



Basic Conditions Statement
December 2022

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Introduction

The Arches (Chatham) Neighbourhood Plan (ACNP) is a Neighbourhood Plan by Arches 'Chatham' Neighbourhood Forum (ACNF).

Basic conditions and tests to be met

This statement has been prepared to accompany the ACNP to address how the Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

These conditions are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State;
- Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;
- Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
- 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;
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- Prescribed conditions are met in relation to the Plan and prescribed matters have been compiled with in connection with the proposal for the Neighbourhood Plan.

Part of the Basic Conditions are that the proposed Neighbourhood Plan should "not breach or be otherwise incompatible with EU obligations". These EU obligations include environmental assessments. In order to support the qualifying body, ACNF, to meet this requirement, Medway Council has undertaken a screening to determine whether the proposed ACNP should be subject to Strategic Environmental Assessment or Habitats Regulation Assessment (HRA). It concluded that the ACNP does need to be subject to a SEA and HRA.

This statement should be read in conjunction with the ACNP and the Consultation Statement, which sets out the consultation and engagement with local residents, businesses, and statutory and non-statutory bodies during the preparation of the ACNP.

Legal requirements

The proposed Neighbourhood Plan is submitted by ACNF which, as a qualifying body, is entitled to submit a Neighbourhood Plan. The ACNP has been prepared by ACNF, which is a management committee encompassing local residents, businesses and stakeholders.

Both the Neighbourhood Area and ACNF were designated by Medway Council, the Local Planning Authority (LPA), at a Cabinet meeting on 6 August 2019 (decision number 90/2019).

Although ACNF as the qualifying body uses the term Neighbourhood Plan, it is the same as a Neighbourhood Development Plan.

The proposed Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Area. Proposals relating to planning matters (the use and development of land) 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) and the Neighbourhood Planning Regulations 2012 (as amended in 2016).

The ACNP will have effect until December 2040. The plan period has been chosen to align with the dates of Medway Council's emerging Local Plan which has had three rounds of Regulation 18 consultation (January-February 2016, January-May 2017 and March-June 2018). However, its Cabinet agreed to enter a further stage of Regulation 18 again, with a public consultation expected to be held in summer 2023. A further consultation would then be held on the draft Local Plan - known as Regulation 19 - before it is submitted to the Planning Inspector for independent examination. It is anticipated that the Local Plan will come into force in 2025/26.

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

The ACNP relates only to the Arches (Chatham) Neighbourhood Area. It does not relate to more than one Neighbourhood Area. There are no other Neighbourhood Plans in place within the Neighbourhood Area.

We recommend that the boundary of the Arches (Chatham) Neighbourhood Area is the referendum area for those who live and work within the boundary.

Compliance with National Planning Policy

This Plan has been prepared with regard to the policies set out in the National Planning Policy Framework 2021 (NPPF). The table below shows how the Neighbourhood Plan policies match sections of the NPPF.

Neighbourhood Plan Policies	NPPF Paragraph Reference	How conformity is achieved
E1 - Encouraging new business	81, 82	This policy promotes development that enables businesses to flourish, particularly small and medium enterprises and organisations with specific social, cultural or economic significance. Furthermore, the policy seeks to address potential barriers to investment by encouraging the right conditions to support economic growth and productivity locally, such as the provision of adequate infrastructure.
E2 - Mixed-use	93, 105, 106	This policy promotes mixed-use developments in line with the NPPF policy ambition of promoting an appropriate mix of uses across an area and locating significant development in locations which are or can be made sustainable. The policy also supports the integrated approach to considering the location of housing, economic uses and community facilities and services to enhance the sustainability of communities.
E3 - Retail frontages	92, 130, 134	This policy promotes active and visually attractive frontages that contribute to the overall quality of the area. In addition, the policy requires developments to reflect local design policies, such as the ACNP Design Code (Appendix A).
E4 - Healthy businesses	92	This policy seeks to encourage development that promotes healthy lifestyles and addresses identified local health and well-being needs through access to healthier food choices.
HO1 - Affordable housing	62, 64	This policy supports the provision of affordable housing to meet the needs of different groups in the community. Furthermore, it only seeks the provision of affordable housing for major developments.
HO2 - Beautiful design	127, 128, 130	This policy promotes well-designed developments that are visually attractive as a result of good architecture and sympathetic to local character and history. The policy corresponds with the ACNP Design Code (Appendix A), which identifies the special qualities of the Neighbourhood Area and explains how these should be reflected in development.

HO3 - Family housing	62	This policy seeks to deliver a mix of housing in the Neighbourhood Area that reflects local need and provision for different groups of people in the community, such as families with children.
HO4 - Site allocations	68, 124	This policy identifies a mix of specific, deliverable sites to accommodate development and make efficient use of land. It also promotes regeneration and change by supporting well-designed places.
HO5 - HMO	130, 185	Whilst there is no specific reference to HMO within the NPPF, the policy aims to support the Government's objective of significantly boosting the supply of homes. This policy addresses HMO development which would give rise to harmful impacts on mixed communities and undermine the character and standards of amenity of local communities, for both existing and future users.
HO6 - Outdoor space	130	This policy is in accordance with the NPPF's support towards creating places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users to ensure a good quality of life.
HO7 - Historic environment	199, 200, 201, 202, 203	This policy aligns with the NPPF as it supports the conservation of designated and non-designated heritage assets for the benefit and appreciation of future generations. It also accords with the NPPF by requiring development to avoid or minimise harm to designated and non-designated heritage assets unless it is demonstrated that the loss or harm is justified.
HO8 - New & Improved Utility Infrastructure	20	This policy ensures that new developments sustainably address essential utility infrastructure needs generated by those developments. This is reflected in the NPPF which states that policies should make sufficient provision for "infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)".
BNE1 - Public realm enhancement	92, 124, 126, 130	This policy supports developments, where justified, to contribute to creating well-designed, attractive and healthy places, as echoed by the NPPF. It seeks to support developments that can add to the overall quality of the area and are visually attractive as a result of good layout and effective landscaping. It also accords with the NPPF as it aims to create safe and accessible spaces.

BNE2 - Local Green Spaces	101, 102, 103	This policy has regard to the NPPF as it identifies Local Green Spaces through a Neighbourhood Plan. The designated Local Green Spaces meet the criteria set out in paragraph 102 of the NPPF as demonstrated by the Local Green Spaces Designation Rationale (Appendix D).
BNE3 - Public open spaces	99, 174	This policy seeks to prevent the loss or degradation of the quantity and quality of public open spaces within the Neighbourhood Area. The NPPF is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.
BNE4 - Urban greening	131, 185, 186	This policy accords with the NPPF as it encourages development that take up opportunities to improve air quality or mitigate impacts, particularly through green infrastructure provision and enhancement.
BNE5 - Protection of Designated Sites	179, 180	This policy supports the protection of wildlife habitats and internationally designated sites, in line with NPPF paragraph 179 which underlines the importance of the conservation, restoration and enhancement of priority habitats.
BNE6 - Non-designated Heritage Assets	203	This policy reflects NPPF paragraph 203 by considering the significance of the loss or level of harm to non-designated heritage assets inflicted by developments.
ST1 - Air quality	185, 186	This policy seeks to reduce local levels of air pollution to promote the health and wellbeing of local residents and the quality of the natural environment. This reflects NPPF paragraph 186 as it requires developments to demonstrate how they take up opportunities to improve air quality or mitigate impacts, such as through traffic and travel management, and green infrastructure provision and enhancement.
ST2 - Active travel routes	92, 104, 110	This policy seeks to promote the development of safe active travel routes to reduce dependence on private motor vehicles. This is reflected in NPPF's paragraph 92 which states that "planning policies and decisions should aim to achieve healthy, inclusive and safe places" which have "street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods" and have "attractive, well-designed, clear and

		legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas”.
ST3 - Humanising Luton Road	92, 104, 110	This policy seeks to promote further walking, cycling and public transport use along Luton Road. This aligns with the NPPF, as it seeks to achieve healthy, inclusive and safe places which have attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space.
ST4 - Parking	105, 112	This policy seeks to provide the appropriate level of car parking infrastructure to support new development and to avoid exacerbating the adverse impacts being experienced by on-street parking. It also accords with the NPPF as it promotes the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
CS1 - Safeguarding existing social infrastructure	20, 84, 93	This policy is consistent with NPPF paragraph 92 as it seeks to maintain the provision of social, recreational and cultural facilities and services the community needs. It also supports the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship to enhance the sustainability of communities and residential environments. The policy is also consistent with paragraph 93 as it looks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs.
CS2 - Provision of sports facilities and play spaces	92, 98	This policy aligns with paragraph 92 as it promotes developments that take into account and support improvements to the health, social and cultural wellbeing of all sections of the community. The policy is also in line with paragraph 98 as it seeks to foster greater access to a network of high quality open spaces and opportunities for sport and physical activity, which is important for the health and wellbeing of communities.
CS3 - Enhancing existing green spaces	92, 174	This policy seeks the enhancement of existing green spaces to contribute to biodiversity net gain. This is in line with paragraph 174 as the policy supports the contribution to and enhancement of natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent

		ecological networks that are more resilient to current and future pressures. The policy also enables and supports healthy lifestyles through safe and accessible green infrastructure.
Appendix A: Design Code	126, 127, 128, 129, 130, 134	The Design Code aligns with the NPPF as it requires and supports new developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and to be sympathetic to local character and history. It has been developed with local communities to reflect local aspirations and is grounded in an understanding and evaluation of the Neighbourhood Area's defining special characteristics and explains how they should be reflected in development.
Appendix D: Local Green Space Designation Rationale	101, 102, 103	This policy has regard to the NPPF as it identifies Local Green Spaces through a Neighbourhood Plan. The designated Local Green Spaces meet the criteria set out in paragraph 102 of the NPPF as demonstrated by the Local Green Spaces Designation Rationale (Appendix D).

Contribution to Sustainable Development

The NPPF is underpinned by the aim of achieving sustainable development. Sustainable development is about positive growth - making economic, environmental, and social progress for this and future generations. The Arches (Chatham) Neighbourhood Plan must contribute to the achievement of sustainable development of which there are three dimensions: economic, social, and environmental.

These dimensions give rise to the need for the planning system to perform several roles:

a) an economic pillar – *“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;”*

b) a social pillar – *“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;”*

c) an environmental pillar – *“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

The following table highlights how each policy contributes to the three pillars of sustainable development, by using a colour-coded system where **green** is a positive contribution, **yellow** is no contribution, and **red** is a negative contribution.

Neighbourhood Plan Policies	Social	Economic	Environmental	Comments
E1 - Encouraging new business				This policy supports expansion of existing businesses and organisations, thus promoting economic activities in the Neighbourhood Area and supporting existing services and commercial facilities vital for the local community.
E2 - Mixed-use				This policy promotes the development of mixed-use communities to promote active lifestyles and reduce the need for private vehicle use to access essential amenities, thereby reducing road traffic emissions and contributing to combating climate change.
E3 - Retail frontages				This policy protects the character of the local area by promoting beautiful and appropriate shopfront design.
E4 - Healthy businesses				This policy promotes healthy and safe communities.

HO1 - Affordable housing				This policy ensures the sustainable development of homes that responds to the local tenure need.
HO2 - Beautiful design				This policy promotes high-quality design to protect and enhance the historic built environment and add visual quality to the local environment. Well-designed places can also improve the vitality and attractiveness of places.
HO3 - Family housing				This policy promotes sustainable development of homes that responds to the local housing need, thereby enabling families to remain in the Neighbourhood Area, which can enable a critical mass of people to support local amenities and services.
HO4 - Site allocations				This policy promotes sustainable development by reusing brownfield land, enabling the delivery of new homes and commercial space to meet local needs.
HO5 - HMO				This policy prevents an overconcentration of HMO that can lead to unhealthy, unbalanced and transient communities.
HO6 - Outdoor space				This policy promotes healthy local communities by meeting amenity needs and a biodiversity net gain.
HO7 - Historic environment				This policy protects the local historic environment from harm resulting from new development to safeguard the use and appreciation of assets for future generations.
HO8 - New & Improved Utility Infrastructure				This policy ensures sustainable development by acknowledging the potential need to expand and upgrade utilities infrastructure to meet the demands of the growing local population, while also addressing barriers to economic investment.
BNE1 - Public realm enhancement				This policy promotes the development of beautiful and sustainable public spaces to encourage active lifestyles, active travel and a reduction in the reliance of private motor vehicles to meet daily needs.
BNE2 - Local Green Spaces				This policy protects existing green spaces for their demonstrable environmental, historic and social value.

BNE3 - Public open spaces				This policy promotes the enhancement of existing green spaces to contribute towards biodiversity net gain and the health and wellbeing of the local community.
BNE4 - Urban greening				This policy promotes the planting of street trees and hedgerows to improve urban biodiversity, make streets more attractive thereby encouraging active travel, and mitigating the urban heat island effect in response to climate change. Green infrastructure can also contribute to the vitality of the economy and the physical and mental health of local people.
BNE5 - Protection of Designated Sites				This policy promotes wildlife habitats through the mitigation of recreational pressures on designated environmental sites.
BNE6 - Non-designated Heritage Assets				This policy nominates buildings and sites which are considered to be of social and/or historic value.
ST1 - Air quality				This policy promotes the improvement of local air quality to improve the physical and mental health of local people, and to reduce emissions in light of climate change.
ST2 - Active travel routes				This policy promotes active travel and a reduction in the reliance on private motor vehicles.
ST3 - Humanising Luton Road				This policy promotes active travel by softening the car-dominated street environment and a reduction in the reliance on private motor vehicles.
ST4 - Parking				This policy promotes the better distribution of parking and the provision of electric charging infrastructure to promote greener travel in response to climate change.
CS1 - Safeguarding existing social infrastructure				This policy protects existing social and community facilities to promote an inclusive community and improve cohesion, in addition to contributing to the vitality of the economy.
CS2 - Provision of sports facilities and play spaces				This policy promotes the development of quality sports and play spaces for the health and wellbeing of the local community.

CS3 - Enhancing existing green spaces				This policy promotes the enhancement of existing green spaces to contribute towards biodiversity net gain and creating healthy, inclusive and cohesive communities.
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Conformity with Local Planning Policies

Medway Council's current Local Plan was adopted on 14 May 2003. As this plan is now 18 years out-of-date, using it as the main basis for its conformity with planning policies for Medway has presented some difficulties as national policy has changed significantly as have local circumstances. As a result, the emerging Local Plan has also been included in this Basic Conditions Statement. Medway has been preparing a new Local Plan since 2015 which started in earnest in 2016 with an issues and options report and associated consultation.

Since then Medway has held two rounds of Regulation 18 consultation - one on development options in 2017 and one on the development strategy in 2018. In order to assess the conformity of the Neighbourhood Plan with the emerging Local Plan, we have examined both these policy documents to ensure that the Neighbourhood Plan is as up to date as possible. Allocation of specific sites for development through the Local Plan will not be proposed until the publication of the Local Plan, which is currently planned for Q1 2024.

In order for the ACNP to reflect the latest evidence as far as possible, the emerging Local Plan evidence base has been used to inform the Neighbourhood Plan and its policies.

The tables below show the policies in the ACNP against the current 2003 Local Plan and the policy approaches and strategy policies of the emerging Local Plan. The Neighbourhood Plan focuses its policies on those areas not sufficiently covered by the current Local Plan or insufficient to deal with the particular circumstances of the designated Neighbourhood Area.

Arches (Chatham) Neighbourhood Plan Policies	Medway Local Plan 2003 Policies	Emerging Medway Local Plan 2037 Policies
Housing		
HO1	H3	T2
HO2	S4	T41
HO3	H10	H1
HO4	S5	S13
HO5	H7	T7
HO6	N/A	DM26
HO7	DM17	DM5, DM22
HO8	CF12, CF14	S22
Built & Natural Environment		
BNE1	BNE6	T40, T41
BNE2	N/A	DM19
BNE3	BNE6	DM19
BNE4	BNE43	S4

BNE5	BNE35, BNE36, BNE37	S4
BNE6	N/A	DM22
Sustainable Transport		
ST1	BNE24	DM2
ST2	T3	T24
ST3	T3	T24
ST4	T13	DM14
Local Economy		
E1	N/A	S13
E2	R12	S13
E3	BNE9	DM6
E4	R18	T40
Community Spaces		
CS1	CF1	S13
CS2	L3	T40
CS3	L3	S4

Compliance with European Union Obligations

The Arches (Chatham) 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.

A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. Directives that may be of particular relevance to neighbourhood plans are:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.

A screening opinion was issued by Medway Council which advised that the Neighbourhood Plan required a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA).

A HRA Report was prepared which concluded the following: "Following Appropriate Assessment, it is concluded that the ACNP will contain sufficient policy framework to ensure no adverse effects on the integrity of international designated sites will occur in isolation or in combination with other projects and plans".

An SEA Environmental Report was prepared to present the information required by the SEA Regulations. The SEA Environmental Report concluded the following:

"The assessment has concluded that the submission version of the ANP is likely to bring significant positive effects in relation to the Historic Environment and Townscape SEA Theme. These benefits largely relate to the ANP's emphasis on protecting and enhancing townscape character (and features), delivering high-quality design which respects and enhances local distinctiveness and the built environment, facilitating improvements to quality of the public realm, encouraging high-quality design which is informed by a thorough analysis into the potential impact to heritage assets, and increasing awareness, understanding and appreciation of the historic environment. Given the Design Guide accompanying and underpinning the ANP also sets out a comprehensive range of provisions relating to the built environment, this will help provide an appropriate basis for the conservation and enhancement of the heritage assets and townscape features located within the setting of the proposed site allocations

"The Neighbourhood Plan also has the potential to have significant positive effects in relation to the Community Wellbeing SEA theme. This relates to the ANP's focus on delivering housing which meets local needs, maximising accessibility to services, facilities, and opportunities, promoting health and wellbeing and supporting community and economic vitality and social inclusion.

"Additionally, the ANP will bring positive effects in relation to the Biodiversity SEA Theme by supporting net gains for biodiversity within new development proposals, enhancing ecological networks through green infrastructure enhancements (including through supporting proposals which deliver linear parks and ecological corridors), and improving ecological resilience.

"Regarding the Climate Change SEA Theme, the ANP will potentially lead to positive effects through supporting proposals which deliver energy efficient designs and layouts, proactively respond to the potential impacts of climate change (e.g. the urban heat island effect, and flood risk concerns from increased storms / rainfall events), and by encouraging active and sustainable travel within the ANP

area. However, this is dependent on the extent to which development proposals incorporate these mitigation and adaptation measures through design.

“The ANP will also initiate several beneficial approaches regarding the ‘Air Quality’ SEA Theme, given its focus on enhancing the active travel network (including public rights of way and cycle routes), supporting healthy streets and low-traffic neighbourhoods, and encouraging a greater use of sustainable modes of transportation in the medium-to-long-term”.

The Neighbourhood Plan therefore does not breach, and is otherwise compatible with, EU obligations.

Other Basic Conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe two basic conditions in addition to those set out in the primary legislation. These are:

- 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, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites;
- Having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development.

As set out above, a SEA and HRA were conducted. The SEA report concluded that the Neighbourhood Plan is likely to have positive effects to the SEA themes of:

- Historic Environment and Townscape
- Community Wellbeing
- Biodiversity
- Climate Change
- Air Quality

The HRA report concluded that: “The Arches ‘Chatham’ Neighbourhood Plan will contain a sufficient policy framework to ensure no adverse effects on the integrity of international designated sites will occur in isolation or in combination with other projects and plans”.

Conclusions

The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 and Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) are met by the Arches (Chatham) Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the ACNP complies with paragraph 8(1)(a) of Schedule 4B of the Act.