

# Hilton, Marston and Hoon Neighbourhood Development Plan

## Basic Conditions Statement - May 2020

### 1.0 Introduction

1.1 The Basic Conditions Statement has been prepared by the Hilton, Marston and Hoon Neighbourhood Plan Steering Group on behalf of Hilton Parish Council to accompany the Hilton, Marston and Hoon Neighbourhood Plan (“the 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 order meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
- (c) whether any period specified under section 61L(2)(b) or (5) is appropriate,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
- (e) 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 order,
- (b) having 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 is appropriate to make the order,

- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- (d) the making of the order contributes to the achievement of sustainable development,
- (e) the making of the order 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),
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

Section 2 of this statement sets out how the Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this statement sets out how the Plan meets the basic conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## **2.0 Legal Requirements**

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

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

2.2 The Plan has been submitted by Hilton 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**

2.3 The Plan contains policies relating to the development and use of land within the Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan states the period for which it is to have effect**

2.4 The Plan states that the period which it relates to is from 2020 until 2035.

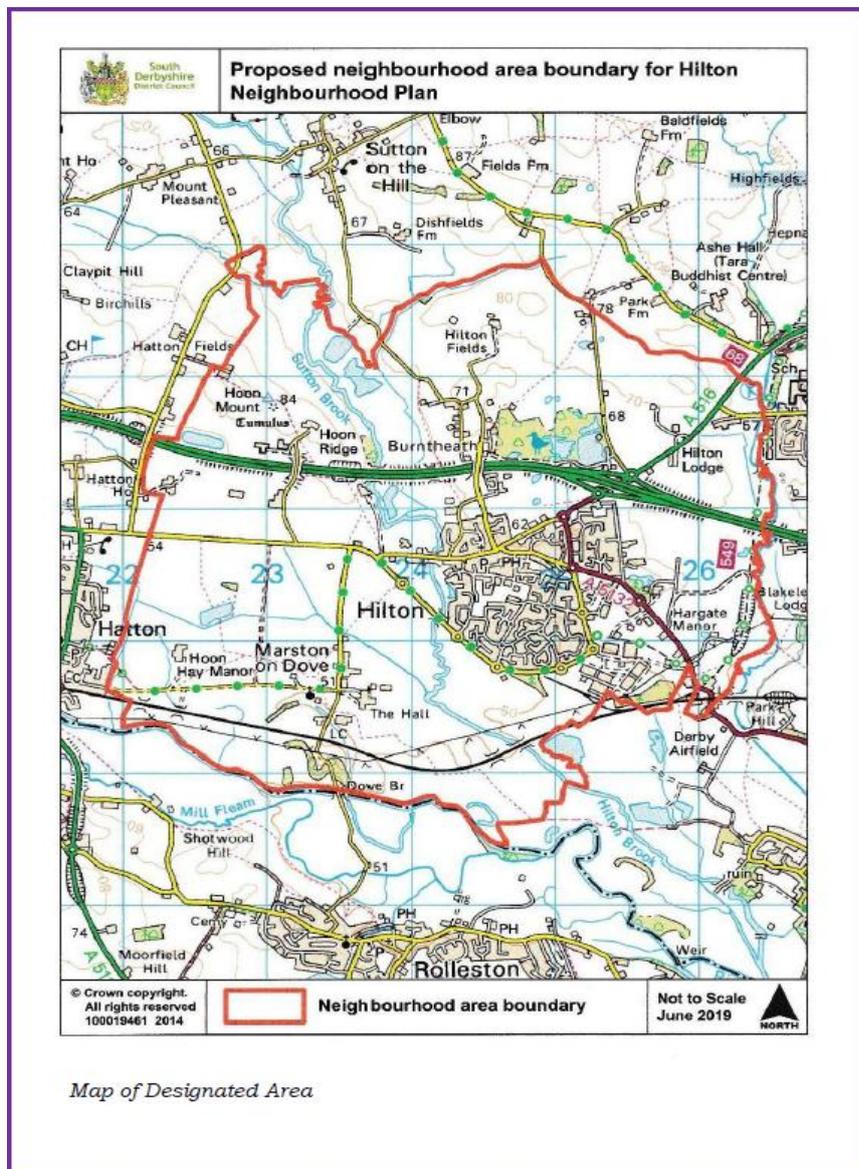
### **The policies do not relate to excluded development**

2.5 The 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 County Council was consulted as part of the Regulation 14 consultation and did not raise any concerns that the Plan is not compatible with the existing adopted Derbyshire Minerals Local Plan.

**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.**

2.6 The designated Plan area (“Designated Area”) was approved by South Derbyshire District Council on 6th March 2018. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Designated Area.



2.7 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 Area.

2.8 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 Plan fulfils the basic conditions set out in sub-paragraph (2). The Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF February 2019) and to the strategic policies contained in the South Derbyshire District Council Local Plan Part 1 2011–2028 (adopted June 2016) and Local Plan Part 2 2011 – 2028 (adopted November 2017).

3.2 In accordance with National Planning Guidance (Ref 61-006-20190723) the Plan has been informed by the South Derbyshire District Council adopted Local Plan.

3.3 Detail of how the Plan is in general conformity with strategic policies in the adopted South Derbyshire District Council Local Plan (comprising Parts 1 and 2 Local Plans) is provided in Table 3 (as required by sub-paragraph 2(e)).

#### **Having regard to national policies and advice contained in guidance**

3.4 In relation to sub-paragraph 2(a), a Neighbourhood Plan is required to have appropriate regard to approved national (planning) policies and advice contained in associated guidance. The Plan has been developed having regard to the NPPF and Planning Practice Guidance (“PPG”).

3.5 The Plan contains a vision.

3.6 Table 1 explains how each of the Plan policies has shown specific regard to NPPF.

**Table1: The Plan policies and their conformity to the NPPF**

Neighbourhood Plan policy number	Policy title	NPPF Ref (paragraph number)	Commentary
N1	Noise mitigation	170, 180	The policy aims to mitigate the ever increasing noise issue from the A50
A1	Air quality	170, 181	The policy aims to improve the air quality particularly around schools
H1	Housing delivery	7 through 14, 60, 61, 63, 104,170	This policy, in conjunction with the Local Plan housing delivery, serves the evidence based <i>needs</i> of the Designated Area through to 2035
H2	Housing mix	20,61	The policy is aimed at addressing the current needs and correcting the historical shortfall
H3	Requirements of housing: residential car parking	105, 106	The policy is particularly aimed at ensuring that EV charging points are accessible and that developments do not contribute to the on-street parking issues
H4	Requirements of housing: homes designed for energy efficiency	124 through 131	The policy goes beyond the requirements of the Local Plan and ensures recognition of the issues associated with climate change
H5	Gardens	117	The policy goes further than the NPPF in addressing the identified needs of the community in safeguarding and improving the environment, ensuring safe and healthy living conditions
H6	Housing design	124, 170, 102, 104	The policy is aimed at not allowing the deterioration of the character, environment and connectivity of the Designated Area
T1	Active travel	102, 103, 104, 110	The policy is designed to make sure that new and existing networks are better connected
T2	Access to schools	94, 110	The policy not only conforms with the NPPF but is designed to make a currently unsafe situation, safe
T3	Cycle paths and cycle parking	84, 91, 102, 104, 110	The policy aims to improve the connectedness with the National Cycle Routes as well as making the parking provisions locally to encourage more cycling
F1	Flood mitigation	118, 148, 149, 156	The policy is aimed at reducing the current level of flooding within the Designated Area
E1	Green spaces	34, 91, 99, 100, 101, 127, 170	The policy is aimed at protecting the existing green spaces and ensuring new developments provide for more Local Green Spaces

E2	Retaining village identity	122, 127, 170	The policy aims to preserve the character and landscape of the smaller villages within the Designated Area
E3	Community land	20, 28, 92	The policy is aimed at correcting an oversight from previous developments
E4	Nature conservation	171, 174, 177	The policy is aimed at preserving the existing habitats and creating green corridors to link habitats
E5	Biodiversity	170, 174, 175	The policy is aimed at protecting the site of Special Scientific Interest and ensuring no net loss of biodiversity
L1	Recreational facilities	92, 96	The policy is aimed at making sure recreational facilities are provided for the expanding population of the Designated Area
L2	Healthcare facilities	20, 34, 83, 92	The policy is aimed at correcting a current shortfall
L3	Hilton village shopping centre development	20, 85, 102, 105, 106	The policy is aimed at correcting the retail facilities shortfall in the Designated Area
B1	Business units	80	The policy is aimed at satisfying the identified local need
B2	Home working	81	The policy is aimed at promoting local businesses and to minimise the impact of travel on the environment
B3	Conversion of business property to domestic use	83	The policy is aimed at ensuring the conversion is justified
B4	Broadband	112, 116	The policy ensures that all developments provide a choice of the latest standard of digital infrastructure

### **Contribution to the Achievement of Sustainable Development**

3.7 The Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

3.8 Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, this section of the statement demonstrates how the Plan fulfils the basic condition that the Plan contributes to achieving sustainable development (as required by sub-paragraph 2(d)).

3.9 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.

3.10 The policies contained in the Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural and built environment, as well as in people’s quality of life, including:

- supporting a strong, vibrant and healthy community by endorsing the strategic development needs set out in the Local Plan and ensuring accessible local services;
- conserving and enhancing the natural environment by identifying and conserving important local biodiversity and broader ecological networks;
- supporting the provision of a mix of housing types and sizes that can meet the needs of present and future generations and promote a healthy and inclusive community;
- supporting new development which contributes to a high-quality built environment and responds to local character and sense of place;
- identification and protection of locally important heritage assets, so that they may continue to be enjoyed by future generations;
- supporting the move to a low carbon future through policies which encourage development which reduces greenhouse gas emissions and seeks to protect and enhance opportunities for sustainable modes of transport; and
- supporting strong, vibrant, healthy and inclusive communities by for example safeguarding and enhancing important open spaces, community facilities and footpaths and cycleways.

**Table 2: Assessment of the Plan policies against sustainable development**

<b>Deliver Economic Sustainability</b>		
<b>NPPF Definition - 'Contribute to building a strong responsive economy'</b>		
The Plan policies	B1	Business units
	B2	Home working
	B3	Conversion of business property to domestic use
	B4	Broadband
	L3	Hilton village shopping centre development
Comments	The Plan encourages the development of smaller business units of which there is an identified need in the Designated Area. The Plan also supports home working to improve local employment and to promote its social advantages.	

<b>Deliver Social Sustainability</b>		
<b>NPPF Definition - 'Support strong, vibrant and healthy communities'</b>		
<b>The Plan policies</b>	H1	Housing delivery
	H2	Housing mix
	H3	Requirements for housing: residential car parking
	T1	Active travel
	T2	Access to schools
	T3	Cycle paths and cycle parking
	E1	Green spaces
	E2	Retaining village identity
	E3	Community land
	L1	Recreational facilities
	L2	Healthcare facilities
	N1	Noise mitigation
	A1	Air quality
	<b>Comments</b>	The Plan encourages the development of the thriving community within the Designated Area by addressing the identified need for improved infrastructure; housing quantity and mix that addresses need, cycle paths, safe walking routes, community land, more green spaces, more recreational facilities as well as protecting the well-being of the community through mitigations of noise and air quality issues and more healthcare facilities.

<b>Deliver Environmental Sustainability</b>		
<b>NPPF Definition - 'Contribute to protecting and enhancing our natural, built and historic environment and mitigate and adapt to climate change'</b>		
The Plan policies	N1	Noise mitigation
	A1	Air quality
	H4	Requirements of housing; homes designed for energy efficiency
	H5	Gardens
	H6	Housing design
	F1	Flood mitigation
	E1	Green spaces
	E2	Retaining village identity
	E3	Community land
	E4	Nature conservation
	E5	Biodiversity
	Comments	The Plan encourages the development of the thriving community within the Designated Area by addressing the identified need for improved infrastructure; cycle paths, safe walking routes, community land, more green spaces, more recreational facilities as well as protecting the well-being of the community through mitigations of noise and air quality issues and more healthcare facilities.

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

3.11 The Plan has been prepared by the Hilton, Marston and Hoon Neighbourhood Plan Steering Group with assistance and advice from officers from South Derbyshire District Council.

3.12 The Plan has been developed to be in general conformity with the strategic (and other) policies contained in the adopted South Derbyshire District Council Local Plan. The adopted Part 1 Local Plan and the adopted Part 2 Local Plan comprise the development plan for the whole of South Derbyshire.

3.13 Policies are set out in the Part 1 of the Local Plan (Adopted June 2016) for the District as a whole until 2028: “is the strategic part of the Plan. It contains strategic policies comprising of: housing and employment allocations, spatial policies and development management policies”.

3.14 Policies are also set out in the Part 2 of the Local Plan 2011-2028 (Adopted November 2017): “to cover non-strategic housing allocations, detailed heritage and

conservation policies, detailed retail policies, Green Belt review of anomalies, countryside policies and an educational policy for delivering land for a new secondary school”

3.15 To meet the basic conditions, the Plan is required by sub-paragraph 2(e) to demonstrate general conformity with the strategic policies of the adopted Local Plan. All policies in the Plan must be consistent with these policies.

**Table 3: Assessment of conformity of the Plan policies with the key strategic policies in the South Derbyshire Local Plan Part 1 and Part 2** NOTE : Non-strategic policies and Development Management policies are shown in italics and underlined.

Plan policy	Guiding policies
N1 Noise mitigation	SD1 Amenity and Environmental Quality <i><u>BNE7 Trees, Woodland and Hedgerows</u></i>
A1 Air quality	S6 Sustainable Access SD1 Amenity and Environmental Quality
H1 Housing delivery*	S1 Sustainable Growth Strategy S4 Housing Strategy H1 Settlement Hierarchy H20 Housing Balance H21 Affordable Housing BNE1 Design Excellence INF6 Community Facilities <i><u>SDT1 Settlement Boundaries and Development</u></i> <i><u>H23 Non-Strategic Housing Allocations</u></i>
H2 Housing Mix	H20 Housing Balance
H3 Requirements for housing: Residential car parking	S6 Sustainable Access INF2 Sustainable Transport
H4 Requirements for housing: Homes designed for energy efficiency	S3 Environmental Performance
H5 Gardens	BNE1 Design Excellence

H6 Housing Design	SD1 Amenity and Environmental Quality BNE1 Design Excellence <u>H27 Residential Extensions and other Householder Development</u> <u>BNE7 Trees, Woodland and Hedgerows</u>
T1 Active Travel	S6 Sustainable Access BNE1 Design Excellence INF2 Sustainable Transport
T2 Access to schools	INF2 Sustainable Transport
T3 Cycle paths and cycle parking	S6 Sustainable Access BNE1 Design Excellence INF2 Sustainable Transport
F1 Flood mitigation	
E1 Green spaces	INF7 Green Infrastructure INF9 Open Space, Sport and Recreation <u>BNE8 Local Green Space</u>
E2 Retaining village identity	BNE4 Landscape Character and Local Distinctiveness
E3 Community land	INF6 Community Facilities INF9 Open Space, Sport and Recreation
E4 Nature conservation	BNE3 Biodiversity BNE4 Landscape Character and Local Distinctiveness INF7 Green Infrastructure <u>BNE7 Trees, Woodland and Hedgerows</u>
E5 Biodiversity	BNE3 Biodiversity INF7 Green Infrastructure
L1 Recreational facilities	INF1 Infrastructure and Developer Contributions INF6 Community Facilities INF9 Open Space, Sport and Recreation
L2 Healthcare facilities	INF1 Infrastructure and Developer Contributions
L3 Hilton village shopping centre development	<u>RTL1 Retail Hierarchy</u>

B1 Business units	S5 Employment Land Need E1 Strategic Employment Land Allocations 2011-2028 E2 Other Industrial and Business Development E7 Rural Development <u>SDT1 Settlement Boundaries and Development</u>
B2 Home working	
B3 Conversion of business property to domestic use	E3 Existing Employment Areas <u>H28 Residential Conversions</u>
B4 Broadband	<u>INF11 Telecommunications</u>

\* In their response to the Regulation 14 consultation South Derbyshire District Council raised a concern that can be summarised as policy H1 in the Plan restricts the development of housing outside of the Local Plan allocations and timescales. All other concerns/issues raised in the Regulation 14 consultation were actioned.

#### **4.0 Strategic Environmental Assessment (SEA)**

4.1 A screening of the draft Plan for environmental effects was undertaken in April 2020 on behalf of Hilton Parish Council. South Derbyshire District Council determined that a Strategic Environmental Assessment was not required. This determination was supported by relevant statutory consultees.

##### **Habitats Directive**

4.2 A Habitats Regulation Assessment (HRA) screening of the Plan was undertaken in conjunction with the SEA screening. South Derbyshire District Council determined that an Appropriate Assessment under the EU Habitats Regulations was not required. Again, relevant statutory consultees agreed with this determination.

4.3 The Habitats Regulation Assessment screening complies with the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into effect on 28 December 2018. That is, 'the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017'.

## **Statutory Consultation**

4.4 Between 11 March and 14 April 2020 South Derbyshire District Council, as required, consulted with statutory consultees on their Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Screening Report in relation to the Plan. Historic England stated that SEA was unlikely to be required; Natural England stated that no further work was required while the Environment Agency had no comments to make.

## **Convention on Human Rights**

4.5 The Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The 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 (as required by sub-paragraph 2(f)).

4.6 There was extensive consultation and engagement in identifying issues and the community has been consulted on the draft 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 Consultation Statement meets the requirements set out in Paragraph 15 (2) of the Regulations (as required by sub-paragraph 2(g)).

## **5.0 Conclusion**

5.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) are considered to have been met by the Plan.

5.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the strategic (and other) policies contained in the adopted South Derbyshire Local Plan and meets relevant EU obligations.

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