

# Desford Neighbourhood Plan 2018-2036 Statement of Basic Conditions

DECEMBER 2019

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Desford Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
  - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph(2))
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L, as amended by s38C(5)(b)
  - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - (d) such other matters as may be prescribed.
- 1.4 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:
  - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
  - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - (c) 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)
  - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
  - (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

- 1.5 Section 2 of this Statement sets out how the Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Neighbourhood Plan meets the basic conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## 2.0 Legal Requirements

- 2.1 The Plan complies with the provisions of sub-paragraph 1(b) as described below.

### **The Plan is being submitted by a qualifying body**

The Neighbourhood Plan has been submitted by Desford Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan area.

### **What is being proposed is a neighbourhood plan**

- 2.2 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed Neighbourhood Plan states the period for which it is to have effect**

- 2.3 The Neighbourhood Plan states that the period which it relates to is from 2018 until 2036. The period has been chosen to align with that of the Hinckley and Bosworth Local Plan review.

### **The policies do not relate to excluded development**

- 2.4 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **The proposed Neighbourhood Plan does not relate to more than one neighbourhood plan area and there are no other neighbourhood plans in place within the Neighbourhood Plan area.**

- 2.5 The designated Plan area was approved by Hinckley and Bosworth Borough Council on 9 September 2015. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.

2.6 In relation to sub-paragraph 1(c), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

2.7 In relation to sub-paragraph 1(d), there are no other prescribed matters.

### **3.0 The Basic Conditions**

3.1 This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the saved strategic policies contained in the Hinckley and Bosworth Core Strategy adopted in 2009.

#### **Having regard to national policies and advice**

3.2 The Neighbourhood Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF are outlined in the table below.

3.3 In broad terms the Plan:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken a creative and thorough exercise in identifying ways to enhance and improve the area.
- policies are based on robust evidence and provide a practical framework within which decisions on planning applications can be made, with a high degree of predictability and efficiency.
- seeks to deliver homes, businesses and infrastructure through housing allocations, windfall sites, employment policies and developer contributions.
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of a Settlement Boundary.
- supports local strategies to deliver sufficient community facilities and services, to meet local needs.
- contributes to conserving and enhancing the natural environment through the protection of Local Green Spaces and biodiversity.

### **General conformity with the strategic policies of the development plan for the area**

- 3.4 The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Hinckley and Bosworth Core Strategy adopted in 2009.
- 3.5 The table below provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved Strategic Policies of the Hinckley and Bosworth Core Strategy adopted in 2009 and have regard for the National Planning Policy Framework (2018).

<b>Desford Neighbourhood Plan policies</b>	<b>Regard to National Planning Policy (NPPF 2019)</b> <i>NPPF para</i>	<b>General Conformity with Hinckley and Bosworth Core Strategy 2009</b>
<b>Policy H1: Settlement Boundary</b>	9, 11, 79  One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the Settlement Boundary seeks to support existing services and facilities and protect the countryside and setting of the settlements. Further, Limits to Development facilitate the use of sustainable modes of transport with both benefits to the environment and the health of the community, both underlying premises of the NPPF.  The policy accords with the NPPF in its control of development outside the defined Settlement Boundary (in the open countryside).	The Core Strategy (Policy 17) includes ‘settlement boundaries, within which, subject to certain criteria, a general presumption in favour of most development will be applied. The Neighbourhood Plan seeks to update this boundary to reflect housing allocations and thus is in general conformity with the Core Strategy.  Policy H1 is in general conformity with the Core Strategy and the Site Allocations and Development Management Policies DPD which identifies Settlement Boundaries to prevent the unregulated encroachment of development into the countryside.
<b>Policy H2: Residential Site Allocations</b>	7, 10, 11  Inclusion of a housing target supports ‘the presumption in favour of sustainable development’ by providing for the strategic development needs set out in the Core Strategy and updated in the evidence being gathered for the emerging Local Plan.	Given how dated the adopted Core Strategy is, the Neighbourhood Plan, in accordance with the national guidance, has considered the latest and up-to-date evidence of housing need used to inform the emerging Local Plan. This policy is in general conformity with the settlement hierarchy identified in the Local Plan and the apportioned housing requirements for the parish, agreed in consultation with the Borough Council.  The Site Allocations and Development Management Policies DPD includes ‘settlement boundaries, for Key Rural Centres within which, subject to certain criteria, a general presumption in favour of most development will be applied.
<b>Policy H3: Affordable Housing</b>	Para 50  This policy supports the provision of affordable housing and includes a policy prioritising allocation to local residents. This policy is consistent with the NPPF which outlines the need to widen opportunities for home ownership and create inclusive and mixed communities through amongst other things, supporting affordable housing where there is an identified need	Policy 15 of the Core Strategy supports the provision of mixed and sustainable communities, with affordable housing to be provided on eligible sites.

<b>Policy H4: Housing Mix</b>	62, 91	The policy seeks to support a mix of housing that meets an identified need in the community. The NPPF advocates for inclusive and mixed communities, which will require a mix of housing types based on current and future demographic trends.	Core Strategy Policy 7 supports housing development within settlement boundaries that provides a mix of housing types and tenures.
<b>Policy H5: Windfall Sites</b>	68, 70,	The policy for small scale windfall sites has regard to the NPPF; by seeking to meet any future housing requirements for the area and maintain the vitality of the settlements, whilst protecting their character and setting. This is a positive policy for future housing provision given that this type of development has a proven track record in providing a good source of new housing over recent years in the Parish.	The support of the Neighbourhood Plan for small scale windfall development is in general conformity with the Core Strategy (Policy 7) which supports small-scale development based on supporting local need.
<b>Policy H6: Design</b>	8, 28, 110, section 12	The policy outlines several design principles and supports the NPPF principle of requiring good design; and the need to respond to local character and history of the local surroundings. Importantly the policy does not impose architectural styles and hence does not stifle an innovative approach.	Local Plan Spatial Strategy 9 seeks to provide distinctiveness in design, as does the neighbourhood plan.
<b>Policy ENV1: Protection of Local Green Space</b>	99 - 101	Protection of Local Green Spaces identified as being special by the community is advocated through the NPPF. Proposed designations meet the criteria set out in the NPPF.	The principles underpinning the protection of Local Green Spaces are in general conformity to the Core Strategy objective of protecting the Borough's distinctive landscapes and green infrastructure (Policy 19)
<b>Policy ENV 2: Protection of sites and features of Environmental Significance</b>	Section 15, 178	This policy seeks to protect other open space with environmental and historic value on account of their natural and/or historical features. This has regard to the NPPF principles conserving and enhancing the natural and historic environment. It takes into account the designation hierarchy and the protection is commensurate with their status.	The Local Plan seeks to maintain and enhance areas of biodiversity importance (policies 19, 21, 22).  The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Core Strategy overarching principles
<b>Policy ENV 3: Biodiversity</b>	184	The policies seek to protect and enhance local biodiversity features and habitats. The policy has regard to the NPPF, which states that the planning system should contribute to enhancing the natural and local environment by minimizing impacts on biodiversity and providing net gains where possible.	The Local Plan seeks to maintain and enhance areas of biodiversity importance (policies 19, 21, 22).  The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Core Strategy overarching principles
<b>Policy ENV 4: Ridge and</b>	187	This policy seeks to protect ridge and furrow fields and	Policy ENV3 is in general conformity with the Local Plan



<b>Furrow</b>		has regard for the NPPF, which considers that non-designated heritage assets of archaeological interest, of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.	which seeks to minimise impacts on the natural environment (p19). The policy also has regard for the Site Allocations and DM Policies DPD which references ridge and furrow in the context of it illustrating ancient farming practices and the agricultural origins of the area.
<b>Policy ENV 5: Local Heritage Assets of Historical and Architectural Interest</b>	Para 17 &135	This policy recognises Desford’s historic character as one of its most important assets and seeks to protect and enhance it. It has regard to the NPPF with regards to identifying non-designated heritage assets for protection. The policy supports the protection of heritage assets and their setting, a core principle of the NPPF.	The Local Plan supports development which reflects concern for the Borough’s heritage assets. This is reflected in Policy DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
<b>Policy ENV 6: Safeguarding Important Views</b>	20, 127, 141	The policy seeks to protect views identified as being significant to the community. In accordance with the NPPF, the planning system should contribute to and where possible; enhance the landscape. Views are a key component of the landscape	Whilst there is no explicit policy regarding the protection of views, the Local Plan (Policies 19, 21, 22) support the protection of the character and appearance of the rural landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the broad aims for the countryside and natural environment in the Local Plan. Policy DM2 seeks to preserve or enhance views in and out of conservation areas.
<b>Policy ENV 7: Renewable Energy Infrastructure</b>	148, 151, 154	The policy supports the NPPF aim of meeting the challenge of climate change by supporting the delivery of renewable energy development while ensuring that adverse impacts are addressed satisfactorily.	Policy Env9 is in conformity with Local Plan Policy DM2 which is concerned with delivering renewable energy and low carbon development
<b>Policy CF1: Retention of Community facilities</b>	20, 28, 83, 92, 182,	This policy seeks to protect key community facilities. This has regard for the NPPF principle of promoting healthy communities through amongst other things, planning positively for community facilities and guarding against their unnecessary loss.	Policy CF 2 is in general conformity with Local Plan policy DM25 which resists the loss of community facilities. The Neighbourhood Plan provides further detail, by identifying those community facilities that are important to the local community.
<b>Policy CF2: New or Improved Community facilities</b>	8, 91, 117	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	Policy 17 promotes the provision of new community facilities where there is an identified local need.
<b>Policy T1: Traffic management T2: Desford Railway Station</b>	Section 9	This policy seek to manage potential traffic issues arising from development and has regard for ‘promoting sustainable transport’ and supporting reductions in greenhouse gas emissions.	There are no policies within the Local Plan that conflict with seeking developer contributions to address traffic issues.
<b>Policy T3: Footpaths,</b>	17, 70 95	This policy aims to protect the existing pedestrian	Policy DM9: Safeguarding Natural and Semi-Natural

<b>bridleways and cycle routes</b>	and Section 9	network. In doing so, it has regard to the NPPF in terms of ‘promoting sustainable transport’, reducing congestion and greenhouse gas emissions and ‘promoting healthy communities’, whilst also meeting requirements for promoting healthy communities	Open Spaces sets out that developments within areas of Natural and Semi Natural Open Space will only be considered appropriate where; inter alia; it would promote the establishment and enhancement of pedestrian footpaths and cycleways.
<b>Policy T4: Electric Vehicles</b>	105, 110	The NPPF supports the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and that applications for development are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	Spatial Objective 12 on climate Change seeks to promote green infrastructure and renewable energy technologies.
<b>Policy E1: Existing Employment Use</b>	20, 72, 104, 121	The policy supports employment. Promoting access to employment is a key element in the pursuance of sustainable development as outlined in the NPPF. The policy aims to support a prosperous rural economy, to grow and where possible, diversify the local economy.	Supporting existing employment is in general conformity with Policy 7 which seeks to ensure there is a range of employment opportunities within the Key Rural Centres.
<b>Policy E2: Support for New Businesses and Employment</b>	9, 28 & 37	The policy supports new employment opportunities through small scale employment premises. ‘Making it easier for jobs to be created in cities, towns and villages’ is a key element in the pursuance of sustainable development as outlined in the NPPF.	Supporting additional employment development on the premise that is within existing buildings, on areas of previously developed land or within the limits to development is in general conformity with Policy 7 which significantly restricts the extension of existing employment sites outside of village envelopes.
<b>Policy E3: Working from Home</b>	104	This policy supports the use of part of a dwelling for office or light industrial use in order to facilitate working from home. Working from home further supports employment activities; thus, contributing to a prosperous rural economy. It also supports the transition to a low carbon future by reducing the dependency of the car for journeys to employment sites outside of the Parish.	The general development principles of Policy E3 conform with those of Policy 7 which specifically references support for home working.
<b>Policy E4: Re-use of Agricultural and Commercial Buildings</b>	20, 72, 104, 121	Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.	Re-use of agricultural buildings for small business, recreation or tourism is in general conformity with the local plan, most notably policies 7. A spatial objective is to support rural diversification initiatives.
<b>Policy E6: Broadband</b>	Section 10	The NPPF advocates planning that supports high quality communications infrastructure.	There are no policies within the Local Plan that conflict with the support for broadband infrastructure.

## Achieving sustainable development

- 3.7 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Local Plan.
- 3.8 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.9 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing (including affordable housing) to meet local need
  - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, supporting sustainable modes of transport, renewable energy generation and local employment opportunities.
  - protecting and enhancing the distinctive character of the built and natural environment through high quality design, protection of important local green space and protection of important views.
  - conserving and enhancing the natural environment by protecting and supporting a net gain in biodiversity and important habitats.
  - supporting a strong economy through the protection of existing employment sites, support for new businesses including home working and encouragement of superfast broadband.
  - safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.

## EU obligations

### Strategic Environmental Assessment (SEA)

3.10 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

3.11 A Screening opinion was issued by Hinckley and Bosworth Borough Council which determined that a full SEA would be required. The statutory consultees concurred with this conclusion.

3.12 The SEA report was issued in October 2019. No significant changes were proposed to the policies contained in the Neighbourhood Plan.

### Habitats Directive

3.13 Hinckley and Bosworth Borough Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

### Convention on Human Rights

3.14 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

3.15 There was extensive consultation and engagement in identifying issues and

objectives and the community has been consulted on the draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## **4.0 Conclusion**

- 4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Desford Neighbourhood Plan.
- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Hinckley and Bosworth Local Plan 1999 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Desford Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.