

# The Kibworth Villages Neighbourhood Plan Review 2017-2031 Statement of Basic Conditions

FEBRUARY 2022

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## 1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Kibworth Villages 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 Kibworth Beauchamp 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 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 2017 until 2031. The period has been chosen to align with that of the Harborough Local Plan which was adopted on 30 April 2019.

### **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 Harborough District Council on 16 January 2015. The Plan does not relate to more than one Plan area. There are no other neighbourhood plans in place within the 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 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) 2021 and to the strategic policies contained in the Harborough Local Plan (2019).

3.2 The Neighbourhood Plan has been informed by the evidence base of the Harborough Local Plan, which was Adopted on 30 April 2019.

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

3.3 The Neighbourhood Plan has been developed having regard to the NPPF amended in 2021. 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.
- 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 and biodiversity.

### **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 Harborough Local Plan 2011-2031.
- 3.6 The table below provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Strategic Policies of the Harborough Local Plan 2011-2031 and the National Planning Policy Framework 2021.

| <i>Kibworth Villages Neighbourhood Plan policies</i>   | <i>NPPF para</i> | <i>Regard to National Planning Policy</i>   | <i>General Conformity with Harborough Local Plan 2011-2031</i>  |
|--|------------------|---|---|
| <b>Policy SD1: Limits to Development</b>   | 9, 11, 80        | 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>The new Local Plan has removed settlement boundaries which were present in the previous Local Plan.</p> <p>The Neighbourhood Plan satisfies the requirement of policy GD1 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> |
| <b>Policy CSA1: Pre-School Provision<br/>Policy CSA2: Schools</b>  | 94 - 96          | Policies to support expansion of schools and the provision of pre-school education will help deliver the local services required to enhance the sustainability of the community. The NPPF notes the importance the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.  | Schools are covered by Local Plan policy HC2 as they are mentioned in the narrative as playing an important role in the life of villages  |
| <b>Policy CSA3: Multi-functional Community Centre<br/>Policy CSA4: Sporting Facilities<br/>Policy CSA7: Safeguarding and enhancement of Community facilities</b> | 8, 92, 119       | 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>Policy CSA5: GP premises</b>  | 20               | The NPPF requires strategic policies to make sufficient provision for community facilities including health provision.  | The Local Plan vision promotes access to health facilities and a Local Plan objective is to ensure the delivery of health infrastructure.   |
| <b>Policy H1: Residential Site Allocations</b>   | 7, 10, 11        | The inclusion of a housing allocation policy supports 'the presumption in favour of sustainable development' by   | This policy is in general conformity with the settlement hierarchy identified in the Local Plan and the apportioned   |

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|   |                                 | planning positively, shaping and directing development and providing for, and exceeding, the strategic development needs set out in the Local Plan.  | housing requirements for the parish, as outlined in policies GD1 and H1 which establishes the residential target for Kibworth Villages.   |
| <b>Policy H2: Windfall Housing</b>  | 69, 71                          | 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. | Support for small scale windfall development is in general conformity with the Local Plan (Policies H1 and H5) which identify the need for windfall development where there is evidence of demand.          |
| <b>Policy H3: Affordable Housing</b><br><b>Policy H4: Promoting self-build</b>  | 61, 62,<br>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.   | Policy HBE6 is in general conformity with Local Plan policy H2 which sets targets for affordable housing and establishes the need for an appropriate mix of affordable housing.                             |
| <b>Policy H5: Housing Mix</b>   | 63                              | 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>Policy H6: Building Design Principles</b><br><b>Policy H7: Residential car parking</b><br><b>Policy H8: Refuse Storage</b><br><b>Policy H9: External Storage</b> | 8, 28,<br>112,<br>section<br>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 Local Plan promotes good design and identifies the need for development to ‘achieve a high standard of design quality’.<br><br>These NP policies add local detail to Local Plan policy GD8.             |
| <b>Policy ENV1: Protection of Local Green Spaces</b>  | 101-<br>103                     | 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 ‘Local Green Spaces’ and adds local detail to policy G14. |

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| <p><b>Policy Env2: Important Woodland and Trees</b><br/><b>Policy Env5: Hedges</b></p> | Section 15              | <p>These policies seek to protect woodland, trees and hedges with environmental value. 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 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 features for protection, adds further detail and value at the neighbourhood level and is in general conformity with the overarching principles contained in policies G12 ‘open space sport and recreation’ and G15 ‘Biodiversity and Geodiversity’</p> |
| <p><b>Policy ENV 3: Biodiversity</b></p>   | 179                     | <p>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.</p>  | <p>Protection and enhancement of designated and non-designated ecological sites suitably conforms with the strategic policies of the local plan and in particular, G15 which seeks to safeguard, protect and improve biodiversity in new development.</p>  |
| <p><b>Policy ENV 4: Ridge and Furrow Fields</b></p>                                    | 189                     | <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 ENV5 is in general conformity with the Local Plan vision which seeks to improve the diversity and quality of the countryside.</p>  |
| <p><b>Policy Env6: Area of separation</b></p>  | 20, 145, 174            | <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>The strategic policies in the Local Plan advocate for the protection and enhancement of local landscape, character and heritage, consistent with the values attributable to Areas of Separation.</p>  |
| <p><b>Policy Env7: Renewable and low carbon energy development</b></p>                 | 105, 110, 148, 151, 154 | <p>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.</p>  | <p>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>   |

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| <b>Policy Env8: Watercourses and Flooding</b>                       | Section 14 | The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.  | Local Plan Policy CC3 requires development to take place in the areas at lowest risk of flooding   |
| <b>Env9: Grand Union Canal in Kibworth Beauchamp</b>                | 79         | The policy seeks to protect the community, heritage and biodiversity value of a natural asset and in so doing contributes to conserving and enhancing the natural and historic environment.  | Policy GI1 recognises the Grand Union Canal as part of a green infrastructure network to be safeguarded and enhanced.  |
| <b>Policy Env10: Buildings and Structures of Local Significance</b> | Section 15 | <p>Policy Env 2 seeks to protect other open space with environmental value on account of their historical features. 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>Policy Env 3 recognises Kibworth Villages’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>The Local Plan supports development which safeguards green infrastructure assets and avoiding the loss of features of habitats of landscape, historic, wildlife or geological importance, whether of national or local significance.</p> <p>Policy ENV 3 is in general conformity with Local Plan policy HC1, the narrative to which states ‘the character, quality and diversity of the District’s extensive historic environment will be taken fully into account with a view to its conservation and enhancement in the context of the sustainable development of the District’.</p> |

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| <p><b>Policy T1: Transport Assessment for New Housing Development</b><br/> <b>Policy T2: Access onto the A6</b><br/> <b>Policy T3: Public Car Parking</b><br/> <b>Policy T4: Improvements to Road Safety</b><br/> <b>Policy T5: Traffic Management</b></p> | Section 9  | 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.   | Local Plan policy IN2 supports the traffic management proposals contained in the Neighbourhood Plan policy TR1   |
| <p><b>Policy T6: Air Quality</b></p>   | 102, 103   | <p>Addressing air quality through support for proposals that support sustainable forms of transport has regard to the NPPF.</p> <p>Para 103 recognises the need to improve air quality</p>   | Addressing air quality is a key issue in the Local Plan (Key Issue 8)  |
| <p><b>Policy T7: Electric Vehicles</b></p>   | 107, 112   | 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.   | This policy is in general conformity with Local Plan policies IN2 which address issues concerning energy efficiency/low carbon development and energy generation from renewable and low carbon sources and specifically references the provision of electric vehicle recharging facilities where appropriate.          |
| <p><b>Policy E1: Local Shopping Area</b><br/> <b>Policy E2: Shop Frontages</b></p>   | Section 12 | These policies have regard for the importance of good design as a key aspect of sustainable development and in particular to create attractive places and respond to the local character and history.  | The Local Plan promotes good design and identifies the need for development to 'achieve a high standard of design quality'.<br>NP policy E2 adds local detail to Local Plan policy GD8.  |
| <p><b>Policy E3: Home Working</b></p>  | 106        | 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 150 of the Local Plan which identifies the need for high speed broadband. NP policy BE3 is also in general conformity with Local Plan policy CC1 in helping to mitigate the effects of climate change by reducing carbon emissions caused by travel to work. |

## 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 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. This is achieved by:

| NPPF (2021) Sustainability Objectives sections 5-17 | Kibworth Review Policies in support of NPPF objectives   |
|---|--|
| 1 – Delivering a sufficient supply of homes         | The NP allocates sites for residential development and includes policies on Limits to Development, windfall development, housing mix and affordable housing to meet local housing needs.   |
| 2 – Building a strong, competitive economy          | Policies relating to home working, farm diversification help achieve this requirement  |
| 3 – Ensuring the vitality of town centres           | The NP has policies relating to the retention and enhancement of community facilities and shops.   |
| 4 – Promoting healthy and safe communities          | The Plan promotes the protection of the countryside, local green spaces, as well as the protection and other environmental enhancements including footpaths which are recognised as a recreational resource and have potential to improve quality of life. The Plan seeks the retention of key local facilities, |

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|   | proving opportunities for people to meet and protect quality of life and has policies relating to health care provision.  |
| 5 – Promoting sustainable development                                     | The residential allocations and limit to development helps to ensure that development is located in the most sustainable areas.   |
| 6 – Supporting high quality communications                                | Not applicable  |
| 7 – Making effective use of land  | The Plan supports infill development and residential allocations alongside the re-use of redundant buildings.   |
| 8 – Achieving well designed places  | A policy on design helps to ensure that this requirement is satisfied.  |
| 9 - Protecting Green Belt Land  | Not applicable  |
| 10 - Meeting the challenge of climate change, flooding and coastal change | The Plan addresses issues relating to renewable energy infrastructure and flooding and promotes the use of electric cars by providing charging points.                                  |
| 11 - Conserving and enhancing the natural environment                     | A range of policies protecting Local Green Spaces, open spaces, woodland and trees, sites of natural environment significance, biodiversity and ridge and furrow are included in the NP |
| 12 - Conserving and enhancing the historic environment                    | A policy on sites of historic environment significance help to achieve this, as well as the identification of non-designated heritage assets for protection.                            |
| 13 - Facilitating the sustainable use of minerals                         | Not applicable.   |

## 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 Harborough District Council which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

### Habitats Directive

3.12 Harborough District 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 Kibworth Villages 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 Harborough Local Plan 2011-2031 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Kibworth Villages Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.