

# Ashby de la Zouch Neighbourhood Plan 2011-2031 Statement of Basic Conditions

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Ashby de la Zouch 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 Ashby de la Zouch Town 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 2011 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 February 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 1.4 (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 (Publication version Local Plan), which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is currently undergoing independent examination.

#### **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 a creative 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 actively manage patterns of growth in the most sustainable locations through the designation of Limits to Development.
- includes positive strategies to support sustainable economic development and maintain a vibrant Town Centre.
- supports local strategies to deliver sufficient community facilities and services including education, leisure, sport and health to meet local needs.
- contributes to conserving and enhancing the natural environment through the prioritisation of brownfield sites for development and protection of Local Green Spaces and biodiversity.

Table 1: Neighbourhood Plan Policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy S1: Presumption in Favour of Sustainable Development</b>	Para 16	Supports the 'golden thread' of the NPPF; a presumption in favour of sustainable development. The Neighbourhood Plan, by shaping and directing development in the area, makes clear the type and location of development that will be supported.
<b>Policy S2 Limits to Development</b>	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.
<b>Policy S3 Development Proposals outside the Limits to Development</b>	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.
<b>Policy S4: Design Principles</b>	Para 42, 58 & 60	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. The policy supports the provision of high speed broadband, a key element for sustainable economic growth, as identified by the NPPF.
<b>Policy S5 Support to be given to Brownfield Sites</b>	Para 17 & 111	Support of Brownfield sites for redevelopment or change of use has regard to the core principle of the NPPF to 'encourage use of land by reusing land that has been previously development, provided that it is not of environmental value.'
<b>Policy S6 Areas of Local Separation</b>	Para 17 & 109	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 natural and local environment by protecting valued landscapes.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy H1: Sustainable Housing Growth</b>	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.
<b>Policy H2: Requirements for Masterplan</b>	Para 17, 35, 58, 69, 95 & 99.	In seeking a masterplan for the significant housing allocation, the policy seeks to secure high quality design and a good standard of amenity for current and future residents. Criteria in the policy also seek to conserve and enhance the natural environment, promote sustainable transport, promote healthy communities and meet the challenge of climate change and flooding.
<b>Policy H3: Infill Sites</b>	Para 48 & 55	The policy for small scale 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 Ashby.
<b>Policy H4: Housing Mix</b>	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.
<b>Policy H5: Affordable Housing</b>	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.
<b>Policy H4: Promoting Self-Build</b>	Para 50,56, 60 & 95	The policy supports self-build or custom build schemes, with the underlying premise of facilitating good quality, individual, sustainable and affordable homes. The NPPF identifies the need to plan for a mix of housing to meet the needs of different groups including 'people wishing to build their own homes.'
<b>Policy E1: Employment Land and Buildings</b>	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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy E2: Small and Startup Businesses</b>	Para 21, 28,	Encouraging new or the expansion of existing small 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.
<b>Policy E3: Connecting People in the Plan area to the New Job Opportunities</b>	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.
<b>Policy TC1: Town Centre Uses</b>	Para 23	The policy supports the NFFF aim of 'ensuring the vitality of town centres' through support for retail, leisure, commercial, office, tourism, cultural and community development within the Ashby de la Zouch Town Centre.
<b>Policy TC2: Primary Shopping Area</b>	Para 23	The policy supports the NFFF aim of 'ensuring the vitality of town centres' by supporting proposals in the Ashby de la Zouch Primary Shopping Area that provide customer choice and a diverse retail offer.
<b>Policy TC3: Shop Frontages</b>	Para 56 & 58	The policy has regard to the importance of good design as a key aspect of sustainable development and in particular, to create attractive places and respond to the local character and history.
<b>Policy TC4: Residential Development</b>	Para 23, 30	Support for upper floor development within the Town Centre for residential use 'supports the vitality of town centres' in addition to contributing to; 'promoting sustainable transport'.
<b>Policy TC5: Tourism</b>	Para 21& 28	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.'
<b>Policy TC6: Legible Signage</b>	Para 56 & 67	The NPPF states that good design is a key aspect of sustainable development and that poorly placed advertisements can have a negative appearance on the built and natural environment.
<b>Policy T1 Traffic Management</b>	Para 30 & 95	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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy T2: Travel Plans</b>	Para 36, 69 & 95	The policy promotes the use of Travel Plans to help achieve a shift to walking, cycling and public transport. This supports the NPPF aims of 'promoting sustainable transport', 'promoting healthy communities' and 'meeting the challenge of climate change and flooding'.
<b>Policy T3: Safer Routes to School Schemes</b>	Para 29, 69 & 95	Safer Routes to School Schemes have regard to the NPPF aims of 'promoting sustainable transport', 'promoting healthy communities' and 'meeting the challenge of climate change'.
<b>Policy T4: Walking and Cycling</b>	Para 30 & 75	This policy aims to protect and improve 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'.
<b>Policy T5: Leicester to Burton Railway Line</b>	Para 29, 30	Protection of an existing railway line for potential re-use as a passenger line has regard to 'promoting sustainable transport' and 'meeting the challenge of climate change.'
<b>Policy T6: Car Parking</b>	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.
<b>Policy HE1: Non-Designated Heritage Buildings and Structures of Local Interest</b>	Para 17, 126, 127 & 135	These policies seek 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'.
<b>Policy HE2: Heritage Assets</b>		
<b>Policy HE3: Ashby De la Zouch &amp; Heath End Conservation Areas</b>		
<b>Policy HE3: Areas of Archaeological Interest</b>	Para 126	The policy seeks to protect sites of archaeological interest. The NPPF states that heritage assets include 'a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
<b>Policy NE1: Local Green Spaces</b>	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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy NE2: Open Space, Sport and Recreation Provision in New Housing Development</b>	Para 69 & 70	This policy seeks to ensure an appropriate level of provision of public open space, sport and recreational facilities that meets the specific needs of the local community. This supports the 'promotion of healthy communities' by facilitating social interaction and creating a healthy and inclusive community.
<b>Policy NE3: Open Space, Sport and Recreation Provision in New Housing Development: Allotment Provision</b>		
<b>Policy NE4: Nature Conservation</b>	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.
<b>Policy NE5: Trees and Hedgerows</b>	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.
<b>Policy CF1: Important Community Facilities</b>	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.
<b>Policy CF2: Assets of Community Value</b>	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.
<b>Policy CF3: Education</b>	Para 72	Ensuring adequate education provision in the Plan area has regard to 'promoting healthy communities.'
<b>Policy DC1: Community Infrastructure</b>	Para 173.	The prioritization of projects funded through developer contributions has regard to the NPPF in terms of ensuring viability and deliverability.

## 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 high quality design, designation of Areas of Separation, protection of important open green space and protection and enhancement of heritage assets.
  - conserving and enhancing the natural environment by prioritising development on brownfield sites and minimising the impacts and where possible improving biodiversity and important habitats.
  - supporting a strong economy by ensuring the ongoing vitality of the Town 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, 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
<b>Policy S1: Presumption in Favour of Sustainable Development</b>		The broad aims of the Local Plan imply an overall pursuance of sustainable development. Policy S1 does not contradict any of the saved strategic policies in Local Plan.
<b>Policy S2 Limits to Development</b>	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.
<b>Policy S3 Development Proposals outside the Limits to Development</b>	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.
<b>Policy S4: Design Principles</b>	Policy E3, E4, E7, H7 & F1 to F3	The provisions in Policy H2 are in general conformity with the Local Plan; notably Policy E3 which seeks to protect the amenity of existing nearby dwellings, Policy E4 which seeks good design, E7 which seeks integration of landscaping and Policy H7 which outlines design criteria. Policies F1 to F3 outline requirements for developments within the National Forest to which Policy S4 is in general conformity with.
<b>Policy S5 Support to be given to Brownfield Sites</b>	Policy S1 & E36	Policy S1 and E36 supports the maximised re-use of derelict and underused land and buildings
<b>Policy S6 Areas of Local Separation</b>	Policy E21	Policy E21 supports in principle the use of 'Areas of Separation' to prevent coalescence and to maintain the physical identity of settlements.
<b>Policy H1: Sustainable Housing Growth</b>		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.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy H2: Requirements for Masterplan</b>	Policy E2	The provisions in Policy H2 are in general conformity with the Local Plan; notably Policy E2 which requires proposals include satisfactory provision for landscape amenity open space
<b>Policy H3: Infill Sites</b>	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.
<b>Policy H4: Housing Mix</b>	Policy H6 plus Objective.	The Local Plan supports housing development which considers the provision of a mix of housing types to establish socially mixed communities. Overall objective is to provide a mix of homes in each locality.
<b>Policy H5: Affordable Housing</b>	Policy H8	The Local Plan supports the provision of an element of affordable housing where there is a demonstrable need.
<b>Policy H6: Promoting Self-Build</b>		There are no saved policies within the Local Plan that conflict with support for self- build or custom build schemes.
<b>Policy E1: Employment Land and Buildings</b>		There are no saved policies within the Local Plan that conflict with support for retention of sites or buildings that currently/ potentially provide employment.
<b>Policy E2: Small and Startup Businesses</b>	Policy J14	Support for the expansion of existing small businesses is consistent with the employment policies outlined in the Local Plan.
<b>Policy E3: Connecting People in the Plan area to the New Job Opportunities</b>		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.
<b>Policy TC1: Town Centre Uses</b>	Policy R1 and R4	Both the Local Plan and Neighbourhood Plan recognise the vital function that Ashby de la Zouch Town Centre plays in relation to the local community and the shopping hierarchy of Leicestershire. Policy TC1 and TC2 support the strategic intent of Policy R1 and R4 in sustaining the role of Ashby-de la Zouch as principal location for retailing.
<b>Policy TC2: Primary Shopping Area</b>		

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy TC3: Shop Frontages</b>		Policy TC3 generally conforms with the Local Plan and its broad objectives to improve the attractiveness of town centres.
<b>Policy TC4: Residential Development</b>	Policy R16	Policy TC4; supporting the development of upper floor premises within the town centre for residential use conforms with the Local Plan.
<b>Policy TC5: Tourism</b>	Policy E24, L2 and L3	Policy TC5 is in conformity with the strategic intent of the Local Plan with regards leisure and tourism and in particular policies E24, L2 and L3
<b>Policy TC6: Legible Signage</b>		Policy TC3 generally conforms with the Local Plan and its broad objectives to improve the attractiveness of town centres.
<b>Policy T1 Traffic Management</b>	T3	Policy T1 in seeking that development proposals do not result in unacceptable severe impacts on road congestion and safety, reflect the strategic intent of Policy T3.
<b>Policy T2: Travel Plans</b>	Policy T10 & T13	Policies T2 and T3 in pursuit of encouraging travel by sustainable transport compliment Policies T10 and T13 which seeks provision be made in new development for effective public transport and the needs of passengers and adequate provision for cycle parking.
<b>Policy T3: Safer Routes to School Schemes</b>		
<b>Policy T4: Walking and Cycling</b>	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.
<b>Policy T5: Leicester to Burton Railway Line</b>		There are no saved policies within the Local Plan that contradict this policy to support the provision of public transport on the railway line.
<b>Policy T6: Car Parking</b>	Policy T8	Policy T6 which seeks an appropriate level of off-street parking in new developments, is in general conformity with the Local Plan. Policy T6 is non-prescriptive on the level of parking required, only that it should be 'adequate', which compliments the Local Plan policy.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy HE1: Non-Designated Heritage Buildings and Structures of Local Interest</b>		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 policies HE1 to HE4.
<b>Policy HE2: Heritage Assets</b>		
<b>Policy HE3: Ashby De la Zouch and Heath End Conservation Areas</b>		
<b>Policy HE4: Areas of Archaeological Interest</b>		
<b>Policy NE1: Local Green Spaces</b>	E1	Policy E1 says that development will not be permitted where it 'would adversely affect or diminish the present open character' of sensitive areas.
<b>Policy NE2: Open Space, Sport and Recreation Provision in New Housing Development</b>	L21 & L22	The Local Plan and the Neighbourhood Plan are complimentary in their broad aim of ensuring appropriate levels of open space are provided in tandem with new development.
<b>Policy NE3: Open Space, Sport and Recreation Provision in New Housing Development: Allotment Provision</b>		
<b>Policy NE4: Nature Conservation</b>	Policy E26	Policy NE4 is in accord with the strategic intent and compliments Policy E26.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy NE5: Trees and Hedgerows</b>	Policy E2 & E8	Policy NE5 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 stipulates seek the retention of natural features, such as trees and where possible, integration of these into developments.
<b>Policy CF1: Important Community Facilities</b>		There is nothing in the Local Plan which would conflict with Policy CF1 or CF2. The emerging Local Plan includes policies that support access to local community facilities.
<b>Policy CF2: Assets of Community Value</b>		
<b>Policy CF3: Education</b>		There is nothing in the Local Plan which conflicts with a policy seeking financial contribution towards education provision for development proposals that will have a demonstrable and significant impact on education.
<b>Policy DC1: Community Infrastructure</b>		A policy seeking developer contributions towards identified infrastructure projects does not conflict with the Local Plan.

## 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 be required. A SEA was produced and published in January 2017 as part of the documentation available for the pre-submission consultation. The assessment concluded that “No significant effects are predicted, although the assessment highlighted that there is potential for minor negative or uncertain effects in relation to a number of policies. Mitigation provided through North West Leicestershire Local Plan and the Neighbourhood Plan Policies should ensure that there are no residual negative effects of significance.”

### Habitats Directive

3.13 North West Leicestershire District Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan in May 2016 and concluded that ‘the Neighbourhood Plan may have an impact upon internationally designated sites and as such a further assessment is required.’ The statutory consultees concurred with this conclusion, driven primarily by the potential for impacts on the River Mease SAC, particularly regarding water quality from treated waste water discharge.

3.14 A HRA of the Neighbourhood Plan recommended ‘amendments be made to the Neighbourhood Plan policies in order to able to conclude no likely significant effects on designated sites.’ Amendments were made to the Neighbourhood Plan to mitigate

the impacts in line with the HRA recommendations.

### **Convention on Human Rights**

- 3.16 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.
- 3.17 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 Ashby de la Zouch 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 Ashby de la Zouch Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.