

Wetherley Parish Neighbourhood Plan 2020-2039

Statement of Basic Conditions

NOVEMBER 2021

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Witherley Parish Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
- (a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (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 subparagraph 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 Witherley 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 2020 until 2039. The period has been chosen to align with that of the Hinckley and Bosworth Local Plan review.

[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 Hinckley and Bosworth Borough Council on 3 April 2017. 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 subparagraph (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 saved strategic policies contained in the Hinckley and Bosworth Core Strategy adopted in 2009.

Having regard to national policies and advice

3.2 The Neighbourhood Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF are outlined in the table below.

3.3 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 and businesses through a housing allocation, windfall sites policy and employment policies.
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of a Settlement Boundary.
- 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 along with other environmental policies.

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

3.4 The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Hinckley and Bosworth Core Strategy adopted in 2009.

3.5 The table below provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved Strategic Policies of the Hinckley and Bosworth Core Strategy adopted in 2009 and have regard for the National Planning Policy Framework (2021).

<i>Witherley Parish Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy (NPPF 2021)</i>	<i>General Conformity with Hinckley and Bosworth Core Strategy 2009</i>
Policy H1: Residential Site Allocations	7, 10, 11	Inclusion of a housing target supports ‘the presumption in favour of sustainable development’ by providing for the strategic development needs set out in the Core Strategy and updated in the evidence being gathered for the emerging Local Plan.	Given how dated the adopted Core Strategy 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 Local Plan and has taken into account the apportioned housing requirements for the parish. The Site Allocations and Development Management Policies DPD includes ‘settlement boundaries, for Key Rural Centres within which, subject to certain criteria, a general presumption in favour of most development will be applied.
Policy H2: Settlement Boundary	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 Settlement Boundary 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. The policy accords with the NPPF in its control of development outside the defined Settlement Boundary (in the open countryside).	The Core Strategy (Policy 17) includes ‘settlement boundaries, within which, subject to certain criteria, a general presumption in favour of most development will be applied. The Neighbourhood Plan seeks to update this boundary to reflect housing allocations and thus is in general conformity with the Core Strategy. Policy H2 is in general conformity with the Core Strategy and the Site Allocations and Development Management Policies DPD which identifies Settlement Boundaries to prevent the unregulated encroachment of development into the countryside.
Policy H3: Housing Mix	63, 92	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.	Core Strategy Policy 7 supports housing development within settlement boundaries that provides a mix of housing types and tenures.

Policy H4: Windfall Sites	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.	The support of the Neighbourhood Plan for small scale windfall development is in general conformity with the Core Strategy (Policy 7) which supports small-scale development based on supporting local need.
Policy H5: Design	8, 28, 112, 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.	Core Strategy Objective 9 seeks to provide distinctiveness in design, as does the neighbourhood plan.
Policy ENV1: Protection of Local Green Space	101 - 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 Core Strategy objective of protecting the Borough’s distinctive landscapes and green infrastructure (Policy 19)
Policy ENV2: Important Open Spaces Policy ENV 3: Protection of sites and features of Environmental Significance Policy ENV6: Sites of Historical Significance	Section 15, 183	This policy seeks to protect Important Open Spaces and other sites with environmental and historic 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. It takes into account the designation hierarchy and the protection is commensurate with their status.	The Local Plan seeks to maintain and enhance areas of biodiversity importance (policies 19, 21, 22). 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 Core Strategy overarching principles
Policy ENV 4: Biodiversity and Habitat Connectivity	189	The policies seek 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.	The Local Plan seeks to maintain and enhance areas of biodiversity importance (policies 19, 21, 22). 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 Core Strategy overarching principles

Policy Env 5: Trees and Woodland.	174, 180,	This policy seeks to prevent damage or loss to trees and woodland of arboricultural significance, in line with the NPPF which promotes policies which recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;	Local Plan Part 2 policy 37 requires adverse impacts on Spatial Objective 10 seeks to protect woodland whilst Policy 20 addresses issues relating to the Green Infrastructure including in rural areas and promotes green infrastructure strategic interventions.
Policy ENV 7: Local Heritage Assets	Para 17 &139	This policy recognises Witherley Parish’s historic character as one of its most important assets and seeks to protect and enhance it. It has regard to the NPPF with regards to identifying non-designated heritage assets for protection. The policy supports the protection of heritage assets and their setting, a core principle of the NPPF.	The Local Plan supports development which reflects concern for the Borough’s heritage assets. This is reflected in the Site Allocations DPD Policy DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
Policy ENV 8: Ridge and Furrow Policy ENV9: Lane Settings Lots	192	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.	Policy ENV3 is in general conformity with the Local Plan which seeks to minimise impacts on the natural environment (p19). The policy also has regard for the Site Allocations and DM Policies DPD which references ridge and furrow in the context of it illustrating ancient farming practices and the agricultural origins of the area.
Policy ENV 10: Safeguarding Important Views	20, 130, 145	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	Whilst there is no explicit policy regarding the protection of views, the Core Strategy includes the statement ‘Surveys have confirmed that the countryside is one of the local assets which is most highly valued by the local community and that it is well used for recreation by local people’. Core Strategy (Policies 19, 21, 22) support 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. Policy DM12 seeks to preserve or enhance views in and out of conservation areas.
Policy ENV11: Footpaths and Bridleways	17, 71, 97 and Section 9	This policy aims to protect the existing 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’, whilst also meeting requirements for promoting healthy communities	DPD Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces sets out that developments within areas of Natural and Semi Natural Open Space will only be considered appropriate where; inter alia; it would promote the establishment and enhancement of pedestrian footpaths and cycleways

Policy ENV 12: Renewable Energy Infrastructure	152, 155, 158	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.	Policy Env12 is in conformity with Local Plan Policy DM2 which is concerned with delivering renewable energy and low carbon development
Policy ENV13: Flood Risk Resilience	20, 152, section 14	The policy seeks to address potential flooding by making development safe without increasing flood risk elsewhere, therefore meeting the requirements of the NPPF which identifies the need to take full account of flood risk	The Core Strategy requires ‘flood mitigation measures, such as sustainable urban drainage ... to be incorporated into new developments’.
Policy ENV14: Area of Separation	Para. 17 & 111	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 Core Strategy Spatial Policy 8 identifies the need to avoid coalescence of settlements ‘so that separate identities remain and the need to safeguard valuable assets such as conservation areas, listed buildings, sites of archaeological and cultural heritage interest, geology and landscape character DPD Policy DM4 ‘Safeguarding the Countryside and Settlement Separation’.
Policy CA1: Retention of Community Facilities and Amenities	20, 28, 84, 93, 187,	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 CF 2 is in general conformity with Local Plan policy DM25 which resists the loss of community facilities. The Neighbourhood Plan provides further detail, by identifying those community facilities that are important to the local community.
Policy CA2: New or Improved Community facilities	8, 92, 119	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	Policy 17 promotes the provision of new community facilities where there is an identified local need.
Policy CA3: Broadband and Mobile Phone Infrastructure	Section 10	The NPPF advocates planning that supports high quality communications infrastructure.	There are no policies within the Local Plan that conflict with the support for broadband infrastructure.
Policy TR1: Traffic management	Section 9	This policy seek to manage potential traffic issues arising from development and has regard for ‘promoting sustainable transport’ and supporting reductions in greenhouse gas emissions.	There are no policies within the Core Strategy or DPD that conflict with seeking developer contributions to address traffic issues.

Policy TR2: Electric Vehicles	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.	Spatial Objective 12 on climate Change seeks to promote green infrastructure and renewable energy technologies.
Policy BE1: Existing Employment Use	20, 73, 106, 123	The policy supports employment. 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.	Supporting existing employment is in general conformity with Policy 7 which seeks to ensure there is a range of employment opportunities within the Key Rural Centres.
Policy BE2: Support for New Businesses and Employment	9, 28 & 37	The policy supports new employment opportunities through small scale employment premises. 'Making it easier for jobs to be created in cities, towns and villages' is a key element in the pursuance of sustainable development as outlined in the NPPF.	Supporting additional employment development on the premise that is within existing buildings, on areas of previously developed land or within the limits to development is in general conformity with Policy 7 which significantly restricts the extension of existing employment sites outside of village envelopes.
Policy BE3: Working from Home	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 general development principles of Policy BE3 conform with those of Policy 7 which specifically references support for home working.
Policy BE4: Farm Diversification	20, 73, 106, 123	Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.	Re-use of agricultural buildings for small business, recreation or tourism is in general conformity with the local plan, most notably policies 7. A spatial objective is to support rural diversification initiatives.
Policy BE5: Tourism	84	The policy in supporting development proposals for tourism and leisure facilities recognises the role that the area can play in 'building a strong, competitive economy' and 'supporting a prosperous rural economy' through sustainable rural tourism and leisure developments.'	Core Strategy Policy 23 encourages the development of new visitor attractions subject to certain conditions. Policy BE5 identifies the conditions that need to be met to support d=such development.

Achieving sustainable development

- 3.7 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Core Strategy.
- 3.8 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.9 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing to meet local need.
 - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, supporting sustainable modes of transport, renewable energy generation and local employment opportunities.
 - protecting and enhancing the distinctive character of the built and natural environment through high quality design, protection of important local green space and protection of important views.
 - conserving and enhancing the natural environment by protecting and supporting a net gain in biodiversity and important habitats.
 - supporting a strong economy through the protection of existing employment sites, support for new businesses including home working and encouragement of superfast broadband.
 - safeguarding and enhancing existing open space, community facilities and pedestrian facilities for the health, social and cultural wellbeing of the community.

EU obligations

Strategic Environmental Assessment (SEA)

- 3.10 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant

EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

3.11 A Screening opinion was issued by Hinckley and Bosworth Borough Council which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

Habitats Directive

3.12 Hinckley and Bosworth Borough Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

Convention on Human Rights

3.13 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to 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 Parish Council 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 Witherley Parish Neighbourhood Plan.
- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Hinckley and Bosworth Local Plan 1999 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Witherley Parish Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.