

Middleton on the Hill and Leysters Neighbourhood Development Plan

2011-31

Statement of Basic Conditions

April 2017

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1.0 Introduction

- 1.1 This Basic Conditions Statement (“the Statement”) sets out how, in producing the Middleton on the Hill and Leysters Neighbourhood Development Plan (“the Neighbourhood Plan”), Middleton on the Hill and Leysters Parish Council (the “Parish Council”) has complied with the basic conditions and legal requirements set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by sections 38A and B of the Planning and Compulsory Purchase Act 2004.

2.0 Legal Requirements

2.1 The legal requirements for preparing a Neighbourhood Plan are set out below:

1. The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Middleton on the Hill and Leysters Parish Council.

2. What is being proposed is a neighbourhood development plan

The plan proposal relates to planning matters (the use and development of land) 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. The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from the Plan being made 2011 up to 2031 (the same period as the Herefordshire Core Strategy Local Plan).

4. The policies do not relate to excluded development

The Neighbourhood Plan proposal 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.

5. The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the Middleton on the Hill and Leysters Neighbourhood Area as defined and within the Group Parish of Middleton on the Hill and Leysters, and to no other area. There are no other Neighbourhood Plans relating to that Neighbourhood Area.

3.0 Basic Conditions

3.1 The Basic conditions are set out in paragraph 8(s) of Schedule 4B to the Town and Country Planning Act (1990), as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act (2004).

3.2 A Neighbourhood Plan will be considered to have met the Basic Conditions if:

- 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;
- the making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- 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);
- the making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

3.3 These Basic Conditions are addressed in turn the remainder of this Statement.

4.0 Conformity with National Policy

- 4.1 The Middleton on the Hill and Leysters Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the planning policies of Herefordshire Council, and the comprehensive evidence base that supports these policies. An independent Planning Consultant was engaged to ensure conformity and that relevant policies have been considered and supported.
- 4.2 Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Middleton on the Hill and Leysters Neighbourhood Plan does not undermine the strategic policies of Herefordshire Council; the Plan aims to support these policies by protecting local built and natural heritage assets from insensitive new development and supporting small scale housing development to meet local needs.
- 4.3 The Middleton on the Hill and Leysters Neighbourhood Plan submission version seeks to deliver a minimum of 30 new houses within the Parish across a range of sites. This is in excess of the target of 23 additional dwellings required by the Core Strategy, and represents an 18% increase in the housing stock.
- 4.4 The Plan has regard to the twelve core planning principles set out within paragraph 17 of the NPPF, as set out in Table 1 below:

Table 1 - NPPF Core Planning Principles and the Bishops Frome Neighbourhood Development Plan:

NPPF Core Principle	Neighbourhood Development Plan
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co- operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The emerging vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement as evidenced by the consultation statement provided. The Plan sets out a positive vision for the area up to 2031 and sets out a concise and practical suite of policies to guide development control decisions.</p>

NPPF Core Principle	Neighbourhood Development Plan
<p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Middleton on the Hill and Leysters Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which protect the rural landscape setting, at the same time supporting local business and tourist development with the support of small scale enterprise within the Parish.</p>
<p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>This Submission Neighbourhood Plan refines and amplifies Herefordshire-wide policies and proposals set out in the Core Strategy Local Plan policies. The Submission Neighbourhood Plan supports appropriate residential, business and economic growth in the Parish - in particular Policies ML1, ML2, ML3, ML4, ML10, ML16, ML17 and ML18. The Plan promotes improvements to accessibility through new and existing networks for walking and cycling and improving local traffic management in Policies ML14 and ML15.</p>
<p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>The Submission Neighbourhood Plan sets out policies to protect and enhance local character encourage high quality design in new development, which will help to ensure that amenity and local character are protected – specifically Policies ML2, ML5, ML7, ML8, and ML11.</p>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>The Submission Neighbourhood Plan takes thorough regard of this guidance. Policy ML11 of the Plan defines the rural character of this Parish and protects the key features which contribute towards its character. Policy ML15 seeks to provide opportunities for walking, cycling and quiet enjoyment of the countryside for residents and visitors.</p>
<p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).</p>	<p>The Submission Plan promotes the re-use of brownfield sites and premises within the Parish, encourages the re-use of existing resources and appropriate renewable energy provision – policies ML1, ML8, ML13, ML16 and ML18.</p>
<p>Planning should contribute to conserving and enhancing the natural environment and reducing</p>	<p>The Submission Neighbourhood Plan is fully consistent with this principle and there has been</p>

NPPF Core Principle	Neighbourhood Development Plan
<p>pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.</p>	<p>liaison with Historic England and other agencies in the preparation of several policies. The Plan provides a policy framework for the protection and enhancement of this highly sensitive rural landscape in Policy and as detailed above, significantly favours the re-use of brownfield sites as detailed above.</p> <p>Policies ML1 and ML2 seek to protect the natural environment outside the two villages from inappropriate development. The development sites allocated in Policy ML4 have been identified having regard to environmental considerations in accordance with local and national policy and guidance.</p>
<p>Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.</p>	<p>The Submission Plan encourages the use of brownfield land to accommodate development requirements - principally in Policies ML2 and ML6.</p>
<p>Planning should promote mixed-use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>The Submission Plan aims to protect the farmland surrounding the villages from inappropriate and insensitive development through the identification of a settlement boundary and a restriction on new development in the countryside. This approach will help to ensure that the area continues to provide a high quality environment for the benefit of residents and visitors to the Neighbourhood Plan area. Policy</p>
<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.</p>	<p>The Submission Neighbourhood Plan is fully in line with this principle and the policies relating to the Heritage Assets in the village have been amended following advice from Historic England. Middleton on the Hill and Leysters has a range of heritage assets and features including listed properties, scheduled ancient monument and non-listed assets which are protected by Policy ML11 in particular.</p>
<p>Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable</p>	<p>The Submission Neighbourhood Plan seeks to promote the use of sustainable forms of transport through policies promoting walking and cycling in Policies ML14 and ML15.</p> <p>The Plan strategy is one of focussing growth in the most accessible settlements in the Parish – namely Leyters village and to a lesser extent Middleton on</p>

NPPF Core Principle	Neighbourhood Development Plan
<p>Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs.</p>	<p>the Hill as set out in Policy ML2 Policy ML19 seeks to provide for the community facility needs of the area and Policy ML20 protects existing areas of open space and recreation. Policies ML15 and ML21 seeks to enhance access to the countryside and key facilities.</p>
<p>Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest.</p>	<p>The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish principally through Policy ML11.</p>
<p>Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area.</p>	<p>There are no conservation areas in the Neighbourhood area. As above, the Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish principally through Policy ML11.</p>

- 4.5 **Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest.** The Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish - principally through Policy ML11.
- 4.6 **Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area.** There are currently no conservation areas in the Parish. But as above, the Submission Neighbourhood Plan has special regard to the desirability of preserving features of architectural or historic interest within the Parish principally through Policy ML11.
- 4.7 The making of the neighbourhood development plan is **not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).** The Neighbourhood Plan has been subjected to a separate Screening Process for Strategic Environmental Assessment Scoping and Habitat Regulations Assessment Screening prepared by Herefordshire Council and published for consultation as a Part of Regulation 14.

5.0 Contribution to Achieving Sustainable Development

5.1 The Submission Neighbourhood Development Plan contributes to the achievement of sustainable development in reference to paragraphs 6-10 of the National Planning Policy Framework which outline the Government’s definition of sustainable development.

5.2 The UK Government’s interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is ‘meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

5.3 The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

“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 at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the 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.”

5.4 In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.

5.5 The Table below summarises how the policies and allocations in the Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Plan seeks to support appropriate local economic development which is sensitive to the rural landscape and setting of the Group Parish, for example through conversion of former agricultural buildings for small scale rural enterprise
Social	The Plan protects local community facilities and

Sustainable Development Role	Neighbourhood Development Plan's Contribution
	recognises the role of the landscape and countryside in supporting health and wellbeing of Parish residents The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses.
Environmental	The Submission Neighbourhood Plan sets out policies that protect local wildlife and biodiversity and protects rural landscapes. The Plan seeks to promote more sustainable transport patterns through walking and cycling. Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural and built heritage assets to local residents as an important aspect of the Group Parish's identity.

6.0 Conformity with the Strategic Policies of the Herefordshire Local Plan – Core Strategy

- 6.1 The Neighbourhood Plan has been written to support the strategic development aims of the Herefordshire Local Plan – Core Strategy, including delivery of housing and economic development, and to plan positively taking into account the local issues of Middleton on the Hill and Leysters.
- 6.2 Table 3 below sets out how each policy is in general conformity with the Herefordshire Local Plan – Core Strategy. This assessment is based on the responses submitted by Herefordshire Council to the Regulation 14 consultation.

Table 3 – Conformity of Neighbourhood Plan Policies with the Herefordshire Local Plan – Core Strategy Policies

Neighbourhood Plan Policy Ref	Policy Name	Relevant Herefordshire Local Plan Core Strategy Policy	Comment on conformity where relevant
ML 1	Promoting a Sustainable Community	SS1	Complies and adds local detail.
ML 2	Development Strategy	SS2, RA1-RA4	Complies and adds local detail.
ML 3	The scale of new housing	RA2	Complies by demonstrating how the Core Strategy Housing Target will be met.
ML 4	Housing allocations	RA2	Complies and adds local detail.
ML 5	Housing development within the settlement boundaries	RA2	Complies and adds local detail.
ML 6	Housing in the countryside	RA3	Complies and adds local detail.
ML 7	Extensions to dwellings	SD1	Complies and adds local detail.
ML 8	Design of new housing	SD1-SD4, LD1-LD4	Complies and adds local detail.
ML 9	Ensuring an appropriate range of tenures, types and sizes of houses	H3	Complies and adds local detail.
ML 10	Affordable housing	H1	Complies and adds local detail.
ML 11	Protecting and Enhancing Landscape Character	LD1-LD4	Complies and adds local detail.
ML 12	Broadband	ID1	Complies and adds local detail.

Neighbourhood Plan Policy Ref	Policy Name	Relevant Herefordshire Local Plan Core Strategy Policy	Comment on conformity where relevant
ML 13	Renewable Energy	SD2	Complies and adds local detail.
ML 14	Traffic management and road safety improvements	MT1	Complies and adds local detail.
ML 15	Sustainable Transport measures	SS4, MT1	Complies and adds local detail.
ML 16	Business development	E1, RA6	Complies and adds local detail.
ML 17	Protection of existing employment premises	SC1, E2	Complies and adds local detail.
ML 18	Agriculture and forestry enterprises	RA4	Complies and adds local detail.
ML 19	Enhanced Services and Facilities for the Community	SC1	Complies and adds local detail.
ML 20	Protection and enhancement of community facilities	SC1	Complies and adds local detail.
ML 21	Open Space and Play Areas	OS1, OS2	Complies and adds local detail.

7.0 Compatibility with EU Obligations and Legislation

- 7.1 The Submission Neighbourhood Plan is fully compatible with EU Obligations.
- 7.2 The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Herefordshire Council therefore it is understood that EU Environmental Obligations have been met. The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels.
- 7.3 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely: Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 7.4 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 7.5 Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”
- 7.6 The Group Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

8.0 Meeting the prescribed conditions and matters

- 8.1 The Neighbourhood Plan has been carefully drafted to comply both with the legal requirements and the basic conditions. This Statement has demonstrated that prescribed conditions have been met and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.