



HUNGARTON NEIGHBOURHOOD DEVELOPMENT PLAN

STATEMENT OF BASIC CONDITIONS

August 2016

Hungarton Parish Council

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1.0 Introduction

This statement has been prepared by Hungarton Parish Council Neighbourhood Development Plan Steering Group to accompany its submission to the local planning authority (Harborough District Council) of the Hungarton Neighbourhood Development 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 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 Plan meets the basic conditions (see subparagraph (2))
 - (b) whether the draft Neighbourhood 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 Plan relates and
 - (d) such other matters as may be prescribed.
- 2) A draft Neighbourhood 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 Plan
 - (b) the making of the Neighbourhood Plan contributes to the achievement of sustainable development
 - (c) the making of the Neighbourhood 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 Plan does not breach, and is otherwise compatible with, EU obligations and

- (e) 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.

Section 2 of this Statement sets out how the Hungarton Neighbourhood Plan (HNP) complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the HNP 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 Hungarton Neighbourhood Plan (HNP)
- The Hungarton Neighbourhood Plan Consultation Statement
- The Hungarton Neighbourhood Plan Habitat Regulations Screening Report
- The Hungarton 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 HNP has been submitted by Hungarton Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for its own Parish. The Neighbourhood Plan has been prepared by a Steering Group, appointed by and reporting to the Hungarton Parish Council.

3.2 What is being proposed is a Neighbourhood Plan

The HNP 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 HNP 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 HNP 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 parish of Hungarton was formally designated as a Neighbourhood Area by Harborough District Council on 21 July 2015. Part of the parish was excluded from the Neighbourhood Area by agreement in view of its distance from Hungarton village and its proximity to the neighbouring parish of Houghton on the Hill. The proposed neighbourhood plan relates only to the parish of Hungarton 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 HNP 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 also 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. This is primarily in relation to

minimum housing requirements and settlement classifications.

4.1 Having regard to national policies and advice

The HNP 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 local community has been empowered to develop the plan for their neighbourhood.
- The policies in the HNP provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- The development of the HNP has been a creative process and the aims and policies seek to enhance and improve the area.
- The HNP policies seek to make provision for small scale, well designed development, fitting with the character of the village and level of infrastructure that meets the specific needs of the local community. The policies support some growth in order to sustain the community and its facilities, whilst ensuring heritage and environmental assets are protected and enhanced.

Table 1: HNP Policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy SD1: Presumption in Favour of Sustainable Development	Para 16	Supports the 'golden thread' of the NPPF; a presumption in favour of sustainable development. The HNP by shaping and directing development in the area, makes clear the type and location of development that will be supported.
Policy SD2: General Policy Principle	Para. 2	Supports the NPPF principle that applications for planning permission must be determined in accordance with the development plan (local plan and neighbourhood plan which has been made in relation to the area), unless material considerations indicate otherwise.
Policy H1: Housing Provision	Para. 16	Inclusion of a housing target supports 'the presumption in favour of sustainable development' by providing for the strategic development needs set out in the emerging Local Plan.
Policy H2: Housing Allocations	Para. 14, 16 & 17.	Inclusion of housing allocations with endorsement from the community, supports 'the presumption in favour of sustainable development' by planning positively to meet the development needs of the area and directing where the development should go. The allocated sites include re-use of buildings (Wesleyan Chapel) and use of brownfield land. Both these approaches are encouraged through the NPPF.
Policy H3: Reserve Site	Para. 16 & 47	Inclusion of a reserve site as a further measure to ensure that the number of houses to meet current and potential future need again supports the principle of the presumption in favour of sustainable development' and 'delivering a wide choice of quality homes.'
Policy H4: Limits to Development	Para. 17, 30 & 95	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 current built up area of Hungarton, not only seeks to protect the countryside and setting of the village, but facilitates the use of sustainable modes of transport with both benefits to the environment and the health of the community.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy H5: 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 H6: Buildings and Structures of Local Historical and Architectural Interest	Para 135	This policy recognises Hungarton'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 identifying non-designated heritage assets for protection.
Policy H7: Building Design Principles	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.
Policy H8: Tandem Development	Para 17 & 53	This policy seeks to discourage tandem development, a type of development not supported by the local community. A core principal of the NPPF is that planning should seek ways to secure high quality design and a good standard of amenity and resist inappropriate development of residential gardens, where it would cause harm to the local area.
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 Sites of Ecological and Geomorphological Significance	Para.109 & 135	This policy seeks to protect other open space with ecological and/or landscape value. This has regard to the NPPF principles conserving and enhancing the natural and historic environment.
Policy ENV3: Important Trees and Woodland	Para. 118	The policy in its aims to protect trees and woodland for 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: Biodiversity	Para. 117	The policy adopts a strategic approach, seeking protection and enhancement of the natural environment by identifying and mapping components of the local ecological networks and planning on a landscape-scale to create linkages.

Neighbourhood Plan Policy		NPPF Ref (para.)	Commentary
Policy ENV5: Protection of Other Sites of Historic Significance		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 ENV6: 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.
Policy ENV7: Important Hedges		Para 118 & 135	Policy aims to protect hedges identified as having historic and ecological significance and amenity value and has regard for the NPPF with regards the need to conserve or enhance biodiversity and identifying non-designated heritage assets for protection.
Policy ENV8: 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 ENV9: Footpaths and Bridleways		Para. 30 & 75	This policy aims to protect the existing network of footpaths and bridleways. 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.
Policy ENV10 Sustainable Development		Para 17	Supports proposals that contribute to mitigating and adapting to climate change including sustainable design and energy generation and in so doing, supports the transition to a low carbon future, a core planning principal of the NPPF.
Policy ENV11: Rivers and Flooding		Para. 100 & 103	The policy seeks to address potential flooding by making development safe without increasing flood risk elsewhere.
Policy CF1: The Retention of Community Facilities and Amenities		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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy CF2: 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 E1: Support for Existing Employment Opportunities	Para. 28	Retention of existing employment opportunities, where viable seeks to support a prosperous rural economy.
Policy E2: Support for New Employment Opportunities	Para. 17 and 28	Support for new employment opportunities aims to secure a prosperous rural economy, to grow and where possible, diversify the local economy, providing local employment opportunities. The policy advocates, where possible, new employment opportunities within existing buildings or previously developed land.
Policy E3: Working from Home	Para. 28 & 29	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 is a further strand in ensuring a prosperous rural economy and also supports the transition to a low carbon future by the reduced need to travel.
Policy E4: Re-use of Agricultural and Commercial Buildings	Para. 17 & 28	Re-use of agricultural and commercial buildings for small businesses, recreation or tourism further support a prosperous rural economy. Further, it supports the transition to a low carbon future by encouraging the use of existing resources.
Policy E5: 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 T1: Traffic Management	Para.29, 30 & 69	The policy seeks traffic management measures in connection with new development to address key transport issues in the Parish. The policy has regard to the NPPF ambitions to support reductions in gas emissions and reduce congestion.

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 HNP 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 HNP contributes to achieving sustainable development are set out below:

- Placing a presumption in favour of sustainable development at the heart of the Plan.
- Planning positively for housing growth through housing allocations and a reserve site
- Supporting the provision of a mix of housing types which meet identified needs in the community and promote a vibrant, healthy and inclusive community.
- Actively managing patterns of growth to conserve the rich historic environment, facilitate sustainable transport, support existing facilities and protect the character and beauty of the countryside.
- Supporting high quality design and a good standard of amenity making Hungarton an even better place for existing and future residents to live.
- Contributing to building a strong economy through the protection of existing employment sites and supports the establishment of small business both in their own premises and as part of home working.
- Supporting the maintenance and enhancement of footpaths to provide better connectivity and opportunities to improve health and general wellbeing.
- Safeguarding existing open space and community facilities for the health, social and cultural wellbeing of the community.

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 allocations.

Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Strategic Policies of Harborough District Council.

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

Neighbourhood Plan Policy		Local Plan Policies	Commentary
SD1: Presumption in Favour of Sustainable Development		-	The principal aim of the local plan is to contribute to sustainable development. Policy SD1 does not contradict any of the saved strategic policies in Core Strategy.
Policy SD2: General Policy Principle	-		Policy SD2 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 HNP 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 level of service provision. CS17 (a) requires development to be 'very limited small scale infill development' which is reflected in the housing provision within HNP.
Policy H2: Housing Allocations	CS1, CS3, HS9		The policy conforms with the general principle in the spatial strategy which seeks to give priority to the use of previously developed land and the sites do not conflict with any designations on the proposals map. Furthermore, advocating starter homes or homes for older people is also supported in principle by CS1. Policy HS9 (Local Plan 2001, saved policy) designates areas of important open land on which development will be refused unless it can be demonstrated that it does not harm those aspects which contribute to the form and character of the settlement. One of the allocated sites under Policy H2 (Development Site 3) is partially designated as Open Land. However, given that only limited development is proposed within the built up area of the village, it is considered that this policy conforms with Policy HS9.
Policy H3: Reserve Site	-		The identification of reserve sites for potential future housing development does not conflict with any existing strategic policies in the Core Strategy.
Policy H4: Limits to Development	CS1, CS2, HS8, CS11		The application of limits to development are supported in the Core Strategy as outlined in policies CS1 and CS2 and identified in the proposal map. Policy HS8 (Local Plan 2001, saved policy) supports

		development within the defined limits of development where certain design criteria are met.
Policy H5: Housing Mix	CS1	The Core Strategy supports development that provides for the varied housing needs of the community.
Neighbourhood Plan Policy	Local Plan Policies	Commentary
Policy H6: Buildings and Structures of Local Historical and Architectural Interest	CS1, CS11	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 H7: Building Design Principles	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 H8: Tandem Development	CS11	There are no provisions in the strategic policies of the Core Strategy that are contrary to the principles outlined in Policy H8. Policy CS11 states that all development should respect the content in which it is taking place and avoid areas of land important to the form and character of a settlement or locality.
Policy ENV1: Protection of Local Green Spaces	CS8, CS14	Policies ENV1, ENV2, ENV3 and ENV4 seek to preserve and where possible, enhance the natural environment for biodiversity, geodiversity, heritage and/or recreation value. These policies are in general conformity with CS8 which seeks to protect and enhance green infrastructure which contribute to healthy lifestyles and a rich, diverse natural environment, including support for proposals that protect and increase tree and woodland cover.
Policy ENV2: Other Sites of Ecological and Geomorphological Significance		
Policy ENV3: Important Trees and Woodland		
Policy ENV4: Biodiversity		
Policy ENV5: Protection of Other Sites of Historic Significance		
Policy ENV6: Ridge and Furrow Fields	CS1, CS11	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.

Neighbourhood Plan Policy		Local Plan Policies	Commentary
Policy ENV7: Important Hedges		CS8	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 habits which are supported or which are of importance to biodiversity.
Policy ENV8: 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 ENV9: Footpaths 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.
Policy ENV10 Sustainable Development		CS29	The Neighbourhood Plan, by supporting measures to mitigate and adapt to climate change is consistent with the Core Strategy which outlines support for such development
Policy ENV11: Rivers and Flooding		CS10	ENV11 is in general conformity with the Core Strategy and in particular CS10 which requires that new development does not increase the level of flooding experienced in other area and that surface water run-off is managed.
Policy CF1: The Retention of Community Facilities and Amenities		CS6	Policy CF1 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities.
Policy CF2: New or Improved Community Facilities		CS6	Policy CF1 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities.
Policy E1: Support for Existing Employment Opportunities		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.

Neighbourhood Plan Policy		Local Plan Policies	Commentary
Policy E2: Support for New Employment Opportunities		CS7	The Core Strategy supports proposals to renew or upgrade employment for continued use and employment development in the countryside, only where it contributes to the retention and viability of rural services, which is consistent with the Neighbourhood Plan.
Policy E3: Working from Home		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: Re-use of Agricultural and Commercial Buildings		CS7	Policy E4 is supported by the Core Strategy and in particular policy CS7 which supports employment development within the countryside in certain circumstances including aiding farm diversification.
Policy E5: Broadband Infrastructure		C17	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 T1: Traffic Management		CS5	The key principles of Policy T1 are reflected in the Core Strategy and in particular the need to contribute to low carbon outcomes, including safe pedestrian and cycling facilities

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 Hungarton Neighbourhood 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 HNP 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 HNP 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 Hungarton 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 Hungarton Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.