

**Barrowford Submission Neighbourhood Development Plan**  
**Paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990**  
**'Basic Conditions' Statement**  
**January 2019**



## 1.0 INTRODUCTION

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
- e. the making of the order (or neighbourhood 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).* <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

1.2 This Basic Conditions Statement sets out how the Barrowford NDP has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **2.0 Legal Requirements**

### **2.1 The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Barrowford Parish Council.

### **2.2 What is being proposed is a neighbourhood development plan**

The plan proposal 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.

### **2.3 The proposed Neighbourhood Plan states the period for which it is to have effect**

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2019 up to 2030.

### **2.4 The policies do not relate to excluded development**

The Neighbourhood Plan proposal does 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.

### **2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

The Neighbourhood Plan proposal relates to the designated Barrowford Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

### 3.0 Basic Conditions

#### a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.

The Barrowford Neighbourhood Development Plan has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF)<sup>2</sup>.

#### 3.1 Achieving Sustainable Development

Paragraph 1 of the NPPF explains that "*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*" Paragraph 7 sets out that "*The purpose of the planning system is to contribute to the achievement of sustainable development.*" The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

Table 1 sets out how the Barrowford NDP delivers the 3 overarching Objectives:

**Table 1 NPPF Overarching Objectives and the Barrowford Submission Neighbourhood Plan**

NPPF Overarching Objectives	Regard that Barrowford Neighbourhood Plan has to guidance
<p>a) <b><i>an economic objective</i></b> – <i>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;</i></p>	<p>The preparation of the Barrowford NDP has consulted with local businesses and the NDP provides a supportive framework for local business and investment in the economy.</p> <p>NDP Objective 7.2.4 Business and retail states 'to support and allow for the growth of new business and retail.' In particular reference to policies BNDP 04 Supporting Existing Businesses.</p> <p>Policy BNDP 02 recognises the constraints of existing social infrastructure and as the population of the parish grows the NDP</p>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

	<p>recognises the need to work with the Council and partners on strategic issues which have an impact on Barrowford.</p> <p>Policy BNDP 03 Travel and Transport, recognises the constraints of the road network and encourages provision of safe and accessible routes linking to existing public footpaths, cycleways, and local facilities and requires new development to be accessible to public transport services and facilities such as bus stops.</p>
<p><i>b) 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 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; and</i></p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Barrowford Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which protect the landscape setting, and which support the provision of new housing.</p> <p>The Plan includes policies to promote new housing policy BNDP 01, which is appropriate to the Parish and its level of public services and infrastructure.</p> <p>Policies BNDP 07 and 09 promote the importance of local green spaces and green infrastructure. This is key in the health and well being of residents in the parish.</p> <p>Policies BNDP 05 and 06 recognise the importance of mixed uses within Barrowford such as retail and local services to support the area.</p>
<p><i>c) an environmental objective – 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.</i></p>	<p>The Submission Neighbourhood Plan promotes the use of public transport, walking and cycling and the use of electric vehicles which together could assist with reducing carbon emissions associated with high levels of dependency on the private car associated with rural areas (BNDP 03).</p> <p>The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through policies promoting walking and cycling in Policy BNDP 03.</p> <p>The Plan provides a policy framework for the protection and</p>

	<p>enhancement of the semi rural landscape in Policy BNDP 08 Landscape Views. This policy along with BNDP 09 Green Infrastructure, protects important local views and encourages the preservation and enhancement of local habitats and wildlife and use of appropriate local species in landscaping schemes.</p>
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## 4. Plan Making

4.1 In Section 4 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the Barrowford NDP addresses each of these in turn.

**Table 2 NPPF Planning Principles and the Barrowford Submission Neighbourhood Plan**

NPPF Plan Making	Barrowford NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The NDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	The NDP has been prepared positively. The Parish Council, through the Steering Group, has worked hard to ensure policies are positively worded to "support" and "encourage" suitable development. Whilst there are no designations, the NDP recognises the need for appropriate scale housing providing a positive planning framework to support continued and sustainable levels of growth to help ensure the future survival and improvement of local facilities.
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>The accompanying Consultation Statement sets out the details of the extensive, wide ranging and multiple community consultation and engagement activities which have been undertaken since 2015 at all stages of the Plan's preparation. Briefly this has included:</p> <ul style="list-style-type: none"> <li>• 4 week public consultation on an emerging policies document in 2015</li> <li>• 2 focused stakeholder groups events for businesses and local service providers May 2016</li> <li>• Informal consultation on a draft plan August 2016</li> <li>• Formal (Reg 14) December 2017.</li> </ul> <p>Consultations were promoted using newsletters, leaflets, posters and the parish newsletter. The documents were placed on the NDP webpages and several open meetings and events were held.</p> <p>Comments and representations have been submitted throughout the process by residents, local organisations, landowners, the local authority and, at the formal stage by consultation bodies. At each consultation stage representations have been considered carefully and</p>



	appropriate amendments to the NDP made.
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The NDP policies and proposals have been prepared by a steering group of local residents, with support from a planning consultant and planning officers at Pendle Borough Council who have made comments at key stages in the process.  Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Updates and documents have been provided on the NDP website at all stages of plan preparation and via Twitter and the Neighbourhood Plan Facebook page.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The NDP has been amended and updated to reduce duplication both of policies within the Pendle Core Strategy and duplication with national policies. Whilst there are some policies which are also within the Core Strategy, many of the principles are similar but are specific to Barrowford.

#### 4.2 The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The Barrowford NDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Pendle Core Strategy. The supporting text for the NDP policies refers to the relevant strategic policies.

#### 4.3 Non-strategic policies

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Barrowford NDP contains the boroughs strategic housing site at Trough Lane which has already had consent for 500 dwellings. Policy BNDP 01 promotes further development than that proposed in the Core Strategy with appropriate scale and mix of new housing within the village.

Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

#### **4.4 Delivering a sufficient supply of homes**

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Barrowford NDP has been prepared in the context of Core Strategy Policy SDP3 which sets out the housing distribution in the borough, of which the M65 Corridor (of which Barrowford falls within) will take 70% of the boroughs housing numbers. Already committed sites which have been granted consent, together with the strategic site of 500 means that the NDP area will have commitment for 700 dwellings.

The amount of housing it is proposed to distribute to Barrowford is 10% of the total requirement for the M65 Corridor. This takes account of the land that is potentially available, the current viability of sites, the good level of service provision and facilities in the village. This amount will help to meet the housing needs of Barrowford. (Page 32 of the Pendle Local Plan Part 2 Scoping report and methodology.

Paragraph 69 sets out that neighbourhood planning groups should also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area. The NDP includes allocations for larger sites, but given the low densities of existing built up areas, indicative housing numbers in the NDP set out small and medium sized schemes for some sites.

Barrowford is located within a semi rural setting, close to the main town of Nelson but also on the edge of Open Countryside. Paragraph 78 advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The NDP supports this principle by guiding new development proposals within the defined settlement boundary.

#### **4.5 Building a strong, competitive economy**

Paragraph 83 advises that in rural areas planning policies should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and

leisure developments which respect the character of the countryside; and d) 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. The Barrowford NDP addresses all these matters through policies BNDP 04, BNDP 05 and BNDP 6.

#### **4.6 Promoting healthy and safe communities**

Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The NDP includes policies which protect and encourage investment in local community facilities (BNDP 02). Any existing open space is identified and protected in support of paragraph 96 which advises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities refer to BNDP policies 07 and 09).

#### **4.7 Promoting sustainable transport**

Paragraph 102 advises that opportunities to promote walking, cycling and public transport use should be identified and pursued. Walking, cycling and use of public transport are promoted in NDP policies 03, 07 and 09 addressing housing and business and development.

#### **4.8 Making effective use of land**

Paragraph 118 advises that planning policies should a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside; and b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production. The Barrowford NDP supports habitat protection and enhancement in BNDP 09 and the protection of local green spaces in BNDP 07

#### **4.9 Achieving appropriate densities**

Paragraph 122 sets out that planning policies and decisions should support development that makes efficient use of land, taking into account, amongst other things, d) the desirability of maintaining an area's prevailing character and setting (including residential gardens).

The village has a range of densities from the high density terraced housing to some of the later infill suburban developments. There are no specific densities prescribed in the NDP, but in policy BNDP 01 new housing should respond to and are appropriate to existing character.

#### **4.10 Achieving well-designed places**

Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The Barrowford NDP includes several policies (BNDP 01, 05, 08 and 10) which promote high quality design which responds to existing character and context. All policies have been prepared with the close involvement of the local community.

#### **4.11 Meeting the challenge of climate change, flooding and coastal change**

Paragraph 148 advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. Paragraph 151 goes on to set out that to help increase the use and supply of renewable and low carbon energy and heat, plans should c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers and in paragraph 152, local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning. Barrowford NDP includes Policy BNDP 01 which encourages green technology and low carbon footprint in new housing developments and BNDP 03 promotes the reduction in the use of vehicles and to maximise sustainable forms of transport.

#### **4.12 Planning and flood risk**

Paragraph 157 sets out that plans should avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by various measures including c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques). Policy ENV 7 Water Management of the Pendle Core Strategy is a robust policy which the Barrowford NDP will rely on for all issues involving water management.

#### **4.13 Conserving and enhancing the natural environment**

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. BNDP 08 protects and enhances local landscape character and BNDP 10 promotes a new character area in the village.

#### **4.14 Ground conditions and pollution**

Paragraph 180 sets out that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes considering such matters as noise and light pollution. BNDP 01 protects local residential amenity.

#### **4.15 Conserving and enhancing the historic environment**

Paragraph 184 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Barrowford NDP policy BNDP 10 aims to protect and enhance built heritage by requiring development to be designed to protect and enhance the setting of important buildings and other heritage assets. Pendle Council Core Strategy and the SPD's provide robust policy for historic environment, therefore without repeating existing policies, links and references have been made to these documents and policies within the NDP.

**b) Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest**

The NDP notes that there are 34 statutory Listed Buildings and Scheduled Monuments in the neighbourhood area, and 4 conservation areas. Pendle Council have produced Conservation Area Appraisals and it was noted that the Newbridge area could merit the designation of a separate conservation area which has resulted in the development of BNDP 10.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

**c) Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area**

The Plan area includes 4 Conservation Areas.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

**d) Contributes to the Achievement of Sustainable Development**

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

**e) In General Conformity with Strategic Local Planning Policy**

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the Pendle Core Strategy. Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Core Strategy.

**Table 3 General Conformity with Strategic Local Planning Policies**

Barrowford NDP Policies	Pendle Local Plan Core Strategy Policies	General Conformity
<p><b>Policy BNDP 01 New Housing in Barrowford</b></p>	<p><b>Policy SDP 3– Housing Distribution</b>  <b>Policy ENV2 – Achieving quality in design and conservation</b>  <b>LIV1 – Housing Provision and delivery</b>  <b>LIV2 – Strategic Housing site: Trough Laithe</b>  <b>LIV3 – Housing need</b>  <b>LIV4 – Affordable Housing</b></p>	<p>In accordance with policy SDP3, Barrowford within the M65 corridor which is set to take 70% of housing within the borough. The NDP in BNDP 01 promotes additional housing which is appropriate to the what the local services can provide for. Providing the right mixture of housing from ‘cradle to grave’ is important which is covered in Core Strategy policies LIV3 and LIV4.</p> <p>LIV2 – sets out the Trough Laithe strategic housing site and a subsequent planning application in 2016 has been granted for 500 houses.</p>
<p><b>Policy BNDP 02 Infrastructure</b></p>	<p><b>Policy SDP 6 Future Infrastructure Requirements</b></p>	<p>Through the NDP work engagement with relevant bodies and the Council will be made on applications to secure what potential funding there is for projects within the NDP area and which are not identified in the Councils Infrastructure delivery plan.</p> <p>This is in general conformity with Core Strategy Policy SDP 6 together with future policy from the site allocations and development policies.</p>
<p><b>Policy BNDP 03 Travel and Transport</b></p>	<p><b>Policy SDP 6 Future Infrastructure Requirements</b>  <b>Policy ENV3 Promoting sustainable travel</b></p>	<p>BNDP 03 seeks to achieve better connectivity within and outside the NDP area.</p> <p>This is in general conformity with Core Strategy policies SDP6 and ENV3.</p>
<p><b>Policy BNDP 04 – Supporting existing businesses</b></p>	<p><b>Policy SDP 04 Employment distribution</b>  <b>WRK2 Employment Land Supply</b></p>	<p>BNDP 04 supports further employment development at existing employment sites in the neighbourhood area, subject to local criteria.</p>

<b>Barrowford NDP Policies</b>	<b>Pendle Local Plan Core Strategy Policies</b>	<b>General Conformity</b>
		This is in general conformity with Core Strategy strategic Policy SDP 4 which supports continuing development of existing employment sectors.
<b>Policy BNDP 05 – Newbridge Local Shopping Frontage</b>	<b>Policy SDP 5 Retail Distribution Policy WRK6 Designing better places to work</b>	BNDP 05 identifies established frontages outside the defined shopping centre that have a high concentration of shopping units and provide day – day shopping and service needs for the area.  This is in general conformity with Core Strategy strategic Policy SDP 5.
<b>Policy BNDP 06 – Design of shop fronts</b>	<b>Policy WRK6 Designing better places to work</b>	BNDP 06 recognises the importance of quality shop and commercial frontages which is recognised in SPD design principles and the Conservation Area and Development Guidance 2009. This is also in general conformity with Core Strategy strategic Policy SDP 5.
<b>Policy BNDP 07 – Local Green Spaces</b>	<b>Policy ENV1 – Protecting and enhancing our natural and historic environment SUP 2 – Health and well being</b>	An assessment has been carried out of the green spaces put forward in the NDP area as set out in para 100 of the NPPF.  These areas help to extend the protection and promotion of green spaces within the NDP area and support policies ENV1 and SUP 2 of the Core Strategy.
<b>Policy BNDP 08 – Landscape views</b>	<b>Policy ENV1 – Protecting and enhancing our natural and historic environment</b>	Key views and vistas were considered as part of the Barrowford CAA. A character analysis plan was carried out for the area and key views key landscape views both in to and out of the NDP were identified.  This is in general conformity with Core Strategy ENV1 which provides broad, strategic criteria to



Barrowford NDP Policies	Pendle Local Plan Core Strategy Policies	General Conformity
		protect landscape and townscape.
<b>Policy BNDP 09 – Green Infrastructure</b>	<b>Policy ENV1 – Protecting and enhancing our natural and historic environment</b>	A Green Infrastructure (GI) asset map was completed for the NDP area. The full detail of the GI within the borough will not be identified until the site allocations document has been completed. In the meantime the plan offers protection for the GI that is marked out which is in general conformity with Core Strategy ENV1.
<b>Policy BNDP 10 – Newbridge Character Area</b>	<b>Policy ENV2 – Protecting and enhancing our natural and historic environment</b> <b>SUP 2 – Health and well being</b>	An evidence base character assessment was carried out by the NDP steering group and the proposed character area for Newbridge will preserve the long term future of pivotal buildings and how they play an important role as to how the village functions and how they add to the overall character and townscape. In general conformity with Core Strategy ENV1.

## f) Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

## 5. Strategic Environmental Assessment (SEA)

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

5.1 The Environmental Report for Barrowford Neighbourhood Area was published by completed by Kirkwells planning consultants on behalf of the NDP steering group and shared with Pendle Borough Council in May 2017. The non-technical summary (p1) sets out that:

### 5.2 SEA Screening Stage 1: Conclusions

#### **Would the Barrowford Neighbourhood Development Plan require SEA?**

The Neighbourhood Development Plan will not impact on any European Designated site.

The Neighbourhood Development Plan does not seek to allocate any sites for development.

The Neighbourhood Development Plan policies seek to protect a number of key environmental assets, including landscape, heritage and local green spaces.

Based on the Stage 1 screening in Table 1 it is concluded that a full SEA is not required.

The full report is published on the parish council website.

### 5.3 Requirement for Habitats Regulations Assessment (HRA)

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

The Neighbourhood Plan has been subject to a separate Screening Process for Strategic Environmental Assessment prepared by Kirkwells that accompanies the Submission Plan and this Basic Condition Statement. Plans that may have a significant effect on European Sites have to undertake a Habitat Regulations Assessment (HRA). Responses were received from Natural England, Historic England and the Environment Agency on the Screening Assessment and these are detailed in the accompanying Consultation Statement.

#### **5.4 European Convention on Human Rights**

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive

consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

**g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

The prescribed conditions have therefore been met in relation to the Neighbourhood Development Plan (NDP) and prescribed matters have been complied with in connection with the proposal for the Plan.