

# South Kilworth Neighbourhood Plan 2011-2031 Statement of Basic Conditions

MARCH 2018

SOUTH KILWORTH NEIGHBOURHOOD PLANNING ADVISORY COMMITTEE

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## 1.0 Introduction

This statement has been prepared by the South Kilworth Neighbourhood Plan Advisory Committee to accompany its submission to the local planning authority (Harborough District Council) of The South Kilworth Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

The policies described in the Neighbourhood Plan relate to development and the use of land in the designated Neighbourhood Plan area only. The plan period for the Neighbourhood Plan is 2018 to 2031 and it does not contain policies relating to excluded development, in accordance with the Regulations. The way the Neighbourhood Plan meets the Regulations and the Basic Conditions is set out below.

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38(C)] sets out in the following way how the neighbourhood plans must meet the basic conditions:

- 1) The examiner must consider the following:
  - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
  - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - (d) such other matters as may be prescribed.
  
- 2) A draft neighbourhood development plan meets the basic conditions if:
  - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
  - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
  - (d) the making of the neighbourhood development plan does not breach,

- and is otherwise compatible with, EU obligations and
- (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

Section 2 of this Statement sets out how 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 Summary of Submission Documents and Supporting Evidence**

In addition to the Basic Conditions Statement, the following documents have been prepared to support the preparation of the Plan and meet the Basic Conditions:

- The South Kilworth Neighbourhood Plan 2018 – 2031 Submission Version
- The South Kilworth Neighbourhood Plan Consultation Statement
- Strategic Environmental Assessment Screening Report (HDC to undertake on behalf of the Qualifying Body))

## **3.0 Legal Requirements**

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

### **3.1 The Plan is being submitted by a qualifying body**

The Neighbourhood Plan has been submitted by South Kilworth Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area. The Neighbourhood Plan has been prepared by an Advisory Committee, appointed by and reporting to South Kilworth Parish Council.

### **3.2 What is being proposed is a neighbourhood plan**

The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood 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.

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

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

### **3.4 The policies do not relate to excluded development**

The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. The County Council has not raised any issues of incompatibility with the existing adopted Leicestershire Minerals Local Plan.

### **3.5 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.**

The Parish of South Kilworth formally designated as a Neighbourhood Area by Harborough District Council on 22 March 2016.

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.

In relation to sub-paragraph 1(c), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

In relation to sub-paragraph 1(d), there are no other prescribed matters.

## 4.0 The Basic Conditions

This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the strategic policies contained in the Harborough District Core Strategy 2006 – 2028.

The Neighbourhood Plan has been informed by the evidence base of the emerging Local Plan, which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is scheduled to be adopted in November 2017.

### 4.1 Having regard to national policies and advice

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

In broad terms the Plan:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken a wide-ranging 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.
- considers the local character of the of the area and seeks high quality design and a good standard of amenity through the application of Building Design Guidance.
- seeks to actively manage patterns of growth in the most sustainable locations and protect the character and beauty of the countryside through the designation of Limits to Development.
- supports local strategies to deliver sufficient community facilities and services including education and leisure to meet local needs.
- contributes to conserving and enhancing the natural environment through the protection of Local Green Spaces and sites of high environmental significance.
- supports sustainable economic development through home working and farm diversification.

*Table 1: Neighbourhood Plan Policies regard to NPPF*

Neighbourhood Plan Policy	NPPF para Ref	Commentary
Policy H1 Housing Allocations	Para. 16	Inclusion of a housing target supports ‘the presumption in favour of sustainable development’ by providing for the strategic development needs set out in the emerging Local Plan.
Policy H2 Limits to Development	Para. 17, 30 & 95	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the current built up area of South Kilworth, seeks to ensure that sufficient sites for new homes and economic activity are available in locations that will not adversely affect the countryside and setting of the village. Further, Limits to Development facilitate the use of sustainable modes of transport with both benefits to the environment and the health of the community, both underlying premises of the NPPF.
Policy 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.
Policy H4 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 H5 Windfall Development	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, maintain and enhance the vitality of the villages, 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 South Kilworth
Policy H6: Buildings and Structures of Historical and Architectural Interest	Para 17	The policy supports the protection of non-designated heritage assets and their setting, a core principle of the NPPF.

Neighbourhood Plan Policy	NPPF para Ref	Commentary
Policy H7 Design	Para 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.
Policy ENV 1 Protection of 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 ENV 2 Important Open Space	Para.109 & 135	This policy seeks to protect open space of high significance for their natural and historic value. This has regard to the NPPF principles conserving and enhancing the natural and historic environment.
Policy ENV 3 Protection of Important Views	Para. 109	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.
Policy ENV 4 Protection of Other Sites of High (Environmental Significance)	Para.109 & 135	This policy seeks to protect open space of high significance for their natural and historic value. This has regard to the NPPF principles conserving and enhancing the natural and historic environment.
Policy ENV 5 Woodland, Trees and Hedges	Para. 118	The policy in its aims to protect woodland or trees of arboricultural/ecological significance and amenity value has regard for the NPPF, specifically, the need to conserve or enhance biodiversity and encourage opportunities for its incorporation in and around developments.
Policy ENV 6 Biodiversity	Para. 109	The policy seeks to protect local habitats and species and create new habitats including the designation of a wildlife corridor. The policy has regard to the NPPF, which states that the planning system should contribute to enhancing the natural and local environment by minimizing impacts on biodiversity and providing net gains where possible.
Policy ENV 7 Ridge and Furrow	Para. 139	This policy seeks to protect ridge and furrow fields and has regard for the NPPF, which considers that non-designated heritage assets of archaeological interest, of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.

Neighbourhood Plan Policy	NPPF para Ref	Commentary
<b>Policy ENV 8 Flooding</b>	Para. 100 & 103	The policy seeks to address potential flooding by making development safe without increasing flood risk elsewhere.
Policy ENV 9 Renewable Energy	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.
Policy ENV 9 Access and Rights of Way	Para. 30 & 75	The policy safeguards existing networks of footpaths and bridleways and in so doing, supports the NPPF aims of promoting sustainable transport and promoting healthy communities.
Policy CF1 Retention of Community Facilities and Amenities	Para. 28 & 70	This policy seeks to protect key community facilities. This has regard for the NPPF principle of promoting healthy communities through amongst other things, planning positively for community facilities and guarding against their unnecessary loss.
<b>Policy CF2 New or Improved Community Facilities</b>	Para. 70	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.
Policy CF3 Expansion of the Primary School	72	Ensuring adequate education provision in the Plan area has regard to ‘promoting healthy communities.’
<b>CF4 Assets of Community Value</b>	Para 70	This policy seeks to guard against the loss of important community assets. This has regard for promoting healthy communities.
Policy TR1 Traffic Management	Para.29, 30 & 69	The provision of traffic management solutions to address traffic issues have regard to the NPPF in relation to sustainable transport and promoting healthy communities.
<b>Policy E1 Support for Existing Employment Opportunities</b>	Para. 28	Retention of existing employment opportunities, where viable seeks to support a prosperous rural economy.
<b>Policy E2 Support for New Business and Employment Opportunities</b>	Para. 17 and 28	Support for new employment opportunities aims to secure a prosperous rural economy, to grow and where possible, diversify the local economy, providing local employment opportunities. The policy advocates, where possible, new employment opportunities within existing buildings or previously developed land.

Neighbourhood Plan Policy	NPPF para Ref	Commentary
<b>Policy E3</b> Home Working	Para. 28 & 29	This policy supports the use of part of a dwelling for office or light industrial use in order to facilitate working from home. Working from home is a further strand in ensuring a prosperous rural economy and also supports the transition to a low carbon future by the reduced need to travel.
<b>Policy E4</b> Farm Diversification	Para. 17 & 28	Re-use of agricultural and commercial buildings for small businesses, recreation or tourism further support a prosperous rural economy. Further, it supports the transition to a low carbon future by encouraging the use of existing resources.
<b>Policy E5: Mobile and Telecommunication Infrastructure</b>	Para. 42 & 43	This policy recognises the need for super-fast broadband service and improved mobile telecommunications network for sustainable economic growth in the area. The NPPF advocates planning that supports high quality communications infrastructure.

## 4.2 Achieving sustainable development

The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Local Plan.

The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.

The 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:

- safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.
- protecting and enhancing the distinctive character of the built and natural environment through high quality design and maintenance of important views and open space around and within villages to retain their setting.
- supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, maintaining and enhancing footpaths and supporting local employment opportunities.
- conserving and enhancing the natural environment by minimising the impacts and where possible improving biodiversity and important habitats.
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing (including affordable housing) to meet local need.
- **4.3 General conformity with the strategic policies of the development plan for the area**

The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Harborough District Core Strategy 2006-2028. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted Local Plan. However, given how dated this Local Plan is, considerable regard has been paid to the evidence base of the emerging Local Plan, particularly in relation to housing provision. Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Strategic Policies of Harborough District Council Core Strategy.

*Table 2: Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the Harborough Core Strategy*

Neighbourhood Plan Policy			Core Strategy Policies	Commentary
Policy H1	Housing	Allocations	16 & 47	Inclusion of housing allocations with support from the community supports ‘the presumption in favour of sustainable development’ by planning positively and shaping and directing development. The policy in identifying sites to deliver minimum housing targets utilising evidence underpinning the emerging local plan, supports the NPPF aims of delivering a wide choice of quality homes.
Policy H2	Limits to	Development	CS1, CS2, HS8, CS11	Policy H2 updates the existing Limits to Development used by the District Council, taking into account existing planning permissions. Limits to Development are supported as a vehicle to shape development in the Core Strategy (policies CS1 and CS2 and identified in the proposal map). The current Limits to Development have not been updated for quite some time, and the need to do so is clear considering the level of development that has taken place in the Plan area in recent years.
Policy H3	Housing Mix		CS1, CS3	The Core Strategy supports development that provides for the varied housing needs of the community (as identified in the Neighbourhood Plan and based on current data).
Policy H4	Affordable	Housing	CS1, CS3	CS1 supports the provision of rural housing which contributes towards the provision of affordable housing, where there is a demonstrable need. Further, CS3 outlines that all residential development within the District will be required to contribute towards meeting affordable housing needs.
Policy H5	Windfall Sites		CS17	Policy H5 is in general conformity with CS17 which supports small scale development in Selected Rural Villages located and designed in a way that is sensitive to its landscape setting.
Policy H6	Buildings and	Structures of Local Historical and Architectural interest	CS1, CS11	The Core Strategy supports development which protects, conserves and enhances the Districts heritage assets and their setting, including non-scheduled nationally important archaeological remains and areas of historic landscape. Further, it supports the identification of heritage assets of local importance.
Policy H7:	Design		CS11, CS17	The pursuance of high quality design is consistent across both the Neighbourhood Plan and Core Strategy, particularly the need for development to respect local character and distinctiveness.
Policy ENV 1:	Protection of Local Green Spaces		CS8	The policy to protect local green space is in general conformity with policy CS8 which seeks to ensure a high quality, accessible and multi-functional green infrastructure network across rural areas.

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy ENV 2 Important Open Space	CS1, CS8, CS17	The Core Strategy supports development which safeguards green infrastructure assets and avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.
Policy ENV 3 Protection of Important Views	CS8, CS17	The Core Strategy supports the protection and enhancement of heritage assets and local landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of Policy CS8.
Policy ENV 4 Protection of Other Sites of High (Natural and Historical) Environmental Significance	CS1, CS8, CS17	The Core Strategy supports development which safeguards green infrastructure assets and avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.
Policy ENV 5 Woodland Trees and Hedges	CS8, CS14	The policy is in general conformity with CS8 which seeks to protect and enhance green infrastructure which contribute to healthy lifestyles and a rich, diverse natural environment, including support for proposals that protect and increase tree and woodland cover.
Policy ENV 6 Biodiversity and Wildlife Corridors	CS1, CS8, CS17	Policy ENV 4 is in conformity with the strategic policies in the Core Strategy which seek to protect habitats and species and further develop the green infrastructure asset of the District.
Policy ENV 7 Ridge and Furrow Fields	CS1, CS11, CS17	The Core Strategy supports development which protects, conserves and enhances the District's heritage assets and their setting, including non-scheduled nationally important archaeological remains and areas of historic landscape. Further, it supports the identification of heritage assets of local importance.
Policy ENV 8 Flooding	CS10	ENV 11 is in general conformity with the Core Strategy and in particular policy CS10 which requires that new development does not increase the level of flooding experienced in other areas and that surface water run- off is managed.
Policy ENV 9 Sustainable Development	CS9	The Neighbourhood Plan, by supporting measures to mitigate climate change is consistent with the Core Strategy which outlines support for such development

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy ENV 10 Access and Rights of Way	CS8, CS17	The Core Strategy endorses improving the green infrastructure network, including increased opportunities for public access to the countryside. Rights of Ways and Greenways are identified as priority strategic green infrastructure assets for the District.
Policy CF1 Retention of Community Facilities	CS1 &CS6	Policy CSA 7 concurs with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities and CS1 which supports the protection of existing services in smaller settlements.
Policy CF2 New or Improved Community Amenities	CS6	Policy CF2 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities.
Policy CF3 Expansion of the Primary School	CS1	Policies CSA 1, 2 and 3 seek to support the expansion of current educational and leisure facilities. This is consistent with the Core Strategy which supports South Kilworth as a focus for community uses to serve the settlement and catchment area.
Policy CF 4 Assets of Community Value	CS1 &CS6	Policy CF4 conforms with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities and CS1 which supports the protection of existing services in smaller settlements.
Policy T1 Traffic Management	CS5	Policy T5 is in general conformity with CS5 which seeks to reduce the negative impact of the transport system on the environment and individuals.
Policy E1 Support for Existing Employment Opportunities	CS17	Policy E1 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel, including development for shopping provision.
Policy E2: Support for New Business and Employment Opportunities	CS7	The Core Strategy supports proposals to renew or upgrade the environment of employment areas not identified as 'Key Employment Areas'.

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy E3 Homeworking	CS17	Policy E3 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel, including development which provides or increase the opportunity to work from home.
Policy E4 Farm Diversification	CS7	Policy E3 is supported by the Core Strategy and in particular policy CS7 which supports employment development within the countryside in certain circumstances including aiding farm diversification.
Policy E5: Mobile and Telecommunication Infrastructure	C17	The Core Strategy supports proposals that reduce the need to travel from rural area to work and or shop through reliable and high speed digital connectivity.

## 4.4 EU obligations

### Strategic Environmental Assessment (SEA)

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

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

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

### Habitats Directive

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

### Convention on Human Rights

The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

There was extensive consultation and engagement in identifying issues and objectives and the 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.

## **5.0 Conclusion**

The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the South Kilworth Neighbourhood Plan.

The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Harborough District Core Strategy 2006-2028 and meets relevant EU obligations.

It is therefore respectfully suggested to the Examiner that the South Kilworth Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.