



TODMORDEN TOWN COUNCIL

Todmorden Neighbourhood Plan Basic Conditions Statement

January 2024

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1. LEGAL REQUIREMENTS

This statement has been prepared on behalf of Todmorden Town Council to accompany its submission to the local planning authority, Calderdale Council (CMBC) of the Todmorden Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

The Neighbourhood Plan has been prepared by Todmorden Town Council, a qualifying body, for the Neighbourhood Area covering the parish of Todmorden as designated by CMBC on 27th April 2017 and redesignated on 28th November 2022

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2032 and it does not contain policies relating to excluded development in accordance with the Regulations.

This statement addresses each of the five ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- Having regard to national policies and advice contained in the guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- 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 is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- 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 2017.¹

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On 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or project.

2. INTRODUCTION & BACKGROUND

In 2017 the Todmorden Neighbourhood Plan (TNP) area was formally designated by CMBC. In 2017 Todmorden Town council started work on the TNP. The purpose of producing a NDP is to help positively shape and influence new development and to support the aims of the local community.

A Neighbourhood Plan project group was formed which includes residents and local councillors. A series of engagement and consultation events and activities were undertaken starting in 2016 and continuing until 2023 to help inform the scope and content of the Plan. The TNP has been produced working with officers at CMBC with several drafts of the document being shared with CMBC for comment before pre-submission consultation to ensure the Plan and its content are considered appropriate. Where required amendments were made in response to comments received and additional pieces of evidence gathering were undertaken.

The key engagement and consultation stages were:

- Public surveys online and physical
- Public drop-in events
- Workshops
- Public feedback session and engagement summaries
- Sharing of drafts with CMBC
- SEA & HRA screening opinions
- Regulation 14 Consultation

Following a series of amendments the Pre-Submission Draft Neighbourhood Plan was produced during 2023 and a Regulation 14 consultation undertaken from 21st September 2023 for 6 weeks. Responses received from pre-submission consultation have been considered, and amendments were made to the policies, evidence and supporting text in the Neighbourhood Plan and Design guide.

It is now considered suitable to be submitted to CMBC, the Local Planning Authority, for further publicity and independent examination.

3. REGARD TO NATIONAL PLANNING POLICY

The Neighbourhood Plan has been prepared with regard to national planning policies as set out in the National Planning Policy Framework (NPPF) of December 2023. It is also mindful of the National Planning Practice Guidance (NPPG), updated by the government in September 2023 in respect of preparing Neighbourhood Plans.

Table 1 below, is a summary of how each Todmorden Neighbourhood Plan policy has regard to the policies of the NPPF. The paragraphs referred to in the table are those considered the most relevant and appropriate to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
H1 - Infill housing	70, 71	<p>Policy H1 gives support for infill housing sites</p> <p>Para 70 of the NPPF 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly</p> <p>Para 71 of the NPPF 'Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 70a) suitable for housing in their area.'</p> <p>*Note this policy does not designate sites but instead gives support for infill sites</p>
H2 - Housing mix	63	<p>Policy H2 sets out the expected mix of new housing in Todmorden</p> <p>Para 63 'Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'</p>

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Para-graph	Comment on regard to policies
H3 - Housing Design	128, 129, 132, 133, 134, 135	<p>The setting out of key design principles in policy H3 in relation to new development is in line with:</p> <ul style="list-style-type: none"> • para 128 (achieving appropriate densities d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.) • para 129 (design guides and codes) • para 132 (re clear design vision and expectations and grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood Plans can play an important role in identifying special qualities of each area and explaining how this should be reflected in development) • para 123 (re To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes) • para 134 (. Design guides and codes can be prepared at an area-wide, neighbourhood or sites specific scale) • para 135 Planning policies and decisions should ensure that developments: (re b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; f) create 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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
H4 - Innovative Housing	70	<p>Policy H4 supports the development of community-led housing, self-build, custom-build, and community land trusts sites</p> <ul style="list-style-type: none"> • para 70 of the NPPF ' seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
H5 - Reuse and conversion	157	<p>Policy H5 supports and encourages the reuse and conversion of existing buildings into residential</p> <ul style="list-style-type: none"> Para 157 'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings
H6 - Sustainable Homes	159, 160	<p>Policy H6 encourages new development to be of sustainable design and construction, aiming for low-carbon, is in line with:</p> <ul style="list-style-type: none"> para 159 (New development should be planned for in ways that: <ul style="list-style-type: none"> a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.) para 160 (To help increase the use and supply of renewable and low carbon energy and heat)
H7 - Inclusive and accessible homes		<p>Policy H7 encourages homes to be built to enhanced accessibility and adaptability standards</p> <ul style="list-style-type: none"> para 135 (Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; f) create 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
H8 - SuDS	167, 175	<p>H8 - requires new development to include SuDS and other water management systems where necessary</p> <p>Para 167 c) ' using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)</p> <p>Para 175 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.'</p>
H9 - Community housing	70	<p>H9 supports and encourages the development of community-led housing that meets local needs including affordable housing</p> <p>Para 70 b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing</p>
ED 1- Reuse of space	88	<p>ED1 supports the reuse of existing buildings for economic purposes</p> <p>Para 88 'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;'</p>
ED2 - Innovative working	85	<p>ED2 supports the development of specific industries and businesses in the town</p> <ul style="list-style-type: none"> • Para 85 of the NPPF ' Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
ED3 - Homeworking	86	ED3 supports and encourages dedicated space to facilitate homeworking <ul style="list-style-type: none"> Para 86 d) 'be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.'
ED4- Visitor accommodation	88	ED4 encourages the development of visitor accommodation <ul style="list-style-type: none"> para 88 of the NPPF 'planning policies should enable: c) sustainable rural tourism and leisure developments which respect the character of the countryside;'
ED5 - Retail	90	ED5 seeks to retain and enhance the local retail offer <ul style="list-style-type: none"> para 90 of the NPPF 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation'.
ED6 - Light industry	90	ED 6 supports the retention of existing employment land used for offices and manufacturing and encourages the creation of space for creative industries <ul style="list-style-type: none"> para 90 'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
ED7 - high speed broadband	118	ED7 encourages high speed broadband infrastructure <ul style="list-style-type: none"> para 118 'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.'

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
NE1 - Millponds, dams, attenuation ponds	124, 167	<p>NE1 seeks to establish natural flood risk measures</p> <ul style="list-style-type: none"> • para 124 b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; • para 167 c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management);
NE2 - Local Green Spaces	105, 106	<p>The designation of sites as local green spaces is in line with:</p> <ul style="list-style-type: none"> • para 105 - The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them • para 106 - The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.
NE3 - Green Infrastructure	181, 185	<p>This policy encourages new development to include provision of green infrastructure and have regard to, and enhance, existing identified green infrastructure sites, is in line with:</p> <ul style="list-style-type: none"> • para 181 (taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure); • para 185 (a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks)

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
TC1 - Shop front design	132	<p>TC1 links with the design guide to provide guidance for shop fronts which is in line with</p> <ul style="list-style-type: none"> • Para 132 1 Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
TC2 - Pedestrian routes	104, 116	<p>TC2 supports the pedestrianisation of areas within the town centre and enhanced connections into the wider countryside which is in line with</p> <ul style="list-style-type: none"> • Para 104 @ Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. • Para 116 c) 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
TC3 - Public realm	135 d)	<p>TC3 supports improvements to the public realm in the town centre which is in line with</p> <ul style="list-style-type: none"> • Para 135 d) 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; • Para 135 f) 'create 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
TC4 - Markets	90	TC4 supports the enhancement of the indoor and outdoor markets which is in line with: Para 90 c) 'retain and enhance existing markets and, where appropriate, re-introduce or create new ones
CR1 - Canal and riverside improvements	97	CR1 supports canal and riverside enhancements to support amenity, access and recreation is in line with: <ul style="list-style-type: none"> • Para 97 'take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community
TM1 - Walking and cycling networks	110	TM1 requires new residential development to connect with existing walking and cycling networks which is in line with: <ul style="list-style-type: none"> • Para 110 d) 'provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);
TM2 - Movement and access	116	TM2 encourages new developments to be well-designed in regards to movement and accessibility to support people challenged by mobility, this is in line with: <ul style="list-style-type: none"> • Para 116 b) ') address the needs of people with disabilities and reduced mobility in relation to all modes of transport;'
TM3 - EV Charging points	116	TM3 encourages the inclusion of EV charging points in new development in line with: <ul style="list-style-type: none"> • Para 116 e) 'be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
HG1 - Heritage	169, 209	<p>HG1 designates buildings as non-designated heritage assets in line with:</p> <ul style="list-style-type: none"> • Para 196 'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. • Para 209 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
HG2 - Key views	132	<p>HG2 identifies key views which should be retained and development should be sensitive to which is in line with:</p> <ul style="list-style-type: none"> • Para 132 'Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
CCR1 - Community, social, and cultural facilities	97	<p>CCR1 supports and encourages the development of community, social and cultural facilities which is in line with:</p> <ul style="list-style-type: none"> • Para 97 a) 'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

3. REGARD TO NATIONAL PLANNING POLICY

Table 1 - Neighbourhood Plan Policies' regard to NPPF Policies

NDP Policy	NPPF Paragraph	Comment on regard to policies
CCR2 - Food growing	96, 124	<p>CCR2 supports and encourages space for the provision of food growing which is in line with:</p> <ul style="list-style-type: none"> • Para 96 c) 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. • Para 124 b) 'recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
CCR3 - Sport and recreation	96	<p>CCR3 encourages the development of additional spaces for sport and recreation which is in line with:</p> <p>Para 96 c) 'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p>
CCR4 - Community energy schemes	160	<p>CCR4 supports and encourages the development of community energy schemes using renewable technologies which is in line with:</p> <ul style="list-style-type: none"> • Para 160 a) 'provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

The development plan for Todmorden comprises the adopted Calderdale Local Plan (2023)

The Neighbourhood Plan has been prepared to ensure its general conformity with the above applicable components of the adopted development plan.

Table 2 below sets out how each Neighbourhood Plan policy is in general conformity with the development plan.

NDP Policy	Development Plan Policy	Comments on Conformity
H1 - Infill housing	HS1	TNP policy H1 is in general conformity with Local Plan policy HS1 through supporting development on non-allocated sites providing specific criteria is met
H2 - Housing mix	HS3	TNP policy H2 is in general conformity with Local Plan policy HS3 through requiring a mix of house types to support local needs
H3 - Housing Design	BT1	TNP policy H3 is in general conformity with Local Plan policy BT1 by encouraging new housing to be well-designed and respond to local context
H4 - Innovative Housing	HS5	TNP policy H4 is in general conformity with Local Plan policy HS5 by supporting self-build and custom build housing
H5 - Reuse and conversion	HS1	TNP policy H5 is in general conformity with Local Plan policy HS1 by supporting the conversion of existing buildings into residential providing specific criteria are met
H6 - Sustainable homes	BT1, CC1	TNP policy H6 is in general conformity with Local Plan policies BT1 and CC1 by encouraging new homes to be designed using sustainable design and building construction principles

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
H7 - Inclusive and accessible homes	BT1	TNP policy H7 is in general conformity the Local Plan policy BT1 by encouraging the development of home that are inclusive and accessible
H8 - SuDS	CC1, CC2, CC3	TNP policy H8 is in general conformity with Local Plan policies CC1, CC2, CC3 by requiring development to manage flood risk and surface water and provide flood mitigation
H9 - Community housing	HS4	TNP policy H9 is in general conformity with Local Plan policy HS4 by supporting community-led housing and a mix of housetypes to meet local needs
ED1 - Reuse of space	EE1	TNP policy ED1 is in general conformity with Local Plan policy EE1 by supporting the reuse/ conversion/redevelopment of existing buildings into spaces for economic activity providing specific criteria is met
ED2 - Innovative working	EE1	TNP policy ED2 is in general conformity with Local Plan policy EE1 by supporting proposals for economic activity
ED3 - Homeworking	BT1	TNP policy ED3 is in general conformity with Local Plan policy BT1 by encouraging new homes to provide functional space that are fit for purpose
ED4 - Visitor accommodation	RT6	TNP policy ED4 is in general conformity with Local Plan policy RT6 by encouraging facilities and services to support tourism

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
ED5 - Retail	RT2	TNP policy ED5 is in general conformity with Local Plan policy RT2 by encouraging the retention and development of retail spaces
ED6 - Light industry	EE1	TNP policy ED6 is in general conformity with Local Plan policy EE1 by encouraging the retention of existing employment space and the development of new spaces
ED7 - High-speed broadband	IM6	TNP policy ED7 is in general conformity with Local Plan policy IM6 by supporting high-speed internet infrastructure
NE1 - Millponds, dams, and attenuation ponds	CC4	TNP policy NE1 is in general conformity with Local Plan policy CC4 by supporting natural flood management
NE2 - Local Green Spaces	GN2	TNP policy NE2 is in general conformity with Local Plan policy GN2 by protecting formal and informal recreation spaces and places with ecological value
NE3 - Green infrastructure	GN2	TNP policy NE3 is in general conformity with Local Plan policy GN2 by protecting sites of green infrastructure and encouraging their enhancement
TC1 - Shop front design	RT5	TNP policy TC1 is in general conformity with Local Plan policy RT5 by encouraging shop fronts to be well designed and attractive

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
TC2 - Pedestrian routes	RT5	TNP policy TC2 is in general conformity with Local Plan policy RT5 which supports town centres to improve accessibility and ease of travel for all users
TC3 - Public realm	RT5	TNP policy TC3 is in general conformity with Local Plan policy RT5 which encourages town centres to be attractive and improve levels of amenity
TC4 - Markets	RT5	TNP policy TC4 is in general conformity with Local Plan policy RT5 which encourages the enhancement of town centres and retail areas
CR1 - Canal and riverside improvements	IM1, IM2	TNP policy CR1 is in general conformity with Local Plan policies IM1 and IM2 which supports the enhancement of the canal towpath and associated spaces for social and recreational purposes
TM1 - Walking and cycling networks	IM5	TNP policy TM1 is in general conformity with Local Plan policy IM5 by requiring development to support sustainable travel
TM2 - Movement and access	IM5	TNP policy TM2 is in general conformity with Local Plan policy IM5 by requiring development to be accessible and support those with mobility issues and disabilities
TM3 - EV charging	IM4	TNP policy TM3 is in general conformity with Local Plan policy IM4 by supporting the inclusion of EV charging points in development

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

Table 2 - Conformity with development plan policies

NDP Policy	Development Plan Policy	Comments on Conformity
HG1 - Heritage	HE1	TNP policy HG1 is in general conformity with Local Plan policy HE1 by identifying proposed non-designated heritage assets
HG2 - Key views	HE1	TNP policy HG2 is in general conformity with Local Plan policy HE1 by identifying key views that should be retained and impacts on these considered and mitigated when new development is proposed
CCR1 - Community, social and cultural facilities	HW3	TNP policy CCR1 is in general conformity with Local Plan policy HW3 by encouraging new community, social and cultural facilities
CCR2 - Food growing	HW5	TNP policy CCR2 is in general conformity with Local Plan policy HW5 by encouraging spaces for local food production
CCR3 - Sport and recreation	GN6	TNP policy CCR3 is in general conformity with Local Plan policy GN6 by encouraging new sport and recreational spaces and facilities
CCR4 - Community energy schemes	CC5	TNP policy CCR4 is in general conformity with Local Plan policy CC5 by supporting renewable energy schemes providing certain criteria is met

Conclusion







As shown above all of the policies in the Todmorden NDP conform with the policies contained in the NPPF and the relevant development plan policies of CMBC.

5. CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

Although a formal sustainability appraisal is not required for a Neighbourhood Plan, an informal sustainability assessment has been undertaken for the purposes of this Basic Conditions Statement to assess the Neighbourhood Plan's contribution to achieving sustainable development.

The policies included in the plan are in response to local issues raised at engagement, and seeks to achieve local aspirations for the future of Todmorden. The policies relate to the overall vision for the Neighbourhood Plan and seek to achieve the aims and objectives stated in the Neighbourhood Plan. There is an emphasis on sustainability throughout the Neighbourhood Plan such as conserving the natural and local built environment and enhancing biodiversity and the landscape, where possible.

The sustainability assessment grades each policy in the Neighbourhood Plan against benchmark criteria and covering three dimensions of sustainability, environmental, social and economic. The assessment grades the impact of each policy against the criteria. The grades are:

- | | | |
|--------------------------------------|------|---|
| • Significant positive impact | (++) |  |
| • Some positive impact | (+) |  |
| • No overall impact / Not applicable | (0) |  |
| • Some negative impact | (-) |  |
| • Significant negative effects | (--) |  |
| • Uncertain of the impact / effects | (?) |  |

The sustainability assessment on the next page summarises:

- The impact/contribution of policies as a whole in relation to the twelve individual benchmark criteria;
- The impact/contribution of policies on sustainability/benchmark criteria as a whole.

5. CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

Table 3. Sustainability Assessment

Benchmark Criterion	Todmorden Neighbourhood Plan Policy Numbers																																Impact on benchmark	
	H1	H2	H3	H4	H5	H6	H7	H8	H9	ED 1	ED 2	ED 3	ED 4	ED 5	ED 6	ED 7	NE 1	NE 2	NE 3	TC 1	TC 2	TC 3	TC 4	CR 1	TM 1	TM 2	TM 3	HG 1	HG 2	CCR 1	CCR 2	CCR 3	CCR 4	
Biodiversity	0	0	0	0	0	0	0	+	0	0	0	0	0	0	0	0	+	+	+	0	0	0	0	+	0	0	0	0	0	0	0	0	0	+
Landscape	0	0	+	0	0	0	0	+	0	0	0	0	0	0	0	0	+	+	+	0	0	0	0	+	0	0	0	0	0	0	0	0	0	+
Heritage	0	0	+	0	+	0	0	0	0	0	0	0	0	0	0	0	0	+	0	+	0	0	+	0	0	0	0	+	+	0	0	0	0	+
Natural Resources	0	0	0	+	0	+	0	+	0	0	0	0	0	0	0	0	+	0	+	0	0	0	0	+	0	0	+	0	0	0	+	0	+	+
Movement	0	0	0	0	0	0	+	0	0	0	0	0	0	0	0	0	0	0	+	0	+	+	0	+	+	+	+	0	0	0	0	0	0	+
Open Spaces	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	+	+	0	0	+	0	+	0	0	0	0	0	+	+	+	0	+
Community	0	+	0	+	0	0	0	0	+	0	0	0	0	+	0	0	0	+	+	0	+	+	+	+	0	+	0	0	0	+	+	+	+	+
Housing type & quality	+	+	+	+	+	+	+	+	+	0	0	+	0	0	0	0	0	0	+	0	0	0	0	0	0	0	0	0	0	0	0	0	0	+
Safety / Security	0	0	0	0	0	0	+	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	+	0	0	+	0	0	0	0	0	0	+	+
Social Inclusion	0	+	0	+	0	0	+	0	+	0	0	0	0	+	0	+	0	+	0	0	+	0	+	0	0	+	0	0	0	+	+	+	+	+
Business	0	0	0	0	0	0	0	0	0	+	+	+	+	+	+	+	0	0	0	+	0	0	+	0	0	0	0	0	0	+	0	0	0	+
Jobs / Skills	0	0	0	0	0	0	0	0	0	+	+	+	+	+	+	+	0	0	0	0	0	0	+	0	0	0	0	0	0	+	0	0	+	+
Summary impact of policy	0	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	

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6. COMPATIBILITY WITH EU OBLIGATIONS AND LEGISLATION

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed the European Convention on Human Rights and complies with the Human Rights Act.

A screening determination statement was issued by Integreat Plus in September 2022 which advised that:

Based on the preliminary Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening opinion prepared by Todmorden Town Council in 2022 and having considered the consultation responses from the statutory bodies (Historic England, Environment Agency, Natural England), Todmorden Town Council and Calderdale Council determine that the Todmorden Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a full strategic environmental assessment.

It is considered that none of the policies in the Todmorden Neighborhood Plan are likely to have a significant effect on designated sites and therefore the Neighbourhood Plan does not give rise to or include any mitigation measures. The conclusions of the HRA of the Calderdale Local Plan, it is concluded that there are no likely significant effects in combination with other plans or projects.

The Council has considered the HRA and the contents of the Neighbourhood Plan and are satisfied that measures intended to avoid or reduce any harmful effects of the plan have not been relied on in order to screen out the Neighbourhood Plan under the Conservation of Habitats and Species Regulations 2017 and that the draft plan meets the revised Basic Condition.

7. CONCLUSIONS

This Todmorden Neighbourhood Development Plan Basic Conditions Statement addresses each of the four basic conditions required by the Regulations and demonstrates that the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town and Country Planning Act.

In line with the Regulations, this Basic Conditions Statement explains how the Todmorden Neighbourhood Plan:-

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Is in general conformity with the strategic policies contained in the development plan for Calderdale;
- Contributes to the achievement of sustainable development;
- Does not breach and is otherwise compatible with EU obligations.
- Does not include policies which relate to excluded development
- Only covers the Todmorden Neighbourhood Plan Area, which does not currently have an adopted Neighbourhood Plan in place

It is therefore respectfully suggested that the Todmorden Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act and subject to Examination, can proceed to a Referendum.