

Dinnington Parish Neighbourhood Plan 2021-2036 BASIC CONDITIONS STATEMENT



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1.0 INTRODUCTION

- 1.1 In accordance with Regulation 15(1)(d) of The Neighbourhood Planning (General) Regulations 2012, this Statement has been prepared to accompany the Submission Draft of the Dinnington Parish Neighbourhood Plan (hereinafter also referred to as the 'NP', 'Neighbourhood Plan' or 'Plan').
- 1.2 Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 requires that the Neighbourhood Plan must –
- 1) have regard to national policies and advice contained in guidance issued by the Secretary of State (sub-section a);
 - 2) contribute to the achievement of sustainable development (sub-section d);
 - 3) be in general conformity with the strategic policies contained in the development plan for the area (sub-section e);
 - 4) be compatible with assimilated EU obligations (sub-section f);
 - 5) meet prescribed conditions and comply with prescribed matters (sub-section g).
- 1.3 Part 3 of this Statement sets out how the Neighbourhood Plan meets each of the above Basic Conditions.

2.0 LEGISLATIVE REQUIREMENTS

- 2.1 Before assessing the Basic Conditions, this section addresses the various other requirements of legislation associated with the Neighbourhood Plan.

The Qualifying Body

- 2.2 The process of making the Neighbourhood Plan has been led by Dinnington Parish Council. This is a 'qualifying body' under the Neighbourhood Planning legislation, which entitles them to lead the plan making process.
- 2.3 This satisfies the requirements set out in the Localism Act (2011) and in Section 61F(1) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

The Neighbourhood Plan Area

- 2.4 The Neighbourhood Area to which the Neighbourhood Plan relates covers the whole of the Parish of Dinnington, which is within the area administered by Newcastle City Council, and the boundary of that Neighbourhood Area is co-terminus with the Parish boundary. The extent of the Neighbourhood Area is shown on page 3 of the Neighbourhood Plan. This was designated as a Neighbourhood Area by Newcastle City Council in December 2013.
- 2.5 This satisfies the requirements set out under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by section 38A of the Planning and

Compulsory Purchase Act 2004) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

The Neighbourhood Plan

2.6 The Dinnington Parish Neighbourhood Plan is a Neighbourhood Plan setting out policies in relation to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004.

The Plan Period

2.7 The lifespan of the Neighbourhood Plan is 2021 to 2036. Until 2030, this operational life will run alongside that of the City Council's adopted Local Plan, which is made up of a Core Strategy and Urban Core Plan (2010-2030) and a Development and Allocations Plan (2015-2030).

Excluded Development

2.8 The Neighbourhood Plan does not include provision for any excluded development as set out in Section 61K of the Town and Country Planning Act 1990.

The Neighbourhood Plan and the Neighbourhood Area

2.9 The Neighbourhood Plan relates only to the Dinnington Neighbourhood Area and no other area, and there are no other Neighbourhood Plans relating to this Area.

2.10 In light of the information in Paragraphs 2.7 to 2.9 above, the Neighbourhood Plan meets the requirements of Section 38B(1) and (2) of the Planning and Compulsory Purchase Act 2004.

3.0 BASIC CONDITIONS

BASIC CONDITION 1: HAVING REGARD TO NATIONAL POLICY

3.1 National Planning Practice Guidance states: '*A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan ... take account of national policy and advice.*' (Paragraph: 070 Reference ID: 41-070- 20190509).

3.2 The Neighbourhood Plan contains 2 policies. These have been set out in Table 1 below and are considered in turn against national policy as set out in the National Planning Policy Framework (NPPF) and, where relevant, national Planning Practice Guidance (PPG).

Note – applicable equally to both policies of the Neighbourhood Plan are paragraphs 28 and 29 of the NPPF, in that the policies are each designed to manage development in a way that reflects the local community's vision for the area, without undermining the strategic policies for the area.

Table 1 – How each policy in the Neighbourhood Plan has regard to national policy and guidance

POLICY DNP1: LOCAL GREEN SPACES
<p>This policy identifies and designates a number of sites in the village as ‘Local Green Spaces’ (LGS’s), which the policy then seeks to protect and enhance because of their importance to the local community and for their respective functions and values as open space.</p> <p>This policy, and the process followed to identify the LGS sites is fully in accordance with paragraphs 105 and 106 of the NPPF.</p> <p>It should be noted that, as a result of protracted negotiations over one of the LGS sites (LGS6), revisions have been undertaken to the northern boundary of that site in previous iterations of the NP. Details of this are fully explained in the Consultation Statement submitted alongside the Submission Draft of the NP. The final outcome of this, as contained in the Submission Draft NP, will facilitate the planned redevelopment of the doctor’s surgery (identified as VVA1 in Policy DNP2) without incurring encroachment into LGS6. In turn, this will ensure that LGS6 is able to meet the requirements of NPPF paragraph 105 that LGS sites are ‘capable of enduring beyond the end of the plan period’.</p> <p>The supporting text to the policy confirms that the sites (11 in total) were assessed in accordance with criteria set out in paragraph 106 of the NPPF and that a summary table of the assessment outcomes is provided in the Plan’s Appendix (Appendix 1).</p> <p>Planning Practice Guidance reiterates that ‘<i>Local Green Space designation is for use in Local Plans or Neighbourhood Plans</i>’ (Paragraph: 006 Reference ID: 37-006-20140306).</p> <p>In the case of the LGS sites in Policy DNP1, the policy implements NPPF paragraph 13 by supporting strategic policy in the City Council’s Core Strategy relating to ‘wellbeing and leisure’ (Policy CS14) and ‘green infrastructure and the natural environment’ (Policy CS18). This is covered further in this Statement under Basic Condition 3.</p> <p>More broadly, the policy helps support and implement section 8 of the NPPF (Promoting healthy and safe communities) and also, given the various attributes of the identified sites, sections 15 and 16 (Conserving and enhancing the natural and historic environment respectively).</p>
POLICY DNP2: VALUED VILLAGE ASSETS
<p>This policy provides a means of identifying and designating a number of important facilities and services in the village as ‘Valued Village Assets’ (VVA’s), which the policy then seeks to protect and enhance because of their importance to the social and economic wellbeing of the community.</p> <p>In terms of social wellbeing, the policy supports and implements section 8 of the NPPF (Promoting healthy and safe communities). In particular, paragraph 97 recognises that planning policies should ‘<i>guard against the unnecessary loss of valued facilities and services</i>’ (subsection c). Particular reference is made in the paragraph to community facilities such as shops, meeting places, public houses, places of worship and other local services (subsection a). These precisely mirror the kinds of</p>

facilities and services identified in Policy DNP2.

In terms of economic wellbeing, the policy supports and implements sections 6 and 7 of the NPPF, dealing respectively with ‘building a strong competitive economy’ and ‘ensuring the vitality of town centres’.

For section 6, paragraph 88(d) requires that planning policies should enable *‘the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship’*.

For section 7, given that Dinnington is identified as a ‘Local Centre’ in the City Council’s Core Strategy, Policy DNP2 helps implement national policy by supporting the role that its local centre facilities and services play at the heart of the local community (paragraph 90). This is echoed in Planning Practice Guidance, which includes a section devoted to supporting town centre vitality and viability, which includes that of local centres (Paragraph: 001 Reference ID: 2b-001-20190722).

The supporting text to DNP2 confirms that the VVA’s (9 in total) were assessed in order to ensure they each warranted inclusion in the Policy. The summary table of the assessments is provided in the Plan’s Appendix (Appendix 2) showing how they are each locally valued, well used and important to community wellbeing.

In turn, DNP2 implements NPPF paragraph 13 by supporting strategic policy in the City Council’s Core Strategy relating to ‘employment and economic growth priorities’ (policy CS5), ‘retail and local centres’ (Policy CS7) and ‘existing communities’ (Policy CS9). This is covered further in this Statement under Basic Condition 3.

BASIC CONDITION 2: CONTRIBUTING TO ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

3.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.4 Achieving sustainable development means the planning system has three interdependent objectives, relating to the economy, society and the environment. These are identified in paragraph 8 of the NPPF as follows –

- ***‘an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible*

services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.*

3.5 Paragraph 9 of the NPPF gives clear advice on how plans should contribute to these sustainability objectives: *'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.*

3.6 Paragraph 13 then clarifies the role of neighbourhood plans in attaining sustainable development: *'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'.* Paragraph 29 of the Framework adds that: *'Neighbourhood plans can shape, direct and help deliver sustainable development, by influencing local planning decisions as part of the statutory development plan'.*

3.7 Against this context, the table below examines how the Neighbourhood Plan contributes to each of the three dimensions of sustainability.

Table 2 – How the Neighbourhood Plan contributes to the achievement of sustainable development

ECONOMIC SUSTAINABILITY:
<p>The Neighbourhood Plan's Policy DNP2 helps contribute to the achievement of economic sustainability as it sets out to identify, protect and enhance those facilities and services which are central to the wellbeing of the local economy.</p> <p>These include vital local centre uses like the village convenience store, post office and public houses which provide for the day to day needs of local people as well as attracting people from outside the Parish.</p> <p>In turn this implements the NP's objective <i>'to protect and enhance the facilities, amenities and services within Dinnington which help support a thriving and sustainable community'.</i></p> <p>However, in a broader sense, the NP's other policy, DNP1, plus its Chapter 4 narrative on the valued rural setting of the village, will also have positive consequential effects upon the economy.</p> <p>Through their focus upon conserving and enhancing open spaces and the rural setting of the village, they will in turn serve to make the area a more attractive place in which to live and do business. This is embodied in the Plan's vision to protect and enhance these attributes <i>'for the benefit of those that live and work here, now and in the future'.</i></p>
SOCIAL SUSTAINABILITY:
<p>The social objective of sustainable development is likewise encompassed in the NP's vision and</p>

objectives, which refer to cherishing the attributes of the village for the benefit of those that live and work there.

More specifically, the policies of the NP together seek to identify, protect and enhance these attributes which are, respectively, the open spaces (Policy DNP1) and the facilities, amenities and services within the village (Policy DNP2).

This supports social sustainability firstly because these attributes are highly valued by the local community and secondly because they clearly play such a vital role in supporting its health, social and cultural wellbeing.

ENVIRONMENTAL SUSTAINABILITY:

The Neighbourhood Plan proactively seeks to protect and enhance the environment of the village and its rural setting. Indeed, this is its dominant focus, reflecting the clear priorities and aspirations expressed by the community as the Plan was prepared.

The Plan achieves the environmental dimension of sustainability firstly through its Chapter 4 narrative which highlights the valued role the rural setting of the village plays. The chapter explains that its purpose is not to present a policy in this regard as this is provided through the Green Belt status of the rural setting and associated national and local policies which already exist. However, as explained in paragraphs 4.15 and 4.16, the narrative performs an important role in the context of the NP by -

- Capturing and articulating strongly held views expressed by the local community on the value of the rural setting
- Enabling a better understanding of why it is valued (its contribution to the essential character, identity and appeal of Dinnington as a village)
- Complementing existing Green Belt policy by reinforcing its justification and the essential role it plays, now and in the future.

The second way in which the Plan achieves environmental sustainability is through Policy DNP1. This policy reflects the value that the local community place upon the varied green spaces in the village. It identifies these spaces (11 in total) and seeks to protect and enhance them for the important roles they play and for the positive contributions they make to the environment of the area.

BASIC CONDITION 3: CONFORMITY WITH STRATEGIC LOCAL POLICY

3.8 Basic Condition 3 requires that the Neighbourhood Plan must be ‘in general conformity’ with strategic local policy. National Planning Practice Guidance¹ explains what this means:

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

¹ Paragraph: 074 Reference ID: 41-074-20140306

- *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 and the evidence to justify that approach.'*

3.9 National Planning Practice Guidance² explains that the fulfilment of Basic Condition 3 '*addresses strategic policies no matter where they appear in the development plan*'.

3.10 It goes on to provide guidance³ on how to determine whether a policy is a strategic policy in a development plan, including -

- *'whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy*
- *whether the local plan or spatial development strategy identifies the policy as being strategic'*

3.11 The situation in Newcastle is that the current Local Plan is made up of two parts –

- Part 1 - The Core Strategy and Urban Core Plan (CSUCP). The CSUCP, adopted in 2015, sets out the strategic planning framework to guide development within the administrative boundaries of Gateshead and Newcastle.
- Part 2 - The Development and Allocations Plan (DAP). The DAP, adopted in 2020, provides detailed policies to support Part 1 (CSUCP), including policies which are used to make decisions on planning applications, allocations of housing and employment sites and

² Paragraph: 075 Reference ID: 41-075-20190509

³ Paragraph: 076 Reference ID: 41-076-20190509

designations of retail centre boundaries and sites for environmental protection.

3.12 Paragraph 1.1.3 of the DAP confirms that ‘*The CSUCP provides strategic planning policies, whilst non-strategic, detailed policies are included in the DAP*’. The assessment of conformity with the City Council’s strategic policies therefore focuses upon the CSUCP, the relevant section of which is on the City Council’s website at https://www.newcastle.gov.uk/sites/default/files/2019-01/section_3_-_strategic_policies.pdf. Table 3 below deals in turn with the two policies of the Neighbourhood Plan, identifying the relevant associated strategic policy (or policies) of the CSUCP and providing a commentary in terms of their conformity with those policies.

Table 3 – How the Neighbourhood Plan’s policies conform with strategic local policy

<p>POLICY DNP1: LOCAL GREEN SPACES</p>
<p><u>Relevant Strategic Policies of the CSUCP:</u></p> <ul style="list-style-type: none"> • Policy CS14: Wellbeing and Leisure • Policy CS18 Green Infrastructure and the Natural Environment <p><u>Conformity and Commentary:</u></p> <p>The provisions of DNP1 are aligned with those set out in CSUCP Policy CS14 Wellbeing and Leisure which promotes access to green spaces, sports facilities, play and recreation opportunities.</p> <p>It also compliments CSUCP Policy CS18 Green Infrastructure and the Natural Environment and DAP Policy DM30 Protecting and Providing for Open Space, Sports and Recreational Buildings and Land.</p>
<p>POLICY DNP2: VALUED VILLAGE ASSETS</p>
<p><u>Relevant Strategic Policies of the CSUCP:</u></p> <ul style="list-style-type: none"> • Policy CS9: Existing Communities • Policy CS5: Employment and Economic Growth Priorities • Policy CS7: Retail and Local Centres <p><u>Conformity and Commentary:</u></p> <p>The provisions of DNP2 are complementary to CSUCP Policy CS9 Existing Communities. This seeks, among other things, to maintain and improve existing community facilities and services.</p> <p>Several of the Valued Village Assets identified in Policy DNP2 are businesses, and their protection therefore aligns with CSUCP Policy CS5 Employment and Economic Growth Priorities.</p> <p>Finally, a similar connection can also be made to CSUCP Policy CS7 Retail and Local Centres given that Dinnington is identified as a Local Centre in the Core Strategy.</p>

BASIC CONDITION 4 – COMPATIBILITY WITH ASSIMILATED OBLIGATIONS

3.13 The fourth Basic Condition is that a Neighbourhood Plan must be compatible with retained European Union obligations (as assimilated into UK law), in order to be legally compliant. Key obligations relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A Neighbourhood Plan should also take account of the requirements to consider human rights.

Strategic Environmental Assessment (SEA)

3.14 Regulation 15 of the Neighbourhood Planning Regulations (as amended) requires either that a Strategic Environmental Assessment (SEA) report is submitted with a Neighbourhood Plan or a determination is provided from the responsible authority (Newcastle City Council) that the Plan is not likely to have ‘significant environmental effects’ and accordingly does not require an environmental assessment.

3.15 A screening opinion has been carried out by Newcastle City Council on the Dinnington Parish Neighbourhood Plan. The results of this are contained in a Council document entitled ‘*Dinnington Neighbourhood Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report*’.

3.16 The introduction to that report sets out its first purpose. This is to determine whether the draft NP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

3.17 At the end of the report, paragraph 8.1 sets out the conclusions of the screening opinion in respect of SEA, which confirms that ‘*an SEA is not required*’. The reason for this conclusion is that ‘*The assessment in Section 6 [of the report] indicates that it is unlikely that there will be any significant environmental effects arising from the DNP*’.

Habitats Regulations Assessment (HRA)

3.18 The second purpose of the screening report is to determine whether the NP requires an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA) in accordance with European Directive 92/43/EC and the associated Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). An Appropriate Assessment is required when likely significant effects to the UK’s national site network⁴ are predicted to occur as a result of implementing a plan or project either on its own or in combination with other plans or projects.

3.19 At the end of the report, paragraph 8.2 sets out the conclusions of the screening opinion in respect of HRA, which confirms that ‘*a full HRA is not required for the Dinnington Neighbourhood Plan*’. The reason for this conclusion is that ‘*The assessment in section 4 [of the report] determines that implementation of the DNP is not expected to result in likely significant*

⁴ The national site network includes Special Areas of Conservation and Special Protection Areas (previously referred to as Natura 2000 sites)

effects on designated sites’.

- 3.20 Lastly, paragraph 8.3 of the report refers to comments received on the screening report from the relevant statutory agencies, namely Historic England, the Environment Agency and Natural England. A summary of these comments is provided in Appendix 1 of the report, none of which dispute the City Council’s opinions as set out in the screening report.
- 3.21 A copy of the City Council’s SEA and HRA conclusions, together with the aforementioned summary of the statutory consultees comments is included as an Appendix at the end of this Statement.

European Convention on Human Rights (ECHR)

- 3.22 The NP is fully compliant with the European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention. The accompanying Consultation Statement sets out the comprehensive processes followed in terms of community involvement.

BASIC CONDITION 5 – MEETING PRESCRIBED CONDITIONS

- 3.23 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) adds a further basic condition for Neighbourhood Plans in addition to those set out in the primary legislation; namely that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 3.24 The position in respect of this has been examined through the screening assessment findings of the competent authority (Newcastle City Council), which are set out in the foregoing paragraphs 3.13 to 3.21.

4.0 CONCLUSION

- 4.1 In light of the evidence provided in this Statement, it is concluded that the Dinnington Parish Neighbourhood Plan fully meets the Basic Conditions as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended).

APPENDIX: CONCLUSIONS OF NEWCASTLE CITY COUNCIL'S SEA/HRA SCREENING REPORT AND ASSOCIATED COMMENTS OF STATUTORY CONSULTEES

8.0 SEA & HRA Conclusions

- 8.1 The assessment in Section 6 indicates that it is unlikely that there will be any significant environmental effects arising from the DNP and thus an SEA is not required.
- 8.2 The assessment in section 4 also considers the effects of the DNP in respect of designated sites. The assessment determines that implementation of the DNP is not expected to result in likely significant effects on designated sites and therefore, a full HRA is not required for the Dinnington Neighbourhood Plan.
- 8.3 The Council has circulated this report to relevant Statutory Agencies, namely the Environment Agency, Historic England and Natural England. It has taken into account the comments provided, and these are set out in appendix 1 of this report. The full responses can be found in appendix 2: Statutory Consultee Responses.

Appendix 1: Summary of Statutory Consultee Responses

Statutory Consultee	Summary of Comments
Historic England	Based on the analysis set out in the Screening Opinion, and within the areas of interest to Historic England, we agree that the emerging plan is unlikely to result in significant environmental effects and, therefore, it does not need SEA
Environment Agency	Based on matters within our remit, it is considered that the Dinnington Neighbourhood Plan is unlikely to have significant effects on the environment when considered against the criteria set out in Schedule 1 of the SEA Regulations. Therefore, a SEA will not be required.
Natural England	(No specific response) The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the proposals are not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.