Policy3) •Proposing land for temporary parking at the Roaches (tourist/visitor site) under the 28 day rule. (Policy 4) <p>The Plan gives high priority to the use and regeneration of an existing business site at Upper Hulme.</p> <p>The Plan recognises that the Upper Hulme site is close to special environmental sites and the SEA and HRA documents form an important part of our submission.</p> <p>Any development of the Upper Hulme site must conform to PDNPA policies on climate change and carbon usage.</p>

	<p>Over the long term the Upper Hulme development will preserve and enhance the amenity of the listed buildings and the conservation area.</p> <p>Flexible use of existing holiday accommodation will preserve the vernacular structures and reduce the need for new build.</p> <p>The LNP area is rich in its natural environment. The LNP takes note of the proximity of the Upper Hulme site to protected European sites, and requires that any development there must publish Preliminary Ecological Appraisal and a Habitat Regulations Assessment prior to any work commencing.</p> <p>Also parking is discouraged, particularly heavy seasonal visitor parking, which damages the narrow lanes within the area, and want to encourage parking in designated areas. (LNP Section 7.1. Policy 1) (LNP Section 7.3 Policy 3) (LNP Section 7.4 Policy 4)</p>
<p>Para 172 Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.</p>	<p>Leekfrith Neighbourhood Area is within the Peak District National Park. All policies within LNP conform to the NPA's strategic planning policies and protect and enhance the area's valued landscape and biodiversity commensurate with this status.</p>
<p>Chapter 16 Conserving and enhancing the historic environment</p>	<p>Policy 1 requires buildings of merit to be retained.</p> <p>The historic environment of the LNP area rests predominantly in its housing and farm buildings. There is little modern development. Flexible use of holiday homes, which are often ancillary buildings attached to small farms, will allow for the upkeep and maintenance of these buildings which otherwise could eventually fall into disuse and dis-repair. (LNP Section 7.2 Policy 2)</p>

4.0 Contributing to the achievement of sustainable development

4.1 The NPPF states “the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.”

4.2 Leekfrith Neighbourhood Plan (LNP) has been subject to a strategic environmental assessment screening process, in consultation the Environment Agency, Natural England and Historic England. Further details are given in Part (5) of this report and in the appendices to this report.

4.3 Table 2 below describes how LNP meets the objectives of sustainable development as described in the NPPF.

Table 2

NPPF	LNP
Economic objective . . . ensuring that sufficient land of the right types is available in the right places . . .	Leekfrith is a rural parish with only 2 very small settlements. Nevertheless the neighbourhood plan has a role in offering employment opportunities in business, retail, local services and tourism. Policy 1 proposes the re-use of an underused industrial site for housing, business, tourist and A-class uses.
Social objective . . . ensuring a sufficient number and range of homes . . .	There is no strategic obligation to allocate sites for housing in the neighbourhood area, but Policy 1 (proposing redevelopment for mixed use) and Policy 2 (supporting the use of holiday accommodation for general use housing) will address this social objective.
Social objective . . . well designed and safe built environment . . .	Policy 1 requires any redevelopment to significantly enhance the site and its surroundings, removal of non-traditional buildings, retention of existing traditional buildings and for all new housing to contribute to local character.
Social objective . . . accessible services	This issue is not addressed in the neighbourhood plan as it is adequately addressed by strategic policy.
Social objective . . . open spaces that reflect current and future needs . . .	This issue is not addressed in the neighbourhood plan as it is adequately addressed by strategic policy.
Environmental	The LNP area is rich in its natural environment. The LNP takes

<p>objective . . . protect and enhance the natural . . . environment</p>	<p>note of the proximity of the Upper Hulme site to two special environmental areas, and requires that any development there must publish a Preliminary Ecological Survey and Habitat Regulations Assessment prior to any work commencing. Also parking is discouraged, particularly heavy seasonal visitor parking, which damages the narrow lanes within the area, and want to encourage parking in designated areas. (LNP Section 7.1. Policy 1) (LNP Section 7.3 Policy 3) (LNP Section 7.4 Policy 4)</p>
<p>Environmental objective . . . protect and enhance the . . . built . . . environment</p>	<p>Policy 1 requires any redevelopment to significantly enhance the site and its surroundings, removal of non-traditional buildings, retention of existing traditional buildings and for all new housing to contribute to local character.</p>
<p>Environmental objective . . . protect and enhance the . . . historic environment</p>	<p>Policy 1 requires any redevelopment to significantly enhance the site and its surroundings, removal of non-traditional buildings, retention of existing traditional buildings and for all new housing to contribute to local character.</p> <p>The historic environment of the LNP area rests predominantly in its housing and farm buildings. There is little modern development. Flexible use of holiday homes, which are often ancillary buildings attached to small farms, will allow for the upkeep and maintenance of these buildings which otherwise could eventually fall into disuse and dis-repair. (LNP Section 7.2 Policy 2)</p>

5.0 Achieving General Conformity with Local Strategic Policy

5.1 LNP must be in general conformity with the strategic policy of the development plan for the area. Leekfrith Neighbourhood Area is within two planning authorities, Staffordshire Moorlands District Council and Peak District National Park Authority. Therefore the relevant strategic policies are:

- Peak District National Park Authority Local Plan comprising Core Strategy, saved policies from the Local Plan 2001 and draft Development Management Policies
- Staffordshire Moorlands Local Plan

5.2 Table 3 below demonstrates the relationship between LNP policies and the corresponding strategic policies of PDNPA and SMDC. All LNP policies are shown to be in conformity with strategic policy.

Policy 1

5.3 The LNP area is a small, sparsely populated, rural farming area. It consists of the small village of Meerbrook, the hamlet of Upper Hulme, and some outlying farms and houses. The identification of the site at Upper Hulme as an opportunity for development has been enthusiastically supported by the community. It is the only site that can accommodate the development of a mixture of houses, together with the development of some light industrial units. It builds on an underused industrial site, the design criteria are to conform with PDNPA and SMDC planning guidelines and it provides additional mixed housing stock to add to the SMDC strategy for the wider area.

Policy 2

5.4 Within the LNP area there are a number of holiday homes. By their nature they are never fully occupied, but nevertheless still require full time maintenance. Flexibility in their use as full time rental properties can bring additional income to the owners, additional newcomers into the community, and additional spending power into the local economy. These are all supported by SMDC policies.

Policies 3 and 4

5.6 The narrow country roads and restricted parking in the area mean that we must take steps to minimise the environmental impact of traffic on the community. These policies support a designated parking area at a local tourist spot (The Roaches), require any development at the Upper Hulme site to have adequate parking facilities and require any planning applications to provide an acceptable transport statement to ensure parking will not cause access issues.

Table 3

LNP Policy		Summary of content	PDNPA	SMDC	Does LNP policy conform with strategic policy?
Policy 1	Housing stock	Provision of relevant mixed housing stock.	Core Strategy HC1,	Policy SS 4, 9, 10, 11 Policy H1 Policy R2	Yes, there is a mixed housing development on a brownfield site.
Policy 1	Design criteria	High quality designs for new development which enhance parish character	Core Strategy L1, NPA adopted Design Guide	Policy SS 9, 10 Policy DC3 Policy R2	Yes, the development would be controlled by the PDNPA Design Guide
Policy 1	Small business developments	Industrial and business development of the Upper Hulme site	Core Strategy E2	Policy SS 6b, 9,10	Yes, the plan involves developing small business opportunities
Policy 2	Flexible use of ancillary accommodation	Provision for long term rental of holiday cottages within the PDNPA	Core Strategy HC4	Policy SS 9,10 Policy R1	Yes, this flexible approach to holiday accommodation fits with PDNPA policy
Policy 3, 4	Design and landscape criteria	Local design policies	Core strategy L1	Policy SS 9, 10, 11	Yes, these policies minimise the effect of parking on transport within the parish
Policy 4	Improved car parking	Encourage additional seasonal car parking at the Roaches.	Core Strategy T7	Policy SS 9,10	Yes, this Policy provides minimal impact, maximum benefit parking at a tourist attraction

6.0 European Union Obligations

Environmental Impact and Habitat Regulations

6.1 A Strategic Environmental Assessment (SEA) screening was undertaken by Peak District National Park Authority. The screening confirms that a Strategic Environmental Assessment is not required for this Leekfrith Neighbourhood Plan. It concludes:

“It is demonstrated, through assessment against the significance criteria in the SEA Directive and Regulations, as set out in Section 3, that the impact of the implementation of Leekfrith Neighbourhood Plan is not likely to result in significant environmental effects. On this basis, a full SEA will not be required to be undertaken.”

6.2 The screening was submitted to the statutory environmental bodies (Historic England, Natural England and the Environment Agency) who agreed with the conclusion of the SEA.

6.3 The letter from Historic England dated 1 Aug 2018 states:

“On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the ‘SEA’ Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.”

6.4 The letter from the Environment Agency dated 11 Sept 2018 states:

“Having reviewed the proposals we do not consider there to be significant environmental impacts as a result of this plan, therefore we concur with the conclusions of the report and do not require a SEA/SA to be undertaken in support of the plan.”

6.5 The letter from Natural England dated 18 Feb 2019 states:

“It is our advice, based on the information accompanying the consultation, that it is unlikely that any significant environmental effects will result from the implementation of the Leekfrith Neighbourhood Plan. We therefore agree with the Screening Report’s conclusion that a full SEA would not be required.”

6.6 A Habitat Regulation’s Assessment (HRA) screening was undertaken by the Peak District National Park Authority. This report concluded:

“Due to the limited scale of the development, its distance from the SPA/SAC and even greater distance from the key bird species, its location in the valley below the Natura 2000 site and the likely negligible impacts compared to

existing recreational pressure, it is concluded that the policies set out in the Leekfrith Neighbourhood Plan are unlikely to have a significant impact on Natura 2000 sites.”

6.7 The screening was submitted to Natural England who agreed with this conclusion. The letter from Natural England dated 18 February 2019 states:

“Natural England also agrees with the screening report’s conclusions that the Leekfrith Neighbourhood Plan would not be likely to result in a significant effect on any European Site either alone or in combination and therefore no further assessment work under the Habitats Regulations would be required.”

Human Rights

6.8 An equalities impact assessment has not been undertaken, as no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.

7.0 Conclusion

7.1 It is considered that the Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 have been met by Leekfrith Neighbourhood Plan.

7.2 Leekfrith Neighbourhood Plan:

- contributes to the achievement of sustainable development
- is in general conformity with the strategic policies contained in the development plan for the area of the authority
- does not breach, and is otherwise compatible with, EU obligations
- meets prescribed conditions