

**Roman Road Bow Neighbourhood Forum**



**Roman Road Bow  
Neighbourhood Plan  
2021-2031**

**Basic Conditions Statement**

**September 2021**

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# 1 INTRODUCTION

## Introduction

- 1.1 This Basic Conditions Statement has been produced to accompany Roman Road Bow 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 five<sup>1</sup> 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 Roman Road Bow 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 Roman Road Bow. There are no other adopted Neighbourhood Development Plans that cover the Roman Road Bow Neighbourhood Area.
- 1.7 Roman Road Bow Neighbourhood Forum, as the qualifying body, has prepared the Plan, which covers the neighbourhood area of Roman Road Bow. This area was designated by the London Borough of Tower Hamlets in February 2017. During the Regulation 14 Consultation on the Neighbourhood Plan, it came to light that the designated neighbourhood area included a small

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<sup>1</sup> 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.

amount of land that was part of the London Legacy Development Corporation planning authority. The Council did not have the authority to designate this land for planning purposes – this was done in error, and was not raised in any consultation responses at the time of the original application for designation. The boundary error was corrected and the new neighbourhood area was designated on 30<sup>th</sup> June 2021.

- 1.8 The Roman Road Bow Neighbourhood Forum 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 2021 to 2031.

**Figure 1: Roman Road Bow Neighbourhood Plan Area**



Roman Road Bow Amended Neighbourhood Planning 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 six objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

**Table 2.1: Assessment of the Roman Road Bow NP objectives against NPPF goals**

Plan objective	Relevant NPPF goal
Objective 1: Thriving high street and local economy	<ul style="list-style-type: none"> <li>• Building a strong, competitive economy</li> <li>• Ensuring the vitality of town centres</li> </ul>
Objective 2: Green streets that encourage walking and cycling	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> <li>• Promoting sustainable transport</li> <li>• Conserving and enhancing the natural environment</li> <li>• Achieve well-designed places</li> </ul>
Objective 3: Beautiful public spaces	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> <li>• Achieve well-designed places</li> </ul>
Objective 4: New life for our local heritage	<ul style="list-style-type: none"> <li>• Conserving and enhancing the historic environment</li> </ul>
Objective 5: High quality, affordable housing	<ul style="list-style-type: none"> <li>• Delivering a sufficient supply of homes</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> </ul>
Objective 6: Resilient and well-networked community infrastructure	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> </ul>

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 Roman Road Bow NP conforms to the NPPF**

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
Policy LE1: Encouraging flexible use of premises	81, 82, 86	This policy contributes to the NPPF requirements of ensuring the vitality of town centres and building a strong and competitive economy. The policy seeks to preserve the balance of uses and features of individual ground floor commercial units that are part of what makes Roman Road a special place where small businesses can thrive.
Policy GS1: Improving safe walking and cycling routes	92, 104, 106	This policy contributes to the NPPF requirements of promoting healthy and safe communities and promoting sustainable transport. The policy seeks to ensure that development enhances walking and cycling routes and infrastructure provision, as well as increasing accessibility and protecting Blue Badge parking.
Policy PS1: Enhancing public realm spaces	92 93, 98, 130	This policy contributes to the NPPF requirements of promoting healthy and safe communities and achieving well-designed places. It identifies specific public spaces for improved recreation and play facilities and high quality landscaping.
Policy PS2: Designating Local Green Spaces	101, 102, 103	National policy enables local communities to identify, for special protection, green areas of importance to them known as Local Green Spaces. This policy designates 8 areas, identified by the local community as important, as Local Green Spaces which will be protected.
Policy HE1: Conserving and enhancing Bow Wharf	81, 130, 190	This policy contributes to the NPPF requirements of conserving and enhancing the historic environment and building a strong, competitive economy. It

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		seeks to provide affordable workspace as well as leisure uses whilst ensuring that the historic character of the Bow Wharf area is reflected.
Policy HE2: Designating public houses as local heritage assets	189, 190	This policy contributes to the NPPF requirements of conserving and enhancing the historic environment and promoting healthy and safe communities. It identifies certain pubs as locally-designated heritage assets
Policy H1: Allocating sites for housing	70	This policy contributes to the NPPF requirement of delivering a sufficient supply of homes. It allocates a site for housing.
Policy H2: Community led housing	60, 70	This policy contributes to the NPPF requirement of delivering a sufficient supply of homes. It encourages the provision of community-led housing and for developers to work with community-led housing groups.
Policy H3: Low carbon housing	153, 154	This policy contributes to the NPPF requirement of meeting the challenge of climate change. It encourages development to be designed so that it minimises carbon emissions, both through new-build and retro-fit.
Policy CF1: Developing new and improved sports and play facilities	92, 93, 98	This policy contributes to the NPPF requirement of promoting healthy and safe communities. It seeks to ensure that sufficient play facilities are provided for the growing population, both through new provision and improvement of existing facilities.
Policy CF2: Policy to develop new and improved youth facilities and support	92, 93, 98	This policy contributes to the NPPF requirement of promoting healthy and safe communities. It seeks to ensure that existing youth facilities are improved in order to support the needs of the growing population.

### 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 Roman Road Bow Neighbourhood Plan objectives and policies against sustainable development**

Deliver economic sustainability	
<b>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.’</b>	
<b>ROMAN ROAD BOW NP Objectives</b>	<b>Objective 1: Thriving high street and local economy</b>
<b>ROMAN ROAD BOW NP Policies</b>	Policy LE1: Encouraging flexible use of premises
<b>Commentary</b>	The NPPF seeks to secure a strong, competitive economy by ensuring the vitality of town centres. The Plan seeks to contribute to the delivery of this national aim by maximising the flexibility of town centre uses that can support the economy of Bow (Policy LE1).



<b>Deliver social sustainability</b>	
<b>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.’</b>	
<b>ROMAN ROAD BOW NP Objectives</b>	<b>Objective 2: Green streets that encourage walking and cycling</b> <b>Objective 3: Beautiful public spaces</b> <b>Objective 4: New life for our local heritage</b> <b>Objective 5: High quality, affordable housing</b> <b>Objective 6: Resilient and well-networked community infrastructure</b>
<b>ROMAN ROAD BOW NP Policies</b>	Policy GS1: Improving safe walking and cycling routes Policy PS1: Enhancing public realm spaces Policy PS2: Designating Local Green Spaces Policy HE1: Conserving and enhancing Bow Wharf Policy HE2: Designating public houses as local heritage assets Policy H1: Allocating sites for housing Policy H2: Community led housing Policy CF1: Developing new and improved sports and play facilities Policy CF2: Policy to develop new and improved youth facilities and support
<b>Commentary</b>	<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 Roman Road Bow is reflected in Policies HE1 in respect of Bow Wharf and HE2 which identifies a number of heritage pubs as Locally-Designated Heritage Assets.</p> <p>Two key objectives in the NPPF are promoting healthy and safe communities and sustainable transport. Policy GS1 seeks to improve walking and cycling routes. Policy PS1 preserves and enhances the key aspects of the public realm that help to make Roman Road Bow such a vibrant place. Policy PS2 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. Policies CF1 and CF2 seek to expand provision and improve the quality of existing provision of play and youth facilities.</p> <p>A core objective in the NPPF is ensuring a sufficient supply of homes. Policies H1 and H2 address this by allocating a site for housing and encouraging the use of community-led housing as a mechanism for securing the tenure of new homes that is needed in the area.</p>
<b>Deliver environmental sustainability</b>	
<b>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.’</b>	
<b>ROMAN ROAD BOW NP Objectives</b>	<b>Objective 2: Green streets that encourage walking and cycling</b> <b>Objective 3: Beautiful public spaces</b>
<b>ROMAN ROAD BOW NP Policies</b>	Policy PS1: Enhancing public realm spaces Policy PS2: Designating Local Green Spaces Policy H3: Low carbon housing
<b>Commentary</b>	<p>The natural environment and addressing climate change is of key importance to Roman Road Bow and its community. Policies PS1 and PS2 seek to protect and enhance the green space there already is. Policy H3 encourages development to be as energy efficient as possible.</p>

- 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
  - 2021 London Plan
- 4.2 Table 4.1 details the Roman Road Bow NP policies alongside a consideration of how they are in general conformity with the strategic policies in the Tower Hamlets Local Plan and 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.
- 4.3 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.

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**Table 4.1: Assessment of conformity with development plan strategic policies**

Strategic Policy	Roman Road Bow NP policy
<b>London Plan 2021</b>	
GG1 Building strong and inclusive communities	All policies help to address the requirements of GG1, including creating good quality community spaces (Policy PS1), generating a wide range of economic and other opportunities (Policy HE1) and promote the crucial role of town centres (Policy LE1).
GG3 Creating a healthy city	Policy GS1 seeks to enhance the quality of walking and cycling routes. Policy PS2 protects a number of local green spaces of value.
GG4 Delivering homes Londoners need	Policy H2 encourages the delivery of community-led housing
GG5 Growing a good economy	Policy LE1 seeks to ensure that there is flexibility in the uses in the area so that the diverse economy of Roman Road Bow can thrive.
GG6 Increasing efficiency and resilience	Policy H3 seeks to maximise the carbon efficiency of housing.
H1 Increasing housing supply H2 Small sites	Policy H1 allocates a small site for housing. Policy H2 encourages the delivery of community-led housing.
Policy D8 Public realm	Policy PS1 requires the delivery of a high quality public realm.
Policy E2 Providing suitable business space Policy E3 Affordable workspace	Policy HE1 encourages the provision of affordable workspace to ensure that the diverse economy of Roman Road Bow can survive.
Policy E9 Retail, markets and hot food takeaways	Policy LE1 seeks to provide flexibility in uses in a town centre so that the town centre may survive and thrive.
Policy HC1 Heritage conservation and growth	Policy HE1 seeks to ensure that development of Bow Wharf reflects the historic character of the area. Policy HE2 identifies a number of locally-designated heritage assets.
Policy HC7 Protecting public houses	Policy HE2 seeks to protect pubs of heritage value.
Policy G4 Open space	Policy PS2 protects a number of local green spaces of value.
Policy S4 Play and informal recreation	Polices CF1 and CF2 seek to protect and enhance play and youth provision.
<b>Tower Hamlets Local Plan 2019</b>	
Policy S.SG2: Delivering sustainable growth in Tower Hamlets	Various policies in the RRBNP seek to avoid unacceptable impacts on the historic environment, contribute to healthy environments, provide employment opportunities, increase opportunities for social interaction

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Strategic Policy	Roman Road Bow NP policy
	and deliver social and public realm improvements.
Policy D.DH2: Attractive streets, spaces and public realm	Policy PS1 requires the delivery of a high quality public realm.
Policy S.DH3: Heritage and the historic environment	Policy HE1 seeks to ensure that development of Bow Wharf reflects the historic character of the area. Policy HE2 identifies a number of locally-designated heritage assets.
Policy S.H1: Meeting housing needs	Policy H1 allocates a small site for housing. Policy H2 encourages the delivery of community-led housing.
Policy S.EMP1: Creating investment and jobs Policy D.EMP2: New employment space Policy S.TC1: Supporting the network and hierarchy of centres	Policy HE1 encourages the provision of affordable workspace to ensure that the diverse economy of Roman Road Bow can survive. Policy LE1 has the same purpose as HE1, by ensuring that there is flexibility in uses.
Policy S.CF1: Supporting community facilities Policy D.CF2: Existing community facilities	Policies CF1 and CF2 seek to protect and enhance play and youth provision
Policy D.CF4: Public houses	Policy HE2 seeks to protect pubs of heritage value
Policy D.OWS3: Open space and green grid networks	Policy PS2 protects a number of local green spaces of value.
Policy D.ES7: A zero carbon borough	Policy H3 seeks to maximise the carbon efficiency of housing.
Policy S.TR1: Sustainable travel	Policy GS1 seeks to enhance the quality of walking and cycling routes.

## **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 March 2021, when the draft Neighbourhood Plan 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). 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 Neighbourhood Plan 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. These included a policy supporting the plan's vision for low carbon homes (Policy H3). The policy is an extension of the existing policy context provided by the Tower Hamlets Local Plan and only applies to refurbishments. These would be relatively small scale in the overall context of development in Tower Hamlets. As a result it was considered that there were no material changes to policies such that would change the overall outcome of the screening assessment.
- 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 Directive<sup>2</sup>, 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 March 2021, when the draft Neighbourhood Plan was submitted to Tower Hamlets Borough Council (THBC) for the Regulation 14 consultation, 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 Neighbourhood Plan 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.

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<sup>2</sup> 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 Roman Road Bow Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Roman Road Bow Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.



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