

ASH PARISH COUNCIL
NEIGHBOURHOOD
DEVELOPMENT PLAN 2018 - 2037:
Basic Conditions Statement
Regulation 16 Consultation

Prepared in accordance with the Localism Act 2011
and the Neighbourhood Planning (General)
Regulations 2012 (as amended 2018)

November 2020

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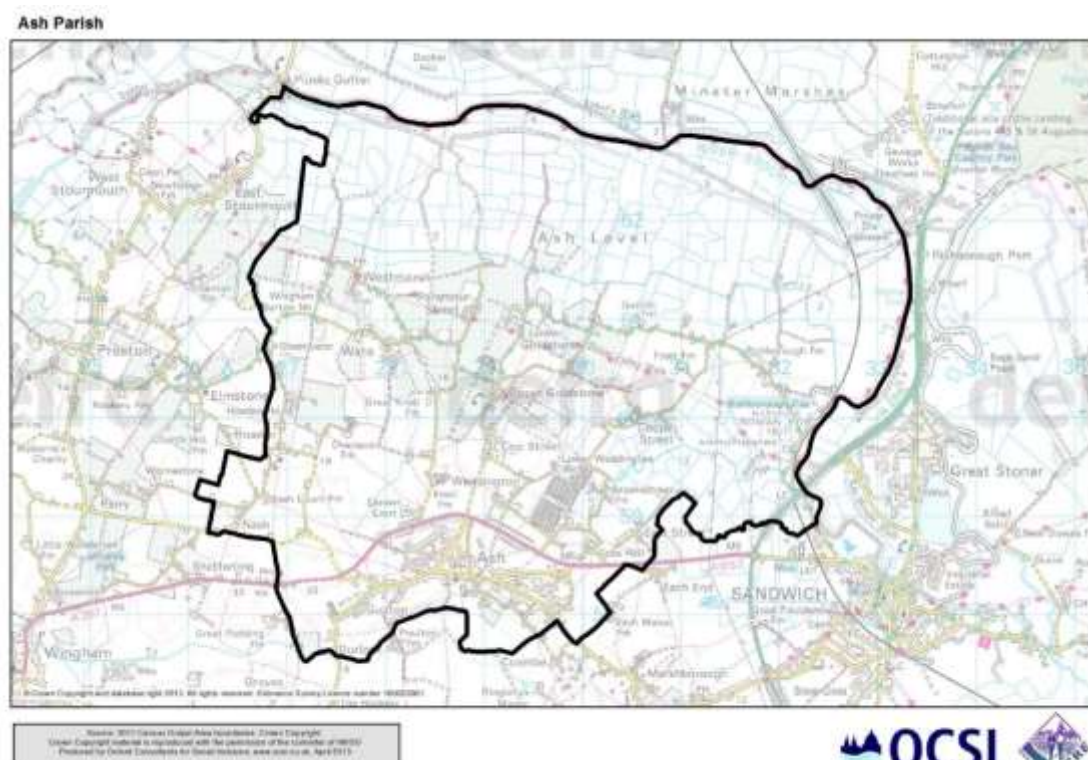
1 Introduction

1. When submitting a Neighbourhood Plan to the Local Authority (in this case Dover District Council), it is a requirement that the Plan be accompanied by a number of supporting documents. One of these is commonly referred to as the 'Basic Conditions Statement'. Only a Neighbourhood Plan that meets each of the basic conditions can be put to referendum and if successful be used to assist in the determination of planning applications.
2. This Basic Conditions Statement is prepared for use by Dover District Council and the Independent Planning Examiner to assist in making this assessment about the basic conditions.

2 Legal Requirements

3. This statement has been prepared by the Ash Parish Council (APC) to accompany its submission of the Ash Neighbourhood Development Plan (NDP) to the local planning authority Dover District Council, under Regulation 15 of the Neighbourhood Development Planning (General) Regulations 2012 (as amended 2018).
4. The Neighbourhood Development Plan has been prepared by the Ash Parish Council Neighbourhood Plan Committee, and the Ash Parish Council, a qualifying body for the Neighbourhood Area.
5. The Neighbourhood Area, covered by the plan, is the Civil Parish of Ash that includes the main settlement of Ash Village and the hamlets of Westmarsh, Ware, Cop Street, Upper and Lower Goldstone, Richborough, Paramour Street, Hoaden. The area was designated by the Dover District Council Cabinet on 4th February 2013 (CAB Min 76 4.2.13). It is the only plan for this designated area.

Ash Neighbourhood Development Plan Designated Area Map 1



6. The Ash Neighbourhood Development Plan covers the period from 2018-2037 and would coincide with the period for the emerging Dover District Local Plan likely to be issued in 2022. This Plan has been developed with input from Dover District Council to ensure that while our plan is likely to be published before the new DDC Local Plan, it is in line with their emerging policies and general strategic direction of travel. The Dover District Council will carry out Regulation 19 in the winter 2021.
7. The Kent Mineral and Waste Plan (2016). This document sets out the Kent vision for the access to minerals and waste management. Ash lies within the Petroleum Exploration and Development License 252. While no applications had been made up to 2019, the Kent Minerals and Waste Plan sets out policies for the mitigation and impact during exploration and recovery, then restoration phases. It also sets out policies for the Sandwich / Richborough, Non-Hazardous Transfer/Treatment and Organic Treatment site and the management of HGVs to and from its site. There are no policies in the Ash NDP about excluded development, as defined in the Localism Act 2011.
8. The Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

3 Meeting Basic Conditions

9. This statement addresses each of the five Basic Conditions required of the Regulations and explains how the submitted Neighbourhood Development Plan meets the requirements of paragraph 8 of Schedule 4PM to the 1990 Town & Country Planning Act.
10. Starting with a parish wide consultation and through a series of workshops, exhibitions, surveys and meetings, the aims and aspirations of the residents were developed into 5 objectives that meet the basic conditions required of a neighbourhood plan.
11. The objectives were realised in the Plan Policies and relate to development and use of land in the designated area. Policies 1 – 6 relate to the development and use of land in the area including designated sites. Policies 7a, 7b, 7c, 7d, 7e, relate specifically to the development and use of the land in the allocated sites. Policy ANP7 f) relates to a site that is included in the Dover District Local Plan review (March 2020) but is not an allocated site. Policies 8 – 15 cover sustainable development.
12. Table 1¹ shows how the national policy and guidance, and the relevant strategic policies are addressed in the Ash Neighbourhood Development Plan and how the policies meet the tests of sustainable development.
13. The plan has taken into account the Planning Practice Guidance (PPG) in the writing of all the policies.

Condition 1 - National Planning Policy Framework (NPPF) (2019)

14. The National Planning Policy Framework sets out the Government's planning policies and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

Condition 2 – Contributing to the achievement of sustainable development

15. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At the macro-level, the objective of sustainability can be summarised

¹ Appendix 1 Table 1 in Appendix 1

as meeting the needs of the present without compromising the ability of future generations to meet their own needs. (4 Resolution 42/187 of United Nations General Assembly).

16. There are three overarching and independent objectives – economic, social and environmental. Local residents expressed their aims and aspirations for the future of Ash and from these themes developed the plan's objectives for sustainable development. There are the objectives.
17. Environmental (Landscape, open spaces, biodiversity and climate change). The objective is to protect the parish's landscape and heritage, promote a healthy and safe environment, secure existing and promote new green and open spaces, improve biodiversity and wild-life habitats, address climate change through sensitive site developments, good design and building techniques. This is covered by Plan policies ANP1, ANP2, ANP3, ANP4, ANP5, ANP6.
18. Housing (Housing, requirements, design, built environment, site allocations, sustainability and climate change resilience). The objective will ensure that the housing requirements of the parish are sustainable i.e. number, type, design quality and built quality, built environment, site allocations and how they will respond to climate change resilience. This is covered by Plan policies ANP6 and the allocation of five sites covered by Plan policies 7a, 7b, 7c, 7d, 7e.
19. Social (Leisure, well-being, education and healthcare) The objective will ensure that leisure, well-being, education and healthcare provision will be protected and enhanced through new developments. This is covered by plan policies ANP8, ANP9.
20. Economic (employment in the local economy). The objective is to enhance the local economy by encouraging local business to expand and / or new businesses to become established. This will increase the diversity of services provided and used in Ash and will contribute to employing more local people and increase the economic viability of the parish and surrounding area. This is covered by Plan Policies ANP10, ANP11, ANP12.
21. Economic (Traffic and infrastructure). The objective is to improve traffic flows and reduce climate impact within the parish so as to reduce the reliance on private cars and to improve the infrastructure and traffic management by ensuring developments are located within easy reach of local amenities to encourage walking and cycling. To encourage the use of electric vehicles by ensuring the necessary charging points are installed in each development and the village centre, if and when developments take place. This is covered by plan policies ANP13, ANP14 and ANP15.

Condition 3 General conformity with the Dover District Strategic Policies

22. The Neighbourhood Plan supports and upholds the general principle of the strategic policies in the Dover District Local Plan 2010. The ANP provides an additional layer of detail that provides the distinctive and local approach that reflects the aims and aspirations of the Ash parish community.
23. The Ash Parish Council has discussed with Dover District Council the review of the Dover District Local Plan. The Ash NDP has taken these identified development sites and assessments into account.
24. The Ash NDP Regulation 16 consultation was held before the DDC Regulation 19 consultation and it is acknowledged that should there be any conflicts, the consideration of the Ash evidence in justifying the Plan Policy will be done at examination.
25. Table 1 sets out the Plan Policies in relation to the existing Dover District strategic policies:
 - Dover District Local Plan (2002) "Saved Policies" (or those superseding them)
 - Dover District Core Strategy (2010) (or that superseding it).
 - Dover District Land Allocation Local Plan (2015) (or that superseding it)
 - The emerging Dover District Local Plan (2020-2040)

Condition 4 - Strategic Environmental Assessment

26. A Strategic Environmental Assessment (SEA) is required under European legislation for all neighbourhood development plans that may have significant effects on the environment and where a plan identifies sites for development.
27. Dover District Council's screening report of the draft Ash NPD concluded that a SEA and HRA was required. The SEA was undertaken by AECOM and the report (November 2020) is submitted with the plan documents.

Condition 5 - Habitats Regulations Assessments

28. The Habitats Regulations Assessment (HRA) refers to the appropriate assessment required for the plan to assess the potential implications for European sites. The HRA was carried out alongside the SEA process by AECOM. The report (November 2020) is submitted with the plan documents.

4 Conclusion

29. In accordance with paragraph 8(2) of Schedule to the Town and Country Planning Act 1990, this Statement demonstrates that the proposed Ash Neighbourhood Development Plan prepared by Ash Parish Council meets the requirements of each of the basic conditions and the other legal tests.

5 Appendix 1

The following Table provides an appraisal of the extent to which the Ash Neighbourhood Development Plan has regard to national policy and is in general conformity with strategic local policy.

Ash Neighbourhood Development Plan Policies	National Planning Policies Framework	Strategic Environment Assessment and Habitats Regulation Assessment	Dover District Councils Strategic Policies and Adopted core Strategy
ANP1 Development in the Countryside			
This policy sets out to protect the countryside, key views biodiversity nature conservation village setting while encouraging sensitive development outside the settlement boundary	This policy reflects NPPF para 170-177. "Planning policies should contribute to and enhance the natural and local environment" "protect and enhance biodiversity geo diversity and the landscape". NPPF para 127 b) and c) requires planning policies "ensure that developments are sympathetic to the surroundings, built environment and landscape setting"	SEA paper 9.25 "Policy ANP 1 sets out to protect the local landscape and village character and is considered to be likely to lead to a positive effect" HRA paper 7.1 Policy ANP1 sets out to protect the designated European Sites on the boundary of the parish by ensuring developments can evidence they will not cause an adverse effect on the integrity of any European sites and would have a small positive effect.	This policy is consistent with the core strategy objectives. C08 Protection of Hedgerows DM15 Protection of the Countryside "development which would result in the loss of ,or adversely affect the character or appearance of the countryside" DM 16 Landscape character "developments which would harm the character of the landscape"
ANP2 Designated local green and open spaces			
This policy defines the green and open spaces within the parish which are protected from development	This policy reflects NPPF para 99-101 which advocates "the designation of land as local Green spaces through local Neighbourhood Plans allowing communities identify and protect green areas of particular importance to them" The spaces listed for protection are either designated by DDC or have been assessed against the NPPF criteria. The NPPF para 92 "promotes social interaction by planning positively for the provision of shared spaces, community facilities, sports and open spaces"	SEA "this policy protects green open spaces, the HRA "recognises that this policy enhances biodiversity and habitats through the protection of green open spaces and wildlife corridors" This policy would have a small positive effect	This policy reflects DDC policies. C08 protection of hedgerows C57 proposals for outdoor sports and recreational facilities, "to protect open spaces from alternative use" CP7 Green infrastructure network "the integrated of the existing network of green infrastructure will be protected and enhanced" DM25 Open Spaces "proposals for development that would result in the

			loss of open spaces will not be permitted"
ANP3 Green and Opens spaces in new developments			
This policy is for the provision of additional green and open spaces within new developments	NPPF Promoting Healthy and Safe Communities para 91-101 "to provide the social, recreational and cultural facilities and services to community needs" the NPPF "advocates the designation of land as local Green spaces through local and neighbourhood plans"	SEA "This policy sets out to increase access to open spaces reducing the pressure on existing spaces such as the Sandwich Bay SAC, SPA, Thanet Coast" "Reducing the effect of development may have upon land to water quality and surface water drainage and flooding" HRA " the policy increases the opportunities for biodiversity and wildlife corridors across the parish" this policy would have a small positive effect	The DDC Policy CP7 "proposals that would introduce additional pressure on existing and proposed green infrastructure network will only be permitted if they incorporate quantitative and qualitative measures to address that pressure"
ANP4 Biodiversity			
This policy requires a 10% net gain too biodiversity to be achieved within each development.	The NPPF Habitats and Biodiversity para 174-177. "Promote the conservation restoration and enhancement of priority habitats, ecological networks and protects supports recovery of priority species and identify and pursues opportunities for securing measurable net gains for biodiversity "	SEA states that this policy "would have a positive impact upon biodiversity within the parish and the SSI,IRZ in which it's located" HRA 1.15 states 'the policy protects the biodiversity as projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site ,and sites should be assessed and mitigation plan produced" The Court of the Justice of the European Union ruling case C 323/17	There are no relevant DDC policies

		refers to these requirements this policy would have a small positive affect	
ANP5 Climate Change			
This policy sets out how new developments are expected to meet the challenges of climate change.	This policy requires the submission of a positive strategy to demonstrate how the development will achieve low energy consumption based upon low carbon technologies.	SEA states, “the developments of new housing and infrastructure have the potential to increase the local carbon footprint and overall greenhouse gas emission in Ash” and would have a small positive effect.	DDC policy CP5 Sustainable construction standards. This policy sets out minimum construction standards which new developments should meet.
ANP 6 Developments and Conservation			
This policy sets out how new developments should be designed and fit into the existing built environment of the village and its historic character	The NPPF Achieving Well designed Places para 127 sets out the design criteria that development should meet for example “demonstrate a high standard of design, respect and respond to the village setting, demonstrating the relents to climate change and advice increased vulnerability to the range of impacts arising from climate change”. NPPF Conserving and enhancing the historic environment para 190 “should take into account the impact of a proposal on the heritage assets to avoid or minimise any conflict”	SEA/HRA no comments	DDC policy CP4 Housing Quality, Mix Density and Design, this policy sets out minimum and maximum standards to be met within any development. CP5 sustainable Construction Standards, the core Strategy states all new buildings should meet Sustainable Homes level 5 from April 2016. DM20 Shop Fronts this policy safeguard the existing shop fronts, have within the context of the street they are located within. DM21 Security Shutters and Grills This policy prevents shutters and grills being fitted if they would detract from the character and appearance of

			the building or area in which they are located.
ANP7 7a - 7e Allocated sites			
There is policy for each allocated site. The allocation of sites will ensure the housing needs of the community are met using the housing needs assessment and agreement with DDC. The site policies provide for design standards, density, landscaping, climate change, biodiversity, open spaces transport and sustainability. The plan has made allowance for 38 windfall sites over the plan period - this will be exceeded due to the number of rural buildings being converted under permitted development rules.	These are consistent with the NPPF para 29 which “states the Neighbourhood plans should not promote less development than set out in the strategic plans for the area. The Parish has undertaken a housing needs assessment which has been agree with DDC and agreed an unconstrained housing number of 323 (excluding windfall). In addition, a further 76 dwellings have received outline approval before this plan comes into place bring the total number to 399. The policy is also consistent with NPPF para 76 which refers to the requirement to allow for windfall sites.	The SEA recognises the impact of the NDP policies have to ensure the environment is protected during and post developments and makes the following observations: Air Quality “minor negative affects to the A257 mainly due to the clause of the developments over the Districts of Dover and Thanet” “there will be minor positive impact related to Ash due to policies”. Biodiversity “minor positive effects due to NDP policies” Climate Change “minor positive effects due to NDP policies” Landscape due to the site policies “it is considered unlikely to give rise to any significant effects” Historic environment, due to NDP policies “there will be a minor positive effects”. Land, Soil and Water resources it is “considered that the NDP will give rise to significant negative	These policies are consistent with DDC policies. Settlement Hierarchy (Ash is identified as a Local Centre, “a secondary focus for development in a rural area that is suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. CP4 Housing Quality Mix Density and Design DM1 Settlement boundaries DM5 Provision of Affordable Housing DM 15 Protection of the Countryside DM 16 Landscape character DDC Allocation Plan 2015 section 3.5.1 Ash policies LA21-LA23 allocated sites.

		effects in relation to land soil and water resources on the basis that there will be the permanent loss of over 7ha of high quality agricultural land". Population and Community, "The plan will give rise to significant positive effects". Health and Wellbeing "the plan will lead to minor positive effects". Transportation "on balance the NDP will give rise to both positive and negative effects.	
ANP 8 Retention of Community Facilities			
This policy sets out to protect and enhance community facilities	This is consistent with the NPPF para 8b) outlines the Social Objective of the NPPF and specifically highlights "the need for accessible services and open space that reflects current and future needs and supports the communities health social and cultural wellbeing" NPPF para 92 states "to provide the social recreational and cultural facilities and services the community needs planning policies should plan positively for the provision and use of shared spaces community facilities such as (shops, sports venues, open spaces, cultural buildings, public houses and places of worship) NPPF para 92 c) urges planning policies to "guard against the unnecessary loss of valued facilities particularly where this would reduce the communities ability to meet its day to day needs".	There are no comments on this policy	There are no policies for named community facilities in the parish
ANP 9 Health and Social Care			
This policy sets out to identify the requirements to expand the existing facilities	The NPPF para 91 states "enable and support healthy lifestyles, especially where this would address identified local Health and Wellbeing needs. Ash has a higher than the	There are no comments on this policy	DDC Policy DM9 Accommodation for Dependent Relatives allows for small developments to support dependent relatives.

	rest of DDC and the South East cases of poor health.		
ANP 10 Village Shops and Public Houses			
This policy protects the integrity of the current village shops and public houses and sets out the magnitude to establish if they are no longer viable before change of use can be granted	The NPPF Building a Strong and Competitive Economy para 80-89 sets out the objectives to ensure there is sustainable growth of all types of businesses in rural areas.	There are no comments on this policy	The DDC Core Strategy resists the loss of rural services where it would harm the local community and support the creation of new services. DM23 Proposals for local shops, this policy sets out the reasons for permission to develop existing premises. DM24 Retention of Rural Shops and Pubs "states that planning permission will only be granted for the change of use if its loss would not harm economic and social viability of the community it serves "
ANP 11 Conversion of rural buildings to business use, tourist accommodations and tourist attractions			
This policy set out how the rural and tourism businesses will be supported to support the rural economy while ensuring developments are sensitive to their surroundings.	NPPF Building a Strong and Competitive Economy para 83c) promotes sustainable rural tourism and leisure developments which repeat the character of the countryside and the retention and development of accessible local services and community facilities.	SEA /HRA recognise the opportunities this policy would bring to the rural countryside by retain and ensuring public rights of way and access to walking and cycling routes and that this policy would have a small positive effect.	DM4 Re-Use or Conversion of Rural buildings. "Permission will only be granted for Local Centres and Villages to re-use to conversion of structurally sound permeant buildings beyond the confines for commercial or private residential use that are adjacent to confines.
ANP12 Working from Home			

This policy sets out how some of the workforce could work from home by allowing small extensions providing they have no significant impact on nearby residents, there is sustainable transport and there is no increase in parking pressure on the surrounding road network.	NPPF Building a Strong Competitive Economy para 81 a) 'set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.	SEA /HRA this policy make it easier for people to work at home could contribute to reducing the need to travel to work and could have a small positive effect.	There are no DDC policies for Working from Home.
ANP13 Off - Street Parking			
This policy seeks to address minimum standard of parking in new developments and to reduce the likelihood of over-spill form new developments onto the existing road network and reduce congestion within the village.	NPPF Promoting Sustainable Transport para 105 setting local policies from parking standards para 110 application for developments "should give first probity to pedestrians and cycle movements within the scheme and with neighbouring areas".	SEA /HRA no comments on this policy	DDC Policy DM11 Maximising walking and cycling and the use of public transport. Development that would generate travel require justified development plan policies.
ANP14 Transport			
This policy sets out how developments must demonstrate how walking and cycling opportunities have been prioritised and how sustainable transport will be achieved	NPPF Promoting Stainable Transport. para 110 a) "give priory first to pedestrian and cycle movements both, within the scheme and with neighbouring areas" para 110 c) create places that are safe, secure and attractive - which minimise the scope of conflict between pedestrians, cyclist and vehicles"	SEA states "that while many residents will continue to need to travel outside the Parish area for employment this policy could have a small positive effect".	
ANP15 Communications			

This policy aims to improve the introduction of High Speed Fibre Broad Band by ensuring new developments include or have the provision for the installation via infrastructure within the development, this approach will support businesses and home working. Positive support for masts in the rural setting to support businesses providing they are shared and protect the historic environment and landscape, key views, habitats and are sensitively located.	NPPF Supporting High Quality Communications “ para 112 “advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being”. Para 115 c) “ for new masts or base stations evidence that the applicant has explored the possibility of erecting antennas on existing buildings, mast or other structure and statement that self-certifies that, when operational, International Commission guidelines will be met”.	SEA HRA no comments	There are no DDC policies for communication networks or masts.
ANP16 Infrastructure			
Policy seeks to ensure there is sufficient utility provision in the parish as developments come on-line.	None		There are no DDC policies but DDC has confirmed that discussion has taken place with utility providers for the district to ensure that they are aware of and have planned for development growth within Ash and the Dover District.