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Basic Conditions Statement



Neighbourhood Plan submission version; Appendix 1

Contents

	Page
1.0 Introduction	2
2.0 Summary of Submission Documents and Supporting Evidence	3
3.0 Legal Requirements	3
4.0 The Basic Conditions	5
5.0 Conclusion	19

Tables	
Table 1 (page 7)	Neighbourhood Plan policies regard to NPPF
Table 2 (page 13)	Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the Harborough Core Strategy

Basic Conditions Statement Appendix List	
Appendix A	Strategic Environmental Assessment Screening Report
Appendix B	Confirmation of Swinford Neighbourhood Plan Designation Area

1.0 Introduction

This statement has been prepared by Swinford Neighbourhood Plan Action Committee to accompany its submission to the local planning authority (Harborough District Council) of the Swinford 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 2017 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 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 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 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 Swinford Neighbourhood Plan 2017-2031
- The Swinford Neighbourhood Plan Consultation Statement (Appendix 2 of the Submission Version Neighbourhood Plan for Swinford)
- The Swinford Neighbourhood Plan Strategic Environmental Assessment Screening Report (Appendix A)

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 Neighbourhood Plan has been submitted by Swinford 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 an Action Committee, appointed by and reporting to Swinford Parish Council.

3.2 What is being proposed is a Neighbourhood Plan

The Neighbourhood Plan 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 Neighbourhood Plan states that the period which it relates to is from 2017 until 2031. The period has been chosen to align with that of the draft Harborough District Council Local Plan.

3.4 The policies do not relate to excluded development

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 County Council has confirmed that the Neighbourhood Plan is compatible with the existing adopted Leicestershire Minerals Local Plan.

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 Swinford was formally designated as a Neighbourhood Area by Harborough District Council on 6 May 2015 (Appendix B). The proposed Neighbourhood Plan relates only to the parish of Swinford 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 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 Harborough District Council 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 October 2018. This is primarily in relation to minimum housing requirements and settlement classifications.

4.1 Having regard to national policies and advice

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.

In general terms:

- The local community has been empowered to develop the Neighbourhood Plan for their neighbourhood and has undertaken a creative exercise in identifying ways to enhance and improve the area.
- The Neighbourhood 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 Neighbourhood Plan puts forward positive opportunities to meet the housing requirements in the emerging Local Plan, whilst putting in place policies to protect the beauty distinctive character of the countryside and the built environment.
- The need for high quality design and good standard of amenity for all existing and future residents is incorporated in the Neighbourhood Plan policies.
- The Neighbourhood Plan takes into account the role and unique character of the area and includes policies that protect and enhance these qualities, supporting a sustainable level of growth to ensure ongoing viability.
- The Neighbourhood Plan supports the transition to a low carbon future by focusing future development within or adjacent to the current Limits to Development and safeguarding and supporting sustainable local economic development and community facilities, thereby reducing the need to travel outside of the area for work and leisure.

- The Neighbourhood Plan recognises and seeks to conserve heritage assets including those which are designated and those that are locally significant.
- The Neighbourhood Plan seeks to actively manage patterns of growth within or adjacent to the Limits to Development, and thereby making the fullest use of sustainable modes of transport.
- The Neighbourhood Plan supports local strategies to improve health, social and cultural wellbeing by safeguarding and encouraging enhancement of community facilities and opportunities to walk and cycle. The Neighbourhood Plan seeks to address traffic issues; reducing congestion and speeding and thereby sustaining good air quality and improving pedestrian safety.

Table 1:
Neighbourhood Plan policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para)	Commentary
Policy S1 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 Swinford, seeks to ensure that sufficient sites for new homes and economic activity are available in locations that will not adversely affect the countryside and setting of the village. 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.
Policy H1 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. Importantly the policy does not impose architectural styles and hence does not stifle an innovative approach.
Policy H2 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 H3 Housing / Land 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 make provision for affordable housing which is encouraged through the NPPF.
Policy H4 Windfall Sites	Para 55	The policy for small scale windfall sites has regard to the NPPF; by seeking to meet the identified housing requirements for the area, maintain and enhance the vitality of the villages, whilst protecting their character and setting.
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 Affordable Housing and Homes for Local People	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 H7 Developer Contributions	Para 173	The prioritisation of projects funded through developer contributions has regard to the NPPF in terms of ensuring viability and deliverability.
Policy ENV1 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 Protection of Other Sites of Environmental (Natural and Historical) Significance	Para 109 & 135	This policy seeks to protect other open space of local significance for their wildlife and history value. This has regard to the NPPF principles conserving and enhancing the natural and historic environment.
Policy ENV3 Important Woodland, Trees and Hedges	Para 118	The policy in its aims to protect woodland or trees of arboricultural/ecological significance and amenity value has regard for the NPPF, specifically, the need to conserve or enhance biodiversity and encourage opportunities for its incorporation in and around developments.
Policy ENV 4 Biodiversity	Para 109	The policy seeks to protect local habitats and species and where possible create new 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.
Policy ENV 5 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 ENV6 Locally Listed Buildings	Para 133 & 135	This policy seeks to protect and enhance locally important historical assets and their setting and as such, has regard to conserving and enhancing the historic environment. The NPPF acknowledges the significance of statutorily designated heritage assets.
Policy ENV7	Para 109	The policy seeks to protect views identified as being significant to the community. In accordance with the

Protection of Important Views		NPPF, the planning system should contribute to and where possible; enhance the landscape. Views are a key component of the landscape.
Policy ENV8 Footpaths and Bridleways	Para 30 & 75	The policy safeguards existing networks of footpaths and in so doing supports the NPPF aims of promoting sustainable transport and promoting healthy communities.
Policy ENV9 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 ENV10 Rivers and Flooding	Para 100 & 103	The policy seeks to address potential flooding by ensuring development is not undertaken in high risk zones without suitable mitigation measures, integrating appropriate design measures and that flood risk is not increased elsewhere. This policy has regard for the NPPF and in particular meeting the challenge of climate change, flooding and coastal change.
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.
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 T1 Traffic Management	Para 17, 30 & 75	This policy has regard to the NPPF in its aims to reduce traffic congestion and road safety. This policy has regard to the NPPF in terms of promoting sustainable transport, reducing congestion and greenhouse gas emissions and promoting healthy communities.
Policy E1 Support for Existing Employment Opportunities	Para 28	This policy seeks, where viable, to safeguard existing employment sites. This has regard for the NPPF in terms of supporting a prosperous and rural economy.
Policy E2 Support for New Employment	Para 9, 28 & 37	The policy supports new employment opportunities through small scale new build and/or small scale expansion of existing employment premises. 'Making it easier for jobs to be created in cities, towns and

Opportunities within the Village of Swinford		villages' 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, providing local employment opportunities. Further, the policy has regard for the need to promote sustainable transport by minimising journey lengths for employment.
Policy E3 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 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 E5 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 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.

4.2 Achieving sustainable development

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.

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.

The principal ways in which the Neighbourhood Plan 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 strong, vibrant, healthy and inclusive communities by making provision for a supply of housing of the right type and in the right place which meet identified need.
- Supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, maintaining and enhancing footpaths and supporting local employment opportunities.
- Supporting a prosperous rural economy through the protection of existing employment sites, supporting small scale business development including working from home and supporting the provision of high quality communications infrastructure.
- Contributing to conserving and enhancing the natural environment by minimising the impacts and where possible improving biodiversity and important habitats.
- Contributing to conserving and enhancing the historic environment by seeking to reduce adverse effects on heritage assets and their setting.

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 Plan policies are in general conformity with the Strategic Policies of Harborough District Council Core Strategy.

Table 2:

Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the Harborough Core Strategy

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy S1 Limits to Development	CS1, CS2, HS8 & CS11	Policy S1 updates the existing Limits to Development used by the District Council, taking into account the housing allocations in the Neighbourhood Plan. Limits to Development are supported as a vehicle to shape development in the Core Strategy (policies CS1 and CS2 and identified in the proposal map). The current Limits to Development have not been updated in a number of years, and the need to do so is clearly evident in light of the housing requirements identified in the emerging Local Plan.
Policy H1 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 H2 Housing Provision	CS17	The emerging Local Plan will set the agenda for housing numbers. The Neighbourhood Plan has been produced having regard to the evidence in the emerging Local Plan including the position of the settlement and its subsequent role in the settlement hierarchy. The Core Strategy identifies Swinford as a Selected Rural Village and that development should be on a scale that reflects the size and character of the village and level of service provision. In this regard, the identified level of housing provision in the Neighbourhood Plan is in general conformity with the strategic principles of the Core Strategy and the evidence regarding housing need in the emerging Local Plan.
Policy H3 Housing / Land Allocations	CS1 & CS3	The policy contributes to meeting the housing requirements identified in the emerging Local Plan. Making provision for affordable housing is supported by policy CS1 and CS3.
Policy H4 Windfall Sites	CS17	Policy H4 is in general conformity with CS17 which supports small scale development in Selected Rural Villages located and designed in a way that is sensitive to its landscape setting.
Policy H5 Housing Mix	CS1	The Core Strategy supports development that provides for the varied housing needs of the community.

Policy H6 Affordable Housing and Homes for Local People	CS1 & CS3	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 H7 Developer Contributions	CS8, CS11 & CS12	The Core Strategy highlights developer contributions to help improve green infrastructure, improve issues such as car parks and heritage assets and considers arrangements for their timely delivery
Policy ENV1 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 Protection of Other Sites of Environmental (Natural and Historical) Significance	CS1, CS8 & CS17	The Core Strategy supports development which safeguards green infrastructure assets and avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.
Policy ENV3 Important Woodland, Trees and Hedges	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 protected or which are of importance to biodiversity.
Policy ENV 4 Biodiversity	CS1, CS8 & CS17	Policy ENV4 is in conformity with a number of strategic policies in the Core Strategy which seek to protect habitats and species and further develop the green infrastructure asset of the District.
Policy ENV 5 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 ENV6 Locally Listed Buildings	CS11	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including Conservation Areas.
Policy ENV7 Protection of Important Views	CS8 & CS17	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 ENV8	CS8 & CS17	The Core Strategy endorses improving the green infrastructure network, including increased opportunities for

Footpaths and Bridleways		public access to the countryside. Rights of Ways and Greenways are identified as priority strategic green infrastructure assets for the District.
Policy ENV9 Sustainable Development	CS9	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 ENV10 Rivers and Flooding	CS10	ENV10 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	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 CF2 New or Improved Community Facilities	CS6	Policy CF2 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities.
Policy T1 Traffic Management	CS5	Policy T1 is in general conformity with CS5 which seeks to reduce the negative impact of the transport system on the environment and individuals.
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 from rural areas.
Policy E2 Support for New Employment Opportunities within the Village of Swinford	CS17	Policy E2 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel from rural areas.
Policy E3 Re-use of Agricultural and Commercial Buildings	CS7	Policy E3 is endorsed by the Core Strategy and in particular policy CS7 which supports employment development within the countryside in certain circumstances including aiding farm diversification.

Policy E4 Broadband Infrastructure	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 E5 Working from Home	CS17	Policy E5 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.

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.

A screening opinion was issued by Harborough District Council with regards to the Strategic Environmental Assessment (Appendix A). The screening opinion determined that “it is unlikely that there will be any significant environmental effects arising from the Swinford Neighbourhood Plan Pre-Submission Draft as submitted at the date of this assessment, that were not covered in the Sustainability Appraisal of the Core Strategy and the subsequent interim Sustainability Appraisal for the emerging New Local Plan. As such, the Swinford Neighbourhood Plan does not require a full SEA to be undertaken.”

It should be noted that the SEA Opinion detailed above relates to the version of the draft Plan consulted on in the first round of Regulation 14 Consultation. Since, this time there have been changes to the Plan policies. Therefore, as at September 2017, Harborough District Council will undertake a further SEA to reflect the policies in the submission version of the Plan, the results of which will be made available in due course.

Habitats Directive

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

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 was consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 on two occasions, 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 Neighbourhood Plan Action Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

5.0 Conclusion

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