



DRAFT NEIGHBOURHOOD PLAN 2021-2031

BASIC CONDITIONS STATEMENT

(In accordance with Regulation 15 (1) of The Neighbourhood Planning (General) Regulations 2012)

APPROVED BY THE PARISH COUNCIL ON 30 NOVEMBER 2021



Introduction

1. This statement is submitted in accordance with the requirements of Paragraph 8(2), Schedule 4B to the Town and Country Planning Act 1990, as supplemented by Regulation 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
2. Neighbourhood Plans must meet certain “basic conditions” before they can come into force. These are assessed through the independent examination before the Plan can proceed to a referendum.
3. To comply with the “basic conditions” the Plan must:
 - a. Have regard to national planning policies
 - b. Contribute to the achievement of sustainable development
 - c. Be in general conformity with the strategic policies in the development plan for the local area
 - d. Be compatible with EU obligations (*as far as these are still applicable within UK laws*)
4. In addition, the Plan must meet human rights requirements.
5. The basic conditions ensure that there is a balance between neighbourhood plan bodies (in this case Birchington Parish Council) having the freedom to plan for the future of their area, but also ensuring that neighbourhood plans deliver sustainable growth, meet various legal requirements and do not undermine the strategic policies set out in the Thanet District Local Plan 2020.
6. How the Plan meets the basic conditions is explained below.

National Planning Policies

7. The National Planning Policy Framework (NPPF) was revised, and an updated version published in July 2021 by the Secretary of State for Communities, Housing and Local Government. This replaced previous versions of the NPPF published in 2012, 2018 and 2019.
8. The NPPF must be considered in preparing the Local Plan and is a material consideration in planning decisions.
9. The purpose of the planning system is to contribute to the achievement of sustainable development, meaning that it has three overarching objectives:
 - a. An economic objective
 - b. A social objective
 - c. An environmental objective
10. At the heart of the NPPF is a presumption in favour of sustainable development.

11. First drafts of this Neighbourhood Plan were prepared in the autumn of 2019. From the beginning these included reference to the NPPF published in February that year. Each of the draft policies in the Plan was cross-referenced to the relevant chapter of the NPPF as part of a “conformity” statement. As the Plan developed constant checks were made to ensure that the references were correct. Final amendments were made in October 2021 to reflect changes introduced in the new NPPF in July 2021.
12. Chapter 2 of the draft Plan contains more detail about how it complies with the NPPF (and Local Plan), with relevant extracts provided.
13. Chapter 5 of the draft Plan explains how the policies were written to be complementary and capable of being applied selectively or collectively, where appropriate. Sustainable Development is at the heart of the Plan and these policies reflect that approach.
14. Chapter 6 sets out the key Sustainable Development Policies. Chapters 7-14 are the additional policies that apply to specific issues, including the Natural Environment and Economic Development.

Thanet District Local Plan (Adopted 2020): Policies

15. The new Local Plan for Thanet was adopted by the Local Planning Authority (LPA) in July 2020, following examination and modifications recommended by the Planning Inspectorate in 2019.
16. Simultaneously, the Neighbourhood Plan was being drafted and revised as more research and evidence was gathered to support the draft policies. This required close monitoring of changes to the draft Local Plan so that the Neighbourhood Plan was aligned and would not conflict with it.
17. Following adoption of the Local Plan by the LPA in July 2020, the Neighbourhood Plan team continued with drafting the policies. The Plan was then submitted to the planning consultancy AECOM for review, and they submitted their report “*Evidence Base and Policy Development*” in April 2021. This provided a detailed critique of the draft Plan and its policies, and how they complied with both the NPPF (2019) and the Local Plan (2020).
18. In response to the AECOM report, the draft policies were reviewed. Some were modified and any which were deemed “non-planning” or were likely to duplicate policies already in the Local Plan, were deleted or moved to the “Community Projects” part of the Plan.
19. The Plan supports the five strategic priorities contained in the Local Plan and the relevant policies. Each policy in the Neighbourhood Plan provides a reference to the appropriate Local Plan policies.

European Union Obligations

20. The Local Plan contains policies designed to protect internationally recognised natural habitats along the North Kent coast. A “Landscape Character Assessment” was commissioned by the LPA and has been formally adopted as Supplementary Planning Guidance in the Local Plan.
21. The Neighbourhood Plan does not need to duplicate the policies in the Local Plan (*Reference SP28 and SP30*). However, we have been mindful of the designations that apply to our coastline and the marine environment of the Thames Estuary. The response (under Regulation 14) from the Marine Management Organisation has been fully considered in reviewing the Plan after the close of the consultation period.
22. The Parish Council produced its own Character Assessment 2021 and Landscape Character Assessment (derived from Land Use Consultants report to the LPA) as well as an Open Spaces Assessment 2021. Policies B10-B16 in the draft Plan demonstrate the commitment to protecting and enhancing the natural environment, including retaining views and vistas across open land and out to sea.
23. The LPA produced a screening report on the need to conduct a *Strategic Environmental and Habitat Regulation Assessment*. This report (which is included as a separate Appendix to this Statement) was prepared by Thanet District Council in October 2021 towards the end of the public consultation period under Regulation 14 and was submitted to the three statutory consultees who were required to respond by 18 November. All three responded and informed the LPA that the Neighbourhood Plan did not need to be subject to an Assessment.
24. The Parish Council welcomed this and is confident that the Plan does not have any significant environmental impacts (other than positive ones) on the protected habitats along the Parish’s coastline.

Compliance Statement

25. Birchington Parish Council, as the responsible body, is satisfied that the draft Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and relevant subsequent legislation.
26. The Council is satisfied that the Plan complies with the NPPF and the adopted Local Plan and relevant European Legislation, including human rights provisions.
27. Part A of the Appendix to the Neighbourhood Plan contains more detail and demonstrates how each chapter of the Plan relates to national and local strategic planning policies. Particular attention is drawn to the policies that contribute to the three overarching objectives of the NPPF:
 - a. An economic objective (*See Economic Development*)

- b. A social objective (*See Leisure and Recreation*)
- c. An environmental objective (*See Natural Environment*)

28. The over-arching objectives of the NPPF and the Local plan - *to support the presumption in favour of Sustainable Development* - is clearly demonstrated in the Plan with its emphasis on the natural environment and the proposed Design Guidelines for new development.
29. The policies in the Plan are based on thorough research, independent professional advice, community engagement and supporting evidence. They are appropriate, relevant and proportionate.
30. Finally, the Plan contains a summary of community-led projects designed to contribute to the health and social well-being of the community.

END OF BASIC CONDITIONS STATEMENT
(See also Appendix)

Birchington Parish Council
2 Albion Road, Birchington, Kent CT7 9DN
30 November 2021

APPENDIX

THANET DISTRICT COUNCIL

STRATEGIC ENVIRONMENT AND HABITATS REGULATIONS ASSESSMENT: SCREENING REPORT