

# Rearsby Neighbourhood Plan 2018-2036 Statement of Basic Conditions

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Rearsby 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 Rearsby 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 Charnwood 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 Charnwood Borough Council on 25 August 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 strategic policies contained in the Charnwood Core Strategy adopted in 2015.

#### **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 table 1 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 locally appropriate homes, businesses and infrastructure through policies on sustainable development a windfall policy and employment policies;
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of a Limits to Development;
- 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, biodiversity enhancement and a range of environmental protections.

### **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 Charnwood Core Strategy adopted on 9 November 2015.
- 3.5 Table 1 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved Strategic Policies of the Charnwood Core Strategy adopted in 2015 and have regard for the National Planning Policy Framework.

<i>Rearsby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy (NPPF 2018)</i>	<i>General Conformity with Charnwood Local Plan 2011-2028</i>
<b>POLICY R1 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.	Core Strategy policy CS2 seeks to provide high quality in design, as does the neighbourhood plan.
<b>POLICY R2 PROMOTING EFFECTIVE USE OF LAND - AREA OF LOCAL SEPARATION</b>	Para. 17 & 109	The policy seeks to ensure that the physical separation of the settlements is maintained thereby protecting their individuality and character. A Core principle of the NPPF is that planning should empower local people to shape their surroundings and contribute to and enhance the natural and local environment by protecting valued landscapes.	The proposed areas of separation accord with the Borough Council's Green Wedges, Urban Fringe Green Infrastructure Enhancement Zones & Als - March 2016 (Final). The area of Separation has been extended beyond the Local Plan area to ensure separation between settlements at risk of convergence.
<b>POLICY R3 PROMOTING EFFECTIVE USE OF LAND - SETTLEMENT LIMITS</b>	9, 11, 79,	<p>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 Limits to Development 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.</p> <p>One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. The policy accords with the NPPF in directing development towards the most sustainable locations.</p>	<p>The Charnwood Local Plan includes 'settlement boundaries, within which, subject to certain criteria, a general presumption in favour of development will be applied. The Neighbourhood Plan seeks to update this boundary to reflect housing allocations and thus is in general conformity with the Local plan.</p> <p>Policy G1 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.</p>
<b>POLICY R4A 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 Strategic Objective SO6 seeks to promote 'cohesive and balanced' communities. Paragraph 5.8 identifies the need for housing developments to take account of local housing needs and the current mix of homes available in the local area.

<p><b>POLICY R4B DELIVERING SUFFICIENT HOMES - 'EXCEPTION' SITE DEVELOPMENT</b></p>	<p>Para 50, 77</p>	<p>This policy supports the provision of affordable housing through an 'exception site' and includes a requirement to prioritise 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.</p> <p>The NPPF specifically promotes the bringing forward of exception sites to meet a local need.</p>	<p>Chapter 5 of the Local Plan includes Policy CS3 which identifies the need to deliver small-scale rural exception sites, whilst Policy CS1 identifies Rearsby as a suitable location for affordable housing developments.</p>
<p><b>POLICY R5A PROTECTION OF EXISTING EMPLOYMENT OPPORTUNITIES</b></p> <p><b>POLICY R5B NEW EMPLOYMENT OPPORTUNITIES</b></p>	<p>20, 72, 104, 121</p>	<p>The policy supports continued employment opportunities through small scale employment premises. 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.</p>	<p>Strategic Objective SO18 seeks to provide all communities in Charnwood with access to quality jobs and improved standards of life by safeguarding key employment sites and creating opportunities for new high quality employment sites.</p> <p>Policy CS1 identifies the need for additional employment land in Service Centres. Whilst Policy CS 6 supports employment in sustainable locations and Policy CS 10 identifies the scale of economic development required in rural areas.</p>
<p><b>POLICY R6A LOCAL GREEN SPACES</b></p>	<p>99 - 101</p>	<p>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 as demonstrated in the appendices.</p>	<p>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 (Chapter 7) where it states 'Where a community wishes to protect local green spaces from new development we will support this through a Neighbourhood Plan where it is in conformity with our strategy'. Policy CS15 reinforces this approach.</p>
<p><b>POLICY R6B COMMUNITY FACILITIES AND AMENITIES</b></p>	<p>8, 20, 28, 83, 91, 92, 117, 182,</p>	<p>This policy seeks to enhance and improve 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.</p>	<p>Policy R6B is in general conformity with the Local Plan which recognises the importance of community facilities in the provision of sustainable development.</p> <p>There is no explicit policy direction with regards new or improved community facilities in the adopted Local Plan. Policy R6B does not contradict the strategic intent of any Local Plan policies and supports elements of the Vision in</p>



		In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	the Local Plan, namely access to leisure and recreational facilities and access to jobs and services.
<b>POLICY R6B IMPORTANT OPEN SPACES</b>	Section 15, 178	These policies seek 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.	<p>The Local Plan seeks to support developments that protect biodiversity (policy CS 13).</p> <p>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</p>
<b>POLICY R6C 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 (policy CS 11) supports the protection of the character the landscape and countryside. 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.
<b>POLICY R6D COMMUNITY FACILITIES AND AMENITIES</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 CF1 is in general conformity with the Local Plan which recognises the importance of community facilities in the provision of sustainable development.
<b>POLICY R7 CONSERVING AND ENHANCING REARSBY'S NATURAL ENVIRONMENT</b>	184, 20, 127, 141, 8, 91,117.	<p>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.</p> <p>The policy also 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</p> <p>The policy also safeguards existing networks of footpaths and bridleways and in so doing, supports the</p>	<p>The Local Plan seeks to support developments that protect biodiversity (policy CS 13).</p> <p>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</p> <p>Whilst there is no explicit policy regarding the protection of views, the Local Plan (policy CS 11) supports the protection of the character the landscape and countryside. 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.</p>

		NPPF aims of promoting sustainable transport and promoting healthy communities.	The vision acknowledges the need to promote walking and cycling. Policy CS 9 promotes better connectivity including pedestrian and cycle routes whilst Policy CS 17 on sustainable travel also seeks to improve walking and cycling.
<b>POLICY R8A CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT</b>	79, 184, 185	The NPPF requires Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets	The Core Strategy seeks to protect its heritage assets (1.3) as reflected in its vision on p14 and Policy CS 14 which identifies the need for planning proposals to protect and support heritage assets.
<b>POLICY R9 FLOOD RISK</b>	20, 148, section 14	The policy seeks to address potential flooding by making development safe without increasing flood risk elsewhere, therefore meeting the requirements of the NPPF which identifies the need to take full account of flood risk	Policy CS 16 seeks to direct development to the locations with the lowest flood risk.
<b>POLICY R9 PROMOTING SUSTAINABLE TRANSPORT</b>	Section 9	The policies seek to manage potential traffic issues arising from development and has regard for 'promoting sustainable transport' and supporting reductions in greenhouse gas emissions.	Policy T2 is in general conformity with Core Strategy Policy CS 18 which seeks to maximise the efficiency of the local and strategic road network. It supports the mitigation of traffic movements resulting from developments.

## 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 through an exception site policy) 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 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 heritage assets.
  - 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 and support for new businesses.
  - safeguarding and enhancing the environment, 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 Charnwood Borough Council in June 2017 with which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

### Habitats Directive

3.12 Charnwood Borough Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan in June 2017 and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

### Convention on Human Rights

3.13 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.

3.14 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 Rearsby 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 strategic policies in the Charnwood Local Plan 2015 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Rearsby Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.