

Hermitage Neighbourhood Plan

2022-2039

Basic Conditions Statement

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1. Introduction

- 1.1 This Basic Conditions Statement has been produced to accompany the Hermitage Neighbourhood Development Plan (HNDP).
- 1.2 The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (as amended)
- 1.3 Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 4. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 5. The making of the neighbourhood development 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);
 6. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 7. 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. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.4 This document sets out how the Plan meets the Basic Conditions.

Key statements

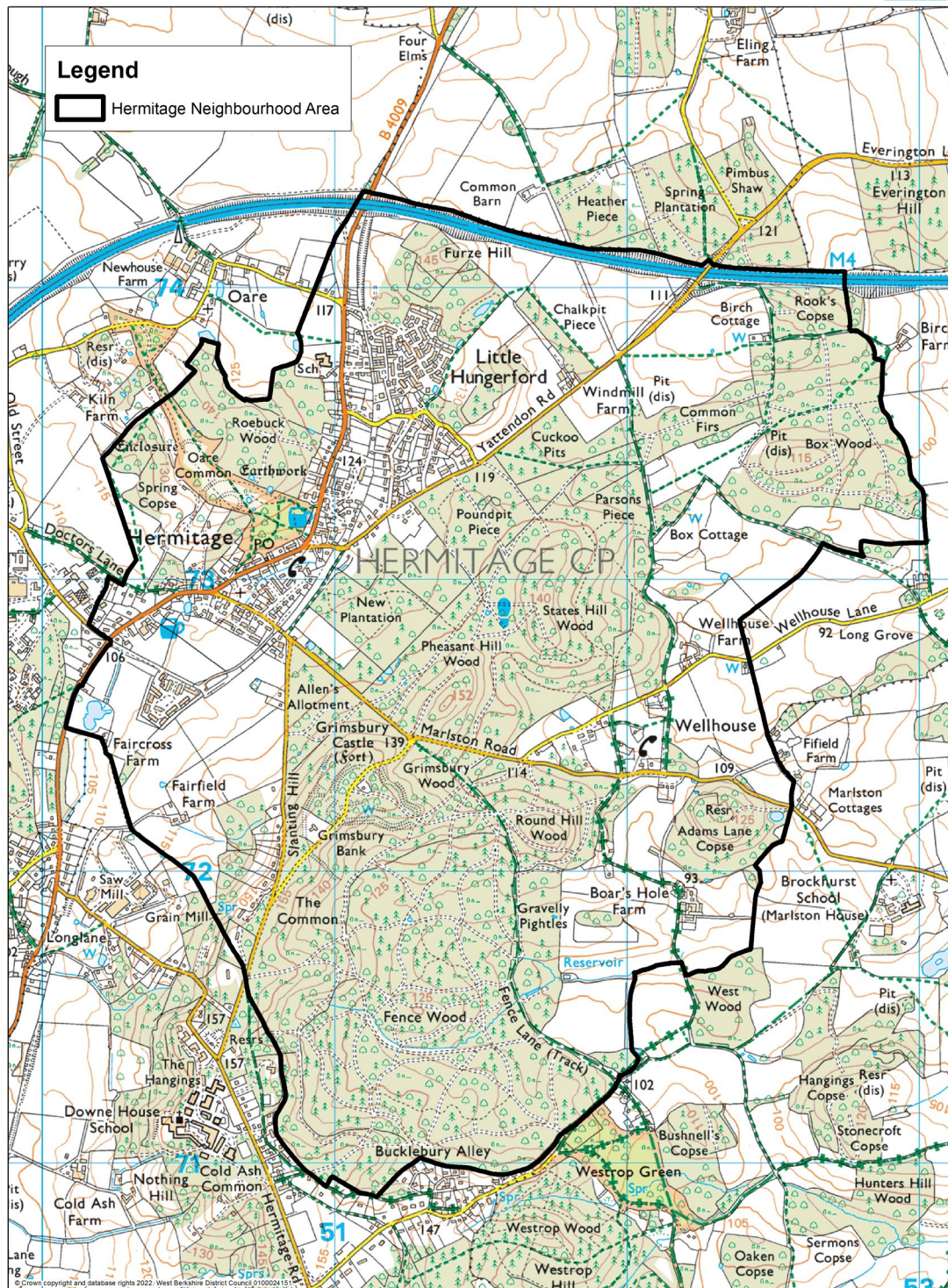
- 1.5 West Berkshire Council (WBC), as the local planning authority, designated the Hermitage Neighbourhood Area in April 2019. This enabled the HNDP Steering Group to prepare the Hermitage Neighbourhood Plan.
- 1.6 The HNDP sets out policies that relate to the development and use of land within only the Hermitage Neighbourhood Area. This area is shown in Figure 1.

¹ There are two further basic conditions (2 and 3), which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

Figure 1:

Hermitage Neighbourhood Area

21/06/2022
1:11237
West Berkshire Council



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Supporting documents and evidence

- 1.7 The HNBP is supported by a Consultation Statement, a Strategic Environment Assessment and Habitats Regulations Assessment Screening Report, this Basic Conditions Statement and an extensive evidence base.

2. Basic Condition (i) – Conformity with National Planning Policy

2.1 To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

National Planning Policy Framework

2.2 The NPPF has 13 key objectives which are:

1. Delivering a sufficient supply of homes
2. Building a strong, competitive economy
3. Ensuring the vitality of town centres
4. Promoting healthy and safe communities
5. Promoting sustainable transport
6. Supporting high quality communications
7. Making effective use of land
8. Achieving well-designed places
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

2.3 This statement explains how the Plan contributes to meeting these objectives. It also explains how the policies within the Neighbourhood Plan intend to meet, support and supplement specific national policies.

2.4 The Plan has eight objectives (A-H). These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the HNBP objectives against NPPF goals

Objective	Relevant NPPF goal
1. Ensure that new housing addresses the needs of Hermitage community	<ul style="list-style-type: none"> • Delivering a sufficient supply of homes

Objective	Relevant NPPF goal
2. Ensure that new development reflects the rural character of Hermitage parish	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the natural environment
3. Ensure that new development minimises its environmental impact	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment
4. Preserve the views from Hermitage village which help to make it special	<ul style="list-style-type: none"> • Achieving well-designed places • Promoting healthy and safe communities
5. Preserve and enhance Hermitage's heritage	<ul style="list-style-type: none"> • Conserving and enhancing the historic environment
6. Improve access to the countryside for walkers, cyclists and horse riders	<ul style="list-style-type: none"> • Promoting sustainable transport • Conserving and enhancing the natural environment • Achieving well-designed places • Promoting healthy and safe communities
7. Conserve, restore and enhance biodiversity	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment • Meeting the challenge of climate change, flooding and coastal change
8. Protect green spaces of value in and around Hermitage village	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Conserving and enhancing the natural environment

2.5 Table 2.2 sets out each policy of the HNPD alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

Table 2.2: Assessment of how each policy in the HNBP conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
HER1: Addressing Hermitage's housing needs	60, 62, 65	This policy contributes to the NPPF requirement of delivering a sufficient supply of homes. The supporting text identifies the specific types and sizes of housing that are required to meet the housing needs of the local community and the policy directs development to meet this mix.
HER2: Design	126, 127, 130	This policy contributes to the NPPF requirement of achieving well-designed places. It direct development to respect the local character in the Design Codes Report and to be informed by other relevant guidance, e.g. on density.
HER3: Countryside views between properties	130, 174, 176	This policy contributes to the NPPF requirements of achieving well designed places and promoting healthy communities. It establishes the importance of preserving the setting of the AONB and seeks to ensure that views out to the AONB are preserved.
HER4: Low energy and energy efficient design, including Sustainable Drainage Systems	152, 153, 154	The policy supports the national objective of designing development to minimise its negative impact on climate change. In particular it seeks to encourage a series of environmentally sustainable design features aimed at minimising energy consumption. It also seeks to ensure that SuDS are provided creatively.
HER5: Wildlife-friendly development	161, 169, 174, 179, 185	This policy contributes to the NPPF objectives of meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment. The policy seeks to ensure that biodiversity is maximised and that development does not have an unacceptable impact on the dark skies of the AONB.
HER6: Irreplaceable habitats and local wildlife-rich habitats and species	179, 180	This policy contributes to the NPPF objective of conserving and enhancing the natural environment. It identifies irreplaceable habitats and directs that development should not result in their loss or deterioration.
HER7: Local Green Spaces	101, 102, 103	National policy enables local communities to identify, for special protection, green areas of importance to them known as Local Green Spaces. This policy designates 6 areas, identified by the local community as important, as Local Green Spaces which will be protected.
HER8: Non-designated heritage assets	190	A key objective of the NPPF is to conserve and enhance the historic environment. This policy seeks to conserve and enhance heritage assets of local importance in Hermitage.
HER9: Access for walking, cycling and horse riding	104, 106	This policy contributes to the NPPF objective of promoting sustainable transport. It seeks to protect and enhance the public rights of way network for all users, with specific focus on expanding the Eling Way through the parish.

3. Basic Condition (iv) – Contribution to Sustainable Development

- 3.1 The NPPF states in paragraph 10 that a presumption in favour of sustainable development is at the heart of the NPPF.
- 3.2 For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. The evidence base presented alongside the Plan, coupled with the reasoned justification for each policy in the Plan, demonstrates how the Plan guides development towards sustainable solutions.
- 3.3 Table 3.1 summarises how the objectives and policies in the HNDP contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the HNDP overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1: Assessment of HNDP objectives and policies against sustainable development

Deliver economic sustainability	
NPPF definition – ‘Contribute to building a strong, responsive economy’	
HNDP Objectives	1. Ensure that new housing addresses the needs of Hermitage community
HNDP Policies	HER1: Addressing Hermitage’s housing needs
Commentary	Addressing the residential needs of the community is key to the HNDP, including ensuring a suitable housing mix and that supply meets demand through, for example, the increased provision of smaller homes (Policy HER1).
Deliver social sustainability	
NPPF definition: ‘Supporting strong, vibrant and healthy communities’ and ‘support its health, social and cultural well-being’	
HNDP Objectives	2. Ensure that new development reflects the rural character of Hermitage parish 4. Preserve the views from Hermitage village which help to make it special 5. Preserve and enhance Hermitage’s heritage 6. Improve access to the countryside for walkers, cyclists and horse riders 8. Protect green spaces of value in and around Hermitage village
HNDP Policies	HER2: Design HER3: Countryside views between properties HER7: Local Green Spaces HER8: Non-designated heritage assets HER9: Access for walking, cycling and horse riding
Commentary	High quality development is important to the community of Hermitage, both in terms of what development looks like and how it is laid out. Policy HER2 identifies the character of the area and the design principles that will maintain this. This is complemented by Policy HER2 which establishes the importance of space between buildings to maintain views of the countryside. Within the settlement of Hermitage, Policy HER7 protects green spaces of value to the community. Hermitage has a rich heritage which is part of what makes it so special to its community. Policy HER8 seeks to protect heritage assets of local importance. Similarly, the high quality countryside is an important feature of life in Hermitage and Policy HER9 seeks to protect and enhance that for all types of user.

Deliver environmental sustainability	
NPPF definition: 'Contributing to protecting and enhancing our natural, built and historic environment'	
HNDP Objectives	<p>3. Ensure that new development minimises its environmental impact</p> <p>7. Conserve, restore and enhance biodiversity</p> <p>8. Protect green spaces of value in and around Hermitage village</p>
HNDP Policies	<p>HER4: Low energy and energy efficient design, including Sustainable Drainage Systems</p> <p>HER5: Wildlife-friendly development</p> <p>HER6: Irreplaceable habitats and local wildlife-rich habitats and species</p> <p>HER7: Local Green Spaces</p>
Commentary	<p>Enhancing the green infrastructure in the area is important to integrate physical resources and natural systems with West Berkshire's ecological, geological and historical assets. This ensures high environmental quality and ensures aesthetic, ecological and recreational benefits. Policies HER5 and HER6 seek to protect and enhance this.</p> <p>Within settlements there are important green spaces that are protected by Policy HER7, some of which are special because of their wildlife and biodiversity value.</p> <p>Where development is proposed, it is important that it minimises its impact on climate and the environment. Policy HER4 addresses this by encouraging development to be designed to maximise the potential to harness renewable technologies and minimise its impact on the environment.</p>

4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

4.1 The development plan currently consists of:

- **The West Berkshire Core Strategy (2006-2026)** – adopted July 2012.
- **The West Berkshire Housing Site Allocations Development Plan Document** – adopted May 2017.
- **The West Berkshire Local Plan 1991-2006 (Saved Policies)** – policies were saved in 2007 and then amended in July 2012 and May 2017.
- **The West Berkshire Minerals and Waste Local Plan** – adopted December 2022.

4.2 Table 4.1 details the HNBP policies alongside a consideration of how they are in general conformity with each strategic policy in the development plan. Where a policy is not identified in Table 4.1, it is considered that the HNBP does not contain any policies that directly relate to it.

4.3 It is confirmed that there are no policies in the West Berkshire Local Plan 1991-2006 (saved policies) or the West Berkshire Minerals and Waste Local Plan that the Hermitage Neighbourhood Plan policies have any relevance to.

Table 4.1: Assessment of conformity with policies in the development plan

Local Plan Policy	Hermitage NP policy
West Berkshire Core Strategy 2012	
Area Delivery Plan Policy 5	<p>Area Delivery Plan Policy 5 covers the North Wessex Downs AONB. It identifies Hermitage as a service village that will continue to provide a range of services to its community, with a limited level of development to meet local needs including housing and community facilities. Policy HER1 seeks to ensure that a mix of housing is delivered which addresses local needs and Policy HER7 protects a number of green spaces that play an important role as community spaces.</p> <p>Area Delivery Plan Policy 5 also requires development to conserve and enhance local distinctiveness and preserve the dark night skies. Policy HER2 provides design guidance to ensure that development reflects the character of Hermitage. Policy HER5 provides specific direction for lighting provision in respect of preserving bat habitats.</p> <p>Area Delivery Plan Policy 5 encourages opportunities to improve accessibility to and within the AONB. Policy HER9 identifies the Eling Way as a specific route where improvements can be made for walkers, cyclists, horse riders and those with disabilities.</p>
CS4: Housing Type and Mix	Policy CS4 requires development to deliver a mix of housing types and sizes to meet the housing needs of all sectors of the community, as evidenced in Housing Market Assessments and other evidence. Policy HER1 specifies that new development must reflect the housing mix in the West Berkshire Housing Needs Assessment 2022 or any successor document.
CS13: Transport	Policy CS13 requires development to improve and promote opportunities for healthy and safe travel and improve sustainable travel. Policy HER9 identifies public rights of way as a key part of sustainable travel and specifically the expansion of the Eling Way as a vital opportunity to improve sustainable travel.
CS14: Design Principles	Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy HER2 requires development to reflect the Hermitage Design Guidelines and Codes document which addresses character and design in the Hermitage context. Policy HER4 identifies specific ways that sustainable design can be achieved.
CS15: Sustainable Construction and Energy Efficiency	Policy CS15 establishes the levels of energy efficiency that development must achieve. Policy HER4 identifies specific ways that the design of new development can achieve this.
CS17: Biodiversity and Geodiversity	Policy CS17 requires biodiversity and geodiversity assets to be conserved and enhanced. Policy HER5 identifies way that development can be wildlife-friendly. Policy HER6 identifies the habitats specific to Hermitage that should be conserved.
CS18: Green infrastructure	Policy CS18 seeks to protect against the loss of green infrastructure that is enjoyed by the public. Policy HER7 protects a number of local green spaces that are special to the local community.
CS19: Historic Environment and Landscape Character	Policy CS19 seeks to ensure that the local distinctiveness of the landscape character of the district is conserved and enhanced. Policy HER3 seeks to preserve views of the countryside from Hermitage village. Policy CS19 also requires development to be informed by the potential for heritage assets identified through

Local Plan Policy	Hermitage NP policy
	the Historic Environment Record. Policy HER8 identifies specific non-designated heritage assets that are of local significance.
West Berkshire Housing Site Allocations DPD 2017	
P1: Residential parking for new development	Policy P1 requires the layout and design of parking spaces should follow Building for Life and Manual for Streets guidance. Policy CC2 takes this guidance on board and through the Design Codes Report, provides guidance on the appropriate design of parking spaces in the Hermitage context.

5. Basic Condition (vi) – Conformity with EU Obligations

- 5.1 The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In October 2022, a draft screening report was prepared by West Berkshire Council. This was consulted on with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the Hermitage Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 5.2 Following this consultation, the Screening Report concluded that the Plan was unlikely to have any significant environmental effects. In November 2022 the final version of the screening report was published.
- 5.3 The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.4 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

6. Basic Condition (vii) – Conformity with the Prescribed Conditions

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments (HRA). An Appropriate Assessment is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 An HRA Screening was undertaken by West Berkshire Council in October 2022. This was consulted on with Natural England. West Berkshire Council was of the opinion that significant effects were unlikely to occur with regards to the integrity of the European sites within and around West Berkshire Council, due to the implementation of the HNBP. Natural England agreed with this opinion and the final screening was published in November 2022.
- 6.3 The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7. Conclusion

- 7.1 The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Hermitage Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Hermitage Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.



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