

145 homes, 330 villagers – ONE VOICE

# Hazelwood Parish Neighbourhood Plan

## Basic conditions statement

Hazelwood  
Parish Council  
2016–2031



[www.hazelwoodpc.org.uk](http://www.hazelwoodpc.org.uk)

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## 1 Introduction

### What is the Neighbourhood Plan?

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

### What is the Basic Conditions Statement?

- 1.3 This Basic Conditions Statement has been prepared to accompany the Hazelwood Parish Neighbourhood Plan. Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans must meet the following basic conditions:
  - I. have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
  - II. contribute to the achievement of sustainable development;
  - III. be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case Amber Valley District Council's 2006 Core Strategy
  - IV. meet the relevant EU obligations.

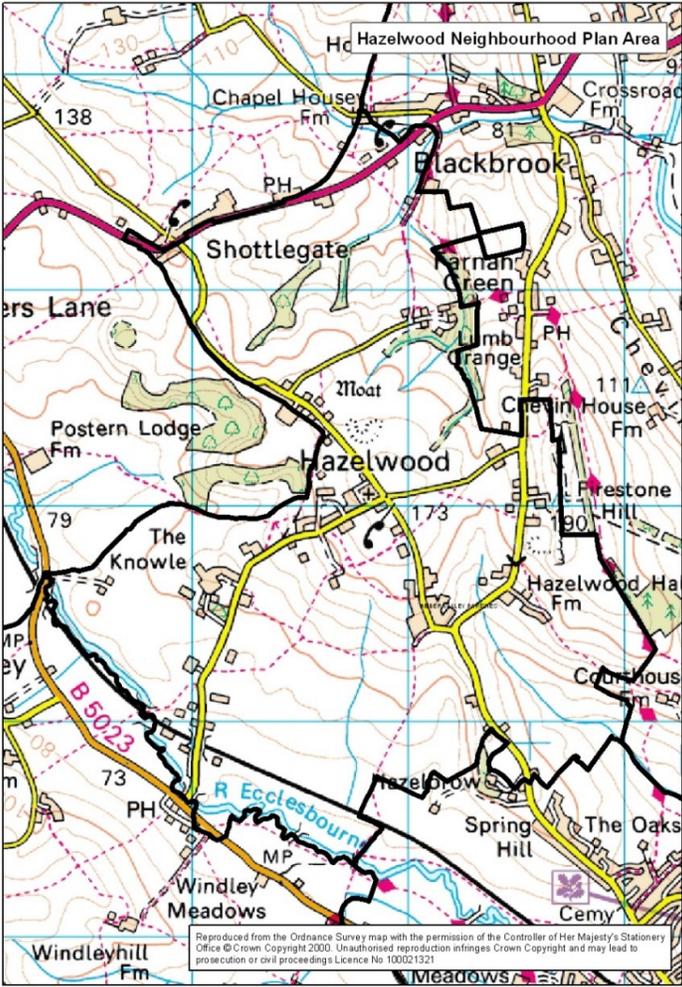
This document will outline how the Hazelwood Parish Neighbourhood Plan meets all of the above basic conditions.

## 2 Key Statements

- 2.1 The Plan area covers the Parish of Hazelwood and Hazelwood Parish Council is the qualifying body responsible for the preparation of this Neighbourhood Plan. The Hazelwood Parish Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 2.2 The neighbourhood area is contiguous with the Parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity the Plan area is shown at Figure 1.
- 2.3 The Hazelwood Parish Neighbourhood Plan covers the period from 2016 to 2031.

- 2.4 The Plan proposal does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990 as ‘excluded development’.
- 2.5 The Hazelwood Parish Neighbourhood Development Plan does not relate to more than one neighbourhood area. It is solely related to the area of Hazelwood Parish as designated by Amber Valley Borough Council in February 2014.
- 2.6 There are no other neighbourhood plans in place for the Hazelwood neighbourhood area.
- 2.7 The Draft Hazelwood Parish Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012 from 1<sup>st</sup> October to the 16<sup>th</sup> November 2015. Some minor amendments have been made to the document based on the comments received and these are summarised in the document entitled ‘Consultation Statement’.

**Figure 1: Hazelwood Parish Neighbourhood Area**



### 3 Conformity with National Policy

- 3.1 Hazelwood Parish Neighbourhood Plan is required to have appropriate regard to national planning policy. This is principally provided in the National Planning Policy Framework (NPPF) published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
- 3.2 Sections 183-185 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF and to be in general conformity with the strategic policies of the Local Plan. The Localism Act explains that this is the 'adopted Development Plan'. This is the 2006 Local Plan.
- 3.3 National Planning Guidance Ref 41-009-20140306 explains that the evidence used to support an emerging Plan should be used and the stage the emerging Plan is at will all affect the weight attributed to the emerging Plan.
- 3.4 Documents commissioned by AVBC to support their emerging Local Plan have also been used to guide the Neighbourhood Plan policies.
- 3.5 This section demonstrates that the Hazelwood Parish Neighbourhood Plan has regard to relevant policies within the NPPF in relation to:
  - Delivering a wide choice of high quality homes
  - Supporting a prosperous local economy
  - Requiring good design
  - Promoting healthy communities
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- 3.6 The Hazelwood NDP contains a Vision, Aim and Objectives. The objectives are summarised in **Table 1** alongside the NPPF goals they seek to address.
- 3.7 **Table 2** provides a summary of how each of the development management policies conforms specifically with the NPPF.

**Table 1**

Theme	Objective	Relevant NPPF Goal
Development	<ul style="list-style-type: none"> <li>• To ensure that all new development is designed and located so that it minimises its impact on the natural and built environment</li>   <li>• To ensure that future housing meets the needs of the Neighbourhood for a balanced 'all age' community</li> </ul>	Requiring good design Conserving and enhancing the natural environment. Conserving and enhancing the historic environment  Promoting healthy communities
Environment	<ul style="list-style-type: none"> <li>• To protect and enhance the quality of Hazelwood's special and valued landscape character, biodiversity, scenic beauty and traditional buildings within the landscape</li> </ul>	Conserving and enhancing the natural and historic environment
Employment	<ul style="list-style-type: none"> <li>• To promote the economic vitality of the Parish of Hazelwood</li> </ul>	Building a strong competitive economy and supporting a prosperous rural community.
Community facilities	<ul style="list-style-type: none"> <li>• To consider proposals for the extension and enhancement of public spaces and buildings that provide facilities to sustain and strengthen social cohesion within the Parish of Hazelwood.</li> </ul>	Promoting healthy communities

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

Neighbourhood Policy No.	Policy Title	NPPF Ref (para.)	Commentary
1	Support appropriate new build	17, 109, 129	<p>The NPPF is clear that the planning system should contribute to and enhance the natural and local environment, including valued landscapes and heritage assets.</p> <p>The scale of development considered appropriate in Hazelwood Parish is limited in accordance with para 17 ‘which advises that land of lesser environmental value should be used for development. The NP has shown that much of the land in the Plan area has a high landscape value.</p> <p>The NPPF also requires planning to be a creative exercise to meet housing business and other development needs. NP1 sets out a framework to allow development that does not harm the landscape or setting of the Parish and allows limited growth.</p>
2	Design Principles for New Development	56,57,58,60,61	<p>Sets out design standards expected on all new development, the importance of reinforcing local distinctiveness and the integration of new development with the existing.</p> <p>Recognises that high quality design is also about addressing the connections between people and places and the integration of new development into the natural and built</p>

Neighbourhood Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
				environment.
3	Housing Mix for New Development	50		Addresses the need to provide housing to meet demonstrable local need.
4	The Conversion of Redundant Farm Buildings	51		Local Authorities are encouraged to bring back into use empty buildings and should normally approve changes of use to residential. NP4 provides a framework for assessing applications of this sort in the context of the wider valued landscape
5	Maintaining and Enhancing the Parish's biodiversity	7,118		Helping to improve biodiversity is a central tenet of planning; development proposals with the primary objective to conserve biodiversity should be permitted
6	Protection of Landscape Character across the Plan area	169		The NPPF supports an assessment of landscape character integrated with historic landscape character. This analysis has been undertaken to support NP6 which requires the specific consideration of key views and requires planning applications to assess the impact development will have on these views.
7	Use of Buildings for Employment Purposes	17, 28		Promoting the diversification of uses to support a prosperous rural economy is endorsed by the NPPF. NP7 is in conformity with this approach so long as the proposal does not conflict with other policies on design or landscape character. Reusing land is identified as a core planning principle.
8	Supporting the Expansion or Creation of	28		NP8 continues the theme of NP7 and is

Neighbourhood Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
	local businesses			intended to encourage the growth and expansion of the rural economy so long as development is not detrimental to the landscape character of historic environment
9	Improving the Provision of broadband	42,43		Seeks to ensure that Hazelwood Parish is provided with a broadband connection to meet national standards reflecting the importance of broadband in supporting local businesses and increasingly enabling residents to access services
10	Enhancing the Provision of Community Facilities	17, 28,69, 70		<p>A core planning principle is to provide the infrastructure necessary for a community to thrive.</p> <p>A key part of ensuring Hazelwood Parish continues to be a strong rural community is to ensure the area is equipped with those spaces that enable social interaction. This policy recognises that the social facilities within the Parish are at capacity and over the Plan period additional and improved facilities may be sought.</p>

## 4 Contribute to the Achievement of Sustainable Development

- 4.1 The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three dimensions: economic, social and environmental. The Hazelwood NP recognises that this is a balancing act and the strategic objectives of the Plan comprise a balance of social, economic and environmental goals.
- 4.2 The social goals are to maintain a thriving community, recognising that the community and its needs change over time. The economic goals relate to policies that encourage small businesses to be established or expand within and across the Plan area. The environmental goals are the most dominant in Hazelwood due to the landscape value of much of the Parish. It is vital that the rural environment is protected and that the limited development that may be appropriate does not cause demonstrable harm to the landscape character or setting of the various settlements.
- 4.3 The Hazelwood NP has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre application stage. Whilst this is not directly related to land use, early involvement with the community before an application is submitted is a step change in involving local people in shaping the future of their area.

## 5 Conformity with Strategic Local Policy

- 5.1 The Hazelwood NP has been prepared by the Hazelwood Parish Neighbourhood Planning Group with liaison with officers from Amber Valley District Council.
- 5.2 Whilst this Neighbourhood Plan must be in general conformity with the adopted policies in the 2006 Local Plan, where relevant, it is important that the Neighbourhood Plan is also in conformity with the evidence base of the emerging Local Plan.
- 5.3 The Hazelwood NP focuses on defining the existing landscape character and design of the settlements. This has required reference to national design standards and local studies and their use is referenced throughout.
- 5.4 **Table 3** provides a summary of how each of the 10 neighbourhood plan policies are in general conformity with the Strategic Policies of Amber Valley District Council.

**Table 3: Assessment of how each policy in the Hazelwood NP conforms to the Policies in Amber Valley’s 2006 Local Plan**

Neighbourhood Plan Policy No.	Policy Title	Local Plan Policy	Commentary
1	Support appropriate new build	LS1, EN1	Requires the location of development to be well related to existing settlement patterns and to protect and enhance the quality of the built and natural environment. EN1 allows development outside the built framework of settlements where it improves the viability, accessibility or community value of existing services and facilities. NP1 shows the key considerations in getting this balance right for Hazelwood.
2	Design principle for new development	LS3, H12	Requires development to conserve or enhance local distinctiveness, respect the character of the locality and consider the relationship of the existing buildings surrounding it. NP2 includes all these elements but provides more assistance to a developer by requiring the scheme to accord with Hazelwood’s Village Design Statement and Housing Character Survey. The principle features are listed in NP2.1
3	Housing mix for new development	No particular reference	
4	Conversion of redundant farm buildings	H6	Supports conversion if tourism or employment uses are not viable. NP4 reflects more recent changes in government policy but requires the visual impact of the proposal to be specifically assessed.
5	Maintaining and Enhancing the Parish’s biodiversity	EN8, EN12, EN13, EN14	The Local Plan policies provides good protection for area that are designated as SSSI’s, LNR’s and SINC and for the habitat of protected species. Local Plan policies require mitigation measures for any proposed development affecting them. NP5

Neighbourhood Plan Policy No.	Policy Title	Local Plan Policy	Commentary
			extends this protocol to existing native hedgerows which are increasingly recognised for their biodiversity.
6	Protection of Landscape Character Across the Plan Area	EN6, EN7 and EN8	Local Plan policies define and protect specific landscapes areas and requires development to accord with the relevant Landscape Character Area. NP6 identifies specific view corridors and requires proposals to be in accordance with the VDS making it specific to Hazelwood.
7	Use of Buildings for Employment Purposes	ER9	Local Plan policy encourages the reuse of redundant buildings or premises in employment use for employment purposes. The NP sees the reuse of redundant buildings for A1-A4 or B1 as something of particular value socially and economically and NP7 supports this subject to specific conditions 1a-f intended to minimise the environmental impact.
8	Supporting the expansion or creation of local businesses	ER9, ER11	ER9 protects existing employment sites from change of use and ER11 supports suitable expansion. NP8 encourages both new business formation and the expansion on land already in employment use.
9	Improving the provision of broadband	No particular reference	This is an issue that has prevailed more significantly since 2006
10	Enhancing the provision of community facilities	LC3 and LC11	Local plan policies seek to protect open space and community buildings against redevelopment that would result in their loss. NP10 considered particularly the limited range of facilities in Hazelwood and the existing capacity of the village hall and encourages the improvement of this provision.

## **6 Compatibility with EU Obligations**

- 6.1 Amber Valley District Council considered that a Strategic Environmental Assessment was not required because the Neighbourhood Plan is not likely to have a significant impact on the environment that had not been already assessed as part of the Sustainability Appraisal for the Local Plan
- 6.2 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 6.3 The main issues for planning are the right to family life and in preventing discrimination. The Plan makes positive contributions, such as through seeking to provide housing to meet local needs for older people and for young people wanting to buy their first home. The population profile has revealed that there are not significant numbers of people who do not have English as a first language and it has not been necessary to produce consultation material in other languages.
- 6.4 The Neighbourhood Plan has been prepared with substantial input from the community as set out in the accompanying Consultation Statement. There was extensive consultation and engagement early on in the process and later in providing opportunities at every stage for people to get involved in the plan preparation.
- 6.5 Finally, the draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, responses have been recorded and changes have been made as per the schedule set out in the appendices to the Consultation Statement. The Consultation Statement has been prepared by the Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.
- 6.6 The Neighbourhood Plan is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations so this has not been required by Amber Valley District Council.

## **7 Conclusion**

- 7.1 It is the view of the Hazelwood Parish Neighbourhood Plan Steering Group that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the TCPA 1990 Act are considered to be met by the Hazelwood Parish Neighbourhood Plan and all the policies therein.

- 7.2 The Plan has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with strategic policies contained in Amber Valley District Councils Local Plan and meets relevant EU obligations.
- 7.3 On that basis it is respectfully suggested to the Examiner that the Hazelwood Parish Neighbourhood Plan complies with Paragraph 8(2) of Schedule 4B of the Act.