



# CHURCH FENTON PARISH COUNCIL

Neighbourhood Development Plan 2020-2027  
Basic Conditions Statement

MAY 2020

# CHURCH FENTON NEIGHBOURHOOD DEVELOPMENT PLAN: BASIC CONDITIONS STATEMENT.

## 1. Legal Requirements

1.1 This Statement has been prepared by Church Fenton Parish Council to accompany its submission to the Local Planning Authority, Selby District Council of the Church Fenton Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

1.2 The Neighbourhood Plan has been prepared by Church Fenton Parish Council, a qualifying body, for the Neighbourhood Area covering the Church Fenton Neighbourhood Area, as designated by Selby District Council in November 2016.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2027 and it does not contain policies relating to excluded development in accordance with the Regulations.

1.4 This Statement addresses each of the four ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Parish & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The making of the 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);
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.

## 2. Introduction and Background

2.1 Following the designation of the Neighbourhood Area in 2016, the Parish Council set up a Neighbourhood Development Plan sub committee and working group to progress the programme of work.

2.2 The Church Fenton Plan working group and Church Fenton Parish Council wanted to ensure that local people were involved in the choices that will shape their Parish for many years to come. The neighbourhood planning process, which commenced in early 2017 has developed a coherent vision for the future of the parish:

***“Our Vision is for Church Fenton to be a place that meets the needs of its residents in terms of homes, jobs, play and recreation and education and learning. The village needs to be a place that retains its character and essence as a village, whilst growing sustainably to support the wide range of facilities we enjoy now and wish to see develop in the future..”***

2.3 In addition it has developed policies under the following key themes:

- **Housing (H)**
  - H1: Type, size and scale
  - H2: Design principles
  - H3: Location of new development
- **Amenities and Services (AS)**
  - AS1: Valuing community facilities
  - AS2: New community facilities
- **Business and Economy (BE)**
  - BE1: Supporting the small business economy
  - BE2: Farm diversification
- **Environment and Green Spaces (EGS)**
  - EGS1: Local Green Spaces
  - EGS2: Protecting biodiversity and habitats

- EGS3: Green infrastructure and corridors
- **Conservation and Heritage (CH)**
  - CH1: Non-designated local heritage assets
  - CH2: Development in the historic core
- **Flooding (F)**
  - F1: Development that does not add to flood risk
- **New railway infrastructure (NR)**
  - NR1: Visibility and impact
  - NR2: Managing development

2.4 After consultation with the community, a draft Neighbourhood Plan was produced and between the Regulation 14 (pre-submission) consultation was undertaken. Responses from this consultation have been considered, and some minor changes made to the policies in the plan as a result. It is now ready to be submitted to Selby District Council, the Local Planning Authority.

### **3. Conformity with National Planning Policy**

3.1 The Neighbourhood Plan (NDP) has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of February 2019. It is also mindful of National Planning Guidance (NPPG).

3.2 Set out in Table 1 below, is a brief summary of how each policy has regard to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

**Table 1: Church Fenton NDP conformity with the National Planning Policy Framework (NPPF)**

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
<b>Housing (H)</b>			
<p>H1: Type, size and scale</p>	<p>New housing developments should be:</p> <p>a) Small in scale, under 10 units (i.e. small-scale development)</p> <p>b) Not overwhelm their surroundings but rather integrate with their immediate neighbouring properties and landscape in terms of:</p> <p>i. Design of new homes</p> <p>ii. Design of the overall development</p> <p>iii. Car parking arrangements</p> <p>iv. Appropriate landscaping, greenspace and green infrastructure</p> <p>v. Non-vehicular links, including new public rights of way linking the development to other parts of the village and the surrounding countryside, where practicable.</p> <p>c) Provide for a mix of housing type and size in accord with the Selby Local Plan and reflecting demand and needs identified through the most recently available housing needs analysis for Church Fenton parish.</p> <p>Preference will be given to community-led housing schemes where the scheme is initiated by, and is being led by, a legitimate local community group such as the Parish Council or Community Land Trust and the scheme has general community support, with evidence of meaningful public engagement.</p>	<p>Chapter 5 “Delivering a sufficient supply of homes”</p> <p>Para 61</p>	<p>The NPPF emphasizes the importance of providing a wide choice of high quality homes to create sustainable, inclusive and mixed communities.</p> <p>The Plan seeks to provide a mix of housing types for large proposals, based on current local needs.</p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
H2: Design principles	<p>New housing developments should be:</p> <p>a) The type of housing should be distinctive in design, one or two storeys with gardens.</p> <p>b) New housing should reflect the best design elements as found in the historic core of the village, including:</p> <p>i. Respecting the overall palette of traditional designs and the character of the local area as set out in the Village Design Statement.</p> <p>ii. Respecting the height, position, size and massing of existing buildings.</p> <p>iii. Ensuring boundary treatments are in keeping with the tradition of the village and primarily involve hedgerows formed by native species.</p> <p>iv. Density of new developments should reflect that of their immediate surroundings.</p> <p>v. Demonstrating how the recommendations set out in the Village Design Statement will be respected.</p> <p>c) Modern architectural detailing, including environmental systems (i.e. systems built into the home designed to save energy, reduce waste, prevent pollution, cut carbon emissions or enhance biodiversity), can be accommodated in new development but should be carefully sited and designed to blend in with village character, avoiding street front elevations wherever practicable.</p> <p>d) New housing should be designed to incorporate the best of sustainability principles in design and construction.</p>	<p><i>Chapter 12 “Achieving well designed places”</i></p> <p><i>Paras 124-127.</i></p> <p><i>Chapter 9 “Promoting sustainable transport”</i></p> <p><i>Paras 102, 108</i></p> <p><i>Chapter 8 “Promoting healthy and safe communities”</i></p> <p><i>Para 91.</i></p>	<p><i>The NPPF emphasizes the importance of good design as a key aspect of sustainable development in making places ‘better for people’.</i></p> <p><i>The Plan has assessed important design features for conservation and seeks to conserve it and reflect design in new development in order to seek consistency of good design across the neighbourhood area.</i></p> <p><i>The NPPF identifies the need to utilise opportunities for sustainable transport modes in relation to the design and delivery of new developments, including good access to Public Rights of Way.</i></p> <p><i>The Plan seeks to integrate new developments with existing and new sustainable transport options.</i></p> <p><i>The NPPF identifies the need to set local parking standards for residential and non-residential development.</i></p> <p><i>The Plan seeks to provide sufficient resident and visitor parking for new housing developments.</i></p>
H3: Location of new housing	<p>All new housing development proposals should:</p> <p>a) Respect the integrity of the linear structure and open</p>	<p><i>Chapter 12 “Achieving well designed places”</i></p>	<p><i>The Plan directs development towards the least sensitive locations, thereby</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
development	<p>aspects of the village. The future growth of the village should rely on conversions, replacement dwellings, re-development of brown-field sites or appropriate scale development on green-field sites.</p> <p>b) Avoid Green Belt, strategic countryside gap and other areas identified in the Policies Map as valuable for the green infrastructure roles they perform.</p> <p>c) Apply sequential, risk-based testing to potential development locations to avoid the flood zone areas 2 and 3, in order to reduce the risk of future flooding.</p> <p>d) Be in an acceptable location in relation to the highway network and must not generate a level of vehicle movements that would result in a loss of residential amenity for neighbours in relation to safety, noise and air quality.</p> <p>e) Respect and maintain key views as identified on map 3, in order to maintain the character and appearance of the village, with particular attention paid to the views of St. Mary's Church, which is prominent due to its elevated tower.</p>	<p><i>Paras 125-127</i></p> <p><i>Chapter 13 "Protecting Green Belt land"</i></p> <p><i>Chapter 16 "Conserving and enhancing the historic environment"</i></p>	<p><i>maximising the sustainability of the development itself and for the Neighbourhood Area as a whole by avoiding areas of biodiversity, openness or prone to flooding.</i></p> <p><i>The Plan encourages appropriately scaled development to the existing built form.</i></p>
<b><i>Amenities and Services (AS)</i></b>			
AS1: Valuing community facilities	<p>Development proposals affecting those community facilities listed should seek to ensure that the facility is maintained or improved for community benefit.</p> <ul style="list-style-type: none"> <li>● St Mary the Virgin</li> <li>● Methodist Church</li> <li>● Kirk Fenton Primary School</li> <li>● Jigsaws Childcare</li> <li>● Village Hall</li> </ul>	<p><i>Chapter 8 "Promoting healthy and safe communities"</i></p> <p><i>Paras 92, 97</i></p>	<p><i>The NPPF sets out the role the planning system can play in promoting social interaction, including delivering and guarding against the loss of social, recreational and cultural facilities needed by the community.</i></p> <p><i>Based upon assessment of facilities available to the community, the Plan identifies and seeks to maintain important</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<ul style="list-style-type: none"> <li>• Methodist Church Hall</li> <li>• Main Street Playing Field</li> <li>• Sandwath Playing Area</li> <li>• Cricket Club and Ground</li> <li>• Bowling Club</li> <li>• Station Farm Guest House</li> <li>• White Horse Pub and Restaurant</li> <li>• Fenton Flyer Pub</li> <li>• Village Shop &amp; Post Office</li> <li>• Fishing Lake</li> </ul> <p>The loss of an existing community facility will not be supported unless:</p> <p>a) The facility is replaced by equivalent or better provision in terms of quantity and quality in a suitable location in the community, if a sufficient level of need is identified.</p> <p>b) The facility can be clearly shown to be unviable, in which case alternative uses can be considered.</p>		<p><i>local assets that contribute to community vitality.</i></p>
AS2: New community facilities	<p>Development proposals for community facilities currently not provided in the parish will be supported where these can demonstrate community support through public consultation and engagement. This includes the expansion of an existing facility.</p> <p>Any proposed facility, new or extended, should not disrupt other aspects of community life, in particular, residential amenity.</p> <p>Particular needs include the following and proposals</p>	<p><i>Chapter 8 “Promoting healthy and safe communities”</i></p> <p><i>Paras 92, 97</i></p>	<p><i>Plans for the sustainable growth of the village by ensuring development is matched by growth in facilities providing for the well being of its citizens, including young people in education.</i></p>



NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<p>coming forward in relation to these will be welcomed:</p> <ul style="list-style-type: none"> <li>• Public Car Park</li> <li>• Superfast Broadband coverage</li> <li>• Hard play surface</li> </ul> <p>In addition, the upgrade and growth of Kirk Fenton CE Primary School, its buildings and grounds, will be supported where proposals provide for the ongoing sustainability of the facility and contribute to the improvement of the school’s learning environment. However, the school playing fields will be protected from development except for that which is deemed essential for expansion of the school’s capacity and where it has been demonstrated that the space required for development is surplus to requirements or that the new use is for sport and recreational provision which provides benefits in excess of the loss of the current use.</p>		
<b><i>Business and economy (BE)</i></b>			
<p>BE1: Supporting the small economy</p>	<p>Development of existing small businesses and new businesses will be supported where the scale of the proposed development is appropriate to the location.</p> <p>In particular, consideration should be given to the effects upon residential amenity of an increase in traffic movements, the use of Heavy Goods Vehicles, or other detrimental impacts such as noise, light, odour or other pollution.</p>	<p><i>Chapter 6 “Building a strong, competitive economy”</i></p> <p><i>Para 83-84.</i></p>	<p><i>The NPPF seeks to promote competitive rural economies, including allocating sites to meet the scale of tourism needed and farm diversification.</i></p> <p><i>The Plan encourages the development of the economy in Church Fenton, subject to local conditions.</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
BE2: Farm diversification	<p>Development proposals for the diversification of farms will be supported where this enables production from the land to continue and where:</p> <p>a) There are no significant negative effects upon the landscape.</p> <p>b) It does not result in significant increased traffic by way of Heavy Goods Vehicles on rural roads.</p> <p>c) There is sustained or increased local employment.</p>	<p>Chapter 6 “Building a strong, competitive economy”</p> <p>Para 83-84.</p>	<p>The NPPF seeks to promote competitive rural economies, including allocating sites to meet the scale of tourism needed and farm diversification.</p> <p>The Plan encourages the development of the rural economy in Church Fenton, subject to local conditions.</p>
<b>Environment and green spaces (EGS)</b>			
EGS1: Local Green Spaces	<p>The following areas are designated as Local Green Spaces. Development on these Local Green Spaces will not be approved other than in very special circumstances:</p> <ul style="list-style-type: none"> <li>• Church Fenton Cricket Ground</li> <li>• Main Street Playground</li> <li>• Church Fenton Bowling Green</li> <li>• Village Green</li> <li>• Sandwath Drive play area and greenspace</li> <li>• St Mary’s Church environs</li> <li>• Church Field</li> </ul>	<p>Chapter 8 “Promoting healthy and safe communities”</p> <p>Para 100.</p>	<p>The NPPF highlights the important role the planning system can play in facilitating healthy, inclusive communities. In particular, this chapter of the NPPF highlights the opportunity for positive planning for provision and protection against the loss of shared spaces and community facilities. The opportunity is afforded to local communities writing a neighbourhood plan to designate special green areas as ‘Local Green Space’. The Church Fenton NDP has considered candidates for such a designation and policy reflects the conclusions of this process.</p> <p>The policy conforms with the NPPF having carefully analysed potential sites for designation and recorded these in the evidence base accompanying the Plan.</p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
EGS2: Protecting biodiversity and habitats	<p>Development proposals should seek to provide opportunities to enhance and support wildlife and/or biodiversity on development sites. This includes:</p> <p>a) preserving or creating wildlife habitats, including trees, verges, walls, hedgerows, ponds.</p> <p>b) providing wildlife friendly features in open spaces.</p>	<p>Chapter 15 “Conserving and enhancing the natural environment”</p> <p>Paras, 170, 171, 174, 175.</p>	<p>The NPPF identifies the need to protect wildlife sites or landscape areas.</p> <p>The Plan seeks to protect local neighbourhood wildlife and enhance this where possible in relation to new development.</p>
EGS3: Green corridors	<p>The following identified green corridors will be improved and protected for the multiple benefits derived from them for the community.</p> <p>Development proposals should not result in the disruption of the functioning of these corridors:</p> <ul style="list-style-type: none"> <li>• River Wharfe regional corridor</li> <li>• Church Fenton green gap</li> </ul> <p>Development proposals within or adjacent to these corridors should seek to integrate strong green infrastructure, including:</p> <ul style="list-style-type: none"> <li>• New accessible public green spaces for formal and informal recreation. New green space should seek to address identified deficits in the area and/or vicinity of the development.</li> <li>• Retention of hedges, trees and landscape features.</li> <li>• Retention of existing street trees and those ‘off street’ which form part of the street scene and provision of new trees wherever practicable. Existing trees in the street scene should be conserved and replaced on a</li> </ul>	<p>Chapter 15 “Conserving and enhancing the natural environment”</p> <p>Paras, 170, 171, 174, 175.</p>	<p>The NPPF identifies the need to protect wildlife, geodiversity sites or landscape areas.</p> <p>The Plan seeks to protect local green corridors as a multifunctional wildlife, amenity and recreational resource for the local community.</p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<p>like for like (numerical and locational) basis should felling be deemed inevitable.</p> <ul style="list-style-type: none"> <li>• Provide corridors for wildlife to move through, around or across a development site.</li> </ul>		
<b>Conservation and heritage (CH)</b>			
CH1: Non designated local heritage assets	<p>The following assets have been identified as being of local significance and worthy of conservation. Any development that would have an impact upon a named feature should consider their heritage value and have regard to how the proposal will contribute towards the sustainability of the affected feature:</p> <ul style="list-style-type: none"> <li>• Church End Farm, Church Street</li> <li>• Orchard Cottage, Church Street</li> <li>• Former Church Fenton Primary School and</li> <li>• Schoolmasters House, Church Street</li> <li>• 1–6 Church Street ‘Chicory Row’</li> <li>• The White Horse Public House, Main Street</li> <li>• Methodist Chapel, Main Street</li> </ul>	<p><i>Chapter 16 “Conserving and enhancing the historic environment”</i></p> <p><i>Paras 184, 185, 197.</i></p>	<p><i>The NPPF sets out the need for a positive strategy for conservation and enjoyment of the historic environment. In particular, the need for development proposals to assess the impact of any proposals upon heritage assets affected, including ‘non designated heritage assets’.</i></p> <p><i>The Plan has assessed potential non designated assets (features) across the neighbourhood area. It has assessed and recorded the significance of the identified non-designated features in seeking their conservation.</i></p>
CH2: Development in the historic core	<p>Within Church Fenton’s historic core, as defined in the Policies Map, where development affects Listed Buildings, or their setting, a Heritage Impact Assessment should be required to assess what impact such developments may have upon the significance of the designated heritage assets.</p>	<p><i>Chapter 12 “Achieving well designed places”</i></p> <p><i>Paras 124-130.</i></p> <p><i>Chapter 16 “Conserving and enhancing the</i></p>	<p><i>The NPPF emphasizes the importance of good design as a key aspect of sustainable development in making places ‘better for people’.</i></p> <p><i>The Plan has assessed important design features for conservation as well as</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<p>All new development within the historic core or affecting its setting must demonstrate good quality design. This means responding to and integrating with the landscape context and existing built environment. Specific regard should be paid to:</p> <p>a) ensuring the heights of new buildings relate to, and avoid overlooking and dominating, adjacent properties;</p> <p>b) ensuring that for extensions and alterations, the characteristics of the original building are reflected and not overwhelmed;</p> <p>c) reflecting and respecting nearby buildings within the historic core with regard to materials, textures, shapes, colours and proportions including doors, windows, plus height, pitch and ridge of roof;</p> <p>d) achieving high quality design that respects the scale and character of existing and surrounding buildings.</p> <p>Support will be given for development that respects the character and appearance of the historic core and which takes the opportunities available for improving the local character and quality of Church Fenton.</p>	<p><i>historic environment”</i></p> <p><i>Paras 184-186, 189, 200.</i></p>	<p><i>recognizing the significance of the Church Fenton ‘historic core’ and seeks to conserve it and reflect design in new development in order to seek consistency of good design.</i></p>
<b><i>Flooding (F)</i></b>			
<p>F1: Development that does not add to flood risk</p>	<p>Development proposals should not add to the overall level of flood risk in the parish. To achieve this, the following principles should be adhered to:</p> <p>a) New development beyond that permitted should apply sequential, risk-based testing to potential development</p>	<p><i>Chapter 14 “Meeting the challenge of climate change, flooding and coastal change”</i></p> <p><i>Paras, 150, 155-165.</i></p>	<p><i>The NPPF identifies the need to take into account climate change over the longer term, including flood risk and to avoid developing in areas at risk of flooding.</i></p> <p><i>The Plan seeks to avoid further flooding</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<p>locations to avoid the flood zone areas 2 and 3, in order to reduce the risk of future flooding.</p> <p>b) Surface water management measures will be required for development proposals to ensure that the risk of flooding both on-site and downstream is not increased.</p> <p>c) Permeable surfaces and soakaways for hardstanding areas should be incorporated to all new developments wherever practicable.</p> <p>d) Sustainable Drainage Systems (SuDS) as an alternative to conventional drainage will be supported provided that they can be shown to be suitable in the intended location and that such systems will be properly maintained.</p> <p>e) There is a presumption against culverting and the constricting of watercourses and their immediate environs.</p> <p>f) If existing capacity in the local sewerage system/or water distribution network is insufficient, a connection must be provided to the system at the nearest point of adequate capacity as advised by Yorkshire Water.</p>		<p><i>through establishing specific local policies that are relevant to Church Fenton.</i></p>
<b><i>New rail infrastructure (NR)</i></b>			
NR1: Design, community and the landscape	<p>The promoter and the nominated developer(s) will seek to ensure that:</p> <p>a) The design of new rail infrastructure should contribute to the government’s pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in quality of life, with reference to the following elements:</p> <ul style="list-style-type: none"> <li>• agriculture, forestry and soils;</li> </ul>	<p><i>Chapter 9 “Promoting sustainable transport”</i></p> <p><i>Para 102</i></p> <p><i>Chapter 12 “Achieving well designed places”</i></p> <p><i>Paras 124-130.</i></p>	<p><i>The NPPF emphasizes the importance of good design as a key aspect of sustainable development in making places ‘better for people’.</i></p> <p><i>It emphasises the importance of engagement to minimise detrimental impacts.</i></p> <p><i>The Plan has assessed important design</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
	<ul style="list-style-type: none"> <li>• air quality;</li> <li>• climate change;</li> <li>• community;</li> <li>• ecology;</li> <li>• electromagnetic interference;</li> <li>• health;</li> <li>• historic environment;</li> <li>• land quality;</li> <li>• landscape and visual;</li> <li>• major accidents and disasters;</li> <li>• socio-economics;</li> <li>• sound, noise and vibration;</li> <li>• traffic and transport;</li> <li>• waste and material resources; and</li> <li>• water resources and flood risk.</li> </ul> <p>b) Design of all visible elements of the built and landscaped environment are sympathetic to their local context, the environment and setting in respect of the local community;</p> <p>c) The design is developed through engagement to seek peoples' views and ideas on the aesthetic design of the visible buildings and permanent structures.</p>	<p>Chapter 16 "Conserving and enhancing the historic environment"</p> <p>Paras 184, 185.</p>	<p><i>features for conservation and seeks to conserve it and reflect design in new development in order to seek consistency of good design across the neighbourhood area.</i></p> <p><i>There is significant potential for sympathetic integration of new rail infrastructure as it traverses the neighbourhood area. Policy seeks to ensure that disruption is minimised.</i></p>

NDP Policy	Policy wording	NPPF paragraphs(s)	Commentary on conformity with NPPF
NR2: Managing the impact of the development phase	<p>During the period leading up to and during construction through the Neighbourhood Area, the developer and their contractors should seek to limit adverse environmental impacts upon the community &amp; its environment. To this end, prior to the period in question, the developer shall:</p> <p>a) develop a sustainable development policy setting out defining principles regarding all aspects of operations and how potential impacts will be avoided or mitigated in respect of all areas where there is potential for impact.</p> <p>b) Engage with local authorities and other stakeholders to identify additional potential regeneration opportunities within the Neighbourhood Area.</p>	<p><i>Chapter 9 “Promoting sustainable transport”</i></p> <p><i>Para 102</i></p> <p><i>Chapter 12 “Achieving well designed places”</i></p> <p><i>Paras 124-130.</i></p> <p><i>Chapter 16 “Conserving and enhancing the historic environment”</i></p> <p><i>Paras 184, 185.</i></p>	<p><i>The NPPF emphasizes the importance of good design as a key aspect of sustainable development in making places ‘better for people’.</i></p> <p><i>The Plan has assessed important design features for conservation and seeks to conserve it and reflect design in new development in order to seek consistency of good design across the neighbourhood area.</i></p> <p><i>There is significant potential for sympathetic integration of new rail infrastructure as it traverses the neighbourhood area. Policy seeks to ensure that disruption is minimised.</i></p>

#### 4 General conformity with the strategic policies of the development plan

4.1 The development plan for Church Fenton is the Selby District Local Plan . The current policies against which any planning proposals would be appraised are contained in the Selby District Local Plan and Core Strategy 2013 as well as the NPPF. Table 2 below sets out how each policy is in general conformity with the Local Plan.



**Table 2: Conformity of Neighbourhood Plan policies with Selby District Council’s District Local Plan (2018) and Selby District Council’s Core Strategy (2009)**

NDP Policy	Selby District Local Plan Core Strategy 2013 references	Commentary on conformity of NDP policies	Overall conclusion on conformity by policy theme
<b>Housing</b>			
<b>H1: Type, size and scale</b>	<p><b>SP2: Spatial development strategy</b></p> <p><b>SP8: Housing mix</b></p> <p><b>SP 10 Rural housing exceptions sites</b></p>	<p>NDP plans for limited growth recognising the quantum of new housing already delivered within the Local Plan period.</p> <p>Housing mix should reflect local need and demand.</p> <p>Enables community led housing developments.</p>	<p>The Housing policy section of the NDP seeks to recognise the amount of new development that the parish has taken in recent years as its contribution to the district’s growth targets. It seeks to ensure that new development is encouraged where this contributes positively to the sustainability of the community and respects the local natural and built environments and is within the carrying capacity of local services.</p>
<b>H2: Design principles</b>	<p><b>SP15 Sustainable development and climate change</b></p> <p><b>SP19 Design quality</b></p>	<p>Promotes high environmental standards in new build.</p> <p>Development that positively contributes to the local environment</p>	
<b>H3: Location of new housing development</b>	<p><b>SP15 Sustainable development and climate change</b></p> <p><b>SP19 Design quality</b></p>	<p>Development applies sequential testing to avoid flood prone areas.</p> <p>Development contributes to the area’s layout.</p>	
<b>Amenities and Services</b>			
<b>Policy AS1: Valuing community facilities</b>	<b>SP14 Town centres and local services</b>	Aims to protect existing local services.	Both policies in this theme aim to ensure that the community has sufficient

<b>NDP Policy</b>	<b>Selby District Local Plan Core Strategy 2013 references</b>	<b>Commentary on conformity of NDP policies</b>	<b>Overall conclusion on conformity by policy theme</b>
<b>Policy AS2: New community facilities</b>	<b>SP 12 Access to services, community facilities and infrastructure</b>	Recognises the need to deliver appropriate new community facilities.	services to enable growth in the local population to have reasonable access to essential services without undue need to travel away to access these.
<b>Business and Economy</b>			
<b>BE1: Supporting the small economy</b>	<b>SP14 Town centres and local services</b>	Aims to protect existing local services.	The Business and Economy theme recognises the importance of local businesses and the success of the community in providing 'community based' economic development in recent years. It also seeks to encourage diversification both as a means of maintaining the rural economy and the landscape setting of the village.
<b>BE2: Farm diversification</b>	<b>SP13 Economic growth</b>	Enables sustainable development in rural locations.	
<b>Environment and green spaces</b>			
<b>EGS1: Local Green Spaces</b>	<b>SP19 Design quality</b>	Protects important green spaces	This theme is strongly aligned with the Core Strategy in recognising the importance of the district's environmental and heritage assets as it seeks to grow.
<b>Policy EGS2: Protecting biodiversity and habitats</b>	<b>SP18 Protecting and enhancing the environment</b>	Protects biological assets	
<b>EGS3: Green</b>	<b>SP12 Access to services, community facilities and</b>	Promotes strong green infrastructure	

<b>NDP Policy</b>	<b>Selby District Local Plan Core Strategy 2013 references</b>	<b>Commentary on conformity of NDP policies</b>	<b>Overall conclusion on conformity by policy theme</b>
<b>corridors</b>	<b>infrastructure</b>  <b>SP15 Sustainable development and climate change</b>  <b>SP18 Protecting and enhancing the environment</b>	protection and enhancement  Supports opportunities for use of land without compromising local environmental quality.  Maintains green infrastructure	
<b>Conservation and heritage</b>			
<b>CH1: Non designated local heritage assets</b>	<b>SP18 Protecting and enhancing the environment</b>	Protects cultural and heritage assets	Conforms well with district policy in seeking to ensure the village maintains its heritage whilst growth is enabled.
<b>CH2: Development in the historic core</b>	<b>SP18 Protecting and enhancing the environment</b>  <b>SP19 Design quality</b>	Protects cultural and heritage assets  Development respects the local built form and heritage.	
<b>Flooding</b>			
<b>F1: Development that does not add to flood risk</b>	<b>SP12 Access to services, community facilities and infrastructure</b>  <b>SP15 Sustainable development and climate change</b>  <b>SP18 Protecting and enhancing the environment</b>	Promotes strong green infrastructure protection and enhancement.  Supports sustainable flood management measures.  Maintains green infrastructure	Policy recognises the potential for flooding and strongly advises for development to avoid the most vulnerable areas, in line with the Local Plan.
<b>New rail infrastructure</b>			
<b>NR1: Design, community and</b>	<b>SP18 Protecting and enhancing the environment</b>	Ensures that the high quality environment is maintained and improved through new development.	The Working Group for the NDP recognise the positioning of the village in

NDP Policy	Selby District Local Plan Core Strategy 2013 references	Commentary on conformity of NDP policies	Overall conclusion on conformity by policy theme
the landscape			relation to regional and national rail infrastructure, with the convergence of lines here. It seeks to ensure that design and implementation are handled sensitively and with the full involvement of the community.
NR2: Managing the impact of the development phase	SP18 Protecting and enhancing the environment	Ensures that the high quality environment is maintained and improved through new development.	

## 5 Contribution to Achieving Sustainable Development

5.1 A Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development.

5.2 The objectives of the Neighbourhood Plan have sustainability at their heart. The Plan aims:

- To have a proper mix of homes which meets the needs of the community
- To maintain and improve services and facilities
- To improve our green environment
- To recognise and conserve our heritage
- To maintain and develop a 'small business economy'
- To avoid urbanisation and maintain a high quality village setting
- To work closely with our neighbours particularly with regard to potential future development on the airbase
- To enable organic growth that is small in nature, for example self-build homes
- To improve broadband connection speeds
- To manage and improve road safety and car parking
- To minimise the impact of HS2 and other rail infrastructure projects on the community and landscape.

5.3 Table 3 below has assessed the Neighbourhood Plan's policies in terms of how it will deliver sustainable development with regards to economic, social and environmental aspects. It shows that the Plan's policies are, in the main, either neutral in effect or will make Church Fenton more sustainable.

**Table 3: Assessment of sustainability of Neighbourhood Plan policies**

NDP Policy	Factors			Comments on sustainability and contribution made to achieving sustainable development
	Economic	Social	Environmental	
<b>H1: Type, size and scale</b>	*	*	*	Enables development that meets community needs.
<b>H2: Design principles</b>	-	*	**	Enables development that is environmentally sensitive.
<b>H3: Location of new housing development</b>	-	*	**	Enables development that does not negatively impact on the environment.
<b>Policy AS1: Valuing community facilities</b>	*	**	*	Maintains essential local services.
<b>Policy AS2: New community facilities</b>	*	**	-	Promotes provision of new services where needed.
<b>BE1: Supporting the small economy</b>	**	**	*	Promotes local small scale economic development.
<b>BE2: Farm diversification</b>	**	*	-	Maintains land based industry.
<b>EGS1: Local Green Spaces</b>	-	**	*	Protects valuable green spaces for health and well being benefits.
<b>Policy EGS2: Protecting biodiversity and habitats</b>	-	*	**	Protects the natural environment.
<b>EGS3: Green corridors</b>	-	*	**	Directs development away from sensitive corridors.
<b>CH1: Non designated local heritage assets</b>	-	*	**	Protects local heritage.
<b>CH2: Development in the historic core</b>	-	*	**	Protects and enhances the local built environment.
<b>F1: Development that does not add to flood risk</b>	*	**	**	Promotes development away from areas prone to flooding.
<b>NR1: Design, community and the landscape</b>	-	*	**	Promotes the delivery of a sensitively designed infrastructure.
<b>NR2: Managing the impact of the development phase</b>	-	*	**	Promotes the delivery of sensitively designed infrastructure.

Assessment of policies: \*\* very positive \* positive - neutral x negative xx very negative

## 6 Compatibility with EU Obligations and legislation

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 A screening opinion for the purposes of Strategic Environmental Assessment and Habitats Regulations Assessment has been undertaken by Selby District Council, and informed by the Statutory Consultees; Historic England, Natural England and the Environment Agency, see appendix 1 below. The Screening Report concludes that the proposals in the Church Fenton Neighbourhood Plan are not likely to have a significant environmental effect and that a full SEA is not required.

6.3 The Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an appropriate assessment under the EU Habitats Regulations.

## 7 Overall conclusion

In conclusion, Church Fenton Parish Council has presented a Neighbourhood Development Plan that conforms with both the National Planning Policy Framework and the Selby District Council adopted Local Plan.

The Church Fenton NDP plans positively for sustainable development across the designated Neighbourhood Area, recognising and responding to the need for stimulating and supporting housing growth and business development while seeking to conserve the best of the area in terms of its environmental quality and heritage assets. Policies are proposed across key themes identified through a substantive process of community engagement. Policies are clear, based on strong evidence and provide a direct link to the sustainable development of the Neighbourhood Area, in promoting sustainable growth for residents in relation to new housing, business development, alongside strong conservation measures for the built and 'green' environments and opportunities for the local community to preserve and enhance existing community and recreational assets and to increase provision.

# **Church Fenton Neighbourhood Plan Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report Undertaken by Selby District Council**

## **CONTENTS**

1. Introduction
2. Legislative Background
3. SEA Screening
4. HRA Screening
5. Overall Conclusions

### **1 Introduction**

1.1 This screening report will determine whether or not the contents of the draft Church Fenton Neighbourhood Plan (CFNP) requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

1.2 This report will also screen to determine whether or not the NP requires a Habitats Regulations Assessment in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). A HRA is required when it is deemed that likely negative significant effects may occur on protected European Sites (Natura 2000 sites) as a result of the implementation of a plan/project. As a general 'rule of thumb' it is identified that sites with pathways of 10-15km of the plan/project boundary should be included with a HRA.

1.3 The legislative background set out in the following section outlines the regulations that require the need for this screening exercise. Section 3, provides a screening assessment of both the likely significant environmental effects of the plan and the need for a full SEA. Section 4, provides a screening assessment of the likely significant effects of the implementation of a plan and the need for a Habitats Regulation Assessment.

## **5 Legislative Background**

### **Strategic Environmental Assessment (SEA)**

- a. The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.



2.2 The 2008 Planning Act amended the requirement so only development plan documents (DPDs) need to be subject to a Sustainability Appraisal. A Neighbourhood Plan is not a development plan document and therefore does not legally require a Sustainability Appraisal. Where appropriate, however, an SEA assessment still needs to be undertaken in line with the SEA regulations.

2.3 To fulfil the legal requirement to identify if the plan requires an SEA a screening for a SEA and the criteria for establishing whether a full assessment is needed is undertaken in Chapter 3 of this report.

### **Habitat Regulation Assessment (HRA)**

2.4 It is required by Article 6 (3) of the EU Habitats Directive and by regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) that an appropriate assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans and projects to identify if any significant effect is likely for any European Site.

2.5 In April 2018, in the case ‘People Over Wind v Coillte Teoranta’, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effect on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an ‘Appropriate Assessment’ of those effects must be undertaken.

2.6 To fulfil the legal requirements to identify if likely significant effects will occur with the implementation of the plan upon the European Sites (Natura 2000 sites) a screening assessment has been undertaken in Chapter 4 of this report.

## **3 SEA Screening**

### **Criteria for Assessing the Effects of the CFNP**

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to:
  - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
  - the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - environmental problems relevant to the plan or programme;
  - the relevance of the plan or programme for the implementation of community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to:
  - the probability, duration, frequency and reversibility of the effects,
  - the cumulative nature of the effects,

- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
  - special natural characteristics or cultural heritage,
  - exceeded environmental quality standards or limit values,
  - intensive land-use,
  - the effects on areas or landscapes which have a recognised national, Community or international protection status.

(Source: Annex II of SEA Directive)

3.2 The process for screening a planning document against the criteria to determine whether a full SEA is required is shown in Figure 1.

3.3 Using the process and questions set out in Figure 1, an assessment of whether the Neighbourhood Plan will require a full SEA has been undertaken and the findings are set out in Table 1.

3.4 The Environment Agency, Natural England and English Heritage were consulted on the 8 requirements for a SEA above and have given the responses in Appendix 1 of this document. All of the above have also been consulted at the pre-submission draft consultation stage.

### **Screening Outcome**

3.5 As a result of the assessment above and the responses received from the consultees, it is unlikely there will be any significant environmental effects arising from the plan. The plan is in conformity with the Core Strategy (2013) which has been subject to a full Sustainability Appraisal, incorporating an SEA, finding no negative significant effects. Due to the nature of the plan, no sites are being allocated and the policies will have no significant effects and as such, the plan does not require a full SEA to be undertaken.

Figure 1

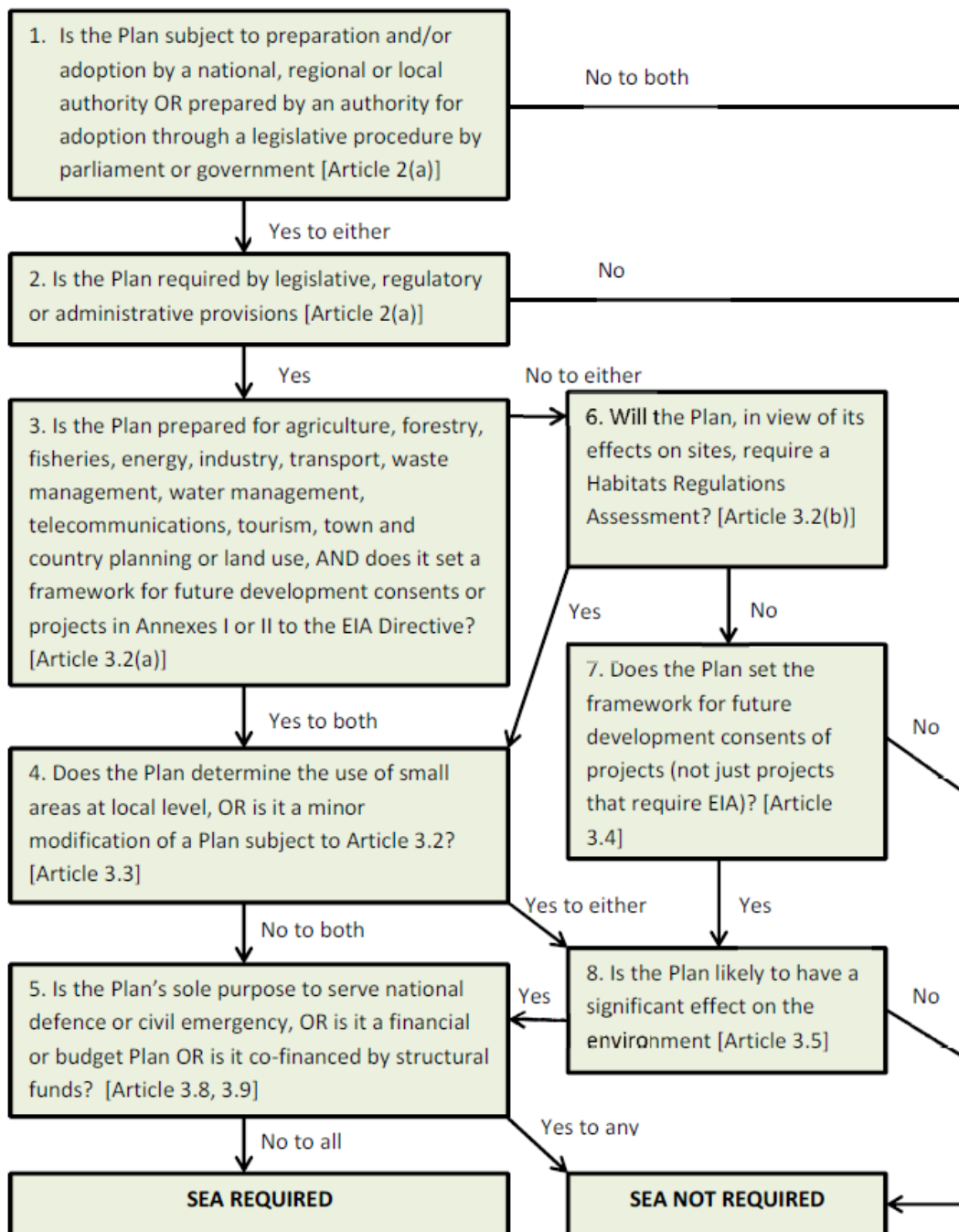


Table 1

STAGE	Y/N	REASON
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government (Article. 2(a)).	Y	Neighbourhood Plans are prepared by Parish Councils (as the "qualifying body") under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011. Once the Plan has been prepared, and subject to examination and referendum, it will be "made" by Selby District Council as the Local Planning Authority
2. Is the PP required by legislative, regulatory or administrative provisions? (Article 2(a)).	Y	It is not a requirement for a parish to produce a Neighbourhood Plan however a Neighbourhood Plan, once "made" does form part of the statutory Development Plan and will be used when making decisions on planning applications.
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consents or projects in Annexes I and II to the EIA Directive? (Article 3.2(a))	Y	Neighbourhood Plans can cover some of the topics identified in this list and they could set the framework for development of a scale that would fall under Annex II of the EIA Directive. However for Neighbourhood Plans, developments which fall under Annex I of the EIA Directive are "excluded development" as set out in Section 61k of the Town and Country Planning Act 1990 (as amended by the Localism Act)
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))		See screening assessment for HRA in following section of this Report.
5. Does the Plan determine the use of small areas at local level, OR is it a minor modification of a Plan subject to Article 3.2? (Article 3.3)	N	A Neighbourhood Plan can determine the use of small areas at the local level.
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)?	Y	Policies within the plan will be used in the decision making process on planning applications within the plan area.
(Art 3.4)		
7. Is the Plans sole purpose to serve national defence or civil emergency, OR is it a financial or budget Plan OR is it co-financed by structural funds? (Article 3.8, 3.9)	N	A Neighbourhood Plan does not deal with any of these categories of plan.
8. Is the Plan likely to have a significant effect on the environment? (Article 3.5)	N	No likely significant effects upon the environment have been identified

## **4 HRA Screening**

4.1 The initial screening stage of the HRA process determines if there are any likely significant effects possible as a result of the implementation of the plan and if an appropriate assessment is needed. This stage should provide a description of the plan and an identification of the Natura 2000 sites which may be affected by the plan and assess the significance of any possible effects on the identified sites.

4.2 There are no Natura 200 sites which could be affected by the proposed plan, the only SAC sites within the locality are Derwent Valley (SAC) – 18km from Church Fenton; and Skipwith Common (SAC) – 13km from Church Fenton.

The Adopted Core Strategy has been assessed against a HRA assessment and has been adopted under these regulations. The proposed neighbourhood plan does not propose allocating any sites or contain any policies that would impact the SAC sites listed above.

### **Assessment of Effects**

#### **Screening Assessment for the Church Fenton Neighbourhood Plan**

4.3 The following questions will help establish whether an Appropriate Assessment is required for the CFNP.

**Is the Neighbourhood Plan directly connected with, or necessary to the management of a European site for nature conservation?**

4.4 No.

**Does the Neighbourhood Plan propose new development or allocate sites for development?**

4.5 No.

**Are there any other projects or plans that together with the Neighbourhood Plan could impact on the integrity of a European site, the 'in combination' impact?**

4.6 No.

#### **Screening Outcome**

4.7 A full HRA of the plan is not required as it does not contain any specific development allocations or policies or proposals that would significantly affect any European site alone or in conjunction with other projects or plans.

## **5. Overall Conclusions**

5.1 In light of the assessments undertaken above, a Strategic Environmental Assessment and a Habitats Regulations Assessment are not required for the plan.