

Monks Kirby  
Neighbourhood Plan  
2022-2031  
Statement of Basic  
Conditions

July 2022

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## 1.0 Introduction

- 1.1** The Basic Conditions Statement has been prepared to accompany the Monks Kirby Neighbourhood Plan (“the Neighbourhood 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 plan meets the basic conditions (see sub-paragraph (2))
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
  - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
  - (d) such other matters as may be prescribed.
- 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 neighbourhood development plan
  - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
  - (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
  - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
  - (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

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

## **2.0 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**

The Neighbourhood Plan has been submitted by Monks Kirby 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**

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

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

- 2.3** The Neighbourhood Plan states that the period which it relates to is from 2022 until 2031. The period has been chosen to align with that of the 2019 Rugby Local Plan.

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

- 2.4** The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **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.**

- 2.5** The designated Plan area was approved by Rugby Borough Council on 8 June 2021. The Plan does not relate to more than one Neighbourhood Plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.

**2.6** In relation to sub-paragraph 1(c), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

**2.7** 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 Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the saved strategic policies contained in the 2019 Rugby Local Plan.

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

**3.2** The Neighbourhood Plan has been developed having regard to the NPPF (2021). An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF are outlined in table 1 below.

**3.3** In broad terms the Plan:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken a creative and thorough exercise in identifying ways to enhance and improve the area;
- policies are based on robust evidence and provide a practical framework within which decisions on planning applications can be made, with a high degree of predictability and efficiency;
- seeks to deliver locally appropriate homes, businesses and infrastructure through housing allocations, a windfall policy and employment policies;
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of a Limits to Development;
- supports local strategies to deliver sufficient community facilities and services, to meet local needs;
- contributes to conserving and enhancing the natural environment through the protection of Local Green Spaces, biodiversity and a range of environmental protections.

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

- 3.4** The Neighbourhood Plan has been prepared in general conformity with the 2019 Rugby Local Plan.
- 3.5** Table 1 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the Rugby Development Plan and have regard for the NPPF (2021).

<i>Monks Kirby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy (NPPF 2021)</i>	<i>General Conformity with Rugby Development Plan</i>
<b>Policy HBE1: Settlement Boundary</b>	9, 11, 80,	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the Limits to Development seeks to support existing services and facilities and protect the countryside and setting of the settlements. Further, Limits to Development facilitate the use of sustainable modes of transport with both benefits to the environment and the health of the community, both underlying premises of the NPPF.	<p>The Rugby Local Plan includes ‘settlement boundaries, within which, subject to certain criteria, a general presumption in favour of development will be applied. The Neighbourhood Plan seeks to update this boundary to reflect housing allocations and thus is in general conformity with the Local plan.</p> <p>Policy HBE1 is in general conformity with the Core Strategy and the Local Plan which identifies Settlement Boundaries to prevent the unregulated encroachment of development into the countryside.</p>
<b>Policy HBE2: Housing Mix</b>	32, 92	The policy seeks to support a mix of housing that meets an identified need in the community. The NPPF advocates for inclusive and mixed communities, which will require a mix of housing types based on current and future demographic trends.	Local Plan Policy H1 identifies a need for new residential development to contribute to the overall mix of housing in the locality, taking local need into account, amongst other issues. Policy H2 recognises the use of neighbourhood plans to inform identified need.
<b>Policy HBE3: Affordable Housing Provision</b>	61, 62, 63, 64	This policy supports the provision of affordable housing and includes a policy prioritising allocation to local residents. This policy is consistent with the NPPF which outlines the need to widen opportunities for home ownership and create inclusive and mixed communities through amongst other things, supporting affordable housing where there is an identified need.	Policy HBE3 is in general conformity with Local Plan policy H2 which sets targets for affordable housing and establishes the need for an appropriate mix of housing.
<b>Policy HBE4: Windfall Sites</b>	69, 71,	The policy for small scale windfall sites has regard to the NPPF; by seeking to meet any future housing requirements for the area and maintain the vitality of the settlements, whilst protecting their character and setting. This is a positive policy for future housing provision given that this type of development has a proven track record in providing a good	The support of the Neighbourhood Plan for small scale windfall development is in general conformity with the Local Plan which supports small-scale development in Main Rural Centres (paras 4.13 and 11.2).

		source of new housing over recent years in the Parish.	
<b>Policy HBES: Design</b>	8, 28, 110, section 12	The policy outlines several design principles and supports the NPPF principle of requiring good design; and the need to respond to local character and history of the local surroundings. Importantly the policy does not impose architectural styles and hence does not stifle an innovative approach.	Local Plan policy SDC1 requires development to demonstrate high quality design
<b>Policy ENV 1: Local Green Space</b>	101-103	Protection of Local Green Spaces identified as being special by the community is advocated through the NPPF. Proposed designations meet the criteria set out in the NPPF.	The principles underpinning the protection of Local Green Spaces are in general conformity to the Local Plan Policies contained in Chapter 9 of the Local Plan on the Natural Environment.
<b>Policy Env 2: Important Open Spaces</b>	Section 15,	This policy seeks to protect other open space with environmental and historic value on account of their natural and/or historical features. This has regard to the NPPF principles conserving and enhancing the natural and historic environment. It takes into account the designation hierarchy and the protection is commensurate with their status.	The Local Plan seeks to support developments that protect biodiversity (policy NE1 and NE2).
<b>Policy ENV 3: Sites and features of natural environmental significance</b>			The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Local Plan overarching principles
<b>Policy ENV 4: Biodiversity, and habitat Connectivity.</b>	179	The policies seek to protect and enhance local biodiversity features and habitats. The policy has regard to the NPPF, which states that the planning system should contribute to enhancing the natural and local environment by minimizing impacts on biodiversity and providing net gains where possible.	The Local Plan seeks to support developments that protect biodiversity (policy NE1 and NE2).  The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the Local Plan overarching principles



<p><b>Policy Env 6: Sites of Historical Environment Significance</b></p>	<p>Section 15</p>	<p>The NPPF requires Plans to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets</p>	<p>The Local Plan seeks to protect its heritage assets (Policy GP3) by considering the impact of development on any heritage asset. Policy SDC3 is specifically related to protecting and enhancing the historic environment.</p>
<p><b>Policy Env 7: Ridge and Furrow</b></p>	<p>Section 15</p>	<p>This policy seeks to protect ridge and furrow fields and has regard for the NPPF, which considers that non- designated heritage assets of archaeological interest, of equivalent significance to scheduled monuments should be subject to the policies for designated heritageassets.</p>	
<p><b>Policy ENV 8: protection of Important Views</b></p>	<p>130</p>	<p>The policy seeks to protect views identified as being significant to the community. In accordance with the NPPF, the planning system should contribute to and where possible; enhance the landscape. Views are a key component of the landscape</p>	<p>Whilst there is no explicit policy regarding the protection of views, the Local Plan (policy NE4) supports the protection of the character the landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the broad aims for the countryside and natural environment in the Local Plan.</p>
<p><b>Policy Env 9: Footpaths and other walking routes</b></p>	<p>Section 9</p>	<p>The policy safeguards existing networks of footpaths and bridleways and in so doing, supports the NPPF aims of promoting sustainable transport and promoting healthy communities.</p>	<p>Local Plan Policy D3 is concerned with additional or improved infrastructure and the narrative recognises the value of cycling s a sustainable mode of transport. Similarly D4 on Planning Obligations recognises the need for cycling and walking facilities.</p>
<p><b>Policy Env 10: Flood Risk Resilience</b></p>	<p>Section 14</p>	<p>The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.</p>	<p>Local Plan Policy CC3 requires development to take place in the areas at lowest risk of flooding</p>

<p><b>Policy Env 11: Renewable Energy Generation Infrastructure</b></p> <p><b>Policy T4: Electric Vehicles</b></p>	<p>148, 151, 154</p>	<p>The policy supports the NNPF aim of meeting the challenge of climate change by supporting the delivery of renewable energy development while ensuring that adverse impacts are addressed satisfactorily.</p>	<p>Policy Env8 is in conformity with Local Plan Policy SDC8 which is concerned with delivering renewable energy and low carbon technology.</p>
<p><b>Policy CF1: Community Facilities and Amenities</b></p> <p><b>Policy E6: School</b></p>	<p>8, 20, 28, 84, 92, 93, 119, 186</p>	<p>This policy seeks to protect key community facilities. This has regard for the NNPF principle of promoting healthy communities through amongst other things, planning positively for community facilities and guarding against their unnecessary loss.</p> <p>In seeking new or improved community facilities, the policy supports the NNPF principle of promoting healthy communities.</p>	<p>Policy CF1 is in general conformity with Local Plan which recognises the importance of community facilities in the provision of sustainable development.</p> <p>Local Plan Policy HS3 seeks to protect and provide local shops, community facilities and services.</p>
<p><b>Policy E1: Employment Development</b></p>	<p>9, 20, 28, 73, 106, 123</p>	<p>The policy supports new employment opportunities through small scale employment premises. Promoting access to employment is a key element in the pursuance of sustainable development as outlined in the NNPF. The policy aims to support a prosperous rural economy, to grow and where possible, diversify the local economy.</p> <p>The policy supports new employment opportunities through small scale employment premises. ‘Making it easier for jobs to be created in cities, towns and villages’ is a key element in the pursuance of sustainable development as outlined in the NNPF. The policy aims to support a prosperous rural economy, to grow and where possible, diversify the local economy.</p>	<p>The Spatial Vision recognises the importance of high- quality employment opportunities whilst Policy ED3 sets the criteria against which employment opportunities will be considered.</p>
<p><b>Policy E2: Home Working</b></p>	<p>106</p>	<p>This policy supports the use of part of a dwelling for office or light industrial use in order to facilitate working from home. Working from home further supports employment activities; thus, contributing to a prosperous rural economy. It also supports the transition to a low carbon future by reducing the dependency of the car for journeys to employment sites outside of the Parish.</p>	<p>The general development principles of Policy E2 conform with those of ED3.</p>

<b>Policy E3: Re-Use of Agricultural and Commercial Buildings</b>	9, 20, 28, 73, 106, 123	Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.	Policy ED3 sets the criteria against which employment opportunities will be considered.
<b>Policy E5: Broadband</b>	42, 43	The NPPF advocates planning that supports high quality communications infrastructure.	Policy E5 is in general conformity with Local Plan Policy SDC9 on Broadband and mobile internet, which requires the provision of broadband infrastructure.
<b>Policy T1: Traffic management</b>	Section 9	The policies seek to manage potential traffic issues arising from development and has regard for 'promoting sustainable transport' and supporting reductions in greenhouse gas emissions.	Local Plan Policy HS5 requires development to take account of the cumulative impact on traffic generation.

## Achieving sustainable development

- 3.7 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the Development Plan, shaping and directing development in the area that is outside of the strategic elements of the Core Strategy and Local Plan.
- 3.8 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.9 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing to meet local need;
  - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, supporting sustainable modes of transport and local employment opportunities;
  - protecting and enhancing the distinctive character of the built and natural environment through high quality design, protection of important local green space and protection of important views;
  - conserving and enhancing the natural environment by protecting and supporting a net gain in biodiversity and important habitats;
  - supporting a strong economy through the protection of existing employment sites, support for new businesses including home working, farm diversification and encouragement of superfast broadband;
  - safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.

## EU obligations

### Strategic Environmental Assessment (SEA)

3.10 In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

3.11 A Screening opinion was issued by Rugby Borough Council with which determined that a full SEA would not be required. The statutory consultees concurred with this conclusion.

### Habitats Directive

3.12 Rugby Borough Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

### Convention on Human Rights

3.13 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.

3.14 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Neighbourhood 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 Statement of Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations. An Executive Summary of the Neighbourhood Plan was produced to further aid understanding within the community.

## **4.0 Conclusion**

- 4.1** The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Monks Kirby Neighbourhood Plan.
- 4.2** The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Charnwood Local Plan 2015 and meets relevant EU obligations.
- 4.3** It is therefore respectfully suggested to the Examiner that the Monks Kirby Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.