

APPENDIX 1

Somerby Parish
Neighbourhood Plan
2018-2036
Statement of Basic
Conditions

FEBRUARY 2020

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Somerby Parish 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 Somerby 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 2036. The period has been chosen to align with that of the Melton Local Plan which was adopted on 10 October 2018.

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 Melton Borough Council on 21 December 2015. 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 (NPPF) and to the strategic policies contained in the Melton Local Plan 2018 - 2036.

3.2 The Neighbourhood Plan has been informed by the evidence base of the Melton Local Plan, which was Adopted on 10 October 2018.

Having regard to national policies and advice

3.3 The Neighbourhood Plan has been developed having regard to the NPPF amended in 2019. 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 and 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 homes, businesses and infrastructure through housing allocations, windfall sites, employment policies and developer contributions;
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of Limits to Development in four settlements;
- 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 other environmental protections.

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

- 3.5 The Neighbourhood Plan has been prepared in general conformity with the strategic policies of the Melton Local Plan 2018 - 2036.
- 3.6 Table 1 (below) provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Strategic Policies of the Melton Local Plan 2018 – 2036 and the NPPF (2019).

Table 1 – Conformity with local and national strategic planning policies

| Somersby Parish Neighbourhood Plan policies | Table 1 – Conformity with local and national strategic planning policies | | General Conformity with Melton Local Plan 2018 - 2036 |
|---|--|---|---|
| | NPPF para | Regard to National Planning Policy | |
| Policy HR1: Reserve Site Allocation | 16 & 47 | <p>Inclusion of a reserve housing site supports ‘the presumption in favour of sustainable development’.</p> <p>The inclusion of a reserve housing site supports ‘the presumption in favour of sustainable development’ by planning positively, shaping and directing development and by providing for the strategic development needs set out in the Local Plan. The policy in identifying a reserve site to ensure housing delivery supports the NPPF aims of delivering sustainable development and provides flexibility should future circumstances change.</p> | <p>This policy is in general conformity with the settlement hierarchy identified in the Local Plan and the apportioned housing requirements for the parish, agreed in consultation with the Borough Council.</p> <p>The identification of a reserve site helps to ensure the delivery of an appropriate number of dwellings should problems be identified with the Local Plan allocations.</p> |
| Policy HR2: Limits to Development | 17, 23, 30, 55 & 95 | <p>One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the Limits to Development seeks to support existing services and facilities and protect the countryside and setting of the settlements. Further, Limits to Development facilitate the use of sustainable modes of transport with both benefits to the environment and the health of the community, both underlying premises of the NPPF.</p> <p>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 control of development outside the defined Limits to Development (in the open countryside).</p> | <p>The new Local Plan has removed settlement boundaries which were present in the previous Local Plan (policy OS1 includes ‘Village Envelopes’).</p> <p>The Neighbourhood Plan satisfies the requirement of policy SS1 of a ‘presumption in favour of sustainable development’ and adds limits to development as a matter of local detail to help determine the most appropriate locations for development.</p> |

| <i>Somerby Parish Neighbourhood Plan policies</i> | | <i>NPPF para</i> | <i>Regard to National Planning Policy</i> | <i>General Conformity with Melton Local Plan 2018 - 2036</i> |
|--|----------------|--|--|--|
| Policy HR3: Housing Mix | 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. | Local Plan Policy C2 states the need to deliver a mix of house types, tenures and sizes taking into account updates of housing mix evidence. The NP seeks to ensure local need is met by supporting smaller dwellings in line with the Local plan policy C2. | |
| Policy HR4: Windfall Sites | 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 Parish. | The preference of the Neighbourhood Plan for small scale windfall development is in general conformity with the Local Plan (Policy SS3) which seeks to restrict unallocated sites. | |
| Policy HR5: Long-term Housing Site Selection Criteria | 16 & 171 | This policy seeks to shape housing development over the longer term as circumstances change and therefore contributes towards achieving sustainable development. | The Local Plan vision is to be delivered by meeting current and future housing need. NP Policy HR5 addresses this by looking to the future beyond existing housing need and setting the criteria against which development can be supported. | |
| Policy HR6: Affordable Housing | 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 supporting affordable housing where there is an identified need. | NP Policy HR6 is in general conformity with Local Plan policy C4 which sets targets for affordable housing and establishes the need for an appropriate mix of housing. | |
| Policy CD1: Building Design principles | 42, 58 & 60 | The policy outlines several design criteria 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 Local Plan vision promotes good design. NP policy CD1 adds local detail to Local Plan policies EN6 and D1. | |
| Policy ENV1: Protection of Local Green Space | 99-101 | 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 principles underpinning the protection of Local Green Spaces are in general conformity to the Local Plan's identification and conservation of 'Protected Open Areas' and conservation and enhancement of the environment (Policies EN1 and EN4) | |

| Somerby Parish Neighbourhood Plan policies | <i>Regard to National Planning Policy</i> | | <i>General Conformity with Melton Local Plan 2018 - 2036</i> |
|---|---|--|--|
| | <i>NPPF para</i> | | |
| <p>Policy ENV 2: Protection of sites and features of Environmental Significance</p> <p>Policy ENV 3: Important Open Spaces</p> <p>Env 7: Settlement Character</p> <p>Policy ENV 8: Local Landscape Character Areas</p> <p>Policy ENV 11: Trees, Hedgerows and Green Verges</p> | 109 & 135 | <p>These policies seek to protect other open space with environmental 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.</p> <p>It takes into account the designation hierarchy and the protection is commensurate with their status.</p> | <p>The Local Plan seeks to protect sites of ecological and geological importance (policy EN2) and encourages the management of land for nature conservation.</p> <p>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 overarching principles contained in chapter 7 'Melton Borough's Environment – Protected and Enhanced'</p> |
| <p>Policy ENV 4: Local Non-Designated Heritage Assets</p> | Para 17 & 135 | <p>This policy recognises Somerby Parish's historic character as one of its most important assets and seeks to protect and enhance it. It has regard to the NPPF with regards to identifying non-designated heritage assets for protection. The policy supports the protection of heritage assets and their setting, a core principle of the NPPF.</p> | <p>Policy ENV 4 is in general conformity with Local Plan policy EN13 which states that 'the Council will take a positive approach to the conservation of heritage assets and the wider historic environment'.</p> |
| <p>Policy ENV 5: Ridge and Furrow</p> | 139 | <p>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.</p> | <p>Policy ENV 5 is in general conformity with the Local Plan which seeks to conserve the natural beauty and amenity of the countryside Vision – p 16). The policy also has regard for recent studies undertaken by the Borough Council (Areas of Separation, Settlement Fringe and Local Green Space Study 2015) to support the Local Plan, which recommends the conservation, enhancement and interpretation of ridge and furrow.</p> |
| <p>Policy ENV 6: Area of Separation</p> | Para. 17 & 109 | <p>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.</p> | <p>Local Plan Policy EN4 requires development proposals to avoid the coalescence of settlements by maintaining the principle of separation between them, and states that development proposals will be supported where they respect Areas of Separation identified in a Neighbourhood Plan.</p> |

| Somerby Parish Neighbourhood Plan policies | NPPF para | Regard to National Planning Policy | General Conformity with Melton Local Plan 2018 - 2036 |
|---|-----------|---|--|
| Policy ENV 9: 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 | Local Plan policy EN1 supports the protection of the character and appearance of the rural landscape including the recognition of ‘important views, approaches and settings’. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of the Local Plan. |
| Policy ENV 10: Biodiversity and Wildlife Corridors | 109 &117 | This 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. | Protection and enhancement of designated and non-designated ecological sites suitably conforms with the strategic policies of the local plan and in particular, EN2 which outlines that ‘the Borough Council will seek to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It will protect and enhance biodiversity, ecological networks and geological conservation interests throughout the Borough and beyond its boundaries ...’ |
| Policy ENV 12: Dark Skies and Tranquillity | 125 | The policy has regard to the NPPF principle of conserving and enhancing the natural environment through design principles that seek to limit the impact of light pollution and artificial light. | Local Plan policy EN1 requires new development to avoid adverse effects on areas of tranquillity, including those benefiting from dark skies. |
| Policy ENV 13: Footpaths and Bridleways | 30 & 75 | This policy aims to protect and improve the existing bridleway 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 ENV10 generally conforms with the implicit objectives of the Local Plan in relation to recreation and leisure (Policy EN7). Local Plan policy IN2 promotes the use of measures such as walking and cycling links. |
| Policy ENV 14: Biodiversity protection in new development. | 184 | The policy seeks to protect and enhance local biodiversity features in new development. 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 policy is in general conformity with Local Plan policy SS3 which seeks to ensure that development respects ecological, heritage and biodiversity features. |

| <i>Somerby Parish Neighbourhood Plan policies</i> | <i>NPPF para</i> | <i>Regard to National Planning Policy</i> | <i>General Conformity with Melton Local Plan 2018 - 2036</i> |
|---|------------------|--|--|
| Policy ENV 15: Renewable Energy Generation Infrastructure | 149-154 | The policy supports the NPPF aim of meeting the challenge of climate change by supporting the delivery of renewable energy development while ensuring that adverse impacts are addressed satisfactorily. | Local Plan Policy EN10 supports energy generation from renewable energy and low carbon sources. |
| ENV 16: Flood Risk | 155-165 | The policy seeks to address potential flooding by making development safe without increasing flood risk elsewhere, therefore meeting the requirements of the NPPF which identifies the need to take full account of flood risk. | Reducing the risk of flooding and avoiding development in areas prone to flooding is a strategic objective in the Local Plan. NP Policy ENV16 is in general conformity with Local Plan policies EN7 and EN8. |
| Policy EE1: Business Growth Policy EE6: Local Employment | 9, 28 & 37 | The policy supports new employment opportunities through small scale employment premises. 'Making it easier for jobs to be created in cities, towns and villages' 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. | Supporting additional employment development on the premise that is within existing buildings, on areas of previously developed land or within the limits to development is in general conformity with Local Plan policy EC2 which sets the conditions by which economic development in rural communities is to be achieved. |
| Policy EE2: Connectivity | Para. 42 & 43 | The NPPF advocates planning that supports high quality communications infrastructure. | Local Plan policy IN4 supports superfast broadband. |
| Policy EE3: Home Working | 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 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. | The growing trend for home working is highlighted on page 10 of the Local Plan. NP Policy EE3 supports this growing trend. |
| Policy EE4: Farm Diversification | 17 & 28 | 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. | Local Plan policy EC2 promotes the re-use of farm buildings and farm diversification more generally. |
| Policy EE5: Tourism and Visitors | 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.' | Local Plan policy EC2 promotes small-scale tourism proposals in appropriate circumstances whilst policy EC8 specifically identifies the circumstances in which sustainable tourism will be supported. |

| <i>Somerby Parish Neighbourhood Plan policies</i> | <i>NPPF para</i> | <i>Regard to National Planning Policy</i> | <i>General Conformity with Melton Local Plan 2018 - 2036</i> |
|--|------------------|---|--|
| Policy TI 1: Traffic Volume, Road Safety and Parking | 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. | Local Plan policy IN2 supports the traffic management proposals contained in the Neighbourhood Plan policy TI1 |
| Policy TI 2: Farm Tracks | | | |
| Policy TI 3: Travel Packs | Section 9 | Section 9 of the NPPF promotes sustainable transport. | Local Plan Policy IN2 promotes sustainable transport. |
| Policy CF 1: The Retention of Community Assets and Facilities | 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. | NP Policy CF1 is in general conformity with Local Plan policy C7 which supports proposals to protect community facilities. The Neighbourhood Plan provides further detail, by identifying those community facilities that are important to the local community. |
| Policy CF 2: New Community Facilities | 70 | In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities. | There is no explicit policy direction with regards new or improved community facilities in the adopted Local Plan. Policy CF 2 does not contradict the strategic intent of any saved policies and supports one of the identified aims in the Local Plan, that is to 'improve access to services and facilities, including health, schools, social care, jobs, recreation, sport and education, broadband' and to 'improve facilities for all the community'. |
| Policy CF 3: Developer Contributions | 34 | One of the objectives in the NPPF is for the planning system to identify and co-ordinate the provision of infrastructure (Page 5; Para 8a). The NPPF recognises that the provision of infrastructure at a local level is a non-strategic policy to be used by communities (Page 10; Para 28) and that plans should set out the contributions expected from development. | Policy CF 3 outlines expectations in the provision of developer contributions to local infrastructure in proportion to the scale of its impacts |

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, designation of Local Green Spaces and an area of Separation, protection of important open green space and protection 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 support for new businesses including home working and encouragement of superfast broadband;
 - safeguarding and enhancing existing open space, community facilities and pedestrian and bridleways 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 Melton Borough Council with which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

Habitats Directive

3.12 Melton Borough 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 Somerby Parish 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 strategic policies in the Melton Local Plan 2018-2036 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Somerby Parish Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.