



# York Minster Precinct Neighbourhood Plan

Basic Conditions Statement

April 2021



YORK  
MINSTER

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## 1. Introduction

1.1 The York Minster Neighbourhood Forum 'The Forum' submitted their Neighbourhood Development Plan to York City Council in April 2021.

1.2 When submitting a neighbourhood plan to the relevant local planning authority the legislation requires that the qualifying body submit a number of other documents to accompany it. One of these is commonly known as a Basic Conditions Statement.

1.3 This Basic Conditions Statement has therefore been prepared in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. It explains how the proposed Neighbourhood Development Plan meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

1.4 There are five basic conditions set out in Paragraph 8 (2) that are relevant to a neighbourhood development plan. These are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State
- 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
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitat and Species Regulations 2017.

1.5 The prescribed condition is that 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).

1.6 This Basic Conditions Statement sets out how the York Minster Neighbourhood Plan meets the requirements of each basic condition and other legal tests. It explains why the Forum believe the plan meets these statutory requirements and should thereby proceed to referendum.

## 2. Background

- 2.1. Neighbourhood Plans were introduced under the 2011 Localism Act, giving communities the power to produce their own neighbourhood plans that will influence future development in their local area. Essentially, neighbourhood plans can set out policies for the development and use of land in the whole or part of the designated area, including the location and form of new development measures to protect the landscape and character and important community facilities.
- 2.2. Neighbourhood Plans can be narrow or broad in scope and there is no requirement to include policies dealing with a particular land use or development.
- 2.3. The Government's intention is for communities to have a greater say and role in the planning system by shaping future development in their area. However, all neighbourhood plans must be prepared to comply with a set of Basic Conditions. Firstly, neighbourhood plans must have regard to national policies that for England as set out in the National Planning Policy Framework (NPPF). The focus of this policy is the contribution that planning can make to sustainable development through the joint pursuance of economic, environmental and social improvement.
- 2.4. Secondly, the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for the area. This requirement is somewhat complicated in the case of the Minster Precinct in that there is currently no up to date development plan for the City of York. The City of York has been working on a Local Plan for a number of years, but progress has been stalled for a number of reasons. The current iteration of the Emerging Local Plan was submitted for independent examination in May 2018. The City of York Local Plan Publication Draft incorporating associated Main Modifications is currently a material consideration for development management decisions. The City of York Draft Local Plan incorporating the fourth set of changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF (2019), although the weight that can be afforded to them is very limited.
- 2.5. National Planning Practice Guidelines states that 'where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree on the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.
- 2.6. The York Minster Neighbourhood Plan is based on extensive research and influenced by robust engagement with the local community.
- 2.7. The Plan provides a vision for the future of the York Minster and its wider Precinct and sets out clear planning policies to help realise the vision, whilst protecting the historic environment. It will cover a 15- year time period with periodic reviews in accordance with Local Plan Reviews. It covers the period 2020 to 2035.
- 2.8. In order for the Neighbourhood Plan to be put to a referendum and duly made, a draft Neighbourhood Plan must meet a set of basic conditions, as set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, which is applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 2.9. Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:



- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
- b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
- c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- d) the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- e) prescribed conditions are met in relation to the neighbourhood development plan, and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

2.10.

### 3. Meeting Requirements

3.1. To meet the basic conditions set out above, the following information is provided to aid the examiner in his or her consideration.

#### **Schedule 4B Paragraph 8 Section (1)**

- a. This is for the Examiner to determine having had regard to the information presented in this Statement. It is considered in detail below under Section (2).
- b. The provisions of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provisions of 38A and 38B.
- c. In relation to the provisions of 38A and 38B the following is submitted.

#### **Planning and Compulsory Purchase Act 2004 Section 38A**

##### *The Qualifying Body*

- 1) The plan has been submitted by The York Minster Neighbourhood Forum, which is the qualifying body for the York Minster Precinct Neighbourhood Area.

##### *Policies that relate to development and use of land*

- 2) The Neighbourhood Plan sets out policies that relate to the development and use of land across the Minster Precinct. It includes land use planning policies that can be used in the determination of planning applications.

3) to 12) are essentially post examination procedures

#### **Planning and Compulsory Purchase Act 2004 Section 38B**

##### **1) The Plan Period**

- a. The York Minster Neighbourhood Plan covers the plan period from 2020 to 2035.
- b. **Excluded Development**

The neighbourhood plan does not contain policies that relate to 'excluded development'. For example it does not contain matters dealt with by North Yorkshire County Council (notably mineral extraction and waste development) or Nationally Significant Infrastructure Projects.

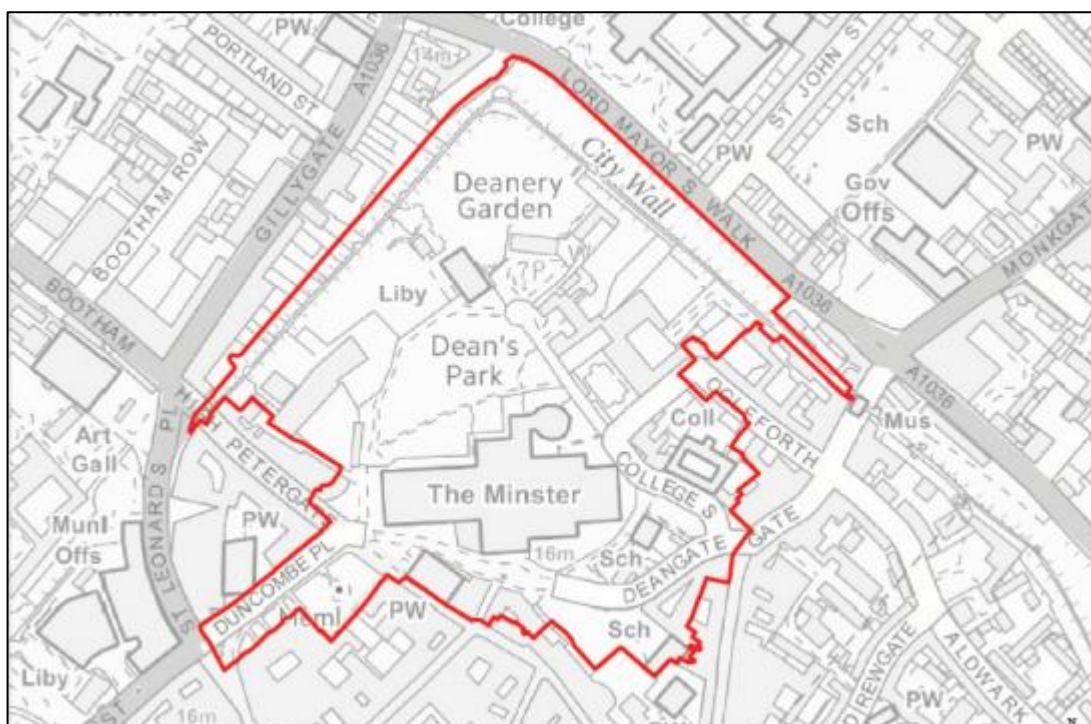
##### **2) The Neighbourhood Area**



The Forum applied to City of York Council to designate a Neighbourhood Area in November 2018. The City Council subsequently publicised the application for a six week period and invited any representations.

The City Council formally approved the Minster Precinct Neighbourhood Area on 14 March 2019.

The boundary of the Minster Precinct Area is indicated below.



*Policies that relate to development and use of land*

- a. The Neighbourhood Plan sets out policies that relate to the development and use of land across the Minster Precinct. It includes land use planning policies that can be used in the determination of planning applications.

*Other Neighbourhood Areas*

The plan does not relate to all or any part of another designated neighbourhood area. There are no other made neighbourhood plans that cover any part of the Minster Precinct.

- 3) Refers to conflicts within the Neighbourhood Plan
- 4) Refers to regulations that the Secretary of State (SoS) may make relating to Neighbourhood Plans. Such regulations are 2012 No. 637 The Neighbourhood Planning (General) Regulations 2012 that have been used to inform the process of developing the York Minster Neighbourhood Plan. These regulation set out the process by which Neighbourhood Plans are to be made and set out:
  - a) the consultation bodies for NPs. These have been included in the Consultation Statement.
  - b) that NPs that are likely to have an impact on European Sites (habitats) must be subject to an appropriate assessment. The York Minster Neighbourhood Plan has been subject to a Sustainability Assessment incorporating elements of Strategic Environmental

Assessment (SEA) and a Habitat Regulations Screening Exercise that has concluded that no further assessment is required.

- c) that Network Development Orders may be subject to an Environmental Impact Assessment (not required for a NP).
- 5) Refers to the publication of Neighbourhood Plans
- 6) Clarifies what is excluded development
  - d) Whether the area for the referendum should extend beyond the area that the draft Neighbourhood Plan relates.
  - e) Prescribed Matters. There are no prescribed matters other than those considered below under Section 2(g).

**Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section (2)**

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State.

*SoS Guidance -- National Planning Practice Guidance (NPPG)*

NPPG 070 sets out the basic conditions which must be met in order for a draft Neighbourhood Plan to be put to referendum and made. NPPG 066 advises a qualifying body to set out in a basic conditions statement how the basic conditions have been met and have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.

*SoS Guidance- National Planning Policy Framework (NPPF) (2019)*

Paragraph 13 of the NPPF requires Neighbourhood Plans to support the delivery of strategic policies contained in Local Plans or spatial development strategies. Paragraph 18 requires neighbourhood plans to contain non-strategic policies and 21 requires Neighbourhood Plans to address detailed matters which might not be included within the Local Plan.

Paragraph 29 of the NPPF envisages that Neighbourhood Plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan. This paragraph requires Neighbourhood Plans to promote the same level of growth as the Local Plan or more.

Paragraph 33 of the NPPF requires Neighbourhood Plans to be reviews at least once every five years to reflect changing circumstances or policies.

Based upon this National Guidance relating specifically to Neighbourhood Plans, the below seeks to consider National Policies within the NPPF to establish how the York Minster Neighbourhood Plan fulfils the basic conditions set out in sub- paragraph (2).

NPPF Paragraph	Summary of relevance to Neighbourhood Plan	How the NPPF is taken into account in the York Minster Neighbourhood Plan
NPPF 7-14	Outlines the importance of achieving sustainable development through the preparation and implementation of national and local plans. Paragraph 11	The NP is intended to support the sustainability of the York Minster Precinct, addressing all three strands of sustainability outlined

	specifies that plans should seek opportunities to meet the development needs of the area and be sufficiently flexible to adapt to rapid change	within the NPPF through policies relating to the protection of the environment and green space, the provision of housing for Minster apprentices and the support for key businesses within the Precinct which contribute to the upkeep and running of the Minster.
NPPF 16	Requires plans to: <ul style="list-style-type: none"> <li>- Be prepared with the objective of achieving sustainable development</li> <li>- Be prepared positively to be aspirational but deliverable</li> <li>- Shaped by early, proportionate and effective engagement between plan makers and communities</li> <li>- Contain clear policies</li> <li>- Be accessible</li> <li>- Serve a clear purpose and avoid unnecessary duplication of policies</li> </ul>	The NP considers these types of policies explicitly through active engagement of the community and key stakeholders throughout the process.
NPPF 20 – 23	Sets out requirements for strategic policies	The NP has been prepared with due regard to all NPPF and NPPG guidance related to the process of Plan making. This Statement aims to demonstrate that the Neighbourhood Plan is in general conformity to all National and Local Planning policy requirements.
NPPF 28 -37	Sets out requirements for non-strategic policies	The NP has been prepared with due regard to all NPPF and NPPG guidance related to the process of Plan making. This Statement aims to demonstrate that the Neighbourhood Plan is in general conformity to all National and Local Planning policy requirements.
NPPF 38 - 50	Sets out requirement for determining planning applications	Upon its adoption, the Neighbourhood Plan will carry great weight in the determination of planning applications in the Precinct.
NPPF 59 – 66	Relates to the supply of housing required through strategic policies	The NP provides a framework for the delivery of a quantum of



		residential development which is in keeping with the nature of the Precinct.
NPPF 67 -72	Relates to the spatial location of housing and suggests Neighbourhood Planning authorities consider the opportunity for allocating small and medium sized sites for housing	Appropriate locations for residential development have been identified in the NP, maximising change of use opportunities to provide residential accommodation for Minster Apprentices.
NPPF 80 – 82	Requires policies to create positive conditions for business and economic growth and seek to address potential barriers to investment.	The NP provides a framework for the betterment of existing business uses within the precinct. This includes the improvement of the visitor experience for the Minster which aims to encourage and maintain tourism to York Minster and to York more broadly.
NPPF 85 – 90	Seeks to ensure the vitality of town centres is retained	No such sites exist within the Precinct.
NPPF 91	Promote healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles	The NP identifies, protects and seeks to enhance existing areas of green space and identifies opportunities for new areas of Green Space accessible to the community.
NPPF 92	Seeks to ensure social, recreational and cultural facilities including shared spaces community facilities and other local services	The NP in its entirety relates to the sustainability of the Cultural Facility of York Minster and its surrounding area. The NP includes a number of policies and development frameworks which align with paragraph 92 (a) (b) (c) (d) and (e).
NPPF 93	Requires planning policies and decisions consider the social, economic and environmental benefits of estate regeneration	The NP in its entirety relates to the upkeep and regeneration of the York Minster Precinct and its surrounding area.
NPPF 95	Requires planning policies to promote public safety by anticipating possible malicious threats and taking steps to reduce vulnerability	The NP makes specific provision for measures to reduce vulnerability within the York Minster Precinct.
NPPF 96 – 100	Require existing open space is protected, and opportunities for new open space is provided where appropriate	The NP includes policies which identify, protects and seeks to enhance existing areas of open space and identifies opportunities for new areas of

		open space accessible to the community.
NPPF 102 – 111	Promotes sustainable transport including opportunities for walking and cycling and Requires sustainable travel opportunity to be incorporated in allocations and sets out a hierarchy of vehicle movement and transport types	The NP seeks to place a greater emphasis on pedestrian safety and the public realm in order to encourage sustainable transport options through the Precinct.
NPPF 112 – 116	Relates to the support of high quality communications	Not of relevance to the York Minster Precinct or to this Neighbourhood Plan.
NPPF 117	Seeks to ensure planning policies and decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions	The vision and objectives of the NP align with paragraph 117 of the NPPF
NPPF 118 – 121	Seeks to encourage the re-use of brownfield land and the re-development of underutilised buildings	The nature of the York Minster Precinct ensures that brownfield land will be prioritised for development where possible. The NP provides a framework for a number of re-development opportunities to maximise the use of land and the functioning of the Precinct.
NPPF 122 – 123	Relate to achieving appropriate densities of development and optimising the use of land	The NP supports the strategic policies of the emerging CYC Local Plan.
NPPF 124 – 132	Requires policies to seek high quality design which is sympathetic to the local character and history, including the surrounding built environment and landscape setting.	The NP requires high quality design which will be ensured through project specific design briefs and thorough consultation with all relevant stakeholders, including the community and Historic England.
NPPF 148- 169	Relates to meeting the challenge of climate change and flooding and requires plan to take a proactive approach to mitigating and adapting to climate change.	The NP supports CYC target for Carbon Neutrality by 2030 and seeks to contribute to the Minsters Climate Change Target to becoming an Eco Gold Church by 2025.
NPPF 170	Requires plans to contribute to and enhance the natural and local environment, minimising impacts on and providing net gains for biodiversity and protecting and enhancing valued	The NP recognises the importance of public green space and seeks to enhance and expand these areas, supporting biodiversity net gain in development proposals and

	landscapes and sites of biodiversity value.	protecting existing natural assets where possible.
NPPF 184 - 202	Requires plans to set out a positive strategy for the conservation and enjoyment of the historic environment and places great weight on the conservation of heritage assets through the determination process.	The NP has been developed in close communication with Historic England. The entirety of the Plan seeks to protect and enhance York Minster and other heritage assets in the Precinct, taking a long term view to ensure short to medium term development projects are undertaken to ensure the Nationally Significant asset is protected for the enjoyment of future generations.

**Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section 2 (b)** requires a Neighbourhood Plan to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses. Given the nature of the Neighbourhood Plan area and the purpose of the Neighbourhood Plan (to better preserve and celebrate the historic environment of York Minster and its Precinct and make better use of Chapters assets without causing unacceptable harm), the York Minster has been developed in close consultation with Historic England and CYC Conservation Officer given the importance of the heritage assets in and around the precinct, these consultations have shaped the development proposals within the Neighbourhood Plan. In addition, a number of policies within the Neighbourhood Plan (C1: Historic Environment, C2: Listed Building Consent and C3: Archaeology and Scheduled Monument Consent) are intended to provide additional scrutiny to any applications which have potential to impact on a heritage asset or its setting.

**Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section 2 (c)** requires a neighbourhood plan to have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area. The York Minster Precinct is a designated Conservation Area which contains a number of heritage assets. Consideration has been made in the Neighbourhood Plan for the preservation of the Conservation Area, as outlined above. Policies within the Neighbourhood Plan have also been included to ensure that development proposals within the Neighbourhood Plan area comprise the highest quality design (A2) in order to preserve the character of the Conservation Area.

**Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section 2 (d)** requires a neighbourhood plan to contribute to the achievement of sustainable development. The York Minster Neighbourhood Plan places great significance on the achievement of sustainable development. Policy A2 of the Neighbourhood Plan outlines social, economic and environmental objectives which align with the Minster and Precinct vision. Development proposals which align with a number of sustainability specific criteria will be supported by the Neighbourhood Plan.

**Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section 2 (e)** requires a Neighbourhood Plan to be in general conformity with the strategic policies contained in the development plan for the area of the authority. There is currently no up to date development plan for

the City of York. The emerging Local Plan has been submitted for independent examination and so will be afforded weight in accordance with Paragraph 48 of NPPF 2019 in the determination of any planning application. As such the Neighbourhood Plan has been assessed against the strategic policies of the emerging York Minster Neighbourhood Plan (Publication Draft (Including Modifications)) (June 2019).

In addition, relevant NPPG<sup>1</sup> states that ‘where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place, the qualifying body and the local planning authority should discuss and aim to agree on the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.’

The York Minster Neighbourhood Plan has been developed through close communication with the Planning Officers at York City Council. The York Minster Neighbourhood Plan should therefore be considered in general conformity with the strategic policies contained in the Publication Draft Local Plan (2018) including associated Main Modifications June 2019 which given its advanced stage of development, can be considered the development plan for the area of the authority. The City of York Draft Local Plan incorporating the 4<sup>th</sup> set of changes (April 2005) is currently a material consideration for development management decisions.

### Summary Assessment of York Minster Neighbourhood Plan Policies against the Basic Conditions Requirements

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework	Conformity with Local Plan (Publication Draft (Including Modifications)) (June 2019)
<b>A1- Purpose and Ambition</b>	The presumption in favour of sustainable development- Paragraph 13	The CYC Local Plan recognises that York Minster and its precinct contributes to the city’s special significance. Both The emerging Local Plan and NP Policy A1 share the aim to ensure the asset is preserved and enhanced. (CYC Local Plan Policy SS3: York City Centre)
<b>A2- Sustainable Development</b>	The presumption in favour of sustainable development- Paragraph 11 Achieving sustainable development- Paragraph 8	Aligns with the principles outlined in LP Policy DP2
<b>A3- Policies Map</b>	None-strategic policies – paragraphs 28, 29	The Emerging Local Plan outlines how the City Council will work alongside the Minster authorities to future proof the Minster and its precinct (CYC Local Plan Policy SS3: York City Centre). The Proposals identified in Policy A3 have

<sup>1</sup> NPPG, Neighbourhood Planning, Paragraph: 009 Reference ID: 41-009-20190509. Revision date 09 05 2019



		been created in conjunction with the CYC Planning department.
<b>A4- Design Excellence</b>	Achieving well-designed places- Paragraphs 124, 125, 126 and 127	Both the NP and the emerging Local Plan seek to support design excellence in the conservation and enhancement of key elements of York's built environment. (CYC Local Plan Policies SS3 and D3)
<b>B1- Landscape and Biodiversity Net Gain</b>	Strategic Policies- Paragraph 20(d) Conserving and enhancing the natural environment- Paragraph 170 Habitats and biodiversity- Paragraph 174	The York Minster NP places great significance on existing and new open space and seek to enhance habitats and biodiversity wherever possible. This approach is in line with the City of York Local Plan (Policies SS4, D1, D2, GI1 GI2 and D4)
<b>C1- Historic Environment</b>	Conserving and enhancing the historic environment- Paragraphs 184, 185, 193	Aligns with CYC Local Plan paragraphs D4, D5, D6, D8, D9 and D10 which relate to the protection of the historic environment in York.
<b>C2- Listed Building Consent</b>	Proposals affecting heritage assets- paragraphs 189 to 192	Aligns with CYC Local Plan policies D4, D5, D6, D8 and D9 which relate to the protection of the historic environment in York.
<b>C3- Archaeology &amp; Scheduled Monument Consent</b>	Proposals affecting heritage assets- paragraphs 189 to 192	Aligns with CYC Local Plan policies D4, D5, D6, D8 and D9 which relate to the protection of the historic environment in York.
<b>D1- Wellbeing</b>	Promoting healthy and safe communities- paragraphs 91, 92 and 95 Open Space and recreation- paragraphs 96, 97 and 98	Aligns with LP Policies GI5 and GI6 which relate to the provision and protection of open spaces, Policy GI2 which relates to access to nature, and Policies HW1 and HW7 which focus on the creation of healthy places
<b>E1- Movement and Public Realm</b>	Open Space and Recreation- Paragraph 98 Promoting sustainable transport- paragraph 102 Considering development proposals- paragraph 110	The NP and the Emerging LP both support the creation of a high quality public realm (LP Policy SS4) and prioritise sustainable transport options (Policy DP3)

<b>E2- Accessibility and Wayfinding</b>	Open Space and Recreation- Paragraph 98 Promoting sustainable transport- paragraph 102 Considering development proposals- paragraph 110	The NP and the Emerging LP both support the creation of a high quality public realm (LP Policy SS4) and prioritise sustainable transport options (Policy DP3)
<b>E3- Electric Vehicles and Parking</b>	Promoting sustainable transport- paragraphs 105 and 106	NP Policy E3 seeks to contribute to achieving the requirements of LP policy ENV1
<b>E4- Green Travel Plan</b>	Considering development proposals- paragraph 111	NP Policy E3 seeks to contribute to achieving the requirements of LP policy ENV1
<b>F1- Monitoring and Securing Delivery</b>	Preparing and reviewing plans- paragraph 31	The emerging Local Plan and NP Policy A1 outline that the Minster authority and CYC will work together to ensure the NP achieves the aims of both the precinct and CYC (CYC Local Plan Policy SS3: York City Centre)
<b>PA1- Minster Yard and College Green</b>	None-strategic policies – paragraphs 28, 29 Promoting healthy and safe communities- Paragraph 92 Open Space and recreation- paragraphs 96 and 97 Sustainable development- paragraph 11	Relates to LP Policy SS3 which outlines the approach to development within the City Centre. Aligns with CYC Local Plan policies D4, D5, D6, D8, D9 and D10 which relate to the protection of the historic environment in York. Aligns with LP Policies GI5 and GI6 which relate to the provision and protection of open spaces, Policy GI2 which relates to access to nature, and Policies HW1 and HW7 which focus on the creation of healthy places
<b>PA2- West Front and Queens Square</b>	Promoting Sustainable Transport- paragraph 102 Conserving and enhancing the historic environment- Paragraphs 184 and 185	Relates to LP Policy SS3 which outlines the approach to development within the City Centre. Aligns with CYC Local Plan paragraphs D4, D5, D6, D8, D9 and D10 which relate to the protection of the historic environment in York.

		This NP Policy places great importance on good design and as such aligns with LP Policy D3
<b>PA3- Learning &amp; Gardens</b>	Promoting healthy and safe communities- Paragraph 92 Open Space and recreation- paragraphs 96 and 97 Conserving and enhancing the historic environment- Paragraphs 184 and 185	Relates to LP Policy SS3 which outlines the approach to development within the City Centre. The proposals within this policy align with LP Policy D11 Extensions and Alterations to Existing Buildings. This Policy also aligns with LP Policies GI5 and GI6 which relate to the provision and protection of open spaces, Policy GI2 which relates to access to nature, and Policies HW1 and HW7 which focus on the creation of healthy places
<b>PA4- Own Use Properties</b>	Sustainable development- paragraph 11 None-strategic policies – paragraphs 28, 29 Making effective use of land- paragraph 117 Conserving and enhancing the historic environment- Paragraphs 184 and 185 Proposals affecting heritage assets- paragraphs 189	This proposal also has regard to the Local Plan Policies relating to heritage D4, D5, D6, D8, D9 and D10. The illustrative development framework for this policy has been developed in close consultation with CYC and Historic England to ensure they align with Local and National Policy from the outset, the policy states that this close communication should continue in line with LP policy requirements. The proposals within this policy align with LP Policy D11 Extensions and Alterations to Existing Buildings.

#### **Town and Country Planning Act (1990) Schedule 4B Paragraph 8 Section 2 (f) EU Obligations**

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

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The Plan complies with these requirements.

The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed.

It is not the case that every Neighbourhood Plan will need an environmental assessment of the type normally required when preparing Local Plans. Strategic Environmental Assessment may be required for Neighbourhood Plans, where they are likely to cause significant environment effects.

Even where there is no need to undertake formal environmental assessment under EU directives, it is good practice to prepare a statement setting out how environmental issues have been taken into account and considered during the preparation of the Neighbourhood Plan.

The policies set out in the York Minster Neighbourhood Plan have been subjected to a Screening and Scoping Opinion to determine whether a Strategic Environmental Assessment is required under the SEA Directive and whether an Appropriate Assessment is required in relation to the Habitats Directive.

In relation to the requirement for the York Minster Neighbourhood Plan to be subject to Strategic Environmental Assessment, it was concluded that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required, instead, a Sustainability Appraisal has been prepared and submitted alongside this document, which incorporates elements of the SEA. This SA concludes that significant environmental effects are not likely to be derived through the adoption of the Neighbourhood Plan and the policies therein.

#### *Habitat Regulations Assessment (HRA)*

On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into effect. These regulations amended the definition of the Basic Conditions for examining neighbourhood plans. The basic condition has now been replaced with “*The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*” This sets out the requirement for an appropriate assessment of implications before a land use plan is given effect if the plan:

- i. is likely to have a significant effect on a European site or a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- ii. is not directly connected with or necessary to the management of the site (Regulation 105 (1))

The changes allow neighbourhood plans to progress to appropriate assessment and allow any mitigation measures needed to be fully considered. Given the outcome of the Screening, the Neighbourhood Plan does not rely on mitigation measures to reach the conclusion of no likely effects, it is concluded that the York Minster Neighbourhood Plan therefore meets the new basic condition without further actions being necessary.

#### **Convention on Human Rights**

A Neighbourhood Plan must have regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR).

#### *Consultation*

The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation.





There was extensive consultation and engagement in identifying issues and objectives and the Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and relevant changes have been made. A Statement of Consultation has been prepared to summarise this process.

#### *Other Basic Conditions*

An additional basic condition prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 is that: - The making of the Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects).

The City of York Council, Natural England, Environment Agency and Historic England have formally been consulted on the draft Plan and did not raise any concerns that it would adversely affect an internationally or nationally designated nature conservation sites within the York Minster Precinct or the surrounding area.

In addition, City of York Council will specifically consult with the Environment Agency, Historic England and Natural England on all of the Plan Submission Documents including the revised SEA Screening Report as part of the Regulation 16 consultation as they are a Statutory Consultees. It is considered, therefore, that the Plan meets the additional prescribed basic condition.

#### **4. Conclusion**

- 4.1. The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) are considered to have been met by the York Minster Neighbourhood Plan.
- 4.2. The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the submission draft of the City of York Local Plan (2018).
- 4.3. It is therefore respectfully suggested to the Examiner that the York Minster Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.