## North Luffenham Parish Council

# **Basic Condition Statement**



# Submission Version January 2023

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# **1. Introduction**

### **1.1 Purpose of the Report**

This is a Basic Conditions Statement, prepared to accompany the submission of the North Luffenham Neighbourhood Plan.

The statement explains how the North Luffenham Neighbourhood Plan meets the basic conditions and other legal requirements.

# 2. Meeting Legal Requirements

### 2.1 General Legal Requirements

#### **Qualifying Body**

The draft plan proposal is being submitted by North Luffenham Parish Council, which is the qualifying body.

The Neighbourhood Plan

The draft plan proposal relates to 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), Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

#### **Period of Effect**

The draft plan proposal states the period for which it is to have effect.

#### **Excluded Development**

The draft plan proposal does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

#### **Neighbourhood Area**

The draft plan proposal relates to the North Luffenham Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to the North Luffenham Neighbourhood Area.

### 2.2 The Basic Conditions

The basic conditions that neighbourhood plans must meet are as follows:

- must be appropriate having regard to national policy;
- must contribute to the achievement of sustainable development;
- must be in general conformity with the strategic policies in the development plan for the local area; and
- must be compatible with EU obligations.

In addition, the plan must meet requirements of human rights law.

Regulations specify an additional basic condition that a plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitat sites.

The following chapters of this statement deal with the basic conditions in more detail.

## **3. Sustainable Development**

#### 3.1 Dimensions of Sustainable Development

In line with accepted definitions, the National Planning Policy Framework states that sustainable development has economic, social and environmental dimensions.

The draft plan proposal takes a balanced approach to enabling growth, whilst also considering economic, social and environmental sustainability.

#### 3.2 Delivering Growth

The draft plan proposal seeks to deliver growth through the following means:

**Site Allocations:** The plan supports and identifies where housing development is sustainable (Policy NL3 Residential Development).

**Meeting Local Need:** Policy NL3 Residential Development identifies the village envelopes as sustainable locations for housing development and supports the inclusion of mixed use elements.

**Effective Growth:** The plan recognises that growth depends on the availability of highquality Internet connection (Policy NL2 Broadband) **Transport Provision:** The plan requires a balanced range of transport provision with a focus on more sustainable and active travel wherever possible (Policy NL11 Transport and Movement).

**Employment:** The plan supports the provision of new and expanded employment and community facilities (Policy NL1 Employment and Community Facilities).

#### 3.3 Ensuring Growth is Sustainable

The draft plan proposal addresses sustainability in the following ways:

**Housing Mix and Standards:** The plan supports affordable housing to be delivered locally and sets other requirements for new housing, including cycle storage facilities, to encourage healthier, more sustainable lifestyles (Policies NL3 Residential Development, NL8 Placemaking and Sustainable Design, NL9 Historic Environment, NL11 Transport and Movement).

**Natural Environment:** The plan protects all aspects of the natural environment and identifies local natural features of particular value, where such protection is imperative (Policies NL4 Natural Environment, NL5 River Chater).

**Local Green Space:** The plan designates and protects spaces identified as being of special community value as Local Green Space (Policy NL6 Local Green Space).

**Impacts of Drainage:** The impacts of drainage have been considered in the plan with the capture and storage of rainwater being specifically encouraged (Policy NL7 Watercourses and Surface Water).

**Sustainable Design and Character:** The importance of design to achieving sustainable growth is recognised and specific aspects of sustainable design are set out (Policy NL8 Placemaking and Sustainable Design). Local character is also addressed (Policies NL4 Natural Environment, NL5 River Chater, NL9 Historic Environment, NL10 Landscape Setting and Separation).

**Heritage:** The plan identifies key heritage settings, adding a local dimension to national policy on heritage (Policy NL9 Historic Environment).

**Sustainable Transport:** The plan requires sustainable forms of transport to be prioritised and sets sustainable requirements for highway infrastructure improvements associated with development (Policy NL11 Transport and Movement).

### 3.4 Achieving Sustainable Development

The combination of policies enabling growth and those addressing economic, social and environmental sustainability means that the plan will help to achieve sustainable development for the area covered. This takes account of the needs of current and future generations. The impact of the plan policies on sustainable development will be monitored during its timeframe to ensure that they achieve the intended impacts.

# 4. National Policy and Guidance

## 4.1 Having Regard to National Policy and Guidance

The draft plan proposal has had regard to the National Planning Policy Framework July 2021 (NPPF) and National Planning Practice Guidance (PPG).

The central theme of the NPPF is the presumption in favour of sustainable development. Three overarching objectives are stated for achieving sustainable development in Paragraph 8:

- a) an economic objective ...
- b) a social objective ...
- c) an environmental objective ...

Paragraph 9 states:

"these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework..."

The North Luffenham draft plan proposal has the following aims:

- 1. Put community priorities at the core of the NP.
- 2. Maintain and enhance the quality of life in the parish through improvements in our environment and conservation of the surrounding countryside.
- 3. Whilst preserving the rural nature of the parish, small scale economic developments/businesses in sustainable locations will be carefully encouraged.
- 4. Develop new community facilities whilst maintaining and enhancing existing facilities, for the enjoyment and benefit of all, including the disabled and infirm
- 5. Encourage a healthy lifestyle by identifying, publicising and promoting walks, trails and cycle paths.
- 6. Promote and support sustainable means of transport by improved public transport and the transition to electric and hydrogen powered vehicles.
- 7. Ensure that the historic identity of the village and parish is retained whilst encouraging limited, sustainable, infill development that is sympathetic to the parish's rural setting.

The Neighbourhood Plan is based on a range of evidence, in line with planning practice guidance. This includes evidence on housing design, the natural and historic environments, transport, flood risk, and other economic, social and environmental factors.

Rigorous selection processes were undertaken for the selection and allocation of Local Green Spaces for designation. These processes are set out in the Consultation Statement and Local Green Space evidence document.

## 4.2 NPPF Policy Areas

The NPPF was revised in July 2021 and contains a number of policy areas. The following table details the policy areas that are most relevant to the North Luffenham draft plan proposal.

NPPF Policy	North Luffenham Neighbourhood Plan Aims	North Luffenham Plan Policies
Chapter 5. Delivering a sufficient supply of homes "To support the Government's objective that the needs of groups with specific housing requirements are addressed"	Aim 7	Policies NL3: Residential Development and NL8: Placemaking and Sustainable Design support the provision of housing for groups with specific needs.
<b>Chapter 6. Supporting a prosperous</b> <b>rural economy</b> <i>"Planning policies and decisions should enable:</i>	Aim 3	Policies NL1: Employment and Community Facilities and NL2: Broadband support new and expanded employment and community facilities.
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;		Policy NL3: Residential Development supports the provision of employment space, live-work units and community facilities.
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."		
Chapter 8. Promoting healthy and safe communities "planning policies and decisions	Aim 1, 2, 4, 5	Policy NL1: Employment and Community Facilities supports new and expanded employment and community facilities.
should aim to achieve healthy, inclusive and safe places" This includes consideration of social interaction, safety and accessibility, healthy lifestyles.		Policies NL4: Natural Environment and NL5: River Chater relate directly to the protection of the natural environment, adding a local dimension. Policy NL6: Local Green Space designates Local Green Space that are demonstrably special.

		Policies NL8: Placemaking & Sustainable Design and NL11: Transport and Movement promote design for a safe and healthy lifestyle.
Chapter 9. Promoting sustainable transport "transport issues should be considered from the earliest stages of plan-making and development proposals" This includes consideration of impacts of development, existing and proposed infrastructure, promotion of walking, cycling, and public transport, environmental impacts, and movement, streets, and parking in the design of schemes.	Aim 1, 5, 6	Policies NL8: Sustainable Design and NL11: Transport and Walking deal with sustainable transport, including walking and cycling.
Chapter 10. Supporting high quality communications " Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.	Aim 3	Policy NL2: Broadband requires new development to have high-speed fibre optic (FTTP) cable broadband infrastructure
Chapter 12. Achieving well-designed places "plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable Neighbourhood Planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and engaging in the production of design policy, guidance and codes by local planning authorities and developers ".	Aim 1, 7	Policy NL3: Residential Development includes a number of clear design requirements. Policy NL6: Local Green Space identifies and protects key open spaces and features in the Parish Policy NL7: Watercourses and Surface Water supports the high design standards required for watercourses and surface water Policy NL8: Placemaking & Sustainable Design covers all aspects of good design consistent with the local character of the Parish. It deals with sustainable design, including safe pedestrian and cyclist environments, and also recognises the need to address people with a range of mobilities or impaired vision.

This includes consideration of		
This includes consideration of		
function, attractiveness, character,		
sense of place, optimising potential,		
safety, inclusivity, accessibility.		
Chapter 14. Meeting the challenge of climate change, flooding and coastal change	Aim 2	Policy NL7: Watercourses and Surface Water deals with development impacts including
"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change"		surface water runoff, flood risk, storm discharge and pollution. Policy NL8: Placemaking & Sustainable Design supports the requirements for zero carbon impact development.
This includes consideration of flood risk, resilience to climate change, and promoting a low carbon economy.		
Chapter 15. Conserving and	Aire 1 2	Delicies NI 4: Network Environment
enhancing the natural environment	Aim 1, 2	Policies NL4: Natural Environment, NL5: River Chater, NL7: Watercourses and Surface Water
"planning policies and decisions		and NL10: Landscape Setting and
should contribute to and enhance		Separation translate and enhance
the natural and local environment		the Local Plan policy into local
"		priorities and actions
		Policy NL6: Local Green Space
This includes consideration of		identifies and protects key open
protection of valued landscapes,		spaces and features in the Parish.
intrinsic character, biodiversity net-		Policy NL8: Placemaking &
gain, pollution, mitigation.		Sustainable Design includes
		requirements for conserving and
		enhancing the natural environment.
Chapter 16. Conserving and	Aim 1, 2, 7	Policy NL8: Placemaking &
enhancing the historic environment	AIIII 1, 2, 7	Sustainable Design includes
		requirements that contribute to
"plans should set out a positive		conserving and protecting the
strategy for the conservation and		historic environment.
enjoyment of the historic		
environment, including heritage		Policy NL9: Historic Environment
assets most at risk through neglect,		provides a local dimension to
decay or other threats"		heritage policy, including
		identification of key settings.
This includes consideration of		
sustaining or enhancing heritage		Policy NL10: Landscape Setting and
assets, wider social, economic and		Separation concerns the
cultural benefits, contribution of		preservation of the rural and
new development, and character of		historic character of the village,

# **5. Local Policy**

## 5.1 General Conformity

It should be noted that general conformity relates to the policies of the neighbourhood plan taken as a whole, considered against the strategic local policies taken as a whole.

The draft plan proposal has been developed in the context of strategic local policies and, taken as a whole, does not undermine and helps to deliver the spatial strategy of the Local Plan.

## 5.2 Strategic Policies

Strategic local policy is contained within the Rutland County Council adopted Local Plan 2011-2026.

The relevant strategic policies in the adopted local plan for the purpose of meeting the basic conditions are:

- CS3 The Settlement Hierarchy
- CS4 The location of development
- CS7 Delivering socially inclusive communities
- CS13 Employment and economic development
- CS18 Sustainable transport and accessibility
- CS19 Promoting good design
- CS20 Energy efficiency and low carbon energy generation
- CS21 The natural environment
- CS22 The historic and cultural environment
- CS23 Green infrastructure, open space, sport and recreation
- SP21 Important open space and frontage

## 5.3 Policy Comparison

The relationship of the policies of the neighbourhood plan to the above strategic policies are considered in detail in the following table.

Adopted Local Plan Policies	North Luffenham Neighbourhood Plan Policies
CS3 The Settlement hierarchy	Policy NL3: Residential Development supports development with character in keeping with and at suitable locations within the Parish
CS4 The location of development	Policy NL3: Residential Development does not allocate sites but supplements and supports the Local Plan.
	Policy NL8: Placemaking and Sustainable Design Policy includes requirements that contribute to sustainable development.
	Policy NL10: Landscape Setting and Separation identifies a Parish limitation on development in the countryside.
	Policy NL11: Transport and Movement places emphasis on active travel, including walking and sustainable forms of transport

CS7 Delivering socially inclusive communities	<ul> <li>Policy NL1: Employment and Community Facilities supports proposals that maintain or enhance community facilities</li> <li>Policy NL2: Broadband will enhance facilities for communities.</li> <li>Policies NL3: Residential Development and NL8: Placemaking and Sustainable Design support development for groups with specific needs.</li> </ul>
CS13 Employment and economic development	Policy NL1: Employment and Community Facilities supports more employment opportunities locally Policy NL2: Broadband supports the provision of high-speed
CS18 Sustainable transport and accessibility	fibre-optic (FTTP) cable broadband infrastructure. Policy NL8: Placemaking & Sustainable Design prioritises the convenience, safety and amenity of pedestrians and cyclists. Policy NL11: Transport and Movement places emphasis on walking and sustainable forms of transport
CS19 Promoting good design	Policy NL7: Watercourses and Surface Water supports the high design standards required for watercourses and surface water Policy NL8: Placemaking & Sustainable Design supports the sustainable requirements for all aspects of good design consistent with the local character of the Parish
CS20 Energy efficiency and low carbon energy generation	Policy NL8: Placemaking & Sustainable Design supports the requirements for carbon reduction (NL8: Interpretation notes that solar panels and other forms of energy production are supported)
CS21 The natural environment	Policies NL4: Natural Environment, NL5: River Chater, NL7: Watercourses and Surface Water and NL10: Landscape Setting and Separation translate and enhance the Local Plan policy into local priorities and actions Policy 8: Placemaking & Sustainable Design supports the protection and enhancement of the natural environment.
CS22 The historic and cultural environment	NL9: Historic Environment translates and enhances the Local Plan policy into local priorities and actions
CS23 Green infrastructure, open space, sport and recreation	Policy NL6: Local Green Space identifies and protects key open spaces and features in the Parish. Policy NL8: Placemaking & Sustainable Design particularly supports the priority for pedestrians and cyclists in the design and layout of development.
SP21 Important open space and frontage	Policy NL6: Local Green Space identifies and protects key open spaces and features in the Parish.

# 6. EU Obligations and Human Rights

## 6.1 Strategic Environmental Assessment

The plan has been screened for Strategic Environmental Assessment (SEA). This included consultation with national statutory bodies. The Environment Agency, Historic England and Natural England responded and indicated that the plan would not have significant environmental impacts or affect a European site. Copies of their letters are included in the Rutland County Council Sustainability/Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report July 2022.

The screening report concluded that the North Luffenham Neighbourhood Plan would not have significant environmental impact (see Appendix 1). A copy of the screening report forms part of the Neighbourhood Plan submission.

## 6.2 Habitat Regulations Assessment

Rutland Water Special Protection Area (SPA)/RAMSAR is the only international designated site within a 15km radius of the NLNP boundary.

The HRA report concluded, as a result of the assessment, it is unlikely that any likely significant effects on European sites would occur from the implementation of the North Luffenham Neighbourhood Plan. An extract of the report to show the conclusions can be found in Appendix 1.

## 6.3 EU Obligations

Given the above screening outcomes, which take account of the responses of national statutory bodies, the draft plan proposal meets the basic conditions relating to not breaching EU obligations and Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## 6.4 Human Rights

The draft plan proposal is a result of extensive engagement with the local community and stakeholders, from the earliest stages of the process. This has informed the content of the draft plan. Further details can be found in the <u>Consultation Statement</u>.

Statutory consultation (Regulation 14) was undertaken and this took account of consultation case law, including compliance with Gunning principles.

An equalities assessment is included at Appendix 2. This indicates that the plan would have positive impacts for people with protected characteristics. The draft plan proposal meets human rights requirements.

# **Appendix 1**

### **Screening Outcomes**

The following is an extract from the North Luffenham Sustainability/Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report July 2022

#### 5. Conclusions and Recommendations of the Screening Assessments

#### SEA

5.1 The NLNP has been prepared for town and country planning purposes and sets a framework for future development consent. The policies of the NLNP can be considered to determine the use of small areas at local level commensurate with their status in determining planning applications.

5.2 A screening assessment was undertaken to determine the need for a SEA in line with regulations and guidance and can be found in Section 3 of this report. The assessment finds no likely significant effects will occur as a result of the NLNP. The assessment finds many of the policies are in conformity with the local plan policies which have a full SA/SEA and which identified no likely significant effects will occur as a result of the implementation of policies.

5.3 From the findings of the screening assessment, it is recommended that a full SEA does not need to be undertaken for the NLNP.

#### HRA

5.4 A screening assessment was undertaken to determine the need for a HRA in line with regulations and guidance and can be found in section 4 of this report. The assessment finds that the NLNP is not predicted, without mitigation, to have any likely significant effects on a European site. The assessment finds many of the policies are in conformity with the local plan policies, which have undergone a full HRA and which identified no likely significant effects would occur as a result of the implementation of policies. It is also identified that no likely in combination significant effects will occur as a result of the implementation of the NLNP.

5.5 From the findings of the screening assessment, it is recommended that a full HRA does not need to be undertaken for the NLNP.

#### 6. Determination

6.1. To aid the Council's formal determination, the three statutory consultation bodies designated in the regulations have been consulted: Historic England, Environment Agency and Natural England.

6.2. Consultation on the Screening Report was carried out with the three bodies in July 2022. All three bodies agreed with the conclusions of the Screening Report. The consultation responses are attached at Appendix 2.

6.3. Rutland County Council are of the opinion, therefore, that an environmental assessment of the North Luffenham Neighbourhood Plan is not required as it is unlikely to have significant environmental effects.

6.4. It is also the Council's opinion that a full Habitats Regulations Appropriate Assessment is not required, as the North Luffenham Neighbourhood Plan is unlikely to have a significant effect on any designated sites.

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## **Appendix 2**

### **Equalities Assessment**

#### i. Legal Requirements

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. Protected characteristics are defined in the Equality Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An Equalities Assessment is a systematic analysis of a policy or policies in order to scrutinise the potential for an adverse impact on a particular group or community, in particularly those with a protected characteristic.

An assessment has been made on whether the North Luffenham Neighbourhood Plan has a positive, negative or neutral impact on each of the protected characteristics. If the impact is negative, this is given a high, medium or low assessment. The following table describes these:

Impact	Description
High	A significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.
Medium	Some potential impact exists, some mitigating measures are in place, poor evidence.
Low	Almost no relevancy to the process, e.g. an area that is very much legislation-led.

#### ii. North Luffenham General Population Characteristics

#### Age Structure

Sourced from the 2011 Census key statistics, the following table illustrates the age structure of the North Luffenham Parish residents.

Age	%
Age 0 to 4	5
Age 5 to 9	4.9
Age 10 to14	6.3
Age 15 to 17	5.5
Age 18 to 24	6.9
Age 25 to 29	5.1
Age 30 to 44	17.9
Age 45 to 59	20.1
Age 60 to 64	7.3
Age 65 to 74	11.3
Age 75 to 84	6.8
Age 85 and over	2.9
Mean Age	42.4
Median Age	43

#### **Ethnic Groups**

Sourced from the 2011 Census key statistics, the following table illustrates the Ethnic Groups who live in North Luffenham Parish.

<b>Country of Birth</b>	Persons
UK	640
Republic of Ireland	3
EU (other)	20
Other country	16
Ethnic Group	Persons
White	676
Asian	1
Mixed/multiple	2

#### iii. Impacts on Protected Characteristics

Age:

North Luffenham does not have an allocation of residential development within the Parish. Nonetheless, it is considered likely that some development will be proposed and policies to ensure benefits across all ages are integral to the Plan.

Policy NL1 supports development to diversify the rural economy and/or range of community facilities in the locality. The intention is to ensure that facilities and services for the whole community are safeguarded or enhanced.

Policy NL3: Residential Development encourages construction of housing that meets Lifetime Homes standards or any equivalent. This will encourage the construction of housing that is suitable for all ages.

Policy NL8 requires good design. Although not a specifically age-related issue, NL8.6 states that 'Development must be designed to accommodate the needs of people with a range of mobility or impaired vision'.

Policy NL11.3 states "Development specifically designed for older people or reduced mobility people should include covered parking and charging facilities for mobility vehicles."

The North Luffenham Design Codes and the SGB Design Codes both include requirements that ensure equal treatment for all ages.

The impact on all ages will be positive.

**Disability:** 

The needs of persons who are disabled or who have limited mobility are addressed in Policies NL1, NL3, NL8 and NL11, which seek to create a well-designed and accessible environment.

Policies NL2 and NL3 require new housing to comply with identified needs and NL2, along with NL1, enable local employment particularly those with disabilities. Policies NL1 and NL4 will enable improvement to the local environment.

The North Luffenham Design Codes and the SGB Design Codes both include requirements that ensure suitable provision for persons who are disabled or who have limited mobility.

The impact on people with disabilities will be positive.

Maternity and Pregnancy:

Key issues for people who are pregnant or who have young children are access to appropriate housing, flexible employment, and community facilities. Policies NL1, NL2, NL3, NL8, N11 will enable this.

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The impact will be positive for people who are pregnant or who have young children.

Race:

A very small proportion of the population of the North Luffenham parish are from non-white ethnic groups.

For the most part, the plan will have an equal impact on the local population regardless of race. A public realm designed with safety in mind will minimise opportunities for hate crime (there is no evidence that this is a problem in the Neighbourhood Area). Policy NL8 seeks to create well designed development, which includes safety considerations.

The impact will be positive on people of all races.

Sex (Gender):

The Neighbourhood Plan contains no specific policies or proposals for any particular gender. The policies have been written to provide equal opportunity to any gender in respect of the provision of development and access to facilities.

No gender is disadvantaged by any of the policies and proposals in the Neighbourhood Plan. People will benefit equally from the implementation of the Neighbourhood Plan. This includes people with prams or pushchairs.

The impact will be positive for all genders.

Religion, Gender Re-assignment, Sexual orientation:

The Neighbourhood Plan cannot directly address the social attitudes that underpin hate crimes. However, it does seek to provide a well-designed and safe built environment for all.

The impact will be positive on all people, regardless of religion or LGBT+ status.

#### iv. Conclusion

This Equalities Assessment has not identified any negative impacts.

The Neighbourhood Plan provides a strategy for the development of the Neighbourhood Area, and a range of policies and proposals, which will result in positive benefits for the local community, including those with protected characteristics.

In view of the vital importance of equalities to North Luffenham, the Parish Council will regularly review policy impacts to identify any unintended, negative impacts as part of our Neighbourhood Plan monitoring approach set out in the Plan itself. These will then be addressed at subsequent policy reviews as necessary.