

East Langton Parish Neighbourhood Plan 2011-2031 Statement of Basic Conditions

NOVEMBER 2016

EAST LANGTON PARISH COUNCIL

Contents

1.0	Introduction.....	Page 2
2.0	Summary of Submission Documents and Supporting Evidence.....	Page 3
3.0	Legal Requirements.....	Page 3
4.0	The Basic Conditions.....	Page 5
5.0	Conclusion.....	Page 16

1.0 Introduction

This statement has been prepared by East Langton Parish Council Neighbourhood Plan Steering Group to accompany its submission to the local planning authority (Harborough District Council) of the East Langton Parish Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

The policies described in the Neighbourhood Plan relate to development and the use of land in the designated Neighbourhood Plan area only. The plan period for the Neighbourhood Plan is 2011 to 2031 and it does not contain policies relating to excluded development, in accordance with the Regulations. The manner in which the Neighbourhood Development Plan meets the Regulations and the Basic Conditions is set out below.

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38(C)] sets out in the following way how the Neighbourhood Plans must meet the basic conditions:

- 1) 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.

- 2) 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.

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

2.0 Summary of Submission Documents and Supporting Evidence

In addition to the Basic Conditions Statement, the following documents have been prepared to support the preparation of the Plan and meet the Basic Conditions:

- The East Langton Parish Neighbourhood Plan (ELPNP)
- The East Langton Parish Neighbourhood Plan Consultation Statement
- The East Langton Parish Neighbourhood Plan Habitat Regulations Screening Report
- The East Langton Parish Neighbourhood Plan Strategic Environmental Assessment Screening Report

3.0 Legal Requirements

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

3.1 The Plan is being submitted by a qualifying body

The ELPNP has been submitted by East Langton Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for its own Parish.

3.2 What is being proposed is a neighbourhood plan

The ELPNP contains policies relating to the development and use of land within the neighbourhood 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.

3.3 The proposed neighbourhood plan states the period for which it is to have effect

The ELPNP states that the period which it relates to is from 2011 until 2031. The period has been chosen to align with that of the emerging Harborough District Council Local Plan.

3.4 The policies do not relate to excluded development

The HNBP 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 County Council has confirmed that the Neighbourhood Plan is compatible with the existing adopted Leicestershire Minerals Local Plan [to be confirmed following Regulation 14 consultation].

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

The whole parish of East Langton was formally designated as a Neighbourhood Area by Harborough District Council on 9 October 2013. The proposed neighbourhood plan relates only to the parish of East Langton and no other area. It does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the neighbourhood area.

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.

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

4.0 The Basic Conditions

This section addresses how the ELPNP 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 Harborough District Core Strategy 2006 – 2028.

The Neighbourhood Plan has been prepared with reference to the emerging Local Plan which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is scheduled to be adopted in November 2017.

4.1 Having regard to national policies and advice

The HNPP has been developed having regard to the National Planning Policy Framework. An explanation of how each of the neighbourhood plan policies have shown regard to the NPPF are outlined in table 1 below.

In general terms:

- The Plan 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.
- The Plan seeks positive opportunities to meet the housing requirements in the emerging local plan.
- The local community has been empowered to develop the plan for their neighbourhood and in so doing, shape and direct development in their area.
- The development of the ELPNP has been a creative process and the aims and policies seek to enhance and improve the area.
- The ELPNP policies seek to make provision for small scale, high quality infill development, fitting with the distinctive character of the villages that will meet the current and future housing needs of the Parish.

Table 1: ELPNP Policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy S1: Presumption in favour of sustainable development	Para. 2	Supports the NPPF principle of supporting sustainable development.
Policy H1: Housing Provision	Para. 16	Accepting the need to deliver the volume of homes required by the District supports ‘the presumption in favour of sustainable development’ by providing for the strategic development needs set out in the emerging Local Plan.
Policy H2: Windfall Sites	Para 29, 48, 55	The policy for windfall sites has regard to the NPPF; being based on robust evidence (emerging local plan) and previous trends. This policy seeks to enhance the vitality of the villages whilst protecting their character and setting. Furthermore, to support the transition to a low carbon future facilitating the use of sustainable transport.
Policy H3: Housing Mix	Para 50	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.
Policy H4: Affordable Housing Policy H5: Affordable Housing and Local People	Para 50	This policy supports the provision of affordable housing through supporting the principle of an exception site 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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy E1 Employment	Para 28 & 95, 123	Policy E1 outlines support for certain classes of employment development. Small scale development is supported in order to contribute to the vitality and sustainability of the Parish and reduce the need to travel to work. This fits with the NPPF principle of supporting a prosperous rural economy and supporting a transition to a low carbon future. The policy does not, in principal, support large scale employment development given the inability of the local road network to accommodate the level and scale of transport required to support such ventures and the subsequent impact on the residential amenity.
Policy E2: Re-use of agricultural or commercial buildings	Para. 17 and 28	The policy supports the re-use, conversion and adaptation of rural buildings for small businesses and in so doing, supports a prosperous rural economy.
Policy E3: Home Working	Para. 28 & 29	This policy supports proposals for combined living and employment space in order to facilitate working from home. Working from home is a further strategy to ensuring a prosperous rural economy and also supports the transition to a low carbon future by the reduced need to travel.
Policy E4: BROADBAND INFRASTRUCTURE	Para. 42 & 43	This policy recognises the need for super-fast broadband service and improved mobile telecommunications network for sustainable economic growth in the area. The NPPF advocates planning that supports high quality communications infrastructure.
Policy CS1: Protecting Key Community Facilities	Para. 28 & 70	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 CS2: New or Improved Community Facilities	Para. 70	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.
Policy CS2: Assets of Community Value	Para 70	The policy seeks to protect Assets of Community Value and thus guard against the loss of important community assets. This has regard for promoting healthy communities.
Policy DBE1: Protection of Built Environment: CAs and Listed Bldgs	Para 133	This policy protects Conservation Areas and Listed Buildings and has regard to conserving and enhancing the historic environment.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy DBE2: Protection of the Built Environment: Locally Listed Buildings	Para 135	This policy identifies non-designated heritage assets of local importance. It has regard to the NPPF with regards identifying non-designated heritage assets for protection.
Policy DBE3: Design	Para 58 & 60	This policy outlines a number of design principles and supports the NPPF principle of requiring good design; and in particular 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.
Policy ENV1: Protection of Local Green Spaces	Para. 76 & 77	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.
Policy ENV2: Other Environmentally Significant Sites	Para.109 & 135	This policy seeks to protect other open space of local significance for their environmental features. This has regard to the NPPF principles conserving and enhancing the natural and historic environment.
Policy ENV3: Biodiversity	Para. 117	The policy adopts a strategic approach, seeking not only protection of local habitats and species but designation of two wildlife corridors. This policy has regard to the NPPF in respect to the enhancement of the natural environment by planning positively for the creation and protection of biodiversity and green infrastructure.
Policy ENV3: Trees	Para. 118	The policy in its aims to protect trees of arboricultural/ecological significance and amenity value has regard for the NPPF with regards the need to conserve or enhance biodiversity and encourage opportunities for its incorporation in and around developments.
Policy ENV4: Ridge and Furrow Fields	Para. 139	This policy seeks to protect ridge and furrow fields and 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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy ENV5: Protection of Important Views	Para. 109	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.
Policy ENV6: Area of Separation	Para 17 & 109	The policy seeks to ensure that the physical separation of the two villages 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.
Policy T1: Traffic Management	Para.32	The policy seeks to manage potential traffic issues arising from development and has regard for promoting sustainable transport.
Policy T2: Footpaths, Footways and Bridleways	Para. 30 & 75	This policy aims to protect and improve the existing network of footpaths and footways. This has regard for a number of the NPPF sustainable principles including promoting sustainable transport, promoting healthy communities by providing opportunities for walking and cycling and meeting the challenge of climate change through a potential reduction on greenhouse gas emissions.

4.2 Achieving sustainable development

The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development and seeking to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The ELPNP has been developed with regard to these principles and the aims and policies comprise a balance of social, environmental and economic goals.

The principal ways in which the ELPNP contributes to achieving sustainable development are set out below:

- Safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.
- Protecting and enhancing the distinctive character of the built and natural environment through high quality design and maintenance of important views and open space around and within villages to retain their setting.
- Supporting the provision of a mix of housing types which meet identified needs in the community and promote a vibrant, healthy and inclusive community.
- Adopting a landscape approach to protecting and improving networks of biodiversity and green infrastructure.
- Supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, maintaining and enhancing footpaths and supporting home working.
- Supporting a prosperous rural economy through the protection of existing employment sites and supporting small scale business development and expansion where the local infrastructure would not be adversely affected.

4.3 General conformity with the strategic policies of the development plan for the area

The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Harborough District Core Strategy 2006-2028. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted local plan. However, given how dated this local plan is, considerable regard has been paid to the evidence base of the emerging local plan, particularly in relation to housing provision. Table 2 provides a summary of how each of the neighbourhood development plan policies are in general conformity with the Strategic Policies of Harborough District Council.

Table 2: Assessment of how each policy of the ELPNP conforms to the saved strategic policies of the Harborough Core Strategy

Neighbourhood Plan Policy	Local Plan Policies	Commentary
Policy S1: Sust development		Policy S1 does not contradict any of the strategic policies in the Core Strategy
Policy H1: Housing Provision	C17	The draft Local Plan will set the agenda for housing numbers. The ELPNP has been produced having regard to the evidence in the draft Local Plan including its position and subsequent role in the settlement hierarchy. The Core Strategy in its policy for the countryside and rural villages, outlines that development will be on a scale that reflects the size and character of the village and service provision.
Policy H2: Windfall Sites	CS2 & CS17	Policy H2 is in general conformity with CS2 and CS17 which supports very limited small scale infill development within rural villages.
Policy H3: Housing Mix	CS1	The Core Strategy supports development that provides for the varied housing needs of the community.
Policy H4: Affordable Housing	CS1	CS1 supports the provision of rural housing which contributes towards the provision of affordable housing, where there is a demonstrable need. Further, CS3 outlines that all residential development within the District will be required to contribute towards meeting affordable housing needs.
Policy H5: Affordable Housing and Local People		
Policy E1 Employment	CS17	Policy E1 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel, including development for shopping provision.
Policy E2: Business Expansion	CS7	The Core Strategy supports proposals to renew or upgrade the environment of employment areas not identified as 'Key Employment Areas'.
Policy E3: Home Working	CS17	Policy E3 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel, including development which provides or increase the opportunity to work from home.
Policy E4: Broadband	CS17	The Core Strategy supports proposals that reduce the need to travel from rural area to work and or shop through reliable and high speed digital connectivity.
Policy CS1: Protecting Key Community Facilities	CS1 & CS6	Policy CF1 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities and CS1 which supports the protection of existing services in smaller settlements.
Policy CS2: New or Improved Community Facilities	CS6	Policy CF1 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
Policy CS2: Assets of Community Value	CS1 & CS6	Policy CF1 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities and CS1 which supports the protection of existing services in smaller settlements.
Policy DBE1: Protection of the Built Environment: Conservation Areas and Listed Buildings	CS11	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including Conservation Areas.
Policy DBE2: Protection of the Built Environment: Locally Listed Buildings	CS1, CS11	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including the identification of heritage assets of local importance.
Policy DBE3: Design	CS11, CS17	The pursuance of high quality design is consistent across both the Neighbourhood Plan and Core Strategy and in particular the need for development to respect local character and distinctiveness.
Policy ENV1: Protection of Local Green Spaces	CS8	The policy to protect local green space is in general conformity with policy CS8 which seeks to ensure a high quality, accessible and multi-functional green infrastructure network across rural areas
Policy ENV2: Other Environmentally Significant Sites	CS1, CS11, CS17	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including non-scheduled nationally important archaeological remains and areas of historic landscape. Further, it supports the identification of heritage assets of local importance.
Policy ENV3: Biodiversity	CS1, CS8, CS17	Policy ENV3 is in conformity with a number of strategic policies in the Core Strategy which seek to develop the green infrastructure asset of the District and support improvements to links between green assets within and beyond the District as a priority.
Policy ENV3: Trees	CS8, CS17	The protection of important hedges is in general conformity to key elements of policy CS8 which amongst other things seeks to require new development to avoid demonstrable harm to habitats which are supported or which are of importance to biodiversity.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
Policy ENV4: Ridge and Furrow Fields	CS1, CS11, CS17	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including non-scheduled nationally important archaeological remains and areas of historic landscape. Further, it supports the identification of heritage assets of local importance.
Policy ENV5: Protection of Important Views	CS8	The Core Strategy supports the protection and enhancement of heritage assets and local landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of Policy CS8.
Policy ENV6: Area of Separation	CS8, C17	The strategic policies in the Core Strategy advocates for the protection and enhancement of local landscape, character and heritage, consistent with the values attributable to Areas of Separation.
Policy T1: Traffic Management	CS5	Policy T1 is in general conformity with CS5 which supports the majority of future development in areas well served by local services and seeks to reduce the negative impact of the transport system on the environment and individuals.
Policy T2: Footpaths, Footways and Bridleways	CS8, CS17	The Core Strategy endorses improving the green infrastructure network, including increased opportunities for public access to the countryside. Rights of Ways and Greenways are identified as priority strategic green infrastructure assets for the District.

4.4 EU obligations

Strategic Environmental Assessment (SEA)

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.

In the case of the East Langton Parish Neighbourhood Development Plan:

- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programs Regulations 2004 and shown at Appendix 2
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal carried out for Harborough District Council's Core Strategy.

A Screening opinion was issued by Harborough District Council with regards to the Strategic Environmental Assessment. This determined that a full SEA was not required. The consultation bodies were asked to comment and no concerns were raised.

Habitats Directive

The ELPNP area does not include or is not close to a European site that would require a Habitat Regulation Assessment.

A Screening opinion was issued by Harborough District Council with regards a Habitats Regulations Assessment. This determined that an Appropriate Assessment was not required under Habitat Regulations. The consultation bodies were asked to comment and no

concerns were raised.

Convention on Human Rights

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. There was extensive consultation and engagement in identifying issues and objectives and the draft Neighbourhood Plan is being consulted on 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 ELPNP Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

5.0 Conclusion

The Basics Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the East Langton Parish Neighbourhood Plan.

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 Harborough District Core Strategy 2006-2028 and meets relevant EU obligations.

It is therefore respectfully suggested to the Examiner that the East Langton Parish Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.