

Seaton Valley Neighbourhood Plan

Basic Conditions Statement

January 2021

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1. Introduction

- 1.1 This statement has been prepared by Seaton Valley Council (SVC). It accompanies the Submission Draft Seaton Valley Neighbourhood Plan (SVNP), which has been submitted to Northumberland County Council (NCC) under section 15 of the Neighbourhood Planning Regulations General (2012 – ‘the Regulations’).
- 1.2 The SVNP has been prepared by SVC, the qualifying body for the area covering Seaton Valley Parish, as designated by NCC on 15 October 2015 (a copy of the designation document is included at Appendix 1).
- 1.3 The SVNP relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from adoption to 2036. It does not contain policies relating to excluded development¹ as laid out in the regulations.
- 1.4 This statement sets out how the SVNP has been prepared in accordance with the regulations and meets the ‘basic conditions’ set out in paragraph 8(2) of Schedule 4B to the 1990 Act, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The regulations state that a neighbourhood plan will have met the basic conditions if:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - b. the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - c. the making of the neighbourhood development 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);
 - d. the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations as incorporated into UK law; and
 - e. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
 - Regulation 32 of the Neighbourhood Planning (General) Regulations (as amended by the Conservation of Habitats and Species and Planning (various amendments) Regulations (2018) sets out a further basic condition in addition to those set out in the primary legislation: that 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.
- 1.5 Sections 2 – 5 of this statement provide information to demonstrate how the Submission Draft SVNP meets the basic conditions.

¹ Such as minerals and waste matters or nationally significant infrastructure projects.

2. National policies and advice

- 2.1 National Planning Policy is set out within the National Planning Policy Framework (2019 - NPPF) and guidance is set out within the National Planning Practice Framework (NPPG). The Submission Draft SVNPs has been prepared having regard to the NPPF and NPPG.
- 2.2 The SVNPs contains only two policies. The table below provides a summary of how the two policies have had regard to national policy and guidance. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 1: Conformity with national policies and guidance

| Seaton Valley NP Policy | National policies and guidance | |
|----------------------------------|--|---|
| | References | Comments on conformity |
| Policy SV1: Local Green Space | NPPF: 99-101 NPPG: 007/ 37-007-20140306 to 022/ 37-022-20140306). | The Local Green Space and Protected Open Space Background Paper sets out how the 24 sites which are proposed to be designated as local green space meet the detailed requirements set out within the NPPF and NPPG. The sites do not have planning permission, nor are they designated for development, or an extensive tract of land. The sites are demonstrably important to the local community and are in close proximity to the community to which they serve. |
| Policy SV2: Protected Open Space | NPPF: 96-97 NPPG: 001/37-001-20140306, 002 /37-002-20140306, 003 /37-003-20140306 | The NPPF highlights the importance of access to a network of high-quality open spaces for the health and well-being of local communities. In addition, that existing open spaces should not be built on unless key criteria are met. NPPG identifies that open space, which includes all open space of public value, can take many forms. The Local Green Space and Protected Open Space Background Paper describes the methodology for the identification of protected open space and describes the reasons spaces are proposed for designation. Policy SV2 identifies all of the allocated open spaces and includes criteria which will be used for the assessment of development proposals which could result in the loss of protected open space. The criteria accord with the requirements of the NPPF. |

3. Sustainable development

- 3.1 The NPPF defines the Government’s view of what sustainable development means in practice for the planning system in England. Paragraph 8 explains that there are three overarching objectives to sustainable development: economic, social and environmental.
- 3.2 The two relevant objectives of sustainable development to the proposed vision and policies of the SVNP are the social and environmental dimension. The social objective is:
‘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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’
- 3.3 The environment objective is:
‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’
- 3.4 The vision of the plan is that by 2036 green and other open spaces which are important to the character of the area and the local community, will be protected for the benefit of current and future generations. The policies aim to deliver this vision by protecting important open spaces. The vision of the plan and proposed planning policies will therefore contribute towards the social element of sustainable development by ensuring there are accessible open spaces to support current and future community’s health, social and cultural well-being. The vision and policies will contribute to the environmental element of sustainable development by assisting with the protection of the natural, built and historic environment.

4. Development Plan – strategic policies

- 4.1 This section considers the extent to which the policy contained within the SVNP is in general conformity with the strategic policies in the development plan for the neighbourhood area, which comprises:
- The Blyth Valley Core Strategy (2007 - BVCS);
 - The Blyth Valley Development Control Policies (2007 – BVDCP); and
 - The saved policies of the Blyth Valley District Local Plan (1999 - BVDLP).
- 4.2 NCC provided confirmation of the strategic policies in the development plan that cover the plan area; this is included at Appendix 2. Table 2 sets out how policies SV1 and SV2 of the SVP are in general conformity with the relevant strategic development plan policies. The new Northumberland Local Plan is currently subject to public examination; therefore, reference is made within table 2 to the emerging draft policies (NLP(d)).

Table 2: General conformity with the strategic policies

| Seaton Valley Neighbourhood Plan Policy | Strategic Development Plan Policy | |
|---|-----------------------------------|--|
| | Policy | Comments on conformity |
| Policy SV1: Local Green Space | BVCS: ENV1, ENV2, ENV3 | The approach for the identification of local green space accords with the provisions of policies ENV1, ENV2 and ENV3 which seek to protect the historic and natural environment from inappropriate development. The emerging NLP does not contain any strategic policies on Local Green Space, however it refers to the role of neighbourhood plans in identifying areas of local green space. |
| Policy SV2: Protected Open Space | BVCS: C2 NLP(d): INF5 | Policy C2 identifies the priorities for open space: to enhance welfare ground and grass pitches; require new developments to contribute to the enhancement and development of green corridors; to improve biodiversity of community spaces; and safeguard the cultural heritage value of open space. The emerging NLP identifies areas of protected open space and seeks to protect against its loss. Policy SV2 identifies areas of open space for protection with the intention that they are safeguarded and developed only where specific criteria are met. This approach accords with the provisions of the relevant adopted and emerging development plan policies. |

5. EU obligations and prescribed conditions

European Convention on Human Rights

- 5.1 Throughout the preparation of the SVNP emphasis has been placed to ensure that no sections of the community have been isolated or excluded. The SVNP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied, nor any threat to the fundamental rights guaranteed under the convention.

Strategic Environmental Assessment

- 5.2 European Directive (2001/42/EC) on the assessment of the effects of certain plans and programmes on the environment is known as the Strategic Environmental Assessment (SEA) Directive. SEA is required for all plans that may have a significant effect on the environment.
- 5.3 SEA is a way of ensuring that the environmental implications of policies are taken into account before plans are brought into force. NCC provided a screening opinion, which is available on the NCC website², to establish whether a SEA was required for the plan. This concluded that:

“In the opinion of Northumberland County Council, Strategic Environment Assessment of the Seaton Valley Neighbourhood Plan is NOT required for the following reason:

- *The Plan does not allocate sites for development or expressly support further development in the Seaton Valley Neighbourhood Area. Accordingly, significant positive or negative effects on the environment are considered unlikely to arise as a result of the introduction and implementation of the Neighbourhood Plan.*

This opinion is supported by the statutory consultation bodies, that is: the Environment Agency; Historic England; and Natural England.”

Habitats Regulations

- 5.4 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna protects habitats and species of European nature conservation importance. It is a requirement that a Habitats Regulations Assessment (HRA) is undertaken in line with the provisions set by the amended Conservation of Habitats and Species Regulations (2010) to assess the effects of the Neighbourhood Plan on European Sites. The stages involved in a HRA are:
- Screening - to ascertain whether or not plans or proposals would give rise likely significant effects on European Sites;
 - Appropriate Assessment - to identify whether there will be an adverse effect on European Site integrity; and

² <https://www.northumberland.gov.uk/Planning/Planning-policy/Neighbourhood.aspx>

- Subsequent procedures where significant effect on integrity of European Sites remains.

5.5 A Habitats Regulations Assessment screening opinion was undertaken by NCC, the screening opinion is available on the NCC website³. The screening opinion concluded:

“The Neighbourhood Plan contains two policies, which protect greenspaces and community open spaces within the plan area. This policy will not facilitate new development and therefore cannot cause a significant effect on any European sites, alone or in combination with any other plans or policies.

In accordance with Regulation 106 of the Conservation of Habitats and Species Regulations 2017 as amended, Northumberland County Council concludes that the Seaton Valley Neighbourhood Plan Pre-Submission Draft September 2020 is unlikely to have a significant effect on any European sites and therefore it is unnecessary to undertake an appropriate assessment prior to the adoption of the Plan.

The above conclusion is supported by Natural England with this being confirmed in a letter dated 25th November 2020.”

³ <https://www.northumberland.gov.uk/Planning/Planning-policy/Neighbourhood.aspx>

6. Conclusion

- 6.1 This statement, which is required under Regulation 15 of the Town and Country Planning (Neighbourhood Planning) Regulations 2012 has demonstrated that the SVNP:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - will contribute to the achievement of sustainable development;
 - is in general conformity with the strategic policies of the development plan for the area which for the time being remains the Blyth Valley Core Strategy, Blyth Valley Development Control Policies and the Blyth Valley District Local Plan; and
 - does not breach and is compatible with European Union obligations as incorporated into UK law.
- 6.2 The SVNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

Appendix 1: Neighbourhood area designation document

Neighbourhood Area Designation Application Decision Document

Neighbourhood Planning (General) Regulations 2012 Regulation (Regulation 7)

DECISION REGARDING APPLICATION FOR DESIGNATION OF SEATON VALLEY PARISH AS A NEIGHBOURHOOD AREA

In accordance with Neighbourhood Planning (General) Regulations 2012 (Regulation 7) Northumberland County Council hereby gives notice on the designation of the Civil Parish of Seaton Valley as the 'Seaton Valley Neighbourhood Area' for the purposes of neighbourhood planning under Section 61G(1) of the Town and Country Planning Act 1990 as amended. The designated area is shown on the attached map.

Under Section 61H(1) of the Town and Country Planning Act 1990 as amended, the area has not been designated as a business neighbourhood area because it is not wholly or primarily business in nature. The relevant designation information is set out below:

| | |
|----------------------------|--------------------------------------|
| Name of Neighbourhood Area | Seaton Valley |
| Relevant qualifying body | Seaton Valley Community Council |
| Consultation period | 08 September 2015 to 06 October 2015 |
| Decision Published | 15 October 2015 |

1. Determination

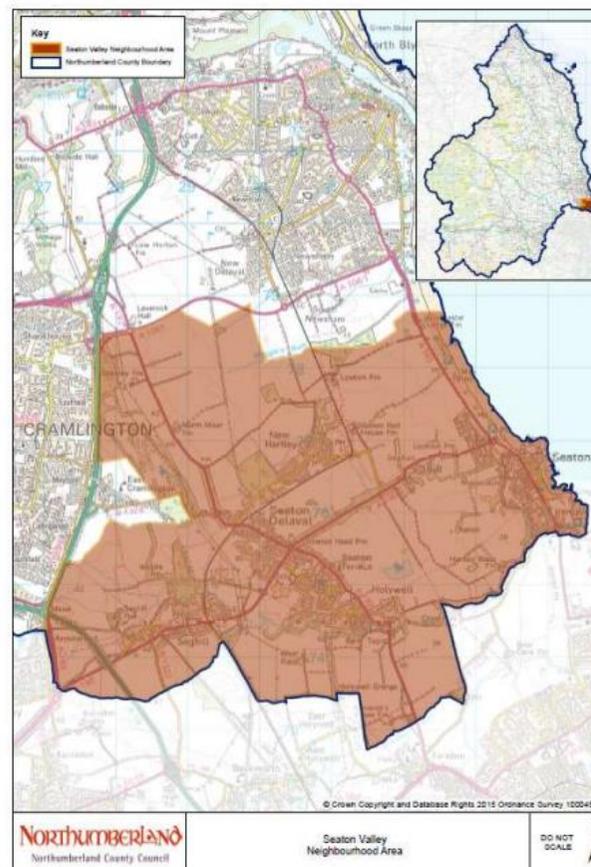
| | |
|---|-----|
| Is the organisation making the area application the relevant body under section 61G(2) of the 1990 Act? | Yes |
| Is the neighbourhood area considered appropriate under section 61G (4)? | Yes |
| Does the area overlap another designated area? (Section 61G(7)) | No |
| For joint area applications, have all relevant parish councils given their consent for inclusion of all or part of their area? (Section 61G(2)) | N/A |
| Were any comments received during the consultation period? | No |
| Summary of comments received | N/A |
| Are any modifications required to this or any adjoining neighbourhood area? | No |

2. A) Parish/Parishes comprising the neighbourhood area

Seaton Valley

B) Map of the neighbourhood area

See attached



Appendix 2: Development plan – strategic policies



Neighbourhood Planning Advice Notes

Advice Note 1: Basic Conditions Statements

Strategic Policies in the Development Plan

Introduction

1. This note is intended to support neighbourhood planning groups in the preparation of their 'basic conditions statement', specifically in relation to the need to demonstrate general conformity with current development plan policies. It briefly sets out the background to this requirement then defines the strategic policies set out in the development plan covering the neighbourhood area.
2. Regulation 15 of The Neighbourhood Planning (General) Regulations 2012, as amended, requires that certain specified information is provided alongside a draft neighbourhood development plan when it is submitted to the local planning authority. In summary, this information is:
 - (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
 - (b) a consultation statement;
 - (c) the proposed neighbourhood development plan;
 - (d) a **'basic conditions statement'**; and
 - (e)
 - (i) an environmental report, or
 - (ii) a screening opinion indicating that an environmental report is not required.
3. The **'basic conditions statement'** is a requirement of the Regulations. Its purpose is to allow the parish council submitting the neighbourhood plan to demonstrate how their plan has met a set of 'basic conditions' which are prescribed in legislation. The basic conditions statement must demonstrate that the policies in the plan:
 - are in general conformity with the **strategic policies** in the development plan for the area
4. A definition of **strategic policies** is given in the National Planning Policy Framework (2012) at paragraph 156. It is expected that Local Plans should include strategic policies to deliver the following:
 - homes and jobs needed in the area;
 - retail, leisure and other commercial development;
 - infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - health, security, community and cultural infrastructure and other local facilities; and
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
5. The strategic policies in the current development plan covering the neighbourhood plan area have been identified by the County Council as local planning authority. These are set out in Appendix A to this note.

Appendix A

Seaton Valley Neighbourhood Plan

The current statutory development plan for the Seaton Valley Neighbourhood Area within the Local Planning Authority area covered by Northumberland County Council is the Blyth Valley Core Strategy, Blyth Valley Development Control Policies DPD, and the saved policies contained within the Blyth Valley Local Plan. The strategic policies are listed below. The policies in the Seaton Valley Neighbourhood Plan must be assessed for general conformity with these saved strategic policies. The findings of this assessment should be presented in the basic conditions statement.

The strategic policies for the Seaton Valley Neighbourhood Area are as follows:

Blyth Valley District Local Plan (May 1999)

- Policy E3: Landscape: General Approach
- Policy E18: Visual aspects of open spaces in the built environment
- Policy G7: Green Belt - Definition
- Policy G9: Development in countryside beyond Green Belt
- Policy G10: Development criteria in the countryside generally
- Policy H4: Infill sites
- Policy H12: The release of housing land at - Rest of District
- Policy H13: Allocation of land for housing – Rest of District
- Policy H15: Affordable housing: controlling occupancy
- Policy H19: Accommodation for gypsies
- Policy H20: Housing in combination with other uses etc
- Policy H21: Design and layout principles for new housing areas
- Policy H25: Housing in countryside beyond Green Belt
- Policy C10: Educational facilities
- Policy C15: Shopping: edge of town centre proposals
- Policy C16: Shopping; out of town centre proposals
- Policy W1: General and local employment and business park use
- Policy W2: Individual users
- Policy W6: Offices: Class A2 uses
- Policy WP7: Complex at Avenue Road, Seaton Delaval
- Policy WP8: Double Row
- Policy WP9: Seghill Work Activity Area
- Policy M8: Car parking
- Policy SD1: Wheatridge Park
- Policy SD2: Avenue Head Local Service Area
- Policy SD3: Avenue Head Environment / Parking Improvements

Blyth Valley LDF Core Strategy (July 2007)

- Policy SS1: Regeneration and Renaissance of Blyth Valley 2021: Integrated Regeneration and Spatial Strategy
- Policy SS2: The Sequential Approach and Phasing
- Policy SS3: Sustainability Criteria
- Policy H1: Housing Provision
- Policy H2: Making the Best and Most Efficient Use of Land
- Policy H3: Mix of Housing Development
- Policy H6: Gypsies and Travellers
- Policy REG1: Employment Land Provision
- Policy REG2: Employment Land Distribution
- Policy REG3: Regional Brownfield Mixed Use Development – Blyth Estuary
- Policy REG4: Prestige Employment Site and Sub-Regional Employment Site
- Policy REG5: Business Clusters
- Policy REG6: Tourism, Visitor and Culture-led Regeneration
- Policy R1: Hierarchy of Retail Centres
- Policy R2: Town Centre Retail Led Regeneration
- Policy A2: Pedestrian/Cycle Routes
- Policy A3: Ashington, Blyth and Tyne Rail Line
- Policy C1: Educational Facilities
- Policy C2: Open Space – Strategic Priorities
- Policy ENV1: Natural Environment and Resources
- Policy ENV2: Historic and Built Environment

Blyth Valley LDF Development Control Policies DPD (2007)

- Policy DC1: General Development
- Policy DC2: Planning Obligations
- Policy DC3: Development in the Green Belt and in the Countryside
- Policy DC5: Housing Development on Windfall Sites
- Policy DC6: Development on Existing Industrial Estates and Non-Employment Uses on Industrial Estates
- Policy DC7: Strategic and Sub-Regional Employment Sites
- Policy DC8: Office Uses
- Policy DC9: Mixed Uses
- Policy DC10: Local Shopping
- Policy DC11: Planning for Sustainable Travel
- Policy DC12: Provision of Community Facilities
- Policy DC13: Open Space Contributions
- Policy DC14: Sites of National Importance for Nature Conservation

- Policy DC15: Sites of Nature Conservation Importance and Local Nature Reserves
- Policy DC16: Biodiversity
- Policy DC17: Landscape: General Protection and Restoration
- Policy DC18: Historic Parks and Gardens
- Policy DC19: Drainage and Flood Risk
- Policy DC20: Utilities and Infrastructure
- Policy DC21: Pollution Control
- Policy DC22: Noise Pollution
- Policy DC23: Conservation Areas
- Policy DC24: Listed Buildings
- Policy DC25: The Local List
- Policy DC26: Archaeology
- Policy DC27: Design of New Developments
- Policy DC29: Telecommunications
- Policy DC30: Integrated Renewable Energy
- Policy DC31: Renewable Energy Schemes