

# Misterton with Walcote Neighbourhood Plan

## Statement of Basic Conditions

June 2020

Prepared by Misterton with Walcote Parish  
Council

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## 1.0 Introduction

This statement has been prepared by the Misterton with Walcote Parish Council Neighbourhood Plan Advisory Committee to accompany its submission to the local planning authority (Harborough District Council) of the Misterton with Walcote 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)
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- (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 Misterton with Walcote Neighbourhood Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Misterton with Walcote 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 Misterton with Walcote
- The Misterton with Walcote Neighbourhood Plan Consultation Statement
- The Misterton with Walcote Neighbourhood Plan Strategic Environmental Assessment Screening Report

### **3.1 Legal Requirements**

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

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

The Neighbourhood Plan has been submitted by Misterton with Walcote 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 Misterton with Walcote Parish Council.

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

The Misterton with Walcote 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.

### **3.4 The proposed neighbourhood plan states the period for which it is to have effect**

The Misterton with Walcote 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

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Local Plan.

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

The Misterton with Walcote 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.

### **3.6 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 Misterton with Walcote was formally designated as a Neighbourhood Area by Harborough District Council on 3 April 2017. The proposed Neighbourhood Plan relates only to the parish of Misterton with Walcote 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.

## **4.1 The Basic Conditions**

This section addresses how the Misterton with Walcote 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.

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

The Misterton with Walcote Neighbourhood Plan has been developed in consideration of the National Planning Policy Framework, updated in 2019. An explanation of how each of the

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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 Misterton with Walcote 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 Misterton with Walcote 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 Misterton with Walcote Neighbourhood Plan has been a creative process and policies seek to enhance and improve the area.
- The Misterton with Walcote 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.

### **4.3 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 Misterton with Walcote 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 Misterton with Walcote 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
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- 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.

The ways in which the Misterton with Walcote 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 Misterton with Walcote 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.

#### **4.4 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:

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<i>Misterton with Walcote Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy (NPPF 2019)</i>	<i>General Conformity with Harborough Local Plan 2011-2031</i>
<b>HBE1: Limits to Development</b>	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
<b>HBE2: East of Lutterworth SDA</b>		Policy HBE2 is in general conformity with the Local Plan and in particular, policy CS7	The policy supports potential future development needs and seeks to shape and direct those elements that are outside of the strategic realm of the emerging Local Plan. HBE2 is in general conformity with Local Plan policy L1 which describes the strategic elements of the East of Lutterworth SDA
<b>HBE3: Housing Mix</b>	62, 91	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.	The Local Plan supports development that provides for the varied housing needs of the community, as identified in the Neighbourhood Plan and based on current data. (H5)
<b>HBE4: Windfall Development</b>	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	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)

		proven track record in providing a good source of new housing over recent years in the Parish.	
<b>HBE5: Rural Exception Sites</b>	61, 62, 63, 64	This policy supports the provision of affordable housing on Rural Exception Sites 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	HBE5 supports housing development which contributes towards the provision of affordable housing, where there is a demonstrable need. Local Plan policy H3 supports rural exception sites where there is evidence of local affordable housing need.
<b>HBE6: Design</b>	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.
<b>ENV1: Protection of Local Green Space</b>	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.
<b>ENV2: Protection of sites of environmental significance; ENV3: Open Spaces, Sports and Recreation sites: Local Landscape Character; ENV 6: Biodiversity, Woodland, Hedges and Habitat Connectivity.</b>	Section 15, 178	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.	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. 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. 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.
<b>Policy ENV4: Non-designated heritage assets</b>	79, 184, 185	The NPPF requires Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets	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.
<b>ENV5: Ridge and Furrow</b>	187	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.	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)
<b>ENV7: Protection of Important Views</b>	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.
<b>ENV8: Energy Generation and Conservation; TR2 Electric Vehicles</b>	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	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.

		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.	
<b>CF1: Retention of Community Buildings Facilities, Amenities and Assets</b>	20, 28, 83, 92, 182,	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.	Policy CF1 concurs with the principle aims of HC2 which is to retain and enhance community facilities.
<b>CFA2: New or Improved Community Facilities</b>	70	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	Local Plan policy HC2 also seeks to promote new community facilities close to the communities they serve.
<b>T1: Traffic management</b>	Section 9	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.	Policy T1 is in general conformity with IN2 which seeks to reduce the negative impact of the transport system on the environment and individuals.
<b>BE1: Support for Existing employment opportunities; BE2: Support for New Employment Opportunities; BE3; Home Working; BE4: Farm Diversification</b>	20, 72, 104, 121	The policy 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 policy aims to support a prosperous rural economy, to grow and where possible, diversify the local economy.	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)
<b>BE4: Broadband and Mobile Phone Provision</b>	Section 10	The NPPF recognises the importance of telecommunications for economic growth and social well-being.	Policy IN3 on electronic connectivity promotes telecommunications development.

## 4.5 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 Misterton with Walcote 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.

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## **Habitats Directive**

The Misterton with Walcote 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 Misterton with Walcote 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 Misterton with Walcote 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 Misterton with Walcote 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.

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