

# Frisby on the Wreake Neighbourhood Plan 2017-2036 Statement of Basic Conditions

MAY 2017

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Frisby on the Wreake 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 Frisby on the Wreake 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 2016 until 2036. The period has been chosen to align with that of the emerging Melton 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 Melton Borough Council in February 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.

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 contained in guidance issued by the Secretary of State and to the saved strategic policies contained in the Melton Local Plan 1999.

3.2 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 now at pre-submission draft stage.

#### **Having regard to national policies and advice**

3.3 The Neighbourhood Plan has been developed having regard to the Neighbourhood Planning Policy Framework (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 meet the strategic housing needs of the area and actively manage patterns of growth in the most sustainable locations through the designation of Limits to Development.
- seeks to secure high quality development and a good standard of amenity for existing and future residents through building design principles.
- contributes to conserving and enhancing the natural environment through the protection and enhancement of biodiversity and Local Green Spaces.

Table 1: Neighbourhood Plan Policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy H1 Housing Provision</b>	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.
<b>Policy H2 Housing Allocations</b>	Para. 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 housing targets, utilising evidence underpinning the emerging local plan, supports the NPPF aims of delivering a wide choice of quality homes.
<b>Policy H3 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 village centre and protect the countryside and setting of the settlement. 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 H4: Building Design Principles</b>	Para 58 & 60	The policy outlines 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.
<b>Policy H5 Noise Mitigation</b>	Para 109 & 123	Mitigation of noise from new development has regard to conserving and enhancing the natural environment.
<b>Policy H6: 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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy H7: Windfall 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 Frisby on the Wreake.
<b>Policy H8: Affordable Housing</b>	Para 50 & 159	This policy is consistent with the NPPF which outlines the requirement to deliver a wide choice of quality homes, including affordable housing, where there is an identified need. The policy sets out a 'local-connection' criteria that prioritise people who have a connection to the Parish.
<b>Policy H9: Developer Contributions</b>	Para 173.	The prioritisation of projects funded through developer contributions has regard to the NPPF in terms of ensuring viability and deliverability. Further, national planning guidance states that 'a qualifying body should set out in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan.
<b>Policy TR1 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.
<b>Policy CF1: The Retention of 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: 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.
<b>Policy E1: Broadband 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.
<b>Policy ENV 1: Protection of 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 ENV2: Protection of Other Sites of Environmental (Natural and Historical) Significance</b>	Para.109 & 135	This policy seeks 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.
<b>Policy ENV3: Important Woodland, Trees and Hedges</b>	Para. 117 & 118	The policy in its aims to protect trees, woodlands and hedgerows and has regard for the NPPF, specifically, the need to conserve and enhance biodiversity and encourage opportunities for its incorporation in and around developments.
<b>Policy ENV4: Biodiversity</b>	Para.109 & 117	The policy adopts a strategic approach, seeking protection and net gains in biodiversity by identifying and mapping components of the local ecological networks and planning on a landscape-scale to create linkages.
<b>Policy ENV5: Ridge and Furrow Fields</b>	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.
<b>Policy ENV6: Protection of Important Views</b>	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
<b>Policy ENV7: Footpaths and Cycleways</b>	Para 30 & 75	This policy aims to protect the existing cycle and pedestrian network. In doing so, it has regard to the NPPF in terms of ‘promoting sustainable transport’, reducing congestion and greenhouse gas emissions and ‘promoting healthy communities’.
<b>Policy ENV8: Sustainable Development</b>	Para 17	Supports proposals that contribute to mitigating and adapting to 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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
<b>Policy ENV9: Area of 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.
<b>Policy ENV10: River and Flooding</b>	Para. 100 & 103	The policy seeks to support initiatives for mitigating the effects of flooding and future sustainable management of rivers and surface water. This approach has regard to the NPPF and in particular directing development away from areas at highest risk and ensuring flood risk is not increased elsewhere.

## 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 retention and enhancement of community facilities; and protecting the network of footpaths and cycleways.
  - contributing to protecting and enhancing the natural, built and historic environment by protecting the sites of environmental significance from development; conserving the intrinsic landscape of the area through the protection of views, physical and visual separation of settlements and high quality design; and protection and enhancement of local habitats.
  - supporting a strong economy by ensuring the ongoing vitality of the settlements by planning positively for future housing development and appropriate infrastructure; and supporting broadband infrastructure to assist home-working.
  - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements; supporting sustainable modes of transport; and mitigating the effects of flooding.

### **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 Melton Local Plan 1999. 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 Melton Local Plan 1999.

Table 2: Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the Melton Local Plan 1999

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy H1 Housing Provision</b>		Given how dated the adopted Local Plan is, the Neighbourhood Plan in accordance with the national guidance, has considered the latest and up-to-date evidence of housing need used to inform the emerging Local Plan. This policy is in general conformity with the settlement hierarchy identified in the emerging Local Plan and the apportioned housing requirements for the parish, agreed in consultation with the Borough Council.
<b>Policy H2 Housing Allocations</b>	Policy OS1	The proposed housing allocations do not sit within the current ‘village envelopes’ outlined in the adopted Local Plan. However, allocations are based on those put forward through the Borough Council Strategic Housing Land Availability Assessment and the subsequent housing allocations in the emerging Local Plan. The housing allocations will sit within amended Limits to Development proposed in the draft Neighbourhood Plan.
<b>Policy H3 Limits to Development</b>	Policy OS1	The Local Plan includes ‘village envelopes’, within which, subject to certain criteria, a general presumption in favour of most development will be applied. The Neighbourhood Plan seeks to update these ‘envelopes’ to reflect housing allocations and thus is in general conformity with the Local Plan.
<b>Policy H4: Building Design Principles</b>	Policy OS1 & BE1	The Local Plan, like the Neighbourhood Plan seeks to ensure good design, which ‘harmonises with the traditional character of the villages.’
<b>Policy H5 Noise Mitigation</b>	Policy OS1	Policy H5 seeks, where necessary for new dwellings to include measures to mitigate the effects of noise. This is in general conformity with the Local Plan, specifically Policy OS1.
<b>Policy H6: Housing Mix</b>		There is no explicit policy direction with regards housing mix in the adopted Local Plan. Policy H6 does not contradict the strategic intent of any saved policies in Local Plan.
<b>Policy H7: Windfall Sites</b>	Policy H6	The preference of the Neighbourhood Plan for small scale windfall development is in general conformity with the Local Plan which seeks to confine development within village envelopes to ‘small groups of dwellings, single plots or the change of use of existing buildings. Evidence from the draft Local Plan has been drawn on to set windfall limits for each settlement.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy H8: Affordable Housing</b>	Policy H7	The Local Plan supports the provision of affordable housing where there is evidence of need. The Neighbourhood Plan, in providing a strong justification for such a need, meets this requirement and thus is in general conformity.
<b>Policy H9: Developer Contributions</b>		There are no saved policies within the Local Plan that conflict with the prioritisation of local infrastructure projects.
<b>Policy TR1 Traffic Management</b>	Policy T6	Policy TR1 is in general conformity with the Local Plan which supports the provision of safe cycle and pedestrian routes in association with new development.
<b>Policy CF1: The Retention of Community Facilities</b>	Policy CF4	Policy CF 1 is in general conformity with Local Plan policy CF4 which does not grant permission for development which would result in the loss of community facilities unless there is no local need or a replacement can be provided. The Neighbourhood Plan provides further detail, by identifying those community facilities that are important to the local community.
<b>Policy CF2: New or Improved Community Facilities</b>	Education and Community Facilities (para. 10.5)	There is no explicit policy direction with regards new or improved community facilities in the adopted Local Plan. Policy CF2 does not contradict the strategic intent of any saved policies and supports one of the identified aims in the Local Plan, that is to ‘encourage and provide for the development of community facilities to meet the needs of the Borough.’
<b>Policy E1: Broadband Infrastructure</b>		There are no saved policies within the Local Plan that conflict with the support for broadband infrastructure.
<b>Policy ENV1: Protection of Local Green Spaces</b>	Policy BE12	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.’
<b>Policy ENV2: Protection of Other Sites of Environmental (Natural and Historical) Significance</b>	Policy C13	The Local Plan seeks to protect sites of ecological, geological and other scientific importance and encourages the management of land for nature conservation. 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 of Policy C13.

Neighbourhood Plan Policy	Local Plan Policies	Commentary
<b>Policy ENV3: Important Woodland, Trees and Hedges</b>	Policy C14 & C16	Policy ENV3 of the Neighbourhood Plan is in general conformity with Policy C14 which seeks to retain, replace or reinstate hedgerows and tree belts and woodlands affected by development.
<b>Policy ENV4: Biodiversity</b>	Policy C13 & C14	The Local Plan seeks to protect sites of ecological, geological and other scientific importance and encourages the management of land for nature conservation. The Neighbourhood Plan in seeking to protect biodiversity and designate a wildlife corridor, adds further detail and value at the neighbourhood level and is in general conformity with the overarching principles of Policy C13.
<b>Policy ENV5: Ridge and Furrow Fields</b>	Policy C13	Policy ENV5 is in general conformity with the Local Plan, which seeks to conserve the natural beauty and amenity of the countryside. 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 emerging Local Plan, which recommends the conservation, enhancement and interpretation of ridge and furrow.
<b>Policy ENV6: Protection of Important Views</b>	Policy C2	Whilst there is no explicit policy regarding the protection of views, the Local Plan supports the protection of the character and appearance of the rural landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the broad aims for the countryside and natural environment in the Local Plan.
<b>Policy ENV7: Footpaths and Cycleways</b>	R8, R9 & R10	Whilst there is no generic strategic policy regarding the protection of footpaths and cycleways, the Local Plan includes several policies protecting specific routes. Policy ENV7 generally conforms with the implicit objectives of the Local Plan in relation to recreation and leisure.
<b>Policy ENV8: Sustainable Development</b>	BE1	Policy ENV8 and its support for development that contribute to a low carbon future and mitigating and adapting to climate change is in general conformity with the Local Plan.
<b>Policy ENV 9: Areas of Separation</b>	Policy OS1	The Local Plan supports the principle of non-coalescence of existing settlements by not supporting development outside of the village envelopes where this would lead to this occurring.
<b>Policy ENV 10: River and Flooding</b>		There are no saved policies within the Local Plan that conflict with mitigation of local flooding.

## 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 which determined:

3.12 It is unlikely that there will be any significant environmental effects arising from the Frisby on the Wreake Neighbourhood Plan, that were not covered in the Sustainability Appraisal of the Local Plan. As such, the Frisby on the Wreake Neighbourhood Plan does not require a full SEA to be undertaken.

### Habitats Directive

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

3.14 A Screening opinion was issued by Melton Borough Council with regards to a Habitats Regulations Assessment. This determined that an Appropriate Assessment was not required under Habitat Regulations. The consultation bodies were asked to comment and no concerns were raised.

### Convention on Human Rights

3.15 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that

the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

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

## **4.0 Conclusion**

- 4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Frisby on the Wreake 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 Melton Local Plan 1999 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Frisby on the Wreake Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.