

Ickleford Neighbourhood Plan Basic Conditions Statement

March 2023

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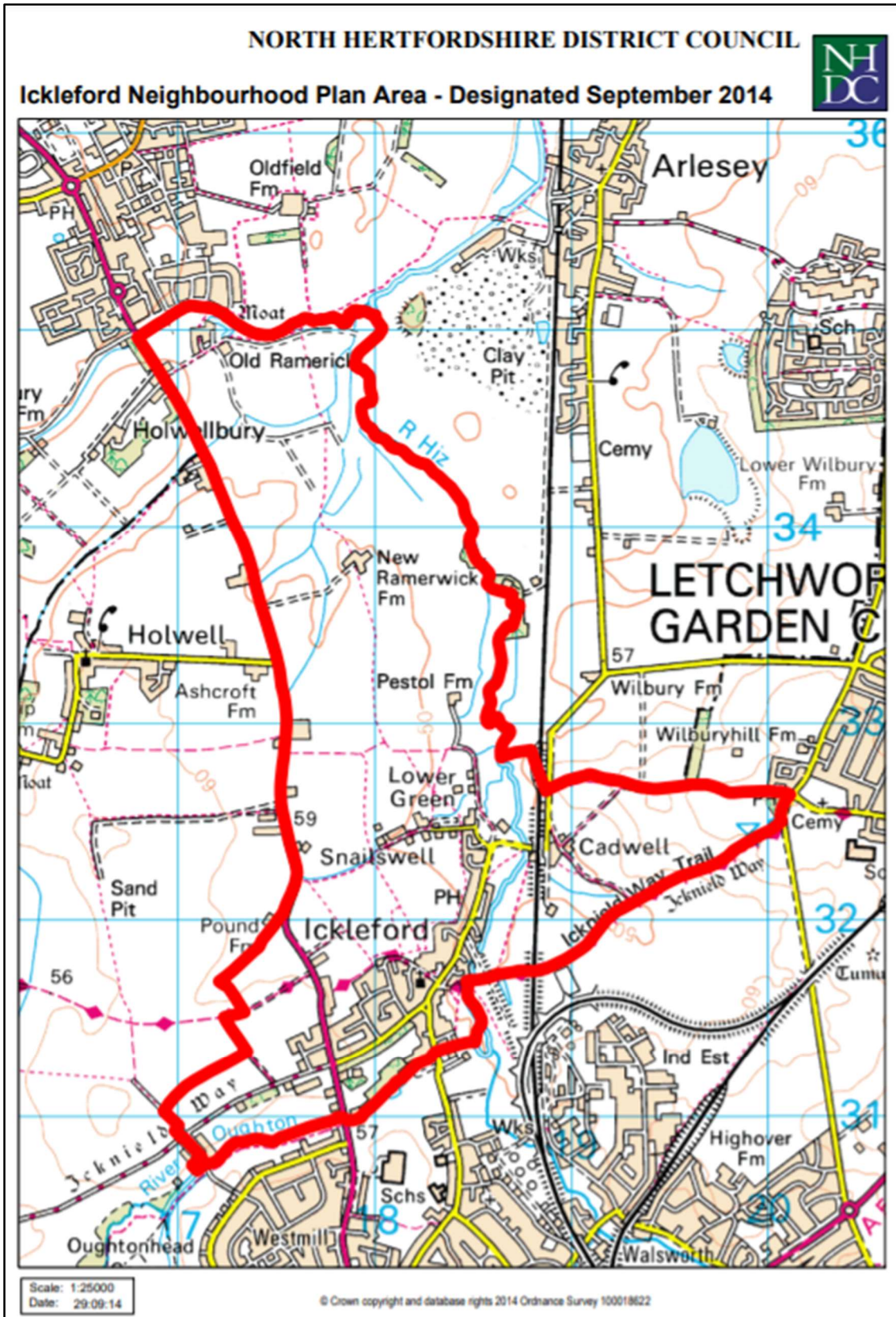
1. Introduction

- 1.1. This Statement has been prepared by Ickleford Parish Council (IPC) to accompany the Ickleford Neighbourhood Plan 2022-2035 (Submission Version March 2023) on submission to North Herts District Council (NHDC) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 as amended (“the Regulations”).
- 1.2. In September 2014, North Herts District Council resolved to designate the Ickleford Neighbourhood Area to be contiguous with the Parish boundary. The Neighbourhood Area is shown in Figure 1.

2. The Neighbourhood Plan

- 2.1. The Neighbourhood Plan has been prepared for the Neighbourhood Area. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area and do not relate to any other designated Neighbourhood Area. The plan period is from 1st April 2022 to 31st March 2035.
- 2.2. The Neighbourhood Plan does not contain policies relating to excluded development in accordance with the Regulations. The document also contains a number of non-statutory proposals that relate to Aspirations which do not form part of the examined ‘neighbourhood development plan’ but provides a ‘wish list’ that has emerged during consultation that the Parish Council has considered during the preparation of the document.
- 2.3. This Statement addresses each of the ‘basic conditions’ required and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004.
- 2.4. The Acts state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - Having regard to National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan,
 - The making of the Neighbourhood Plan contributes to the achievement of sustainable development,
 - The making of the Neighbourhood 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),
 - The making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations,
 - Prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Plan.

Figure 1: Map showing extent of Neighbourhood Planning Area



3. Background

- 3.1. The plan preparation has been led by Ickleford Neighbourhood Plan Steering Group. It has comprised three main stages:
 - Evidence gathering and community engagement which has been incorporated into the Neighbourhood Plan
 - Pre-Submission Neighbourhood Plan September 2022 (Consultation Version); the draft plan and accompanying background documents were published for more than 6 weeks in accordance with regulation 14 of the Regulations.
 - Submission Neighbourhood Plan (March 2023) which takes into account representations received on the earlier version and has been modified for submission to NHDC; it is accompanied by the Basic Conditions Statement, the Consultation Statement, Ickleford Design Guidelines and Codes (by AECOM), Housing Needs Survey (by AECOM), HRA Screening and SEA Screening Report.
- 3.2. The Steering Group has consulted the local community extensively throughout the process.
- 3.3. The Neighbourhood Plan <https://www.icklefordnp.com/> has been used throughout the process to disseminate information, act as a depository for documentation and to publicise consultations. The Parish Council's website also has a dedicated page for the Neighbourhood Plan <https://ickleford-pc.gov.uk/>. A number of methods to raise awareness have been used, including banners, flyers and notices on the Parish Council website, village Facebook pages and noticeboards around the Parish.
- 3.4. The Draft Neighbourhood Plan was formally consulted upon from 28 September 2022 to 14 November 2022, a period of over 6 weeks. Full details are set out in the separate Consultation Statement.
- 3.5. It has also worked closely with officers of NHDC since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the Local Plan.
- 3.6. The Plan has not duplicated Local Plan policies which will be used in determining planning applications. This has allowed the Neighbourhood Plan to focus on a smaller number of locally relevant and important policies.

4. Conformity with National Planning Policy

- 4.1. The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework 2012 (NPPF) and the revised Framework of July 2021 and is mindful of the National Planning Practice Guidance (NPPG) in respect of formulating neighbourhood plans.
- 4.2. There are several NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:
- 4.3. In relation to the presumption in favour of sustainable development:
 - Paragraph 12: the development plan is the starting point for decision making and this includes any neighbourhood plan.
 - Paragraph 13: 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.
 - Paragraph 14: reminds us of the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to be significantly and demonstrably outweigh the benefits provided, four criteria apply.

- 4.4. The Parish Council believes that the Neighbourhood Plan is planning positively for future development in the Area and supports the delivery of the strategic policies of the adopted Development Plan as advised in the above paragraphs of the NPPF.
- 4.5. Paragraphs 18 and 21 advise that policies to address non-strategic matters and detailed matters should be included within neighbourhood plans, and the Neighbourhood Plan contains such policies.
- 4.6. Advice on non-strategic policies and the role of neighbourhood plans is identified in paragraphs 29 and 30. The Neighbourhood Plan establishes a shared vision for the Parish and its policies shape, direct and help deliver sustainable development. It has sought to translate aims into a number of meaningful planning policies to complement other development plan policies for managing development.
- 4.7. The Neighbourhood Plan strikes a positive balance between the policy constraints of the Area and the need to support the general requirements of the development plan as set out in section 5 below.
- 4.8. The Neighbourhood Plan avoids duplicating development plan policies by focusing on policies that translate the general requirements of the development plan into a local context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.
- 4.9. Set out below is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1: NPPF Conformity

| Policy | Policy Title | NPPF Para no. | Commentary |
|---------------|--|------------------------------|---|
| E1 | Maintaining Separation | 126,127 | Ickleford is a separate community from Hitchin and maintaining its character as such is essential to the rural character and uniqueness in line with NPPF policy. |
| E2 | Protecting the Landscape | 126, 127, 130, 174 | In a Parish such as this, the retention of natural features will contribute to the protection of the landscape and special character. |
| E3 | Rural Character | 126, 127, 130, 174, 175 | Sets the context for new development to ensure rural character and views of the countryside are retained. |
| E4 | Biodiversity | 174, 179, 180 | New development is expected to retain natural features and enhance them, and provide at least a 10% net gain in biodiversity. |
| HE1 | Protecting and Enhancing Local Heritage Assets | 130, 189, 195, 199, 201, 203 | Seeks to conserve non-designated historic assets and their setting. |
| SD1 | Development within the Settlement Boundary | 79, 144, 149 | The emphasis on supporting new development within the Settlement Boundary is consistent with NPPF policies, including Green Belt policy. |
| SD2 | New Housing Development | 62 | Housing should be provided in a mix of sizes to rebalance the housing stock to provide for different groups of people. |
| SD3 | High Quality Design | 92, 126, 127, 130, 134 | This policy seeks high quality sustainable design for new development which respects the character of the Area. |

| Policy | Policy Title | NPPF Para no. | Commentary |
|--------|--|-------------------|---|
| SD4 | Provision of Energy Efficient Buildings | 8c, 152, 154, 157 | Ensuring that new development is built sustainably and is energy efficient. |
| SD5 | Water Management | 153 | In an area of water stress, water efficiency for new buildings is important in contributing to the climate change mitigation efforts. |
| C1 | Community facilities | 92,93, | Promotes protection of existing community facilities which are locally valued and increase community cohesion. |
| C2 | Recreation and Green Spaces | 98 | Retention of green spaces is a recognized way of contributing to people's wellbeing as well as contributing to nature conservation. |
| C3 | Primary School | 92, 93, 95 | The school contributes to a cohesive community and if it is to be relocated, it is essential that it is integrated with the village, not just providing the appropriate number of spaces. |
| C4 | Supporting Local Employment | 81, 84, 85, | New businesses and the expansion of existing businesses are supported in line with the NPPF principle of building a strong competitive economy |
| TT3 | Provision for pedestrians, cyclists and horse riders | 100, 104, 106 | In this rural location, retention and improvement of the rights of way network and requiring new development to provide pavements and improve pedestrian, cyclist and horse rider safety is particularly important. |
| MTT1 | Car Parking | 107, 108 | Requires new parking for new development and retention of existing off road parking spaces. |

5. Contribution to Sustainable Development

- 5.1. The basic condition of “contributing to the achievement of sustainable development” requires a broad scope of assessment to embrace social and economic as well as environmental objectives.
- 5.2. The vision and aims of the Neighbourhood Plan comprise a balance of social, economic and environmental goals. The social goals are to retain and encourage the local facilities, including amenity and green spaces. Economic goals are relatively limited in scale in the Parish, but the provision of local businesses is recognised. Environmental goals include the protection and enhancement of the area's natural and historic environment.
- 5.3. However, the aims make clear that there are environmental parameters within which the social and economic goals must be kept by ensuring development is in scale with the character of the existing village and Parish.
- 5.4. The chosen policies therefore translate the aims of the Neighbourhood Plan into viable and effective development management policies which will deliver strong social, economic and environmental impacts.
- 5.5. The sustainability attributes of each policy are summarised in Table 2 below.

Table 2: Sustainability Attributes

Key: *positive - neutral x negative

| Policy | Policy Title | Soc | Econ | Env | Commentary |
|--------|------------------------|-----|------|-----|---|
| E1 | Maintaining Separation | * | X | * | Ensures the character of the area is retained which adds to residents' wellbeing and is also positive for |

| Policy | Policy Title | Soc | Econ | Env | Commentary |
|--------|--|-----|------|-----|--|
| | | | | | the environment (landscape). Negative economic aspect because it reduces the opportunity of building on highly valuable land. |
| E2 | Protecting the Landscape | * | - | * | Ensures the character of the area is retained which adds to residents' wellbeing and also is positive for the environment (landscape). There is no economic impact. |
| E3 | Rural Character | * | * | * | Ensures rural character is retained which is beneficial to both the environment and the wellbeing of residents. There is a minimal economic positive impact because the policy allows for appropriate development. |
| E4 | Biodiversity | * | - | * | Provides a positive impact for the natural environment and for the sense of place which can enhance the wellbeing of residents. |
| HE1 | Protecting and Enhancing Local Heritage Assets | * | - | * | This policy will deliver a very positive impact on the historic environment and enhance the wellbeing of residents through sympathetic design |
| SD1 | Development within the Settlement Boundary | * | * | * | Supporting development within the settlement ensures that development is compact, which contributes to social interaction and reduces the impact on the countryside. There is a minimal economic positive impact because the policy allows for appropriate development. |
| SD2 | New Housing Development | * | - | - | Housing should be provided for different groups in the community which has a beneficial social impact. |
| SD3 | High Quality Design | * | * | * | In economic terms, this policy is only slightly positive because well designed places and buildings can ensure value is retained/increased, but it is positive in environmental and social terms. It seeks to ensure that important design and biodiversity features are retained and enhanced |
| SD4 | Provision of Energy Efficient Buildings | - | * | * | Very positive impact on the environment because sustainable design reduces energy use. Building energy efficient buildings is positive from an economic point of view. |
| SD5 | Water Management | - | * | - | Very positive impact on the environment because sustainable design reduces water use |
| C1 | Community facilities | * | * | * | The retention and encouragement of community facilities will clearly be positive in terms of wellbeing and social aspects of village life as well as retaining local businesses. |
| C2 | Recreation and Green Spaces | * | - | * | This policy protects green spaces from being developed and therefore has a positive social and environmental impact |
| C3 | Primary School | * | - | - | Consultation with the community on aspects of the possible school relocation may help reduce the concerns of current residents of relocating the school in the short term. However, a relocated school would be less centrally located and may |

| Policy | Policy Title | Soc | Econ | Env | Commentary |
|--------|--|-----|------|-----|--|
| | | | | | have a negative impact on social cohesion. However, in general terms, providing sufficient school places whether on the existing site or not, will have a positive social impact on the community. |
| C4 | Supporting Local Employment | * | * | x | Local employment being supported has benefits to both the economy and social aspects of sustainability. Environmental factors may be negatively impacted, depending on levels of traffic and the impact of building and activity on the environment. |
| TT3 | Provision for pedestrians, cyclists and horse riders | * | - | * | The provision and retention of rights of way improves the health of residents and is also a positive benefit for the environment, reducing pollution. |
| MTT1 | Car Parking | - | - | x | Encouraging parking could be seen as having a negative impact on the environment in terms of emissions etc. |

6. General Conformity with Strategic Local Policy

6.1. Ickleford Neighbourhood Area lies within the local planning authority of the North Herts District Council. The Development Plan currently consists of the following:

- North Hertfordshire Local Plan 2035 which was adopted in November 2022. This Local Plan includes policies for development management as well as allocating sites for new housing and employment development.
- Six Neighbourhood Plans, none of which encroach on this Neighbourhood Plan Area.
- The current adopted Hertfordshire County Council Minerals and Waste Local Plan documents which are:
 - The Waste Site Allocations Development Plan Document 2011-2026 (adopted July 2014)
 - The Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (adopted November 2012)
 - The Minerals Local Plan 2002-2016 (adopted March 2007)

6.2. There is a requirement for neighbourhood plans to be in general conformity with the strategic policies of the Development Plan and the Neighbourhood Plan has been prepared with this in mind. The NHDC documents define which policies they consider to be strategic by the suffix 'SP'. There are no policies defined as strategic in the Minerals and Waste Local Plans.

6.3. The following table sets out the comparison of Neighbourhood Plan policies with policies from both the Local Plan and Allocations and Designations Local Plan.

6.4. The Neighbourhood Plan is in general conformity with all relevant policies in the development plan and the Neighbourhood Plan policies have been designed to add local context to the existing development plan policies of the area.

Table 3: Conformity with North Hertfordshire Local Plan 2011-2031

| 6.1. Policy | Policy Title | Local Plan policy | Assessment |
|-------------|--|-------------------|--|
| E1 | Maintaining Separation | SP5 | The land between Ickleford and Hitchin is identified as Green Belt, it is essential that the gap between the two as it currently stands is retained. |
| E2 | Protecting the Landscape | SP12, NE1, NE2 | Ickleford Neighbourhood Plan (NP) seeks to protect, enhance and highlight the important natural environment features in line with North Herts Local Plan (LP) policies. |
| E3 | Rural Character | SP12, CGB1, NE1 | The rural character of the village and parish are important components of the attractiveness and wellbeing of residents in general conformity with LP policy. |
| E4 | Biodiversity | SP12, NE4 | Ickleford NP seeks to protect, enhance and highlight the important natural environment features in line with LP policies, including the Biodiversity Net Gain requirements in the Environment Act. |
| HE1 | Protecting and Enhancing Local Heritage Assets | SP13, HE3 | NP policy is in general conformity with the LP policies by identifying locally important heritage assets which need to be considered when assessing planning applications. |
| SD1 | Development within the Settlement Boundary | SP2, CBG1, CGB2b | The NP policy allows development within the boundary in line with SP2 and other LP policies. |
| SD2 | New Housing Development | SP8, HS3 | LP policy SP8 requires a 'broadly even split between smaller (1-2 bed) and larger (3+bed) properties subject to up to date assessments of housing need'. This NP policy is in general conformity with SP8 because it seeks to reduce the over provision of larger homes of 4+ bedrooms which has been predominant in recent years on smaller sites in the Parish in line with the up to date Housing Needs Assessment (AECOM) supporting the NP. The NP policy only applies to smaller sites and those not providing affordable housing in order to allow flexibility. |
| SD3 | High Quality Design | SP9, D1, D2, D3 | Criterion a) of the LP policy gives broad support to well designed development, the remainder of the LP policy relates to Strategic Sites and significant development. The NP policy gives much more detailed localised design guidance in the form of Design Codes as set out in the Ickleford Design Codes document signposted in this NP policy. |
| SD4 | Provision of Energy Efficient Buildings | SP11, D1, NE12 | The NP policy is in line with the requirements of energy efficiency set out in the LP policies. |

| 6.1. Policy | Policy Title | Local Plan policy | Assessment |
|-------------|--|------------------------------------|--|
| SD5 | Water Management | SP11, D1, NE10 | The NP policy is in line with the requirements of water efficiency set out in the LP policies. |
| C1 | Community facilities | SP10, ETC3, ETC7, CBG1, CGB2b, HC1 | Policy C1 is in conformity with LP policies which seek to retain and encourage community facilities. |
| C2 | Recreation and Green Spaces | SP10, SP12, HC1, NE5, NE6 | Policy C2 is in conformity with LP policies which seek to retain and encourage green infrastructures, leisure and recreation facilities. |
| C3 | Primary School | SP9, SP10, T1, HS1, IC3 | Ickleford NP seeks to ensure the best solution is provided to supply the appropriate number of school places in the right place with support and integration with the community. |
| C4 | Supporting Local Employment | SP4, ETC2, ETC3, D3 | Whilst Ickleford is not identified as one of the centres, the NP promotes the retention and provision of appropriate facilities. |
| TT3 | Provision for pedestrians, cyclists and horse riders | SP6 | The NP seeks to retain and encourage improvement of the Rights of Way network in line with the LP policy. |
| MTT1 | Car Parking | SP6, T2 | The NP policy requires parking to be provided in line with current standards and encourages local off road parking spaces. |

7. Compatibility with EU Legislation and other Prescribed Conditions

7.1. **Strategic Environmental Assessment.** NHDC have issued a final screening assessment, determination and statement of reasons for the determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Ickleford Neighbourhood Plan in accordance with EU Directives, as incorporated into English law. The report is dated March 2023 and the conclusion at Paragraph 6.1 is as below.

'In summary, it is concluded that the Ickleford Neighbourhood Plan 2022 – 2035 is not likely to have significant environmental effects and therefore a SEA is not required.

The principal reasons for this conclusion are:

- *there are no sites allocated for development;*
- *the neighbourhood plan focuses on protecting the character of the village and its environment;*

- *there are no proposals in the neighbourhood plan which are likely to have significant environmental effects on the natural and heritage features in the neighbourhood planning areas; and*
 - *the neighbourhood plan does not seek to change the outcomes of the development proposals in the Local Plan to the extent that it might lead to substantively different effects to those which have already assessed.'*
- 7.2. The Neighbourhood Plan has accordingly been prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA) as incorporated into English law.
- 7.3. **Habitats Regulations.** The conclusions of the HRA screening assessment carried out by NHDC demonstrate that the making of the Neighbourhood Plan will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 7.4. The SEA and HRA Screening Report including the responses from the statutory bodies has been submitted as part of the Regulation 15 submission documents.
- 7.5. **Human Rights.** 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. The overall purpose of the Neighbourhood Plan is to improve the quality of life for people living and working now and in the future in the Parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and evidence gathered for the Parish to meet the needs expressed and address the issues identified. So that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.6. An assessment has been made on whether the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics.
- 7.7. Certain protected characteristics are not affected by the Neighbourhood Plan, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same way.

Table 4: Human Rights

| Policy | Policy Title | Outcomes for persons with certain protected characteristics |
|---------------|--|--|
| E1 | Maintaining Separation | Neutral impact |
| E2 | Protecting the Landscape | Neutral impact |
| E3 | Rural Character | Neutral impact |
| E4 | Biodiversity | Neutral impact |
| HE1 | Protecting and Enhancing Local Heritage Assets | Neutral impact |
| SD1 | Development within the Settlement Boundary | Neutral impact |
| SD2 | New Housing Development | Broadly positive impact |
| SD3 | High Quality Design | Broadly positive impact |
| SD4 | Provision of Energy Efficient Buildings | Neutral impact |
| SD5 | Water Management | Neutral impact |
| C1 | Community facilities | Broadly positive impact |
| C2 | Recreation and Green Spaces | Broadly positive impact |
| C3 | Primary School | Broadly positive impact |
| C4 | Supporting Local Employment | Broadly positive impact |
| TT3 | Provision for pedestrians, cyclists and horse riders | Broadly positive impact |
| MTT1 | Car Parking | Neutral impact |

8. Conclusion

- 8.1. Ickleford Neighbourhood Plan has been carefully prepared in accordance with the requirements of the Regulations and satisfies the Basic Conditions as set out in Paragraph 2.4, thereby contributing to the achievement of sustainable development.