



# Barkway & Nuthampstead Neighbourhood Plan 2018–2031

Basic Conditions Statement



## **BARKWAY AND NUTHAMPSTEAD NEIGHBOURHOOD PLAN 2018-2031 BASIC CONDITIONS STATEMENT**

### **1. Introduction**

1.1 In accordance with the Neighbourhood Plan Regulations 2012 (as amended), this plan must satisfy “basic conditions” before it can come into force. The plan must:

- Have appropriate regard to national planning policy
- Contribute to the achievement of sustainable development
- Be in general conformity with the strategic policies in the development plan for the local area
- Not breach and otherwise be compatible with European Union (EU) Regulations, including human rights requirements and not be likely to have a significant effect on a European site or European offshore marine site, or UK equivalent
- Not breach the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

1.2 In addition, the Neighbourhood Plan must meet the prescribed legal requirements.

1.3 This statement confirms that the Barkway and Nuthampstead Parish Neighbourhood Plan 2018–2031, submitted by Barkway Parish Council, meets all the necessary requirements.

### **2. Legal requirements**

2.1 The Barkway and Nuthampstead Parish Neighbourhood Plan (‘the Neighbourhood Plan’) is submitted by Barkway Parish Council, which as the qualifying body for the Neighbourhood Plan. The Neighbourhood Plan has been prepared by the Barkway and Nuthampstead Neighbourhood Plan Steering Group (the Steering Group) and overseen by Barkway Parish Council. The combined parishes of Barkway and Nuthampstead have been formally designated as the Neighbourhood Area through an application made under the Neighbourhood Planning (General) Regulations 2012 (part 2 S6) and approved by North Hertfordshire District Council on 5 August 2014.

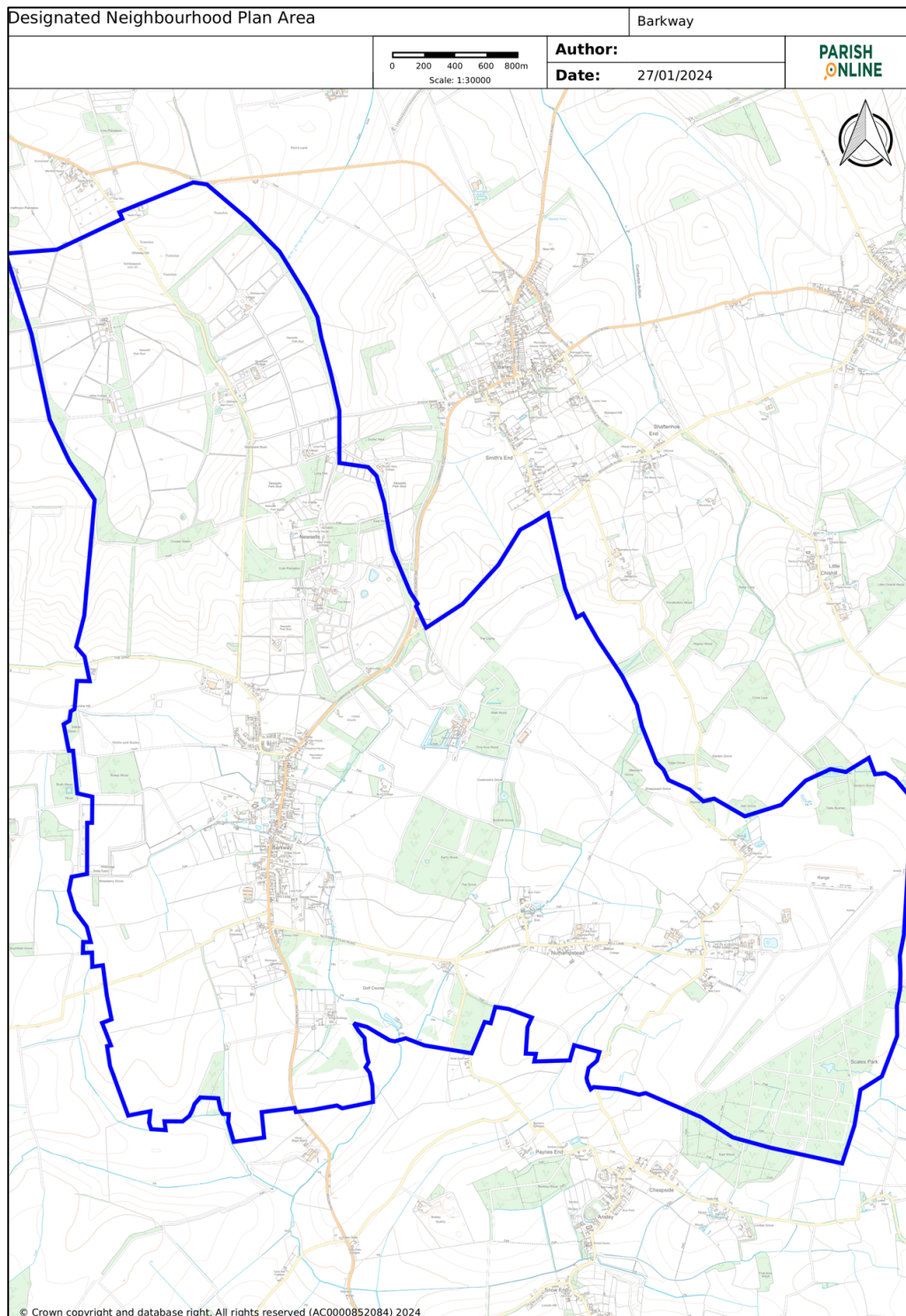
2.2 The Neighbourhood Plan contains policies relating to the development and use of land within the neighbourhood area. The proposals relate to planning matters and have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning (General) Regulations 2012 (as amended) and the Neighbourhood Planning Act 2017 (as amended).

2.3 The Neighbourhood Plan identifies the period to which it relates as 2018-2031. This period has been chosen to align with the end date of the North Hertfordshire Local Plan 2011-2031. The North Hertfordshire Local Plan was submitted for Examination on the 9 June 2017 and was adopted on 9 November 2022. The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally

# Barkway and Nuthampstead Neighbourhood Plan Basic Conditions Statement

significant infrastructure or any other matters set out in section 61K of the Town and Country Planning Act 1990.

2.4 The Neighbourhood Plan relates to the Barkway and Nuthampstead Neighbourhood Area, incorporating the two parishes of Barkway and Nuthampstead, and to no other area. The Neighbourhood Plan relates to this one combined neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area. The Neighbourhood Area is shown on the map below:



2.5 The remainder of the document is concerned with the Key Requirements of a Neighbourhood Plan. These are:

- Regard for the National Planning Policy Framework
- Contributing to Achieving Sustainable Development
- Conformity with the Strategic Policies of the Local Plan
- Compatibility with Human Rights and EU Legislation

2.6 In order to ensure compliance with the environmental Basic Conditions listed in paragraph 1.1, a Strategic Environmental Assessment (SEA) Screening Determination was issued by North Hertfordshire District Council in January 2024 (See Appendix A). As this was based on a 2020 Screening Determination Statement, North Herts District Council prepared a further Screening Determination Statement in March 2024, for consultation with the three Statutory Consultees. The results of this Screening Determination will be published on the District Council's website.

### **3. Regard for the National Planning Policy Framework**

3.1 The National Planning Policy Framework 2023 (NPPF) calls for neighbourhood plans to apply a presumption in favour of sustainable development (Paragraph 11) and support the delivery of strategic policies (Paragraph 13). In accordance with national policy, the Plan seeks to promote sustainable development and embraces a range of social, economic, and environmental issues. It sets out a vision for the designated area, coupled to a range of planning objectives, policies, and proposals.

3.2 Core Planning Principles: The production of the Neighbourhood Plan has been led by the Steering Group, made up of volunteers, overseen by Barkway Parish Council with support from a Planning Consultancy practicing predominantly in Hertfordshire. The policies in the Neighbourhood Plan provide a practical framework to guide the Local Planning Authority in making decisions on planning applications in the parish and to provide the Parish Council with a firm basis on which to comment on planning applications.

3.3 The aims of the Neighbourhood Plan were to meet the aspirations and needs of the residents in a safe, tranquil, rural community which thrives, socially, economically and environmentally, where new development is designed sustainably and intelligently to respect and enhance heritage, biodiversity and landscape.

3.4 Policies in the Neighbourhood Plan recognise the importance of a high quality of life and vitality for all residents, encouraging a thriving and prosperous community, promoting a distinctive and flourishing economy, supporting sustainable development, having a positive effect on the environment, and protecting wildlife interests, whilst also mitigating climate change and reducing the carbon footprint of the parish.

3.5 In accordance with the NPPF, it is important that the planning policies have three overarching objectives that are both interdependent and dependent. These objectives are economic, social and environmental objectives (Paragraph 8).

3.4 The economic objective refers to building a 'strong responsive and competitive economy' through supporting growth and innovation, identifying and coordinating the provision of infrastructure, and ensuring that there is sufficient land of the right types in the right places (Paragraph 8a).

3.5 The social objective is 'to build and support a strong, vibrant and healthy community, by ensuring that the number of homes is sufficient in terms of quantity and is able to meet the needs of the current and future generations; and fostering a well-designed and safe built environment, with accessible services and open spaces which reflect the present and future needs; as well as supporting communities' health, social and cultural well-being (Paragraph 8b).

3.6 The environmental objective ensures that the natural, built and historic environment is protected and enhanced, a process which includes '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' (Paragraph 8c).

3.7 The policies in the Neighbourhood Plan satisfy the criteria that the NPPF provides as laid out below:

#### **Economic Policies**

3.8 Supporting the rural economy of Nuthampstead and Barkway are important for residents of these two parishes. The Local Economy section of the Neighbourhood Plan contains two specific policies to support the economy. In addition, the plan contains a policy to retain the existing pubs. Although this policy falls within the Leisure and Recreation Facilities section, the villages pubs are a valuable source of employment, the Woodman Inn in Nuthampstead, in particular. Examples of Neighbourhood Plan policies that support the economic objective are:

- BN E1** – Preserving and Developing Local Employment Opportunities
- BN E2** – Internet Infrastructure
- BN L2** – Existing Pubs

#### **Social Policies**

3.9 Social policies include accessibility of housing including affordability, design, mitigating traffic impact and ensuring sustainable modes of travel and the provision of leisure and recreational facilities. Examples of Neighbourhood Plan Policies that support the economic objective are:

- BN H1** – Affordable Housing
- BN H2** – Design and Layout
- BN H4** – Design Codes
- BN H5** – Framework for BK3
- BN H7** – Extensions, Outbuildings and Garages
- BN T1** – Sustainable Transport Provision
- BN T2** – Mitigating Traffic Impact
- BN L1** – Valued Community Assets

- BN L3** – Development of a Community Hub
- BN L4** – Protected Recreational Open Space
- BN T3** – Public Rights of Way
- BN T4** – Safe and Accessible Walking and Cycling Routes
- BN I1** – Spending Priorities

### **Environmental Policies**

Natural and built environment policies feature prominently in the Neighbourhood Plan. They cover the protection of greenspace, the river, biodiversity, views and trees, designated and non-designated heritage assets, and the conservation of natural assets, including land. Examples of Neighbourhood Plan policies that support the environmental objective are:

- BN NE1** – Local Green Spaces
- BN NE2** – River Quin Protection
- BN NE3** – Conserve and Enhance Biodiversity
- BN NE4** – Important Views
- BN NE5** – Chestnut Avenue Protection
- BN HA1** – Designated Heritage Assets
- BN HA2** – Non-Designated Heritage Assets
- BN HA3** – Barkway Conservation Area
- BN H3** – Sustainable Construction
- BN H6** – Infill Development
- BN H8** – Backland Development

## **4. Contributing to Achieving Sustainable Development**

4.1 The NPPF affirms, “the purpose of the planning system is to contribute to the achievement of sustainable development” (Paragraph 7). Neighbourhood plans should apply a presumption in favour of sustainable development. The policies in the Neighbourhood Plan support sustainable development by:

- Providing a framework containing policies which guide new housing developments in the Parish up to 2031
- Protecting the character of the built environment and rural landscape setting by protecting views and heritage assets
- Ensuring new building meets high sustainability and design standards
- Encouraging appropriate local enterprise
- Promoting the use of sustainable modes of transport
- Proposing improved leisure facilities
- Preserving and enhancing rivers, trees and green spaces
- Protecting and promoting biodiversity when considering new development

4.2 Sustainable development is an integral part of the Neighbourhood Plan and is specifically incorporated into four of its objectives. The policies that have been developed with the community were specifically designed to ensure that Barkway and Nuthampstead develop in a sustainable way.

4.3 Barkway Parish Council and Nuthampstead Parish Meeting will use the policies in the Neighbourhood Plan to ask for conditions to be placed on planning applications, to ensure that they include sustainable features and will support a mixed and inclusive community.

4.4 The NPPF also states that planning policies should be prepared with the active involvement of local highway authorities so that strategies and investment for supporting sustainable transport and development patterns are aligned (paragraph 104b). Hertfordshire's Local Transport Plan 2018–2031 (the LTP) is guided by four principles: the application of technology, cost effectiveness, integrating land use and transport planning, and encouraging modal shift and active travel. Policies in the Neighbourhood Plan have been prepared having regard to these principles, considering the village location and the lack of sustainable public transport available to residents.

## **5. Conformity with the Strategic Policies of the Local Plan**

5.1 The current development plan for the area is the North Hertfordshire Local Plan 2011-2031, and the Minerals and Waste Plans produced by Hertfordshire County Council. These policies have been considered in the formulation of the Neighbourhood Plan.

5.2 Throughout the Neighbourhood Plan references are made to the policies in the North Hertfordshire Local Plan 2011–2031 and other planning documents. The strategic objectives of the Local Plan form the basis of the Local Plan Policies. Appendix B shows how the Neighbourhood Plan Policies help to achieve those overarching strategic objectives.

5.3 Policies in the Neighbourhood Plan have been written on the basis that Barkway Village has a defined settlement boundary and is classed as a Village for Growth in the rural area beyond the Green Belt. The Neighbourhood Plan has been prepared having regard to the policies in the Local Plan. Appendix C shows the comparison with the North Hertfordshire Local Plan 2011-2031.

5.4 The Neighbourhood Plan has been prepared in consultation and cooperation with the local planning authority.

5.5 Barkway Parish Council will lead and monitor the implementation of the Neighbourhood Plan with a full review every five years to ensure that the policies remain in line with the North Hertfordshire Local Plan and any changes to national legislation.

## **6. Compatibility with EU Legislation**

6.1 The existing requirements of European Law have been complied with. The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007), either alone or in combination with other plans or projects.

6.2 A Habitats Regulation Assessment screening is not required because the Neighbourhood Plan does not propose any development allocations which are additional or alternate to the sites proposed in the North Hertfordshire Local Plan 2011-2031.

## **7. Human Rights**

7.1 The Equality Act 2010 places a duty on all public authorities, including parish councils in the exercise of their functions to have regard to 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.

7.2 The proposal and policies in the Neighbourhood Plan have taken into account the protected characteristics which are defined in the Equality Act as age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, and sexual orientation, with the addition of health and rurality, which we deemed also to be important for Barkway and Nuthampstead.

7.3 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

7.4 The main issues for planning are the right to family life and in preventing discrimination. The Neighbourhood Plan makes positive contributions, such as protecting the heritage and landscape of the Plan Area, supporting the transition to a more sustainable economy, and promoting housing to meet local needs (in accordance with national and District policies). The population profile has revealed that there are not significant numbers of people who do not speak English (as a first language) and it has not been necessary to produce consultation material in other languages.

7.5 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. Residents were encouraged to participate throughout the Plan preparation process. The draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the Consultation Statement.

## **8. Summary**

7.1 It is a legal requirement that Barkway Parish Council submit this statement. It confirms that the submitted Barkway and Nuthampstead Neighbourhood Plan meets the basic conditions required of a neighbourhood plan as defined in current neighbourhood planning legislation.



**Appendix A North Herts Strategic Environmental (SEA) Screening  
Determination Jan 2024**

**Strategic Environmental Assessment (SEA)  
Screening Determination Statement**

**for**

**Barkway and Nuthampstead Neighbourhood Plan  
2018 – 2031**

**Pre-Submission Version**

**January 2024**

**Determination Statement**

- 1.1. This statement has been prepared to ensure that the Neighbourhood Plan will, when examined, comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) and in particular, Regulations 32 and 15(1)(e)(ii) of the Neighbourhood Planning (General)(Amendment) Regulations 2015.
- 1.2. A neighbourhood plan is required to meet a number of basic conditions (set out in the Town and Country Planning Act 1990), one of which being it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to consider the requirements of the SEA regulations which transpose the EU's SEA Directive<sup>2</sup> into law and which requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.
- 1.3. Regulation 32 in the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out an additional basic condition to those set out in the primary legislation. Regulation 32 states:  
  
"The making of the neighbourhood development plan is not likely to have a significant effect on a European sites (as defined in the Conservation of Habitats and Species Regulations 2017 or a European offshore marine site (as defined in the Conservation of Offshore Marine Habitats and Species Regulations 2017) (either alone or in combination with other plans and projects)."
- 1.4. Barkway Parish Council and Nuthampstead Parish Meeting completed an initial SEA screening assessment for consultation with the Environment Agency, Historic England and Natural England to establish whether an SEA would be required for the Barkway and Nuthampstead Neighbourhood Plan.

## Barkway and Nuthampstead Neighbourhood Plan Basic Conditions Statement

1.5. The SEA screening assessment prepared in 2020 by the Qualifying Body concluded that the policies in the draft neighbourhood plan would not be likely to have significant environmental effects and that a SEA would not be required. The principal reasons for that conclusion were:

- There are no sites allocated for development in the neighbourhood plan;
- The neighbourhood plan focuses on protecting the quality of the villages and their environment, particularly in the case of any development which arises out of the existing District planning framework or the emerging Local Plan. It is considered that the Neighbourhood Plan's likely impact will be to have a positive effect on the environment by providing an additional layer of protection;
- The neighbourhood area does contain sensitive features, particularly heritage features as noted above, but there are no proposals in the Plan which are likely to have significant environmental effects on these features. In fact, as already noted, key plan policies are designed to protect these features.

1.6. Following consultation with the three agencies, responses were received from Historic England and Natural England which are summarised here:

Historic England: Historic England noted that the neighbourhood plan did not propose to allocate any sites for development and that based on the information supplied, concluded that the preparation of an SEA would not be required.

Natural England: based on the material supplied, Natural England concluded that they had no comments to make on the Regulation 14 Pre-Submission Consultation version of the Barkway and Nuthampstead Neighbourhood Plan.

Environment Agency: No response was received from the Environment Agency.

1.7. Copies of the full responses from Historic England and Natural England are attached as Appendices A and B respectively.

1.8. In light of the SEA screening assessment prepared by Barkway Parish Council and Nuthampstead Parish Meeting and the consultation responses from the statutory environmental bodies, North Hertfordshire District Council determines that a Strategic Environmental Assessment of the Barkway and Nuthampstead Neighbourhood Plan is not likely to be required in accordance with the Environmental Assessment of Plans and Programmes Regulation 2004.

## Appendix B Neighbourhood Plan Policies Mapped to Strategic Objectives

This Appendix maps the Barkway and Nuthampstead Neighbourhood Plan Policies to relevant North Herts Local Plan Strategic Objectives. Where a Local Plan Strategic Objective is not quoted, this is because the small villages of Barkway and Nuthampstead are unable to contribute to these specific objectives.

<b>Local Plan Strategic Objectives</b>	<b>Neighbourhood Plan Policies</b>
ENV1 Direct development towards the most sustainable locations which seek to maintain the existing settlement pattern.	BN H4, BN H6, BN H8
ENV2 Protect and enhance the historic character of North Hertfordshire's towns, villages, hamlets and landscape by promoting good design that creates a distinctive sense of place.	BN H2, NB H3, BN H4, BN H5, BN H6, BN H7, BN H8, BN E2, BN NE4, BN HA1, BN HA2, BN HA3, BN I1
ENV3 Protect, maintain and enhance the District's historic and natural environment, its cultural assets and network of open spaces, urban and rural landscapes.	BN NE1, BN NE2, BN NE3, BN NE5, BN NE1, BN NE2, BN NE3, BN L4, BN NE5, BN HA1, BN HA2, BN HA3, BN I1
ENV4 Mitigate the effects of climate change by encouraging the use of sustainable construction techniques, the appropriate use of renewable energy technologies and reducing the risk of flooding.	BN H3, BN H4, BN H5, BN NE2, BN NE3, BN T1, BN T2, BN T3, BN T4, BN T5, BN I1
ENV5 Reduce water consumption, increase biodiversity and protect and enhance the quality of existing environmental assets by enhancing new green spaces and networks of green space for both recreation and wildlife.	BN H3, BN H5, BN NE1, BN NE2, BN NE3, BN L4, BN I1
ECON1 Support a vibrant, diverse and competitive local economy that provides a range of job opportunities enabling new and existing businesses to grow and thrive.	BN E1, BN E2, BN L2

Barkway and Nuthampstead Neighbourhood Plan Basic Conditions Statement

<b>Local Plan Strategic Objectives</b>	<b>Neighbourhood Plan Policies</b>
ECON6 Sustain the vitality of our villages and the rural economy in supporting rural diversification whilst ensuring development is of an appropriate scale and character.	BN H2, BN H4, BN H5, BN H5, BN H7, BN H8, BN E1, BN E2
SOC1 Identify locations for a range of types and tenures of homes, including affordable homes, to meet identified needs and provide adequate housing for an increasing and ageing population.	BN H1, BN H5, BN H6, BN H7, BN H8, BN I1
SOC3 Improve access to, maintain and make provision for new facilities including community, sports, leisure, health and cultural facilities, that meet the needs of all North Hertfordshire's communities	BN L1, BN L2, BN L3, BN L4, BN T3, BN I1
SOC4 Enable rural communities to plan to meet their own local needs, especially through neighbourhood planning.	Producing a Barkway and Nuthampstead Neighbourhood Plan with all its inclusive policies.

### Appendix C Neighbourhood Plan Policies Mapped to Strategic Policies

This Appendix maps the Barkway and Nuthampstead Neighbourhood Plan Policies to relevant North Herts Local Plan Strategic Policies. Where a Local Plan Strategic Policy is not quoted, this is because it has no relevance to Barkway and Nuthampstead.

<b>Local Plan Strategic Policies</b>	<b>Neighbourhood Plan Policies</b>
SP1: Sustainable development in North Hertfordshire	The Neighbourhood Plan is in general conformity with the strategic policies of the Local Plan as identified below.
Policy SP2: Settlement Hierarchy and Spatial Distribution	The housing allocations in Policy SP2 are supported with a specific Framework Policy for BK3 – BN H5
Policy SP3: Employment	BN E1, BN E2, BN L2
Policy SP5: Countryside and Green Belt	Policy SP5 d) up held with policies H6 and H8 only supporting development within the village boundary of Barkway.
Policy SP6: Sustainable transport	Supporting policies are BN H5 & BNT1–T5
Policy SP7: Infrastructure requirements and developer contributions	Supporting policies are BN H5 & BN I1
Policy SP8: Housing	BN H1 supports a range of housing tenures
Policy SP9: Design and Sustainability	Housing policies BN H2-H8 including the Barkway and Nuthampstead Design Codes and Guidance, and BN T1
Policy SP10: Healthy Communities	BN L1-L4 and BN NE1
Policy SP11: Natural resources and sustainability	BN NE2, BN H3, BN H5
Policy SP12: Green infrastructure, landscape and biodiversity	BN NE1-NE5 and BN L4
Policy SP13: Historic environment	BN HA1-HA3