

# OLNEY NEIGHBOURHOOD PLAN

## BASIC CONDITIONS STATEMENT



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## 1. BASIC CONDITIONS

### Basic Conditions that a Neighbourhood Plan must meet

- 1.1** 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. The basic conditions are set out in paragraph 8(2) 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. The basic conditions are:
- (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) the making of the neighbourhood plan contributes to the achievement of sustainable development.
  - (c) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area.
  - (d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
  - (e) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 1.2** The draft Plan is submitted by Olney Town Council, which is a qualifying body entitled to submit a Neighbourhood Plan. The Plan has been prepared by the Neighbourhood Plan Steering Group, appointed by Olney Town Council.
- 1.3** The whole parish of Olney has been formally designated as a Neighbourhood Area through an application made on 21 November 2013 under the Neighbourhood Planning Regulations 2012 and approved by Milton Keynes Council on 15 April 2014.
- 1.4** The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters have 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.
- 1.5** The draft Plan identifies the period to which it relates as 2016 to 2031. The period has been chosen to align with the dates of the Milton Keynes Core Strategy, and the emerging Plan:MK.

- 1.6** The draft Plan does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 1.7** The draft Plan relates only to the parish of Olney. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.
- 1.8** Olney Town Council is satisfied that the draft Plan:
- (a) meets the basic conditions (as set out in Paragraph 8 (2) of Schedule 4B to the Town & Country Planning Act (as amended) (1990); and
  - (b) is compatible with the European Convention on Human Rights (1998) and European Union (EU) Obligations; and
  - (c) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

## 2. NATIONAL PLANNING POLICY FRAMEWORK

- 2.1** Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in Local Plans, including policies for housing and economic development.
- 2.2** Paragraph 184 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

### **Compliance**

- 2.3** The Plan supports the strategic development needs set out in the Milton Keynes Core Strategy, including policies for housing and economic development. It has been positively prepared to support local development, shaping and directing development in the area.
- 2.4** The plan delivers the housing number set out by Milton Keynes Council, along with supporting infrastructure. It allocates sites in accordance with the decision of Milton Keynes Council to delegate responsibility to Neighbourhood Plans in the rural area, as set out in the Milton Keynes Council Site Allocations Plan Emerging Preferred Options Consultation (October 2015).

### 3. SUSTAINABLE DEVELOPMENT

- 3.1** There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- (a) **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - (b) **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; and
  - (c) **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

#### Compliance

- 3.2 Economic Role** - the plan contributes to building a strong, responsive and competitive economy, by allocating land to meet the future employment needs, and safeguarding existing employment land.
- 3.3 Social Role** - The plan provides a sufficient supply of housing required to meet the needs of present and future generations, with land allocated for accessible local services that reflect the community’s needs and support its health, social and cultural well-being.
- 3.4 Environmental Role** – the plan contributes to protecting and enhancing our natural environment by providing green infrastructure and public open space to meet the needs of future residents, and by protecting the existing open spaces, community facilities and sports and recreation facilities, both within the town and between the town and the River Ouse.

## 4. GENERAL CONFORMITY WITH DEVELOPMENT PLAN

### What is meant by 'general conformity'?

- 4.1** When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- (a) whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with
  - (b) the degree, if any, of conflict between the draft neighbourhood plan policy and the strategic policy
  - (c) whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
  - (d) the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach

### Compliance

**4.2** The strategic policies of Milton Keynes Council are set out in paragraphs 1.14 and 1.15 of the Neighbourhood Plan

**4.3** The table below lists those policies which have relevant strategic policies of MKC and a commentary on general conformity:

<b>Policy</b>	<b>MKC Strategic Policy</b>	<b>General Conformity</b>	<b>Comment</b>
<b>ONP1</b>	<b>CS1</b>	Yes	Allocates site for development in line with the Settlement Hierarchy
	<b>CS2</b>	Yes	The policy allocates land for housing that meets the requirement to the end of the core strategy period and beyond to 2031, the Plan:MK period
	<b>OY4</b>	Partial	The plan does not allocate Site OY4 from the extant Local Plan, as it has not come forward in recent Strategic Housing Land Availability Assessments.
<b>ONP2, ONP3, ONP4, ONP5, ONP6</b>	<b>CS9</b>	Yes	The policy allocates sites in accordance with the emerging MKC Site Allocations Plan.

<b>ONP7</b>	<b>CS10, H4</b>	Partial	<p>The policy requires all new developments over 15 dwellings to provide 30% affordable housing.</p> <p>The Housing Survey and Community Questionnaire showed strong support for affordable housing for local people, and a preference shared ownership housing.</p> <p>MKC could not support ONP7 as originally drafted. Their Affordable Housing policy does not have any local connections policy, consequently they want all affordable housing to be available to meet borough-wide need.</p> <p>Current MKC policy is that the 30% affordable housing tenure split is 5% shared ownership and 25% social rent, whereas ONP7 has 15% shared ownership and 15% social rent.</p> <p>As a result, the steering group amended Policy amended from 100% of affordable houses reserved for local people, to 25% of affordable to be reserved for local people.</p> <p>The policy on tenure split was also amended from 15% shared ownership and 15% social rent, to 10% shared ownership and 20% social rent.</p> <p>The steering group feels that it is important that the neighbourhood plan reflects the wishes of local people. This compromise approach is consistent with that adopted by the Woodcote Neighbourhood Plan which passed examination and referendum.</p> <p>The policy therefore does not mirror the strategic policy of MKC, but is considered to be in general conformity.</p>
<b>ONP10, ONP11</b>	<b>CS17</b>	YES	The policies conform to CS17 by allocating land on an existing

			community facility to meet the future health needs of residents.
<b>ONP12, ONP13</b>	<b>CS3</b>	YES	The policies conform to CS3 by safeguarding existing employment land and allocating land to meet the future needs of the town.
<b>ONP14</b>	<b>CS4, TC1, TC2</b>	YES	The policy conforms to CS4 by allocating retail space and a petrol filling station. The Carter Jonas report <sup>SE18</sup> concluded that the allocated site use would be in compliance with the sequential test, is not of a scale that will compete with the larger superstores in Milton Keynes and Wellingborough, will reduce travel distances for residents in the catchment area and will not have a "significant adverse impact" on the vitality and viability of Olney Town Centre.
<b>ONP15</b>	<b>L2</b>	YES	The policy protects existing public open spaces.

## 5. EU OBLIGATIONS

**5.1** A neighbourhood plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are four directives that may be of particular relevance to neighbourhood planning:

- (a) **Directive 2001/42/EC** on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).

This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

- (b) **Directive 2011/92/EU** on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).

Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

- (c) **Directive 92/43/EEC** on the conservation of natural habitats and of wild fauna and flora and **Directive 2009/147/EC** on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.

### Compliance

**5.2** The SEA scoping report prepared by Milton Keynes Council concluded that a Strategic Environmental Assessment would be required as a result of representations made by Historic England.

**5.3** WYG were commissioned to carry out a Strategic Environmental Assessment of the plan.

**5.4** The plan has been subject to a rigorous assessment of the options, including an assessment of the reasonable alternatives.

**5.5** The Steering Group therefore concluded that the policies are compatible with the appropriate European Union obligations.

## 6. PRESCRIBED CONDITIONS

- 6.1** Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in the primary legislation. These are:
- (a) 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). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)
  - (b) having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is EIA development.

### Compliance

- 6.2** The neighbourhood plan has no impact on any European site (as defined in the Conservation of Habitats and Species Regulations 2012).