

# Upper Broughton Neighbourhood Plan: Basic Conditions Statement

## Introduction

- 1 This Basic Conditions Statement has been prepared to accompany the Upper Broughton Neighbourhood Plan. It explains how the proposed Upper Broughton Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 (as amended) (The Regulations) and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 have been met.
- 2 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. the Neighbourhood Development Plan must have appropriate regard to national policies and advice contained in guidance issued by the Secretary of State;
  - ii. the draft Neighbourhood Development Plan must contribute to the achievement of sustainable development;
  - iii. the draft Neighbourhood Development Plan must 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 Rushcliffe Local Plan, including the Local Plan Part 1: Core Strategy (Adopted 2014) and the Local Plan Part 2: Land and Planning Policies (Examination Version);
  - iv. the draft Neighbourhood Development Plan must meet the relevant EU obligations; and
  - v. prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.
- 3 This Basic Conditions Statement addresses these requirements in four sections:
  - Section 2 demonstrates the conformity of the Upper Broughton Neighbourhood Plan with the National Planning Policy Framework and Planning Practice Guidance;
  - Section 3 shows how the Upper Broughton Neighbourhood Plan will contribute to sustainable development;
  - Section 4 demonstrates the conformity of the Upper Broughton Neighbourhood Plan with the adopted Rushcliffe Local Plan Part 1:

Core Strategy and the emerging Local Plan Part 2: Land and Planning Policies (Examination Version) and

- Section 5 demonstrates compliance with the appropriate EU obligations and other prescribed matters.

- 4 The Upper Broughton Neighbourhood Plan is supported by a Consultation Statement, Equality Impact Assessment (included in this document at Appendix 1) and this Basic Conditions Statement.

### Submitting Body

- 5 The Neighbourhood Plan is submitted by Upper Broughton Parish Council, which is a statutory Qualifying Body as defined by the Localism Act 2011.

### Neighbourhood Area

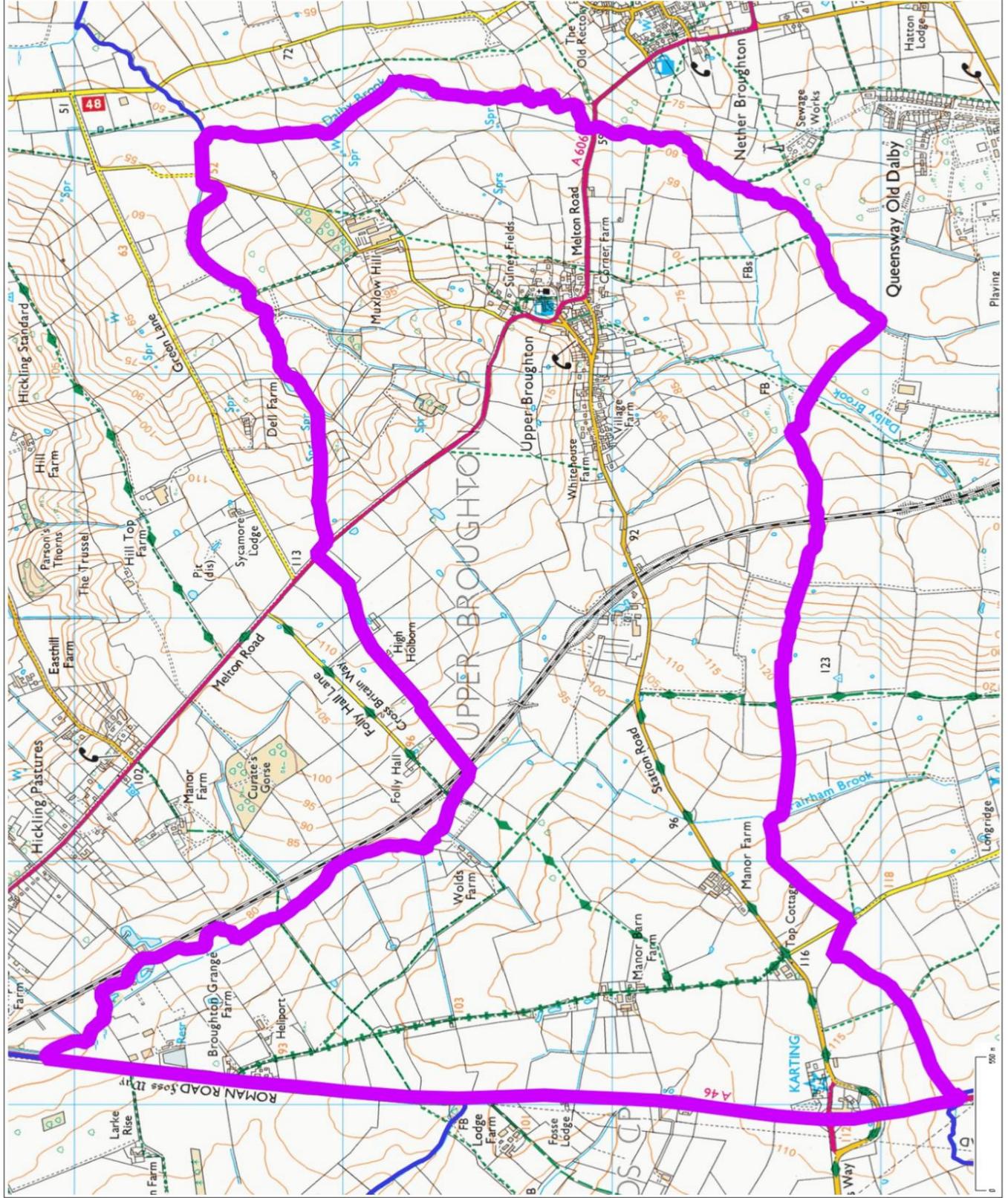
- 6 This Plan applies to the Parish of Upper Broughton which was designated as a Neighbourhood Area on 5 November 2016. Neighbourhood Planning Regulations require local planning authorities to approve neighbourhood areas and to do so without public consultation where the applicant is the parish council and the neighbourhood area is the same as the parish council area. Therefore, in accordance with Regulation 7, Rushcliffe Brough Council designated the whole of the Upper Broughton Parish Council as a Neighbourhood Area.
- 7 The Upper Broughton Neighbourhood Plan relates only to the development and use of land within the Parish of Upper Broughton and to no other Neighbourhood Areas.
- 8 It is the only Neighbourhood Development Plan in the designated area. No other Neighbourhood Development Plan exists nor is being prepared for part or all of the designated area.
- 9 The Upper Broughton Neighbourhood Plan covers the period 2011 to 2028. This is to align with the Rushcliffe Local Plan Part 1: Core Strategy and the emerging Local Plan Part 2: Land and Planning Policies.
- 10 No provision for excluded development such as national infrastructure, minerals or waste development is contained within the Neighbourhood Plan.

### Upper Broughton: Location

- 11 The Upper Broughton Neighbourhood Plan Area comprises the Parish of Upper Broughton which is located within the Rushcliffe Borough Council area of Nottinghamshire. It is a rural parish of some 792 hectares, in the Vale of Belvoir, with a population of 327 and 135 homes (2011 Census). The parish is located on the border with Leicestershire approximately 9km north west of Melton Mowbray. The parish contains the settlement of Upper Broughton which is now mainly a commuter village, well situated for Leicester, Nottingham, Melton Mowbray, Loughborough and surrounding areas.

## Involvement of the Local Community and Stakeholders

- 12 The Upper Broughton Neighbourhood Plan has been prepared by the Upper Broughton Parish Council, supported by the Upper Broughton Neighbourhood Plan Steering Group, with input from the community and stakeholders as set out in the accompanying Consultation Statement. The Pre-Submission Draft Neighbourhood Plan has been consulted on as required by the Regulations and the responses have been recorded and changes have been made as per the schedule set out in the Summary of Consultee Responses and the Consultation Statement.



Legend  
Neighbourhood Area  
Parishes

## Conformity with the National Planning Policy Framework and the Planning Practice Guidance

- 13 It is required that the Upper Broughton Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State. This is principally provided by the National Planning Policy Framework and Planning Practice Guidance. The updated National Planning Policy Framework (NPPF) was published July 2018 and it is against this version of the NPPF which the Upper Broughton Parish Neighbourhood Plan has been assessed.
- 14 It should be noted that not all sections of the National Planning Policy Framework will be relevant to the Upper Broughton Neighbourhood Plan as there is no legal requirement for a Neighbourhood Plan to provide policies covering all the provisions within the National Planning Policy Framework. However, where a Neighbourhood Plan expresses a policy it must have appropriate regard to the relevant parts of the National Planning Policy Framework, as well as the Planning Practice Guidance.
- 15 A key theme that runs throughout the National Planning Policy Framework is the presumption in favour of sustainable development. The NPPF specifies that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve sustainable development, the planning has three overarching objectives, economic, social and environmental
- 16 This section considers the conformity of the Upper Broughton Neighbourhood Plan in respect of relevant policies within the National Planning Policy Framework and Planning Practice Guidance. Planning Practice Guidance is published on a dedicated website available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance).
- 17 The areas of Planning Practice Guidance which have been particularly relevant to the Upper Broughton Neighbourhood Plan, in addition to the guidance on Neighbourhood Planning are:
  - Conserving and enhancing the historic environment;
  - Design;
  - Health and Well Being;
  - Natural Environment;
  - Noise;
  - Open space, sports and recreational facilities, public rights of way and local green space;
  - Renewable and low carbon energy

- Rural Housing

18 The following table identifies the sections of the National Planning Policy Framework that the Upper Broughton Neighbourhood Plan conforms with and provides a supporting commentary. Reference is also made to the relevant Planning Practice Guidance (PPG).

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>UB1: Local Green Spaces - Identifies Local Green Spaces within Upper Broughton which will be protected. New development that would harm the openness or special character of a Local Green Space will not normally be supported other than in very special circumstances</b></p>	<p>Paragraphs 99-101</p>	<p>What is Local Green Space designation? (Paragraph: 005 Reference ID: 37-005-20140306)  How is land designated as Local Green Space? (Paragraph: 006 Reference ID: 37-006-20140306)  How does Local Green Space designation relate to development? (Paragraph: 007 Reference ID: 37-007-20140306)  What if land has planning permission for development? (Paragraph: 008 Reference ID: 37-008-20140306)  Can all communities benefit from Local Green Space? (Paragraph: 009 Reference ID: 37-009-20140306)  What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area? (Paragraph: 011 Reference ID: 37-011-20140306)  What types of green area can be identified as Local Green Space? (Paragraph: 013 Reference ID: 37-013-20140306)  How close does a Local Green Space need to be to the community it serves? (Paragraph: 014 Reference ID: 37-014-20140306)  How big can a Local Green Space be? (Paragraph: 015 Reference ID: 37-015-20140306)</p>	<p>Regard is had to national policy which allows for neighbourhood plans to identify for protection green areas of importance to them. The Local Green Spaces meet the criteria set out in paragraph 100 of the National Planning Policy Framework as demonstrated by Neighbourhood Plan Appendix 2: Local Green Spaces: Summary of Reasons for Designation. The full reasons for designation are included in the Neighbourhood Plan evidence base.</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
		<p>Is there a minimum area? (Paragraph: 016 Reference ID: 37-016-20140306)</p> <p>What about public access? (Paragraph: 017 Reference ID: 37-017-20140306)</p> <p>What about public rights of way? (Paragraph: 018 Reference ID: 37-018-20140306)</p> <p>Does land need to be in public ownership? (Paragraph: 019 Reference ID: 37-019-20140306)</p> <p>Would designation place any restrictions or obligations on landowners? (Paragraph: 020 Reference ID: 37-020-20140306)</p> <p>Who will manage Local Green Space? (Paragraph: 021 Reference ID: 37-021-20140306)</p> <p>Can a Local Green Space be registered as an Asset of Community Value? (Paragraph: 022 Reference ID: 37-022-20140306)</p>	
<p><b>UB2: Locally Important Views - Development should safeguard, and where possible, enhance several identified views and vistas.</b></p>	<p>Paragraphs 20, 170, 185</p>	<p>How can the character of landscapes be assessed to inform plan-making and planning decisions? (Paragraph: 001 Reference ID: 8-001-20140306)</p>	<p>This policy allows account to be taken of the different roles and characters of areas and recognise the intrinsic character and beauty of the countryside.</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>UB3: Community Services and Facilities - This policy supports the retention of identified services and facilities unless they are no longer needed or viable or a replacement is provided, of equivalent or better provision.</b></p>	<p>Paragraphs 84, 91, 92</p>	<p>What are the links between health and planning? (Paragraph: 002 Reference ID: 53-002-20140306)            What is a healthy community? (Paragraph: 005 Reference ID: 53-005-20140306)</p>	<p>The policy supports the retention and development of local services and community facilities in villages and plans positively against the unnecessary loss of facilities that meet day to day needs.</p>
<p><b>UB4: Local Heritage Assets - The determination of planning applications, which will affect 'identified' features of local heritage interest, will balance the need for/public benefit of the proposed development against the significance of the asset and the extent which it will be harmed.</b></p>	<p>Paragraphs 185, 197</p>	<p>How should heritage issues be addressed in neighbourhood plans? (Paragraph: 007 Reference ID: 18a-007-20140306)            What are non-designated heritage assets and how important are they? (Paragraph: 039 Reference ID: 18a-039-20140306)            What are non-designated heritage assets of archaeological interest and how important are they? (Paragraph: 040 Reference ID: 18a-040-20140306)            How are non-designated heritage assets identified? (Paragraph: 041 Reference ID: 18a-041-20140306)</p>	<p>This policy supports the conservation of heritage assets. It recognises that heritage assets are an irreplaceable resource and seeks their conservation and enhancement and plans positively with respect to non-designated heritage assets. Designated heritage assets within the plan area have been identified so they can be appropriately taken into account. In addition, the Neighbourhood Plans includes information about local non-designated heritage assets including sites of archaeological interest.</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>UB5: Local Design - Supports development which reflects the distinctive character of Upper Broughton or be of exceptional quality or innovative design. Development must be in keeping with the scale of character of the surroundings, protect important landscape features and residential amenity, not result in the loss of residential garden space, have a safe and suitable access and not lead to adverse traffic impacts.</b></p>	<p>Paragraphs 79, 108, 124, 127, 131</p>	<p>Why does good design matter? (Paragraph: 001 Reference ID: 26-001-20140306)            What does good design achieve? (Paragraph: 002 Reference ID: 26-002-20140306)            How is good design delivered through plan making? (Paragraph: 003 Reference ID: 26-003-20140306)</p>	<p>This policy seeks to secure high quality design. The subject of good design is attributed great importance in the National Planning Policy Framework and is a key aspect of sustainable development and should contribute positively to making places better for people. This policy has regard to this approach and facilitates the promotion or reinforcement of local distinctiveness. It seeks to deliver development that is of a design that that reflects the surrounding area and with a good standard of amenity with a safe and suitable access for all. It also lends support to buildings of an innovative design and resists the inappropriate development of residential gardens.</p>
<p><b>UB6: Countryside - Protects the Countryside for its intrinsic character, beauty, heritage, wildlife, natural resources and to ensure it may be enjoyed by all. Policy provides a list of suitable development.</b></p>	<p>Paragraphs 79, 83, 84, 91, 92 151, 170</p>	<p>How can the character of landscapes be assessed to inform plan-making and planning decisions? (Paragraph: 001 Reference ID: 8-001-20140306)</p>	<p>National planning policy recognises the intrinsic character and beauty of the countryside. This policy mirrors this approach and has regard to the promotion of the rural economy and allows some forms of appropriate development.</p>
<p><b>UB7: Renewable Energy - This policy details the circumstances that must be met for the development of</b></p>	<p>Paragraphs 148, 151, 154</p>	<p>How can local planning authorities identify suitable areas for renewable and low carbon energy? (Paragraph: 005 Reference ID: 5-005-20150618)</p>	<p>The NPPF supports and encourages the use of renewable resources including the development of renewable energy and planning is recognised as having has a key role to play in the delivery of</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>ground-mounted solar photovoltaic farms to be supported. It also states that wind turbines will not be supported.</b></p>		<p>How are 'suitable areas' defined in relation to wind energy development? (Paragraph: 032 Reference ID: 5-032-150618)</p> <p>What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic farms? (Paragraph: 013 Reference ID: 5-013-20150327)</p> <p>Do local people have the final say on wind farm applications? (Paragraph: 033 Reference ID: 5-033-150618)</p>	<p>renewable energy infrastructure. This policy supports the NPPF in that it includes a policy relating to the provision of such infrastructure whilst ensuring adverse impacts are addressed satisfactorily. It also supports the view that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. The views of local communities likely to be affected should be listened to.</p> <p>In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. There is no local community support for wind turbines and the policy reflects this.</p>
<p><b>UB8: Ecology and Biodiversity - Expects development not to harm the network of local ecological features and habitats. New development will be expected to maintain and enhance these features for biodiversity gain.</b></p>	<p>Paragraphs 170, 174</p>	<p>Is there a statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible? (Paragraph: 007 Reference ID: 8-007-20140306)</p> <p>How should local planning authorities set about planning for biodiversity and geodiversity? (Paragraph: 008 Reference ID: 8-008-20140306)</p> <p>What are local ecological networks and what evidence should be taken into account in</p>	<p>The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.</p> <p>This policy seeks to minimise impacts on biodiversity and seek positives in biodiversity. It</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
		<p>identifying and mapping them? (Paragraph: 009 Reference ID: 8-009-20140306)</p> <p>Why are Local Sites important and how can I find out more about them? (Paragraph: 012 Reference ID: 8-012-20140306)</p>	<p>also has identified and mapped components of local ecological networks and features. The policy pursues opportunities for securing measurable net gains for biodiversity. The Policy supports a strategic approach to protecting and improving the natural environment based on local priorities and evidence. Local designated sites (which include 'Local Wildlife Sites') make an important contribution to ecological networks and are identified in the Neighbourhood Plan.</p>
<p><b>UB9: Trees and Hedges – This policy seeks to protect against the loss of ancient trees, or hedgerows or trees of good arboricultural and amenity value.</b></p>	<p>127, 170, 175</p>	<p>How can I find out whether an area is 'ancient woodland'? (Paragraph: 021 Reference ID: 8-021-20140306)</p> <p>How can I find out whether trees that could be affected by a development proposal are 'aged or veteran' trees? (Paragraph: 023 Reference ID: 8-023-20140306)</p>	<p>This policy supports the conservation and enhancement of the natural and local environment. Development resulting in the loss of ancient trees will not be supported. It also seeks to ensure development is sympathetic to local character including the surrounding landscape setting.</p>
<p><b>UB10: Housing Provision – This policy supports housing development within the defined Upper Broughton Limits to Development. Outside of this boundary development will be limited to the re-use and adaptation of</b></p>	<p>68, 77, 78, 79, 83, 102</p>	<p>How should local authorities support sustainable rural communities? (Paragraph: 001 Reference ID: 50-001-20160519)</p> <p>What evidence is needed to support a neighbourhood plan or Order? (Paragraph: 040 Reference ID: 41-040-20160211)</p>	<p>This policy is responsive to local circumstances and support housing developments that reflect local needs. The policy promotes sustainable development by seeking to locate housing where it will enhance or maintain the vitality of existing communities. The policy avoids the development of isolated homes in the countryside unless special circumstances apply.</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<b>redundant rural buildings and replacement dwellings.</b>			
<b>UB11: Residential Conversion of Rural Buildings – This policy supports the re-use and adaptation of redundant or disused rural buildings for residential use</b>	79	How should local authorities support sustainable rural communities? (Paragraph: 001 Reference ID: 50-001-20160519)	The NPPF supports the re-use of redundant or disused buildings and its potential enhancement of its immediate setting. The Neighbourhood Plan supports this approach and also assists in the delivery of rural homes, whilst protecting the habitat of protected species.
<b>UB12: Replacement Dwellings - This policy identifies the circumstances replacement dwellings outside the defined Limits to Development will be supported.</b>	60, 79	How should local authorities support sustainable rural communities? (Paragraph: 001 Reference ID: 50-001-20160519)	This policy supports the NPPF in that it allows for replacement dwellings that would enhance the immediate setting and is sensitive to the characteristics of the local area. It also supports the provision of a housing supply that meets local needs.
<b>UB13: Housing Mix – Seeks a mix of housing types responsive to local housing needs including the needs of older households and the need for smaller, affordable homes. Development of housing with four bedrooms or more will only be supported in certain circumstances.</b>	61, 79	How does the housing need of particular groups relate to overall housing need calculated using the standard method? (Paragraph: 020 Reference ID: 2a-020-20180913)	The NPPF requires the delivery of homes to be informed by a local housing needs assessment and for planning policies to plan for the identified housing need. The Neighbourhood Plan supports this approach and seeks to deliver a mix of housing in its neighbourhood area that reflects local need.
<b>UB14: The re-use of rural buildings for business use –</b>	83, 84, 127, 192		This policy supports sustainable economic rural development in accordance that is of a high-

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>This policy supports the sustainable growth and expansion of businesses and the rural economy through the re-use, adaptation or extension or rural buildings subject to specific criteria including a satisfactory impact on the character of the locality, heritage assets and traffic generation.</b></p>			<p>quality design, respects the character of its setting and does not deliver adverse traffic impacts. It supports a prosperous rural economy and mirrors the approach contained within the NPPF.</p>
<p><b>UB15: A46 Business Area – This policy supports the retention and growth of existing businesses.</b></p>	81, 83		<p>This policy supports sustainable economic development in accordance with the NPPF. It plans to support economic growth in rural areas, including the protection and expansion of existing businesses.</p>
<p><b>UB16: Live/Work Units – This policy supported the provision of live/work units with appropriate restrictions attached to prevent proposals becoming a wholly residential use.</b></p>	81, 83		<p>This policy supports the development of a prosperous rural economy and allows for the provision of new and flexible working practices, allowing people to work from home and reducing the need to travel.</p>
<p><b>UB17: Nottingham Heliport - Further development of the</b></p>	170, 180	<p>When is noise relevant to planning? (Paragraph: 001 Reference ID: 30-001-20140306)</p>	<p>This policy seeks to prevent unacceptable levels of noise having an adverse impact on the natural</p>

Upper Broughton Parish Neighbourhood Plan Policy	National Planning Policy Framework	Planning Practice Guidance	Commentary
<p><b>Heliport will only be supported if measures are provided which reduce the number of residents affect by noise from this operation as well as measures that reduce the impact of noise on the wider landscape and Public Rights of Way.</b></p>	<p>PPG Reference Noise</p>	<p>How to determine the noise impact? (Paragraph: 003 Reference ID: 30-003-20140306) How can the adverse effects of noise be mitigated? (Paragraph: 008 Reference ID: 30-008-20140306) Are noise concerns relevant to neighbourhood planning? (Paragraph: 011 Reference ID: 30-011-20140306)</p>	<p>environment as well as quality of life as well as considering the sensitivity of the wider area.</p>

## Contributing to sustainable development

- 19 Sustainable development is about positive growth- making economic, environmental and social progress for this and future generations. The Upper Broughton Neighbourhood Plan must contribute to the achievement of sustainable development of which there are three dimensions: economic, social and environmental. These dimensions give rise to the need for the planning system to perform several roles:
- a) 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 coordination the provision of infrastructure;
  - b) 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
  - c) an **environmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping 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.
- 20 The following section however summarises how the relevant sustainability objectives of the National Planning Policy Framework compare with the policies of the Upper Broughton Neighbourhood Plan.

National Planning Policy Framework Sustainability Objective	How the Upper Broughton Neighbourhood Plan supports objective
<b>1 – Delivering a sufficient supply of homes</b>	Providing a steer as to where new housing should be focused and the form development should take. Supporting a supply and mix of housing types to meet local needs.
<b>2 – Building a strong, competitive economy</b>	Support local business and employment, including safeguarding and expansion of existing employment areas. Supporting sustainable economic growth, including the provision of live/work units.
<b>3 – Ensuring the vitality of town centres</b>	The ambition of the plan is also to see the continuation of a thriving local village community supporting the retention of existing services and facilities.

<b>National Planning Policy Framework Sustainability Objective</b>	<b>How the Upper Broughton Neighbourhood Plan supports objective</b>
<b>4 – Promoting healthy and safe communities</b>	Seeks the protection of the countryside, local green spaces and provision of community facilities providing opportunities for people to meet. Seeks to protect quality of life.
<b>5 – Promoting sustainable development</b>	Supports infill housing development within the defined Upper Broughton Limits to Development with its range of services and facilities. Supports the re-use and conversion of buildings and sustainable economic growth, including the provision of live/work units.
<b>6 – Supporting high quality communications</b>	Not applicable
<b>7 – Making effective use of land</b>	Supports infill housing development within the defined Upper Broughton Limits to Development and the re-use and conversion of buildings.
<b>8 – Achieving well-designed places</b>	Includes policies to require good design and reflect local distinctiveness, including landscape as well as the built environment.
<b>9 - Protecting Green Belt Land</b>	Protects the five purposes of Green Belt land.
<b>10 - Meeting the challenge of climate change, flooding and coastal change</b>	Supports the development of a solar photovoltaic farm subject to specific criteria and the inclusion of Sustainable Urban Drainage Systems.
<b>11 - Conserving and enhancing the natural environment</b>	Protects the character of the countryside, Locally Important Views and Local Green Space. Protects natural landscape from the harmful impacts of development. Requires the impact of development not to harm valued landscapes and to maintain and enhance ecological corridors and landscape features for biodiversity.
<b>12 - Conserving and enhancing the historic environment</b>	Prevents against the loss of the historic landscape, including non-designated assets of local importance.
<b>13 - Facilitating the sustainable use of minerals</b>	Not applicable.

## Conformity with the strategic policies of the Local Plan

- 21 Neighbourhood Development Plans must demonstrate that they are in general conformity with the strategic policies of the adopted development plan for the local area. The current adopted plan for the area is the Rushcliffe Local Plan Part 1: Core Strategy 2011-2028 (Adopted December 2014). Also of relevance is the Rushcliffe Local Plan Part 2: Land and Planning Policies Document to 2028. This document was submitted to the Secretary of State to be examined by an independent planning inspector. The examination commenced in November 2018.
- 22 The following sections identifies how the Policies of the Upper Broughton Neighbourhood Plan are in general conformity with the relevant strategic policies of the Rushcliffe Local Plan Part 1: Core Strategy (Adopted 2014) and the examination of the Rushcliffe Local Plan Part 2: Land and Planning Policies Document.

### Rushcliffe Local Plan Part 1 Core Strategy 2011-2028

- 23 The Upper Broughton Neighbourhood Plan is considered to conform to the following policies of the Rushcliffe Local Plan Part 1: Core Strategy. The table below provides a further explanation of the conformity.

Policy 2: Climate Change

Policy 3: Spatial Strategy

Policy 5: Employment Provision and Economic Development

Policy 8: Housing Size, Mix and Choice

Policy 10: Design and Enhancing Local Identity

Policy 11: Historic Environment

Policy 12: Local Services and Healthy Lifestyle

Policy 16: Green Infrastructure, Landscape, Parks and Open Space

Policy 17: Biodiversity

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 1: Core Strategy 2011-2028	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 1: Core Strategy
<b>UB1: Local Green Spaces</b>	Policy 16	Protects and preserves high quality green spaces with benefits for the local community
<b>UB2: Locally Important Views</b>	Policy 10, Policy 11,	Protects important views and vistas, including of townscape,

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 1: Core Strategy 2011-20268	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 1: Core Strategy
		landscape and other individual landmarks Protects the setting of heritage assets
<b>UB3: Community Services and Facilities</b>	Policy 12	Seeks the retention of existing community facilities where they remain viable and appropriate alternatives do not exist
<b>UB4: Local Heritage Assets</b>	Policy 10, Policy 11	Supports the conservation of the parish's heritage assets Supports development which conserves locally important heritage assets
<b>UB5: Local Design</b>	Policy 10	Supports development which reinforces valued local characteristics and creates an attractive, safe and healthy environment Assesses development in terms of its impact on the amenity of residents
<b>UB6: Countryside</b>	Policy 10	Seeks the protection of open countryside
<b>UB7: Renewable Energy</b>	Policy 2	Seeks to address and reduce the impact of climate change through the use of renewable energy development Supports the development of renewable energy schemes where compatible with environmental, heritage and landscape considerations
<b>UB8: Ecology and Biodiversity</b>	Policy 17	Seeks to protect designated local sites of importance for nature conservation Seeks to enhance existing areas of biodiversity interest, and that new development provides new biodiversity features
<b>UB9: Trees and Hedges</b>	Policy 16	Development has regard to the local landscape and seeks to protect valued hedgerows and trees.

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 1: Core Strategy 2011-20268	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 1: Core Strategy
<b>UB10: Housing Provision</b>	Policy 3	Supports housing development with the defined Limits of Development of Upper Broughton, to meet local needs.
<b>UB11: Residential Conversion of Rural Buildings</b>	No relevant policies	Not applicable
<b>UB12: Replacement Dwellings</b>	No relevant policies	Not applicable
<b>UB13: Housing Mix</b>	Policy 8	Requires a mix of housing types based on evidence of housing need Seeks the provision of affordable housing taking account of local need
<b>UB14: The re-use of rural buildings for business use</b>	Policy 5	Encourages development of an appropriate scale to diversify and support the rural economy
<b>UB15: A46 Business Area</b>	Policy 5	Encourages development of an appropriate scale to diversify and support the rural economy Maintaining a supply of suitable employment land
<b>UB16: Live/Work Units</b>	Policy 5	Encourages development of an appropriate scale to diversify and support the rural economy
<b>UB17: Nottingham Heliport</b>	No relevant policies	Not applicable

## Rushcliffe Local Plan Part 2: Land and Planning Policies Document (Examination Version)

- 24 Neighbourhood Development Plans must demonstrate that they are in general conformity with the strategic policies of the adopted development plan for the local area. While the strategic policies of the adopted development plan for the local area are contained in the Rushcliffe Local Plan Part 1: Core Strategy 2011-2028 (Adopted December 2014), the Upper Broughton Neighbourhood Plan is also broadly aligned with the emerging Rushcliffe Local Plan Part 2: Land and Planning Policies Document.
- 25 The table below provides a further explanation of alignment with the following policies:

Policy 1: Development Requirements

Policy 11: Housing Development on Unallocated Sites Within Settlements

Policy 15: Employment Development

Policy 16: Renewable Energy

Policy 22: Development within the Countryside

Policy 28: Conserving and Enhancing Heritage Assets

Policy 33: Local Green Space

Policy 37: Trees and Woodlands

Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network

- 26 Policy 1: Development Requirements is an overarching policy that seeks to support sustainable development. This is a theme that runs throughout the Rushcliffe Local Plan Part 2: Land and Planning Policies. It is considered that this theme runs throughout the Upper Broughton Neighbourhood Plan and this is demonstrated in the above section of this Basic Conditions Statement. The Neighbourhood Plan is therefore considered to be in conformity with Policy 1: Development Requirements.

<b>Upper Broughton Neighbourhood Plan Policy</b>	<b>Rushcliffe Local Plan Part 2: Land and Planning Policies Document</b>	<b>Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 2: Land and Planning Policies Document</b>
<b>UB1: Local Green Spaces</b>	Policy 33	Allocates Local Green Spaces within the Upper Broughton Neighbourhood Plan. Seeks to prevent the loss of these spaces, and will not allow their development to other uses unless there are very special circumstances which outweigh the harm to the Local Green Space.
<b>UB2: Locally Important Views</b>	Policy 22	Seeks the safeguarding and enhancement of important views.
<b>UB3: Community Services and Facilities</b>	Policy 30	Seeks to prevent the loss of existing community facilities, unless it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building for its existing use,

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 2: Land and Planning Policies Document	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 2: Land and Planning Policies Document
		or alternative provision is provided.
<b>UB4: Local Heritage Assets</b>	Policy 28	In assessing proposals that affect heritage assets consideration will be given to the balance between the public benefits of the proposal and the harm arising from the proposals.
<b>UB5: Local Design</b>	Policy 1	Development should respect and be sympathetic to the character and appearance of the surrounding area Seeks to prevent an adverse impact on residential amenity, including through traffic generation, noise and light pollution Seeks to prevent adverse impact on landscape character Seeks a safe and suitable means of access
<b>UB6: Countryside</b>	Policy 22	Conserves and enhances the character of the local landscape. Allows for development for agricultural and forestry purposes as well as rural worker accommodation. Supports the replacement of dwellings. Supports the development of community services and facilities that meets a proven local need. Allows for the provision of renewable energy developments. Allows for development for recreational purposes.
<b>UB7: Renewable Energy</b>	Policy 16	Supports proposal for solar photovoltaic farms where they are acceptable in terms of their impact on agricultural

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 2: Land and Planning Policies Document	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 2: Land and Planning Policies Document
		land, the historic environment, wildlife and visual impact. Requires the removal of the installation when no longer required.
<b>UB8: Ecology and Biodiversity</b>	Policy 38	Seeks net gains in biodiversity. Seeks the protection and enhancement of habitats and the incorporation of features that benefit biodiversity.
<b>UB9: Trees and Hedges</b>	Policy 1, Policy 37	Seeks the protection of ancient trees. Seeks to protect adverse impacts on landscape character.
<b>UB10: Housing Development</b>	Policy 11, Policy 22	Allows for housing development on unallocated sites within the defined Upper Broughton Limits to Development. Allows for the appropriate re-use of buildings for housing in the countryside. Supports the appropriate replacement of dwellings in the countryside.
<b>UB11: Residential Conversion of Rural Buildings</b>	Policy 22	Supports the re-use and adaptation of buildings for housing, within the countryside, and protecting the character and beauty of the countryside as well as biodiversity features.
<b>UB12: Replacement Dwellings</b>	Policy 22	Supports the rebuilding of an existing dwelling within the countryside, and protecting the character and beauty of the countryside
<b>UB13: Housing Mix</b>	No relevant policies	Not applicable
<b>UB14: The re-use of rural buildings for business use</b>	Policy 22	Supports the expansion of rural businesses through the conversion of existing buildings subject to the protection of the character and the beauty of the countryside and biodiversity features.

Upper Broughton Neighbourhood Plan Policy	Rushcliffe Local Plan Part 2: Land and Planning Policies Document	Explanation of Upper Broughton Neighbourhood Plan Conformity with the Rushcliffe Local Plan Part 2: Land and Planning Policies Document
<b>UB15: A46 Business Area</b>	Policy 15	Supports the retention of existing employment areas and their appropriate expansion.
<b>S16: Live/Work Units</b>	Policy 15	Support the development of land and premises for employment uses.
<b>UB17: Nottingham Heliport</b>	Policy 1	Seeks to protect residential amenity and the impact of noise on the wider landscape.

## Compliance with European Union obligations

- 27 A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are three directives that may be of particular relevance to neighbourhood plans:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.
  - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species.

## Strategic Environmental Assessment Screening Statement

- 28 A Strategic Environmental Assessment Screening Statement for the Upper Broughton Neighbourhood Plan (October 2018) has been used to determine whether or not the contents of the Upper Broughton Neighbourhood Plan require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. Neighbourhood Plans only require a SEA where they are likely to lead to significant effects. The Screening Statement provides a screening opinion as to whether the Upper Broughton Neighbourhood Plan is likely to lead to significant environmental effects. This statement includes a commentary on whether these effects are likely to be significant.
- 29 The outcome of this assessment concludes that whilst environmental effects have the potential to take place as a result of the neighbourhood plan, including in relation to the majority of the SEA 'topics', it is considered that these are unlikely to be significant in the context of the SEA directive. Therefore, it is considered that the Upper Broughton Neighbourhood Plan is not subject to the requirements of the Directive 2001/41/EC, the 'SEA Directive' and accompanying regulations and therefore will not require a full Strategic Environmental Assessment to be undertaken. The environmental assessment consultation bodies (Historic England, Natural England and the Environment Agency) have been consulted on this Screening Assessment and their responses are summarised below:

- Historic England – Advice is confined to the question ‘Is it likely to have a significant effect on the environment?’ in respect of cultural heritage. On the basis of the information supplied, Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.
- Natural England – On the basis of the consultation material supplied, that, in so far as our strategic environmental interests are concerned, advise that there are unlikely to be significant environmental effects from the proposed plans.
- Environment Agency – Due to the scale and nature of proposed development in the area, and the minimal environmental constraints, we have no objection to the document as submitted.

## Habitats Regulations Assessment Screening Statement

- 30 Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) do not apply to the Upper Broughton Neighbourhood Plan.
- 31 The Upper Broughton Neighbourhood Plan is unlikely to have a substantial effect of the Natura 2000 network of protected sites. A Habitats Regulation Assessment screening for both the Local Plan Part 1: Core Strategy and Local Plan Part 2: Land and Planning Policies Document, both concluded that the plan would not have a significant affect on any European protected nature conservation site, or the Sherwood Forest proposed Special Protection Area.
- 32 Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) do not apply to the Upper Broughton Neighbourhood Plan.

## Other basic conditions

- 32 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out another basic condition in addition to those set out in the primary legislation. This is that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.
- 33 As set out in paragraphs 23 to 27, a Strategic Environmental Assessment Screening Report for the Upper Broughton Neighbourhood Plan concluded that the Upper Broughton Neighbourhood Plan is unlikely to have a substantial effect on a European site or a European offshore marine site either alone or in combination with other plans or projects. The making of the neighbourhood development plan would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## Equality Impact Assessment

- 34 The Equality Act 2010 (the Act) 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.
- 35 Under the Act a document like a Neighbourhood Plan must be assessed through an Equalities Impact Assessment before it can be adopted or implemented. The Equalities Impact Assessment of the Upper Broughton Neighbourhood Plan (Appendix 1) has found no negative impacts on any protected characteristic by reference to data or evidence. As a result, no recommendations are made and the assessment finds the Neighbourhood Development Plan to be appropriate and that the duty prescribed by the Equalities Act 2010 is met.

## Conclusions

- 36 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 and Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) are met by the Upper Broughton Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Upper Broughton Neighbourhood Plan complies with paragraph 8(1)(a) of Schedule 4B of the Act.

# Appendix 1: Upper Broughton Neighbourhood Plan – Equalities Impact Assessment

## Introduction

The Equality Act 2010 (the Act) places a duty of care on public bodies to eliminate unlawful discrimination and to promote equality of opportunity for specified equality groups. Under the Act a document like a Neighbourhood Plan must be assessed through an Equalities Impact Assessment before it can be adopted or implemented. The Assessment must address the 'protected characteristics' identified within the Act:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

The purpose of an Equality Impact Assessment is to help understand and ultimately protect the groups identified above from any adverse impact. This Assessment considers the needs of these particular groups and how they might be affected by the Upper Broughton Parish Neighbourhood Plan.

## Methodology

The assessment considers whether the Plan has a positive, negative or neutral impact on each of the protected characteristics (in so far as data is available) by reference to the Key Issues and Policies of the Plan. Where an adverse impact is identified the Assessment considers whether that impact is high, medium or low.

**High impact:** a significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

**Medium impact:** some potential impact exists, some mitigating measures are in place, poor evidence.

**Low impact:** almost no relevancy to the process, e.g. an area that is very much legislation-led.

## Baseline Data

This Assessment has relied on Census data for 2011 published by the Office for National Statistics. Data is available for Upper Broughton for age, disability, race, religious belief and sex. There is no known data for gender reassignment, pregnancy and maternity or sexual orientation.

In 2011 there were 327 people living in Upper Broughton Parish, 50.5% were Male and 49.5% were Female. By Comparison, the figures for the United Kingdom were 49.3% (Male) and 50.7% (Female).

22.6% of the population was 0-15 years old and 17.4% were 65% or over. The UK proportion of over 65's was 16.3% and 18.9% for 0-15's.

1.2% of the population was from a black or minority ethnic (BME) background. The proportion of the UK population classed as 'non-white' was 14.3%.

71.6% of the population was Christian and 0.3% other religions including Buddhist only. By comparison 59.4% of the UK population consider themselves to be Christian whilst 8.3% considered themselves to be Buddhist, Hindu, Jewish, Muslim or Sikh.

5.8% of residents considered that their day-to-day activities were limited a lot through health and disability and a further 8.0% considered that their activities were limited a little. The comparable proportions for the UK were 8.9% (limited a lot) and 9.3% (limited a little).

51.1% of people who were 16 or over were married or in a registered civil partnership compared to 48.7% of people in the UK.

Gender reassignment and sexual orientation are generally invisible characteristics for which little reliable data exists at local level. There was also no data available for pregnancy or maternity.

## Summary

Generally, the proportion of Male/Females is comparable to the national picture.

The proportion of older people is slightly higher than the national picture.

The proportion of BMEs is noticeably lower than the national picture, common with rural areas.

The proportion of Christians is higher to the national average, whilst the proportion of other religions is markedly lower.

# Key Issues and Policies of the Upper Broughton Parish Neighbourhood Plan

The Neighbourhood Plan identifies the following key issues for Upper Broughton;

Protecting green areas in the village and local views

The impact of vehicular traffic on village life

Improving or retaining local services and facilities

Conserving local heritage and village identity

Protecting the character of the countryside and access to it

Meeting local housing needs

Noise and disturbance

Development growth near the A46

These issues are reflected in the Vision for Upper Broughton Parish Neighbourhood Plan;

Upper Broughton in 2028:

This Plan seeks to ensure that future development makes Upper Broughton a stronger more vibrant community, with enhanced environmental impact and better provision for economic activities, whilst maintaining the "special feel" of a characterful, small semi-rural village. This means:

Important open spaces and views are protected

Local services and facilities are retained

Heritage is conserved

The character and beauty of the countryside is safeguarded

Housing development reflects local needs

The parish is home to a range of small-scale businesses

The Neighbourhood Plan contains a suite of 17 policies to deliver against that vision and respond to the issues.

## Impact of Policies on Groups with Protected Characteristics

### Age

Policy UB13 requires new developments to deliver a mix of housing and demonstrate how their proposals will meet the housing needs of older households and/or smaller, affordable homes.

Policy UB1 requires designated local green spaces to be protected and development will not normally be supported on these spaces if harm would

occur. As green spaces include spaces which have recreational value this is likely to benefit the young who are engaged in play and this is considered to have potential for a positive impact.

Policy UB3 makes provision for the retention of community services and facilities. This is seen as important for the long-term sustainability of Upper Broughton. In addition, with an increasing proportion of older people in the population, access to locally based services will become increasingly important, reflecting lower mobility levels. Some of the parish services include a sports clubs, public houses and village halls. Their retention is considered to have a strong benefit for young and old alike and is considered to have a positive impact.

### Disability

Policy UB5 requires all new development to have a safe and suitable access and consequently there is potential for a positive impact on this characteristic.

In requiring new developments to provide for a mix of homes to reflect evidence of need (Policy UB13) there is a possibility that homes could be sought to the benefit of people with disabilities. However, the lack of evidence to include a specific requirement by reference to type of disability prevents a recommendation by this assessment for modification to the policy and leads to a conclusion that Policy UB13 perhaps has only the potential for a neutral impact. There is no evidence, however, that would suggest a negative impact.

### Gender reassignment

The potential to secure high quality design under Policy UB5 may benefit the public realm and the opportunity for all the community to enjoy their built environment. Any improvement in sense of place and civic pride is generally believed to lead to positive places where people are better able to express themselves without fear of recrimination or hate crime. As a result, there is potential for a positive impact on this protected characteristic. However, due to the limited data related to this characteristic and the potential for tangible impacts being unknown this assessment concludes the impact to be neutral.

### Marriage and civil partnership

This assessment found no impacts on this protected characteristic.

### Pregnancy and maternity

There are potential benefits for this protected characteristic from the retention of key services and potential for their replacement by equivalent or better provision, such as the village halls (Policy UB3). These impacts might be positive but the lack of data for this characteristic and any tangible evidence suggests that the impact should be considered neutral.

### Race

This assessment found no impacts on this protected characteristic.

### Religion or belief

There is a potential benefit for this protected characteristic from the protection of key services and facilities (Policy UB3), including the Village Hall with potential for multi-use facilities. However, the uncertain prospects for demand and delivery draw the same conclusion that there is only a neutral impact although the potential for positive impacts should again be noted.

### Sex

This assessment found no impacts on this protected characteristic.

### Sexual orientation

The potential to secure high quality design under Policy UB5 may benefit the public realm and the opportunity for all the community to enjoy their built environment. Any improvement in sense of place and civic pride is generally believed to lead to positive places where people are better able to express themselves without fear of recrimination or hate crime. As a result, there is potential for a positive impact on this protected characteristic. However, due to the limited data related to this characteristic the potential for tangible impacts is unknown and consequently this assessment concludes the impact to be neutral.

## Conclusion

The Upper Broughton Neighbourhood Plan provides a suite of policies to respond to the vision for the benefit of the local community including protected characteristics but perhaps most particularly older people, young people, mothers to be and with young children, disabled people and those with limited mobility.

The Neighbourhood Plan does not explicitly address the needs of racial or religious groups, or transgender, gay or lesbian groups, or inequalities of sex. However, the Neighbourhood Plan seeks a range of housing types, and seeks retention of and improvements in facilities and services which will benefit these groups equally. It also seeks to provide a higher quality public realm where people with protected characteristics will be less liable to be subject to hate crime.

In conclusion, this assessment has found no negative impacts on any protected characteristic by reference to data or evidence. As a result, no recommendations are made, and the assessment finds the Upper Broughton Neighbourhood Plan to be appropriate and that the duty of care prescribed by the Equalities Act 2010 is met.