

Ellistown and Battleflat Neighbourhood Plan 2018-2031 Statement of Basic Conditions

AUGUST 2018

ELLISTOWN AND BATTLEFLAT PARISH COUNCIL

Contents

| | | |
|-----|---------------------------|---------|
| 1.0 | Introduction..... | Page 2 |
| 2.0 | Legal Requirements..... | Page 3 |
| 3.0 | The Basic Conditions..... | Page 4 |
| 4.0 | Conclusion..... | Page 14 |

1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Ellistown and Battleflat Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Town Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
 - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
 - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
 - (d) such other matters as may be prescribed.
- 1.4 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:
 - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
 - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
 - (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
 - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
 - (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

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

2.0 Legal Requirements

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

The Plan is being submitted by a qualifying body

The Neighbourhood Plan has been submitted by Ellistown and Battleflat Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area.

What is being proposed is a neighbourhood plan

- 2.2 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

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

- 2.3 The Neighbourhood Plan states that the period which it relates to is from 2018 until 2031. The period has been chosen to align with that of the emerging North West Leicestershire District Council Local Plan.

The policies do not relate to excluded development

- 2.4 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

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

- 2.5 The designated Plan area was approved by North West Leicestershire District Council in April 2014. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.
- 2.6 In relation to sub-paragraph 1.3(c), it is not considered that there is any benefit

or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

2.7 In relation to sub-paragraph 1.3(d), there are no other prescribed matters.

3.0 The Basic Conditions

3.1 This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the saved strategic policies contained in the North West Leicestershire Local Plan 1991 to 2006.

3.2 The Neighbourhood Plan has been informed by the evidence base of the emerging Local Plan (due to be adopted in 2018), which has been subject to consultation through the period of preparing the Neighbourhood Plan. The Examination of the Local Plan has concluded that the Plan is sound with the incorporation of a number of Main Modifications.

Having regard to national policies and advice

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

3.4 In broad terms the Plan:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken exercises 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 actively manage patterns of growth in the most sustainable locations through the recognition of NWLDC designated Limits to Development.
- includes positive strategies to support sustainable economic development and maintain the Village Centre.
- 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 and biodiversity.

Table 1: Neighbourhood Plan Policies regard to NPPF

| Neighbourhood Plan Policy | NPPF Ref (para.) | Commentary |
|--|-----------------------|--|
| Policy S1 Limits to Development | Para. 17, 23, 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 Limits to Development seeks to support existing services and facilities within the Town Centre 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. |
| Policy S2 Development Proposals outside the Limits to Development | Para 17 & 55 | One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. The policy accords with the NPPF in its resistance to development in the open countryside, other than in exceptional circumstances. |
| Policy S3 South-East Coalville Development Scheme. | Para 16 | The policy supports potential future development needs and seeks to shape and direct those elements that are outside of the strategic realm of the emerging Local Plan. |
| Policy H1 Housing Provision | Para 16 | The policy, as endorsed by the NPPF, plans positively to support the strategic development needs set out in the emerging Local Plan, directing development to the most sustainable locations. |
| Policy H2: Affordable Housing | 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 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. |

| Neighbourhood Plan Policy | NPPF Ref (para.) | Commentary |
|---|------------------|--|
| Policy E1 Support for Existing Employment Opportunities | 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 Opportunities | Para 21, 28, | Encouraging new businesses has regard to the NPPF aims of ‘building a strong economy’, ‘supporting a prosperous economy’ and supporting the move to a low carbon future by enabling the operation of a home office or small workshop in residential areas. |
| Policy E3 Connecting Local Businesses and People to the New Employment Opportunities | Para 17 | The policy seeks to connect local people to the new job opportunities, addressing such barrier as training and transport. In doing so the Neighbourhood Plan, akin to the NPPF, seeks to proactively drive and support sustainable economic development in tandem with strategies to improve social wellbeing through the provision of local education, training and employment opportunities. |
| Policy SCF1 Existing Shops and 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 planning positively for community facilities and guarding against their unnecessary loss. |
| Policy SCF2 New Shops and Community Facilities | 70 | In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities. |
| Policy SCF3 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 E1: Employment Land and Buildings | Para 21, 37 | This policy seeks to protect sustainable employment sites through the retention of buildings that provide or have the potential to provide employment opportunities. This has regard to the NPPF aims of ‘building a strong competitive economy’ and ‘promoting sustainable transport’ through a balance of land uses. |
| Policy NE1: 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 NE2 Biodiversity | Para. 109 &117 | The policy seeks 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. |

| Neighbourhood Plan Policy | NPPF Ref (para.) | Commentary |
|---|-------------------------|---|
| Policy NE3: Trees and Hedgerows | Para. 117 & 118 | The policy in its aims to protect and enhance trees and hedgerows and has regard for the NPPF, specifically, the need to conserve or enhance biodiversity and encourage opportunities for its incorporation in and around developments. |
| Policy HBE1 Buildings and Structures of Local Heritage | Para 17, 126, 127 & 135 | This policy seeks to identify, protect and enhance non-designated and designated heritage assets and support the continued designation of conservation Areas within the Plan area. These policies have regard to a core NPPF principle and aim; to 'conserve and enhance the historic environment'. |
| Policy GA2 Car Parking in Ellistown | Para 39, 57, 58 & 69 | The adequate provision of off road vehicle parking contributes towards 'good design' and 'promoting healthy communities' by ensuring clear and legible pedestrian routes and ease congestion. |
| Policy GA3 Walking and Cycling | Para 30 & 75 | This policy aims to protect the existing cycle and pedestrian network. In doing so, it has regard to the NPPF in terms of 'promoting sustainable transport', reducing congestion and greenhouse gas emissions and 'promoting healthy communities'. |
| Policy CC1 Sustainable design and Construction | Para 17 and 59 | Supports proposals that contribute to mitigating the effects of 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. |

Achieving sustainable development

- 3.5 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Local Plan.
- 3.6 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.7 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing (including affordable housing) to meet local need
 - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, supporting sustainable modes of transport and local employment opportunities.
 - protecting and enhancing the distinctive character of the built and natural environment through protection of important open green space and protection and enhancement of heritage assets.
 - conserving and enhancing the natural environment by minimising the impacts and where possible improving biodiversity and important habitats.
 - supporting a strong economy by ensuring the ongoing vitality of the Ellistown Village Centre, protection of existing employment sites, support for small and startup businesses and connection of the local community to new job opportunities.
 - safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.

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

- 3.8 The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the North West Leicestershire Plan 1991 - 2006. 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, (due to be adopted in 2018) in producing the Neighbourhood Plan.
- 3.9 Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved Strategic Policies of the North West Leicestershire Plan 1991 - 2006

Table 2: Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the North West Leicestershire Local Plan

| Neighbourhood Plan Policy | Local Plan Policies | Commentary |
|--|---------------------|---|
| Policy S1 Limits to Development | Policy S1 & S2 | Policy S1 of the Local Plan advocates the location of new development where ‘a realistic choice of transport is or will be made available.’ Policy S2 identifies Limits to Development within which development will normally be confined. The Neighbourhood Plan supports the updated Limits to development provided in the Publication version of the Local Plan. |
| Policy S2 Development Proposals outside the Limits to Development | Policy S1 & S3 | Policy S1 of the Local Plan states that built development in the countryside should be minimised. Policy S3 outlines criteria for development outside of the Limits to Development, all of which generally conform with that of the Local Plan. |
| Policy S3 South-East Coalville Development Scheme. | | Policy S3 seeks to mitigate the impact of the SECDS on the Parish. It is in general conformity with the Local Plan, whose overall strategy requires development to link with local and wider transport systems and infrastructure |
| Policy H1 Housing Provision | | The emerging Local Plan will set the agenda for housing numbers but to date has not apportioned a housing target to specific settlements. 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. |
| Policy H2: Affordable Housing | Policy H8 | The Local Plan supports the provision of an element of affordable housing where there is a demonstrable need. |
| Policy H3: Housing Mix | Policy H6 | The Local Plan supports housing development which considers the provision of a mix of housing types to establish socially mixed communities. |
| Policy E1 Support for Existing Employment Opportunities | | There are no saved policies within the Local Plan that conflict with support for retention of sites or buildings that currently/ potentially provide employment. |

| Neighbourhood Plan Policy | Core Strategy Policies | Commentary |
|---|------------------------|---|
| Policy E2 Support for New Employment Opportunities | Policy J14 | Support for the expansion of existing businesses is consistent with the employment policies outlined in the Local Plan. |
| Policy E3 Connecting Local Businesses and People to the New Employment Opportunities | | There are no saved policies within the Local Plan that conflict with a policy which encourages opportunities to create employment and business opportunities to meet local needs. |
| Policy SCF1 Existing Shops and Community Facilities | | There is nothing in the Local Plan that would conflict with Policy SCF1 or SCF2. The emerging Local Plan includes policies that support access to local community facilities. |
| Policy SCF2 New Shops and Community Facilities | | |
| Policy SCF3 Assets of Community Value | | |
| Policy E1: Employment Land and Buildings | | There are no saved policies within the Local Plan that conflict with support for retention of sites or buildings that currently/ potentially provide employment. |
| Policy NE1: Local Green Spaces | E1 | Policy E1 says that development will not be permitted where it 'would adversely affect or diminish the present open character' of sensitive areas. |
| Policy NE2 Biodiversity | Policy E26 | Policy NE2 is in accord with the strategic intent and compliments Policy E26. |

| Neighbourhood Plan Policy | Core Strategy Policies | Commentary |
|---|------------------------|---|
| Policy NE3: Trees and Hedgerows | Policy E2 & E8 | Policy NE3 is in general conformity with the Local Plan and its strategic aim of ‘protecting and upgrading both the built and natural environment.’ Policies E2 and E8 seek the retention of natural features, such as trees and where possible, integration of these into developments. |
| Policy HBE1 Buildings and Structures of Local Heritage | | None of the policies within the Local Plan relating to historic assets have been saved. There is nothing within the saved policies that conflict with the Neighbourhood Plan policy HBE1 |
| Policy GA2 Car Parking in Ellistown | Policy T8 | Policy GA2 which seeks to resist the loss of off-street parking, is in general conformity with the Local Plan. |
| Policy GA3 Walking and Cycling | Policy T13 & T14 | There are no saved policies within the Local Plan that conflict with support for retention and enhancement of the network of footpaths and cycleways. Policy T13 requires adequate provision be made for cycle parking in certain types of developments. Policy T14 supports the use of disused railway lines as pedestrian footpaths, bridleways and cycle routes. |
| Policy CC1 Sustainable design and Construction | H7 | Policy H7 seeks sustainable design and construction features. |

EU obligations

Strategic Environmental Assessment (SEA)

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

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

3.11 A Screening opinion was issued by North West Leicestershire District Council with regards to the Strategic Environmental Assessment. This determined that it is unlikely that there will be any significant environmental effects arising from the Ellistown and Battleflat Neighbourhood Plan Submission Draft as submitted that were not covered in the Sustainability Appraisal of the Core Strategy. As such, the Ellistown and Battleflat Neighbourhood Plan does not require a full SEA to be undertaken.

3.12 A wide range of comments were made through Regulation 14 consultation and where appropriate, these comments have been incorporated into the submission version of the Neighbourhood Plan

Habitats Directive

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

3.14 A Screening opinion was issued by North West Leicestershire 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

3.15 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The

Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

- 3.16 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. Responses have been recorded and changes have been made as per the schedule set out in the appendices to the Statement of Consultation. The Statement of Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

4.0 Conclusion

- 4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Ellistown and Battleflat Neighbourhood Plan.
- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the North West Leicestershire Plan 1991 – 2006 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Ellistown and Battleflat Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.