

St James's Neighbourhood Plan

2022-2040

Basic Conditions Statement

October 2024



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1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany the St James's 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 St James's Neighbourhood Area. 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 St James's. There are no other adopted Neighbourhood Development Plans that cover the St James's Neighbourhood Area.
- 1.7. St James's Neighbourhood Forum, as the qualifying body, has prepared the Plan, which covers all of the Neighbourhood Area of St James's. This area was designated by Westminster City Council in April 2013 and redesignated in April 2020 as a business-led Neighbourhood Plan area.
- 1.8. The St James's Neighbourhood Plan 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 2022 to 2040.

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.

Figure 1: St James's Neighbourhood Plan Area



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 5 objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the St James's NP objectives against NPPF goals

Plan objective	Relevant NPPF goal
Retain and enhance the traditional, calm, dignified character and heritage of St. James's and its existing pattern of commercial, residential and cultural activity and associated land uses	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the historic environment
To continue to be a destination which provides unique shopping, dining and socialising experiences for those that live and work in the area as well as to visitors	<ul style="list-style-type: none"> • Achieving well-designed places • Promoting healthy and safe communities • Conserving and enhancing the historic environment • Ensuring the vitality of town centres • Building a strong, competitive economy

Plan objective	Relevant NPPF goal
Maintain the balance of heritage, dignity and commercial viability	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the historic environment • Promoting healthy and safe communities • Building a strong, competitive economy
Make St. James's an even better place in which to live	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the historic environment • Promoting healthy and safe communities
Ensure development and change is genuinely sustainable	<ul style="list-style-type: none"> • Promoting sustainable transport • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment

- 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 St James's NP conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
Policy STJ1: Character and design	129, 131, 132, 139	National policy encourages neighbourhood plans to develop robust and comprehensive design policies that, amongst other things, ensure that development responds to local character and history and reflect local identity. The policy contributes to this aim by ensuring that development in St James's is designed to respect the recognisable character of the Area including the characteristics of locally identified 'Character Areas' but without stifling innovation.
Policy STJ2: Rooftop plant and activity	131, 132, 133, 135	This policy contributes to the NPPF requirement of achieving well-designed places by ensuring that rooftops maximise their potential to enhance urban greening and activity whilst making sure that rooftop plant does not have an unacceptable impact on the townscape.
Policy STJ3: Shopfronts and signage	131, 132, 133, 135	National policy encourages neighbourhood plans to develop robust and comprehensive design policies that, amongst other things, ensure that developments add to the overall quality of the area and create attractive and comfortable places to live work and visit. The policy contributes to these objectives by requiring shopfronts and signage to demonstrate high quality design and preserve or enhance the character of the Area.
Policy STJ4: Views	135	National policy encourages neighbourhood plans to develop robust and comprehensive design policies that, amongst other things, ensure that development reflects local identity. The policy specifically recognises the value of St James's views that contribute much towards its townscape.
Policy STJ5: Hotels	131, 135	National policy encourages planning policies to plan positively for the use of shared space and avoid or mitigate adverse impacts of development on health and quality of life. The policy seeks to limit the impact of night-time activities outside hotels that are close to residential properties.

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
Policy STJ6: Private members' clubs	97	This policy contributes to the NPPF objective of promoting healthy and safe communities. It encourages proposals which will enable the network of members clubs – a fundamental part of St James's – to thrive.
Policy STJ7: Public realm	96, 131, 132, 133, 135	This policy contributes to the NPPF objectives of achieving well designed places and promoting healthy and safe communities. Specifically in respect of the public realm in St James's, it encourages improvements in the layout and design to improve use and enjoyment of the spaces.
Policy STJ8: Walking and cycling	96, 108, 110	This policy contributes to the NPPF objectives of promoting sustainable transport and promoting healthy and safe communities. It seeks to enhance walking and cycling by encouraging specific schemes to deliver against the Mayor's Healthy Streets indicators. It also encourages the provision of internal long stay cycle parking.
Policy STJ9: Energy and building fabric	157, 158, 159	This policy contributes to the NPPF requirements of achieving well-designed places and meeting the challenge of climate change, flooding and coastal change. It identifies the issues of particular importance relating to design and layout that should be taken into consideration by applicants when preparing planning applications, specifically to maximise the energy efficiency of buildings. It also promotes the sensitive installation of energy efficiency measures into historic buildings to lessen their environmental footprint..
Policy STJ10: Green roofs	157, 158, 159	This policy contributes to the NPPF objectives of meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment. The policy encourages the provision of green roofs on new development and provides guidance as to how this can be done effectively.

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 St James's NP 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.'	
ST JAMES'S NP Objectives	<p>Objective: Retain and enhance the traditional, calm, dignified character and heritage of St. James's and its existing pattern of commercial, residential and cultural activity and associated land uses.</p> <p>Objective: To continue to be a destination which provides unique shopping, dining and socialising experiences for those that live and work in the area as well as to visitors.</p> <p>Objective: Maintain the balance of heritage, dignity and commercial viability.</p>
ST JAMES'S NP Policies	<p>Policy STJ3: Shopfronts and signage</p> <p>Policy STJ6: Private members' clubs</p>
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>Policy STJ3 seeks to protect the high quality of St James's shopfronts which are part of what enables the area's shops to thrive. Similarly, the importance of private members' clubs to the economy of St James's is recognised, with Policy STJ6 providing support to these institutions to enable them to grow.</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.’	
ST JAMES'S NP Objectives	<p>Objective: Retain and enhance the traditional, calm, dignified character and heritage of St. James's and its existing pattern of commercial, residential and cultural activity and associated land uses.</p> <p>Objective: Maintain the balance of heritage, dignity and commercial viability.</p> <p>Objective: Make St. James's an even better place in which to live.</p>
ST JAMES'S NP Policies	<p>Policy STJ1: Character and design</p> <p>Policy STJ4: Views</p> <p>Policy STJ5: Hotels</p> <p>Policy STJ7: Public realm</p> <p>Policy STJ8: Walking and cycling</p>
Commentary	<p>One of the key objectives in the NPPF is to promote healthy communities, which incorporates social sustainability. The local community's needs and interests can partially be met through the improvement of the public realm (STJ7). This is supported by improvements to movement, specifically walking and cycling (STJ8).</p> <p>As recognised by the NPPF, good design is key as well. Policy STJ1 seeks to ensure design is in keeping with local character. Policy STJ4 ensures that the attractive views are retained.</p> <p>Policy STJ4 seeks to minimise the impact of late-night activity by hotel users on the amenity of residents, which not only create a physically healthier community, but one that is also more inclusive and people-friendly.</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.’	
ST JAMES'S NP Objectives	<p>Objective: Maintain the balance of heritage, dignity and commercial viability.</p> <p>Objective: Ensure development and change is genuinely sustainable.</p>
ST JAMES'S NP Policies	<p>Policy STJ1: Character and design</p> <p>Policy STJ2: Rooftop plant and activity</p> <p>Policy STJ4: Views</p> <p>Policy STJ5: Hotels</p> <p>Policy STJ7: Public realm</p> <p>Policy STJ8: Walking and cycling</p> <p>Policy STJ9: Energy and building fabric</p> <p>Policy STJ10: Green roofs</p>

<p>Commentary</p>	<p>Preserving and enhancing the built and historic environment is an important contributor to the sustainability of a local environment. Policy STJ1 seeks to ensure that the design of development is in keeping with the local character of St James's. Policy STJ4 ensures that the attractive views are retained.</p> <p>Along with the built environment, the quality and accessibility of the public realm is important to environmental sustainability. Policy STJ7 seeks to improve the public realm, which is further supported by improvements to movement, specifically walking and cycling (STJ8). Policy STJ5 protects the environment for local residents by minimising hotel activities which might create noise pollution.</p> <p>The natural environment and addressing climate change is of key importance to St James's and its community. Policy STJ9 encourages developers to minimise the carbon footprint of development and to use materials and designs that maximise energy efficiency in historic buildings. Policy STJ10 seeks to ensure that green roofs maximise biodiversity and contribute towards climate resilience. Related to this is Policy STJ2 which seeks to minimise the impact of rooftop plant, enabling rooftops to be used for urban greening.</p>
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- 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 and conserving and enhancing the natural and historic environment.

4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

- 4.1. The development plan currently consists of the following:
 - 2021 Westminster City Plan
 - 2021 London Plan
- 4.2. Table 4.1 details the St James's NP policies alongside a consideration of how they are in general conformity with the strategic policies in the 2021 Westminster City Plan and the 2021 London Plan.
- 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.

Table 4.1: Assessment of conformity with strategic policies in the development plan

St James's NP Policy	London Plan policy (adopted 2021)	Westminster City Plan policy (adopted 2021)	Commentary
Policy STJ1: Character and design	Policy D4 Delivering good design Policy HC1 Heritage conservation and growth Policy SI2 Minimising greenhouse emissions Policy SI4 Managing heat risk	36. Energy 38. Design principles 39. Westminster's heritage 40. Townscape and architecture	<p>This policy conforms to the strategic objective of promoting quality in the design of buildings and public spaces, ensuring that Westminster is attractive and welcoming. It also conforms to the strategic objective of making the most of Westminster's unique heritage and historic environment. The policy identifies specific character areas where the particular features that give them their character should be retained and ideally enhanced.</p> <p>Through the requirement to use high quality, environmentally sustainable materials, the policy also conforms to the strategic objective of reducing carbon and water demands by minimising detrimental impacts from development. The London Plan encourages the use of a full range of renewable energy technologies, which should be incorporated wherever site conditions make them feasible and where they contribute to the highest overall and most cost effective carbon dioxide emissions savings for a development proposal. The policy supports this, seeking to reduce total greenhouse gas emissions in St James's in line with not only WCC's strategic objective on climate change, but also the most ambitious global goals in the Paris Agreement.</p>
Policy STJ2: Rooftop plant and activity	Policy G5 Urban greening Policy SI2 Minimising greenhouse emissions	34. Green infrastructure 38. Design principles	<p>This policy conforms to the strategic objectives of making the most of our unique heritage and historic environment, while encouraging innovations in building technology and improving a sense of place and improving quality of life, climate resilience and tackling environmental challenges by protecting, enhancing, expanding the valuable network of parks and open spaces. The policy seeks to minimise the impact of rooftop plant, enabling rooftops to be used for urban greening.</p>

St James's NP Policy	London Plan policy (adopted 2021)	Westminster City Plan policy (adopted 2021)	Commentary
			The London Plan encourages a green infrastructure approach to development which includes the use of green roofs.
Policy STJ3: Shopfronts and signage	Policy D4 Delivering good design	21. Mayfair and St James's Special Policy Areas 38. Design principles 40. Townscape and architecture	This policy conforms to the strategic objective of promoting quality in the design of buildings and public spaces, ensuring that Westminster is attractive and welcoming. The policy seeks to ensure good design of shopfronts and signage with particular policy requirements for certain features.
Policy STJ4: Views	Policy HC1 Heritage conservation and growth Policy HC3 Strategic and Local Views	39. Westminster's heritage 40. Townscape and architecture	This policy conforms to the strategic objective of Westminster's unique heritage and historic environment. The policy identifies specific local views that should be preserved. These are distinct from the strategic views identified in the London Plan and the Westminster City Plan.
Policy STJ5: Hotels	Policy D14 Noise Policy E10 Visitor infrastructure Policy HC6 Supporting the night-time economy	15. Visitor economy 33. Local environmental impacts	This policy conforms to the strategic objective of improving air quality, minimise noise and other polluting impacts, and reduce carbon and water demands by minimising detrimental impacts from development. The policy specifically seeks to limit noisy activities from hotel users late at night where these may impact local residents.
Policy STJ6: Private members' clubs	Policy HC1 Heritage conservation and growth	39. Westminster's heritage 40. Townscape and architecture	This policy conforms to the strategic objective of making the most of Westminster's unique heritage and historic environment, while encouraging innovations in building technology and improving a sense of place. The policy specifically encourages a flexible approach to any proposed changes to buildings which hold St James's traditional private members' clubs, where such changes will enable those important institutions to thrive.
Policy STJ7: Public realm	Policy D8 Public realm Policy T2 Healthy Streets	25. Walking and cycling	This policy conforms to the strategic objective of promoting quality in the design of buildings and public spaces, ensuring that Westminster is attractive and

St James's NP Policy	London Plan policy (adopted 2021)	Westminster City Plan policy (adopted 2021)	Commentary
			welcoming. The policy seeks to improve the public realm of St James's through specific schemes and by ensuring that street clutter is avoided. This aligns with the wider strategic objective to improve the public realm in London and Westminster.
Policy STJ8: Walking and cycling	Policy T2 Healthy Streets Policy T5 Cycling	43. Public realm	This policy conforms to the strategic objective of enhancing connections by improving options for cycling, walking, leisure, sport and play, whilst prioritising pedestrians and improving the interchange between transport modes and incorporating innovative solutions to manage the highway network.. The policy seeks to improve walking and cycling in St James's through specific schemes and by improving active travel generally. The policy specifically aligns with the London Plan's Healthy Streets approach which aims to help people use cars less and walk, cycle and use public transport more.
Policy STJ9: Energy and building fabric	Policy HC1 Heritage conservation and growth Policy SI2 Minimising greenhouse emissions Policy SI4 Managing heat risk	36. Energy 38. Design principles 39. Westminster's heritage 40. Townscape and architecture	This policy conforms to the strategic objective of promoting quality in the design of buildings and public spaces, ensuring that Westminster is attractive and welcoming. It also conforms with the strategic objective of improving air quality, minimising noise and other polluting impacts, and reducing carbon and water demands by minimising detrimental impacts from development. It also specifically seeks to balance the importance of retaining the heritage features of historic buildings with the need to improve their insulation in order to minimise carbon emissions. Through the emphasis in the policy on utilising low carbon technologies and maximising energy efficiency of buildings, the policy also conforms to the strategic objective of reducing carbon and water demands by minimising detrimental impacts from development. The London Plan encourages the use of a full range of renewable energy technologies, which should be

St James's NP Policy	London Plan policy (adopted 2021)	Westminster City Plan policy (adopted 2021)	Commentary
			<p>incorporated wherever site conditions make them feasible and where they contribute to the highest overall and most cost effective carbon dioxide emissions savings for a development proposal. The policy supports this, seeking to reduce total greenhouse gas emissions in St James's in line with not only WCC's strategic objective on climate change, but also the most ambitious global goals in the Paris Agreement.</p>
<p>Policy STJ10: Green roofs</p>	<p>Policy G1 Green infrastructure Policy G5 Urban greening Policy G6 Biodiversity and access to nature Policy G7 Trees and woodlands</p>	<p>34. Green infrastructure</p>	<p>This policy conforms to the strategic objective of improving quality of life, climate resilience and tackling environmental challenges by protecting, enhancing, expanding the valuable network of parks and open spaces. The policy provides policy direction to ensure that valuable trees are retained and replacement or new trees are provided which contribute to biodiversity net gain and climate resilience.</p> <p>The London Plan encourages a green infrastructure approach to development which includes the use of green roofs.</p>

5. Basic Condition (vi) – Conformity with EU Obligations

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In July 2024, the draft Neighbourhood Plan was subject to an initial screening report prepared by Westminster City Council. This was published for consultation with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the St James's Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. Following feedback from the statutory bodies, Westminster City Council issued its screening opinion in September 2024, which considered that an SEA would not be required.
- 5.2. The Screening Opinion has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.3. 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 ("AA") 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 July 2024, an HRA Screening Report was prepared by Westminster City Council and published for consultation with Natural England, being the relevant statutory body. Following feedback from Natural England, Westminster City Council issued its screening opinion in September 2024 which considered that an HRA would not be required because the Plan is not likely to have significant impacts on European protected species or sites.
- 6.3. The Screening Report including the responses from the statutory body has 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 St James's Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the St James's Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.



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