



**Crudwell Neighbourhood Plan  
Regulation 14 Draft  
Basic Conditions Statement**





## Contents

1.	Introduction	4
1.1.	The Purpose of this Document	4
1.2.	Legal Requirements	4
2.	Having regard to national policies and advice	6
3.	Contributes to Sustainable Development	13
4.	General conformity with strategic policies of the development plan	18
5.	Compatible with EU obligations	23
6.	Prescribed conditions met and prescribed matters complied with	24
7.	Conclusion	25



## **1. Introduction**

### **1.1. The Purpose of this Document**

- 1.1.1. The Government's Planning Practice Guidance explains the basic conditions that a Neighbourhood Plan must meet at paragraph: 065 (reference ID: 41-065-20140306). The text relates to neighbourhood plans and neighbourhood orders, so references that relate only to orders have been omitted from the quote below.

*"Only a draft neighbourhood Plan ... 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.*

*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. Read more details.*

*g. 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."*

- 1.1.2. The purpose of this Basic Conditions Statement is to demonstrate that the draft Crudwell Neighbourhood Plan meets each of these basic conditions.

### **1.2. Legal Requirements**

- 1.2.1. In addition to meeting the basic conditions, the Neighbourhood Plan must meet other legal requirements. The plan's compliance with these is set out below.

- 1.2.2. The draft Crudwell Neighbourhood Plan is made available for public consultation by Crudwell Parish Council which, as a qualifying body, is entitled to prepare and submit a Neighbourhood Plan for the parish of Crudwell.

- 1.2.3. The draft Neighbourhood Plan has been prepared by the Crudwell Neighbourhood Plan Steering Group, which reports to the Parish Council.

- 1.2.4. The whole parish of Crudwell has been formally designated as a Neighbourhood Area through an application made on 23rd November 2014 under the



Neighbourhood Planning Regulations 2012 and approved by Wiltshire Council on 20th March 2015.

- 1.2.5. The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) 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.
- 1.2.6. The draft Plan identifies the period to which it relates as up to 2026. The period has been chosen to align with the dates of the adopted Wiltshire Core Strategy.
- 1.2.7. The draft Plan does not deal with 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.
- 1.2.8. The draft Plan relates only to the parish of Crudwell. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.



## 2. Having regard to national policies and advice

- 2.1.1. The Government's Planning Practice Guidance explains this at paragraph: 069 (reference ID: 41-065-20140306):

***"What does having regard to national policy mean?"***

*A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the government's planning policies for England and how these are expected to be applied."*

- 2.1.2. The text below explains how each draft policy meets national policies set out in the 2018 National Planning Policy Framework (NPPF) and advice set out in Planning Practice Guidance (PPG).

### **General Comments**

- 2.1.3. NPPF paragraphs 28 to 30 set out the role of non-strategic policies such as those in a Neighbourhood Plan in the plan making framework.

- 2.1.4. Paragraph 28 is particularly informative. It reads:

*"Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies."*

- 2.1.5. The policies set out in the draft Neighbourhood Plan follows this guidance.

### **Policy DD1: Tuners Lane**

- 2.1.6. NPPF paragraphs 65 and 66 explain how the housing requirement for a neighbourhood area should be set:

*"... strategic policies should ... 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<sup>30</sup>. 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.*

*Where it is not possible to provide a requirement figure for a neighbourhood area<sup>31</sup>, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the*



*neighbourhood area and the most recently available planning strategy of the local planning authority."*

2.1.7. Footnote 31 reads:

*"Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date."*

2.1.8. Wiltshire Council has not been able to provide a housing requirement for the Crudwell area because the neighbourhood area was designated after the Wiltshire Core Strategy was adopted, and Wiltshire Council's housing supply data shows that the residual housing requirement for the Malmesbury Community Area is zero.

2.1.9. NPPF paragraph 11 requires plans to *"positively seek opportunities to meet the development needs of their area"*. The allocation of the site at Tuners Lane meets the identified need for housing whilst minimising adverse effects.

2.1.10. On this basis, the Neighbourhood Plan's housing requirement is that which meets the identified local housing need informed by a Housing Needs Assessment produced based on the methodology contained in *"Housing Needs Assessment at Neighbourhood Plan Level: A toolkit for neighbourhood planners"*, Locality, 2015.

2.1.11. NPPF paragraph 69 notes that:

*"Neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a [no larger than one hectare]) suitable for housing in their area."*

2.1.12. The Sustainability Appraisal explains how smaller sites were considered, but discounted because they are either not likely to deliver sufficient homes to meet the identified requirement before 2026 or because they are too small to deliver affordable homes, or both.

2.1.13. NPPF paragraph 91 reads:

*"Planning policies ... should aim to achieve healthy, inclusive and safe places which:*

*a) ... allow for easy pedestrian and cycle connections within and between neighbourhoods ...;*

*b) are safe and accessible ... for example through the use of clear and legible pedestrian routes ...; and*

*c) enable and support healthy lifestyles ... for example through ... layouts that encourage walking and cycling."*

2.1.14. NPPF paragraph 102 reads:



*"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

- a) the potential impacts of development on transport networks can be addressed; ...*
- c) opportunities to promote walking, cycling and public transport use are identified and pursued; ..."*

2.1.15. The Tuners Lane site is proposed for allocation because, of the deliverable sites it is the one best able to deliver safe walking connections to Crudwell village's facilities and because it will be accessing a less congested road network.

2.1.16. NPPF paragraph 184 reads:

*"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*

2.1.17. The Tuners Lane site is proposed for allocation because of the deliverable sites it is the one with the least impact on heritage assets.

### **Policy DD2: Windfall Housing**

2.1.18. NPPF paragraph 11 requires plans to be *"sufficiently flexible to adapt to rapid change"*. Policy DD2 enables additional housing to be provided if necessary, provided that it meets a series of criteria intended to minimise adverse effects.

2.1.19. The criteria included in the draft policy reflect the following sections or paragraphs of the NPPF:

- a) Chapter 12: Achieving well-designed places; and chapter 15: Conserving and enhancing the historic environment.
- b) Chapter 12: Achieving well-designed places.
- c) Chapter 8: Promoting healthy and safe communities (paragraph 91 in particular); and chapter 9: Promoting sustainable transport (paragraphs 102 and 104 in particular)
- d) Chapter 8: Promoting healthy and safe communities (paragraph 91 in particular); and chapter 9: Promoting sustainable transport (paragraphs 102 and 104 in particular)
- e) Chapter 12: Achieving well-designed places (paragraph 127 in particular).
- f) Chapter 2: Achieving sustainable development (paragraphs 11 and 14 in particular).



### **Policy DD3: Design**

- 2.1.20. NPPF paragraph 124 notes that:

*"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

*Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. 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.*

*To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified."*

- 2.1.21. Draft policy DD3 and the associated design code meets this requirement.

### **Policy IT1: Surface Water Drainage**

- 2.1.22. NPPF paragraph 91 reads:

*"Planning policies ... should aim to achieve healthy ... and safe places".*

- 2.1.23. NPPF paragraph 149 reads:

*"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk ..."*

- 2.1.24. NPPF paragraph 155 reads:

*"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*

- 2.1.25. Draft policy IT1 meets these requirements.



### Policy IT2: Foul Water Drainage

2.1.26. NPPF paragraph 91 reads:

*"Planning policies ... should aim to achieve healthy ... and safe places".*

2.1.27. NPPF paragraph 149 reads:

*"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk ..."*

2.1.28. NPPF paragraph 155 reads:

*"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."*

2.1.29. Draft policy IT2 meets these requirements.

### Policy IT3: Highway Safety

2.1.30. NPPF paragraph 91 reads:

*"Planning policies ... should aim to achieve healthy, inclusive and safe places which:*

*a) ... allow for easy pedestrian and cycle connections within and between neighbourhoods ...;*

*b) are safe and accessible ... for example through the use of clear and legible pedestrian routes ...; and*

*c) enable and support healthy lifestyles ... for example through ... layouts that encourage walking and cycling."*

2.1.31. NPPF paragraph 102 reads:

*"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed; ...*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued; ..."*

2.1.32. Draft policy IT3 meets these requirements.

### Policy IT4: Broadband

2.1.33. NPPF paragraph 112 reads:



*"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies ... should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)."*

- 2.1.34. Draft policy IT<sub>4</sub> meets this requirement.

#### **Policy IT<sub>5</sub>: Mobile Communications**

- 2.1.35. NPPF paragraphs 112 and 113 read:

*"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies ... should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)."*

*The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate."*

- 2.1.36. Draft policy IT<sub>4</sub> meets this requirement.

#### **Policy CL<sub>1</sub>: Crudwell Primary School**

- 2.1.37. NPPF paragraph 94 reads:

*"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities..."*

- 2.1.38. NPPF paragraph 83 reads:

*"Planning policies ... should enable:*

*d) the retention and development of accessible local services and community facilities..."*



2.1.39. Draft policy CL1 meets these requirements.

### **Policy ENV1: Biodiversity**

2.1.40. NPPF paragraph 170 reads:

*"Planning policies ... should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing ... sites of biodiversity ... value ...;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ..."*

2.1.41. Draft policy ENV1 meets this requirement.

### **Policy ENV2: Renewable Energy and Recycling**

2.1.42. NPPF paragraph 151 reads:

*"To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

*a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); ...*

2.1.43. Draft policy ENV2 meets this requirement.



### 3. Contributes to Sustainable Development

3.1.1. The Government’s Planning Practice Guidance explains this at paragraph: 072 (reference ID: 41-072-20140306):

***“What must a qualifying body do to demonstrate that a draft Neighbourhood Plan or Order contributes to sustainable development?”***

*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).*

*In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, qualifying bodies may find this a useful approach for demonstrating how their draft plan or order meets the basic condition. Material produced as part of the Sustainability Appraisal of the Local Plan may be relevant to a neighbourhood plan.”*

3.1.2. The Sustainability Appraisal explains how this condition is met in detail, with reference to the Sustainability Appraisal Themes and Objectives set out in table 3.1 below.

**Table 3.1: Crudwell Neighbourhood Plan Sustainability Themes and Sustainability Appraisal Objectives**

Sustainability Theme	Sustainability Appraisal Objective
<b>Biodiversity</b>	1. Protect and enhance all biodiversity and geological features, whether protected via legislation or locally important, and avoid irreversible losses
<b>Land and Soil Resources</b>	2. Ensure efficient and effective use of land and the use of suitably located previously developed land and buildings
	3. Promote sustainable waste management solutions that encourage the reduction, re-use and recycling of waste
	4. Avoid the loss of Best and Most Versatile Agricultural Land
	5. Use and manage water resources in a sustainable manner



Sustainability Theme	Sustainability Appraisal Objective
<b>Water Resources and Flood Risk</b>	6. Protect people and property from the risk of flooding and sewage overflow
<b>Air Quality and Environmental Pollution</b>	7. Improve air quality throughout Crudwell parish and minimise all sources of environmental pollution
<b>Climatic Factors</b>	8. Minimise the impacts on climate change and reduce Crudwell parish's vulnerability to future climate changes effects
<b>Historic Environment</b>	9. Protect, maintain and enhance Crudwell parish's historic environment
<b>Landscape</b>	10. Conserve and enhance the character and quality of the landscape in Crudwell parish's villages, hamlets and in the rural area, maintaining and strengthening local distinctiveness and sense of place
<b>Population and housing</b>	11. Provide good quality, affordable housing, and ensure an appropriate mix of dwelling sizes, types and tenures to meet local needs
<b>Healthy Communities</b>	12. Provide a safe and healthy place in which to live
<b>Inclusive Communities</b>	13. Reduce poverty and deprivation and promote inclusiveness, and make Crudwell village in particular more self-contained
	14. Improve equality of access to, and engagement in local, high-quality community services and facilities
<b>Education and Skills</b>	15. Raise educational attainment levels across the parish and provide opportunities for children and adults to improve their education and skills locally
<b>Transport</b>	16. Reduce the need to travel and promote more sustainable transport choices for journeys within Crudwell village, within Crudwell parish and from the parish to elsewhere
<b>Economy and Enterprise</b>	17. Encourage a vibrant and diversified local economy which provides for long-term sustainable economic growth, and enable access to economic opportunities beyond the parish



Sustainability Theme	Sustainability Appraisal Objective
	18. Ensure adequate provision of high-quality employment land and diverse employment opportunities to meet the needs of local businesses and a changing workforce
	19. Protect the long-term viability of local businesses and farming enterprises

3.1.3. The text below explains how each draft policy meets this basic condition.

#### **Policy DD1: Tuners Lane**

- 3.1.4. The Sustainability Appraisal assesses reasonable alternatives relating to this policy, firstly by appraising the proposed dwelling numbers against the sustainability appraisal themes, and then by appraising the proposed housing allocation at Tuners Lane against the same sustainability appraisal themes.
- 3.1.5. The sustainability appraisal concludes that delivery of 20 to 25 dwellings to meet the identified local need is the most sustainable alternative, and then it concludes that Tuners Lane is the most sustainable of the sites that are deliverable up to 2026.
- 3.1.6. In particular, the sustainability appraisal concludes that the Tuners Lane site performs better than Ridgeway Farm phase 2 in relation to the following sustainability appraisal themes:
- Land and soil resources
  - Air quality and environment
  - Historic environment
  - Transport

#### **Policy DD2: Windfall Housing**

- 3.1.7. The Sustainability Appraisal concludes that proposed policy DD2 has the following positive effects on:
- Population and Housing, because of the policy’s presumption in favour of new homes within the settlement boundary generally;
  - Inclusive Communities, because it encourages the provision of new homes to meet local needs; and



- Economy and Enterprise, because the list of potential types of home that might be delivered to meet local needs includes holiday accommodation which provides the opportunity to grow local tourism.

3.1.8. Potential negative effects are mitigated in the following ways:

- Air Quality and Environmental Pollution and Healthy Communities, by the requirement to provide safe pedestrian access to the village's facilities; and
- Historic Environment and Landscape, by the requirement to reflect the character and scale of surrounding properties and of the village of Crudwell in terms of scale, form and layout.

#### **Policy DD3: Design**

3.1.9. The Sustainability Appraisal concludes that proposed policy DD3 has the following positive effects on:

- Historic Environment and Landscape, because it requires new developments to respect the character and distinctive appearance of the parish.

#### **Policy IT1: Surface Water Drainage**

3.1.10. The Sustainability Appraisal concludes that proposed policy IT1 has the following positive effects on:

- Water Resources and Flood Risk, Climatic Factors and Healthy Communities by ensuring that any development does not exacerbate existing flooding problems.

#### **Policy IT2: Foul Water Drainage**

3.1.11. The Sustainability Appraisal concludes that proposed policy IT2 has the following positive effects on:

- Water Resources and Flood Risk, Climatic Factors and Healthy Communities by ensuring that any development does not exacerbate existing sewage overflow problems.

#### **Policy IT3: Highway Safety**

3.1.12. The Sustainability Appraisal concludes that proposed policy IT3 has the following positive effects on:

- Transport and Healthy Communities, by encouraging safe access to the highway and by encouraging people to walk.

#### **Policy IT4: Broadband**



3.1.13. The Sustainability Appraisal concludes that proposed policy IT4 has the following positive effects on:

- Transport and Economy and Enterprise, by encouraging homeworking.

**Policy IT5: Mobile Communications**

3.1.14. The Sustainability Appraisal concludes that proposed policy IT5 has the following positive effects on:

- Transport and Economy and Enterprise, by encouraging homeworking.

**Policy CL1: Crudwell Primary School**

3.1.15. The Sustainability Appraisal concludes that proposed policy CL1 has the following positive effects on:

- Education and Skills, by ensuring that the parish's children continue to have the opportunity to receive good education;
- Inclusive Communities, by protecting a high quality local community facility;
- Transport, by ensuring that primary education is available nearby; and
- Economy and Enterprise, by protecting the jobs provided at the school.

**Policy ENV1: Biodiversity**

3.1.16. The Sustainability Appraisal concludes that proposed policy ENV1 has the following positive effects on:

- Biodiversity, by protecting locally important biodiversity in particular.

**Policy ENV2: Renewable Energy**

3.1.17. The Sustainability Appraisal concludes that proposed policy ENV2 has the following positive effects on:

- Air Quality and Environmental Pollution, by encouraging the production of energy from renewable sources rather than fossil fuels.

3.1.18. Potential negative effects are mitigated in the following ways:

- Historic Environment and Landscape, by the requirement to consider potential harm to the rural and village character of any proposals.



## 4. General conformity with strategic policies of the development plan

- 4.1.1. The Government's Planning Practice Guidance explains this at paragraph: 074 and 075 (reference ID: 41-074-20140306 and 41-075-20140306):

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

*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach*

### **What is meant by strategic policies?**

*Paragraph 156 of the National Planning Policy Framework sets out the strategic matters about which local planning authorities are expected to include policies in their Local Plans. The basic condition addresses strategic policies no matter where they appear in the development plan. It does not presume that every policy in a Local Plan is strategic or that the only policies that are strategic are labelled as such.*

- 4.1.2. The text below explains how each draft policy meets this basic condition.

### **Policy DD1: Tuners Lane**

- 4.1.3. The Wiltshire Core Strategy Policy 13: Spatial Strategy Malmesbury Community Area, defines Crudwell village as a large village.
- 4.1.4. Wiltshire Core Strategy Policy 1: Settlement Strategy, specifies that "*development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.*"
- 4.1.5. The Crudwell Parish Housing Needs Assessment, Vision Planning, March 2018 concludes that Crudwell Parish's residual housing requirement up to 2026 is 20 to 25 dwellings.



- 4.1.6. Draft policy DD1 proposes to meet the Parish's identified housing need within Crudwell village, at a site at Tuners Lane so it is in general conformity with the Wiltshire Core Strategy.

#### **Policy DD2: Windfall Housing**

- 4.1.7. Wiltshire Core Strategy Policy 2 sets a presumption in favour of sustainable development "*within the limits of development*" at large villages including Crudwell.
- 4.1.8. Draft policy DD2 amplifies this policy by setting out a series of mitigation measures for windfall housing that are important locally, and by requiring the new homes to meet an identified local need. To avoid the policy being more restrictive than Core Policy 2, the potential types of home that might be delivered listed in criterion f) is not exhaustive.
- 4.1.9. On that basis, draft policy DD2 is in general conformity with Core Policy 2 and the wider Core Strategy.

#### **Policy DD3: Design**

- 4.1.10. Wiltshire Core Strategy Policy 57 requires "*a high standard of design ... in all new developments, including extensions, alterations and changes of use of existing buildings.*"
- 4.1.11. Criterion i. requires an enhancement of local distinctiveness.
- 4.1.12. Draft policy DD3 requires new development to be designed in accordance with the Crudwell Design Code, and the Crudwell Design Code describes the locally distinctive features and elements of the parish's architecture.
- 4.1.13. On that basis, draft policy DD3 amplifies Core Policy 57, so it is in general conformity with the Core Strategy.

#### **Policy IT1: Surface Water Drainage**

- 4.1.14. Wiltshire Core Strategy Policy 67 aims to minimise flood risk by avoiding developments outside flood zone 1 (the zone of least risk), and requires new development "*to reduce the rate of rainwater run-off and improve rainwater infiltration*".
- 4.1.15. Draft policy IT1 was drafted in collaboration with Wiltshire Council's drainage specialists.
- 4.1.16. It re-emphasises Policy 67's requirement for a flood risk assessment where appropriate, potentially dealing with the whole catchment to ensure that off-site impacts are not missed.
- 4.1.17. It requires the drainage strategy to be approved by Wiltshire Council.



- 4.1.18. It sets out a surface water disposal hierarchy and requires pre-development surface water run off rates not to be exceeded after the development is completed.
- 4.1.19. On that basis, draft policy IT1 amplifies Core Policy 67, so it is in general conformity with it.

#### **Policy IT2: Foul Water Drainage**

- 4.1.20. Existing sewage overflow problems are caused by surface water run-off entering the sewerage network. Surface water run-off rates are proposed to be controlled by draft policy IT1.
- 4.1.21. Draft policy IT2 focusses on ensuring that the sewerage network is able to accommodate sewage flows from new development.
- 4.1.22. Wiltshire Core Strategy Policy 3 states that *"all new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal..."*
- 4.1.23. Draft policy IT2 explains what Policy 3 means in terms of sewerage provision in Crudwell, because of the importance of this issue locally.

#### **Policy IT3: Highway Safety**

- 4.1.24. The Wiltshire Core Strategy includes seven policies, numbered 60 to 66, relating to transport. Those that refer specifically to highway safety are:
- Core Policy 61, which focusses on the location and design of new development, and requires *"that the proposal is capable of being served by safe access to the highway network"*;
  - Core Policy 64 which focusses on demand management and notes that *"traffic management measures will be developed to ... lower the risk of accidents..."*.
- 4.1.25. Draft policy IT2 amplifies these policies, focussing on the adequacy and safety of footpath links between proposed development and the village's main facilities, and Crudwell primary school in particular.
- 4.1.26. On that basis it is in general conformity with the Core Strategy.

#### **Policy IT4: Broadband**

- 4.1.27. Wiltshire Core Strategy Policy 3 requires all new development *"to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal"*, with priority given to *"essential infrastructure"* which includes *"telecommunications facilities, including fibre-optic superfast broadband connectivity services, to serve local communities and the business community"*.
- 4.1.28. Policy IT3 clarifies that the developers must deliver fibre-to-the-premises for any new dwellings or business premises in the parish.



### **Policy IT5: Mobile Communications**

- 4.1.29. Wiltshire Core Strategy Policy 48 supports the delivery of transport measures and new infrastructure which improve "*accessibility between towns and villages, helping to reduce social exclusion, isolation and rural deprivation...*".
- 4.1.30. Supporting paragraph 6.69 notes that "*some telecommunications works may ... fall into this category.*"
- 4.1.31. Equally, Core Policy 61 aims to reduce the need to travel.
- 4.1.32. Draft policy IT5 aims to improve mobile telecommunications locally in order to help reduce social exclusion and isolation and to enable homeworking, which reduces the need to travel.
- 4.1.33. On that basis, draft policy IT5 is in general conformity with the Core Strategy.

### **Policy CL1: Crudwell Primary School**

- 4.1.34. Wiltshire Core Policy 49 protects rural services and community facilities to a large extent, but it does set out situations where community facilities can be redeveloped.
- 4.1.35. Core Policy 61 aims to reduce the need to travel.
- 4.1.36. If Crudwell Primary School were to be redeveloped for a non-educational use it would alter the character of Crudwell Village and the conservation area fundamentally, and would result in an increase in travel contrary to Core Policy 61.
- 4.1.37. On that basis, the additional protection proposed to be provided for the school site by draft policy CL1 is in general conformity with the Core Strategy.

### **Policy ENV1: Biodiversity**

- 4.1.38. Wiltshire Core Strategy Policy 50: Biodiversity and Geodiversity, requires development proposals to demonstrate how they would protect features of nature conservation and geological value by retaining, buffering and managing them, and then, where they cannot be retained, how impacts will be mitigated and compensated.
- 4.1.39. Additionally, Core Policy 50 requires development proposals to seek opportunities for biodiversity enhancement.
- 4.1.40. Draft policy ENV1 aims to encourage the protection of wildlife habitats and corridors which consultation suggested were particularly important to local people. The draft policy is in general conformity with the Core Strategy.

### **Policy ENV2: Renewable Energy**



- 4.1.41. Wiltshire Core Strategy Policy 41: Sustainable construction and low-carbon energy, encourages new development to incorporate design measures to reduce energy demand and requires proposals for major development to submit a Sustainable Energy Strategy alongside the planning application outlining the low-carbon strategy for the proposal.
- 4.1.42. Wiltshire Core Strategy Policy 42: Standalone renewable energy installations, supports proposals for standalone renewable energy schemes subject to satisfactory resolution of all site specific and cumulative effects.
- 4.1.43. Draft policy ENV2 emphasises that such measures will be supported in Crudwell parish, but it also emphasises the factors that must be considered to enable the character of the parish to be maintained.
- 4.1.44. On that basis, draft policy ENV2 is in general conformity with the Core Strategy.



## 5. Compatible with EU obligations

- 5.1.1. The Government's Planning Practice Guidance explains this at paragraph: 078 (reference ID: 41-078-20140306):

***"What are the relevant EU obligations?"***

*A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are 4 directives that may be of particular relevance to neighbourhood planning:*

***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.*

***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.*

***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. They may be of relevance to both neighbourhood plans or Orders.***

*Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.*

- 5.1.2. The draft Neighbourhood Plan has been screened by Wiltshire Council to assess its likely effects in relation to these European directives. The outcome of that screening was that no significant effects were likely, and a Strategic Environmental Assessment was not required (see Sustainability Appraisal).



## 6. Prescribed conditions met and prescribed matters complied with

6.1.1. The Government's Planning Practice Guidance explains this at paragraph: 079 (reference ID: 41-079-20140306):

***"Are there any other basic conditions that apply besides those set out in the primary legislation?"***

*Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out 2 basic conditions in addition to those set out in the primary legislation. These are:*

- 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.)*
- 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 Environmental Impact Assessment development.*

6.1.2. There are no European Sites or European offshore marine sites in the vicinity of Crudwell Parish, and nothing proposed by the Neighbourhood Plan would constitute Environmental Impact Assessment development, so these other basic conditions do not apply.



### 7. Conclusion

- 7.1.1. This Basic Conditions Statement demonstrates that the draft Crudwell Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.