



Devonshire Park Residents Association and Neighbourhood Planning Forum
"Preserving the character & balance of our unique neighbourhood"

Devonshire Park Neighbourhood Plan

Document 4: Basic Conditions Statement

This statement has been prepared by Devonshire Park Neighbourhood Planning Forum "The Designated Body" with reference to Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 "The Act", set out within Schedule 10 of the Localism Act 2011 and concerns the Neighbourhood Development Plan "The Plan" prepared in consultation with Wirral Council, residents and other stakeholders "The Consultation" for the designated Neighbourhood Area of Devonshire Park "The Area".

1. Devonshire Park Neighbourhood Planning Forum was designated by Wirral Council as the qualifying body for The Area in April 2013.
2. This is a proposal to make a Neighbourhood Development Plan for The Area in accordance with the relevant Act and regulations.
3. The policies proposed in The Plan will relate only to The Area and this is the only Neighbourhood Development Plan for The Area.
4. The Plan has specified that it will have effect for a period of 16 years, from such date that it is brought into force by local referendum to 2030, to match the time period of the Council's emerging Core Strategy Local Plan
5. The Plan does not provide for any type of "excluded" development as set out in Section 61K of the Act
6. The Plan is consistent with national planning policy as set out in the National Planning Policy Framework (NPPF).
 - 6.1 The national policy context for The Plan is set out in section 3 of The Plan and highlights the following four aims of spatial planning, taken from the twelve core land-use principles that underpin the planning system in the National Planning Policy Framework (NPPF, paragraph 17):
 - be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a

positive vision for the future of the area...They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas...

6.2 Paragraph 58 of the NPPF states that neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area, based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

7. The Plan conforms with Wirral Borough Council's strategic policies as follows:

7.1 The Plan conforms with the Wirral Unitary Development Plan (UDP) adopted in February 2000 as saved by Direction issued on 18 September 2007. The Plan in particular provides additional local context to assist in the application of UDP Policy HS4 - Criteria for New Housing Development, UDP Policy HS7 – Sheltered Housing, UDP Policy HS8 – Nursing Homes/ Residential Care Homes and UDP Policy HS14 - Houses in Multiple Occupation. The Plan would operate similarly to UDP Policy HS5 – Density and Design Guidelines, by providing additional detail to be taken into consideration in Devonshire Park alongside the other policies of the Development Plan. An extract of the relevant UDP policies is included at Appendix 4.1.

7.2 The Plan will also operate alongside Policy WM8 - Waste Prevention and Resource Management and Policy WM9 - Sustainable Waste Management Design and Layout for New Development, in the Joint Waste Local Plan for Merseyside and Halton adopted in July 2013. An extract of the relevant Waste Local Plan policies is included at Appendix 4.2.

7.3 The Plan also conforms with the Vision, Spatial Objectives and Broad Spatial Strategy of the emerging Wirral Core Strategy Local Plan, including Proposed Submission Draft Policy CS6 - Priorities for Suburban Birkenhead, Policy CS21 - Criteria for New Housing Development and Policy CS43 – Design, Heritage and Amenity. An extract of the relevant Core Strategy policies is included at Appendix 4.3

8. The Sustainability Assessment Report, provided at Appendix 4.4, shows that the The Plan will contribute to the achievement of sustainable development.

9. The Plan complies with European obligations as follows:

9.1 The Habitats Regulations Assessment Report, provided at Appendix 4.5, shows that The Plan is not likely to have a significant effect on a European Site.

- 9.2 The Strategic Environmental Assessment Screening Report, provided at Appendix 4.6, shows that The Plan is not likely to have any other significant effect on the environment.
- 9.3 Natural England, when consulted on the draft Plan under Regulation 14, stated that “*Natural England does not consider that this plan poses any likely significant risk to internationally or nationally designated nature conservation sites and so does not wish to make specific comments on the neighbourhood plan.*” (letter dated 11 July 2013, NE ref 88205)
10. The Plan is considered to be compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.
11. The Plan complies with the regulations and prescribed conditions of the Neighbourhood Planning Regulations in that The Forum has been designated by the Council as the Neighbourhood Forum for The Area and has published the proposals in accordance with Regulation 14 of the Neighbourhood Planning Regulations including consulting the bodies listed in Schedule 1 of the Regulations and has submitted the documents required in accordance with Regulation 15 to Wirral Council, including the screening assessment required to demonstrate that The Plan as submitted will satisfy paragraph 1 of Schedule 2 of the Regulations.
12. Appendix 4.7, below, sets out the background data on which the policies now set out in The Plan have been based.

Schedule of Appendices

- 4.1 Extract of Relevant Unitary Development Plan Policies
- 4.2 Extract of Relevant Joint Waste Local Plan Policies
- 4.3 Extract of Relevant Emerging Core Strategy Local Plan Policies
- 4.4 Sustainability Assessment Report
- 4.5 Habitats Regulations Assessment Report
- 4.6 Strategic Environmental Assessment Screening Report
- 4.7 Background Data Tables

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