

Leire Neighbourhood Plan

Statement of Basic Conditions

August 2020

Prepared by Leire Parish Council

1.0 Introduction

This statement has been prepared by the Leire Parish Council Neighbourhood Plan Advisory Committee to accompany its submission to the local planning authority (Harborough District Council) of the Leire 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 2019 to 2031 and it does not contain policies relating to excluded development, in accordance with the Regulations. The way in which the Neighbourhood Development 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
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- 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 Leire Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Leire 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 Neighbourhood Plan for Leire
- The Leire Neighbourhood Plan Consultation Statement
- The Leire Neighbourhood Plan Strategic Environmental Assessment Screening Report

1. Legal Requirements

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

2. The Plan is being submitted by a qualifying body

The Neighbourhood Plan has been submitted by Leire Parish Council, which is a Qualifying Body and entitled to submit a Neighbourhood Plan for its own Parish. The Neighbourhood Plan has been prepared by an Advisory Committee set up by Leire Parish Council.

3. What is being proposed is a neighbourhood plan

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

4. The proposed neighbourhood plan states the period for which it is to have effect

The Leire Neighbourhood Plan states that the period which it relates to is from 2019 until 2031. The period has been chosen to align with that of the Harborough District Council Local Plan.

5. The policies do not relate to excluded development

The Leire 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 raised no objections in relation to compatibility with the existing adopted Leicestershire Minerals Local Plan.

6. The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area.

The whole parish of Leire was formally designated as a Neighbourhood Area by Harborough District Council on 4 December 2017. The proposed Neighbourhood Plan relates only to the parish of Leire and no other area. It does not relate to more than one neighbourhood area. There are no other Neighbourhood Plans in place within the neighbourhood 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.

1. The Basic Conditions

This section addresses how the Leire 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 Council Local Plan 2011-2031.

The Neighbourhood Plan has been prepared with reference to the Local Plan which was Adopted in April 2019.

2. Having regard to national policies and advice

The Leire Neighbourhood Plan has been developed in consideration of the National Planning Policy Framework, updated in 2019. An explanation of how each of the neighbourhood plan policies have shown regard to the NPPF are outlined in the table below.

In general terms:

- The local community has been empowered to develop the plan for their neighbourhood.
- The Leire Neighbourhood Plan sets out a positive aim for the future of the area; *“The vision is for strengthening further a healthy community spirit and for future development to enable the overall rural identity of the parish to be retained..”*
- The policies in the Leire Neighbourhood Plan provide a practical framework within which

decisions on planning applications can be made with a high degree of predictability and efficiency.

- The development of the Leire Neighbourhood Plan has been a creative process and policies seek to enhance and improve the area.
- The Leire Neighbourhood Plan policies seek to ensure that the impact of the SDA is suitably mitigated, secure high quality design and good standard of amenity, recognise and seek to enhance the unique character of the area, support the transition to a low carbon future, contribute to conserving and enhancing the natural environment and heritage assets, actively manage patterns of growth to make the fullest use of public transport, walking and cycling and support local strategies to improve health, social and cultural wellbeing.

3. Achieving sustainable development

The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. However, the Leire Neighbourhood Plan has been drafted to conform generally with the approved Harborough District Council Local Plan, adopted in April 2019, for which a sustainability appraisal has been carried out to help deliver sustainable development across the District. This section of the Statement demonstrates how the Leire Neighbourhood Plan fulfils the basic condition that the plan contributes to achieving sustainable development.

The NPPF sets out three dimensions to sustainable development:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
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The ways in which the Leire Neighbourhood Plan contributes to achieving the economic, social and environmental aspects of sustainable development are set out below:

- Contributing to building a strong economy through the protection of existing employment sites, supporting small scale business development and expansion and encouragement of start-up businesses and home working.
- Planning positively for housing growth through a windfall policy to meet the needs of present and future generations in line with District-wide housing growth predictions.
- Supporting good design of the built environment, making Leire an even better place to live.
- Supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people and promote a healthy and inclusive community.
- Safeguarding existing open space and community facilities for the health, social and cultural wellbeing of the community.
- Supporting new development where it relates well to the existing built up area of the village and incorporates pedestrian and cycle links which provide good connectivity with the rest of the village.
- promoting policies to protect locally important landscape features and biodiversity, which contribute toward the sense of community and quality of life in the area.

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

The Neighbourhood Plan has been developed in general conformity with the strategic policies contained in Harborough District Council's approved Local Plan adopted in April 2019 as set out below:

Leire Neighbourhood Plan policies	NPPF para	Regard to National Planning Policy (NPPF 2019)	General Conformity with Harborough Local Plan 2011-2031
H1 Residential site allocation	7, 10, 11	Inclusion of a housing target supports the NPPF 'presumption in favour of sustainable development' by providing for the strategic development needs set out in the Local Plan.	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 exceed minimum housing targets utilising evidence within the Local Plan, supports the Local Plan aim of achieving sustainable development. (Policies GD1 and H1)
H2: Windfall Development	68, 70,	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.	Policy HBE4 is in general conformity with CS17 which supports development in Rural Centres located and designed in a way that reflects the available range of services and facilities. (GD2)
H3: 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 amongst other things, supporting affordable housing where there is an identified need	H2 supports housing development which contributes towards the provision of affordable housing, where there is a demonstrable need. Further, this strategic policy outlines that all residential development within the District of more than 10 dwellings will be required to contribute towards meeting affordable housing needs.

H4: Limits to Development	9, 11, 79,	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, Settlement Boundaries 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 HBE1 updates the existing Limits to Development used by the District Council, taking into account existing planning permissions. 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. Although the Local Plan has removed the previous limits to development, by exceeding the minimum housing requirements and undertaking a residential allocation, the NP meets the strategic requirement for new development and is in line with LP policy GD2
H5: Design	8, 28, 110, section 12	The policy outlines several design principles and supports the NPPF principle of requiring good design; and the need to respond to local character and history of the local surroundings. Importantly the policy does not impose architectural styles and hence does not stifle an innovative approach.	The pursuance of high-quality design is consistent across both the Neighbourhood Plan and Local Plan, particularly the need for development to respect local character and distinctiveness. Local Plan policy GD8 promotes good design in development.
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 policy to protect local green space is in general conformity with policy G14 which seeks to protect the most important local open spaces, recognising the role of neighbourhood plans in ensuring comprehensive coverage across the district.

<p>ENV2: Important Open Spaces; ENV3: Protection of sites and features of natural environmental significance; ENV 4: Biodiversity and Habitat Connectivity; ENV5: Protection of sites of historical significance; ENV7: Tracks, Roads and Hedges of Environmental Significance</p>	<p>Section 15, 178</p>	<p>These policies seek to protect other open space with environmental and historic value on account of their natural and/or historical features. It also has regard for biodiversity. This has regard to the NPPF principles conserving and enhancing the natural and historic environment. It takes into account the designation hierarchy and the protection is commensurate with their status.</p>	<p>The Local Plan safeguards green infrastructure assets and promotes avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.</p> <p>The policies are in conformity with the strategic policies in the Local Plan which seek to protect habitats and species and further develop the green infrastructure asset of the District.</p> <p>They are also in general conformity with GI 1 which seeks to protect and enhance green infrastructure which contribute to healthy lifestyles and a rich, diverse natural environment, including support for proposals that mitigate against climate change.</p>
<p>Policy ENV6: Non-designated heritage assets</p>	<p>79, 184, 185</p>	<p>The NPPF requires Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets</p>	<p>A key issue in the Local Plan is to ensure that the provision of new development needs to be achieved whilst also paying due regard to the protection and enhancement of heritage assets. Planning Practice Guidance, updated in July 2019, confirms the ability of NPs to identify locally important heritage assets. The policy is in general conformity with Local Plan Strategic Objective 7 which seeks to protect and enhance the character, distinctiveness and historic significance of settlements on the conservation and enhancement of the historic environment.</p>
<p>ENV7: Ridge and Furrow</p>	<p>187</p>	<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>The Local Plan 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. (HC1)</p>

ENV8: Area of Separation	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.	The principle of establishing areas of separation is contained in Local Plan Policy GD6, which references the ability of Neighbourhood Plans to establish their own policies to prevent coalescence.
ENV9: Protection of Important Views	20, 127, 141	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	The Local Plan recognises the importance of landscape character. Important public views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of Policy GD5.
ENV10: Footpaths and Bridleways	Para. 30 & 75	The policy safeguards existing networks of footpaths and in so doing supports the NPPF aims of promoting sustainable transport and promoting healthy communities.	The Local Plan endorses improving the green infrastructure network, including increased opportunities for public access to the countryside. Links to the green infrastructure are recognised as promoting healthy lifestyles in Policy GD8.
ENV11: Biodiversity protection in new development; ENV12: Renewable Energy Generation infrastructure; CC5 Electric Vehicles	105, 110, 148, 151, 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. Furthermore, the NPPF supports the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and that applications for development are designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.	The Neighbourhood Plan, by supporting measures to mitigate climate change is consistent with the Local Plan which outlines support for such development (CC1). Local Plan Objective 12 seeks to maximise energy efficiency.

<p>ENV13: Managing and providing resilience to flood risk</p>	<p>Section 14 and paras 157-158</p>	<p>The policy seeks to address potential flooding by ensuring development is not undertaken in high risk zones without suitable mitigation measures, integrating appropriate design measures and that flood risk is not increased elsewhere. This policy has regard for the NPPF and in particular meeting the challenge of climate change and flooding.</p>	<p>Local Plan Policy CC3 Managing Flood Risk requires development to take place in the areas of lowest risk of flooding and identifies criteria to be met to minimise the impact of flooding.</p>
<p>CF1: Protection and Enhancement of Community Facilities.</p>	<p>20, 28, 70, 83, 92, 182,</p>	<p>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. In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.</p>	<p>Policy CF1 concurs with the principle aims of HC2 which is to retain and enhance community facilities. Local Plan policy HC2 also seeks to promote new community facilities close to the communities they serve.</p>
<p>T1: Traffic management</p>	<p>Section 9</p>	<p>This policy seeks to manage potential traffic issues arising from development and has regard for ‘promoting sustainable transport’ and supporting reductions in greenhouse gas emissions.</p>	<p>Policy T1 is in general conformity with IN2 which seeks to reduce the negative impact of the transport system on the environment and individuals.</p>
<p>BE1: Employment and Business Development; BE2: Support for New Employment Opportunities; BE3; Home Working; BE4: Re-Use of Agricultural and Commercial Buildings.</p>	<p>20, 72, 104, 121</p>	<p>The policies supports existing employment and the provision of new employment opportunities through small scale employment premises. Promoting access to employment is a key element in the pursuance of sustainable development as outlined in the NPPF. The policies aim to support a prosperous rural economy, to grow and where possible, diversify the local economy.</p>	<p>These policies are in general conformity with the Local Plan which supports employment which diversifies the rural economy or enables the expansion of business. (BE1)</p>

BE5: Broadband and Mobile Phone Provision	Section 10	The NPPF recognises the importance of telecommunications for economic growth and social well-being.	Policy IN3 on electronic connectivity promotes telecommunications development.
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5. 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.

In the case of the Leire Neighbourhood Plan:

- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programs Regulations 2004.
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal carried out for Harborough District Council's Local Plan.

A Screening opinion was issued by Harborough District Council with regards to the Strategic Environmental Assessment. This determined that a full SEA was not required. The consultation bodies were asked to comment and no concerns were raised.

Habitats Directive

The Leire NP 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 draft Neighbourhood Plan is being consulted on 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 Leire Neighbourhood Plan Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

5.0 Conclusion

This Basics Conditions Statement demonstrates that the Leire Neighbourhood Plan:

- has regard to national policy;
- contributes towards the achievement of sustainable development;
- is in general conformity with the Harborough District Local Plan (Adopted April 2019)
- does not breach, and is otherwise compatible with EU obligations; and
- has met the prescribed conditions and matters in connection with the proposal for the Neighbourhood Development Plan.

It is therefore respectfully suggested to the Examiner that the Leire Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act and the requirements of Paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 Act.
