



Burpham Neighbourhood Plan

2015—2035

BNF 9: Basic Conditions Statement

**The Neighbourhood Planning (General)
Regulations 2012**

Regulation 15 documentation

February 2015

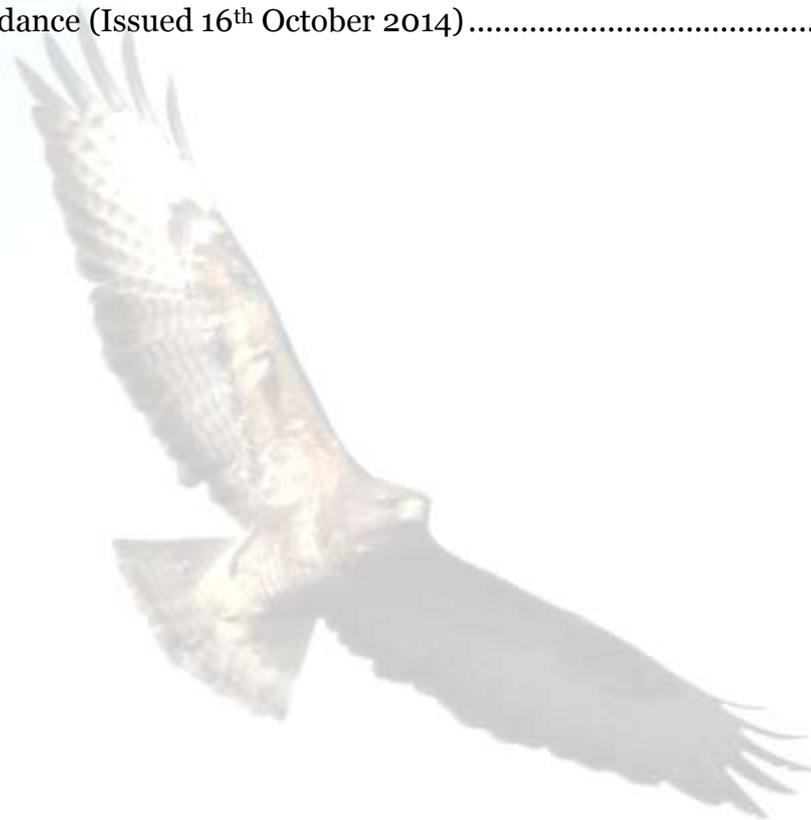
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Document Relevance

15. (1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—		
1	(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;	This can be located in Appendix 1 of the Policies (BNF 2)
2	(b) a consultation statement;	See Documents (BNF 10 to 13)
3	(c) the proposed neighbourhood development plan; and	The Policies document (BNF 1 and Appendices)
4	(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.	This document (BNF 9)
5	(2) In this regulation “consultation statement” means a document which—	
6	(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;	Consultation statement Part 1: Details of Contacts, Calendar of events & Publicity (prefix: BNF 10)
7	(b) explains how they were consulted;	
8	(c) summarises the main issues and concerns raised by the persons consulted; and	Consultation responses (BNF 11 & BNF 13)
9	(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.	Explanation of modifications to policies, after consultation with: <ul style="list-style-type: none"> • Relevant bodies, • Members of the public and • Commercial entities. (BNF 12)

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Introduction to the Regulatory Requirements

1. The Burpham Neighbourhood Forum is the qualifying body responsible for the preparation, consultation, and submission of the neighbourhood plan.
2. The Burpham neighbourhood plan area is designated as the entire ward area for Burpham (see Map 1 in Appendix 1 BNF 2).
3. This document quotes the Neighbourhood Planning (General) Regulations 2012 (highlighted in bold italics below) then explains how they are satisfied.

Plan proposals

15. (1) where a qualifying body submits a plan proposal to the local planning authority, it must include—

(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates;

This can be located in Appendix 1 of the Neighbourhood Plan Policies Documents (BNF 2), as Map 1.

(b) a consultation statement;

Accompanying this document (BNF 10, BNF 11, BNF 12 and BNF 13)

(c) the proposed neighbourhood development plan; and

The Policies document and its Appendices (BNF 1 to 8)

(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

The requirements for paragraph 8 in respect of neighbourhood development plans are that the Burpham Plan meets the following basic conditions (as required by subsection 8 (1) (a) and set out in subsection (2) (a) as summarised below:

a) The plan has regard to national policies and advice contained in guidance issued by the Secretary of State

- Please see Paragraph 5 below

b) Having special regard to the desirability of preserving any listed building or its setting or any feature of special architectural or historic interest that it possess

- This subsection is not relevant as it relates to Development orders not Neighbourhood Plans
- c) ***Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area***
 - This subsection is not relevant as it relates to Development orders not Neighbourhood Plans
- d) ***The plan contributes to the achievement of sustainable development***
 - Please see paragraph 11
- e) ***The plan is in general conformity with strategic policies contained in the development plan for the area of the authority***
 - Please see paragraph 14
- f) ***The plan does not breach, and it otherwise compatible with EU obligations***
 - Please see paragraph
- g) ***Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the plan***
 - Please see paragraph 20

Subsections 8 (1) (b) (c) (d) and (e) of Schedule 4B

The matters dealt with in the above subsections are for consideration by the Examiner. However for the avoidance of doubt all are satisfied by the Burpham Neighbourhood Forum and Burpham Neighbourhood Plan. The Forum is the qualifying body for the Forum area. There are no other Forums designated in the same geographical area.

(2) In this regulation “consultation statement” means a document which—

- (a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;**

Consultation statement part 1 of 4 (BNF 10)

(b) explains how they were consulted;

Consultation statement part 1 of 4 (BNF 10)

(c) summarises the main issues and concerns raised by the persons consulted; and

Reg 14 consultation responses (BNF 11) and Survey response commentary (BNF 13)

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

Explanation of modifications to policies, after consultation with:

- Relevant bodies,
- Members of the public and
- Commercial entities.

Refer to BNF 12.

Summary of Submission Documents and Supporting Evidence

4. In addition to this Basic Conditions Statement, the following documents have been prepared to support the submission to Guildford Borough Council:
 - **The Burpham Neighbourhood Plan and Appendices (BNF 1 to 8):** The Neighbourhood development plan for the designated neighbourhood area of Burpham, which was developed with the community and contains policies to guide future development in the area. The Reference Documents List is a list of 65 documents held in Appendix 4 (BNF 5) of the policies document. Information from a range of organisations was used to inform the Burpham Neighbourhood Plan, such as housing need assessments, housing statistics, previous consultation data, and Burpham Neighbourhood Forum survey results (see survey summary at Appendix 5 (BNF 6) to the Neighbourhood plan and feedback via Parts 1, 2, 3, and 4 of the consultation statement attached to this submission.
 - **Basic conditions statement (BNF 9):** This document.
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- **The Burpham Plan Consultation Statement (BNF 10 to 15):** This suite of documents sets out the consultation and community engagement processes that took place, from early engagement through to the formal pre-submission consultation and amendments made following that consultation. The Burpham Plan Strategic Environmental Assessment Screening Report can be found at BNF 14.

Meeting the Basic Conditions:

Having regard to National Policies and Guidance:

a) The plan has regard to national policies and advice contained in guidance issued by the Secretary of State

5. Regard to national policy and guidance: The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area, and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
6. The Burpham Neighbourhood Plan has six key sections relating to;

6.1. The Environment	(B-EN)
6.2. Future development	(B-FD)
6.3. Employment	(B-EMP)
6.4. Transport	(B-T)
6.5. Community	(B-C)
6.6. Aspirational	(B-A)

(Where the pre-fixes refer to policy reference and title)

7. In terms of the environment, the plan recognises that the neighbourhood plan area is within the rural-urban fringe of Guildford, with Green Belt to the north and west. The environment and Local Green Spaces within the plan area area protected for the community and visitors. Therefore the Plan has recognised that as Burpham and neighbouring Merrow has taken all the major strategic development of the Guildford urban area for many years. Burpham has trebled in housing numbers since the 1960's. The result of this is a complete lack of readily available undeveloped land, except the extremely important Green Belt on its borders, encapsulating Merrow Common to the west of the railway line. The plan recognises that the environment (including areas protected under the Habitats

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Directive and previously designated-candidate SNCI sites) is one of the area's greatest assets, and wishes to protect it.

8. Whilst the Burpham Neighbourhood Plan does not specifically allocate land for development, primarily due to a lack of available development land, the plan does set out a comprehensive suite of policies that seek to encourage sustainable development. No land parcels within Burpham have been identified in the local plan SHLAA. While developers have been 'garden grabbing' resulting in 17 houses being built back gardens, which in Burpham's case is fundamentally changing the character of the area, contrary to the existing 2003 Guildford Local Plan in the view of the Forum. It is noted that residential gardens should be excluded from the Local Authorities 'windfall' calculation (NPPF Para 48).
9. Paragraph 118 of the NPPF (6th Bullet point) states *'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'* Paragraph 76 of the NPPF states *'Local communities through the local and Neighbourhood plans should be able to identify for special protection green areas of particular importance to them.'* The Neighbourhood planning process assessed all the Local Green Spaces within the Neighbourhood Plan Area and concluded that any development on these sites would be so detrimental to community assets, that it was appropriate to designate these spaces as Local Green Space. No developer could provide benefits to the community that would outweigh the loss of these small open spaces.
10. Table below links the respective policies of the Burpham Neighbourhood Plan and the equivalent paragraphs of the NPPF.

Burpham Policy Title	Compatible NPPF para. Number
Policy: B-EN 1: Development within the Green Belt	Para 17 page 5
Policy: B-EN 2: Residential Gardens	Para 48 page 13
Policy: B-EN 3: Public Open Space	Para 73 page 18
Policy: B-EN 4: Local Green Space	Para 76 page 18
Policy: B-EN 5: Historic Environment	Para 61 page 16
Policy: B-EN 6: Adapting and Mitigating to Climate Change	Para 93 page 22
Policy: B-FD 1: General Development Standards	Para 8 page 3
Policy: B-FD 2: Dwelling density and Land Use	Para 59 page 15
Policy: B-FD 3: Dwelling Mix	Para 50 page 13

Policy: B-FD 4: Improvements to General Infrastructure	Para 182 page 43
Policy: B-FD 5: Water Supply & Sewerage Infrastructure	Para 182 page 43
Policy: B-FD 6: Green Man Site / Aldi Site	Not applicable
Policy: B-EMP 1: Home Working	Para 21 page 7
Policy: B-EMP 2: Shopping Parades	Para 70 page 17
Policy: B-EMP 3: Business Accommodation	Para 17 page 5
Policy: B-T 1: Parking Standards	Para 39 page 11
Policy: B-T 2c: Cycle routes	Para 35 page 10
Policy: B-T 2f: Foot Paths	Para 35 page 10
Policy: B-C 1: Enhancing Community Facilities	Para 28 page 9
Policy: B-AT 1: Improvements to public transport	Para 29 page 9
Policy: B-AT 2: The Railway	Para 29 page 9
Policy: B-AT 3: School Parking	Para 39 page 11
Policy: B-AT 4: London Road Parade and Kingpost Parade Parking	Para 38 page 11
Policy: B-AC 1: Access to Natural Leisure Facilities	Para 28 page 9
Policy: B-AC 2: Improvements to A3	Para 182 page 43
Policy: B-ASE 1: Provision of Schools	Para 38 page 11

[Achieving sustainable development:](#)

d) The plan contributes to the achievement of sustainable development

11. The Burpham Plan has been prepared with a central understanding that the key themes it addresses (environment, economy, transport and community) are all closely linked, and only through a truly integrated suite of policies can sustainable development be achieved. The policies therefore aim to meet community aspirations within the confines of protecting the environment, whilst giving clear guidance on the planning standards expected of new development in Burpham.
12. As in accordance with the NPPG (Para. 072) 'sufficient and proportionate evidence' is presented with the plan, including within the appendices (such as Environment Agency flood records and Historic Environment Records) and an SEA report accompanying these documents. All of this official data, together with

information obtained via the residents' survey, has resulted in policies that encourage sustainable development as required by the N PPF.

13. The work of the Brundtland Commission (Our Common Future, 1987, UN) provided a definition of sustainability: *'meeting the needs of the present generation without compromising the ability of future generations to meet their needs.'* The Burpham Neighbourhood Plan assists in this aim through appropriate policies for the next 20 years, whilst seeking to protect and enhance the existing environment.

Conformity with strategic policies:

e) The plan is in general conformity with strategic policies contained in the development plan for the area of the authority

14. At every stage during the development of the Burpham Neighbourhood Plan, active attempts were made to engage with the planning officers at Guildford Borough Council. They received draft copies of all documents at each stage. However, there was a failure to respond and indicate clearly the reasons for any suggested amendments (with associated documentary proof), until after April 2014.
15. However, throughout the formation of the plan, the Burpham Neighbourhood Forum referred extensively to the Guildford Local Plan 2003, which, under interim arrangements, contains the development plan policies for the Borough at the time of submission the relevant policy context is therefore contained within the 2003 Local plan and the NPPF. This is reflected in the wording and content of Key policies in the Neighbourhood Plan such as those relating to Green Belt and countryside Development.
16. During the 2nd (formal) Regulation 14 consultation process (June 2014), Guildford Borough planning department submitted a 27 page critique. This included *"type-setting"* and *"style of language"* comments, but did not object to any policy "in principle" or highlight any strategic issue with which the Burpham Neighbourhood Plan would conflict.
17. The general lack of cooperation by the Guildford team is greatly regretted as it has constrained the process of developing the Burpham Neighbourhood Plan. In September 2014 after the team leaders at the Guildford Planning office changed, a more positive approach appears to have been adopted, which we are hopeful will continue.

Compatibility with EU legislation and other prescribed conditions:

f) ***The plan does not breach, and it otherwise compatible with EU obligations***

18. Screening has been undertaken in terms of strategic environmental assessment (SEA) as part of the Sustainability Appraisal process, and for a Habitats Regulations Assessment. Given the sensitive environment of the Green Belt and Thames Basin areas surrounding Burpham on two sides and to add rigour to the process a Sustainability Appraisal (including Strategic Environmental Assessment) was undertaken for the Plan prior to the pre-submission consultation process. It was concluded that the Plan would have no likely significant effects on the environment or European legislation. The relevant statutory agencies were consulted in relation to the preparation of the report. The consultation response from Natural England at the pre-submission stage stated “Natural England is satisfied that the draft Burpham Neighbourhood Plan does not appear likely to result in significant adverse effects on designated landscapes or on national or European protected sites”.

19. In light of the above the Plan is fully compliant with EU obligations relating to Planning. In addition, it is considered that the Burpham Plan is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

g) ***Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the plan***

20. The prescribed conditions refer to habitat and EIA considerations. EIA considerations are not relevant in this context as these relate to an Order. The Habitat considerations have already been considered in relation to ‘F’ above.

Appendix: DCLG Guidance (Issued 16th October 2014)

Due regard has been had during the production of the neighbourhood plan to the following update to national guidance issued by the Government in October 2014.

Do housing and economic needs override constraints on the use of land, such as Green Belt?

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.

The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The Framework makes clear that, once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

Revision date: 06 10 2014

Related policy: National Planning Policy Framework

- [Paragraph 14](#)
- [Paragraph 83](#)

Paragraph: 045 Reference ID: 3-045-20141006

Do local planning authorities have to meet in full housing needs identified in needs assessments?

Local authorities should prepare a Strategic Housing Market Assessment to assess their full housing needs.

However, assessing need is just the first stage in developing a Local Plan. Once need has been assessed, the local planning authority should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as Green Belt, which indicate that development should be restricted and which may restrain the ability of an authority to meet its need.

Revision date: 06 10 2014