

Swannington Neighbourhood Plan 2019 - 2031 Statement of Basic Conditions

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Swannington 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 Parish 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 Swannington 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 2022 until 2039. The period has been chosen to align with that of the review of the North West Leicestershire 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 on 7 January 2019. 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(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(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 2021 (NPPF) and to the strategic policies contained in the North West Leicestershire Local Plan Adopted in November 2017.

Having regard to national policies and advice

3.2 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.

3.3 In broad terms the Plan:

- 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 windfall development, 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 Limits to Development;
- 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 has been prepared in general conformity with the strategic policies contained in the North West Leicestershire Local Plan Adopted in November 2017.
- 3.5 Table 1 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the strategic policies contained in the North West Leicestershire Local Plan Adopted in November 2017 and have regard for the NPPF.

<i>Swannington Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with NWLDC Local Plan 2017</i>
Policy H1: Residential Site Allocation	7, 10, 11	The inclusion of a housing allocation supports 'the presumption in favour of sustainable development' by planning positively, shaping and directing development and providing for, and exceeding, the strategic development needs set out in the Local Plan.	The neighbourhood plan has considered the latest and up-to-date evidence of housing need used to inform the Local Plan. This policy is in general conformity with the settlement hierarchy identified in the Local Plan (Policy S2) and the apportioned housing requirements for the neighbourhood area, agreed in consultation with the District Council.
Policy H2: Settlement Boundary	9, 11, 80	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.	Policy S3 distinguishes between development within and outside of the Settlement Boundary. The neighbourhood plan updates the Settlement Boundary in the Local Plan.
Policy H3: Housing Mix	62, 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.	Policy H1 seeks to provide a mix of housing types, size and tenures to meet identified needs of the whole community, including regard for up to date evidence of housing need.
Policy H4: Design	8, 28, 112, 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.	Local Plan policy D1 seeks to provide high quality in design, as does the neighbourhood plan.

Policy H5: Affordable Housing Provision	61, 62, 63, 64	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	The NP meets Local Plan requirements for affordable housing which currently stand at 30% on developments of 11 or more dwellings.
Policy H6: Windfall Sites	68, 70,	The policy for windfall sites has regard to the NPPF; by seeking to meet any future housing requirements for the area and maintain the vitality of the settlements, whilst protecting their character and setting. This is a positive policy for future housing provision given that this type of development has a proven track record in providing a good source of new housing over recent years in the Parish.	The Local Plan defines windfall sites as ‘Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available. The NP policy helps to define the circumstances in which windfall development will be supported.
Policy ENV 1: Local Green Space	101-103	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 ability of NPs to designate Local Green Spaces is confirmed on page 97 of the Local Plan. Policy En1 on Nature Conservation seeks to minimise impacts on biodiversity.
Policy Env 2: Important Open Spaces	Section 15,	These policies seek to protect other open space with environmental and historic value on account of their natural and/or historical 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.	The Local Plan seeks to support developments that protect and enhance biodiversity (objective 11). The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Local Plan overarching principles
Policy ENV 3: Sites of natural environmental significance			
Policy ENV 4: Protecting and Enhancing Biodiversity	179	The policies 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.	The Local Plan seeks to support developments that protect and enhance biodiversity (objective 11). The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Local Plan overarching principles

<p>Policy Env 5: Sites and features of Historic Environment Significance</p> <p>Policy Env 6: Non-designated Heritage Assets</p>	<p>Section 15</p>	<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>A key issue in the Local Plan is to ensure that the provision of new development needs to be achieved whilst also paying due regard to the protection and enhancement of heritage assets. Planning Practice Guidance, updated in July 2019, confirms the ability of NPs to identify locally important heritage assets. The policy is in general conformity with Local Plan policy He1 on the conservation and enhancement of the historic environment.</p>
<p>Policy Env 7: Important Views</p>	<p>130</p>	<p>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</p>	<p>Policy S3 supports the protection of the character the countryside. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the broad aims for the countryside and natural environment in the Local Plan, specifically policy S3 which requires development to safeguard and enhance issues including views.</p>
<p>Policy Env 8: Footpaths, Bridleways and Byways</p>	<p>Section 9</p>	<p>This policy aims to protect the existing 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’, whilst also meeting requirements for promoting healthy communities</p>	<p>Policy IF4 seeks to maximise the provision of public footpaths in development whilst IF1 includes footpaths in the infrastructure requirements for new development.</p>
<p>Policy Env 9: Flood Risk Resilience and Climate Change</p>	<p>Section 14</p>	<p>The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p>	<p>Local Plan Policy Cc2 deals with Flood Risk. The Neighbourhood Plan policy is in general conformity with this policy.</p>
<p>Policy Env 10: Renewable Energy Generation Infrastructure</p>	<p>148, 151, 154</p>	<p>The policy supports the NNPF aim of meeting the challenge of climate change by supporting the delivery of renewable energy development while ensuring that adverse impacts are addressed satisfactorily.</p>	<p>Policy Cc1 sets broad conditions within which planning applications for renewable energy will be considered.</p>

<p>Policy CF 1: The retention of Community Facilities and Amenities Policy CF2: New or Improved Community Facilities</p>	<p>20, 28, 84, 93, 186</p>	<p>These policies seeks to protect and promote 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.</p>	<p>Policy CF1 is in general conformity with Local Plan which recognises the importance of community facilities. This is expressed in Policy IF2 which describes the circumstances in which community services and facilities should be retained.</p>
<p>Policy CF3: Primary School</p>	<p>94-96</p>	<p>Policies to support expansion of schools will help deliver the local services required to enhance the sustainability of the community. The NPPF notes the importance the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.</p>	<p>Policy CF2 is in general conformity with Local Plan which recognises the importance of community facilities. This is expressed in Policy IF2 which describes the circumstances in which community services and facilities should be retained.</p>
<p>Policy E 1: Support for Existing Employment Opportunities Policy E 2: Support for New Employment Opportunities</p>	<p>20, 73, 106, 123</p>	<p>The policy supports new employment opportunities through small scale employment premises. 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.</p> <p>Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.</p>	<p>Objective 5 supports economic growth throughout the district and the provision of a diverse range of employment opportunities including the development of tourism and leisure.</p> <p>Policies Ec1 and Ec2 identify the circumstances in which employment sites will be protected and supported, including the importance of seeking to maintain the existing stock of land and buildings in order to provide a basis for the continuing economic prosperity of the area.</p>
<p>Policy E 3: Working from home</p>	<p>106</p>	<p>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.</p>	<p>The general development principles of Policy BE3 conform with those of Local Plan policy D1 which promotes mixing uses.</p>

Policy E4: Re-use of agricultural and commercial buildings	20, 73, 106, 123	<p>The policy supports new employment opportunities through small scale employment premises. 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.</p> <p>Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.</p>	Policy S3 specifically supports farm diversification
Policy E5: Tourism	83	The policy in supporting development proposals for tourism and leisure facilities recognises the role that the area can play in 'building a strong, competitive economy' and 'supporting a prosperous rural economy' through sustainable rural tourism and leisure developments.'	Local Plan policy Ec13 supports the increase of tourism opportunities in the District.
Policy E6: Broadband Infrastructure	42, 43	The NPPF advocates planning that supports high quality communications infrastructure.	Local Plan policy D3 recognises the importance of the communications infrastructure.
Policy T1: Traffic Management	Section 9	The policies seek to manage potential traffic issues arising from development and has regard for 'promoting sustainable transport' and supporting reductions in greenhouse gas emissions.	Policy T1 is in general conformity with Local Plan Policy IF4 which seeks to maximise the efficiency of the local and strategic road network. It supports the mitigation of traffic movements resulting from developments.
Policy T2: Car parking	Section 9	<p>The policy seeks to address parking issues and the subsequent risks to pedestrian and road safety by planning for safe and accessible developments.</p> <p>Protection of public car parking aligns with the NPPF aims of supporting a prosperous rural economy through the provision of safe and accessible developments which encourage the active and continual use of public areas by locals and visitors.</p>	The Local Plan policy IF7 requires adequate parking provision in new development, with the 6Cs Design Guide as a starting point. The NP policy T2 deviates from this general guidance as a result of the severe parking issues in the Parish.

		Planning for parking is a feature of sustainable development and para 105 promotes the setting of parking standards.	
Policy T3: Electric Vehicles	107, 112	The NPPF supports the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and that applications for development are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	The background section of the Local Plan identifies a range of policies designed to tackle climate change, including Policy Cc1 which supports the supply of energy from renewable and low carbon sources.

Achieving sustainable development

- 3.7 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.
- 3.8 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.
- 3.9 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, 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 Local Plan.

3.11 A Screening opinion was issued by North West Leicestershire District Council with which determined that a full SEA would not be required.

Habitats Directive

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

Convention on Human Rights

3.13 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.

3.14 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 Hugglescote and Donington le Heath 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 Local Plan 2017 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Hugglescote and Donington le Heath Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.