

Grange-over-Sands Town Council

**Grange-over-Sands
Neighbourhood Plan 2017-2027
Basic Conditions Statement**

July 2018

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1 INTRODUCTION

- 1.1 This Basic Conditions Statement has been produced to accompany the Grange-over-Sands Neighbourhood Plan (GOSNP).
- 1.2 The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - The Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3 Paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
- i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - iii. 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);
 - iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - v. 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. The prescribed condition is 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 etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.4 This document sets out how the GOSNP meets the Basic Conditions.

Supporting documents and evidence

- 1.5 The GOSNP is supported by a Consultation Statement and this Basic Conditions Statement.

Key statements

- 1.6 Grange-over-Sands Town Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own Town. The GOSNP expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.7 The neighbourhood area is contiguous with the Town boundary, as shown in the map accompanying the neighbourhood area designation application.

¹ There are two further basic conditions which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

- 1.8 The GOSNP covers the period from 2017 to 2027.
- 1.9 The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.
- 1.10 The GOSNP does not relate to more than one neighbourhood area. It is solely related to the area of Grange-over-Sands (GoS) as designated by South Lakeland District Council (SLDC) on 4th December 2014.
- 1.11 There are no other Neighbourhood Development Plans in place for the Grange-over-Sands neighbourhood area.

2 CONFORMITY WITH NATIONAL PLANNING POLICY

Introduction

- 2.1 It is required that the Grange-over-Sands Neighbourhood Plan has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

National Planning Policy Framework

- 2.2 The NPPF in sections 183-185 refers to Neighbourhood Development Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.
- 2.3 This section demonstrates that the GOSNP has regard to relevant policies within the NPPF in relation to:
- Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Supporting a prosperous rural economy
 - Promoting sustainable transport
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 2.4 The GOSNP has twelve principal objectives. We summarise them in Table 2.1 below and which NPPF goals each objective seeks to address.
- 2.5 Table 2.2 then provides a summary of how each policy in the GOSNP conforms specifically to the NPPF.

Table 2.1: Assessment of GOSNP objectives against NPPF goals

GOSNP Objective	Relevant NPPF goal
1. Ensure new developments, where possible and appropriate, improve existing links or provide new non-vehicular movement routes to link to key services	Promoting sustainable transport Promoting healthy communities Building a strong, competitive economy
2. Improve town centre safety and accessibility for non-car users and those with mobility problems	Promoting sustainable transport Promoting healthy communities
3. Enhance public transport infrastructure and improve links between Grange-over-Sands and the principal Service Centres of Kendal, Ulverston and Lancaster as well as the surrounding villages	Promoting sustainable transport
4. Ensure effective use is made of employment land and provide opportunities for start-up and growing businesses	Conserving and enhancing the natural environment
5. Conserve areas of local greenspace for use by the community	Conserving and enhancing the natural environment
6. Conserve the specialist habitats created by the drystone walling in the NP area	Conserving and enhancing the natural environment
7. Preserve and enhance the unique ornamental landscaping and planting within the public open spaces within the Conservation Areas	Conserving and enhancing the historic environment
8. Preserve the "gateway views" specific to Grange-over-Sands	Requiring good design Conserving and enhancing the historic environment
9. Provide an appropriate mix of low cost market housing in terms of size and affordability	Delivering a wide choice of high quality homes
10. To provide extra care housing for the community of Grange-over-Sands	Delivering a wide choice of high quality homes
11. Encourage developments that include distinctive local building design features and materials	Requiring good design Delivering a wide choice of high quality homes
12. Minimise the risk of flooding related to new development	Conserving and enhancing the natural environment Meeting the challenge of climate change, flooding and coastal change

Table 2.2: Assessment of how each policy in the GOSNP conforms to the NPPF

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	Policy 1 Public Transport Links in new developments	17, 29, 30, 35, 69, 75	Seeks to improve access to key facilities within Grange-over-Sands and ensure that non-car users have alternative routes to the existing road network.
2	Policy 2 Public Transport Infrastructure	17, 29, 30, 35	Encourages the improvement of all types of bus provision as a means of reducing car usage and the associated greenhouse gas emissions and congestion that is created.
	Policy 3 Small Scale Business Development	17, 20, 28	Strongly supports the provision of small-scale, start-up units which will address a growing need and opportunity for micro-businesses to flourish in Grange-over-Sands
4	Policy 4 Protection of Local Green Space	7, 73, 74, 76, 77	Makes use of the provision for making a designation and applies the site selection criteria.
5	Policy 5 Conservation of Historic Ornamental Planting in the Conservation Area	7, 9, 126, 141, 169	Seeks to retain and enhance the unique character of the heritage assets in the parish
6	Policy 6 Conserving Gateway Views	109, 126	Seeks to ensure that key views are retained for residents and visitors alike.
7	Policy 7 Conservation of Dry Stone Walls	109, 117, 126	Conserve the specialist habitats created through the dry-stone walling within new developments
8	Policy 8 Market Housing Mix	7, 9, 50, 54	Addresses the need for a mix of dwelling sizes – and particularly a greater proportion of smaller dwellings than has been delivered in the past - in order to provide for local needs
9	Policy 9 Extra Care Housing Provision	7, 50, 54	Addresses the specific housing and care needs identified for older people and the ageing population.
10	Policy 10 General Design of Residential Development	7, 9, 17, 56, 58, 60, 63, 64	Seeks to ensure that housing development is not out of keeping with the design of surrounding housing, without stifling good or innovative design.

3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking.'
- 3.2 Table 3.1 below summarises how the objectives and policies in the GOSNP contribute towards sustainable development, as defined in the NPPF.
- 3.3 As demonstrated in Table 3.1, the strategic objectives of the Neighbourhood Development Plan are considered to comprise a balance of economic and environmental goals. The policies in the Plan demonstrably contribute to sustainable development.

Table 3.1: Assessment of GOSNP objectives and policies against sustainable development

Deliver Economic Sustainability	
<i>NPPF Definition – "Support strong vibrant and healthy communities"</i>	
GOSNP Objectives	<ul style="list-style-type: none"> • Ensure new developments, where possible and appropriate, improve existing links or provide new non-vehicular movement routes to link to key services • Enhance public transport infrastructure and improve links between Grange-over-Sands and the principal Service Centres of Kendal, Ulverston and Lancaster as well as the surrounding villages • Ensure effective use is made of employment land and provide opportunities for start up and growing businesses
GOSNP Policies	<p>POLICY 1 PUBLIC TRANSPORT LINKS IN NEW DEVELOPMENTS</p> <p>POLICY 2 PUBLIC TRANSPORT INFRASTRUCTURE</p> <p>POLICY 3 SMALL SCALE BUSINESS DEVELOPMENT</p>
GOSNP Comments	<p>Improved movement, particularly by non-car modes, makes Grange-over-Sands a more attractive place to live. With the general increase in home working, this will encourage people to develop businesses and to reduce out-commuting which in turn will reduce the pressure on the strategic transport network and therefore decrease carbon emissions and air pollution. The GOSNP seeks to enhance the vitality and viability of the town centre, to expand the business base and to increase tourism. In particular it seeks to protect the retail sector in the town and places a focus on the expansion of micro-businesses and ensuring that their needs are catered for.</p>

Deliver Social Sustainability	
<i>NPPF Definition – "Support strong vibrant and healthy communities"</i>	
GOSNP Objectives	<ul style="list-style-type: none"> • Ensure new developments, where possible and appropriate, improve existing links or provide new non-vehicular movement routes to link to key services • Improve town centre safety and accessibility for non-car users and those with mobility problems • Enhance public transport infrastructure and improve links between Grange-over-Sands and the principal Service Centres of Kendal, Ulverston and Lancaster as well as the surrounding villages • Conserve areas of local greenspace for use by the community

	<ul style="list-style-type: none"> • Provide an appropriate mix of low cost market housing in terms of size and affordability • To provide extra care housing for the community of Grange-over-Sands
GOSNP Policies	<p>POLICY 1 PUBLIC TRANSPORT LINKS IN NEW DEVELOPMENTS</p> <p>POLICY 2 PUBLIC TRANSPORT INFRASTRUCTURE</p> <p>POLICY 4 PROTECTION OF LOCAL GREEN SPACE</p> <p>POLICY 8 MARKET HOUSING MIX</p> <p>POLICY 9 EXTRA CARE HOUSING PROVISION</p>
GOSNP Comments	<p>The GOSNP seeks to maintain a thriving community within Grange-over-Sands. It also seeks to protect existing leisure assets and encourages walking and cycling. The decrease in car movements and associated congestion will decrease air pollution and its effects on human health. The protection of green spaces will mean they continue to provide places for the community to engage in informal recreation, including walking. The delivery of a range of housing sizes will ensure that the housing needs of a wider range of the existing community can be met.</p>

Deliver Environmental Sustainability

NPPF Definition – 'Contribute to protecting and enhancing our natural, built and historic environment and mitigate and adapt to climate change'

GOSNP Objectives	<ul style="list-style-type: none"> • Conserve areas of local greenspace for use by the community • Preserve and enhance the unique ornamental landscaping and planting within the public open spaces within the Conservation Areas • Preserve the "gateway views" specific to Grange-over-Sands • Conserve the specialist habitats created by the drystone walling in the NP area • Encourage developments that include distinctive local building design features and materials • Minimize the risk of flooding related to new development
GOSNP Policies	<p>POLICY 4 PROTECTION OF LOCAL GREEN SPACE</p> <p>POLICY 5 CONSERVATION OF HISTORIC ORNAMENTAL PLANTING IN THE CONSERVATION AREA</p> <p>POLICY 6 CONSERVING GATEWAY VIEWS</p> <p>POLICY 7 CONSERVATION OF DRY STONE WALLS</p> <p>POLICY 10 GENERAL DESIGN OF RESIDENTIAL DEVELOPMENT</p>
GOSNP Comments	<p>The GOSNP seeks to protect the character of the town by requiring good design of new development and by designating certain spaces as local green spaces of importance to the local community. It seeks to reduce flood risk, avoid adverse impacts of flooding and places a focus on reducing traffic congestion and travel by the private car to reduce carbon emissions. It places a focus protecting the landscape and defining views important to Grange-over-Sands.</p>

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the following:
- South Lakeland Local Plan Core Strategy, October 2010
 - South Lakeland Local Plan Land Allocations, December 2013
 - 'Saved' policies of the South Lakeland Local Plan 2006
- 4.2 The policies of relevance are shown in Table 4.1 below, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made of whether the GOSNP is in general conformity with them. Grange-over-Sands is classified by the Core Strategy as a 'Key Service Centre'.
- 4.3 Any policy that is not identified in Table 4.1 is not considered to be relevant to the GOSNP because the GOSNP does not have any policies that directly relate to it.

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Table 4.1: Relevant strategic policies in the South Lakeland District Council Development Plan Documents

Core Strategy Policy	GOSNP policy
CS4 Cartmel Peninsula	Policy 3 encourages the effective use of commercial and buildings which meet the changing needs of modern, particularly small-scale and micro-businesses, as well as businesses operating in the cultural sector. Policies 1 and 2 seeks to improve public transport accessibility as well as accessible for pedestrians and cyclists which in turn helps to improve health and wellbeing. Policy 10 seeks to promote high quality design which enhances local distinctiveness. Policy 6 complements this by seeking to preserve the high quality gateway views which make Grange special. Equally, Policy 4 seeks to protect the Copse which is used by walkers.
CS1.2 The Development Strategy	Policy 8 establishes further important housing mix principles for new developments specifically relating to smaller housing which represents a local need. Policy 9 Addresses the specific housing and care needs identified for older people and the ageing population.
CS6.2 Dwelling mix and type CS6.3 Provision of affordable housing	Policy 8 specifically identifies the mix of housing required from new development to address needs.
CS7.1 Meeting the employment requirement CS7.4 Rural Economy CS7.5 Town centre and retail strategy	Policy 4 seeks to help develop Grange-over-Sands role as a key service centre providing employment. Firstly it protects the existing employment base and then it identifies specific types of business needs that will be accommodate to help foster and grow the business base.
CS8.1 Green Infrastructure	Policy 4 seeks to protect and enhance two important green spaces
CS8.2 Protection and enhancement of landscape and settlement character	Policy 5 seeks to preserve the character of the Conservation Areas and also the features and rural character of the Town
CS8.4 Biodiversity and geodiversity	Policy 7 seeks to conserve particular habitats created through dry-stone walling
CS8.5 Coast	Policy 6 protects iconic views from intrusive and insensitive development along the coastline.
CS8.6 Historic Environment	Policy 5 seeks to preserve the historic features and character of the Town
CS8.10 Design	Policy 10 seeks to ensure that the design of housing development represents a sustainable design which has regard to issues specific to Grange-over-Sands
CS9.1 Social and community infrastructure	Policy 9 emphasises the importance of extra care housing and identifies suitable locations
CS10.1 Accessing services	Policy 1 seeks to improve access for pedestrians and cyclists Policy 2 seeks to improve access to bus services
CS10.2 Transport impact of new development	Policy 1 seeks to ensure all new developments have proper regard for supplying alternative routes for non-car users

5 CONFORMITY WITH EU OBLIGATIONS

- 5.1 The Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 The GOSNP and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.3 In February 2017 the GOSNP steering group submitted a formal screening request to SLDC regarding the need for a Strategic Environmental Assessment (SEA) of the draft GOSNP. In March 2017, SLDC prepared a screening report which stated that, in its opinion, the plan was not likely to have significant environmental effects and therefore an SEA was not required. This was consulted on with the statutory bodies, namely the Environment Agency, Historic England and Natural England, all of which agreed with this opinion. On 6th October 2017 South Lakeland District Council formally stated that an SEA was not required. This formal opinion and the screening report are included as part of the GOSNP submission.

6 CONFORMITY WITH THE PRESCRIBED CONDITIONS

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments ('HRA'). An appropriate assessment ('AA') is required only if the GOSNP is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 In February 2017 the GOSNP steering group submitted a formal screening request regarding the need for an HRA. In March 2017, SLDC prepared a screening report which stated that, in its opinion, the plan was not likely to have any significant effects on European sites and therefore an HRA was not required. This was consulted on with the relevant statutory body, namely Natural England, which agreed with this opinion. On 6th October 2017 South Lakeland District Council formally stated that an HRA was not required. This formal opinion and the screening report are included as part of the GOSNP submission.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7 CONCLUSION

The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Grange-over-Sands Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Grange-over-Sands Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act