

Basic Condition Statement V2 following adoption of the 2014 - 2032 ELP and the July 2018 NPPF.

Morland Parish Neighbourhood Plan 2017 - 2032

Submission Version 2025

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Introduction

This Statement has been prepared by Morland Parish Council (MPC) to accompany its submission of the proposed Morland Neighbourhood Development Plan (NDP) to Westmorland and Furness Council (WFC).

Regulation 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012, states that when a Plan proposal is submitted to the local planning authority it must include a statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (TCPA).

This Statement has been prepared to show that the NDP meets legal requirements and the basic conditions.

This Statement confirms that the legal requirements have been met (section 2) and that the NDP:

- has had regard to national policies and advice contained in guidance issued by the Secretary of State (section 3)
- contributes to the achievement of sustainable development (section 4)
- 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) (section 5)
- does not breach, and is otherwise compatible with, EU obligations, including human rights obligations and requirements for environmental and habitats assessment (section 6).

Preliminary Matters concerning the adoption of Strategic policies and the update to the NPPF.

The preparation of the Morland Parish Neighbourhood Plan has occurred during a period of significant changes to both the Strategic Policy adopted by Eden District Council (EDC) and, the National Planning Policy Framework published by the UK Government. This has resulted in the task of creating the NDP (which represents the lowest tier of Statutory planning policy) unusually prolonged. The first version of the New Eden Local Plan (ELP) included the village of Morland as a Key Hub - a settlement in which allocations of land for housing is to occur.

During 2016 the Inspector for the ELP objected to the quantity of villages to be designated as Key Hubs in the Local Plan and asked EDC to reduce the number from 28 to thirteen. The Village of Morland was one such village. Its new status as a 'Smaller Village' was published as a main modification to the Examination in 2016 and was part of the public consultations and hearings held in 2016 and 2017.

The effect of this was that the strategic policies no longer required any housing allocations within the village of Morland.

From the Spring of 2017 a round of pre-submission consultations occurred for the Morland NDP reflecting its proposed new status. This resulted in the suite of documents being prepared for submission early in 2018, despite the fact that the adoption of the 2014 - 2032 ELP was held up once more due to EDC being asked to reconsult on further main modifications for additional housing allocations in the main settlements of Penrith, Alston, Appleby and Kirkby Stephen. Also at this time, the Government was consulting on modifications to the NPPF. The new NPPF was published in July 2018 necessitating a redrafting of the Basic Conditions Statement. EDC finally adopted the 2014 - 2032 ELP in October 2018. Any remaining references to the emerging Local Plan are now references to the adopted 2014-2032 Local Plan.

In January 2020, Eden District Council advised of the need to have robust evidence to support the designation of local green spaces in neighbourhood plans, which led to further actions required for completion of the Plan. This and further minor refinements were made following an external health check carried out in July 2021, which was funded through a final grant award.

Following local government reorganization in 2023, EDC was disbanded, being incorporated into the new unitary authority of Westmorland and Furness Council. Going forward, we were advised of the new council's approach to NDP and their subsequent link to Bluestone Planning – an organization dedicated to the proper formulation of NDPs. We have met with Bluestone Planning to seek their advice in finalising the MNDP and were advised to enlarge all our work on non-designated heritage assets and on our approach to Open Spaces and Green Spaces designation.

Legal Requirements

Qualifying Body

MPC is a qualifying body as defined in the Localism Act 2011.

What is being proposed is a neighbourhood development plan

The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Neighbourhood Planning Regulations 2012.

Neighbourhood Plan Area

The neighbourhood development plan area consists of the parish of Morland, as designated by Eden District Council on the 17th July 2014. The NDP relates solely to the area designated by EDC and to no other neighbourhood area. There are no other Neighbourhood Plans in place for the Morland parish neighbourhood area. The area is shown in the NDP on page 3 .

Time Period for the NDP

The front cover of the NDP states that it covers the period from 2017 to 2032. This timeline to 2032 reflects the timeline of the Eden Local Plan.

Development and Use of Land

The NDP contains policies relating to the use and development of land within the designated neighbourhood area. Where there are policies or proposals of a non-planning nature these are clearly identified in a separate Non Statutory Planning Community Action Plan.

Excluded Development

Excluded development includes development defined as a county matter, mainly involving mineral extraction and waste development, and nationally significant infrastructure projects or other prescribed development under section 61K of the TCPA 1990. There is no provision for such development in the NDP.

Meeting the Basic Conditions – Regard to National Policy and Advice

The NDP must have appropriate regard to national policy and advice. National planning policy is set out in the National Planning Policy Framework (the NPPF) published in July 2018 and advice is provided in the online Planning Practice Guidance (PPG) published in March 2014 and updated on an ad-hoc basis.

The NPPF provides a framework within which local people can produce their own distinctive Neighbourhood Plans which reflect the needs of their communities (paragraph 28) and reflect the non-strategic requirements of a community (paragraph 30).

At the heart of the NPPF is the presumption in favour of sustainable development which is the golden thread running through both plan-making and decision-taking (paragraph 11). This means that Neighbourhood Plans must support the strategic development needs set out in Local Plans, including policies for housing and economic development (paragraph 13). Paragraph 14 includes advice about situations where housing applications may conflict with a Neighbourhood Plan. This is expanded in paragraphs 96 - 99 of the PPG. However, in the case of Morland, there is no strategic housing requirement for the neighbourhood area and the NDP does not formally allocate sites.

Further guidance is given in the Planning Practice Guidance. There is a need for Neighbourhood Plans to be supported by proportionate robust evidence, for local planning authorities to share relevant evidence (Paragraph 040, Reference ID: 41-040-20140306) although there is no tick box list of evidence required; and for policies to be clear and unambiguous and drafted with sufficient clarity for a decision maker to apply them consistently and with confidence when determining planning applications. Policies should be concise, precise, supported by robust evidence and reflect the unique characteristics of the neighbourhood area (Paragraph 041, Reference ID: 41-041-20140306).

Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin both plan-making and decision-taking. These therefore apply to the making of Neighbourhood Plans. The core principles are expanded on in the remaining chapters of the NPPF.

The table below shows how the Parish Council has taken account of the relevant policies and guidance in preparing the Neighbourhood Plan. It matches each part of the Plan against the appropriate underpinning core principles and other relevant NPPF paragraphs.

Table 1

NDP Policy	Core Planning Principle	NPPF Paragraph	Compliance
Whole Plan	genuinely plan-led; seeking enhancement; support needs and sustainability; putting design at the heart of decision taking; supporting thriving rural communities;	18, 28, 29, 30	Full Compliance. Neighbourhood Planning gives communities the power to develop a shared vision for their area. If passed at examination and referendum, the plan will take precedence (in any areas of conflict) over the Eden Local Plan 2014 - 2032.
Policy MNP1 Village Design and Local Character	taking account of specific character of Morland and seeking high quality design to drive enhancement	18, Chapter 12 (paras 124 - 132)	Full compliance. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans, such as Neighbourhood Development Plans. The design based criteria do not seek a prescriptive approach, rather to ensure that materials and form are fully respected together with the spaces between buildings.
Policy MNP2 Environment and Heritage	recognises the intrinsic character and beauty of the countryside and the conservation of heritage assets	18, 125, 126, 170,	Full compliance. Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. This policy brings additional certainty to decision makers about the acceptability of sites in and around the village of Morland
Policy MNP3 Parking Provision	taking account of specific character of Morland	104 (e), 107, 108	Full compliance. Morland has both limited public transport provision, and limited space for on-street parking. The NPPF requires that these factors are taken into consideration when considering both residential and commercial planning applications and policies. This policy ensures that this is a matter for consideration in any application.
Policy MNP4 Employment and Business	supporting a low carbon future	18, 28, 83, 84	Full compliance. This policy seeks to protect existing businesses and encourage new ventures in converted buildings. The sustainable growth and expansion of all types of business in rural areas are to be enabled through plans such as neighbourhood plans. The policy identifies a suitable development opportunity and provides specific guidance about it.

NDP Policy	Core Planning Principle	NPPF Paragraph	Compliance
Policy MNP5 Halmshaws Garage	promoting effective use and reuse of land and recognising opportunities for housing	69, 117, 119, 178, 179,	Full compliance. The policy goes as far as it can without the landowner's consent to identify the site as an opportunity for housing and/or parking provision
Policy MNP6 Green Infrastructure	recognising the intrinsic character and beauty of the countryside; contribute to conserving and enhancing the natural environment	101,102, 103	Full compliance. The policy covers all local green spaces. Local consultation has been taken into account, and the local landowner, via their agent, made aware.
Policy MNP7 Local Heritage Assets	recognising the diverse character of Morland; conserving heritage	197	Full compliance: This policy takes into account the NPPF consideration of the importance of non-designated heritage assets, and seeks to protect these from harm where development takes place.

Meeting the Basic Conditions – Sustainable Development

Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental - these dimensions should not be taken in isolation, because they are mutually dependent.

The need to balance the three dimensions of sustainable development is recognised in the NDP's Vision:

To ensure that Morland maintains and enhances its character with particular reference to its central village character area and provides sustainable development to meet the needs of its community.

The NPPF states at paragraph 7 that the purpose of the planning system is to contribute towards the achievement of sustainable development and that the policies, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. The table above shows how the NDP takes account of these policies and therefore how it makes a contribution towards the achievement of sustainable development.

To meet the economic element of sustainable development, the NDP helps to build a strong local economy by supporting existing businesses and encouraging new ones; by identifying sites where employment uses are to be protected and by seeking as far as possible conditions which will help sustain local businesses (policies MNP3, MNP4, and MNP5).

To meet the social element of sustainable development, the NDP helps to maintain a strong, vibrant and healthy community, by planning positively to ensure that the housing needs of the Parish are met up to 2032; by locating new development where it relates well to the built-up area; by requiring a high standard of design to create a high quality built environment, and by protecting the character of the village, and by protecting employment facilities while encouraging new ones (policies MNP1, MNP2, MNP5).

To meet the environmental element of sustainable development, the Plan aims to protect and enhance the natural and built environment by protecting the countryside from inappropriate development and supporting low energy technology (policies MNP2 and MNP3).

Meeting the Basic Conditions – General Conformity with the Development Plan

The Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the area. Paragraph 20 of the NPPF states that strategic policies are those that set out how the local authority will deliver the homes, facilities and infrastructure for the area. To be in general conformity, the NDP's policies must support and uphold the general principle that the strategic policies are concerned with. They may provide an additional level of detail or local approach but should not undermine strategic policies (PPG Paragraph: 074 Reference ID: 41-074-20140306, NPPF paragraph 28).

The former adopted Development Plan

The formerly adopted Development Plan for Eden District comprised the Eden Core Strategy DPD 2010 and the saved policies of the 1996 Eden Local Plan. Although these have now been replaced by the Eden Local plan 2014 - 2032. The 1996 Plan had a plan period to 2006 and was subsequently saved until replaced. The Core Strategy plan period is 2010 - 2025.

The emerging, now adopted, Eden Local Local Plan

EDC has prepared a new Local Plan to cover the period to 2014 - 2032. Pre-submission consultation took place in 2016/17 and again in 2017/2018 it was adopted in Autumn 2018. The Parish Council has taken account of the emerging Local Plan policies and the up to date evidence and information provided by EDC in the formulation of the Neighbourhood Development Plan Policies. While it is not necessary for a Neighbourhood Plan to be in conformity with an emerging Local Plan, it is good practice to ensure consistency so that the Neighbourhood Plan does not become out of date once the new Plan is adopted, and to this end, the end date of the MNP aligns with the new Local Plan and will run until 2032.

The table overleaf shows how each NDP policy is in general conformity with the most relevant policies of the former and now adopted local plans.

Table 2

NDP	Former Adopted Policy	Emerging Policy (now adopted as of October 2018)	Conformity with strategic policies (commentary in bold refers to the now adopted policy)
Whole Plan	CS1	Vision for Eden	General conformity in providing a Neighbourhood Plan as a vehicle for localism and decision taking. The existing Core Strategy DPD is a very strategic document with a number of policy hooks that allow detailed policies to be developed for specific areas. CS1 seeks to contribute to locally distinctive and aesthetically pleasing empowered communities. The Vision for the emerging plan refers to decisions being made at community level as far as possible.
Policy MNP1 Village Design and Local Character	CS2, CS17, CS18	LS1, LS2, DEV1, DEV 5	General conformity by adding detail and clarity to the adopted policies governing design. Sustainability in the context of Morland is primarily focussed on matters of design and character of the village.
Policy MNP2 Environment and Heritage	CS16, CS17	LS1, ENV2 ENV10	General conformity in providing a settlement boundary which will provide greater certainty than the more vague wording of CS16, CS17 and LS1. It creates certainty in the application of ENV2.
Policy MNP3 Parking Provision	CS1, CS3, CS5	DEV3	General conformity by providing detail for developments that seeks the provision of parking where Eden District Plan is silent.
Policy MNP4 Employment and Business	CS1, CS5, CS12, CS14	EC2, EC3	General conformity by adding further detail for the application of EC2 and EC3.
Policy MNP5 Halmshaw's garage	CS1, CS2, CS18	LS1, LS2, DEV1, DEV5, HS2	General conformity by adding detail for the application of DEV1 and HS2.
Policy MNP6 Green Infrastructure	CS6, CS16, CS21, CS24	ENV2, ENV4, COM2	General conformity by taking into account distinctiveness and character of Morland. Provisions in line with NPPF paragraph 103.
Policy MNP7 Local Heritage Assets	CS17, CS18	ENV10	General conformity by seeking to protect the character and historic environment of Morland village.

Meeting the Basic Conditions – European Union Obligations

Strategic Environmental Assessment Directive (2001/42/EC)

The NDP has been screened to determine whether Strategic Environmental Assessment (SEA) in accordance with European Directive 2001/42/EC. The screening was undertaken by Prospus Consulting on behalf of Morland Parish Council and Eden District Council and is dated December 2017.

The screening report concluded:

The content of the Morland Neighbourhood development Plan can be screened out for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

The Morland neighbourhood Development Plan has been prepared for town and country planning purposes and sets a framework for future development consent. The policies of the Morland Neighbourhood Development Plan can be considered to help determine the use of small areas at local level commensurate with their status in determining local planning applications however it is considered that the Plan would not have a significant effect on the environment in so far as it does not allocate land for development. In addition, no policy approach can be considered to be contrary to the requirements of sustainable development in the Plan Area or National and existing / emerging LPA planning policy requirements.

Therefore the Morland Neighbourhood Development Plan does not require Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.

The screening report was sent to the statutory consultees, Historic England, the Environment Agency and Natural England who concurred with the results of the screening report as confirmed by Eden District Council

The screening report is available separately and constitutes the statement of reasons required to be submitted.

Habitats Directive (92/43/EEC)

The Habitats regulation Screening report concluded that there are unlikely to be any significant effects upon statutory designated sites. Therefore a Habitats Regulations Assessment (HRA) was not required.

Convention Rights

The submission draft NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance and District level strategic policies. An emerging Local Plan and its evidence base has also been taken into account.

The preparation of the NDP has been based on consultation with local residents and businesses, clubs and organisations, local landowners and other statutory and non-statutory organisations and

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bodies. The overall purpose of the NDP is to improve the quality of life for people living and working in the Parish from an environmental, social and economic point of view.

The policies in the NDP have been formulated with regard and in response to the views of those living and working in the Parish and are based on evidence gathered. They are considered to comply with the requirements of EU obligations in relation to human rights.

Mr T Woof Prospus House Furrow Green farm Wharton Kirkby Stephen CA17 4LQ	Our ref: NO/2013/104973/SE-06/ SC1-L01 Your ref: Date: 08 January 2018
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Dear Sir

Draft SEA and HRA Screening Reports for the Morland Neighbourhood Plan

Thank you for your email of 15 December 2017 regarding the above.

The Environment Agency has considered the documents received with the HRA/SEA Screening request and agrees with the summary/conclusions.

Please forward any future related consultations/enquiries to:
clplanning@environment-agency.gov.uk

Yours faithfully

Jeremy Pickup
Planning Advisor - Sustainable Places

E-mail clplanning@environment-agency.gov.uk

Appendix 2

Date: 04 January 2018
Our ref: 234226
Your ref: Morland Neighbourhood Plan – SEA/HRA Screening



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
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CW1 6GJ

T 0300 060 3900

Tom Woof,
Director,
Prospus
BY EMAIL ONLY

Dear Tom

Planning consultation: Morland Neighbourhood Plan – SEA/HRA Screening

Thank you for your consultation on the above dated 15 December 2017 which was received by Natural England on 15 December 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SEA/HRA Screening Request

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including, but not limited to; statutory designated sites, European protected sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/HRA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact John Dixon on john.dixon@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

John Dixon
Sustainable Development Lead Advisor

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