

SHADWELL



Neighbourhood Plan

BASIC CONDITIONS STATEMENT



Contents

1	Introduction.....	3
2	Regard to the National Planning Policy Framework.....	4
3	Contributing to sustainable development.....	6
4	General Conformity with the Strategic Policies of LCC Local Plan	8
5	Compatibility with EU and UK Legislation	10
6	Compatibility with Human Rights Legislation.....	10
7	Conclusion	11
APPENDIX A NEIGHBOURHOOD AREA DESIGNATION		
APPENDIX B SEA/HRA SCREENING REPORT		

1 Introduction

- 1.1 This Basic Conditions Statement accompanies the Shadwell Neighbourhood Plan which is submitted by the Shadwell Parish Council to the local planning authority, Leeds City Council (LCC). This Statement is required to fulfil the legal obligations under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990 states that a Neighbourhood Plan will be considered to have met the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood development 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); and
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.
- 1.3 Shadwell Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for the Shadwell Neighbourhood Area.
- 1.4 A meeting of the Parish Council on 13th February 2012 resolved to prepare a Neighbourhood Plan and following a Public Meeting on 25th June 2012 a Neighbourhood Plan Steering Group was formed. Application for designation of the Neighbourhood Plan Area (being the Parish boundary- see Map submitted separately) was made to Leeds City Council and the area was designated 17th September 2012 – decision available at <https://democracy.leeds.gov.uk/ieDecisionDetails.aspx?ID=39393> and confirming letter at Appendix A.
- 1.5 This Statement has been prepared by the Shadwell Parish Council Neighbourhood Steering Group and ratified by the Shadwell Parish Council at its meeting 9th December 2019.
- 1.6 The Policies contained in the Shadwell Neighbourhood Plan relate to planning matters (the use and development of land) in the Shadwell Neighbourhood Area and 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) (the “Act”) and the Regulations.
- 1.7 The plan period of the Shadwell Neighbourhood Plan is from 2016 to 2033 and it does not contain policies relating to excluded development, in accordance with the Regulations.
- 1.8 The Shadwell Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 1.9 There are no other neighbourhood development plans in place relating to the Shadwell Neighbourhood Area.
- 1.10 It is not considered that there is any benefit in extending the area for the referendum beyond the Neighbourhood Area.
- 1.11 This Statement addresses each of the five ‘basic conditions’ required by the Regulations and explains how the submitted Shadwell Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town & Country Planning Act.

2 Regard to the National Planning Policy Framework

- 2.1 The first basic condition to be met is “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan”.
- 2.2 The Neighbourhood Plan has been prepared in conformity with the policies set out in the National Planning Policy Framework (NPPF) of February 2019, alongside the National Planning Practice Guidance (NPPG) published by the Government in April 2014 (as amended) in relation to the formation of Neighbourhood Plans.
- 2.3 The table below sets out a summary of how each policy has had regard to the paragraphs of the NPPF considered to be the most relevant for Basic Conditions purposes, but this is not exhaustive.

Shadwell Neighbourhood Plan		National Planning Policy Framework	
Policy No.	Policy Title	NPPF Paragraph References	Commentary
GEN 1	General Policy	28, 59, 61,68, 70, 81, 83, 91, 92, 99, 102, 112, 126, 127, 185, 192.	GEN1 sets an overall policy aimed at furthering each component of the Vision for Shadwell, set out in the Neighbourhood Plan. The NPPF, in the paragraphs referenced, provides the strategic umbrella for the areas of concern included in the policy, each of which is also covered by more specific policies.
HLC1	Development in Conservation Areas	189	The requirement expressed in the NPPF for an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, is given detail by this policy where the heritage asset is one of the conservation areas.
HLC2	Non-Designated Heritage Assets	189, 197	The above requirement, though also applicable to non-designated heritage assets, is tempered by the fact that they are, by definition, less significant than designated heritage assets. The required description of significance is therefore also lessened by the policy, in that it is the design itself which is required to demonstrate an understanding of significance.
HLC3	Positive Design	124, 125	The NPPF stresses the importance of good design and high-quality buildings and places. This policy provides the basis for how good design Shadwell can be achieved providing information on local character, together with design guidance via the appendix.
ENV1	Rural Environment	133, 145, 170	Shadwell’s rural surroundings are within the Green Belt, the strategic requirements for which are set out in the NPPF. The importance of the natural environment is also expressed with the NPPF. This policy promotes sustainable development by aiming to concentrate it in within the existing built-up area – the village envelope – while also ensuring any development normally permissible in the green belt reflects the existing rural character of development.

Shadwell Neighbourhood Plan		National Planning Policy Framework	
Policy No.	Policy Title	NPPF Paragraph References	Commentary
ENV2	Trees, Hedges and Gardens	70, 175	The NPPF suggests that plans should consider policies which resist inappropriate development of residential gardens, for example where development would cause harm to the local area, or harm to local habitats. This policy sets out the measures by which harm can be assessed and the means by which established natural features can be retained or replaced.
ENV3	Local Green Spaces	99, 100	The NPPF provides the mechanism for creating Local Green Spaces through Local and Neighbourhood Plans, and this policy lists those green spaces in Shadwell where development would only be acceptable in very special circumstances. The policy is supplemented, in Appendix C of the Neighbourhood Plan, by individual assessments demonstrating how each Local Green Space meets the criteria for designation set out in the NPPF (para.100).
COM1	Retention of Community Facilities	92	Planning policies should, according to the NPPF guard against the unnecessary loss of valued facilities and services. This policy lists those facilities that are of particular importance to Shadwell and resists changes of use, unless provision of viable services can be retained elsewhere.
INF1	Infrastructure Provision and Design	112, 148	The importance of high quality and reliable communications infrastructure for economic growth and social well-being is highlighted by the NPPF which also supports renewable and low carbon energy and associated infrastructure. This policy encourages such development provided it is well designed and contributes positively to the visual quality of Shadwell.
HOU1	Housing Mix	8, 68, 70	The social objective of sustainable development, set out in the NPPF, is to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Where windfall sites form part of the supply, there should be compelling evidence that they will provide a reliable source of supply. This policy identifies the range of homes required in Shadwell, and the preamble to the policy sets out the reasons and evidence for relying on windfall development to deliver them.

3 Contributing to sustainable development

3.1 The second basic condition is that the making of the neighbourhood plan contributes to the achievement of sustainable development. Paragraph 8 of the NPPF sets out three overarching objectives to achieve sustainable development as follows:

- An economic objective “to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”
- A social objective “to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”; and
- An environmental objective “to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

3.2 The table below is an appraisal of each of the Shadwell Neighbourhood Plan Policies against these sustainability objectives:

Shadwell Neighbourhood Plan		Contribution toward National Planning Policy Framework Objectives				
Key		++ strongly positive	+ positive	= Neutral	- Negative	- - strongly negative
Policy No.	Policy Title	Economic	Social	Environmental		
GEN 1	Enhancing Shadwell	+	++	++		
(GEN 1 establishes the overall strategic priorities for the sustainable development of Shadwell over the Plan period and therefore by definition makes a contribution to sustainable development)		Supports limited growth	Promotes solutions to the housing needs, facilities and supports community’s health, social and cultural well-being	Enhances the natural, built and historic environment		
HLC1	Development in Conservation Areas	=	++	++		
		Could limit extent of alteration and growth in the public interest, but enhancing heritage has economic value	Fosters a well-designed built environment, contributing to cultural well-being	Enhances the historic environment		
HLC2	Non-Designated Heritage Assets	=	+	++		
		Could limit extent of alteration and growth in the public interest, but enhancing heritage has economic value	Contributes to local distinctiveness and sense of place	Enhances the historic environment		
HLC3	Positive Design	+	++	++		
		Good design adds economic value	Contributes to cultural well-being	Enhances the built environment		

Shadwell Neighbourhood Plan		Contribution toward National Planning Policy Framework Objectives				
Key		++ strongly positive	+ positive	= Neutral	- Negative	- - strongly negative
Policy No.	Policy Title	Economic	Social	Environmental		
ENV1	Rural Environment	- -	++	++		
		Places restrictions on growth for sound environmental reasons	Fosters a well-designed built environment and contributes to cultural well-being	Protects and enhances the natural and historic environment		
ENV2	Trees, Hedges and Gardens	-	=	++		
		Could place restrictions on growth in the public interest	Possible resulting restrictions on development are balanced by contribution to health and well-being	Protects and enhances the natural environment, helps to improve biodiversity		
ENV3	Local Green Spaces	=	++	++		
		Can restrict growth by preventing development but good quality green space makes a positive economic contribution	Provides open spaces that reflect current and future needs and supports health, social and cultural well-being	Protects and enhances the natural environment, helps to improve biodiversity		
COM1	Retention of Community Facilities	+	++	+		
		Retains opportunities for a competitive economy	Supports accessible services that reflect current and future needs and support communities' health, social and cultural well-being	Could assist in enhancing the built and historic environment		
INF1	Infrastructure Provision and Design	++	=	+		
		Supports growth, innovation and improved productivity, and encourages the provision of infrastructure	Does not have a clear social objective, except through better access to communication services	Aims to protect the built and historic environment		
HOU1	Housing Mix	++	++	=		
		Aims to ensure that sufficient land of the right type is available in the right place	Aims to ensure a sufficient number and range of homes to meet the needs of present and future generations	Environmental requirements for development are contained in other policies		

4 General Conformity with the Strategic Policies of LCC Local Plan

- 4.1 The third Basic Condition is that 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. The strategic policies of the Local Plan are contained within the Core Strategy (adopted November 2014), the Core Strategy Selective Review (adopted September 2019), the Site Allocations Plan (adopted July 2019) and the Natural Resources and Waste Development Plan (adopted January 2013).
- 4.2 The following table sets out the Shadwell Neighbourhood Plan policies and assesses this against the relevant policies in these strategic local plans.

Policy No.	Policy Title	Leeds Core Strategy Policies (CS) and Selective Review (CSSR) Natural Resources and Waste Development Policies (NRW)	Commentary
GEN 1	General Policy	CS Spatial Policy 1: Location of Development	GEN1 requires development to help meet the Vision for Shadwell by providing an overview of what its aims should be. This aim conforms with and provides the local priorities for CS Spatial Policy 1, particularly: <i>“(iii) For development to respect and enhance the local character and identity of places and neighbourhoods, (vi) To recognise the key role of new and existing infrastructure (including green, social and physical) in delivering future development to support communities and economic activity.”</i>
HLC1	Development in Conservation Areas	CS Policy P11: Conservation	Shadwell’s Conservation Areas are part of Leeds <i>“historic environment, consisting of archaeological remains, historic buildings townscapes and landscapes”</i> referred to in CS P11, and the requirements of this NP Policy relate to the locally important aspects of that historic environment which merit particular attention.
HLC2	Non-Designated Heritage Assets	CS Policy P11: Conservation	CS P11 includes <i>“locally significant undesignated assets”</i> for conservation and enhancement. This NP Policy provides detailed information on such heritage assets in Shadwell and how they should be conserved and enhanced.
HLC3	Positive Design	CS Policy P10: Design	This NP Policy sets the local parameters for the consideration of existing character set out in the CS Policy.
ENV1	Rural Environment	CS Policy P10: Design CS Policy P12: Landscape	ENV1 aims to protect Shadwell’s historic landscape in conformity with CS P11’s aim that such landscapes <i>“will be conserved and enhanced to protect their distinctiveness through stewardship and the planning process”</i> .
ENV2	Trees, Hedges and Gardens	CS Policy P12: Landscape	This NP Policy aims to retain the landscape characteristics and existing grain of Shadwell’s built-up

Policy No.	Policy Title	Leeds Core Strategy Policies (CS) and Selective Review (CSSR) Natural Resources and Waste Development Policies (NRW)	Commentary
		CS Policy G9: Biodiversity Improvements NRW LAND 2: Development and Trees	area, in conformity with CS P11 and its aim of conserving and enhancing <i>“the character, quality and biodiversity of Leeds’ townscapes and landscapes”</i> . In addition, ENV2 includes requirements for retention of hedgerows and trees, both for their landscape and their biodiversity value, reflecting, at a local scale, the aims of CS G9 and NRW LAND2.
ENV3	Local Green Spaces	CS Policy G1: Enhancing and Extending Green Infrastructure CS Policy P12: Landscape	ENV3, in designating Local Green Spaces, conforms to CS G1’s aim of extending Green Infrastructure, and the enhancement of existing landscapes set out in CS P12.
COM1	Retention of Community Facilities	CS Policy P9: Community Facilities and Other Services	This NP Policy provides the local parameters for the requirements of CS P9 that <i>“where proposals for development would result in the loss of an existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified”</i> .
INF1	Infrastructure Provision and Design	CS Policy P10: Design	INF1 ensures that any small-scale infrastructure project respects specific characteristics of Shadwell, so that it <i>“protects and enhances the district’s existing, historic and natural assets, in particular, historic and natural site features and locally important buildings, spaces, skylines and views”</i> as stated in CS P10.
HOU1	Housing Mix	CSSR Policy H10: accessible Housing Standards CS Policy H4: Housing Mix CS Policy H8: Housing for Independent Living	This NP Policy indicates what the <i>“appropriate”</i> mix, as referred to in CS H4, should be in Shadwell. Evidence has identified shortage of accommodation for smaller households, both young and old, and the NP Policy conforms to the CS Policy in seeking greater provision in the area.
<p>The Leeds Core Strategy Selective Review (CSSR), which revises existing 2014 Core Strategy policies, was adopted in September 2019. Prior to the Selective Review adoption, the Parish Council has given the emerging policies due consideration and is considered to conform with the CSSR as adopted. This has been done in collaboration with LCC and thus follows Planning Practice Guidance in respect of emerging Local Plans¹.</p>			

¹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509

5 Compatibility with EU and UK Legislation

5.1 The fourth basic condition is that the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations. These are:

- 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).
- 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.

5.2 The fifth basic condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

5.3 To assess whether the Shadwell Neighbourhood Plan might breach any of these requirements, Leeds City Council prepared a screening report to determine whether the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

5.4 The report also screened to determine whether the Shadwell Neighbourhood Plan required a Habitats Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

5.5 A screening opinion was issued by LCC in September 2018. (Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report - Appendix B). The screening report concluded:

“..it is considered that an SEA or further HRA assessment is not required for the draft neighbourhood plan.”

5.6 In conclusion, it is considered that the Shadwell Neighbourhood Plan is compliant with both EU and UK obligations set out in the requirements for meeting these basic conditions.

6 Compatibility with Human Rights Legislation

6.1 The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law.

6.2 The specific Articles of the ECHR relevant to planning include:

- Article 6 (Right to a fair and public hearing),
- Article 8 (Right to respect for private and family life, home and correspondence),
- Article 14 (Prohibition of discrimination) and
- Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property)

6.3 The non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The means by which this has been achieved are documented in the accompanying Consultation Statement. The neighbourhood plan has been prepared to represent the views of the whole community.

6.4 The preparation of the neighbourhood plan has also had due regard to the provisions of Section 149(1) of the Equalities Act 2010 and the Parish Council is not aware of any discrimination, harassment, victimisation or any other conduct that is prohibited by or under this Act.

- 6.5 Policies within the Plan will only impact on private life and property where it will enhance the rights of the community as a whole, in accordance with the legislation.

7 Conclusion

- 7.1 It is considered that the Shadwell Neighbourhood Plan meets the requirements of the Regulations:
- It has regard to the policies and set out in the National Planning Policy Framework;
 - It contributes to the achievement of sustainable development;
 - It is in general conformity with strategic local planning policies; and
 - It is compliant with all relevant EU regulations, including Human Rights requirements.
- 7.2 It is therefore respectfully suggested that the Shadwell Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and subject to Examination can proceed to a Referendum.