

## Basic Conditions Statement

### Hampton Lucy Neighbourhood Plan

#### Introduction

1.1 This Basic Conditions Statement has been prepared to accompany the Hampton Lucy Neighbourhood Development Plan (HLNP).

#### The Basic Conditions

1.2 Paragraph 8, sub-paragraph (2), of schedule 4B to the Town and Country Planning Act 1990 requires a Neighbourhood Development Plan (NDP) to meet the following basic conditions:

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.

1.3. This Basic Conditions Statement addresses these requirements in four sections:

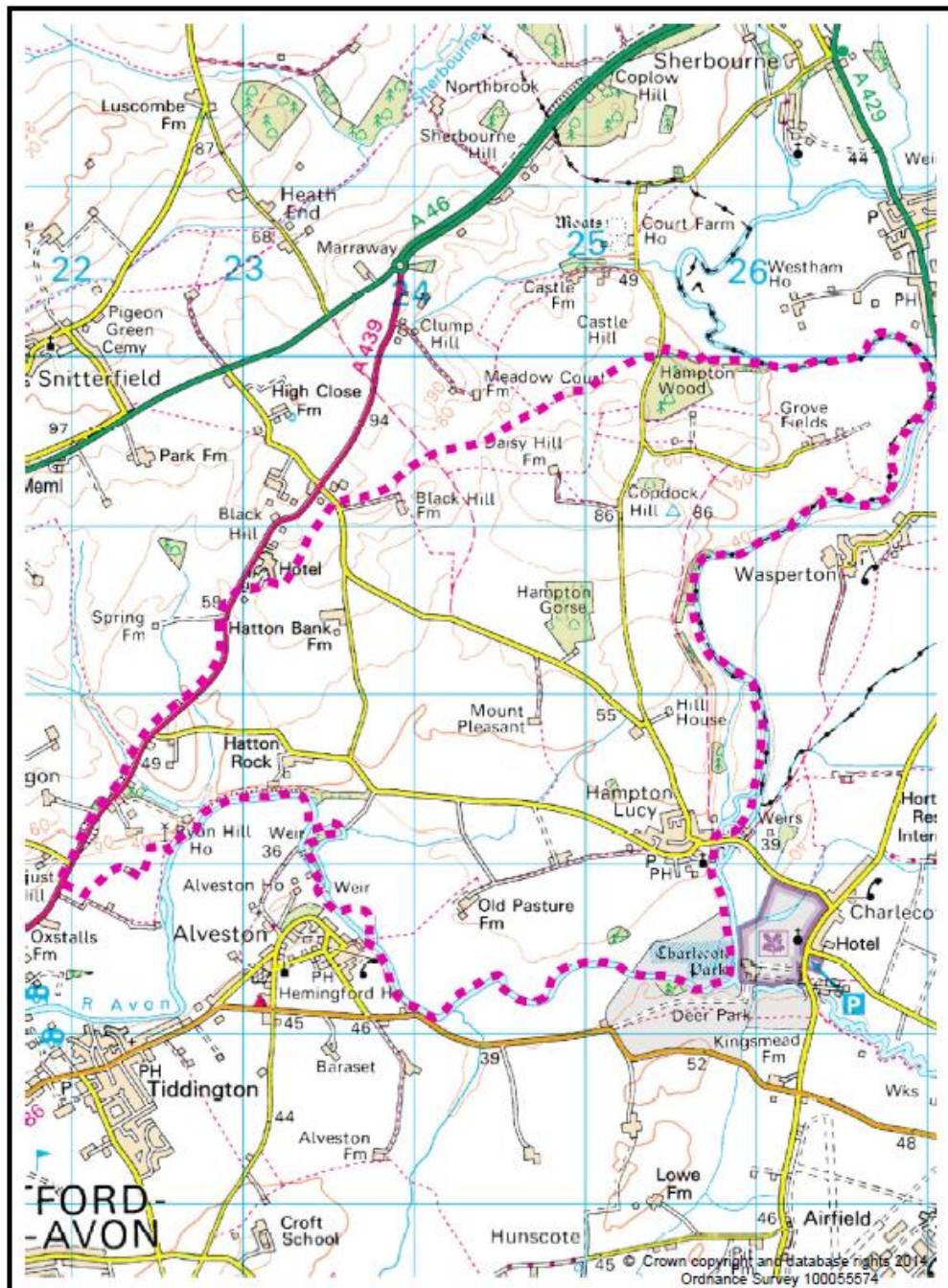
- Demonstrates conformity with the National Planning Policy Framework as updated in July 2021 (NPPF)
- Shows how the HLNP will contribute to sustainable development and the various designated heritage assets throughout the Neighbourhood Area
- Demonstrates conformity with the strategic policies contained within the Stratford-on-Avon Council (SDC) Core Strategy; and
- Demonstrates compliance with the appropriate EU obligations.

#### The Qualifying Body

1.4. The HLNP is submitted by Hampton Lucy Parish Council (the 'Parish Council'), which is the qualifying body as defined by the Localism Act 2011.

## The Neighbourhood Area

- 1.5. The HLNP applies to the Parish of Hampton Lucy which is within Stratford-on-Avon District. In accordance with Part 2 of the Regulations, SDC, as the local planning authority, publicised the Neighbourhood Area application from Hampton Lucy Parish Council to designate their Parish for the purposes of producing a NDP and advertised it accordingly for the statutory period of six weeks.
- 1.6. The application was approved by the Cabinet of SDC in October 2014 and consequently the Parish of Hampton Lucy was designated as a Neighbourhood Area.



Designated Neighbourhood Area

1.7. Hampton Lucy Parish Council confirms that the HLNP:

- Relates only to the Parish of Hampton Lucy and to no other Neighbourhood Area(s) although it should be noted that two heritage assets straddle into the neighbouring Charlecote Parish (part of the registered Charlecote Park and Charlecote Mill); and
- Is the only NDP within the designated area and no other NDP exists nor is in development for part, or all, of the designated area.

### **Plan Period**

1.8 The HLNP states that the period it relates to is from 2011 until 2031. The period has been chosen to align with the dates of the District Council's Core Strategy. It is planned to be reviewed in two years times after the South Warwickshire Local Plan has been finalised and reserve housing sites have been allocated in the Site Allocation Plan

## **2. National Planning Policy Framework**

2.1. The HLNP must have appropriate regard to national policy. The following section describes how the HLNP relates to the National Planning Policy Framework (NPPF) July 2021.

### **Sustainable Development**

2.2. The central theme throughout the NPPF is the presumption in favour of sustainable development. In this context sustainable development is broadly defined internationally as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

2.3. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- 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 present and future generations; and by fostering well-designed beautiful and safe built environment places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protect and enhance our natural, built and historic environment; including making effective use of land, help 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.

2.4. Paragraph 9 of NPPF gives clear advice on how plans should contribute to these sustainability objectives:

“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

- 2.5. Paragraph 13 states the role of neighbourhood plans in attaining sustainable development:
- “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.”
- 2.6. Footnote 18 to paragraph 29 notes that:
- “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”
- 2.7. In addition to contributing to the district’s strategic development plan, Paragraph 69 adds that:
- “Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their areas.”
- 2.8. Neighbourhood Plans can do more than just support or facilitate development. They also have a part to play in meeting other sustainability objectives of the NPPF. The NPPF chapters to which Hampton Lucy’s plan contributes are:
- Delivering a sufficient supply of homes
  - Building a strong, competitive economy
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Making effective use of land
  - Achieving well-designed places
  - Local Green Spaces
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment, and
  - Conserving and enhancing the historic environment.
- 2.9. Below please find a summary of how HLNP policies contribute to the sustainability objectives of NPPF:

### **Achieving sustainable development**

[Policy H1 and H2](#) supports development in the built-up village area (‘the Village Boundary’) through new build, converting, extending or redeveloping existing underused buildings and supports limited development local needs housing, self-build and custom-built development beyond but adjacent to the Village Boundary.

[Policy IN2](#) requires new development to include adequate parking within SDC’s development standards and for new properties to have electric vehicle charging points.

[Policy H3](#) makes provision for compliance with energy efficient and renewable energy systems. It requires new development to take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption and demonstrate incorporation of water efficiency and water re-use measures.

[Policy BE3](#) aims to minimise light pollution by avoiding obtrusive external property lighting.

[Policy NE3](#) seeks to protect, enhance and/or restore habitat biodiversity and reinforce the existing ecological harmony between development and local wildlife, including wild fowl and aquatic wildlife.

[Policy NE2](#) seeks sustainable development by reducing flood risk.

[Policy LCHW3](#) seeks to ensure that new developments provide for safe access to existing walking and/or cycling routes, existing ones are protected and/or improved and supports the creation of new one

### **Delivering a sufficient supply of homes**

[Policy H1](#) supports new housing developments within the village boundary provided they comply with other policies within the HLNP and developments in certain circumstances for new housing, or replacement dwellings outside the village boundary.

[Policy H2](#) supports the development of community-led housing schemes on sites beyond but adjacent to the village boundary and the development of 'First Homes' provided certain criteria are complied with.

### **Building a strong, competitive economy**

[Policy LCHW4](#) promotes the growth of employment opportunities in the Neighbourhood Area.

[Policy IN3](#) encourages homebased working and high- speed broadband availability which will assist in economic growth.

### **Promoting healthy and safe communities**

The Policies to promote healthy and safe communities are littered throughout the HLNP as follows:

[Policy NE1](#) designates Local Green Spaces for the benefit of the community.

[Policy LCHW1](#) preserves the allotments in the Neighbourhood Area which is a social meeting place in the open air with the benefit of fresh produce being grown.

[Policy LCHW2](#) provides for the protection and retention of essential community facilities to meet the social needs of the community including a village hall, public house and school.

[Policy LCHW3](#) concerns itself with the promotion of walking and cycling important in the Neighbourhood Area particularly with a National Cycle Route passing through it and the Shakespeare's Avon Way.

### **Promoting sustainable transport**

[Policy IN1](#) concerns itself with ensuring development does not result in an unacceptable impact on highway safety or the capacity of the local road network.

[Policy IN2](#) provides for compliance with SDC's parking requirements and electric charging points.

[Policy LCHW3](#) seeks to ensure that new developments provide for safe access to existing walking and/or cycling routes, existing ones are protected and/or improved and supports the creation of new ones.

### **Making effective use of land**

[Policy H3](#) requires infill developments to follow the design principles set out in the policy.

[Policy NE1](#) designates twelve Local Green Spaces which are of particular importance to the local community.

[Policy BE4](#) provides for the most effective use of agricultural land.

## Achieving well designed places

[Policy H3](#) ensures developments must follow Stratford-on-Avon Development Requirements Supplemental Planning Document (SPD) set out in the Policy as adopted in stages from 2018. The Policy lists the large number of design requirements including the need for developments to respect the distinctive nature within the Village Boundary.

## Meeting the challenge of climate change, flooding and coastal change

[Policy H3](#) provides for compliance with energy efficient and renewable energy systems and the climate change requirements of SDC from time to time.

[Policy BE4](#) supports the provision of electric vehicle charging points.

[Policy H3](#) seeks to ensure new development have sustainable drainage systems.

[Policy NE4](#) seeks to promote sustainable development by reducing flood risk.

## Conserving and enhancing the natural environment

[Policy NE.2](#) identifies and seeks to safeguard nine valued views and local vistas.

[Policy NE.3](#) aims to protect the Neighbourhood Area's dark skies and minimise light pollution by avoiding obtrusive external property lighting.

[Policies NE.4 and NE.5](#) seeks to protect, enhance and/or restore habitat biodiversity and reinforce the existing ecological harmony between development and local wildlife, including aquatic habitats.

## Conserving and enhancing the historic environment

[Policy BE1](#) The Neighbourhood Area is home to seventeen listed buildings, a registered park and three sites of Scheduled Monuments. Proposals causing unacceptable harm to such heritage assets will not be supported unless it can be shown that public benefits of development would outweigh the harm.

- 2.10. The table below provides a matrix of the HLNP policies against the relevant paragraphs of the NPPF (2021):

Hampton Lucy Neighbourhood Plan Policy reference	NPPF Paragraph References
<b>Built Environment</b>	
BE1 - Heritage Assets and Conservation Areas	20d, 189 -208
BE2 – Re-use of Buildings	64, 80,84
BE3 – Lighting and Dark Skies	8, 185
BE4 - Agricultural Land and Land Management	174a
<b>Housing</b>	
H1 – Location of Housing Development	80e),11, 78, 79, 112
H2 – Local Housing Needs Schemes	78 -80
H3 – Housing Design	126 – 136
H4 - Use of Garden Land	124, 125

<b>Natural Environment</b>	
NE1 – Local Green Space Designations	99, 101 - 102
NE2 – Valued Views	174, 175
NE3 – Nature Conservation and Biodiversity	131, 152 – 158 174-182
NE4 – Flood Risk	152 – 169
NE5 – The River Avon	174, 179 ,180, 182
<b>Local Community, Health and Wellbeing</b>	
LCHW1 – Allotments and Growing Spaces	92
LCHW2 – Community Facilities	92, 93
LCHW3 – Promoting Walking and Cycling	92, 100, 106d)
LCHW4 – Promoting New Employment Opportunities	81 -85
<b>Infrastructure</b>	
IN1- Transport, Highway Safety and the Iron Bridge	104 -106
IN2 – Parking	107 - 108
IN3 – Encouraging Home Based Working and High-Speed Broadband	114

### 3. Delivering Sustainable Development

The keyways that the HLNP will contribute to the achievement of the NPPF’s overarching objectives of sustainable developments are:

#### 3.1. Social objective

- The HLNP supports new housing development within the Village Boundary and in some circumstances adjoining the Village Boundary. It also supports the principle of rural exception housing.
- It encourages a well-designed and safe environment which will ensure the village continues to evolve in accordance with villagers’ wishes, protects and enhances local green spaces, community assets, footpaths, bridleways and valued views which support the community’s health, social and cultural well-being.

#### 3.2. Environmental objective

- It seeks to protect, enhance and/or restore habitat biodiversity and reinforce the existing ecological harmony between development and local wildlife, including wild fowl and aquatic wildlife.
- It also provides a Policy to minimise light pollution and protect the dark skies within the Neighbourhood Area
- It ensures development is undertaken with sensitivity and an awareness of their impact on the setting of the village’s heritage assets and their settings in the surrounding landscape and to preserve the integrity and beauty of its rural landscape.
- It notes the impact of flooding in the locality (which appears to be partly related to climate change) and requires all developments to mitigate any future contribution to this by minimising off-site run-off and incorporating sustainable drainage systems.
- It encourages new developments to make effective use of renewable energy and resource.



### 3.3 Economic objective

- There are policies in the plan which specifically address employment and economic development in the Neighbourhood Area.
- The Neighbourhood Area is in an important tourist area due to its proximity to Shakespeare’s Stratford and to an important National Trust property in the next Parish. It is in a tranquil rural area adjacent to the River Avon attracting ramblers, walkers and cyclists with the Policies in the HLNP protecting this unique area for future generations.

### 4. General Conformity with Strategic Local Policy

- 4.1. The HLNP has been prepared in conformity with national policies set out in the NPPF as outlined above. It must also be in general conformity with strategic policies of the local Development Plan.
- 4.2. The Development Plan for the Neighbourhood Area is the Stratford-on-Avon District Core Strategy 2011-2031, adopted July 2016.
- 4.3. Paragraph 13 of NPPF declares 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.
- 4.4. The HLNP supports the delivery of the strategic policies of the Core Strategy, and contains no conflicts with these policies.
- 4.5. The HLNP builds on, adapts or otherwise makes use of selected Core Strategy policies to suit the local environment and economy of Hampton Lucy.
- 4.6. The table below provides a matrix indicating the relationship between the HLNP policies and the SDC Core Strategy policies.

Hampton Lucy Neighbourhood Plan Policy reference	SDC Core Strategy Policy References
<b>Built Environment</b>	
BE1 - Heritage Assets and Conservation Areas	CS.5, CS.8, CS9, AS.10
BE2 – Re-use of Buildings	CS.5, CS.20, AS.10
BE3 – Lighting and Dark Skies	CS.9
BE4 - Agricultural Land and Land Management	AS.10
<b>Housing</b>	
H1 – Location of Housing Development	CS.15, CS.16, CS.18, AS.10
H2 – Local Housing Needs Schemes	CS.15, CS.18, AS.10
H3 – Housing Design	CS.9
H4 - Use of Garden Land	CS.15, CS16
<b>Natural Environment</b>	
NE1 – Local Green Space Designations	CS.5, CS.7, CS.25
NE2 – Valued Views	CS.5, CS.12, CS.25
NE3 – Nature Conservation and Biodiversity	CS.6, CS.5, CS.7



NE4 – Flood Risk	CS.2, CS.4
NE5 – The River Avon	CS.4, CS.6, CS8
<b>Local Community, Health and Wellbeing</b>	
LCHW1 – Allotments and Growing Spaces	CS 6, CS.25
LCHW2 – Community Facilities	CS 25
LCHW3 – Promoting Walking and Cycling	CS 25, CS.2626
LCHW4 – Promoting New Employment Opportunities	CS 22
<b>Infrastructure</b>	
IN1- Transport, Highway Safety and the Iron Bridge	CS 26
IN2 – Parking	CS 26
IN3 – Encouraging Home Based Working and High-Speed Broadband	CS22, CS.26

## 5. European Union Obligations Strategic Environmental Assessment

- 5.1. A Strategic Environmental Assessment (SEA) screening exercise was undertaken by Lepus on behalf of Stratford-on-Avon District Council (SDC) with its report received in June 2021.
- 5.2. The screening exercise involved consultation with the statutory environmental bodies (Historic England, Natural England and the Environment Agency).
- 5.3. All three bodies have returned consultations and it was confirmed by SDC in a letter dated 13<sup>th</sup> September 2021 that a Strategic Environmental Assessment (SEA) is not required in respect of the HLNP.

### **Habitat Regulations Assessment**

- 5.4. It is considered that a Habitat Regulations Assessment (HRA) would not be required. The Plan was also screened out of the HRA process by Lepus.
- 5.5. It is considered that an Environmental Impact Assessment would not be required as the Neighbourhood Plan does not propose any projects which fall under the criteria set out in either Annex I or Annex II of the EIA Directive.

### **Human Rights**

- 5.6. The HLNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

Hampton Lucy Parish Council  
April 2023