

# Basic Conditions Statement

Huntington Parish Neighbourhood  
Plan 2017 - 2032/33

July 2019

## 1.0 INTRODUCTION

This Basic Conditions Statement has been prepared to accompany the Huntington Parish Neighbourhood Plan ('The Plan') under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). It has been prepared by *Andrew Towler Associates* on behalf of Huntington Parish Council.

In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Town Council, as the 'qualifying body' must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

Paragraph 8 (1) states that the examiner must consider the following:

- 1 whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
- 2 whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
- 3 whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
- 4 such other matters as may be prescribed.

Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
- (c) 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)

- (d) 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
- (e) prescribed conditions are met in relation to the neighbourhood development plan, and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

Section 2 of this Statement sets out how the Plan complies with the legal requirements of sub-paragraphs 1 (b), (c) and (d). Section 3 of this Statement sets out how the Plan meets the basic conditions contained in sub-paragraph 1 (a) and sub-paragraph 2.

## **2.0 LEGAL REQUIREMENTS**

The Plan complies with the provisions of sub-paragraph 1(b) as described below.

### **The Plan is being submitted by a qualifying body**

The Plan has been submitted by Huntington Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by a Steering Group under the auspices of Huntington Parish Council.

### **What is being proposed is a neighbourhood plan**

The Plan contains policies relating to the development and use of land within the neighbourhood plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

### **The proposed neighbourhood plan states the period for which it is to have an effect**

The Plan states that the period which it relates to is from 2017 until 2032/33. The period has been chosen to align with that of the emerging City of York Local Plan.

### **The policies do not relate to excluded development**

The Plan does not deal with ‘county matters’ (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. The City of York Council was consulted as part of the Regulation 14 consultation and did not raise any concerns that the Neighbourhood Plan is not compatible with approved and local waste and mineral planning policies.

The Plan does not relate to more than one neighbourhood area, and there are no other neighbourhood plans in place within the neighbourhood area.

The whole parish of Huntington was formally designated as a Neighbourhood Plan Area by the City of York Council on 28 September 2015. The Plan relates only to the parish of Huntington and no other area. It does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the Neighbourhood Plan Area.

In relation to sub-paragraph 1(d), it is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

In relation to sub-paragraph 1(e), there are no other prescribed matters.

## **3.0 THE BASIC CONDITIONS**

This section addresses how Plan fulfils the basic conditions set out in sub paragraph (2). The Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework 2019 (NPPF) and approved policies contained in the City of York of Local Plan and relevant policies in The Yorkshire and Humber Plan – Regional Spatial Strategy to 2026.

### **3.2 Having regard to national policies and advice**

The Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies has shown regard to the NPPF are detailed below. In broad terms the Plan:

- the process has empowered the local community to develop the plan for their neighbourhood and has undertaken a creative exercise in identifying ways to enhance and improve the area.
- the policies are based on robust evidence and provide a practical framework within which decisions on planning applications can be made, with a high degree of predictability and efficiency.
- seeks to actively manage patterns of growth in the most sustainable locations.
- includes positive strategies to support sustainable economic development and maintain a vibrant and sustainable community.
- supports local strategies to support community facilities and services including leisure, jobs and health to meet local needs.
- contributes to conserving and enhancing the built and natural environment through protection of Local Green Spaces and biodiversity and conserving important heritage assets.

**Table 1: Summary Assessment of each Draft Huntington Neighbourhood Plan Policy conforms to the National Planning Framework**

<b>Neighbourhood Plan Policy</b>	<b>Conformity with the National Planning Policy Framework (NPPF)</b>
H1 Meeting Housing Need	The Policy is in full accordance with the NPPF, especially Chapter 5 'Delivering a sufficient supply of homes' and Chapter 12 'Achieving well-designed places'. It seeks to support the strategic housing development needs as set out in the Local Plan and direct housing development to the most sustainable locations. The Policy contains several design and infrastructure principles, and this supports the NPPF's ambitions to ensure that new development is well designed and supported by the necessary infrastructure and facilities that reflect local aspirations as well as enabling the communities to set out more detailed policies for specific areas.

H2 Housing Mix in New Housing Development Proposals	The Policy reflects evidence of local housing need and is in accordance with paragraph 61 of the NPPF that, “ the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies’
H3 Affordable Housing Provision and Mix	The policy reflects the emphasis in the NPPF (as reflected in paras 61 and 62) on the provision of affordable housing to meet local need, and in particular, 62 (b) which emphasis where a need for affordable housing is required the approach should contribute to “creating mixed and balanced communities”.
H4 DESIGN PRINCIPLES	The Policy outlines several design principles and supports the NPPF aim of ‘Achieving well designed places’. Para 125 makes specific reference to “Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. The Policy does not prevent or discourage innovation design or change. This is consistent with the NPPF.
H5 BUILDINGS AND SITES OF LOCAL HERITAGE INTEREST	This Policy seeks to identify, protect and enhance non-designated and designated heritage assets. This Policy supports the ambitions of the NPPF that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment” (para 185). This includes non designated heritage assets, as reflected in para 197 of the NPPF.
H6 BUSINESS AND EMPLOYMENT	This Policy seeks to protect suitable employment sites and buildings. This has regard to the NPPF that, “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth” (para 80).
H7 EXISTING COMMUNITY FACILITIES AND BUILDINGS	This Policy is consistent with the stated aim of the NPPF “to guard against the unnecessary loss of valued facilities and services and facilities, particularly where this would reduce the community’s ability to meet its day-to-day needs” (para 92c).

H8 NEW AND ENHANCED COMMUNITY FACILITIES AND BUILDINGS	Planning positively for the provision of social, recreational and cultural facilities and services the community needs is a high priority in the NPPF, as reflected in para 92a. This Policy is in accordance with this.
H9 ASSETS OF COMMUNITY VALUE	This Policy is consistent with the stated aim of the NPPF “to guard against the unnecessary loss of valued facilities and services and facilities, particularly where this would reduce the community’s ability to meet its day-to-day needs (para 92c). Further, a non-statutory DCLG Policy Statement <sup>1</sup> states that a listing of an Asset of Community Value can be a planning consideration, “The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use”.
H10 VANGARDE/MONKS CROSS SHOPPING PARK	This is in accordance with the emphasis in the NPPF, especially in para 92 (d), “ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community”.
H11 BROCKFIELD PARK AND NORTH MOOR ROAD NEIGHBOURHOOD PARADES	This is in accordance with the NPPF, especially para 92 which encourages positive planning for the provision of local shops and that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
H12 OTHER SHOPS	This Policy conforms with the NPPF with its emphasis on ensuring “that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community” (para 92 d).
H13 HOT FOOD TAKEAWAYS	This is in accordance with the stated ambitions of the NPPF that planning policies should aim to achieve healthy, inclusive and safe places, including enabling and

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14880/Community\\_Right\\_to\\_Bid\\_-\\_Non-statutory\\_advice\\_note\\_for\\_local\\_authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)

	supporting healthy lifestyles; planning positively for the provision and use of shared spaces and enabling communities to set out more detailed policies for specific areas.
H14 GREEN BELT	Much of the open countryside is draft Green Belt and thus subject to the policies in the NPPF in relation to Green Belts. Para 143 of the NPPF states that “inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. However, para 145 of the NPPF identifies certain categories of development as exceptions to the general rule that the construction of new buildings in the Green Belt is inappropriate. The Plan focuses on shaping and guiding those types of development that is appropriate to the Green Belt and underlining the communities support for the Green Belt. This is consistent with NPPF policies for development in the Green Belt. It does not seek to make detailed amendments to the draft Green Belt as considered this is best done through the Local Plan process. It does set out the communities continuing support for the Green Belt especially bearing in mind the precise boundaries are to be considered as part of the preparation of the Local Plan.
H15 LOCAL GREEN SPACES	Protection of Local Green Spaces identified as being of particular importance to the community through Neighbourhood Plans is advocated through the NPPF (para 99). The proposed designations meet the criteria set out in the NPPF.
H16 RIVER FOSS	This Policy seeks to protect and enhance the recreational and ecology value of the River Foss. It has regard to the NPPF para 174 “To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks...and b) “promote the conservation, restoration and enhancement of priority habitats, ecological networks” and para 118 that “planning policies and decisions should...”recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation”.
H17 BIODIVERSITY	This Policy seeks to protect and enhance local biodiversity features and habitats. It has regard to the NPPF para 174, “To protect and enhance biodiversity and geodiversity,

	plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks...and b) “promote the conservation, restoration and enhancement of priority habitats, ecological networks”.
H18 FLOODING AND WATER MANAGEMENT	That plans should take a proactive approach to mitigating and adapting to climate change, including flood risk, is advocated in the NPPF (para 149). This Policy supports and is in accordance with this.
H19 TRANSPORT AND TRAFFIC MANAGEMENT	The Policy seeks to improve transport traffic management and highway safety. An approach which is supported by para 102 of the NPPF with its emphasis on, “transport issues should be considered from the earliest stages of plan-making and development proposals” and “The planning system should actively manage patterns of growth” (para 103).
H20 CAR PARKING	The setting of local car parking standards is in accordance with paras 105 and 106 of the NPPF. Its inclusion reflects that this issue of special importance to the Parish.
H21 WALKING AND CYCLING	This supports walking and cycling, which is in accordance with para 102c of the NPPF, which requires, “opportunities to promote walking, cycling and public transport use are identified and pursued”.
H22 DEVELOPER CONTRIBUTIONS	The prioritisation of projects funded through developer contributions has regard to the NPPF in terms of setting out the contributions expected from development, while at the same time ensuring the viability and deliverability of the development.

### 3.3 Achieving sustainable development

The Plan has been positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in existing and emerging local planning policies, shaping and directing development in the area.

Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal, this section of the Statement demonstrates how the

Plan fulfils the basic condition that the plan contributes to achieving sustainable development.

The NPPF sets out three overarching and interdependent objectives to sustainable development: -

- 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 coordinating 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 well-being; 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.

The policies contained in the Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including by:

- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing (including affordable housing) to meet local need.
- supporting the transition to a low carbon future through actively managing patterns of growth, supporting sustainable modes of transport and local employment opportunities.

- protecting and enhancing the distinctive character of the built and natural environment through good quality and locally distinct design policies, protection of important open green space and protection and enhancement of nationally and locally important heritage assets.
- conserving and enhancing the natural environment as a number of valued local green spaces and local sites of ecological sites have been identified for protection, in addition to those statutory sites protected through the Local Plan.
- prioritising development on brownfield sites and minimising the impacts and where possible improving biodiversity and important habitats.
- supporting a strong economy by ensuring the ongoing vitality of the shops and shopping centres and the protection of suitable employment sites.
- safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.
- seeking to create the conditions to improve human health by providing opportunities for recreation, socialising, active transport and facilitating a mix of housing, especially in response to an ageing population.

### **3.4 General conformity with the strategic policies of the development plan for the area**

This requirement is somewhat complicated in the case of Huntington Parish in that there is currently no up-to-date development plan for the City of York. The City of York has been working on a Local Plan for a number of years, but progress has been delayed for a number of reasons.

The draft Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on Friday 25 May 2018 for independent examination.

The City of York Draft Control Local Plan incorporating the 4<sup>th</sup> Set of Changes (April 2005) is currently a material consideration for development control decisions.

Also, of relevance are the two policies (YH 1: York sub area policy and YH 9: Green Belt) contained in the approved Yorkshire and Humber Plan (Regional Spatial Strategy) to 2026 that were not 'revoked' in February 2013. These policies remain in force.

National Planning Practice Guidelines states that 'where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree on the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.

Ongoing dialogue has been maintained with planning officers at City of York Council to ensure a sound relationship between the policies in the draft Neighbourhood Plan and the emerging Local Plan and ensure that there are no 'conformity' issues between the two documents.

The Huntington Draft Neighbourhood Plan can, therefore, be considered in general conformity with the strategic policies contained in the development plan for the area of the authority.

Table 2 provides a summary of how each of the Plan policies is in general conformity with the approved policies contained in the and the draft City of York Local Plan (2018) as submitted to the Secretary of State and The Yorkshire and Humber Plan (Regional Spatial Strategy) to 2026 (as amended 2013).

**Table 2: Summary Assessment of each Draft Huntington Neighbourhood Plan Policy against the Basic Conditions Requirements**

<b>Neighbourhood Plan Policy</b>	<b>Conformity with the submission draft City of York Local Plan/approved policies</b>
H1 Meeting Housing Need	The Plan is explicit that it is leaving decisions regarding the scale and distribution of future development to the emerging Local Plan. It does set out the communities infrastructure, and other aspirations should any land be allocated for housing through the Local Plan. This approach is in accordance with Policy DP 3: Sustainable Communities in the emerging Local Plan, which amongst other things, “create a high quality, locally distinctive place which relates well to the surrounding area and its historic character, and exploits opportunities for creating new and enhancing existing key views” (iii) and “ensure that social, cultural and community infrastructure requirements of the new neighbourhoods are met through provision of accessible facilities and services in a planned and phased manner which complements and integrates with existing facilities” (iv)
H2 Housing Mix in New Housing Development Proposals	The emerging Local Plan identifies the need for future housing needs to provide a mix of housing, types, size and tenure specifically to meet local needs as reflected in Policy DP 3 (v) and Policy H3: Balancing the Housing Market.
H3 Affordable Housing Provision and Mix	The policy supports and provides local context and distinctive Policy H10: Affordable Housing which seeks to help maximise affordability across the housing market and Policy DP3: Sustainable Communities (v) which seeks to contribute to a sustainable, balanced community through the provision of an appropriate range of housing.
H4 DESIGN PRINCIPLES	Conforms with principles established in the emerging Local Plan (Policies DP3 Sustainable Communities and D1 Placemaking) by promoting design that contributes to local distinctiveness, safety and does not have unacceptable negative effects on neighbouring land uses.

H5 BUILDINGS AND SITES OF LOCAL HERITAGE INTEREST	This confirms with Policy D7: The Significance of Non-Designated Heritage Assets, which requires that the significance of non-designated heritage assets and their settings should be assessed in development proposals. It also provides greater local detail and certainty as it identifies those local heritage assets that are of greatest importance to the community.
H6 BUSINESS AND EMPLOYMENT	It also supports and gives added local significance and context to Policy EC2: Loss of Employment Land which seeks to retain suitable employment and buildings in employment use.
H7 EXISTING COMMUNITY FACILITIES AND BUILDINGS	This policy supports and is in accordance with Policy HW1: Protecting Existing Facilities, which amongst other things, states, "That the Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets". It also provides greater local detail and certainty as it identifies those local community facilities and buildings that are of greatest importance to the community.
H8 NEW AND ENHANCED COMMUNITY FACILITIES AND BUILDINGS	This reflects and gives local context to Policy HW2: New Community Facilities which seeks to ensure that new development does not place additional demands on existing services and states that City of York and states will work with communities and other partners to help address deficits in community facilities.
H9 ASSETS OF COMMUNITY VALUE	This Policy supports HW1: Protecting Existing Facilities.
H10 VANGARDE/MONKS CROSS SHOPPING PARK	This is support and gives local emphasis and support to Policy DP2: Sustainable Development and Policy R1: Retail Hierarchy and Sequential Approach, both of which seek to safeguard and enhance the established retail hierarchy, the city centre, district, local and neighbourhood centres in the City. Para 4.40 makes specific reference to the Monks Cross Shopping Park and its key role and contribution to this hierarchy.

H11 BROCKFIELD PARK AND NORTH MOOR ROAD NEIGHBOURHOOD PARADES	This is in accordance with Policy R2: District and Local Centres and Neighbourhood Parades that seek to protect and enhance the vitality and viability of Neighbourhood Parades. Both Brockfield Park and North Moor Road are proposed as Neighbourhood Parades in the draft Local Plan. The Plan provides greater local detail and certainty as it defines their boundaries based on local consultation and advice provided by the City of York.
H12 OTHER SHOPS	This supports policies R1 retail hierarchy and DP3: Sustainable Communities, which seeks to create a people friendly environment which promotes opportunities for social and community interaction.
H13 HOT FOOD TAKEAWAYS	This is in accordance with Policy R2: District and Local Centres and Neighbourhood Parades that seek to protect and enhance the vitality and viability of Neighbourhood Parades and is maintain or enhances the character and environmental quality of the centre or parade as well as Policy ENV2: Managing Environmental Quality Development. Para 12.16 makes specific reference to that noise or vibration may occur due to hot food takeaways. Its inclusion reflects that the issue is of special importance to the Parish.
H14 GREEN BELT	This supports RSS Policy YH9: Green Belt as well as Section 10 and the supporting Policy GB1 in the draft Local Plan that seek to confirm the detailed boundaries of the Green Belt and protect land within the Green Belt from inappropriate development except in very special circumstances. Policy YH 9 makes it clear that the boundaries of the Green Belt around York are draft and have not been formally defined as no Local Plan (or replacement document) has been adopted. The inclusion of the Policy reflects that the issue is of special importance to the Parish.
H15 LOCAL GREEN SPACES	This supports and is in accordance with Policy GI1 Green Infrastructure which seeks to conserve and enhance Green Infrastructure as well as Policy GI3: Green Infrastructure Network that seeks to maintain and enhance the integrity and management of York's green infrastructure network, including its green

	corridors and open spaces. It also provides greater local detail and certainty as it identifies those local community facilities and buildings that are of greatest importance to the community
H16 RIVER FOSS	This supports and provides local detail and context to Policy GI2: Biodiversity and Access to Nature, specifically clause vi. which, “seeks to maintain and enhance the rivers, banks, floodplains and settings of the Rivers Ouse, Derwent and Foss, and other smaller waterways for their biodiversity, cultural and historic landscapes, as well as recreational activities where this does not have a detrimental impact on the nature conservation value”.
H17 BIODIVERSITY	This is accordance Policy GI2: Biodiversity and Access to Nature, specifically Clause i. that seeks to avoid loss or significant harm to Sites of Importance for Nature Conservation (SINCs), and ii. that aims to ensure the retention, enhancement and appropriate management of features of geological, or biological interest, and further the aims of the current Biodiversity Audit and Local Biodiversity Action Plan;
H18 FLOODING AND WATER MANAGEMENT	This is in accordance with Policy ENV4: Flood Risk and Policy ENV5: Sustainable Drainage. Its inclusion reflects that the issue is of special importance to the Parish.
H19 TRANSPORT AND TRAFFIC MANAGEMENT	This policy is in accordance with, and provides local detail and support, for Policies T1: Sustainable Access; T4: Strategic Highway Network Capacity Improvements and T7: Minimising and Accommodating Generated Trips
H20 CAR PARKING	Thus supports Policy T8: Demand Management as well as the agreed parking standards as contained in the Sustainable Transport for Development Supplementary Planning Document. Para 14.55 of the supporting text for Policy T8 states, “Development will be expected to comply with the Parking Standards that will be set out in the ‘Sustainable Transport for Development’ SPD. These may be amended to suit

	local conditions”. Its inclusion reflects that the issue is of special importance to the Parish.
H21 WALKING AND CYCLING	This supports Policy T1: Sustainable Access generally and clause b (ii), which states, “here are safe and appropriate links to local services and facilities, the surrounding walking, cycling and public transport networks (including, where appropriate, the Public Rights of Way (PRoW) network), and that these integrate into the overall development. It also provides greater local detail and certainty as it identifies those improvements to the enhancements to the network that are of greatest importance to the community.
H22 DEVELOPER CONTRIBUTIONS	It is in accordance with and provides local detail and context to Policy DM1: Infrastructure and Developer Contributions.

### 3.5 EU obligations

#### Strategic Environmental Assessment (SEA)

In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the the level of detail needed will depend on what is proposed in the draft neighbourhood plan.

A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

In the case of Huntington Parish Neighbourhood Plan:

- the Plan does not allocate any sites for development.
- there are no sensitive natural or heritage assets that may be adversely affected by the policies in the Plan.
- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004.

An initial screening of the Neighbourhood Plan has been undertaken in spring 2018 to determine whether a SEA is required. The Parish Council via their planning consultants consulted with Historic England, Environment Agency and Natural England on their opinion whether an SEA was not required. Responses were received from the Historic England and Natural England, who agreed that a SEA was not required.

### **Habitats Directive**

In order to meet the basic condition that *'The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects'*, a SEA/HRA Screening of the Pre-Submission Draft Huntington Neighbourhood Plan was undertaken in February 2018.

The Screening was subject to consultation with the statutory consultees in February and March 2018. At this time, it was determined that the Neighbourhood Plan did not require assessment under the Habitats Directive.

On 28 December the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into effect. These regulations amended the definition of the Basic Conditions for examining neighbourhood plans. The basic condition *The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects'* has now been replaced with *"The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."* This sets out

the requirement for an appropriate assessment of implications before a land use plan is given effect if the plan a) is likely to have a significant effect on a European site or a European site or a European offshore marine site (either alone or in combination with other plans or projects), and b) is not directly connected with or necessary to the management of the site (Regulation 105 (1)).

The changes allow neighbourhood plans to progress to appropriate assessment and allow any mitigation measures needed to be fully considered. Given the outcome of the HRA Screening does not rely on mitigation measures to reach the conclusion of no likely effects, it is concluded that the Huntington Neighbourhood Plan meets the new basic condition without further actions being necessary.

### **Convention on Human Rights**

A Neighbourhood Plan must have regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR).

### **3.6 Other Basic Conditions**

An additional basic condition prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 is that: - The making of the Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects).

The City of York Council, Natural England, Environment Agency and Historic England have formally been consulted on the draft Plan and did not raise any concerns that it would adversely affect an internationally or nationally designated nature conservation sites within Huntington Parish or the

surrounding area.

In addition, City of York Council will specifically consulted with the Environment Agency, Historic England and Natural England on all of the Plan Submission Documents including the revised SEA/HRA Screening Report as part of the Regulation 16 consultation as they are a Statutory Consultees.

It is considered, therefore, that the Plan meets the additional prescribed basic condition.

### **3.7 Consultation**

The Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. There was extensive consultation and engagement in identifying issues and objectives, and the draft Plan is being consulted on as required by Neighbourhood Planning (General) Regulations 2012. Responses have been recorded, and changes have been made. The Statement of Consultation has been prepared and meets the requirements set out in Paragraph 15 (2) of the Regulations.

### **4.0 CONCLUSIONS**

The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) are considered to have been met by the Huntington Neighbourhood Plan.

The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved policies from The Regional Strategy for Yorkshire and Humber 2006 (amended 2013) as well as the submission draft of the City of York Local Plan (2018).

It is therefore respectfully suggested to the Examiner that the Huntington Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.