



WETHERBY TOWN COUNCIL

Neighbourhood Development Plan
Revised Basic Conditions
Statement

July 2019

WETHERBY NEIGHBOURHOOD DEVELOPMENT PLAN: BASIC CONDITIONS STATEMENT

1. Legal Requirements

- 1.1 This Statement has been prepared by Wetherby Town Council to accompany its submission to the local planning authority, Leeds City Council, of the Wetherby Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 The Neighbourhood Plan has been prepared by Wetherby Town Council a qualifying body, for the Neighbourhood Area covering Wetherby parish, as designated by Leeds City Council on 11th December 2013 and amended 15th November 2016.
- 1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2028 and it does not contain policies relating to excluded development in accordance with the Regulations.
- 1.4 This Statement addresses each of the five ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act (as amended).
- 1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;¹
 - The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
 - 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);
 - The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
 - The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of

¹ In July 2018, Government published the Revised National Planning Policy Framework, which was subsequently updated further in February 2019. This Basic Conditions Statement has therefore been updated to reflect changes to the NPPF.

2. Introduction and Background

2.1 Wetherby is situated 12 miles north-east of Leeds, in the undulating limestone upland between Leeds and York, at a key crossing point of the River Wharfe. It is a prosperous rural market town – with strong links to its surrounding agricultural landscape. According to the 2009 update of the 2001 Census, Wetherby has a population of 11,155 living in over 6,300 households and dwellings.

2.2 The neighbourhood planning process, which commenced in May 2012 has developed a coherent vision for the future of the parish:

“Wetherby will be a fair, inclusive and high quality sustainable place to live and work and will strive to maintain and enhance its character as a genuine market town.”

2.3 In addition it has developed policies under the following key strategic themes:

- Provision of new housing
- Work and the economy
- Health, well-being and leisure
- Education
- Environment and sustainability
- Townscape design

2.4 After consultation with the community, a draft Neighbourhood Plan was produced and between January and April 2017 the Regulation 14 (pre-submission) consultation was undertaken. Responses from this consultation have been considered, and some minor changes made to the policies in the plan as a result. It is now ready to be submitted to Leeds City Council, the Local Planning Authority.

² On 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Wetherby NP Basic Conditions Statement has therefore been updated to reflect the amended Basic Condition.

3. Have Regard to National Planning Policy Framework and Guidance

3.1 The Neighbourhood Plan (NDP) has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF). It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating Neighbourhood Plans.

3.2 In July 2018 Government published the Revised National Planning Policy Framework. Transitional arrangements are set out in ‘Annex 1: Implementation’ at para 214 and state that policies in the Revised NPPF will apply for the purposes of examining plans submitted after 24th January 2019. The Wetherby Neighbourhood Plan has been submitted after the 24 January 2019 and therefore the following section provides an assessment of how the Neighbourhood Plan has appropriate regard to the Revised National Planning Policy Framework.

3.3 In February 2019, the Government published a further Revised National Planning Policy Framework. The further revisions to the NPPF include minor clarifications that do not affect the content of the neighbourhood plan. References provided in the analysis below are given to the 2019 NPPF.

3.4 Set out in Table 1 below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1: Conformity of the Wetherby Neighbourhood Plan policies to the NPPF

NDP Policy	NPPF paragraph	Comment on conformity
H1: Provide an appropriate mix of housing	13, 61, 72	NP supports delivery of strategic needs and priorities as identified in the local plan. Policy supports developments where they incorporate a mix of housing based on current and future demographic trends and needs of different groups in the community.
H2: Quality and layout of housing developments	105, 124 – 125, 130 – 131	Policy promotes high quality design and gives support to protecting the history and character of the local area.

WE1: Town centre development	85, 87	Policy promotes a competitive town centre environment and the rural economy.
WE2: Sustainable tourism	83	Policy supports t tourism that benefits businesses in rural areas.
HWL1: Sport and leisure facilities	83, 92, 96, 97	Policy promotes the retention and development of local services and sports venues.
HWL2: Community facilities	83, 92, 96, 97	Policy promotes the retention and development of local services and community facilities.
HWL3: Health care facilities	92, 97	Policy supports the delivery of health facilities and promotes local community facilities and services.
E1: Wetherby High School Site	92, 94	Policy supports the expansion of Wetherby High School and seeks to improve the provision of public services / facilities in Wetherby.
ENV1: Protection and Enhancement of Local Heritage Assets	184 – 186, 193 - 197	Policy identifies non-designated heritage assets to conserve, enhance and sustain heritage assets
ENV2: Local Green Spaces	99 - 101	Policy designates Local Green Spaces (see Appendix 2 of the Wetherby Neighbourhood Plan Submission Draft for assessment of proposed Local Green Spaces for against PPF Criteria)
ENV3: Green Corridors	170, 171, 174	Policy promotes the preservation of wildlife corridors and ecological networks and green infrastructure
D1: The Character of the Conservation Area	185, 124 - 127	Policy promotes good design in the Conservation Area

D2: Connectivity of New Developments	75, 102, 104	Policy encourages new development to make connections to existing public rights of way and public transport networks
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4. General conformity with the strategic policies of the development plan

4.1 The development plan for Wetherby is the Leeds City Council Core Strategy, adopted in November 2014. The Neighbourhood Plan has been prepared to ensure its general conformity with this and table 2 below sets out how each policy is in general conformity with the adopted strategic policies.

Table 2: Conformity of Neighbourhood Plan policies with Leeds City Council's Core Strategy	Leeds City Council's Core Strategy	Comment on conformity
H1: Provide an appropriate mix of housing	H4	Develop an appropriate mix of housing to meet the needs of the parish.
H2: Quality and layout of housing developments	P10	Deliver high quality design that reflects local character.
WE1: Town centre development	Spatial Policy 8	Encouraging and retaining local businesses and converting existing buildings.
WE2: Sustainable tourism	Spatial Policy 8	Promoting tourism to develop a strong local economy.
HWL1: Sport and leisure facilities	Spatial Policy 8, P9	Retaining and developing local services and community facilities.

HWL2: Community facilities	Spatial Policy 8, P9	Retaining and developing local services and community facilities.
HWL3: Health care facilities	P2	Offer new/additional health care services to meet the needs of the community.
E1: Wetherby High School Site	P9	Maintain access to local education whilst taking into consideration the impact on the local community.
ENV1: Protection and enhancement of local assets	P10, P11	New development will protect (or mitigate harm to) local historic assets.
ENV2: Local Green Spaces	Spatial Policy 6, H2, G1, G6	Protect Local Green Spaces from development.
ENV3: Green corridors	Spatial Policy 6, Spatial Policy 13, G1	Protect green corridors from development. To enhance and improve green corridors.
D1: The character of the Conservation Area	P11	Development proposals should enhance the historic environment.
D2: Connectivity of new developments	Spatial Policy 11, T2	Improve public transport connections, improve facilities for pedestrians and cyclists. Ensure adequate access from the highway network to the development.

5. Contribution to Achieving Sustainable Development

5.1 A Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development.

5.2 The strategic objectives of the Neighbourhood Plan have sustainability at their heart. The Plan aims to:

- To further develop a vibrant and prosperous market town by encouraging development that supports a range of good quality jobs, businesses, shops and services that meet the needs of local people and protects and enhances the quality of the local environment.
- To support the provision of a range of housing that meets the needs of the town both in the short and longer term.
- To encourage inclusive access for local people to the range of facilities and services that they need.
- To promote the use of sustainable forms of energy and transport for the benefit of local people.
- To provide new and diverse education, leisure and recreational activities for all ages.

5.3 Table 3 below has assessed the Neighbourhood Plan’s policies in terms of how it will deliver sustainable development with regards to economic, social and environmental aspects. It shows that the Plan’s policies are, in the main, either neutral in effect or will make Wetherby more sustainable.

Table 3: Assessment of sustainability of Neighbourhood Plan policies

NDP Policy	Economic factors	Social factors	Environmental factors
H1: Provide an appropriate mix of housing	**	**	-
H2: Quality and layout of housing developments	*	**	**
WE1: Town centre development	*	*	*
WE2: Sustainable tourism	**	**	*
HWL1: Sport and leisure facilities	*	**	-
HWL2: Community facilities	*	**	*
HWL3: Health care facilities	*	**	-
E1: Wetherby High School Site	*	*	*
ENV1: Protection and enhancement of local assets	*	**	*
ENV2: Local Green Spaces	-	**	**
ENV3: Green corridors	-	**	**
D1: The character of the Conservation Area	-	*	**

D2: Connectivity of new developments	*	**	**
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Assessment of policies ** very positive * positive - neutral x negative xx very negative

6. Compatibility with EU Obligations and legislation

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 Strategic Environmental Assessment (SEA) Directive³

6.3 A SEA screening opinion was published by Leeds City Council in January 2017 which concluded:

“5.11 In conclusion, as a result of the assessment carried out in Table 2 above and the more detailed consideration of the draft policies, it is considered that it is unlikely that any significant environmental effects will arise as a result of the Wetherby Neighbourhood Plan. Consequently, the assessment within Table 1 concludes (subject to HRA screening outcome), that an SEA is not required when judged against the application of the SEA Directive criteria.

5.12 Notably, the draft neighbourhood plan does not propose any allocations. No sensitive natural or heritage assets will also be significantly affected by proposals within the plan. The neighbourhood plan’s policies seek to guide development within the Neighbourhood Area and are required to be in general conformity with those within the Local Plan. It is unlikely that there will be any significant additional environmental effects that have not already been considered and dealt with through a SEA/SA of the Local Plan. Finally, none of the environmental consultation bodies raised any concerns regarding any likely significant environmental effects.”

7. Compatibility with the Conservation of Habitats and Species Regulations 2017 (as amended)

7.1 On 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The amended Basic Condition is as follows:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

7.2 The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is ‘screened in’ because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site’s conservation objectives. Consent for the plan can only be given if it is ‘screened out’ at the first stage or the appropriate assessment

³ The Original SEA Screening Report (which includes a HRA Screening Report) published by Leeds City Council in January 2017 was originally attached as an Appendix to this Basic Conditions Statement. Given the updates to legislation, and for ease of reference, this is now available as a standalone document on the Leeds City Council website: <https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/wetherby-neighbourhood-plan>

concludes the integrity of the European site will not be adversely affected.

7.3 Case law (People Over Wind, Peter Sweetman v Coillte Teoranta) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

7.4 As a result of the People Over Wind case and subsequent changes to the Basic Conditions, Leeds City Council updated the HRA Screening for the Wetherby Neighbourhood Plan to take account of the above changes.⁴

7.5 Leeds City Council's HRA Screening Update (April 2019) for the Wetherby Neighbourhood Plan concludes:

It is considered that none of the policies in the Wetherby NP would give rise to any Likely Significant Effects on the Kirk Deighton SAC, and therefore the NP does not give rise to, or include, any mitigation measures.

In light of the above, it is considered that given that no likely significant positive or negative effects on the Kirk Deighton SAC are identified for the Wetherby NP either alone or in combination with other plans or projects, this HRA Screening Update therefore concludes that the Screening is legally-compliant in respect of the Judgement and therefore does not require further appropriate assessment to avoid or reduce the harmful effects of the plan. Natural England agreed with this conclusion in their email dated 28 September 2018 and considers that this screening report is compliant with the People over Wind judgment.

Furthermore, due to the lack of any likely significant effects on a European site, the Wetherby Neighbourhood Plan is considered to meet the revised Basic Condition "The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2018.

7.6 The Council's HRA Screening concludes that the Wetherby Neighbourhood Plan is "screened out" for the purposes of Habitats Regulations Assessment. It is therefore considered that the Wetherby Neighbourhood Plan meets the supplemented Basic Condition and does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

⁴ The HRA Screening Report Update (April 2019) is available as a standalone document on the Leeds City Council website: <https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning/wetherby-neighbourhood-plan>

