

Burton Overy Neighbourhood Plan Review 2011-2041 Statement of Basic Conditions

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Burton Overy Neighbourhood Plan Review under regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- 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 Review 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 Review complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Neighbourhood Plan Review 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 Review has been submitted by Burton Overy Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Neighbourhood Area.

What is being proposed is a neighbourhood plan

- 2.2 The Neighbourhood Plan Review 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.

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

- 2.3 The Neighbourhood Plan Review states that the period which it relates to is from 2025 until 2041. The period has been chosen to align with that of the emerging Harborough Local Plan.

The policies do not relate to excluded development

- 2.4 The Neighbourhood Plan Review 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 Review 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 Neighbourhood Area was designated by Harborough District Council on 31 July 2015. The Plan does not relate to more than one Neighbourhood Area. There are no other neighbourhood plans in place within the Neighbourhood 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 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 Review fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan Review has been prepared having regard to national policies and advice set out in the National Planning Policy Framework December 2024 (NPPF) and being in general conformity with the strategic policies contained in the Harborough Council Local Plan 2011-2031 Adopted in April 2019.

Having regard to national policies and advice

3.2 The Neighbourhood Plan Review has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan Review policies have shown regard to the NPPF are outlined in table 1 below.

3.3 In broad terms the Neighbourhood Plan Review:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken a 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 housing mix and affordable housing and employment policies;
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of a Settlement Boundary;
- supports local strategies to deliver sufficient community facilities and services, to meet local needs;
- contributes to conserving and enhancing the natural environment through the protection of Local Green Spaces biodiversity and a range of environmental protections.

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

- 3.4 The Neighbourhood Plan Review has been prepared in general conformity with the strategic policies contained in the Harborough District Council Local Plan 2011-2031.
- 3.5 Table 1 provides a summary of how each of the Neighbourhood Plan Review policies are in general conformity with the strategic policies contained in the Local Plan and have regard for the NPPF.

Table 1

Burton Overy Neighbourhood Plan Review policies	NPPF para	Regard to National Planning Policy (2024)	General Conformity with the Local Plan (2019)
S1: Settlement Boundary	7, 10, 11	<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>The policy accords with the NPPF in its control of development outside the defined Settlement Boundary (in the open countryside).</p>	<p>The Adopted Local Plan has removed settlement boundaries which were present in the previous Local Plan.</p> <p>The Neighbourhood Plan Review satisfies the requirement of policy GD1 of a 'presumption in favour of sustainable development' and adds a Settlement Boundary as a matter of local detail to help determine the most appropriate locations for development.</p>
S2: Brownfield Sites	89	The NPPF says 'The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.	Local Plan Objective 3 encourages the appropriate and efficient re-use of previously developed land and buildings where such re-use achieves the objectives of sustainable development. This is encapsulated in Local Plan Policy GD2.
HD1: Housing Mix	61, 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.	The Local Plan supports development that provides for the varied housing needs of the community, as identified in the Neighbourhood Plan Review and based on current data through an updated Housing Needs Assessment.
HD2: Affordable Housing Exception Site	60, 61, 63-66	This policy supports the provision of affordable housing and includes a condition 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	Local Plan Policy H2 supports housing development which contributes towards the provision of affordable housing, where there is a demonstrable need. Policy HD2 sets out the criteria for Rural exception Sites.

		through amongst other things, supporting affordable housing where there is an identified need.	
HD3: Design	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.	<p>The Local Plan promotes good design and identifies the need for development to 'achieve a high standard of design quality'.</p> <p>These NP policies add local detail to Local Plan policy GD8.</p>
ENV 1: Local Green Spaces	106-108	Protection of Local Green Spaces identified as being special by the community is advocated through the NPPF. Proposed designations meet the criteria set out in the NPPF.	The policy to protect local green space is in general conformity with Local Plan Policy G14 which seeks to protect the most important local open spaces, recognising the role of neighbourhood plans in ensuring comprehensive coverage across the district.
<p>Env 2: Important Open Spaces</p> <p>ENV 3: Sites and Features of Natural Environmental Significance</p> <p>ENV 4: Biodiversity and Habitat Connectivity.</p>	Section 15,	<p>These policies seek to protect other open space with environmental value on account of their natural 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> <p>Policy Env 4 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 Local Plan safeguards green infrastructure assets and promotes avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.</p> <p>The policies are in conformity with the strategic policies in the Local Plan which seek to protect habitats and species and further develop the green infrastructure asset of the District.</p> <p>They are also in general conformity with GI 1 which seeks to protect and enhance green infrastructure which contribute to healthy lifestyles and a rich, diverse natural environment, including support for proposals that mitigate against climate change.</p>

<p>Env 5: Sites of Historical Environment Significance.</p> <p>Env 6: Ridge and Furrow</p> <p>Env 7: Non-Designated Heritage Assets</p>	Section 15	<p>The NPPF requires Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets</p> <p>Policy ENV 6 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.</p> <p>These policies recognise Burton Overy's historic character as one of its most important assets and seeks to protect and enhance it. They have regard to the NPPF with regards to identifying non-designated heritage assets for protection. The policies support the protection of heritage assets and their setting, a core principle of the NPPF.</p>	<p>The Local Plan 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.</p> <p>These policies are in general conformity with Local Plan policy HC1, the narrative to which states 'the character, quality and diversity of the District's extensive historic environment will be taken fully into account with a view to its conservation and enhancement in the context of the sustainable development of the District'.</p>
ENV 8: Important Views	135	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	The Local Plan recognises the importance of landscape character. Important public views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of Policy GD5.
ENV 9: Footpaths, Bridleways and Other Walking Routes	30,75	The policies support the extension of existing networks of footpaths and in so doing, supports the NPPF aims of promoting sustainable transport and promoting healthy communities.	Local Plan policy IN2 promotes the use of measures such as walking and cycling links.
Env 10: Area of Separation	135	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	<p>The Local Plan recognises the need to prevent coalescence and identifies Areas of Separation that have been designated through Made Neighbourhood Plans.</p> <p>The strategic policies in the Core Strategy advocate for the protection and enhancement of local landscape,</p>

		natural and local environment by protecting valued landscapes.	character and heritage, consistent with the values attributable to Areas of Separation.
Env 11: Flood Risk Resilience	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	Local Plan Policy CC3 requires development to take place in the area at lowest risk of flooding
CF 1: The retention of Community Facilities and Amenities	20, 29, 88, 98, 200	This policy seeks to protect and enhance 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. In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	Policy CF 1 is in general conformity with Local Plan policy HC2 which supports proposals to protect community facilities. The Neighbourhood Plan Review provides further detail, by identifying those community facilities that are important to the local community.
T 1: Traffic Management	Section 9	The policy seeks to manage potential traffic issues arising from development and has regard for 'promoting sustainable transport' and supporting reductions in greenhouse gas emissions.	Local Plan policy IN2 supports the traffic management proposals contained in the Neighbourhood Plan review policy T1
E1: Farm Diversification E3: Working from Home	Section 6	The policy supports new employment opportunities through small scale employment premises and farm diversification. 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. The policy on Home Working 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	These policies are in general conformity with the Local Plan which supports employment which diversifies the rural economy or enables the expansion of business. (BE1)

		supports the transition to a low carbon future by reducing the dependency of the car for journeys to employment sites outside of the Parish.	
E2: Broadband Infrastructure	Section 10	The NPPF advocates planning that supports high quality communications infrastructure.	Policy IN3 on electronic connectivity promotes telecommunications development.

Achieving sustainable development

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

EU obligations

Strategic Environmental Assessment (SEA)

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

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Part 2 Local Plan.

3.11 A Screening opinion was issued by Harborough District Council which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

Habitats Directive

3.12 Harborough District Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan Review and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

Convention on Human Rights

3.13 The Neighbourhood Plan Review has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan Review 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 Review, 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 Burton Overy Parish Council 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 Neighbourhood Plan Review.
- 4.2 The Neighbourhood Plan Review has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Core Strategy and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Neighbourhood Plan Review complies with Paragraph 8(1)(a) of Schedule 4B of the Act.