

Hoo St Werburgh and Chattenden Neighbourhood Plan Basic Conditions Statement September 2023 (V2.1)

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# **1. Introduction**

## **1.1** Purpose of the Report

This is a Basic Conditions Statement, prepared to accompany the submission of the Hoo St Werburgh and Chattenden Neighbourhood Plan.

The statement explains how the Neighbourhood Plan meets the Basic Conditions and other legal requirements.

# 2. Meeting Legal Requirements

## 2.2 General Legal Requirements

## **Qualifying Body**

The draft plan proposal is being submitted by Hoo St Werburgh and Chattenden Town Council, which is the qualifying body for neighbourhood planning.

### The Neighbourhood Plan

The draft plan relates to the use and development of land and has been prepared in accordance with the statutory requirements and processes set out in planning legislation, policy and guidance.

### **Period of Effect**

The Plan Introduction (1.2) states the period for which it is to have effect (until the end of 2040).

### **Excluded Development**

The draft plan proposal does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **Neighbourhood Area**

The draft plan proposal relates to the Hoo St Werburgh and Chattenden Neighbourhood Area and to no other area. The Neighbourhood area is the whole of the Parish of Hoo St Werburgh and was designated by Medway Council on 18 December 2018.

## 2.1 The Basic Conditions

The basic conditions that neighbourhood plans must meet are as follows:

- must be appropriate having regard to national policy
- must contribute to the achievement of sustainable development
- must be in general conformity with the strategic policies in the development plan for the local area
- must be compatible with EU obligations

In addition, the plan must meet requirements of human rights law.

Regulations specify an additional basic condition that a plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.

The following chapters of this statement deal with the basic conditions in more detail.

# 3. Sustainable Development

## **3.1** Dimensions of Sustainable Development

The National Planning Policy Framework 2023 states that sustainable development has economic, social and environmental dimensions.

The draft plan proposal takes a balanced approach in enabling growth, but also considering economic, social and environmental sustainability.

## 3.2 Policies for Sustainable Development

The Hoo St Werburgh and Chattenden Neighbourhood Plan seeks to achieve sustainable physical and economic development and growth.

Policies to support employment and Community Facilities are:

HOO1: Village Centres and Employment HOO2: Community Facilities HOO3: Industry and Distribution

These policies support a mix of uses, to create local facilities and local economic opportunities. This helps to create walkable neighbourhoods and reduce the need for car-based travel.

Sustainable housing growth is supported by:

HOO4: Housing Growth and Mix HOO5: Housing Standards

These policies support growth and also address housing mix to meet local needs and standard of accommodation. The Plan does support housing growth, but does not undertake housing site allocations, leaving this to the Local Plan.

Design and Heritage are addressed by:

HOO6: Design HOO7: Local Heritage

Design and heritage are considered to be important to achieving social, economic and environmental objectives.

Environmental quality, landscape and green space are addressed by:

HOO8: Landscape and Environment HOO9: Local Green Space HOO10: Air Quality These policies focus on landscape and environmental quality and enhancement and green spaces with community value. These are important against the context of the climate and biodiversity crisis and promoting good physical and mental health.

Travel Infrastructure is addressed by:

HOO11: Sustainable Transport and Active Travel HOO12: Paths

This includes a focus on sustainable modes of transport and active travel.

## 3.3 Achieving Sustainable Development

The policies have been prepared against the context of increasing awareness of the impacts of climate change and the urgent need to address the causes. This runs through the policies.

The combination of policies enabling proportionate and sustainable growth and addressing economic, social and environmental sustainability mean that the plan will help to achieve sustainable development. This takes account of the needs of current and future generations.

# 4. National Policy and Guidance

## 4.1 Having Regard to National Policy and Guidance

The draft plan proposal has had regard to the National Planning Policy Framework 2023 (NPPF), the National Design Guide 2021, and Planning Practice Guidance (PPG).

Chapter 2 of the NPPF deals with achieving sustainable development. Sustainable development has economic, social and environmental objectives, set out in Paragraph 8.

Paragraph 11a) states:

all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

This requirement underpins the draft Neighbourhood Plan, which has the following vision and aims:

The overall Vision for the Neighbourhood Plan is:

To support sustainable growth and development to meet diverse local needs, addressing Climate Change, and preserving or enhancing the distinctive character and local facilities of the village of Hoo St Werburgh and hamlet of Chattenden and their rural landscape settings.

The planning aims are:

- A. To ensure that development in Hoo St Werburgh village and the hamlet of Chattenden is sustainable and retains their distinctive identities and separation.
- B. To ensure that development takes account of climate change and biodiversity.
- C. To maintain or expand the range of community facilities and employment, to create more sustainable live/work patterns and meet the diverse needs of the community.
- D. To ensure that housing development is well-designed, sustainable and meets a range of local needs for all age ranges.
- E. To preserve or enhance the natural and historic environments of Hoo St Werburgh and Chattenden Parish.

# F. To promote sustainable forms of transport and active travel, including cycling and walking.

The vision and aims are translated into the policies of the Neighbourhood Plan.

Chapter 3 of the NPPF deals with plan-making. Paragraph 16 requires plans to be prepared with the objective of contributing to the achievement of sustainable development, to be aspirational but deliverable; to be shaped by early, proportionate and effective engagement and contain policies that are clearly written and unambiguous.

The policies have been written to provide a clear framework for decisions. The neighbourhood plan is based on proportionate evidence, in line with planning practice guidance.

## 4.2 National Policy

The NPPF was last revised in September 2023 and contains a number of policy areas. This has been taken into account in the formulation of the Neighbourhood Plan's policies, together with Planning Practice Guidance.

The National Design Guide 2021 has also been taken into account and has informed several of the Neighbourhood Plan's policies, including those dealing with design, heritage, housing and active travel.

The following table details the policy areas that are most relevant to the Hoo St Werburgh and Chattenden draft Neighbourhood Plan.

NPPF Policy	NP Aim	NP Policies
Chapter 5: Delivering a sufficient supply of homes	A, B, D	HOO4: Housing Growth and Mix HOO5: Housing Standards HOO6: Design
		The NP supports growth in sustainable locations and seeks to ensure that housing is of a good standard and meets diverse local needs.
		The Neighbourhood Plan supports proportionate housing growth, but does not make housing site allocations.
Chapter 6: Building a strong, competitive economy	В, С	HOO1: Village Centres and Employment HOO2: Community Facilities HOO3: Industry and Distribution HOO6: Design HOO7: Local Heritage
		Policies support employment, to create local economic opportunities.
		Good design is crucial to achievement of economic objectives.
		The plan recognises the economic values of heritage.
Chapter 8: Promoting healthy and safe communities	A, B, C, D, E, F	<ul> <li>HOO1: Village Centres and Employment</li> <li>HOO2: Community Facilities</li> <li>HOO6: Design</li> <li>HOO7: Local Heritage</li> <li>HOO8: Landscape and Environment</li> <li>HOO9: Local Green Space</li> <li>HOO10: Air Quality</li> <li>HOO11: Sustainable Transport and Active</li> <li>Travel</li> <li>HOO12: Paths</li> <li>The plan addresses community interests and health in numerous ways, including a focus on sustainable design, green space,</li> </ul>
		walking and cycling, air quality and other aspects of environmental quality. The Plan makes Local Green Space designations.

Chapter 9: Promoting sustainable transport	A, B, F	HOO6: Design HOO11: Sustainable Transport and Active Travel HOO12: Paths
		Design and infrastructure policies address sustainable transport and active travel, including promoting good pedestrian permeability and connectivity and protecting paths.
Chapter 11: Making effective use of land	А, В	All policies
		The Plan promotes mixed use and use of brownfield sites, whilst also protecting the environment.
Chapter 12: Achieving well-designed places	А, В, Е	HOO5: Housing Standards HOO6: Design HOO7: Local Heritage
National Design Guide 2021		HOO8: Landscape and Environment HOO9: Local Green Space HOO11: Sustainable Transport and Active Travel
		Design is of fundamental importance to achieve social and economic benefits, whilst also addressing environmental sustainability.
		Sustainable design is addressed by several of the policies.
Chapter 14: Meeting the challenge of	A, B, E, F	All policies.
climate change, flooding and coastal change		Climate change and the need to achieve sustainable development has informed all of the policies, including growth and use policies, sustainable design, active travel and protection of the natural and historic environments.
Chapter 15: Conserving and enhancing the natural environment	А, В, Е	HOO8: Landscape and Environment HOO9: Local Green Space HOO10: Air Quality HOO12: Paths
		The plan places emphasis on the conservation of the natural environment, including landscape, habitats, green corridors, and green spaces.

Chapter 16: Conserving and enhancing the historic environment	A, B, E	HOO1: Village Centres and Employment HOO6: Design HOO7: Local Heritage HOO8: Landscape and Environment Several policies address heritage
		conservation and local character, recognising the cultural, but also economic and community value of heritage and 'place'.

# 5. Local Policy

# 5.1 Strategic Policies

Strategic objectives are contained within the Medway Local Plan, adopted 2003.

The following table sets out the relationship between relevant strategic local policies and the policies of the Hoo St Werburgh and Chattenden Neighbourhood Plan.

It demonstrates the complementary nature of the Neighbourhood Plan's policies, which generally add detail and local focus compared to the Local Plan policies.

Medway Local Plan 2003	Neighbourhood Plan Policies
POLICY S1: DEVELOPMENT STRATEGY Policy S2 STRATEGIC PRINCIPLES	All policies
	The NP addresses Environmental quality, design, location, mix of uses, local facilities and other relevant factors.
	The policies of the NP broadly reflect the spatial strategy in polices S1 and S2.
POLICY S4: LANDSCAPE AND URBAN	HOO6: Design
DESIGN	HOO7: Local Heritage
Landscape and character	HOO8: Landscape and Environment
	HOO9: Local Green Space
	NP policies directly address protection of
	the natural and green environment and
	character of the built environment.
	The NP augments policy S4.
POLICY S12: KINGSNORTH	HOO3: Industry and Distribution HOO6: Design
	The NP augments policy S12 and makes
	direct reference to Kingsnorth.
POLICY S14: MINISTRY OF DEFENCE ESTATE, CHATTENDEN	HOO4: Housing Growth and Mix HOO5: Housing Standards
ESTATE, CHATTEINDEIN	HOO5: Design
	HOO7: Local Heritage
	HOO8: Landscape and Environment
	HOO11: Sustainable Transport and
	Active Travel

	Various polices of the NP would shape development in Chattenden. These policies set more detailed housing and design requirements, augmenting policy S14.
POLICY BNE1: GENERAL PRINCIPLES FOR BUILT DEVELOPMENT POLICY BNE2: AMENITY PROTECTION POLICY BNE4: ENERGY EFFICIENCY POLICY BNE6: LANDSCAPE DESIGN POLICY BNE7: ACCESS FOR ALL POLICY BNE8: SECURITY AND PERSONAL SAFETY POLICY BNE9: DESIGN OF COMMERCIAL FRONTAGES	HOO4: Housing Growth and Mix HOO5: Housing Standards HOO6: Design HOO7: Local Heritage HOO8: Landscape and Environment HOO9: Local Green Space HOO10: Air Quality HOO11: Sustainable Transport and Active Travel HOO12: Paths Various policies address design, amenity, landscape, access, safety and other matters.
	The NP draws on principles set out in 'Building for a Health Life' and the 'National Design Guide', so augments and updates the Local Plan policies.
POLICY BNE12: CONSERVATION AREAS POLICY BNE13: DEMOLITION IN CONSERVATION AREAS POLICY BNE14: DEVELOPMENT IN	HOO6: Design HOO7: Local Heritage HOO8: Landscape and Environment
CONSERVATION AREAS POLICY BNE16: DEMOLITION OF LISTED BUILDINGS POLICY BNE17: ALTERATIONS TO	The NP addresses heritage protection and character though design, heritage and landscape policies.
LISTED BUILDINGS POLICY BNE18: SETTING OF LISTED BUILDINGS	Heritage is protected for its cultural value, but also recognising its economic value.
POLICY BNE24: AIR QUALITY	HOO10: Air Quality
	The NP augments policy BNE24.
POLICY BNE25: DEVELOPMENT IN THE COUNTRYSIDE POLICY BNE26: BUSINESS DEVELOPMENT IN RURAL SETTLEMENTS POLICY BNE27: RE-USE OF BUILDINGS IN THE COUNTRYSIDE	HOO1: Village Centres and Employment HOO2: Community Facilities HOO4: Housing Growth and Mix HOO5: Housing Standards HOO6: Design HOO8: Landscape and Environment HOO9: Local Green Space

POLICY BNE34: AREAS OF LOCAL	HOO11: Sustainable Transport and
LANDSCAPE	Active Travel
IMPORTANCE	HOO12: Paths
POLICY BNE35: INTERNATIONAL AND	
NATIONAL NATURE	Various NP policies address the rural
CONSERVATION SITES	area, including protection of the natural
POLICY BNE36: STRATEGIC AND LOCAL	and green environment.
NATURE	
CONSERVATION SITES	The policy augments and updates Local
POLICY BNE37: WILDLIFE HABITATS	
	Plan policies.
POLICY BNE38: WILDLIFE CORRIDORS	
AND STEPPING	
STONES	
POLICY BNE42: HEDGEROW	
RETENTION	
POLICY BNE43: TREES ON	
DEVELOPMENT SITES	
POLICY BNE48: AGRICULTURAL LAND	
POLICY ED1: EXISTING EMPLOYMENT	HOO1: Village Centres and Employment
AREAS	HOO2: Community Facilities
POLICY ED3: OTHER EMPLOYMENT	HOO3: Industry and Distribution
SITES	HOO11: Sustainable Transport and
POLICY ED5: PROPOSED	Active Travel
EMPLOYMENT AREAS	
	The NP supports development to create
	local economic opportunity.
	The policies augment and add detail to
	Local Plan policies.
POLICY H1: NEW RESIDENTIAL	HOO4: Housing Growth and Mix
DEVELOPMENT	HOO5: Housing Standards
POLICY H3: AFFORDABLE HOUSING	HOO6: Design
POLICY H4: HOUSING IN URBAN	HOO11: Sustainable Transport and
AREAS	Active Travel
POLICY H10: HOUSING MIX	
	The NP augments Local Plan policies,
	-
	with greater emphasis on design, active
	travel and sustainability.
	The NP does not make housing site
	allocations, but does seek to shape
	housing development.
POLICY R13: RETAIL USES AND THE	HOO1: Village Centres and Employment
SEQUENTIAL	HOO2: Community Facilities
APPROACH	
	The NP seeks to protect and enhance the
	viability and vitality of existing
	neighbourhood centres, which are
	neighbourhood centres, which are

	important in creating walkable and sustainable neighbourhoods.
POLICY L3: PROTECTION OF OPEN SPACE Policy L10: PUBLIC RIGHTS OF WAY	HOO9: Local Green Space HOO11: Sustainable Transport and Active Travel HOO12: Paths The NP designates Local Green Space and seeks to protect and enhance the existing path network, supporting active travel.
POLICY T1: IMPACT OF DEVELOPMENT POLICY T3: PROVISION FOR PEDESTRIANS POLICY T4: CYCLE FACILITIES POLICY T6: PROVISION FOR PUBLIC TRANSPORT POLICY T18: NEW TRANSPORT INFRASTRUCTURE POLICY T22: PROVISION FOR PEOPLE WITH DISABILITIES	HOO6: Design HOO11: Sustainable Transport and Active Travel HOO12: Paths The NP places emphasis on active travel, including pedestrian connectivity and permeability. NP policies seeks to create a balanced and sustainable approach to transport provision.
POLICY CF1: COMMUNITY FACILITIES POLICY CF2: NEW COMMUNITY FACILITIES	HOO1: Village Centres and Employment HOO2: Community Facilities The NP augments Local Plan policies on community facilities.

## 5.2 General Conformity

It should be noted that general conformity relates to the policies of the Neighbourhood Plan taken as a whole, considered against adopted strategic local policies taken as a whole.

The draft plan proposal has been drafted against the context of the strategic policies of the Medway Local Plan. Taken as a whole, the NP does not undermine and helps to achieve the spatial strategy set out in the Local Plan.

# 6. EU Obligations and Human Rights

## 6.1 Screening (SEA and HRA)

The plan has been screened for Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) by Medway Council. This included consultation with national statutory bodies. Natural England, the Environment Agency and Historic England.

The screening concluded that the neighbourhood plan would not have significant environmental impact (see Appendix 1). Full SEA or HRA are not required.

## 6.2 EU Obligations

Given the above screening outcomes, which take account of the responses of national statutory bodies, the draft plan proposal meets the basic conditions relating to not breaching EU obligations and Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## 6.3 Human Rights

The draft plan proposal is a result of extensive engagement with the local community and stakeholders, from the earliest stages of the process. This has informed the content of the draft plan.

Statutory consultation (Regulation 14) was undertaken and this took account of consultation case law, including compliance with Gunning principles.

An equalities assessment is included at Appendix 2. This indicates that the plan would have positive impacts for people with protected characteristics.

The draft plan proposal meets human rights requirements.

# **Appendix 1**

## **Screening Outcomes**

The Medway Strategic Environment Assessment and Habitats Regulations Assessment Screening Report, April 2023, includes the following conclusions:

### Paragraph 4.7:

The Hoo St Werburgh and Chattenden Neighbourhood Plan allocates no specific sites for residential development (though it includes some policies by which development would be appraised). While Hoo St Werburgh and Chattenden Parish contains areas designated as international importance (SPA and Ramsar site), on balance, there is sufficient evidence to suggest that the Hoo St Werburgh and Chattenden Neighbourhood Plan is not likely to cause a significant effect on any European site, including cumulatively, in combination with other plans or proposals, and will not require a full appropriate assessment for future development under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

### **Conclusion:**

As a result of the assessment above it is unlikely there will be any significant environmental effects arising from the proposals in the Hoo St Werburgh and Chattenden NP, and as such, no SEA or appropriate assessment is required. The views of the Environment Agency, Natural England and Historic England) were sought for a screening opinion. If the issues addressed in the Neighbourhood Plan should change then a new screening process will need to be undertaken determine whether an SEA will be required.

# Appendix 2

# **Equalities Assessment**

## i. Diversity

The Neighbourhood Plan needs to cater for the widest range of needs, for all of the population. Planning should be inclusive and rigorous engagement has taken place as part of the process of creating the plan.

Equally, there is evidence to suggest that diversity is an important factor in achieving sustainable growth.

### ii. Legal Requirements

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard for the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. Protected characteristics are defined in the Equality Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An Equalities Assessment is a systematic analysis of a policy or policies in order to scrutinise the potential for an adverse impact on a particular group or community, in particularly those with a protected characteristic.

An assessment has been made on whether the Neighbourhood Plan has a positive, negative or neutral impact on each of the protected characteristics. If the impact is negative, this is given a high, medium or low assessment.

## iii. Hoo St Werburgh and Chattenden General Population Characteristics

Hoo, St Werburgh – 2021 Census

#### Age Groups

0-14 years	2,252
15-64 years	7,049
65+ years	2,066



#### Age Distribution

0-9 years	1,539
10-19 years	1,307
20-29 years	1,318
30-39 years	1,636
40-49 years	1,411
50-59 years	1,436
60-69 years	1,188
70-79 years	1,009
80+ years	524



### **Ethnic Group**

White	10,334
Asian	268
Black	509
Arab	3
Mixed/multiple	190
Other ethnic group	58



### Religion

Christian	5,284
Muslim	118
Hindu	45
Sikh	77
Buddhist	30
Jewish	4
Other religion	34
No religion	5,194



#### Chattenden – 2021 census

### Age Groups



#### Age Distribution

0-9 years	376
10-19 years	331
20-29 years	332
30-39 years	365
40-49 years	318
50-59 years	311
60-69 years	197
70-79 years	138
80+ years	47



### **Ethnic Group**



### Religion

Christian	1020
Muslim	32
Hindu	12
Sikh	36
Buddhist	3
Jewish	1
Other religion	4
No religion	1179



### Sexual Orientation

Figures on sexual orientation are available for the South East.

Straight or Heterosexual	89.84%
Gay or Lesbian	1.48%
Bisexual	1.29%
Pansexual	0.22%
Asexual	0.06%
Queer	0.03%
Other	0.02%

### iv List of Policies

HOO1: Village Centres and Employment
HOO2: Community Facilities
HOO3: Industry and Distribution
HOO4: Housing Growth and Mix
HOO5: Housing Standards
HO06: Design
HO07: Local Heritage
HO08: Landscape and Environment
HOO9: Local Green Space
HO010: Air Quality
HOO11: Sustainable Transport and Active Travel
HO012: Paths

### v. Impacts on Protected Characteristics

Equalities assessment requires consideration of each of the protected characteristics. However, it should be noted that the needs, attitudes and opinions of people within any of these groups is as diverse as in the population as a whole, including sometimes very polarised views.

The plan will achieve a range of benefits which potentially benefit all of the local population, including creation of local economic opportunities and housing and community facilities to meet a range of needs. In addition, the plan protects the natural and historic environments and promotes high quality design. The plan addresses climate change through a range of practical requirements.

More specifically against protected characteristics, the following are of particular relevance.

#### Age:

Age can have implications for mobility, access to cars (especially older and younger groups), reliance on local facilities, housing needs and health, among other matters.

The plan seeks to create local economic opportunity, helping young people and people of all ages. In addition, it seeks to provide housing to meet a range of needs, supported by local community facilities.

The plan protects and enhances the green, historic and built environment. The plan supports ease of movement, sustainable transport, walking and healthy lifestyles.

The impact on people of all ages will be positive.

#### **Disability:**

Disability can have implications for accessibility, housing needs, access to employment, access to facilities and other factors.

The plan seeks to create environments convenient to pedestrians and to support ease of movement and healthy lifestyles. It also promotes housing suitable for a range of needs.

The impact on people with disabilities will be positive.

#### Maternity and Pregnancy:

Maternity has implications for numerous factors, including ease of movement, changing housing needs, and access to local facilities.

The plan seeks to provide housing to meet a range of needs, supported by a range of local community facilities. It seeks to create well designed environments, convenient to pedestrians and to support ease of movement.

The impact on pregnant women will be positive.

#### Race:

Race and culture can be factors in housing needs, community facilities, safety and a range of other planning matters.

The plan cannot directly address the social attitudes that underpin prejudice and hate crimes. However, it does seek to provide local economic opportunity, high quality housing to meet a range of needs and a well-designed and safe built environment for all.

The impact will be positive on people of all races.

### Sex (Gender), Religion, Gender Re-assignment, Sexual orientation:

Religion or LGBT+ status may have implications for housing, community facilities, safety and a range of other planning matters.

The plan cannot directly address the social attitudes that underpin prejudice and hate crimes. However, it does seek to provide local economic opportunity, high quality housing to meet a range of needs and a well-designed and safe built environment for all.

The impact will be positive on all people of all genders, religion or LGBT+ status.

### vi. Conclusion

The Neighbourhood Plan provides a range of policies which will result in positive benefits for the local community, including those with protected characteristics.

# Contact



### **Urban Vision Enterprise**

uvecic.co.uk info@uvecic.co.uk 01538 386221 (Leek Office)

**Northwest Office:** 

Suite 15 Oriel Chambers 14 Water Street Liverpool L2 8TD

**Midlands Office:** 

Foxlowe Arts Centre (1<sup>st</sup> Floor) Stockwell Street Leek Staffordshire ST13 6AD













Company No. 7690116. Registered address: Foxlowe Arts Centre (1st Floor), Stockwell Street, Leek, Staffordshire, ST13 6AD