

Wigmore Group Neighbourhood Development Plan 2011-2031

Statement of Basic Conditions

14 November 2018

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1.0 Introduction

- 1.1 This Basic Conditions Statement (“the Statement”) sets out how, in producing the Wigmore Group Neighbourhood Development Plan (“the Neighbourhood Plan” or “NDP”), Wigmore Group 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 Neighbourhood Plan is being submitted by a relevant body

This Neighbourhood Plan is being submitted by a relevant body, namely Wigmore Group 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 (General) Regulations 2012.

3. The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan does state the period for which it is to have effect in its title (“Wigmore Group Neighbourhood Plan 2011 – 2031”). It will, though, only have statutory effect from the date that it is adopted up to 2031 (the same end period as the Herefordshire Core Strategy Local Plan).

4. The policies do not relate to excluded development

This Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other excluded 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.

This Neighbourhood Plan proposal relates to the Wigmore Group Neighbourhood Planning Area as defined which is within the Wigmore Group of Parishes, and to no other area. There are no other Neighbourhood Plans relating to this Neighbourhood Area.

3.0 Basic Conditions

3.1 The Basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act (1990), as applied to neighbourhood plans under section 38(3)(c) of the Planning and Compulsory Purchase Act (2004).

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

- it has regard to national policies and advice contained in guidance issued by the Secretary of State;
- it contributes to the achievement of sustainable development;
- it has special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses;
- it has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
- it 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);
- it does not breach, and is otherwise compatible with, EU obligations; and
- it complies with any prescribed conditions and any other prescribed matters in connection with the contents of the Neighbourhood Plan.

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

4.0 Conformity with National Policy and advice

- 4.1 This Neighbourhood Plan has been produced with appropriate regard to the guidance contained within the revised National Planning Policy Framework 2018 (the NPPF). Paragraph 13 of the NPPF states that “ ... Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” This 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 Consultancy was engaged to help ensure conformity and that relevant policies have been considered and supported.
- 4.2 Paragraph 29 states that Neighbourhood Plans should “not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. The Wigmore Group 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 This Neighbourhood Plan seeks to deliver a minimum of 28 more new houses within the Wigmore Settlement area and a minimum of 3 new houses within the Leinthall Starkes Settlement area. These 31 houses plus the 11 houses already built and the planning permission already granted for 10 more residences represents a 14% increase in the housing stock between the years 2011 and 2031. *See Annex 1.*
- 4.4 Paragraph 11 of the NPPF states that “Plans and decisions should apply a presumption in favour of sustainable development”. For neighbourhood development plan making purposes this means that “ ... plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.”. The Wigmore Group Neighbourhood Plan has already identified 3 separate potential development sites in Wigmore and sufficient available space in Leinthall Starkes to deliver more than the minimum amount of sustainable development required by 2031.
- 4.5 Paragraph 13 states that “ ... Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”. Section 8 below shows how each Neighbourhood Development Plan Policy both complies with and adds local detail to policies in the Herefordshire Council Core Strategy.
- 4.6 Paragraph 15 of the NPPF states that “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”. The Wigmore Group Neighbourhood Development Plan is in line with this guidance. It provides 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.

4.7 Paragraph 16 identifies 6 criteria that neighbourhood development plans must meet. These are as set out in Table 1 below:

Table 1 -NPPF paragraph 16 criteria and the Wigmore Group Neighbourhood Plan:

NPPF Criteria	Neighbourhood Development Plan
a) be prepared with the objective of contributing to the achievement of sustainable development	Section 5 of this Basic Condition Statement details how the NDP contributes to sustainable development. During the process of producing this NDP the policies were re-ordered to ensure that policies that relate to environmental issues the most are the first 2 policies (WG1 and WG2).
b) be prepared positively, in a way that is aspirational but deliverable	All the NDP objectives are aspirational and at the same time realistic, achievable and deliverable.
c) be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees	The Consultation Document gives details of the engagement between planmakers and others throughout the period since the planmaking process was initiated. All parties that wished to be or needed to be involved were involved in the process from the beginning, and open consultation has been a feature of the process.
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals	During the process of producing the NDP, all policies have had several amendments in order to make them as clear as possible.
e) be accessible through the use of digital tools to assist public involvement and policy presentation	The various drafts of this NDP have been accessible on line, and when agreed the final document will also be available on line.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)	All NDP policies comply with NPPF and Herefordshire Council Core Strategy policies, but also give local detail those policies. Unnecessary duplication of policies has been avoided.

5.0 Contribution to Achieving Sustainable Development

- 5.1 The Wigmore Neighbourhood Plan contributes to the achievement of sustainable development with reference to paragraphs 7 - 8 of the NPPF which outline the Government's definition of sustainable development.
- 5.2 The UK Government's interpretation of the concept of sustainable development is stated in paragraph 7 of the NPPF which mirrors 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 8, stating that sustainable development has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. Those objectives are:
- a) **an economic objective** –to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect the communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.
- 5.4 Table 2 below summarises how the policies and allocations in the Wigmore Group Neighbourhood Plan contribute to the economic, social and environmental objectives of sustainable development:

Table 2 -NPPF sustainable development objectives and the Wigmore Group Neighbourhood Plan:

Sustainable Development Objective	Neighbourhood Development Plan's Contribution
Economic	The NDP seeks to promote local employment, tourism and working from home opportunities which are sensitive to the rural landscape and setting of the Group Parish (Policy WG10).
Social	The NDP protects local community facilities (Policies WG6 and WG7) and also recognises the role of the landscape and countryside in supporting health and wellbeing of Parish residents (Policy WG1). The Plan also supports new market and local needs housing and a mix of tenures, types and sizes of houses (Policies WG3, WG4 and WG5).
Environmental	The NDP sets out policies that protect local wildlife and biodiversity and protects rural landscapes and dark skies

Sustainable Development Objective	Neighbourhood Development Plan's Contribution
	<p>(Policies WG1 and WG2). The Plan seeks, where possible, to promote more sustainable transport patterns through walking and cycling to any new or “change of use” community facilities (Policy WG6). 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 (Policies WG8, WG9 and WG10).</p>

- 6.0 **Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest.**
- 6.1 Other than the protection offered by national legislation, the NDP has special regard to the Wigmore Conservation Area (Policy WG9). A list of Statutory Listed Buildings within the WGPC is shown at Appendix B to the NDP.

- 7.0 **Have special regard to the desirability of preserving or enhancing character or appearance of any conservation area.**
- 7.1 Policy WG9 refers to the character and appearance of potential development within the Wigmore Conservation Area.

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

8.1 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 the Wigmore Group of Parishes.

8.2 Table 3 below sets out how each policy is in general conformity with the Herefordshire Local Plan – Core Strategy.

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

NDP Policy	Policy Name	Relevant Herefordshire Local Plan Core Strategy Policy	Comment on conformity where relevant
WG1	Protecting and Enhancing Local Landscape Character	SS1, LD2, LD3, LD4	Complies and adds local detail
WG2	Dark Skies	SS6	Complies and adds local detail
WG3	New Housing Development in Wigmore	RA1 – RA5, H1	Complies and adds local detail
WG4	New Housing Development in Leinthall Starkes	RA1 – RA5	Complies and adds local detail
WG5	Ensuring an Appropriate Range of Tenures Types and Sizes of New Dwellings	H3	Complies and adds local detail
WG6	Wigmore Village	SC1, SS1, OS3	Complies and adds local detail
WG7	Wigmore School	SC1	Complies and adds local detail
WG8	Design of Development in Wigmore Group Parish	SS1, SS6, LD1, LD3	Complies and adds local detail
WG9	Design of Development in Wigmore Conservation Area	SS1, SS6, LD1, LD4	Complies and adds local detail
WG10	Promoting Local Employment and Tourism	E1, E2, E3, E4, SS1, SS4	Complies and adds local detail
WG11	New Communications Technologies	E1, SS5	Complies and adds local detail

9.0 Compatibility with EU Obligations and Legislation

- 9.1 The NDP is fully compatible with EU Obligations
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention of 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.”
- 9.7 The making of the NDP 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 NDP 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 and 16.

- 9.6 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.

10.0 Meeting the prescribed conditions and matters

- 10.1 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.

Annex 1

Wigmore & Leinthall Starkes housing figures

Total number of houses within the relevant villages in the Group parish as of April 2011 – 369
(Wigmore (334) and Leinthall Starkes (35))

Proportional growth requirement of 14% – 52 houses for the 2 villages

Total built/commitment at May 2018 – 21

Residual to find – 31

Suggested numbers for the villages based on Leinthall Starkes being 10% the size of Wigmore

For Wigmore – 28; For Leinthall Starkes - 3

Completions			
Elton	Marlbrook Hall, Leinthall Starkes, Ludlow, Herefordshire, SY8 2HR	Conversion of redundant farm building to form six houses.	6
Leinthall Starkes	Limebrook Farm, Leinthall Starkes, Ludlow, Herefordshire, SY8 2HP	Erection of 3- bedroom detached local needs dwelling, single garage and; attached woodstore and repositioning of existing field access.	1
Wigmore	Lodge Farm Buildings Deerfold Birtley, Bucknell, Herefordshire SY7 0EF	Proposed conversion and alterations to create two dwellings	2
Leinthall Starkes	Mobile Home, Church Farm, Wigmore To Elton Road, Leinthall Starkes, Herefordshire, SY8 2HJ	Proposed dwelling to replace mobile home, garage & foaling box.	1
Leinthall Starkes	Lane Cottage, Leinthall Starkes, SY8 2HP	Previously derelict & unoccupied house since 1970's. Now renovated	1
			11 completed

Commitments			
Wigmore	Pear Tree Farm, Wigmore,	Proposed residential development of five detached houses.	5

	Herefordshire, HR6 9UR		
Wigmore	Land at Wigmore Hall, Wigmore, Leominster, Herefordshire, HR6 9UL	Conversion of redundant buildings to form a single dwelling.	1
Wigmore	Land at Burnt House, Castle Street, Wigmore, Leominster, Herefordshire, HR6 9VA	Proposed demolition of an outbuilding and erection of a single; detached dwelling house.	1
Wigmore	4 Glen View, Wigmore, Leominster, Herefordshire, HR6 9UU	Erection of single detached dwelling and garage	1
Leinthall Starkes	The Stables, Leinthall Starkes, Herefordshire, SY8 2HP	Proposed conversion of redundant stable building into a two bed; residential dwelling.	1
Leinthall Starkes	Land East of Brooklyn, Leinthall Starkes, SY8 2HP	Proposed erection of a single detached dwelling with associated driveway & gardens	1
			10 commitments