

**West Monkton & Cheddon Fitzpaine Neighbourhood
Plan
(WM&CF NP)**

Updated 2021 - 2028

Supporting Document

Basic Conditions Statement

West Monkton and Cheddon Fitzpaine Parish Councils

June 2021

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Introduction

The West Monkton and Cheddon Fitzpaine Neighbourhood Plan (WM&CF NP) has been produced jointly by West Monkton and Cheddon Fitzpaine Parish Councils, with West Monkton acting as the lead authority for the purposes of compliance with the regulations, and administration. The Plan has been developed by the NP Steering Group which includes Members from both Parish Councils, residents and businesses representing a broad range of local opinion.

In 2019 the former Taunton Deane Borough Council ceased to exist and was replaced by Somerset West and Taunton Council (SWTC). Existing policies were carried over into the new Council.

What are the Basic Conditions?

The WM&CF NP must meet the following 'basic conditions' as set out by para 8 (2) of Schedule 4B to the Town and Country Planning Act 1990, and which include;

1. Has regard to national policy and guidance from the Secretary of State
2. Contributes to sustainable development
3. General conformity with the strategic policies of the development plan
4. Doesn't breach or is otherwise compatible with retained EU obligations (The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018)– this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC and human rights requirements. Habitats Regulations Assessment (HRA) may also be required under certain circumstances if European or Ramsar sites are impacted by proposed development

Furthermore, the WM&CF NP must relate to planning matters (the development and use of land) and be prepared in accordance with the statutory requirements and processes set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012.

The revisions to the WM&CF NP relate to current legislation and county and district council policies on planning matters.

The WM&CF NP must specify a time period when it will be in force and should exclude 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. The specified time period for when the Revised NP will be in force will be from when the revisions are made (2021) to 2028.

This Statement describes how the WM&CF NP fully meets the 'basic conditions' listed above and as such is a supporting document to the WM&CF NP.

This amended Statement describes how the Revised WM&CF NP fully meets the 'basic conditions' listed above and as such is a supporting document to the Revised WM&CF NP.

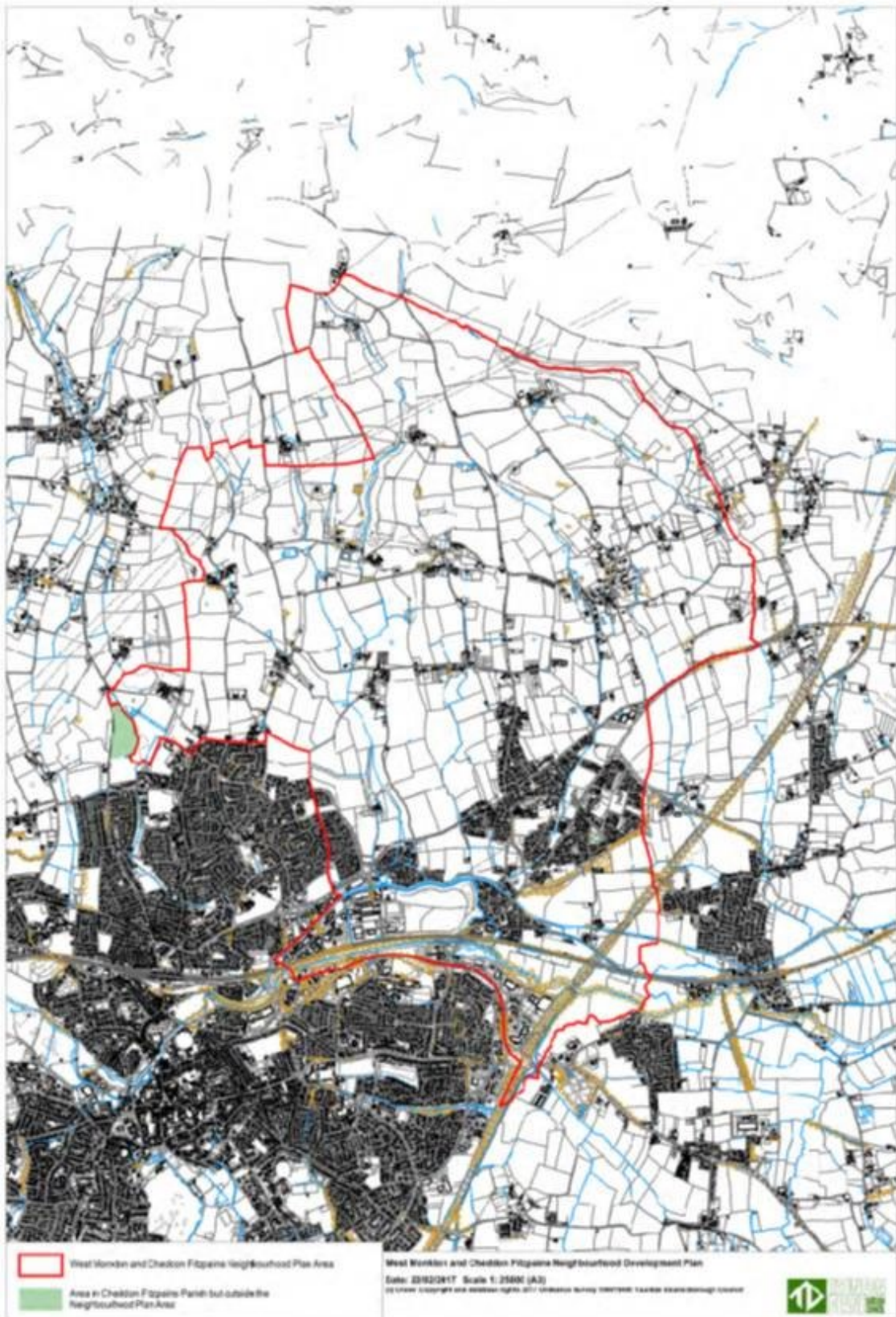
The Neighbourhood Plan Area

The Neighbourhood Development Plan Area Designation was formally agreed by Taunton Deane Borough Council (TDBC) on 24th November 2015 and is illustrated by Map 1. The Neighbourhood Area follows the joint Parish (West Monkton and Cheddon Fitzpaine) boundaries except for the area highlighted on the western boundary of the designated area which falls within the Staplegrove Urban Extension (also known as the North Taunton Development). The reasoning for excluding this area and the full area designation documents can be found at <http://www.tauntondeane.gov.uk/irj/go/km/docs/CouncilDocuments/TDBC/Documents/Forward%20Planning/Desigation%20-%20West%20Monkton%20%26%20Cheddon%20Fitzpaine%20sm.pdf>

Once the NP area was formally agreed, public exhibitions were held on 18th and 20th January 2016 at Cheddon Fitzpaine Memorial Hall and West Monkton Village Hall to show the Plan Area, features of the landscape, details of the topography, drainage systems and development plans.

2021: The Neighbourhood Plan area has not changed.

Map 1. WM&CF Neighbourhood Plan area including exclusion area



The Need for a Neighbourhood Plan

The need for a Neighbourhood Plan (NP) is explained within a joint letter from both Parish Councils dated 24th August 2015 and which can be found with the other application documentation at the hyper-link given on page 4. Further explanation on the need for a NP is provided within the NP Introduction.

The Neighbourhood Plan is required to help the local community shape significant future housing and employment developments with associated infrastructure as set out by the Core Strategy (CS) and Site Allocations and Development Management Plan (SADMP). The ambition is to ensure a high quality of design and sustainable places with excellent community facilities for local people to enjoy. The Neighbourhood Plan will also help to protect and enhance the historic settlements and open countryside within the NP designated area.

The Neighbourhood Plan is in general conformity with the CS and SADMP and will help to inform the ongoing master-planning process for the Urban Extension. It will also be supported by, and will align well with, Taunton's Garden Town status which will bring forward garden communities and associated infrastructure within the NP designated area.

The draft Revised Neighbourhood Plan (2021) incorporates the Garden Town aspirations and Vision of SWTC as well as reflecting and supporting current environmental legislation and policy documents produced by SWTC. The revisions also reflect experience of the current build out of the Urban Extension at Monkton Heathfield (MH1) and a desire for environmentally positive outcomes as MH2 is developed.

Compliance with the Basic Conditions

Qualifying Body

Both Parish Councils are 'relevant bodies' under the Localism Act, Section 61F of the Town and Country Planning Act 1990, for the purpose of producing a Neighbourhood Plan and are therefore qualified to undertake a Neighbourhood Plan. West Monkton Parish is the lead authority for the joint Neighbourhood Plan and this was accepted by TDBC in writing on 24th November 2015.

Neighbourhood Plan Area

The Neighbourhood Area (as shown by the map on page 5) was applied for and approved through the process set out in the Neighbourhood Planning (General) Regulations 2012, (Regulations 5 to 7), (Appendix 1).

It is confirmed that the WM & CF NP does not relate to more than one Neighbourhood Plan area and that there are no other Neighbourhood Plans in place within the designated Neighbourhood Plan Area.

2021: This statement also applies to the Revised Neighbourhood Plan.

Confirmation of Neighbourhood Plan Status, Content and Time Period

The W&CF NP is intended to have effect for the period from when it is 'made' (2017) to 2028 which corresponds with both the TDBC Core Strategy (CS) and Site Allocations and Development Management Plan (SADMP). It is intended that the revised policies of the WM & CF Neighbourhood Plan will have effect from when it is made in (2021) to 2028.

The WM&CF NP is a neighbourhood development plan as defined by Section 38(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act (2011) which states that:

“A ‘neighbourhood development plan’ is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood plan area specified in the plan”

It is confirmed that the WM&CF NP does not include any provision about any 'excluded development' such as county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters as defined by Section 68k of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act (2011).

It is confirmed that the WM&CF NP sets out only policies in relation to the development and use of land. It is confirmed that the Revised WM&CF NP (2021) only set out policies relating to the development and use of land.

The Basic Conditions

1) Has regard to national policy and guidance from the Secretary of State

The WM&CF NP has had regard to the National Planning Policy Framework (NPPF) as described throughout the NP document and under the heading 'Conformity with Core Strategy & NPPF' following each NP Policy. The WM&CF NP Steering Group has systematically checked each NP Policy to ensure general conformity with the NPPF using the Basic Conditions Checklist attached below. Furthermore, the WM&CF NP has had regard to other national policy and guidance such as Garden Town status.

The WM&CF NP has paid particular attention to the Housing White Paper '*Fixing our broken housing market*' which has been helpful in supporting and shaping the NP Housing Policies.

The Revised WM&CF NP document (2021) refers to the NPPF 2019 policies.

2) Contributes to sustainable development

To demonstrate that the WM&CF NP contributes to sustainable development a Sustainability Audit (SA) has been produced and is submitted as a supporting document to the WM&CF NP. The NP Steering Group has carefully considered this SA in tandem with evolving and shaping the NP Policies to ensure that they will contribute to sustainable development.

The revisions to the NP (2021) have focussed on sustainable development.

3) General conformity with the strategic policies of the development plan

The WM&CF NP is considered to be in general conformity with the strategic policies of the development plan (CS & SADMP) as described throughout the NP document and under the heading '*Conformity with Core Strategy & NPPF*' following each NP Policy. The WM&CF NP Steering Group has systematically checked each NP Policy to ensure general conformity with the CS and SADMP using the Basic Conditions Checklist attached below.

The proposed revisions of the NP (2021) have been checked against SWTC Core Strategy and SADMP.

4) Doesn't breach or is otherwise compatible with retained EU obligations- this includes the Strategic Environmental Assessment (SEA) Directive of 2001/42/EC and human rights requirements.

Habitats Regulations Assessment (HRA) may also be required under certain circumstances if European or Ramsar sites are impacted by proposed development.

TDBC have provided a screening opinion concerning the need for a SEA which confirms that an SEA will not be required. A copy of this screening opinion can be found at Appendix 1. An updated version of the SEA was provided by SWTC in September 2021.

TDBC have also provided a Habitat Regulation Assessment (HRA) (February 2017) which the NP Steering Group has considered and has resulted in an amendment to NP Policy R2 as recommended by the HRA. An updated version of the HRA was provided by SWTC in September 2021.

Statement of compliance in regard to the Habitat Regulations and Environmental Impact:

The WM&CF Parish Councils as the 'competent authorities' consider that WM&CF NP is in compliance with the Habitats and Species Regulations 2010 as a Habitats Regulations Assessment (HRA) (February 2017) has been completed and is attached as a supporting document. Furthermore, the HRA has been duly considered and the HRA recommendations incorporated with the WM&CF NP.

The SEA screening opinion has confirmed that the WM&CF NP will not have significant environmental impacts and therefore a Strategic Environmental Assessment (SEA) is not required. The WM&CF NP therefore does not breach, and is otherwise compatible with, EU obligations including the EU Strategic Environmental Assessment Directive (2001/42/EC). A full Statement of compliance in regard to the Habitat Regulations and Environmental Impact is provided at Appendix 2.

For the Revised WM&CF NP (2021): An HRA and SEA of the West Monkton & Cheddon Fitzpaine Neighbourhood Plan was undertaken after it has been amended post Reg14 consultation and before Reg15. The impact of the Revised NP on the Levels and Moors was an important consideration.

Context:

Following Natural England's letter to SWT in August 2020 about unacceptable phosphate levels on the Levels & Moors; any development plan covering the catchment of the River Tone (as well as any planning applications for housing, householder extensions, farming, and some employment) will require a Habitat Regulations Assessment to assess the potential effects of the land use plan policies against the conservation objectives of any European sites designated for their nature conservation importance under the Habitats Directive and Birds Directive. In particular nutrients entering the Levels and Moors Special Protection Area (SPA) under the Habitat Regulations 2017 listed as a Ramsar Site under the Ramsar Convention.

The Neighbourhood Plan area falls within the catchment of the River Tone and therefore a very recent HRA was required. The reason for it being undertaken post Reg14 was that the neighbourhood plan had been amended as a result of the representations made on it. The HRA took account of the most recent NE advice, up-to-date information around measuring phosphates and any emerging strategic plans or mitigation measures to address phosphates impact.

The HRA report concluded:

'Taking into consideration the mitigating effect of policy wording included in the NP, it can be concluded that the Cheddon Fitzpaine and West Monkton Parish Councils

Neighbourhood Plan will have no adverse impact on the integrity any European site, either alone or in-combination’.

The SEA report concluded:

‘It is recommended that the revised West Monkton and Cheddon Fitzpaine NP should not be screened into the SEA process’.

Human Rights

The WM&CF NP and the Policies it contains are considered to be compliant with the Convention Rights (Human Rights Act 1998). This statement also applies to the Revised WM&CF NP (2021).

Conclusion

In view of the above the Parish Councils of West Monkton and Cheddon Fitzpaine consider that all of the Basic Conditions (set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as amended by the Localism Act 2011) have been met as demonstrated by this Statement.

This conclusion also applies to the Revised WM&CF NP 2021.

Content of the Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012, and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to TDBC as the local planning authority:

- The Neighbourhood Plan (including a map of the Neighbourhood Planning Area)
- Consultation Statement
- Other Evidence List/References
- Basic Conditions Statement (this document)
- Sustainability Audit
- SEA Screening Opinions from TDBC

- Habitat Regulation Assessment - February 2017

It is proposed that a similar suite of supporting documents will be submitted with the Revised WM&CF NP.

- The Revised Neighbourhood Plan (including a map of the Neighbourhood Planning Area) 2021
- Consultation Statement 2021
- Other Evidence List/References 2021
- Basic Conditions Statement (this document)
- Sustainability Audit 2021
- SEA Screening Opinions from SWTC
- Habitat Regulation Assessment – June 2021

Appendix 1 – SEA Screening Opinion from TDBC

The SEA screening opinion has confirmed that the WM&CF NP will not have significant environmental impacts and therefore a Strategic Environmental Assessment (SEA) is not required. The WM&CF NP therefore does not breach, and is otherwise compatible with, EU obligations including the EU Strategic Environmental Assessment Directive (2001/42/EC). A full Statement of compliance in regard to the Habitat Regulations and Environmental Impact is provided at Appendix 2.

In 2021 SEA Screening Opinion from SWTC

The SEA report concluded:

'It is recommended that the revised West Monkton and Cheddon Fitzpaine NP should not be screened into the SEA process'.

Appendix 2 - Basic Conditions Statement

Statement of compliance in regard to the Habitat Regulations and Environmental Impact

West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan

In relation to the examination of Neighbourhood Development Plans Taunton Deane Borough Council, as the competent authority, is required to determine if the Neighbourhood Development Plan is likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) 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).

There are no Natura 2000 sites, Special Protection Areas (SPA), or Ramsar sites in the Neighbourhood Plan Area. The Hestercombe House Special Area of Conservation (SAC) is, however, located within the Neighbourhood Plan Area and a Habitats Regulation Assessment (February 2017) has been completed which takes this designation into account with respect to the draft West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan (WM&CF NDP).

2021 Neighbourhood Development Plan

Regarding the Revised WM&CF NP (2021) there are no Natura 2000 sites, Special Protection Areas (SPA) or Ramsar sites in the NP area.

However, the River Tone catchment area drains into the Ramsar site on the Somerset Levels and following the statement by Natural England in August 2020 a further HRA was undertaken.

The West Monkton and Cheddon Fitzpaine Parish Councils, as the Qualifying Body (QB), have consulted with Natural England, the Marine Management Organisation and Somerset County Council Ecology, on the draft WM&CF NDP. In addition, the SEA screening report has been sent to Natural England for comment. Natural England's response was that the WM&CF NP would not have significant effects on internationally and nationally designated sites. It should be noted they responded to TDBC's consultation on both the adopted Core Strategy (CS) and Site Allocations and Development Management Plan (SADMP) to say they had no comments to submit.

In 2021 West Monkton and Cheddon Fitzpaine Councils, as the Qualifying Body, consulted widely, including Natural England, Marine Management Organisation, and Somerset County Council Ecology. The Regulation 14 consultations took place in 2020 on the proposed Revised NP. The comments returned were included in the revised NP document.

The adopted Core Strategy (CS) and Site Allocations and Development Management Plan (SADMP) were subject to Habitat Regulations Assessments (HRA). Those assessments concluded that, other than the Hestercombe House SAC, the Plans were unlikely to have significant environmental effect. The WM&CF NDP does not allocate sites, and the QB believe the WM&CF NDP policies are in general conformity with the CS and SADMP.

Based on this information the QB therefore believe it is unlikely that WM&CF NDP will have significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) 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 and therefore further assessments are not required).

Basic Conditions Checklist Table - January 2017 - version 03

WM&CF NP Policy	Link between policy and evidence or engagement?				Site allocations	Does the policy meet “basic conditions”?				Examples
	Evidence? Y/N/Partial	Local support? (See CS) Y/N/P	Clear link? Y/N/P	More work needed? Y/N		Suitable, available & the best option?	In general conformity with NPPF? Y/N	In general conformity with CS & SADMP Y/N	Contributes to sustainable development? See Sustainability Audit (SA)	
Transport Transport Policy T2 was rejected by the Examiner before the WM&CF NP was made in 2017 Hence shown below with strikethrough										
T1: Developing high quality bus infrastructure	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Binfield NP Policy TC3 Bishops Lydeard & Cothelstone NP Policy TR1
T2: Developing a comprehensive & high quality cycle & foot path network	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Newton Abbot NP Policy NANDP4 Binfield NP Policy TC1 Bishops Lydeard NP Policy TR1
Recreation and Environment An additional Policy R6 has been added – see below										

R1: Dark Skies	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Long Compton NP Policy E3 Fernhurst NP Policy EE3 (<i>Light Pollution</i>) Clutton NP Policy CNP21 (<i>Street Lighting</i>)
R2: Green Space & Wildlife	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y Policy amended as recommended by the HRA	Newton Abbot NP Policy NANDP3 (<i>Natural Environment & Biodiversity</i>) Branston NP Policy B7 (<i>Open Space in New Developments</i>)
R3: Flood Attenuation	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Bishops Lydeard NP Policy H3 (<i>Housing Setting & Open Space</i>) Billesdon NP Policy BP14 (<i>Water Management</i>)
R4: Recreation & Community Facilities	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Fernhurst NP Policy TO3 (<i>Street Furniture, inc, benches/bins</i>)

R5: Local Green Spaces	Y	Y	Y	N	N/A	Y Paragraphs 76 & 77	Y See NP	Y See SA	Y	Similar policy in numerous other NPs
Additional Policy R6: Trees and Hedgerows	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Stogumber EN3 (Environment) Trull and Staplehay E2 (Woodland, Trees and Hedgerows)
Housing Policy H2 was deleted in the revision (hence shown with strikethrough below). Policies H3, H4 and H5 therefore renumbered as policies H2, H3, H4 respectively. New policy H5 added, see below.										
H1: Housing Suitable for Older People	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Bishops Lydeard NP Policy H1 (<i>Housing for Older People</i>)
H2: Housing Suitable for Young People & First Time Buyers	Y	Y	Y	Y	N/A	Y See NP	Y See NP	Y See SA	Y	Fernhurst NP Policy MH2 (<i>Self-build</i>) This policy has been deleted.

H2 External Materials	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Rolleston on Dove NP Policy D5 (<i>Materials & Refuse Bin Storage</i>) Newton Abbot NP Policy NANDP2 (Quality of Design)
H3 Refuse Bin Storage	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Rolleston on Dove NP Policy D5 (<i>Materials & Refuse Bin Storage</i>) Newton Abbot NP Policy NANDP2 (Quality of Design)
H4: Affordable Housing	Y	Y	Y	Further evidence from housing associations & local estate agents	N/A	Y See NP	Y See NP	Y See SA	Y	
H5: Building and Climate Change	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Frome Policy LHN1 Provision of well- designed energy efficient buildings and places Knightsbridge 2018 Policy KBR36: Renewable energy
Employment										

E1: Starter Workshop Units	Y	Y		N	N/A	Y See NP	Y See NP	Y See SA	Y	
E2: Sustainable Diversification of Farm Buildings for other Employment Uses	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Long Compton NP Policy H5 (<i>Reuse of Buildings</i>) Clutton NP Policy CNP11 (<i>Re-use of Farm & Rural Buildings</i>)
E3: Retain Existing Employment Land/Buildings For Employment Usage	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	
E4: Social Care Employment Opportunities	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	
E4: Broadband	Y	Y	Y	N	N/A	Y See NP	Y See NP	Y See SA	Y	Long Compton NP Policy EMP1 (<i>Home Working</i>) & many more.