

**HOUGH ON THE HILL
NEIGHBOURHOOD PLAN**

2014-2026

**BASIC
CONDITIONS
STATEMENT**

September 2014

CONTENTS

1	Introduction	3
2	Legal Compliance	3
3	Regard to National Planning Policy and Guidance	5
4	Conformity with Local Development Plan	5
5	Contribution to Sustainable Development	6
6	Compatibility with EU Requirements and Human Rights	6
Appendix One:		
	<i>Regard to National Planning Policy and Conformity with Local Development Plan</i>	8
Appendix Two:		
	<i>Strategic Environmental Assessment Screening Report</i>	9

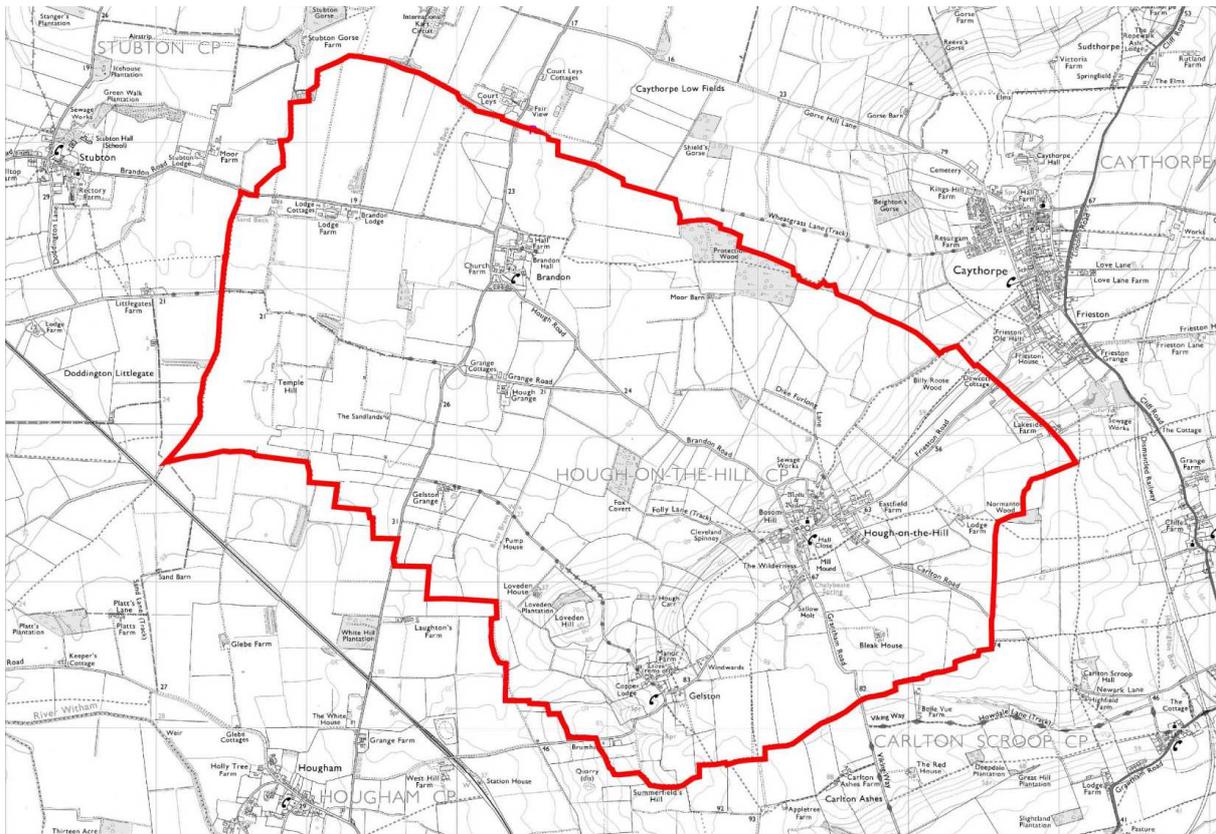
1 INTRODUCTION

- 1.1 This Statement is submitted by Hough on the Hill Parish Council (as the qualifying body responsible for the preparation and submission of the Neighbourhood Plan) to confirm that the Hough on the Hill Parish Neighbourhood Plan (dated August 2014) is legally compliant and meets the Basic Conditions required before a Neighbourhood Plan can proceed to the referendum stage.
- 1.2 The relevant legislative requirements are set out in the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.
- 1.3 The Basic Conditions required for Neighbourhood Plans are prescribed by the Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. There are four requirements:
- i) involvement of the local community and stakeholders;*
 - ii) conformity with national policies and strategic policies contained in the development plan for the area of the authority;*
 - iii) contribution to the achievement of sustainable development; and*
 - iv) compatibility with EU legislation.*
- 1.4 It is a legal requirement that Hough on the Hill Parish Council submit this Statement, which was approved at its meeting held on 25th September 2014.

2 LEGAL COMPLIANCE

- 2.1 The Hough on the Hill Neighbourhood Plan (dated August 2014) has been prepared in accordance with the Localism Act 2011 and the requirements as set out in the Neighbourhood Planning (General) Regulations 2012.
- 2.2 The Neighbourhood Plan is submitted by Hough on the Hill Parish Council which is a qualifying body for this purpose. The Parish was formally designated as a 'Neighbourhood Area' by South Kesteven District Council (SKDC) in February 2013.
- 2.3 The Hough on the Hill Parish Neighbourhood Plan qualifies as a 'Neighbourhood Plan' as it contains policies relating to the development and use of land within the neighbourhood area (defined as the whole of the Parish as shown on the map overleaf). Adjacent Parishes have been consulted on the proposals contained within the Plan, and there are no cross-boundary development proposals falling within the remit of neighbourhood planning.

Hough on the Hill Parish Boundary



© Crown copyright and database rights 2014 Ordnance Survey 100055743. Use of this data is subject to terms and conditions

- 2.4 The Plan has been prepared in consultation with local residents, landowners, businesses, statutory consultees and other relevant consultees as set out in the ‘Statement of Consultation’ submitted alongside this document and the Neighbourhood Plan. The Pre-Submission draft of the Neighbourhood Plan was made available for public, and stakeholder, consultation in accordance with the Neighbourhood Planning Regulations and all responses recorded and considered. The major amendments made are noted within the ‘Statement of Consultation’.
- 2.5 The Plan defines the time period within which its policies will apply as being from 2014 to 2026 (chosen to align with the period covered by the South Kesteven District Council Core Strategy).
- 2.6 The policies within the Neighbourhood Plan do not deal with any excluded development, such as 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.

3 REGARD TO NATIONAL PLANNING POLICY AND GUIDANCE

- 3.1 Hough on the Hill Parish Neighbourhood Plan has been prepared in accordance with national planning policy as set out in the National Planning Policy Framework (NPPF). The Neighbourhood Plan seeks to promote sustainable development (as required by the NPPF) by addressing social, economic and environmental issues in planning positively to promote local development alongside the protection of the local environment, landscape and historic assets (which local people have described as contributing to their quality of life). The Neighbourhood Plan also proposes specific policies in support of the transition to a low carbon economy and the provision of renewable energy. Local peoples' support for walking and recreational pursuits in the countryside are also given weight through policies which protect and promote access, thereby supporting objectives for healthy and active communities.
- 3.2 The Neighbourhood Plan seeks to deliver five policy objectives (and also includes separate design guidance). The five policy objectives (which are addressed through a total of sixteen separate policies) are summarised in the Table at Appendix One, indicating the relevant sections of the NPPF to which the policies have regard (and the relevant policies of the South Kesteven District Council Local Development Plan).¹
- 3.3 In the opinion of Hough on the Hill Parish Council the Neighbourhood Plan is fully compliant with the condition that the Plan has been prepared with full regard to national planning policy.

4 CONFORMITY WITH LOCAL DEVELOPMENT PLAN

- 4.1 Hough on the Hill Parish is situated within the administrative boundary of South Kesteven District Council, which has an adopted Core Strategy² as part of its Local Development Plan.
- 4.2 Appendix One indicates the relevant policies contained within the Core Strategy with which the policies of the Neighbourhood Plan are in conformity.
- 4.3 It is noted that the South Kesteven District Council Local Plan does not regard Hough on the Hill Parish as a 'sustainable location' for development³ and the Neighbourhood Plan has therefore been prepared on this basis, avoiding unnecessary duplication of existing policies in this regard. The Neighbourhood Plan seeks to provide additional clarifications relating to

¹ The Evidence Base used in the preparation of the Plan also contains a detailed Policy Compliance Analysis (April 2014) tracing the linkages between the (then draft) Neighbourhood Plan policies, the NPPF and the Local Development Plan.

² Adopted on 05.07.10

³ See SKDC Core Strategy, Section 3.1 SP1: Spatial Strategy and Section 3.2: Sustainable Communities

the protection of key landscape and historic features, and to provide guidance on appropriate design approaches for any development which the South Kesteven policies permit. It also seeks to respond to the wishes of the local community with regard to key local provision and facilities which can be used as a basis for negotiation on planning agreements/obligations and for other funding opportunities.

5 CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

5.1 The Neighbourhood Planning Project Team has embraced the principles of sustainable development throughout the preparation of the Neighbourhood Plan, endeavouring to ensure that Hough on the Hill Parish continues to be a sustainable community and that all relevant issues pertaining to social, economic and environmental issues have been fully considered and reflected in the policies proposed in the Plan. Specifically the Plan:

- has been drafted to be in conformity with the South Kesteven Local Development Plan and the sustainable development objectives that underpin it;
- includes policies and proposals to promote sensitive development and protect and enrich the landscape and built setting of the Parish, including locally important heritage features, that local people have identified as important to their sense of community and quality of life;
- recognises the importance of the local rural economy and seeks to ensure its continued sustainability through support for rural diversification;
- identifies Loveden Hill as an area of open space of significant local importance and proposes its designation as a Local Green Space;
- includes policies responding to the findings and conclusions of the Hough on the Hill Landscape Character Assessment, seeking to protect and enhance key features, support nature conservation and promote biodiversity;
- includes policies to encourage energy efficiency and the use of appropriate renewable and low carbon sources of energy;
- includes policies to enhance and improve leisure and recreational opportunities for residents and visitors thus contributing to the promotion of healthy and active communities.

6 COMPATIBILITY WITH EU REQUIREMENTS AND HUMAN RIGHTS

6.1 The Neighbourhood Plan area does not contain any Neighbourhood Development Orders and as the Plan does not allocate sites for development it will not have significant environmental effects. However, a Strategic Environmental Assessment (SEA) screening exercise has been completed, and is attached as Appendix Two to this Statement. The conclusion that an SEA is not required has the agreement of English Heritage, the Environment Agency, Natural England and South Kesteven District Council (SKDC). It is concluded that the Neighbourhood Plan does not breach, and is compatible with, EU obligations.

- 6.2 No sites in the area are designated as being of European or UK level importance in terms of landscape, conservation or bio-diversity. The Neighbourhood Plan policies reflect the landscape and conservation policies of the Local Development Plan, highlighting the local importance of Loveden Hill (for which Local Green Space designation is proposed) and the landscape value of field margins, ridge and furrow, hedgerows and trees. Natural England was consulted on the Neighbourhood Plan and commented:⁴

“Natural England generally welcomes the Neighbourhood Plan and considers that it provides a useful framework for the future of the community.

We welcome the inclusion of the Landscape Character Assessment (LCA) for Hough on the Hill which provides very useful evidence for assisting with the conservation and enhancement of the unique landscape of the parish. We also are pleased to acknowledge the reference that the LCA makes to the National Character Areas.

We particularly welcome policies HoH10 and HoH11 which encourages the protection of green spaces, nature conservation and the landscape character of the parish.”

- 6.3 There are no internationally designated wildlife sites within, or within a reasonable distance (20km) of, the Neighbourhood Area. It is concluded that the making of the Plan does not breach, and is otherwise compatible with EU obligations with regard to Habitats Regulations.
- 6.4 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. No proposals for new housing or health/community facilities are included within the Neighbourhood Plan and therefore it has no implications for peoples’ access to fundamental services.

⁴ Letter dated 23rd June 2014

APPENDIX ONE: REGARD TO NATIONAL PLANNING POLICY AND CONFORMITY WITH LOCAL DEVELOPMENT PLAN

<p style="text-align: center;">Hough on the Hill Parish Neighbourhood Plan Policy Objectives</p>	<p style="text-align: center;"><i>Relevant Sections of the NPPF</i></p>	<p style="text-align: center;">Relevant Policies of the South Kesteven District Council Local Development Plan</p>
<p>CHARACTER AND BUILT ENVIRONMENT Policies HoH1, HoH2, HOH3, HOH4, HoH5, HoH6, HoH7 - promoting sensitive development which protects and enriches the landscape and built setting of the parish - prioritising local distinctiveness in every element of change and growth</p>	<p>- Section 12 - Core Planning Principles (paragraph 17)</p>	<p>EN1: PROTECTION AND ENHANCEMENT OF THE CHARACTER OF THE DISTRICT SP1: SPATIAL STRATEGY H3: AFFORDABLE HOUSING SAP2: RURAL EXCEPTION AFFORDABLE HOUSING</p>
<p>EMPLOYMENT Policy HoH8 protecting jobs and supporting sustainable economic development</p>	<p>- Section 1 (paragraphs 20 and 28)</p>	<p>E1: EMPLOYMENT DEVELOPMENT SAP4: BUSINESS DEVELOPMENT IN THE COUNTRYSIDE</p>
<p>GREEN SPACES Policies HoH9, HoH10, HoH11 protecting greenspace, and supporting nature conservation and biodiversity</p>	<p>- Section 8 (paragraphs 76-78) - Sections 7 and 11 (paragraphs 58, 109, 113)</p>	<p>EN1: PROTECTION AND ENHANCEMENT OF THE CHARACTER OF THE DISTRICT</p>
<p>RENEWABLE ENERGY Policies HoH12, HoH13, HoH14 encouraging energy efficiency and, where appropriate, energy production from renewable and low carbon sources</p>	<p>- Section 12 - Core Planning Principles (paragraph 17) - Section 10 (paragraph 97)</p>	<p>EN3: RENEWABLE ENERGY GENERATION EN1: PROTECTION AND ENHANCEMENT OF THE CHARACTER OF THE DISTRICT</p>
<p>LEISURE AND RECREATION</p>	<p>- Section 8 (paragraphs 75-77) - Paragraphs 203-206</p>	<p>EN1: PROTECTION AND ENHANCEMENT OF THE CHARACTER OF THE DISTRICT SP3: SUSTAINABLE INTEGRATED TRANSPORT</p>

<p>Policies HoH15, HoH16</p> <p>improving recreational opportunities for residents and visitors of all ages to enjoy</p>		<p>SP4: DEVELOPER CONTRIBUTIONS</p>
---	--	--

APPENDIX TWO

Strategic Environmental Assessment Screening Report

August 2014

1. Introduction

1.1 This screening report is designed to determine whether or not the contents of the Hough on the Hill Neighbourhood Plan (HoHPNP) require a Strategic Environmental Assessment (SEA).

1.2 A SEA is required under European legislation for all plans which may have a significant effect on the environment. This particularly relates to plans, which designate sites for development..

1.3 The purpose of SEA is to provide a high level of protection of the environment and to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development.

1.4 To ascertain if SEA is required, a “screening” exercise is undertaken which looks at the proposals in a Neighbourhood Plan to see if a significant effect is likely. The criteria for this screening are set out in the relevant legislation and are shown in the figure following paragraph 3.1.

1.5 The HoHPNP is necessary for the continued well being of the parish because:

- Whilst the rural character of the area and its three settlements of Gelston, Brandon and Hough on the Hill is unlikely to substantially change over the next ten to fifteen years, development and land use challenges are still evident in many planning applications coming through.
- Clear, locally formulated policies about the type, scale and design of any development will help everyone to have greater certainty about what is acceptable and appropriate here. There are also particular features of the Parish’s distinctive landscape, historic fabric and rural character setting which require attention to ensure that what we value is protected into the future.
- Preparation of this Neighbourhood Plan helps to ensure that local people have a stronger influence over the way change and development takes place in coming years, and greater certainty that the features they value will be protected and, where possible, enhanced.

1.6 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the HoHPNP and the need for a full SEA.

2. Legislative Background

2.1 The basis for Strategic Environmental Assessments is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed

Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)

2.2 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

3. Criteria for determining likely significance of effects on the environment

3.1 Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC are set out below:

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

- environmental problems relevant to the plan or programme,

- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,

- the cumulative nature of the effects,

- the transboundary nature of the effects,

- the risks to human health or the environment (e.g. due to accidents),

- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),

- the value and vulnerability of the area likely to be affected due to:

- special natural characteristics or cultural heritage,

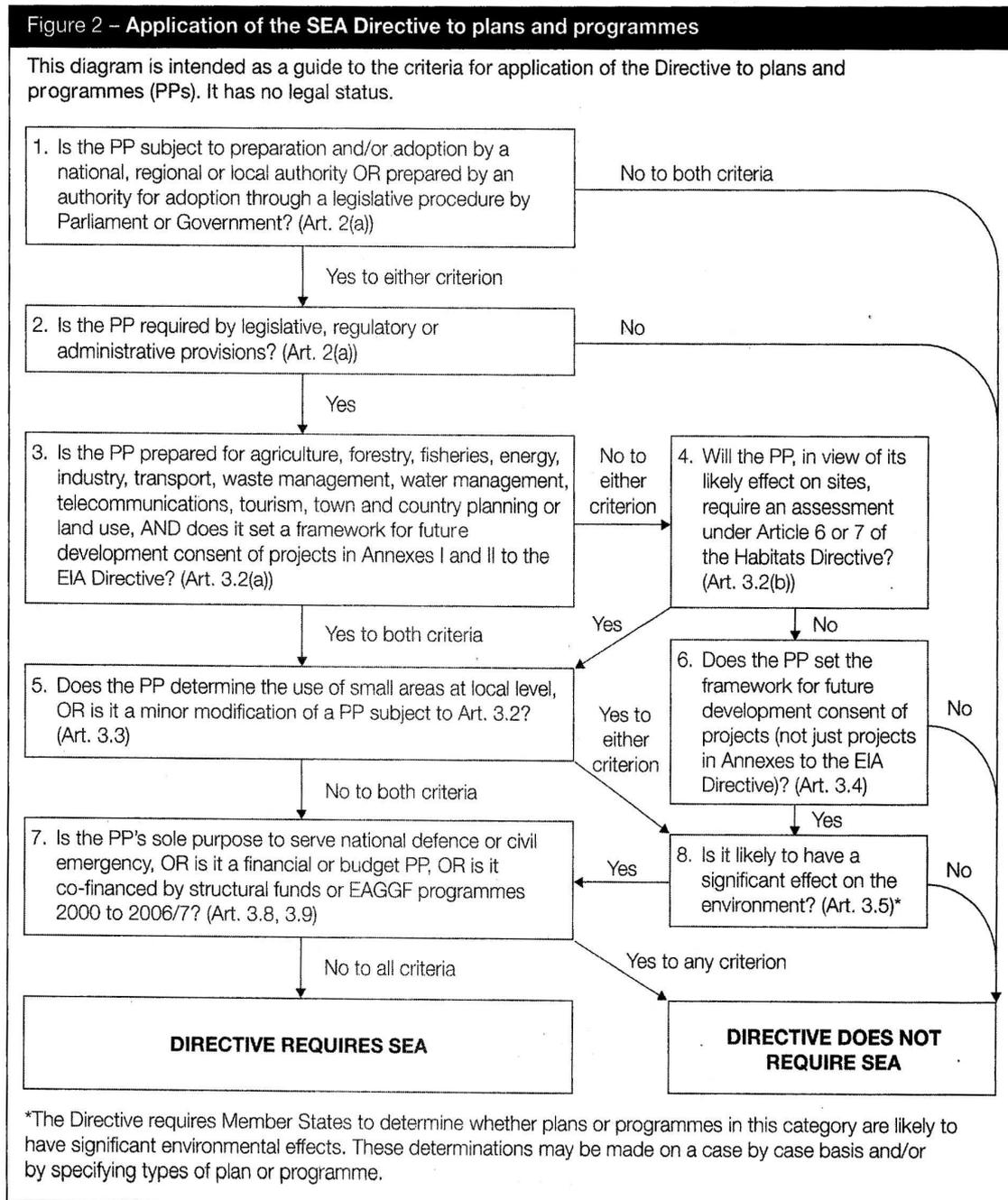
- exceeded environmental quality standards or limit values,

- intensive land-use,

- the effects on areas or landscapes which have a recognised national, Community or international protection status.

Source: Annex II of SEA Directive 2001/42/EC

3.2 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



4. Assessment

- 4.1 The policies set out in the draft Hough on the Hill Parish Neighbourhood Plan have been used to undertake the screening assessment. If the conclusion of the screening exercise is that an SEA is not required, any major changes to the existing policies or introduction of new ones should be subject to a further screening assessment to ensure that significant effects are not likely.
- 4.2 SEAs have been completed as part of the adoption of the South Kesteven Core Strategy and Site Allocation and Policies Development Plan Document (SAP DPD). These previously completed SEAs have been taken into account in undertaking this screening assessment.
- 4.3 The criteria for undertaking a screening assessment are set out in paragraph 3.1 above. The table below outlines the results of the assessment of the Hough on the Hill Parish Neighbourhood Plan (HoHPNP) against these criteria.

Criteria for determining the likely significance of effects (Schedule 1 of SEA Regulations)	Is the HoHPNP likely to have a significant environmental effect?	Justification for Screening Assessment
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	No	The HoHPNP sets a local policy framework for development proposals but does not specify particular locations for development. It supports the implementation of policies in the adopted South Kesteven Local Plan (Core Strategy), particularly Policies SP1 and EN1, which have already been subject to SEA and assessed as having no significant environmental effects.
The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	No	A Neighbourhood Plan must be in conformity with the Local Plan for South Kesteven District. It supports the implementation of higher tier policies at the Neighbourhood Area level. It is therefore not considered to have significant influence on other plans and programmes or their effects on the environment.
The relevance of the plan or programme for the integration of environmental considerations in particular with a view to	No	The HoHPNP contributes, as required, to the achievement of sustainable development at the Neighbourhood Area level.

promoting sustainable development.		Policies set out in the HoHPNP are planned to have a positive impact on local environmental assets and places valued by local people in the Neighbourhood Plan area. The likelihood of significant effects on the environment is, therefore, minimised.
Environmental problems relevant to the plan or programme.	No	Due to the scale of development proposed the environmental impact of the HoHPNP is likely to be minimal. Any existing environmental problems could be tackled through the implementation of the plan.
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	No	The HoHPNP has to be in conformity with the Local Plan. The Local Plan has had regard to European Community legislation on the environment and therefore this legislation will not be relevant for the Neighbourhood Plan.
The probability, duration, frequency and reversibility of the effects.	No	Although no specific developments are proposed within the HoHPNP some limited development is possible during the duration of the Plan so that an element of environmental change will take place. However, the Plan policies are designed to expect any new development to be more sustainable and minimise environmental impacts.
The cumulative nature of the effects.	No	The cumulative effects of proposals within the Neighbourhood Plan are unlikely to be significant on the local environment.
The trans-boundary nature of the effects.	No	The proposals within the Neighbourhood Plan are unlikely to have a significant impact on neighbouring areas.
The risks to human health or the environment (e.g. due to accidents).	No	No risks to human health or the environment as a result of the policies proposed have been identified.
The magnitude and spatial extent of the effects (geographical area and size of	No	The HoHPNP is concerned with development within the Neighbourhood Area, the

the population likely to be affected).		potential for environmental affects impacts are likely to be limited and minimal.
The value and vulnerability of the area likely to be affected due to: -special natural characteristics or cultural heritage; -exceeded environmental quality standards or limit values; -intensive land-use. -the effects on areas or landscapes which have a recognised national, Community or international protection status.	No	There are a number of listed buildings within the Neighbourhood Area and HoH village itself contains a designated Conservation Area which the policies within the HoHPNP are designed to further protect. The area is generally farmland with no sites designated as nationally or internationally important. The HoHPNP is unlikely to adversely affect the value and vulnerability of the area in relation to its natural or cultural heritage. If anything it will provide greater support to enhance the natural and cultural assets of the area. Where possible, policies encourage new opportunities for recreation and access.

4.4 The table below shows the assessment of whether the HoHPNP will require a full SEA. The questions are drawn from the diagram shown above in paragraph 3.2 which sets out how the SEA Directive should be applied.

Stage	Y/N	Reason
1. Is the HoHPNP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	The Neighbourhood Plan will be adopted by South Kesteven District Council as part of the statutory development plan following successful referendum with more than 50% 'yes' votes.
2. Is the HoHPNP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	Communities have a right to produce Neighbourhood Plans, but they are not required to do so by law or regulation. The HoHPNP, however, if adopted would form part of the statutory development plan and it is considered necessary to answer the next questions to determine further if an SEA is required.

3. Is the HoHPNP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	Yes	The NDP does provide a framework at a neighbourhood area level for some developments listed in Annex II. However, it supports the implementation of policies in the adopted South Kesteven Local Plan (Core Strategy), which have already been subject to SEA and assessed as having no significant environmental effects.
4. Will the HoHPNP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	No	No internationally designated wildlife sites are contained within the Neighbourhood Area, or within a reasonable distance of it, and therefore a Habitats Regulations Assessment is not required.
5. Does the HoHPNP determine the use of small areas at local level, OR is it a minor modification of a plan subject to Art. 3.2? (Art. 3.3)	Yes	The plan puts forward design principles and design guidance (in conformity with SKDC Planning Policy: EN1) for a development to be supported.
6. Does the HoHPNP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art 3.4)	Yes	The HoHPNP sets policies which planning applications within the plan area must adhere to.
7. Is the HoHPNP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art 3.8, 3.9)	No	N/A
8. Is the HoHPNP likely to have a significant effect on the environment? (Art. 3.5)	No	No likely significant effects upon the environment have been identified (see analysis provided in paragraph 4.3).

5. Screening Outcome

5.1 As a result of the assessment in section 4 above, it is unlikely there will be any significant environmental effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA. The main reasons for this conclusion are:

- The HoHPNP supports the implementation of policies in the adopted South Kesteven Local Plan (Core Strategy), particularly Policies SP1 and EN1, which have already been subject to SEA and assessed as having no significant environmental effects.
- The HoHPNP represents a lower tier in the hierarchy of planning documents for South Kesteven, and therefore has no or limited influence on other plans or programmes.
- The HoHPNP itself is unlikely to have environmental effects; rather it is the specific developments that come forward within the Neighbourhood Area that may result in environmental effects.
- The HoHPNP seeks to avoid or minimise negative environmental effects of through the provision of guidance on issues which should be considered when making proposals within the Neighbourhood Area. It is, therefore, likely to have an indirect

positive environmental effect by setting out how developers can avoid adverse effects on a number of environmental receptors.

- The HoHPNP seeks to avoid or minimise negative environmental effects of through the provision of guidance on issues which should be considered