

Spitalfields Neighbourhood Forum



**Spitalfields
Neighbourhood Plan
2020-2035**

Basic Conditions Statement

October 2020

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1 INTRODUCTION

Introduction

- 1.1 This Basic Conditions Statement has been produced to accompany Spitalfields Neighbourhood Plan.
- 1.2 The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3 Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
- I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - III. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - V. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that 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.
- 1.4 This document sets out how the Plan meets the Basic Conditions.

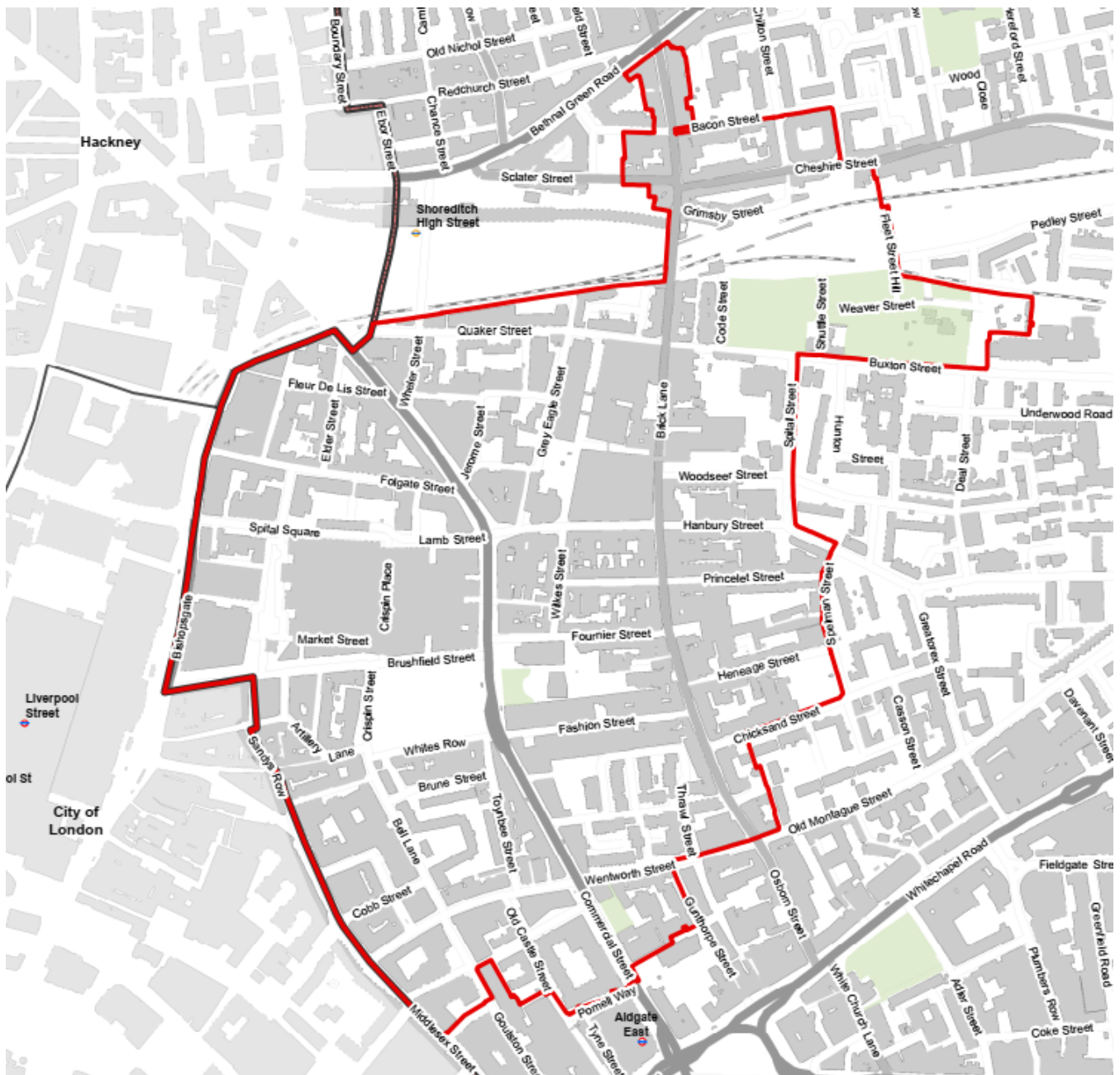
Key statements

- 1.5 The Plan sets out policies that relate to the development and use of land within only the Spitalfields Neighbourhood Area. All of the area lies in the London Borough of Tower Hamlets. This is shown in Figure 1 below. This demonstrates compliance with Regulation 15(a) of the Neighbourhood Planning Regulations.
- 1.6 The Plan refers only to the administrative boundary of Spitalfields. There are no other adopted Neighbourhood Development Plans that cover the Spitalfields Neighbourhood Area.

¹ There are two further basic conditions, which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

- 1.7 Spitalfields Neighbourhood Forum, as the qualifying body, has prepared the Plan, which covers the neighbourhood area of Spitalfields. This area was designated by the London Borough of Tower Hamlets in April 2016.
- 1.8 The Spitalfields Forum Council has prepared the Plan to establish a vision for the future of the neighbourhood area. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2020 to 2035.

Figure 1: Spitalfields Neighbourhood Plan Area



Source: London Borough of Tower Hamlets

2 BASIC CONDITION (I) – CONFORMITY WITH NATIONAL PLANNING POLICY

- 2.1 To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

National Planning Policy Framework

- 2.2 The NPPF has 13 key objectives which are:

1. Delivering a sufficient supply of homes
2. Building a strong, competitive economy
3. Ensuring the vitality of town centres
- 4 Promoting healthy and safe communities
5. Promoting sustainable transport
6. Supporting high quality communications
7. Making effective use of land
8. Achieving well-designed places
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

- 2.3 This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.

- 2.4 The Plan has three objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the Spitalfields NP objectives against NPPF goals

| Plan objective | Relevant NPPF goal |
|---|--|
| Objective 1: To provide as much greenery as possible in this deeply urban area | <ul style="list-style-type: none"> • Conserving and enhancing the natural environment • Meeting the challenge of climate change, flooding and coastal change |
| Objective 2: To protect and enhance the historic built environment | <ul style="list-style-type: none"> • Conserving and enhancing the historic environment • Achieve well-designed places |
| Objective 3: To maintain the special and diverse business mix that has settled in the area whilst maximising the employment opportunities that result from the neighbourhood's prime location and to support the small scale creative and artisan businesses that have always been part of the Spitalfields story | <ul style="list-style-type: none"> • Building a strong, competitive economy • Ensuring the vitality of town centres |

2.5 Table 2.2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

Table 2.2: Assessment of how each policy in the Spitalfields NP conforms to the NPPF

| Policy Title and Reference | NPPF Reference (paragraph) | Commentary |
|--|--------------------------------|---|
| POLICY SPITAL1: PROTECTING THE PHYSICAL FABRIC OF SPITALFIELDS | 125, 126, 127, 185, 188 | This policy contributes to the NPPF requirement of achieving well designed places and conserving the historic environment. The policy encourages development to reflect the character of each of the specific parts of the area, as well as to preserve archaeological assets and non-designated heritage assets. |
| POLICY SPITAL2: LAND USE, ACTIVITIES AND FRONTAGES | 80, 81, 185 | This policy contributes to the NPPF requirements of ensuring the vitality of town centres, building a strong and competitive economy and conserving the historic environment. The policy seeks to preserve the balance of uses and features of individual ground floor commercial units that are part of what makes Spitalfields a special place where small businesses can thrive. |
| POLICY SPITAL3: PUBLIC REALM | 91, 95, 96, 118, 124, 125, 127 | This policy contributes to the NPPF requirements of achieving well designed places, promoting healthy and safe communities and conserving the historic environment. It seeks to preserve the public realm that makes Spitalfields unique and to encourage the provision of high quality public realm as part of new development. |

| Policy Title and Reference | NPPF Reference (paragraph) | Commentary |
|--|----------------------------|---|
| POLICY SPITAL4: FACILITATING URBAN GREENING | 91, 96, 148, 149, 150 170 | This policy contributes to the NPPF requirements of meeting the challenge of climate change and conserving and enhancing the natural environment. It requires development to ensure urban greening is achieved by development and that the network of green corridors are enhanced. |
| POLICY SPITAL5: LOCAL GREEN SPACES | 99, 100, 101, 106 | National policy enables local communities to identify, for special protection, green areas of importance to them known as Local Green Spaces. This policy designates 5 areas, identified by the local community as important, as Local Green Spaces which will be protected. |
| POLICY SPITAL6: RAM AND MAGPIE SITE | 91, 92, 96, 97 | This policy contributes to the NPPF requirements of promoting healthy and safe communities and conserving and enhancing the natural environment. The policy seeks to ensure that open space used informally by a valued community facility is retained and enhanced for that use. |
| POLICY SPITAL7: AFFORDABLE WORKSPACE | 80, 81, 82 | This policy contributes to the NPPF requirement of building a strong, competitive economy. It seeks to provide affordable workspace for the core of businesses that make up the economy of Spitalfields, namely micro-businesses. |

3 BASIC CONDITION (IV) – CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 11 that a presumption in favour of sustainable development is at the heart of the NPPF.
- 3.2 For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. The evidence base presented alongside the Plan, coupled with the reasoned justification for each policy in the Plan, demonstrates how the Plan guides development towards sustainable solutions.
- 3.3 Table 3.1 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1: Assessment of Spitalfields Neighbourhood Plan objectives and policies against sustainable development

| Deliver economic sustainability | |
|---|--|
| NPPF definition – ‘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.’ | |
| SPITALFIELDS NP Objectives | To maintain the special and diverse business mix that has settled in the area whilst maximising the employment opportunities that result from the neighbourhood’s prime location and to support the small scale creative and artisan businesses that have always been part of the Spitalfields story. |
| SPITALFIELDS NP Policies | POLICY SPITAL7: AFFORDABLE WORKSPACE |
| Commentary | <p>The NPPF seeks to secure economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.</p> <p>The Plan seeks to contribute to the delivery of this national aim by ensuring there is sufficient affordable workspace for micro businesses that form the heart of the economy of Spitalfields. Many of these businesses play a vital local role in providing jobs and services for the local community. If they cannot afford the rent for business space locally then they and the value they bring will be lost to Spitalfields.</p> |

| Deliver social sustainability | |
|--|--|
| NPPF definition – ‘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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’ | |
| SPITALFIELDS NP Objectives | To protect and enhance the historic built environment |
| SPITALFIELDS NP Policies | <p>POLICY SPITAL1: PROTECTING THE PHYSICAL FABRIC OF SPITALFIELDS</p> <p>POLICY SPITAL2: LAND USE, ACTIVITIES AND FRONTAGES</p> <p>POLICY SPITAL3: PUBLIC REALM</p> <p>POLICY SPITAL5: LOCAL GREEN SPACES</p> <p>POLICY SPITAL6: RAM AND MAGPIE SITE</p> |
| Commentary | <p>One of the key objectives in the NPPF is to conserve and enhance the historic environment, which incorporates social sustainability. The preservation of the rich heritage of Spitalfields is reflected in Policy SPITAL1 and the accompanying Local Character Area Appraisals and identification of Non-Designated Heritage Assets. This is supported by SPITAL2 which seeks to retain the frontages, signage and features that contribute towards that rich heritage.</p> <p>Policy SPITAL3 preserves the key aspects of the public realm that help to make Spitalfields such a vibrant place.</p> <p>Policy SPITAL5 protects a number of local green spaces that are of importance to the community because of the public green space they provide, which is vital in an inner London setting.</p> <p>Policy SPITAL6 recognises the importance of the Spitalfields City Farm to the community and seeks to protect the adjacent land for its future needs.</p> |

| Deliver environmental sustainability | |
|--|--|
| NPPF definition – ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’ | |
| SPITALFIELDS NP Objectives | To provide as much greenery as possible in this deeply urban area |
| SPITALFIELDS NP Policies | POLICY SPITAL4: FACILITATING URBAN GREENING POLICY SPITAL5: LOCAL GREEN SPACES POLICY SPITAL6: RAM AND MAGPIE SITE |
| Commentary | The natural environment and addressing climate change is of key importance to Spitalfields and its community. Policy SPITAL4 seeks to ensure that new development provides as much urban greening as possible. Policies SPITAL5 and 6 seek to protect the green space there already is, with SPITAL6 seeking to ensure that the use of once piece of green space is for the benefit of a much-valued local community facility, Spitalfields City Farm. |

- 3.4 As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic and environmental goals. The policies in the Plan demonstrably contribute to achieving well-designed places, promoting a healthy and safe community, conserving and enhancing the historic environment, meeting the challenge of climate change and building a strong, competitive economy.

4 BASIC CONDITION (V) – GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

- 4.1 The development plan currently consists of the following:
- 2019 Tower Hamlets Local Plan
 - 2016 London Plan
- 4.2 The London Plan review has reached a very advanced stage, having passed examination and been declared sound. The 2019 'Intend to Publish' version of the London Plan is therefore also included in the assessment.
- 4.3 Table 4.1 details the Spitalfields NP policies alongside a consideration of how they are in general conformity with the strategic policies in the Tower Hamlets Local Plan, the London Plan and the 'Intend to Publish' version of the London Plan. Where it is not clear whether a policy is strategic, a judgment has been made. Equally, there are a number of strategic policies in these documents which are not considered relevant to any of the policies in the Neighbourhood Plan. In such cases, these strategic policies have not been included.
- 4.4 Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

Table 4.1: Assessment of conformity with development plan strategic policies

| Strategic Policy | Spitalfields NP policy |
|---|---|
| London Plan 2016 | |
| POLICY 2.18 GREEN INFRASTRUCTURE: THE MULTI FUNCTIONAL NETWORK OF GREEN AND OPEN SPACES | Policy SPITAL4 seeks to enhance the quality and accessibility of the Green Grid network. |
| POLICY 3.2 IMPROVING HEALTH AND ADDRESSING HEALTH INEQUALITIES | Policy SPITAL4 seeks to maximise urban greening of development and Policy SPITAL7 seeks to ensure that the diverse economy of Spitalfields can survive. |
| POLICY 4.1 DEVELOPING LONDON'S ECONOMY | Policy SPITAL7 seeks to ensure that the diverse economy of Spitalfields can survive. |
| POLICY 4.12 IMPROVING OPPORTUNITIES FOR ALL | Policy SPITAL7 seeks to ensure that the small businesses which can provide jobs for local people and provide wider opportunities can thrive. |
| POLICY 5.10 URBAN GREENING | Policy SPITAL4 seeks to maximise urban greening of development. |
| POLICY 7.3 DESIGNING OUT CRIME | Policy SPITAL3 seeks to ensure that the design of new public realm does not materially increase the risk of crime. |
| POLICY 7.4 LOCAL CHARACTER | Policy SPITAL1 and the accompanying Local Character Area Appraisals seeks to define the local character of each area and ensure development is informed by this. Policy SPITAL2 requires signage and local features of significance to be retained. |
| POLICY 7.5 PUBLIC REALM | Policy SPITAL3 encourages the delivery of a high quality public realm. |
| POLICY 7.6 ARCHITECTURE | Policy SPITAL1 and the accompanying Local Character Area Appraisals seeks to define the local character of each area and ensure development is informed by this. Policy SPITAL2 requires signage and local features of significance to be retained. |
| POLICY 7.8 HERITAGE ASSETS AND ARCHAEOLOGY | Policy SPITAL1 seeks to ensure that non-designated heritage assets and archaeological assets are addressed appropriately. |
| POLICY 7.18 PROTECTING OPEN SPACE AND ADDRESSING DEFICIENCY | Policy SPITAL5 protects a number of local green spaces of value. |
| POLICY 7.19 BIODIVERSITY AND ACCESS TO NATURE | Policy SPITAL4 seeks to enhance the quality and accessibility of the Green Grid network. |

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| Strategic Policy | Spitalfields NP policy |
|---|--|
| London Plan 'Intend to Publish' version, 2019 | |
| GG3 Creating a healthy city | Policy SPITAL4 seeks to enhance the quality and accessibility of the Green Grid network. Policy SPITAL5 protects a number of local green spaces of value. Policy SPITAL6 seeks to ensure that a valued community group can have continued access to open space for their activities. |
| GG5 Growing a good economy | Policy SPITAL7 seeks to ensure that the diverse economy of Spitalfields can survive. |
| GG6 Increasing efficiency and resilience | Policy SPITAL4 seeks to maximise urban greening of development. |
| Policy D8 Public realm | Policy SPITAL3 encourages the delivery of a high quality public realm. |
| Policy E2 Providing suitable business space Policy E3 Affordable workspace | Policy SPITAL7 seeks to ensure that the diverse economy of Spitalfields can survive through the provision of affordable workspace. |
| Policy HC1 Heritage conservation and growth | Policy SPITAL1 seeks to ensure that non-designated heritage assets and archaeological assets are addressed appropriately. |
| Policy G4 Open space | Policy SPITAL5 protects a number of local green spaces of value. |
| Policy G5 Urban greening | Policy SPITAL4 seeks to maximise urban greening of development. |
| Policy G6 Biodiversity and access to nature | Policy SPITAL4 seeks to enhance the quality and accessibility of the Green Grid network. |
| Policy G8 Food growing | Policy SPITAL6 seeks to ensure that a local community farm can expand and thrive. |
| Tower Hamlets Local Plan 2019 | |
| Policy S.DH1: Delivering high quality design | Policy SPITAL1 seeks to ensure good quality design that reflects the character and heritage of each of the Character Areas. |
| Policy D.DH2: Attractive streets, spaces and public realm | Policy SPITAL3 encourages the delivery of a high quality, safe public realm. |
| Policy S.DH3: Heritage and the historic environment | Policy SPITAL1 seeks to ensure that non-designated heritage assets and archaeological assets are addressed appropriately. |

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| Strategic Policy | Spitalfields NP policy |
|---|---|
| Policy D.DH9: Shopfronts | Policy SPITAL2 requires signage and local features of significance to be retained. |
| Policy D.EMP2: New employment space | Policy SPITAL7 seeks to encourage the expansion of the diverse economy of Spitalfields through the provision of affordable workspace. |
| Policy D.OWS3: Open space and green grid networks | Policy SPITAL4 seeks to enhance the quality and accessibility of the Green Grid network. Policy SPITAL5 protects a number of local green spaces of value. |
| Policy D.ES3: Urban greening and biodiversity | Policy SPITAL4 seeks to maximise urban greening of development. |

5 BASIC CONDITION (VI) – CONFORMITY WITH EU OBLIGATIONS

- 5.1 The Plan and the process under which it was made conforms to the Strategic Environmental Assessment (SEA) Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2 In June 2020, when the draft SNP was submitted to Tower Hamlets Borough Council (THBC) for informal comment, a request was made for a screening opinion on the need for a Strategic Environmental Assessment (SEA). Following amendments made to the Plan ready for Regulation 14 Consultation, the screening assessment was undertaken by THBC who consulted the appropriate statutory bodies (Environment Agency, Natural England and Historic England). In light of this, the assessment concluded that the draft SNP was not likely to have a significant impact on the environment, therefore an SEA was not needed. The Screening Report by THBC is included as part of the supporting evidence base to the Plan.
- 5.3 Following Regulation 14 Consultation, minor amendments were made to the Plan. No new policies were added and there were no material changes to policies such that this would change the overall outcome of the screening opinion.
- 5.4 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

6 BASIC CONDITION (VII) – CONFORMITY WITH THE PRESCRIBED CONDITIONS

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments (HRA). An Appropriate Assessment is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 In June 2020, when the draft SNP was submitted to Tower Hamlets Borough Council (THBC) for informal comment, a request was made for a screening opinion on the need for an HRA. This was undertaken by THBC who consulted the appropriate statutory body (Natural England). In light of this, the assessment concluded that the draft SNP was not likely to have a significant impact on European protected species or sites, therefore an HRA was not needed. The Screening Report by THBC is included as part of the supporting evidence base to the Plan.
- 6.3 The Screening Reports including the responses from the statutory body have been submitted at Regulation 16 stage as part of the evidence base for the Plan.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7 CONCLUSION

- 7.1 The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Spitalfields Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Spitalfields Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.

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