

# Basic Conditions Statement Horncastle Neighbourhood Development Plan

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## 1 Introduction

### What is the Neighbourhood Plan?

- 1.1 The Horncastle Neighbourhood Development Plan (HNDP) has been prepared in accordance with the Town & Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future of the parish and sets out how that vision will be realised through planning and controlling land use and development.
- 1.2 The Plan relates to planning matters (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 by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### What is the Basic Conditions Statement?

- 1.3 This Basic Conditions Statement has been prepared to accompany the Horncastle Neighbourhood Development Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions:
  - I. have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
  - II. contribute to the achievement of sustainable development;
  - III. be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case the saved policies in East Lindsey District Council's Alteration Local Plan 1999 and using the evidence to support the emerging East Lindsey Core Strategy
  - IV. meet the relevant EU obligations.

This document will outline how the Horncastle Neighbourhood Development Plan meets all of the above basic conditions.

## 2 Key Statements

- 2.1 Horncastle Town Council is a qualifying body and is entitled to submit a Neighbourhood Plan for its own parish. The Horncastle Neighbourhood Development Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 2.2 The neighbourhood area is contiguous with the parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1.

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- 2.3 The Horncastle Neighbourhood Development Plan covers the period from 2015 to 2028.
- 2.4 The Plan proposal 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 as 'excluded development'.
- 2.5 The Horncastle Neighbourhood Development Plan does not relate to more than one neighbourhood area. It is solely related to the area of Horncastle as designated by East Lindsey District Council on January 8<sup>th</sup> 2013.
- 2.6 There are no other neighbourhood plans in place for the Horncastle neighbourhood area.
- 2.7 The Draft Horncastle Neighbourhood Development Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012, from 3<sup>rd</sup> November 2014 until the 9<sup>th</sup> January 2015. Some minor amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement'.

**Figure 1: Horncastle Neighbourhood Area**



## 3 Conformity with National Policy

- 3.1 Horncastle Neighbourhood Development Plan is required to have appropriate regard to national planning policy. This is principally provided in the National Planning Policy Framework (NPPF) published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
- 3.2 Sections 183-185 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF and to be in general conformity with the strategic policies of the Local Plan. The Localism Act explains that this is the 'adopted Development Plan'.
- 3.3 This sections demonstrates that the Horncastle Neighbourhood Development Plan has regard to relevant policies within the NPPF in relation to:
  - Delivering a wide choice of high quality homes
  - Supporting a prosperous local economy
  - Requiring good design
  - Promoting healthy communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- 3.4 The Horncastle NDP contains a Vision, Aim and Objectives. The objectives are summarised in **Table 1** alongside the NPPF goals they seek to address.
- 3.5 **Table 2** provides a summary of how each of the 15 development management policies conforms specifically with the NPPF.

**Table 1: Assessment of HNDP Objectives against NPPF Goals**

Objective No.		Relevant NPPF Goal
1	The character and heritage of Horncastle is maintained and enhanced as the town grows.	Conserving and enhancing the historic built environment
2	Future housing growth must meet the needs of the local community whilst minimising the impact on the natural and built environment	Delivering a wide choice of high quality homes. Conserving and enhancing the natural environment. Meeting the challenges of climate change in particular flooding
3	New housing developments must integrate easily with the existing settlement pattern whilst sustaining and enhancing local facilities.	Conserving and enhancing the natural environment. Promoting healthy communities
4	To create a more attractive shopping centre. A vibrant evening economy and to develop the tourist industry in the town.	Building a strong competitive economy and supporting a prosperous rural community.
5	All new development must relate positively in form and function, in particular with respect to materials, style and connections where it will adjoin the existing settlement.	Conserving and enhancing the historic built environment. Conserving and enhancing the natural environment.
6	To ensure easy access to the countryside through green connections, protect and enhance local green spaces whilst supporting nature conservation.	Conserving and enhancing the natural environment Promoting healthy communities
7	Any community funding arising from all development is maximised for the benefit of the town.	Promoting healthy communities Supporting a prosperous rural economy
8	Development proposals in and around the town must show how they have addressed the issues identified in the Horncastle Urban Structures Study	Conserving and enhancing the historic built environment

9	The community are consulted early in the planning application process via mechanisms outlined in this NDP	Promoting consultation and front loading
10	Creating an environment that makes it attractive for micro, small and medium sized businesses and shops to locate and flourish	Building a strong competitive economy and supporting a prosperous rural community.
11	The economic vitality of the town is supported by ensuring that <ul style="list-style-type: none"> <li>a) Future housing development is flexibly designed</li> <li>b) Future development ensures that high speed broadband connectivity is accessible</li> <li>c) Future development supports retail and commercial activity in the town centre</li> </ul>	Supporting high quality communications infrastructure Building a strong competitive economy.

**Table 2: Assessment of how each policy in the HNDP conforms to the NPPF**

Policy No.	Policy Title	NPPF Ref (para.)	Commentary
1	Sustainable Development	6,7,11, 17, 28, 70	Defines the overall approach to development where growth must balance the need for development to meet housing need with the requirement to provide community, medical and leisure facilities to retain and enhance the quality of life for local residents. This is key to ensuring Horncastle continues to be a healthy community Embraces the core principle of planning being a creative exercise in finding ways it enhance the places people live.
2	Design Principles for New Development	17,56,57,58,60,61, 62	Sets out robust and comprehensive design standards based on an understanding of its characteristics, the importance of reinforcing local distinctiveness and the integration of



Policy No.	Policy Title	NPPF Ref (para.)	Commentary
3	Vehicle and Cycle Parking on New Development	39	new development with the existing built and natural environment. Takes account of the character of different areas of the town. Supports the use of a design review process.
4	Pre application Consultation	66,188	Sets out local parking standards to reflect the type, mix and accessibility of development Encourages consultation with local people before a planning application is submitted to ensure the decision making process is well informed and to improve the efficiency of the process (by reducing objections).
5	Protecting the Historic Environment	126	Provides a list of non-designated heritage assets and requires that development proposals consider the impact on them as part of a positive local conservation strategy that also draws attention to historic buildings particularly in need of renovation.
6	Allocation of Affordable Housing	50	Ensures that new development meets the needs of different groups within the community and sets out a local connection criteria that prioritises people who have a connection to the town.
7	Provision of Affordable Housing	50,69	Sets the level of provision in line with local evidence of market trends and viability. Requires the provision of other facilities to promote healthy communities where a lower AH threshold is proposed.
8	A mix of housing types	47,50	Addresses the need for a mix of dwelling sizes and particularly a greater proportion of smaller dwellings than has been delivered in

Policy No.	Policy Title	NPPF Ref (para.)	Commentary
9	Green Infrastructure	75,109,114,117	<p>the past in order to provide for local needs. Encourages a housing mix to reflect a consideration of the location of the site in relation to facilities.</p> <p>Seeks to improve the network of green infrastructure by creating new provision as part of development schemes and by enhancing the existing provision.</p>
10	Developing a Green Wheel around Horncastle	17,30,35,75,109,114,117	<p>Embraces the core principle of planning being a creative exercise in finding ways it enhance the places people live.</p> <p>Seeks to ensure that pedestrians and cyclists have access to an extensive and safe network of paths that will encourage easier access to the countryside.</p> <p>Prioritises pedestrian and cycle movements</p> <p>Seeks to improve the network of green infrastructure across the parish</p>
11	Designating Local Green Spaces	76,77	<p>Makes use of the provision and identifies a particular area of tranquillity and community value that will be protected from development for the duration of the Plan period</p>
12	Visual connections with the countryside	17	<p>Seeks to minimise the impact of development on the setting of the town recognising the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment.</p>
13	Strengthening the Retail Core	23	<p>Identifies a primary frontage and encourages the retention of A1 uses or other uses of benefit to the town centre to support the</p>

Policy No.	Policy Title	NPPF Ref (para.)	Commentary
14	Supporting Local Business Growth	20, 21, 28, 43	<p>vitality and viability of the primary shopping frontage.</p> <p>Seeks to protect the existing employment sites and to encourage new business premises to strengthen the economic base of the town.</p> <p>Seeks to ensure that Horncastle is provided with a high quality communications network to support an economy fit for the 21<sup>st</sup> C.</p>
15	Reducing the risk of Flooding	99,100	<p>Seeks to ensure that development does not worsen the impact from flooding and ensures that the flood attenuation network is protected.</p>

## 4 Contribute to the Achievement of Sustainable Development

- 4.1 The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three dimensions: economic, social and environmental. The Horncastle NDP recognises that this is a balancing act and the strategic objectives of the Plan comprise a balance of social, economic and environmental goals.
- 4.2 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. This Plan seeks to achieve this by providing an appropriate mix of new homes to meet the demands and needs of the local community whilst requiring investment in the necessary infrastructure to ensure Horncastle remains a thriving town with local shops, adequate medical facilities, schools etc. The Green Wheel proposals whilst primarily an environmental goal are designed to encourage healthier lifestyles by improving access to the countryside for walking etc..
- 4.3 The **economic** goals are to retain, improve and extend the existing employment base. This is both by supporting the expansion of Boston Road Industrial Estate, protecting existing employment sites and also requiring new development to provide the communications infrastructure for superfast broadband necessary for the 21<sup>st</sup> C economy.
- 4.4 The **environmental** goals are to protect the rural environment and ensure that development recognises this in its design, landscaping and access to the surrounding rural areas. The promotion and enhancement of the Green Wheel, to extend existing non-vehicular routes and to create new links to both new and existing open space and the designation of a local green space, are policies intended to increase access to the countryside around the town. Development proposals are required to meet locally derived design standards that take into account the topography of the land around the town and to minimise the impact on the environment of future growth. .
- 4.5 A **Sustainability Review** of the policies in the HNDP was undertaken in December 2014. The document is available on the Horncastle Neighbourhood Plan web site. Although there is no legal requirement for neighbourhood plans to have a sustainability appraisal, given the likelihood of significant quantities of development coming forward that will be tested against these neighbourhood plan policies, it was considered best practice to undertake a Sustainability Review of the HNDP. It assessed all the policies against the same criteria used by East Lindsey District Council in its Sustainability Appraisal 2009 for the Draft Core Strategy.
- 4.6 **Table 3** is the summary of the overall assessment of the HNDP and its policies and aspirations in delivering sustainable development against ELDC's Sustainability Appraisal criteria. A full explanation is found on page 16 of the Sustainability Review.

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**Table 3: Neighbourhood Plan Policies against ELDC Sustainability Criteria**

Policies/ Criterion	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Nature conservation	++	?	0	+	0	0	0	0	++	++	++	++	0	0	++
Landscape and heritage	++	++	+	+	++	0	0	0	++	0	++	++	0	0	++
Air and climate	0	+	0	0	0	0	0	0	+	+	0	0	+	0	++
Water	0	0	0	0	0	0	0	0	+	0	0	0	0	0	++
Soil	0	?	0	0	0	0	0	0	+	0	0	0	0	0	0
Population	++	++	0	0	0	++	++	++	0	0	0	0	0	+	0
Health and wellbeing	+	+	0	0	0	0	0	0	++	++	+	0	+	0	+
Inclusiveness	++	+	0	++	0	++	++	++	0	++	+	0	++	0	0
Infrastructure	+	++	+	0	0	0	0	0	0	++	0	0	++	+	0
Employment and skills	++	++	0	0	0	0	0	0	0	0	0	0	++	++	0

**Key to Table 3**

++	significant positive benefit;
+	some positive benefit;
0	no overall impact, or not applicable;
-	some negative effects;
--	significant negative effects;
?	uncertain, may have either positive or negative influences.

The Sustainability Review concluded that the Neighbourhood Plan policies would either have no overall impact or at least some positive benefit.

## 5 Conformity with Strategic Local Policy

- 5.1 The HNDP has been prepared by a Neighbourhood Plan Steering Group on behalf of the Town Council in close collaboration with officers from East Lindsey District Council. This has ensured that the process of developing the policies in the HNDP has been informed by the saved Local Plan policies and the evidence base in the emerging Core Strategy.
- 5.2 **Table 4** provides a summary of how each of the 15 development management policies are in general conformity with the saved policies in the 1999 Alteration Local Plan..
- 5.3 At the start of the preparation of the HNDP in October 2013 it was expected that the Draft Core Strategy would continue through to adoption in 2014. (An October 2012

version is on ELDC's web site although a 'Final Submission Version' dated December 2013 was provided by ELDC to the neighbourhood plan group during the early stages of the HNBP preparation). However progress on the emerging Core Strategy has been delayed primarily due to fundamental questions about the extent to which ELDC's should operate a policy of coastal constraint. ELDC's rationale, constraining housing growth on the coast and requiring the inland towns like Horncastle to take on extra housing growth to offset this, has been challenged as part of the consultation process on the Draft Core Strategy.<sup>1</sup>

- 5.4 The time taken to resolve this wider matter, that has such significance for the inland towns like Horncastle, is why the HNBP is a criteria based neighbourhood plan that does not identify preferred sites for development because there is no certainty about the total amount that is required. (Figures have varied from between 450 and in excess of 1200)<sup>2</sup> yet there remains significant developer interest on all the land around the town.
- 5.5 However, the collaboration with ELDC planning policy officers has ensured that, outside the issue about housing numbers, the evidence base for the emerging Core Strategy has been used to support the neighbourhood plan policies.
- 5.6 These supporting studies include the Conservation Area Appraisal 2008, ELDCs Sustainability Appraisal 2009, Coastal Lincolnshire Economic Viability Assessment 2013, Lincolnshire Sub Regional Housing Study 2009, Strategic Housing Market Assessment 2012, ELDC Green Infrastructure Audit and Sports and Recreation Audit 2013, East Lindsey Retail Economic Assessment Update 2014, Draft Strategic Flood Risk Assessment 2012.
- 5.7 During 2014 separate planning policies from the Draft Core Strategy were revised and received planning committee approval. As these policies are considered to be the most up to date emerging policies **Table 5** shows how these relate to the HNBP policies.

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<sup>1</sup> Lincolnshire County Council raised significant concerns about this approach.

<sup>2</sup> The estimated housing figure from ELDC for Horncastle was around 500 in July 2013. This was increased to roughly 870 + predicted demand to take up the shortfall from restricting development on the coast + taking an allocation from other potential developments in towns/villages which may have other flooding problems (all in ELDC housing target consultation 2014). The 1200 is an estimation of where the final figure could be.

**Table 4: Assessment of how each policy in the HNDP conforms to the saved policies from the 1999 Alteration Local Plan**

Neighbourhood Plan Policy No.	Policy Title	Ref in 1999 Local Plan	Commentary
1	Sustainable Development	Para 2.6	This establishes that the Local Plan is based on the 'key principle of sustainable development.
2	Design Principles for New Development	A5, H12	Requires development to improve the quality of the environment and reflect the 'distinctive character of the locality'. Specifies need to reflect local character, landscaping, open space, layout
3	Vehicle and Cycle Parking on New Development	T9,H9, EMP1	Relates to provision of hotels (or b and b accommodation) or conversions and the need to ensure the development does not create any parking problems industrial development: car parking should be within the curtilage
4	Pre application Consultation	-	-
5	Protecting the Historic Environment	T1,S1, C1 and C2	Heritage of the town centre promoted, regard to conservation area and listed buildings in the town centre, protection of listed buildings and buildings in conservation areas from demolition
6	Allocation of Affordable Housing	H6	Requirements for low costs housing to meet an evidenced local need
7	Provision of Affordable Housing	H6	Establish thresholds of 1 hectare or more or more than 25 dwellings or small exception sites to meet specified local need.
8	A mix of housing types	H12	The design has made appropriate provision for the differing housing needs of the local community
9	Green Infrastructure	ENV19, ENV20, ENV21, ENV24	Nature conservation areas, designated open spaces and river corridors are protected. Where development is permitted

Neighbourhood Plan Policy No.	Policy Title	Ref in 1999 Local Plan	Commentary
10	Developing a Green Wheel around Horncastle	-	affecting local sites of nature conservation compensatory measures may be required
11	Designating Local Green Spaces	-	-
12	Visual connections with the countryside	A5	Requires development to consider 'important medium and long distance views'
13	Strengthening the Retail Core	S1, S4	Concentrates retail uses within the town centre, supports refurbishment and redevelopment for this purpose, discourages loss of A1 use
14	Supporting Local Business Growth	EMP1	Protects existing employment sites
15	Reducing the Risk of Flooding	No relevant saved policies	



**Table 5: Assessment of Core Strategy Policies Approved at Planning Committee in 2014 against HNDDP**

Approved Core Strategy Policy .	HNDDP conformity Y/N	Commentary
Employment	Y	HNDDP allocates 5 hectares at Boston Road and accords with the intent to protect existing employment land and to support the growth of the local economy.
Open space, sport and recreation	Y	HNDDP accords with the intent to protect existing open space provision for sports and recreation
Diverse economy, town/village centres	Y	HNDDP accords with the intent to focus retail uses within the primary shopping frontages, to protect and enhance community facilities and to encourage visitor attractions
Historic Environment	Y	HNDDP accords with the intent to protect heritage assets (including conservation areas and listed buildings and non-designated heritage assets) and their setting, requiring improvements to shop fronts in historic centres to have regard to their setting.
Affordable and low cost housing	Partial Y	HNDDP accords with the intent to deliver affordable housing on schemes of 10 or more dwellings. The draft Core Strategy policy requires 30% affordable dwellings across the district unless this can be proven to be unviable; the HNDDP uses the ELDC 3 dragons study that showed that a 20% threshold only was viable in parts of the district ie Horncastle.

## 6 Bringing a Neighbourhood Plan forward ahead of a Local Plan

6.1 The National Planning Practice Guidance (PPG) was issued on 6<sup>th</sup> March 2014. It clarifies certain matters within the NPPF including the situation that we have in East Lindsey where there is no up to date Local Plan. Whilst the HNDP would ideally wait until a Local Plan is in place this is not expected until the end of 2015 at the earliest. Given significant developer pressure and an improving economy, the town council wanted to provide up to date, locally derived planning policies to assist developers in preparing good proposals that would enhance the town.

6.2 The PPG states that it is possible to bring into force a neighbourhood plan in advance of a local plan. It states that:

*'Where a neighbourhood plan is brought forward before an up to date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in*

- *The emerging neighbourhood plan*
- *The emerging Local Plan*
- *The adopted development plan*

*With appropriate regard to national policy and guidance.*

*The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.'*

6.3 The Horncastle Neighbourhood Development Plan has been prepared in close collaboration with East Lindsey District Council. Regular meetings throughout the drafting stages have ensured a clear understanding between the Neighbourhood Plan group and East Lindsey planners about the emerging role of both the Local Plan and the Neighbourhood Plan and how the policies in the HNDP will fit with both the existing saved Local Plan policies and the emerging Local Plan.

6.4 Prior to the formal consultation stage on the HNDP East Lindsey planners had significant input into the earlier drafts of the HNDP.

6.5 The evidence base for the emerging Local Plan has been used as a basis for the HNDP.

## 7 Compatibility with EU Obligations

- 7.1 The HNBP Steering group submitted a formal screening request regarding the need for a Strategic Environmental Assessment to East Lindsey District Council in considered that a was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment.
- 7.2 This document was submitted to English Heritage, Natural England and the Environment Agency who also agreed with this outcome.
- 7.3 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing for older people. The inclusive nature of the preparation of the Plan is a further benefit. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages. In addition, the consultation, (see below and in the Statement of Community involvement) has been inclusive, with particular efforts made to visit older people in their place of residence and younger people at school, or in organised groups.
- 7.4 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was extensive consultation and engagement early on in the process and later in identifying issues and options. Finally, the draft Neighbourhood Plan has been consulted on 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 Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations. 2
- 7.5 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by East Lindsey District Council.

## 8 Conclusion

- 8.1 It is the view of Horncastle Parish Council that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the TCPA 1990 Act are considered to be met by the Horncastle Neighbourhood Development Plan and all the policies therein.
- 8.2 The Plan has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with strategic policies contained in East Lindsey's District planning policies and meets relevant EU obligations.

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- 8.3 On that basis it is respectfully suggested to the Examiner that the Horncastle Neighbourhood Development Plan complies with Paragraph 8(2) of Schedule 4B of the Act.