Basic Conditions Statement
Darley Dale Neighbourhood Plan

29 November 2018
Table of Contents

1 Introduction .................................................................................................................. 3
   What is the Neighbourhood Plan? ............................................................................. 3
   What is the Basic Conditions Statement? ................................................................. 3
2 Key Statements ........................................................................................................... 3
3 Conformity with National Policy .............................................................................. 5
4 Contribution to the Achievement of Sustainable Development ............................. 8
5 Compatibility with EU Obligations ........................................................................... 9
6 Conformity with Strategic Local Policy ................................................................. 11
   Derbyshire Dales Local Plan 2013 – 2033 ................................................................. 11
7 Conclusion .................................................................................................................. 14
8 Appendix A Sustainability Matrix .............................................................................. 15
1 Introduction

What is the Neighbourhood Plan?

1.1 The Darley Dale Neighbourhood Development Plan hereafter the Darley Dale NP has been prepared in accordance with the Town and Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future for the Parish and sets out how that vision will be realised through planning and controlling land use and development change.

1.2 The Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

What is the Basic Conditions Statement?

1.3 This Basic Conditions Statement has been prepared to accompany the Darley Dale Neighbourhood Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions¹:

- I. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- II. contribute to the achievement of sustainable development.
- III. be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area.)
- IV. the making of the neighbourhood plan does not breach and is otherwise compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

1.4 This document outlines how the Darley Dale NP meets all of the above basic conditions.

2 Key Statements

2.1 The Plan area covers the Parish of Darley Dale. Darley Dale Parish Council is the qualifying body responsible for the preparation of this Neighbourhood Plan. The Darley Dale Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.

2.2 The neighbourhood area is contiguous with the Plan area boundary as shown on the map accompanying the neighbourhood designation application. For clarity, the Plan area is shown at Figure 1.

2.3 The Darley Dale Neighbourhood Plan covers the period from 2017 to 2033. The analysis below demonstrates that the Neighbourhood Plan policies are in conformity with the adopted policies in the Derbyshire Dales Local Plan 2013-2033 (Adopted 2017).

¹ See national planning practice guidance Paragraph: 065 Reference ID: 41-065-20140306
2.4 The Plan proposals do not deal with 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 as ‘excluded development’.

2.5 The Darley Dale Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Darley Dale Parish as designated by Derbyshire Dales District Council on 18th April 2015 as shown in figure 1 below.

Figure 1: Darley Dale Neighbourhood Area
2.6 There are no other Neighbourhood Plans in place for the Darley Dale neighbourhood area.

2.7 The Pre-Submission Draft Darley Dale Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 17th March 2018 to 12th May 2018. Amendments have been made to the document based on the comments received and these are summarised in the document entitled ‘Consultation Statement’.

3 Conformity with National Policy

3.1 The Darley Dale Neighbourhood Plan is required to have appropriate regard to national planning policy. This is principally provided in the National Planning Policy Framework (NPPF) 2018. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).

3.2 Paragraphs 28 – 30 and footnote 16 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF and to be in general conformity with the strategic policies in any development plan that covers the area.

3.3 The Development Plan for Darley Dale is the Derbyshire Dales Local Plan 2013-2033. This is available to view on the Council’s website, at its offices and libraries throughout the District. It was adopted in December 2017.

3.4 The policies in the Darley Dale Neighbourhood Plan have been drafted to be in general conformity with the adopted polices and the evidence base supporting the Local Plan.

3.5 In accordance with National Planning Guidance, documents commissioned by Derbyshire Dales District Council to support their new Local Plan have also been used to guide the Neighbourhood Plan policies. These are;

  a) Landscape Sensitivity Study 2015 - Wardell Armstrong
  b) Local Plan Derbyshire Dales Viability Report 2015 - Cushman & Wakefield
  c) Local Plan Settlement Hierarchy Assessment 2015 - DDDC
  d) Derbyshire Dales Housing Needs Study 2015 - GL Hearn
  e) Strategic Housing Land Availability Assessment 2013– DDDC
  f) Sustainability Appraisal Scoping Report April 2016 – DDDC
  g) Darley Dales Place Analysis 2016– Urban Forward for Darley Dale Town Council
  h) Darley Dale Town Plan 2009
  i) Housing Needs Survey 2010

---

2 The Darley Dale Neighbourhood Plan underwent an earlier regulation 14 consultation in April/May 2016. This resulted in amendments that were considered substantial and, on the advise of Derbyshire Dales District Council, the Neighbourhood Plan was amended and a second regulation14 consultation was undertaken in 2018.


3.6 Table 1 provides a summary of how each policy has regard to the key objectives in the NPPF.

<table>
<thead>
<tr>
<th>Objective No.</th>
<th>Relevant NPPF Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ensuring that new development minimises its impact on the natural and built environment.</td>
</tr>
<tr>
<td></td>
<td>Promoting healthy and safe communities</td>
</tr>
<tr>
<td></td>
<td>Conserving and enhancing the natural environment</td>
</tr>
<tr>
<td></td>
<td>Conserving and enhancing the built environment</td>
</tr>
<tr>
<td></td>
<td>Achieving sustainable development</td>
</tr>
<tr>
<td>2</td>
<td>Ensuring that development enhances the existing character.</td>
</tr>
<tr>
<td></td>
<td>Achieving well-design places</td>
</tr>
<tr>
<td></td>
<td>Achieving sustainable development</td>
</tr>
<tr>
<td>3</td>
<td>Protects the landscape character of the Parish and is sensitive to the impact on the Peak Park.</td>
</tr>
<tr>
<td></td>
<td>Conserving and enhancing the natural environment</td>
</tr>
<tr>
<td></td>
<td>Achieving sustainable development</td>
</tr>
<tr>
<td>4</td>
<td>Maintaining and enhancing the community facilities within Darley Dale.</td>
</tr>
<tr>
<td></td>
<td>Promoting healthy and safe communities</td>
</tr>
<tr>
<td></td>
<td>Achieving sustainable development</td>
</tr>
</tbody>
</table>
| 5            | To encourage developers to consult with the community early in the planning application process wherever possible so local people can inform the design, location and layout of a scheme.  
5 | Delivering a sufficient supply of homes |
|              | Promoting healthy and safe communities |
|              | Para 128 encourages early discussion between the applicants and the local community ‘clarifying expectations and reconciling local …interests’. |
|              | Achieving sustainable development |

3.7 Table 2 provides a summary of how each of the Neighbourhood Plan policies have regard to the NPPF.

5 As community objective 5 is not a land use policy this is reflected as a key principle in the Neighbourhood Plan
Table 2: Assessment of how each policy in the Darley Dale NP conforms to the NPPF

<table>
<thead>
<tr>
<th>Neighbourhood Policy No.</th>
<th>Policy Title</th>
<th>NPPF Ref (para.)</th>
<th>Commentary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Protecting the Landscape Character of Darley Dale Parish</td>
<td>127, 170</td>
<td>The NPPF requires planning policies to ensure that developments will ‘function well and add to the overall quality of the area’ not just in the short term but over the life time of the development. Planning policies are expected to ‘contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes’ NP 1 defines the overall approach to protecting landscape character in considering the location for future development. It is based on an understanding and evaluation of the defining characteristics of the Parish undertaken for the Neighbourhood Plan. The Darley Dale Place Analysis combines an assessment of landscape character with the historic landscape (in accordance with NPPF para 127c). Policy 1 provides a framework to show how new development can be integrated into the natural, built and historic environment.</td>
</tr>
<tr>
<td>2 - 9</td>
<td>Protecting the Landscape Character of ... [ each settlement]</td>
<td>127</td>
<td>NP 2 - 9 provide specific detail on how development can ‘add to the overall quality of the area’ based on the Place Analysis findings in accordance with para 127 for each settlement.</td>
</tr>
<tr>
<td>10</td>
<td>Protecting the setting of the Peak District National Park</td>
<td>172</td>
<td>The NPPF accords great weight to ‘protecting and enhancing the landscape and scenic beauty in National Parks’</td>
</tr>
<tr>
<td>11-19</td>
<td>Design Principles for C3 Residential Development</td>
<td>124, 125, 126, 127, 129, 130</td>
<td>NP 11 provides ‘a clear vision and expectations, so that applicants have … certainty about what is likely to be acceptable… and how these will be tested’.</td>
</tr>
<tr>
<td>Neighbourhood Policy No.</td>
<td>Policy Title</td>
<td>NPPF Ref (para.)</td>
<td>Commentary</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-------------</td>
<td>-----------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>131</td>
<td>NP 11-19 will ensure that development adds to the overall quality. They are ‘sympathetic to local character and history including the surrounding built environment and landscape setting’ as the policies are based on the Place Analysis work. NP 11 (2) allows flexibility for innovative and/or contemporary design where it adds to the overall quality. The use of BfL12 is encouraged to provide a measure of the standard required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>185 c</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>11</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>19</td>
<td></td>
</tr>
</tbody>
</table>

20 Enhancing the provision of community facilities 83 The NPPF states 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.’ NP 20 recognises that with a growing population there will be a need to expand and improve existing community facilities.

4 Contribution to the Achievement of Sustainable Development

4.1 The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three overarching objectives ‘which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’. The Darley Dale NP recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental objectives.

4.2 The economic goals relate primarily to the wider role Darley Dale will play in the meeting wider district housing need. The neighbourhood plan accepts that significant growth will occur. Design policies 11-19 will ensure that new development reinforces the existing high quality built and natural environment. The Plan places great weight on the need to achieve quality design, which government policy endorses is a central tenet of sustainable development.

6 NPPF para 8
4.3 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. This Plan seeks to achieve this by encouraging the enhancement of community facilities to meet the needs of a growing population.

4.4 The Darley Dale Neighbourhood Plan has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application engagement stage. The Policies therefore aim to enable development necessary to meet District requirements whilst enabling people to become more actively involved in the decision-making process\(^7\). This should protect and sometimes enhance the quality of life for local people.

4.5 The **environmental** goals are to protect the natural and built environment. Neighbourhood plan policies ensure that proposals protect and where possible enhance existing landscape character, most of which was considered to be ‘highly sensitive’ due to its proximity to the Peak District National Park.

4.6 There is no legal requirement for neighbourhood plans to have a sustainability appraisal where they are not allocating sites, and as the Darley Dale Neighbourhood Plan is not allocating sites it is considered that this Sustainability Matrix is adequate in showing how these policies have been set within a sustainable planning context.

4.7 A sustainability matrix of the policies in the DDNP has been produced see Appendix A.

4.8 The Sustainability Matrix concluded that the Neighbourhood Plan policies would either have no overall impact or at least some positive benefit.

5 **Compatibility with EU Obligations**

**Strategic Environmental Assessment and Habitat Regulation Assessment Screening**

5.1 The environmental assessment of plans with a significant environmental impact is a requirement of the EC Directive on the assessment of plans and programmes on the environment (Directive 2001/42/EC), known as the Strategic Environmental Assessment (SEA) Directive. A Screening Report has been prepared by Derbyshire Dales District Council to determine whether or not the Darley Dale Neighbourhood Plan (Regulation 14 Draft November 2017) requires a SEA.

5.2 The Screening Report concluded that a SEA was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment.

5.3 A Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in negative significant effects on protected European Sites as a result of the Plan’s implementation\(^8\).

---

\(^7\) Supported by NPPF para 128

\(^8\) Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).
5.4 The Screening Report determined whether the content of the draft Neighbourhood Plan required a HRA Appropriate Assessment. Natural England, Historic England and the Environment Agency were consulted. It has been determined that the Plan is not likely to have significant environmental effects and as such an Appropriate Assessment is not required.

**Equalities Impact Assessment**

5.5 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Article 8 of the Convention requires public authorities to strike a balance between a person’s private rights and the needs of other people or society as a whole. The Plan makes positive contributions, such as supporting the provision of housing to meet district need whilst balancing the need to protect the highly valued and significant landscape character for the benefit of people across the district and beyond.

5.6 Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

5.7 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation.

5.8 In accordance with the requirements of the Equality Act 2010 schedule 19, part 1 in preparing the Darley Dale Neighbourhood Plan due regard was had to the need for the policies in the neighbourhood plan to

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations between different groups

5.9 This was demonstrated by

a) the consultation methods employed throughout – for example a household questionnaire was delivered to all households

b) the steering group membership was open to any interested resident or business throughout the process

c) regular updates in local parish magazines, the web site and social media

d) consultation with young people via the primary schools and local youth clubs to seek their input into the requirements for community facilities in the parish – this is reflected in the policy on community facilities and in the project and actions

e) separate consultation targeted at the business community – with surveys hand delivered and collected

5.10 No requests were made for the consultation material to be provided in other languages. The draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012; responses have been recorded and changes have been made as per the schedule set out in the Statement of Consultation. The
5.11 An EIA has been carried out for the policies in the Local Plan\(^9\) section 6 below demonstrates how the Darley Dale NP is in conformity with Local Plan policy.

### 6 Conformity with Strategic Local Policy

6.1 There has been a positive working relationship and close collaboration between Derbyshire Dales District Council (DDDC) and the Parish Council\(^{10}\) including meetings with Policy Officers at DDDC to support and guide the preparation of the Neighbourhood Plan.

6.2 The adopted policies are those in the Derbyshire Dales Local Plan 2013 - 2033.

6.3 The Basic Conditions require the Neighbourhood Plan to be in general conformity with the strategic policies contained in the development plan for the area.

**Derbyshire Dales Local Plan 2013 – 2033**

6.4 This document sets out the big issues that the council, public and private sector partners need to address up to 2033 in Derbyshire Dales. It sets a vision, objectives and policies to help deliver the development and change identified.

6.5 Based on the 2014 based sub national population and household projections the objectively assessed housing need is established to be 5680 up to 2033. Para 4.38 identifies how this housing provision will be met and policy HC2 allocates sites for 2485 dwellings in the Derbyshire Dales Local Plan. There are 3 allocated sites in the neighbourhood plan area these are:

<table>
<thead>
<tr>
<th>Site allocation</th>
<th>Location</th>
<th>Site area</th>
<th>No of dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>HC2i</td>
<td>Land off Old Hackney Lane</td>
<td>1.68 ha</td>
<td>57</td>
</tr>
<tr>
<td>HC2j</td>
<td>Land off Old Hackney Lane</td>
<td>0.49</td>
<td>9</td>
</tr>
<tr>
<td>HC2k</td>
<td>Land to rear of RBS</td>
<td>4.41</td>
<td>135</td>
</tr>
</tbody>
</table>

6.6 Policy S2 settlement hierarchy establishes Darley Dale as a second tier centre *Darley Dale is an amalgam of smaller settlements which has the ability to support sustainable patterns of living in the District because of the current levels of facilities, services and employment opportunities that are available. It has the ability to provide for additional jobs and homes in*

---


\(^{10}\) Represented by the Neighbourhood Plan Steering Group which is chaired by the chairman of the Parish Council
order to help sustain and, where necessary, enhance current services and facilities, promoting better levels of self-containment and a viable, sustainable community.

6.7 The Darley Dale Neighbourhood Plan is in general conformity with the Derbyshire Dales Local Plan on the basis that

   a) they provide more guidance to developers on how development can be ‘sympathetic to local character and history including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation’

   b) the policies that are ‘prepared positively in a way that is aspirational but deliverable’

   c) The NP approach reflects the emerging evidence and sets out a sustainable scale of growth for Darley Dale Thorpe.

6.8 Table 3 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the District’s Strategic Policies in the Derbyshire Dales Local Plan

---

11 NPPF Para 127 c
12 NPPF para 16 b
Table 3: Assessment of how each policy in the Darley Dale Neighbourhood Plan is in general conformity with the Strategic Policies of the Derbyshire Dales Local Plan.

<table>
<thead>
<tr>
<th>Neighbourhood Plan Policy No.</th>
<th>Derbyshire Dales Local Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 – 9 Protecting the Landscape Character of Darley Dale Parish</td>
<td>PD5 Landscape Character requires development to protect, enhance and restore landscape character across the variety of landscapes in the District. PD5 identifies a number of landscape character assessments produced for the District and development is required to demonstrate how it has been informed by these studies. The parameters set out in NP 1- 9 provide more detail on the specific landscape character attributes based on the Darley Dale Place Analysis. PD10 Matlock to Darley Dale A6 Corridor provides additional District protection to the specific requirement in NP1.</td>
</tr>
<tr>
<td>10 Protecting the setting of the Peak District National Park</td>
<td>PD5 Landscape Character – includes the need to protect the setting of the Peak Park within the policy on landscape character. NP 10 set out the need to protect the setting of the Peak Park in the specific context of Darley Dale parish. The references within PD5 accord with the approach in NP10.</td>
</tr>
<tr>
<td>11 – 19 Design Principles for C3 Residential Development</td>
<td>PD1 Design and Place Making sets out the requirements for development to be well designed and to include reference to neighbourhood plans (amongst other things). NP11-19 works with PD1 as these policies are based on the Darley Dale Place Analysis and will provide a more detailed framework for developers as these neighbourhood plan policies set out the design attributes in each settlement and highlight how these elements should be referenced in future proposals.</td>
</tr>
<tr>
<td>20 Enhancing the provision of community facilities</td>
<td>HC15 Community Facilities and Services sets out DDDCs intent to maintain and improve the provision of local community facilities. NP20 is in conformity with this intent and emphasises the value of and need to maintain specific facilities within Darley Dale Parish.</td>
</tr>
</tbody>
</table>


7 Conclusion

7.1 It is the view of the Darley Dale Neighbourhood Plan Steering Group that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 Act are considered to be met by the Darley Dale Neighbourhood Plan and all the policies therein.

7.2 The Plan has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with strategic policies contained in Derbyshire Dales Local Plan and meets relevant EU obligations.

7.3 On that basis, it is respectfully suggested to the Examiner that the Darley Dale Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.
8 Appendix A Sustainability Matrix

Sustainability Matrix: Darley Dale Neighbourhood Plan

<table>
<thead>
<tr>
<th>Policy</th>
<th>Environmental Impact</th>
<th>Economic Impact</th>
<th>Social Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1 - 9: Protecting the Landscape Character of Darley Dale</td>
<td>Positive impact Minimises the impact of development on the environment by requiring development to add to the overall quality of the landscape considering topography, maintaining key public views and preventing coalescence between certain settlements.</td>
<td>Positive impact Sets out clear guidelines for the location of new development. Ensures that the cumulative impact of new development does not diminish local character of Darley Dale parish as a place to live. Protecting the quality of the place will ensure the parish remains a very desirable place to live and work.</td>
<td>Positive impact Sets out a clear guidelines on development to provide assurance to existing and future generations that the attributes that make Darley Dale special will be protected as the parish grows.</td>
</tr>
<tr>
<td>Policy 10: Protecting the Setting of the Peak District National Park</td>
<td>Positive impact Provides up to date policy based on evidence of views from the Peak Park to ensure the setting of the Peak Park is protected.</td>
<td>Positive Impact The proximity of Darley Dale to the Peak Park is a key economic asset driving tourism in the parish. Ensuring that development does not significantly detrimentally impact on the wider views from the Peak Park protects this 'economic asset'.</td>
<td>Positive impact The proximity of Darley Dale to the Peak Park is one of the most valuable attributes; residents love the views into and out of the parish to the Peak Park. This policy provides assurance that this principle will remain for the duration of the Plan period.</td>
</tr>
<tr>
<td>Policy 11-19: Design Principles for C3 Residential Development</td>
<td>Positive impact Minimises the impact of development on the environment by ensuring that new development contributes to the unique characteristics of the distinct settlements. Ensures that development enhances the parish.</td>
<td>Positive Impact Sets out clear guidelines for developers and provides existing and future residents with confidence that future development will be of the highest design quality.</td>
<td>Positive Impact Ensures that new development integrates with the existing, creating high-quality buildings, streets and public spaces.</td>
</tr>
</tbody>
</table>
| Policy 4: Enhancing the Provision of Community Facilities | Neutral impact | Neutral Impact | **Positive Impact**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Encourages the increase and enhancement of community facilities, recognizing that demand will increase as the population grows. Supports the provision of facilities for young people.</td>
</tr>
</tbody>
</table>