

Burton Overy  
Neighbourhood Plan  
2018-2031  
Statement of Basic  
Conditions

FEBRUARY 2018

BURTON OVERY PARISH COUNCIL

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## 1.0 Introduction

This statement has been prepared by Burton Overy Parish Council to accompany its submission to the local planning authority (Harborough District Council) of the Burton Overy Neighbourhood Plan (“the 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 2018 to 2031 and it does not contain policies relating to excluded development, in accordance with the Regulations. The manner in which the Neighbourhood 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 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 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 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 Burton Overy Neighbourhood Plan 2018 - 2031
- The Burton Overy Neighbourhood Plan Consultation Statement
- Strategic Environmental Assessment Screening Report - Burton Overy Neighbourhood Plan.

## 3.0 Legal Requirements

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

### 3.1 The Plan is being submitted by a qualifying body

The Neighbourhood Plan has been submitted by Burton Overy 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, appointed by and reporting to the Burton Overy Parish Council.

### 3.2 What is being proposed is a neighbourhood plan

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.

### 3.3 The proposed Neighbourhood Plan states the period for which it is to have effect

The Neighbourhood Plan states that the period which it relates to is from 2018 until 2031. The period has been chosen to align with that of the emerging Harborough District Council Local Plan.

### 3.4 The policies do not relate to excluded development

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. Following consultation, Leicestershire County Council has not raised any concerns relating to the compatibility between the Neighbourhood Plan and the existing adopted Leicestershire Minerals Local Plan.

### 3.5 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.

The whole parish of Burton Overy was formally designated as a Neighbourhood Area by Harborough District Council on 31 July 2015.

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.

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.

## 4.0 The Basic Conditions

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) and to the strategic policies contained in the Harborough District Core Strategy 2006 – 2028.

The Neighbourhood Plan has been prepared with reference to the emerging Local Plan which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is scheduled to be adopted in 2018 or 2019.

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

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 table 1 below.

In general terms:

- The local community has been empowered to develop the plan for their neighbourhood and has undertaken a creative exercise in identifying ways to enhance and improve the area.
- The Plan 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.
- The Plan addresses the District Council's housing requirements in the emerging Local Plan by establishing limits to development that have been drawn to accommodate growth, whilst putting in place policies to protect the distinctive character of the countryside and the built environment.
- The need for high quality design and good standard of amenity for all existing and future residents is incorporated in the Plan policies.
- The Plan takes into account the role and unique character of the area and includes policies that protect and enhance these qualities, supporting a sustainable level of growth to ensure ongoing viability.
- The Plan supports the transition to a low carbon future by focusing future development within or adjacent to revised and updated Limits to Development and safeguarding and supporting sustainable local economic development and community facilities, thereby reducing the need to travel outside of the area for work and leisure.
- The Plan recognises and seeks to conserve heritage assets.
- The Plan supports local strategies to improve health, social and cultural wellbeing by safeguarding and encouraging enhancement of community facilities.

Table 1: Neighbourhood Plan Policies regard to NPPF

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy S1: Limits to Development	Para. 17, 30 & 95	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the current built up area of Burton Overy, seeks to ensure that sufficient sites for new homes and economic activity are available in locations that will not adversely affect the countryside and setting of the village. 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.
Policy S2: Development proposals outside the limits to development	Para 17 & 55	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. The policy accords with the NPPF in its control of development outside the defined Limits to Development (in the open countryside).
Policy H1: Housing Mix	Para 50	The policy seeks to support a mix of housing that meets an identified need in the community. The NPPF advocates for inclusive and mixed communities, which will require a mix of housing types based on current and future demographic trends.
Policy H2: Brownfield Sites	Para 17	Policy H2 prioritises the use of brownfield sites for development and in so doing, has regard to one of the core planning principles of the NPPF which encourages 'the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value'.
Policy H3: Windfall sites	Para 50	The policy seeks to support a mix of housing that meets an identified need in the community. The NPPF advocates for inclusive and mixed communities, which will require a mix of housing types based on current and future demographic trends.
Policy DBE1: Design	Para 58 & 60	This policy outlines a number of design principles and supports the NPPF principle of requiring good design; and in particular 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.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy Env 1: Local Green Spaces	Para. 76 & 77	Protection of Local Green Spaces identified as being special by the community is advocated through the NPPF. Proposed designations meet the criteria set out in the NPPF.
Policy Env 2: Protection of Sites of Environment Significance	Para 109 & 135	This policy seeks to protect other open space with environmental value on account of their historic features. This has regard to the NPPF principles conserving and enhancing the natural environment. It takes into account the designation hierarchy and the protection is commensurate with their status.
<b>Policy Env 3: Biodiversity</b>	Para 109	The policy seeks to protect local habitats and species and where possible create new 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.
Policy Env 4: Woodland, Trees and Woodland	Para. 118	The policy in its aims to protect woodland or trees of arboricultural/ecological significance and amenity value has regard for the NPPF, specifically, the need to conserve or enhance biodiversity and encourage opportunities for its incorporation in and around developments.
Policy Env 5 Ridge and Furrow Fields	Para. 139	This policy seeks to protect ridge and furrow fields and has regard for the NPPF, which considers that non-designated heritage assets of archaeological interest, of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.
<b>Policy Env 6: Protection of Important Views</b>	Para 109	The policy seeks to protect views identified as being significant to the community. In accordance with the NPPF, the planning system should contribute to and where possible; enhance the landscape. Views are a key component of the landscape.
Policy Env 7 Non-designated Heritage Assets	Para.109 & 135	This policy recognises Burton Overy's historic character as an important asset and seeks to protect and enhance it. It has regard to the NPPF with regards identifying non-designated heritage assets for protection.
<b>Policy Env 8: Area of Separation</b>	Para. 17 & 109	The policy seeks to ensure that the physical separation of the settlements is maintained thereby protecting their individuality and character. A Core principle of the NPPF is that planning should empower local people to shape their surroundings and contribute to and enhance the natural and local environment by protecting valued landscapes.

Neighbourhood Plan Policy	NPPF Ref (para.)	Commentary
Policy Env 9: Flooding	Para 100 & 103.	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.
Policy CF1: The retention of Community Facilities and Amenities	Para. 28 & 70	This policy seeks to protect key community facilities. This has regard for the NPPF principle of promoting healthy communities through amongst other things, planning positively for community facilities and guarding against their unnecessary loss.
Policy E1: Re-use of Agricultural and Commercial Buildings	17 & 28	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.
Policy E2: Broadband Infrastructure	Para. 42 & 43	This policy recognises the need for super-fast broadband service and improved mobile telecommunications network for sustainable economic growth in the area. The NPPF advocates planning that supports high quality communications infrastructure.
Policy E3: Working from Home	28 & 29	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.

## 4.2 Achieving sustainable development

The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Local Plan.

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.

The principal ways in which the Neighbourhood Plan contributes to achieving sustainable development are set out below:

- Safeguarding and enhancing existing open space and community facilities and for the health, social and cultural wellbeing of the community.
- Protecting and enhancing the distinctive character of the built and natural environment through high quality design and maintenance of open space around and within the village to retain their setting.
- Supporting strong, vibrant, healthy and inclusive communities by allowing for a supply of housing of the right type and in the right place which meet identified need.
- Supporting the transition to a low carbon future through actively managing patterns of growth within the existing settlement.
- Supporting a prosperous rural economy through the support for small scale business development including working from home and supporting the provision of high quality communications infrastructure.
- Contributing to conserving and enhancing the natural environment by minimising the impacts and where possible improving biodiversity and important habitats.
- Contributing to conserving and enhancing the historic environment by seeking to reduce adverse effects on heritage assets and their setting.

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

The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Harborough District Core Strategy 2006-2028. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted Local Plan. However, given how dated this Local Plan is, considerable regard has been paid to the evidence base of the emerging Local Plan, particularly in relation to housing provision. Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Strategic Policies of Harborough District Council Core Strategy.

Table 2: Assessment of how each policy of the Neighbourhood Plan conforms to the saved strategic policies of the Harborough Core Strategy

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy S1: Limits to Development	CS1, CS2, HS8, CS11	Policy S1 updates the existing Limits to Development used by the District Council, taking into account the planning approvals since they were originally drawn and incorporating areas where development is supported. Limits to Development are supported as a vehicle to shape development in the Core Strategy (policies CS1 and CS2 and identified in the proposal map). The current Limits to Development have not been updated in a number of years, and the need to do so is clearly evident in light of the housing requirements identified through the updated SHLAA.
Policy S2: Development proposals outside the defined limits to development		
Policy H1: Housing Mix	CS1	The Core Strategy supports development that provides for the varied housing needs of the community.
Policy H2: Brownfield Sites	CS1	The Core Strategy gives priority to the use of previously developed land.
Policy H3: Windfall Sites	CS17	Policy H3 is in general conformity with CS17 which supports small scale development located and designed in a way that is sensitive to its landscape setting.
Policy DBE1: Building Design Principles	CS11, CS17	The pursuance of high quality design is consistent across both the Neighbourhood Plan and Core Strategy and in particular the need for development to respect local character and distinctiveness.
Policy ENV1: Local Green Spaces	CS8	The policy to protect local green space is in general conformity with policy CS8 which seeks to ensure a high quality, accessible and multi-functional green infrastructure network across rural areas.
Policy Env2: Protection of Sites of Environment Significance	CS1, CS8, CS17	The Core Strategy 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.
Policy Env3: Biodiversity	CS8.	Policy ENV3 seeks to preserve and where possible, enhance the natural environment for biodiversity, geodiversity, heritage and/or recreation value. These policies are in general conformity with CS8 which seeks to protect and enhance green infrastructure which contribute to healthy lifestyles and a rich, diverse natural environment, including support for proposals that protect and increase tree and woodland cover.
Policy Env4: Woodland Trees and Hedges.	CS8, CS17	The protection of woodland trees is in general conformity with policy CS8 which requires new development to avoid demonstrable harm to habitats which are protected or which are of importance to biodiversity.

Neighbourhood Plan Policy	Core Strategy Policies	Commentary
Policy Env5: Ridge and Furrow Fields	CS1, CS11, CS17	The Core Strategy 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.
<b>Policy Env6: Views</b>	CS8	The Core Strategy supports the protection and enhancement of heritage assets and local landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the aims of Policy CS8.
Policy Env7: Non-designated heritage assets	CS1, CS11	The Core Strategy supports development which protects, conserves and enhances the Districts 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.
<b>Policy Env8: Area of Separation</b>	CS8	The strategic policies in the Core Strategy advocate for the protection and enhancement of local landscape, character and heritage, consistent with the values attributable to Areas of Separation.
Policy Env9: Flooding	CS10	ENV9 is in general conformity with the Core Strategy and in particular CS10 which requires that new development does not increase the level of flooding experienced in other area and that surface water run-off is managed.
Policy CF1: Retention of Community Facilities	CS1 & CS6	Policy CF1 concurs with the principle aims of CS6 which is to retain and enhance neighbourhood retail facilities and CS1 which supports the protection of existing services in smaller settlements.
<b>Policy E1: Re-use of Agricultural and Commercial Buildings</b>	CS7	Policy E1 is endorsed by the Core Strategy and in particular policy CS7 which supports employment development within the countryside in certain circumstances including aiding farm diversification.
Policy E2: Broadband Infrastructure	C17	The Core Strategy supports proposals that reduce the need to travel from rural areas to work and/or shop through reliable and high speed digital connectivity.
<b>Policy E3: Working from Home</b>	CS17	Policy E3 is in general conformity with the Core Strategy which supports proposals that reduce the need to travel, including development which provides or increase the opportunity to work from home.

## 4.4 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.

A Screening opinion was issued by Harborough District Council with regards to the Strategic Environmental Assessment. This determined that “it is unlikely that there will be any significant environmental effects arising from the Burton Overy Neighbourhood Plan Pre-Submission Draft at the date of this assessment, that were not covered in the Sustainability Appraisal of the Core Strategy and the subsequent interim Sustainability Appraisal for the emerging New Local Plan. As such, it is the consideration of the Local planning Authority that the Burton Overy Neighbourhood Plan does not require a full SEA to be undertaken.”

### Habitats Directive

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

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

### Convention on Human Rights

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 Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## 5.0 Conclusion

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 Burton Overy Neighbourhood Plan.

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 Harborough District Core Strategy 2006-2028 and meets relevant EU obligations.

It is therefore respectfully suggested to the Examiner that the Burton Overy Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.