



# **HESLINGTON PARISH NEIGHBOURHOOD PLAN**

## **BASIC CONDITIONS STATEMENT**

**September 2019**

**Town and Country Planning Act 1990 (as amended)  
Paragraph 8 (2) of Schedule 4B Statement**

**Prepared By**

**Heslington Parish Council acting as Qualifying Body**

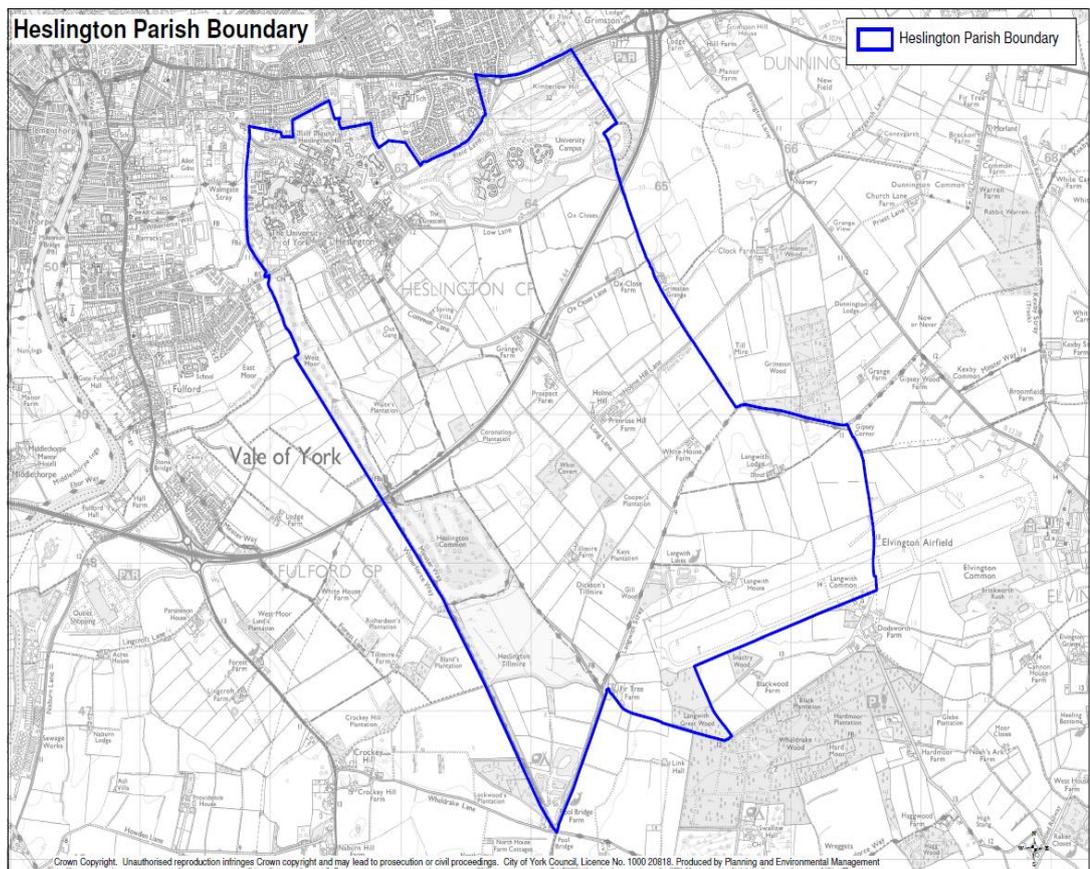
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## 1 Introduction

- 1.1 This Basic Conditions Statement (BCS) has been prepared to accompany the Submission version of the Heslington Parish Neighbourhood Plan (HPNP). The whole Parish area has been designated a Neighbourhood Area and this plan is being submitted by Heslington Parish Council, the qualifying body.
- 1.2 This BCS is submitted together with its supporting documents to City of York Council (CYC) to evidence how the HPNP meets the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 1.3 The HPNP contains policies relating to 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 (as amended).
- 1.4 The HPNP has been subject to both Strategic Environment Assessment (SEA) and Habitat Regulations Assessment (HRA) screening reports. These screening reports indicate that neither a full SEA nor Appropriate Assessment under HRA are required.
- 1.5 The Neighbourhood Plan Area --- the 'Designated Area' --- is as shown below:

### HESLINGTON NEIGHBOURHOOD PLAN DESIGNATED AREA AGREED BY THE CITY OF YORK COUNCIL 22 NOVEMBER 2016.



## 2 Background

- 2.1 Neighbourhood plans were introduced under the 2011 Localism Act, giving communities the power to produce their own neighbourhood plans that will influence future development in their local area. Essentially, neighbourhood plans can set out policies for the development and use of land in the whole or part of the designated area, including the location and form of new development measures to protect the landscape and character and important community facilities.
- 2.2 Neighbourhood plans can be narrow or broad in scope and there is no requirement to include policies dealing with a particular land use or development. The locally formulated policies will be specific to Heslington Parish and reflect the needs and aspirations of the community. In the case that there are national and district planning policies that meet the needs and requirements of the Parish, they are not repeated in the Plan.
- 2.3 The government’s intention is for communities to have a greater say and role in the planning system by shaping future development in their area. However, all neighbourhood plans must be prepared to comply with a set of Basic Conditions. Firstly, neighbourhood plans must have regard to national policies that for England as set out in the National Planning Policy Framework (NPPF 2019<sup>1</sup>). The focus of this policy is the contribution that planning can make to sustainable development through the joint pursuance of economic, environmental and social improvement.
- 2.4 Secondly, the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for the area. This requirement is somewhat complicated in the case of Heslington Parish in that there is currently no adopted development plan for the City of York<sup>2</sup>.
- The City of York Development Control Local Plan incorporating the Fourth Set of Changes (April 2005) is currently a material consideration for development control decisions.
- 2.5 National Planning Practice Guidelines, paragraph 009 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”.
- 2.6 The HPNP is based on extensive research and influenced by robust engagement with the local community. It provides a vision for the future of the Parish of Heslington and sets out clear planning policies to help realise the vision. This Neighbourhood Plan aims to make Heslington an even better place to live, study and do business now and for future generations. It will cover a 20 year period.

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<sup>1</sup> References were made throughout the Pre-Submission version to NPPF 2012 to add useful context. In February 2019 an updated NPPF was released by government. In line with CYC guidance, the Submission version of the plan and its supporting documents is written to reference NPPF 2019.

<sup>2</sup> City of York Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on Friday 25 May 2018 for independent examination.

### 3 Development of the Heslington Parish Neighbourhood Plan

- 3.1 The HPNP development process commenced in November 2015, with Heslington Parish Council submitting an application for designation of a Neighbourhood Plan area.
- 3.2 People who live, work and conduct business in the area were able to comment on the application and boundary from 18 January 2016 to 29 February 2016 as part of a 6 week consultation.
- 3.3 Heslington Parish Council withdrew the Neighbourhood Plan area application on 13 April 2016.
- 3.4 A revised area application was submitted by Heslington Parish Council on 10 October 2016 for the whole Parish. This application was granted automatic designation on 22 November 2016 following amendments to the Neighbourhood Plan (General) and Development Management Procedure (Amendment) Regulations 2016, which came into force on 1 October 2016.
- 3.5 In February 2017, survey questionnaires were circulated to all households, businesses and local community organisations in the Parish. An on-line questionnaire was also circulated to all University of York students and staff. Further details of the questionnaires and analyses of the responses can be found at: <https://www.heslington.org.uk/neighbourhood-plan/np-questionnaire-analyses/>.
- 3.6 Through 2018, work focused on development of a Draft Plan and preparation of a Strategic Environmental Assessment screening report and a Habitats Regulation Assessment screening report with guidance from City of York Council.
- 3.7 The HPNP also incorporates appropriate elements of the Heslington Village Design Statement<sup>3</sup> produced, following extensive consultation, and adopted as Supplementary Planning Guidance in 2004, in its evidence base and in its policies.
- 3.8 Residents and other stakeholders were kept up-to-date with progress on the plan development via monthly minutes of Parish Council meetings, a quarterly Heslington newsletter, the Heslington website and the Parish notice board.
- 3.9 In January 2019 a Pre-Submission Plan consultation letter and summary booklet were delivered to every household; all businesses were contacted by letter and all statutory consultees and landowners/agents contacted by email/letter. Hard copies of the full Pre-Submission Plan were made widely available locally. All appropriate documents were also made available on the Heslington website. <https://www.heslington.org.uk/neighbourhood-plan/>.
- 3.10 In January 2019 University of York students and staff received an electronic communication giving details of the Draft Plan for consultation and with information on how to view the Pre-Submission Plan in full or where hard copies of the Plan were available.
- 3.11 A 'drop-in' event was held through the day and early evening in the Heslington Village Meeting Room on 11 February 2019 to provide a further opportunity to ask questions and express views on the Plan.

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<sup>3</sup> [https://www.york.gov.uk/downloads/file/3239/heslington\\_village\\_design\\_statement](https://www.york.gov.uk/downloads/file/3239/heslington_village_design_statement)

- 3.12 Pre-Submission consultation on the Plan took place from 29 January to 14 March 2019.
- 3.13 Following the consultation all responses were analysed in detail and revisions made to the Plan, appendices, SEA and HRA as appropriate.
- 3.14 The HPNP has been developed in parallel with the emerging City of York Local Plan following extensive consultation and advice from CYC. The HPNP has been informed by, and is consistent with, the evidence and strategies contained in that emerging Local Plan.
- 3.15 A full summary and analysis of all consultation and engagement work with the community can be found in the HPNP Consultation Statement and associated appendices.

#### 4 Basic Conditions - Legislation

Neighbourhood Development Plans (NDP) must meet the following basic conditions<sup>4</sup>:

- (1) *The examiner must consider the following—*
  - (a) *whether the draft neighbourhood development plan meets the basic conditions (see paragraph (2) below),*
  - (b) *whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
  - (c) *whether any period specified under section 61L(2)(b) or (5) is appropriate,*
  - (d) *whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
  - (e) *such other matters as may be prescribed.*
  
- (2) *A draft neighbourhood development plan [order]<sup>5</sup> 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 order,*
  - (b) *having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
  - (c) *having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*
  - (d) *the making of the order contributes to the achievement of sustainable development,*
  - (e) *the making of the order 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),*
  - (f) *the making of the order does not breach, and is otherwise compatible with, EU obligations, and*
  - (g) *prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*
  
- (3) *The examiner is not to consider any matter that does not fall within subparagraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

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<sup>4</sup> See Paragraph 8 of Schedule 4B to the 1990 Act (excluding 2b, c, 3 to 5 as required by 38C (5))

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B>

To meet these basic conditions the following information is presented to aid the Examiner in his or her consideration:

#### 4.1 Schedule 4B Paragraph 8 Section (1)

- a) This is for the Examiner to determine having had regard to the information presented in this Statement. It is considered in detail below under Section 2.
- b) The provisions of 61E (2), 61J and 61L as amended by s38C (5) (b) is a reference to the provisions of 38A and 38B.

In relation to the provisions of 38A and 38B the following is submitted:

#### **38A**

- (1) Heslington Parish Council is a qualifying body and entitled to submit a neighbourhood development plan (NDP) for its own Parish area.
- (2) The HPNP expresses policies relating to development and use of land within the neighbourhood area.
- (3) 3) to 12) are essentially post-examination procedures.

#### **38B**

- (1) (a) The period of the HPNP is for 20 years. This period has been chosen to align the HPNP with the dates of the emerging City of York Local Plan, particularly with regard to the 20 year period set for Green Belt policy. The City of York has indicated that the emerging Local Plan will be presented for examination with a 15 year period initially and an extension for a further 5 years.
- (1) (b) HPNP does not include any provision for excluded development.
- (1) (c) HPNP does not relate to more than one neighbourhood area. It relates to Heslington Parish Neighbourhood area as designated by City of York Council on 22 November 2016.
- (2) There is no other Neighbourhood Development Plan (NDP) in place in this neighbourhood area.
- (3) Refers to conflicts within the HPNP.
- (4) Refers to regulations that the Secretary of State (SoS) may make relating to NDPs. Such regulations are 2012 No 637 The Neighbourhood Planning (General) Regulations 2012(as amended) which have been used to inform the process of making the HPNP. These regulations set out the process by which neighbourhood plans are to be made and set out:
  - a. the consultation bodies for NDPs. (These have been included in the Consultation Statement);
  - b. that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. The HPNP has been subject to a Strategic Environmental Assessment and Habitat Regulations screening exercise which has concluded that no further

assessment is required;

- c. that Neighbourhood Development Orders (NDO) may be subject to an Environmental Impact Assessment (not relevant for NDPs).
- (5) Refers to the publication of NDPs.
- (6) Clarifies what is excluded development.

## 4.2 Schedule 4B Paragraph 8 Section (2)

### 4.2.1 Secretary of State Guidance - National Planning Policy Framework (NPPF) 2019

The NPPF (2019)<sup>6</sup> refers to Neighbourhood Plans in a number of policy areas and particularly in paragraphs 29 and 30 which affirm that the ambition of neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. Those strategic needs and priorities are generally set out in the unadopted CYC Local Plan policy documents and in the 2013 Order for the abolition of RSS12. This latter document says:

*RSS York Green Belt policies*

*POLICY YH9: Green Belts*

*The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.*

*POLICY Y1: York sub area policy*

*Plans, strategies, investment decisions and programmes for the York sub area should:*

*Environment*

- 1. In the City of York Local Development Framework (LDF), define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9.*
- 2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.*

This makes clear that the boundaries of the Green Belt around York have not been formally defined within a LDF (or replacement document) nor have been adopted to do so. Green belt boundaries are currently defined as set out in the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (RSS) (2008) and the Fourth Set of Changes to the Development Control Local Plan (2005).

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<sup>6</sup> References were made throughout the HPNP Pre-Submission version to NPPF 2012 to add useful context. In February 2019 an updated NPPF was released by government. In line with CYC guidance, the Submission version of the HPNP and its supporting documents plan are written to reference NPPF 2019.

The NPPF also states that Neighbourhood Plans are to be in “general conformity with the Strategic Policies of the Local Plan”. This phrasing is slightly different than the legal requirement which is set out in the Act (Sch 4B Para 8 s(2)(e)) which refers to the making of the [plan] being in “general conformity’ with the strategic policies contained within the [adopted] development plan for the area of the authority”. There is no adopted development plan for the City of York.

The City of York Development Control Local Plan approved 12 April 2005 Plan incorporating the Fourth Set of Changes is therefore currently a material consideration for development control decisions.

#### 4.2.2 Secretary of State Guidance - National Planning Practice Guidance (NPPG)

In addition to NPPG Paragraph 065, NPPG Paragraph: 070<sup>7</sup> also states:

*The content of a draft neighbourhood plan or Order will dictate which additional national policy is or is not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.*

*A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.*

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<sup>7</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2>

## 5 Plan and Policy requirements

NPPF (2019) paragraph 37 states:

*Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements<sup>8</sup> before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.*

- 5.1 The Heslington Parish Neighbourhood Plan has been prepared within the context of national policy, in particular the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 5.2 This section shows how the HPNP fulfils the requirements of the relevant national policies.
- 5.3 The National Policies that have been considered for relevance are listed below and indicated, where appropriate, in the Heslington Parish Neighbourhood Plan.

<b>NPPF (2019) Policies</b>	<b>Summary of Relevance to Neighbourhood Planning</b>	<b>How the NPPF is taken account of in the HPNP</b>
Introduction NPPF Para 1-6	NPPF 2: Confirms the significance of the adopted Local Development Plan unless material considerations indicate otherwise.	Status of CYC plans have been considered and views taken as to their relevance to the HPNP.
Achieving sustainable development NPPF Para 7-14	Puts sustainability at the heart of the planning system and the importance of local circumstances in plans.	The HPNP improves sustainability of the community of Heslington by addressing housing, employment and community facilities in a locally distinctive way.
Plan-making NPPF Para 15-37	Refers to Plan making and specifically to local authority plans.  NPPF29: Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans	Not generally relevant to the HPNP, in so far as the HPNP does not allocate sites for housing or development.  The HPNP is positively prepared and considers these policies/plans through active engagement of the community through the process and covers a wide range of matters that are referred to in these paragraphs of the NPPF; including requirements to meet

<sup>8</sup> As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

<b>NPPF (2019) Policies</b>	<b>Summary of Relevance to Neighbourhood Planning</b>	<b>How the NPPF is taken account of in the HPNP</b>
	should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.	certain 'basic conditions'.
Decision Making NPPF Para 38-58	Refers to decision taking and implementation.	These policies are not directly relevant to the policies set out in the HPNP.
Delivering a sufficient supply of homes NPPF Para 59-79	Refers to the delivery of a sufficient and wide choice of housing.	Whilst the HPNP does not allocate sites for housing, or development, the HPNP does acknowledge the substantial Local Plan strategic development site allocations within the Parish, and supports delivery of a range of housing for specific groups including affordable housing in response to local demographic understanding. The HPNP includes policies for in-fill housing and recognises the importance of sustainable design.
Building a strong, competitive economy NPPF Para 80-84	Refers to the encouragement and protection of sites for economic growth. NPPF 80: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.	Given that the HPNP does not allocate sites for housing or development, the HPNP does support development of the University of York (UoY) and York Science Park for allocated uses, and includes support for farming and rural enterprise. The HPNP aims to promote employment and business opportunities whilst balancing the unique identity of Heslington as a rural village and the proximity of a thriving university.
Ensuring the vitality of town centres NPPF Para 85-90	Refers to town centres and primary shopping areas.	Not relevant to the HPNP.

NPPF (2019) Policies	Summary of Relevance to Neighbourhood Planning	How the NPPF is taken account of in the HPNP
<p>Promoting healthy and safe communities NPPF Para 91-101</p>	<p>Refers to promotion of healthy communities. NPPF 91: Planning policies and decisions should aim to achieve healthy, inclusive and safe places... NPPF 99: The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.</p>	<p>The HPNP supports access to valued open green spaces and designates Local Green Spaces. The HPNP endorses the need for facilities to support the local needs of its residential, educational and business community. <i>“Secured by Design”</i><sup>9</sup> is supported in urban housing development proposals.</p>
<p>Promoting sustainable transport NPPF Para 102-111</p>	<p>Refers to sustainable transport.</p>	<p>The HPNP includes policies on sustainable transport provision including motor vehicle, cycle and pedestrian traffic flows.  The HPNP seeks to achieve a balance between need for sustainable public transport whilst protecting the Conservation Area identity, safety and amenity of residents and maintaining full access to local routes for rural businesses and farms.</p>
<p>Supporting high quality communications NPPF Para 112-116</p>	<p>Refers to support for high quality communications infrastructure. NPPF 112: Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.</p>	<p>High-speed broadband is identified in the HPNP as an important enabler for all stakeholders – including remote rural business communities.</p>
<p>Making effective use of land NPPF Para 117-123</p>	<p>NPPF 117: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.</p>	<p>The HPNP endorses environmental and sustainable life-work balance policies within the Parish. The HPNP seeks to reconcile the development of the University of York whilst protecting the character, setting and amenities of a rural village.</p>

<sup>9</sup> SBD is a police initiative that improves the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit. <https://www.securedbydesign.com/>

NPPF (2019) Policies	Summary of Relevance to Neighbourhood Planning	How the NPPF is taken account of in the HPNP
<p>Achieving well-designed places NPPF Para 124-132</p>	<p>Refers to the requirement for high quality design. NPPF 124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</p>	<p>The HPNP encourages high quality design, based on sustainable principles. This includes complementing the existing character of the Parish and having regard to the historic environment.</p> <p>To the extent that these policies are relevant to Heslington village and environs, the HPNP incorporates appropriate elements of the previous adopted Village Design Statement<sup>10</sup> in its evidence base and policies.</p> <p>The Design Council's <i>'Building for Life 12'</i><sup>11</sup> is endorsed.</p> <p>Development Principles relating to the University of York campuses are set out in the relevant policy area.</p>
<p>Protecting Green Belt land NPPF Para 133-147</p>	<p>Refers to the protection of Green Belt land.</p>	<p>The Green Belt around the City of York is currently established within the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013<sup>12</sup> which specifies it only in a general way, but goes on to say that "the inner boundaries should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city".</p> <p>The HPNP is consistent with the emerging York Local Plan and welcomes the designation of Green Belt to conserve and protect the local rural identity of Heslington.</p>

<sup>10</sup> [https://www.york.gov.uk/downloads/file/3239/heslington\\_village\\_design\\_statementpdf](https://www.york.gov.uk/downloads/file/3239/heslington_village_design_statementpdf)

<sup>11</sup> *Building for Life 12* is a tool for assessing the quality of homes, developed by the Commission for Architecture and the Built Environment - A government endorsed industry standard.

<sup>12</sup> <http://www.legislation.gov.uk/uksi/2013/117/schedule/made>

<b>NPPF (2019) Policies</b>	<b>Summary of Relevance to Neighbourhood Planning</b>	<b>How the NPPF is taken account of in the HPNP</b>
<p>Meeting the challenge of climate change, flooding and coastal change. NPPF Para 148-169</p>	<p>Refers to climate change, flooding and coastal change.</p>	<p>These policies are not particularly relevant to the HPNP other than in a general way.</p> <p>The HPNP notes there is risk of flooding in the Parish, with small portions of Zone 3b particularly to the South and East of the village, some Zone 3a, particularly to the south of the A64 and a larger Zone 2 risk surrounding these two areas.</p> <p>The HPNP recommends Sustainable Urban Drainage Systems are incorporated where appropriate, in the proposed Development Principles relating to the University of York.</p>
<p>Conserving and enhancing the natural environment NPPF Para 170-183</p>	<p>Refers to the conservation of the natural environment including biodiversity.</p>	<p>All development proposals must take due account of national or international designation for habitats. The HPNP supports this through its policies.</p>
<p>Conserving and enhancing the historic environment NPPF Para 184-202</p>	<p>Refers to the conservation of the historic built environment.</p>	<p>In so far as these policies affect the Parish, the HPNP considers the importance of conserving and enhancing listed buildings/structures and a Conservation Area in its policies.</p>
<p>Facilitating the sustainable use of minerals NPPF Para 203-211</p>	<p>Refers to safeguarding mineral resources.</p>	<p>Not relevant to the HPNP.</p>
<p>Annex 1 NPPF Para 212-217</p>	<p>Refers to material considerations.</p>	<p>Not relevant to the HPNP.</p>

#### **Schedule 4B Paragraph 8 Section 2 (b) Preserving listed buildings/historic interest**

- 5.4 In the Parish of Heslington there are a number of listed buildings and structures which are of historic interest. The HPNP sets out policies to help conserve and enhance Heslington's historic character and setting.
- 5.5 The Environmental Agency, Historic England, Natural England and CYC were consulted at the Pre-Submission Plan stage and their responses have been taken into account in updating the Strategic Environmental Screening Assessment, Habitats Regulations Screening Assessment, appendices and the HPNP.

#### **Schedule 4B Paragraph 8 Section 2 (c) Preserving character/conservation area**

- 5.6 The HPNP sets out policies to help conserve and enhance Heslington's Conservation Area and its rural village identity.
- 5.7 The emerging York Local Plan proposal to retain Heslington village within the general extent of the Green Belt is a material consideration that underpins the HPNP.
- 5.8 The Environmental Agency, Historic England, Natural England and CYC were consulted at the Pre-submission stage and their responses have been taken into account in finalising the HPNP policies and supporting documents.

#### **Schedule 4B Paragraph 8 Section 2 (d) Sustainable development**

- 5.9 The policies contained within the HPNP protect and enhance the sustainability of the community within Parish of Heslington. It is also the aim of neighbourhood planning to give local people greater influence and say over the decisions that affect where they live. The Plan specifically protects land for recreation and leisure, which will encourage and support community activities and healthy living.
- 5.10 Within the HPNP Local Green Spaces are designated and policies identified to maintain the character of the countryside within the Parish and enhance trees, woods, hedges, ditches, grass field margins, flora and fauna.
- 5.11 Appendix 1: Local Green Space Evidence Base that accompanies the HPNP Basic Conditions Statement gives further details. It sets out the background to Local Green Spaces and explains the methodology and evidence base used.
- 5.12 There is an acknowledgement of the strategic development site proposals identified for the Parish and set out in the emerging City of York Local Plan. The HPNP can help positively influence the deliverability and positive community impact of these proposals.
- 5.13 The Heslington Parish Neighbourhood Plan will support sustainable development growth in a number of ways. These include:

Activity	Comment	Main Policy Ref.
Recognising the strategic development site proposals set out in the York Draft Local Plan and including policies to help ensure that such housing is well designed and served by adequate infrastructure.	Supports development proposals that are sustainable and meets local need that such housing is well designed and served by adequate infrastructure.	HES: 4, 5, 6, 7, 8, 9, 10, 11, 12.
Recognising the development and growth of the University of York campuses and the Science Park.	<ul style="list-style-type: none"> <li>a) Supports the ongoing sustainable development of the University of York as a major educational, cultural, social and economic asset;</li> <li>b) Seeks to reconcile the development of the campuses with protection of the character, setting and amenities of Heslington village;</li> <li>c) Seeks to achieve a balance between the unique identity of Heslington, as a historic village settlement and the proximity of a thriving, world-class University/Science Park.</li> </ul>	HES: 2, 12, 19.
Supporting rural enterprise and farming.	Acknowledges that viable, thriving rural businesses make a positive contribution to the Parish's green infrastructure.	HES: 2, 3, 14.
Conserving the character of Heslington village and historic environment.	Supports development proposals that incorporate sustainable design and complement the distinctive character of Heslington village.	HES: 6, 7, 15 and 17.
Enabling and maintaining a balanced mix of uses, including a range of community facilities.	Promotes opportunities that help create sustainable work-life balance.	HES: 1, 2, 4, 10, 11, 12 and 16.
Protecting and enhancing the environment and green spaces through Local Green Space designations and policies.	Specific policy guidance is included.	HES: 13, 14.

## **Schedule 4B Paragraph 8 Section 2 (e) General conformity with strategic policies**

- 5.14 The Neighbourhood Plan will be tested against adopted strategic local policies.
- 5.15 When considering whether the HPNP is in general conformity with higher tier strategic policies it would be common to assess against the Local Authority Development Plan (Local Plan). As it is, the City of York does not have an adopted Local Plan at this time.
- 5.16 The City of York Development Control Local Plan approved 12 April 2005 incorporating the Fourth Set of Changes is currently a material consideration for development control decisions.
- 5.17 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.'
- 5.18 The HPNP does not allocate land for housing or other forms of strategic development.
- 5.19 A detailed assessment evidencing how the HPNP may be considered to be in general conformity with national policy and those strategic policies contained in the emerging development plan for the City of York is shown in the table below.

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
<p>HES: 1 MAIN STREET – CHANGE OF USE</p>	<p>NPPF 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <ul style="list-style-type: none"> <li>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</li> <li>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; and</li> <li>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.</li> </ul>	<p>The Plan preserves the current mixed commercial and residential character of Main Street [South].</p> <p>The HPNP and emerging Local Plan support balancing community facilities with local character and setting.</p> <p>CYC emerging Local Plan<sup>13</sup> refers: Policies: EC3: Business and Industrial use, GB2: Development in settlements in Green Belt and D4: Conservation Areas.</p>
<p>HES: 2 NEW BUSINESS AND EMPLOYMENT DEVELOPMENT</p>	<p>NPPF 82: Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.</p>	<p>The HPNP and emerging Local Plan recognise the importance of local business and the need to create sustainable work-life patterns.</p> <p>CYC emerging Local Plan refers: York Economic Strategy 2016-20 (2016) which sets out a clear and achievable economic vision for York. Ref: Paragraphs 2.1-4 Policy EC3: Business and Industrial Uses Policy: ED1: University of York.</p>

<sup>13</sup> Source: City of York Local Plan - Publication Draft (Regulation 19 Consultation February 2018)

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
HES 3: AGRICULTURE AND RURAL ENTERPRISE	NPPF 83: Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.	The HPNP and emerging Local Plan recognise the importance of rural diversification without detriment to local amenity and adverse traffic impact.  CYC emerging Local Plan refers: The York Economic Strategy 2016 - 20 (2016) which sets out a clear and achievable economic vision for York. Ref: Para. 2.1-4 and Policy EC5: Rural Economy
HES: 4 SUSTAINABLE DESIGN	NPPF 124: The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.  NPPF 129: Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as <i>Building for Life</i> <sup>12</sup> .	The HPNP and emerging Local Plan recognise the importance of conserving and enhancing the environment through those elements which contribute to local character and setting.  CYC emerging Local Plan refers: Policy DP 2: Sustainable Development Policy DP3: Sustainable Communities, and Policy D4: Conservation Areas
HES: 5 CRIME PREVENTION AND REDUCTION	NPPF 127f: Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future use; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.	The HPNP supports the impact that ‘good design’ has on creating safer communities.  CYC emerging Local Plan refers: Policy HW7 2: Healthy Places Policy D2: Placemaking

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
HES: 6 URBAN CHARACTER	<p>NPPF 127: Planning policies and decisions should ensure that developments:</p> <ul style="list-style-type: none"> <li>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</li> <li>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</li> <li>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</li> <li>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.</li> </ul>	<p>The HPNP and emerging Local Plan recognise the importance of good design in making a positive contribution to the form, character and quality of an area.</p> <p>CYC emerging Local Plan refers: Policy D1: Placemaking Policy D4: Conservation Areas Policy D11: Extensions and extensions to Existing Buildings Policy GB2: Development in settlements within the Green Belt</p>
HES: 7 CONVERSION OF EXISTING BUILDINGS	<p>NPPF 127: See above.</p> <p>NPPF 83: Planning policies and decisions should enable:</p> <ul style="list-style-type: none"> <li>a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.</li> </ul>	<p>The HPNP and emerging Local Plan recognise the suitability of development proposals with respect to density, scale and local urban environment.</p> <p>CYC emerging Local Plan refers: Policy H1: Housing Allocations Policy D1 : Placemaking Policy D11: Extensions and extensions to Existing Buildings Policy GB2: Development in settlements within the Green Belt</p>

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
<p>HES: 8 NEW HOUSING</p>	<p>NPPF 59: To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.</p> <p>NPPF 117: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.</p>	<p>The HPNP and emerging Local Plan recognise the suitability of development proposals with respect to density, scale and local landscape setting.</p> <p>CYC emerging Local Plan refers: Policy H1: Housing Allocations Policy D1 : Placemaking Policy D2: Landscape and Setting Policy GB2: Development in settlements in Green Belt</p>
<p>HES: 9 HOUSING MIX AND AFFORDABILITY</p>	<p>The NPPF 61: Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p> <p>NPPF 62: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate</p>	<p>The HPNP and emerging Local Plan both identify the need for future housing developments to provide a wide range of housing types and tenures, especially ‘affordable housing’ to meet local needs.</p> <p>CYC emerging Local Plan refers: Policy H1: Housing Allocations Policy H3: Balancing the Housing Market Policy D1 : Placemaking Policy H10: Affordable Housing</p>

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
	<p>financial contribution in lieu can be robustly justified; and</p> <p>b) the agreed approach contributes to the objective of creating mixed and balanced communities.</p>	
<p>HES: 10 HOUSES IN MULTIPLE OCCUPATION</p>	<p>NPPF 53 Provides guidance on use of Article 4 to protect the wellbeing of an area.</p> <p>NPPF 61 Refers generally to meeting a range of housing needs.</p>	<p>The HPNP underpins CYC policy at a local level.</p> <p>CYC emerging Local Plan refers: Policy H8: Housing</p>
<p>HES: 11 HOUSING AND COMMUNITY FACILITIES</p>	<p>The NPPF supports development of accessible community facilities and developments that support healthy lifestyles.</p> <p>NPPF 83: Planning policies and decisions should enable:</p> <p>e) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p> <p>NPPF 92: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <p>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</p> <p>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the</p>	<p>The HPNP and emerging Local Plan support development of community facilities that support community lifestyles and the assessment of the needs for additional facilities in new development masterplanning.</p> <p>CYC emerging Local Plan refers: Policies HW1: Protecting Existing Facilities, and HW:2 New Community Facilities</p>

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
	<p>community;</p> <p>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.</p>	
<p>HES: 12 PURPOSE BUILT STUDENT ACCOMMODATION</p>	<p>NPPF 61: Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p>	<p>The HPNP and emerging Local Plan recognise the important element of student population in the Parish and in meeting its needs for well-managed housing, subject to existing Planning consents and maintaining a 'balanced' community.</p> <p>CYC emerging Local Plan refers: Policy H7: Student Housing Policy H8: Houses in Multiple Occupation Policies ED1 and ED3: University of York</p>
<p>HES: 13 LOCAL GREEN SPACE DESIGNATION</p>	<p>NPPF 96: Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.</p> <p>NPPF 99: The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.</p>	<p>The HPNP supports national and local planning policies regarding the identification and designation of areas of 'Local Green Space' for special protection.</p> <p>CYC emerging Local Plan refers: Policy GI1: Green Infrastructure</p>
<p>HES: 14 GREEN INFRASTRUCTURE</p>	<p>NPPF 91: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>c) enable and support healthy lifestyles, especially where this would address identified local</p>	<p>Policies focused on the protection and conservation of biodiversity sites, habitats and features from development, in line with national and European policies and directives, are</p>

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
	<p>health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</p> <p>NPPF 170: Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</li> <li>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.</li> </ul>	<p>contained within both the HPNP and the emerging Local Plan.</p> <p>CYC emerging Local Plan refers:</p> <p>Policy GI2: Biodiversity Policy GI3: Green Infrastructure Network Policy GI4: Trees and Hedgerows Policy ENV2: Managing Environmental Quality</p>
<p>HES: 15 SUSTAINABLE TRANSPORT PROVISION</p>	<p>NPPF 102: Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:</p> <ul style="list-style-type: none"> <li>a) the potential impacts of development on transport networks can be addressed;</li> <li>c) opportunities to promote walking, cycling and public transport use are identified and pursued;</li> <li>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.</li> </ul>	<p>The HPNP is in conformity and consistent with the emerging Local Plan.</p> <p>CYC emerging Local Plan refers: Policy TP 1: Sustainable Access CYC Local Transport Plan 2011-2031 (LTP3)</p>

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
	NPPF 104: d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking.	
HES: 16 VEHICULAR AND PEDESTRIAN TRAFFIC	NPPF 102: See above.	The HPNP is in conformity and consistent with the emerging Local Plan.  CYC emerging Local Plan refers: Policy TP 1: Sustainable Access CYC Local Transport Plan 2011-2031 (LTP3).
HES: 17 TRAFFIC IN HESLINGTON CONSERVATION AREA	NPPF 102: See above  NPPF 111: Developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.	The HPNP is in conformity and consistent with the emerging Local Plan.  CYC emerging Local Plan refers: Policy D1: Placemaking Policy D4: Conservation Areas Policy TP 1: Sustainable Access CYC Local Transport Plan 2011-2031 (LTP3).
HES: 18 PATHS AND OTHER RIGHTS OF WAY	The NPPF supports planning conditions that promote well-designed developments that support healthy lifestyles.  NPPF 98: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.	The HPNP is in conformity and consistent with the emerging Local Plan.  CYC emerging Local Plan refers: Policy HW7: Healthy Places
HES: 19 UNIVERSITY OF YORK	NPPF 20: Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:	The HPNP and emerging Local Plan both recognise the importance of an internationally renowned university to the economic

Neighbourhood Plan Policy	Conformity with National Planning Policy Framework (NPPF 2019)	Conformity with Emerging CYC Local Plan <sup>13</sup>
	c) community facilities (such as health, education and cultural infrastructure).	<p>and social prosperity of both the City and Parish.</p> <p>CYC emerging Local Plan refers:  Policy DP1: York Sub-area  Policy DP2: Sustainable Communities  Policies ED1-3: University of York</p>

#### **Schedule 4B Paragraph 8 Section 2 (f) EU obligations**

- 5.20 Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The Plan complies with these requirements.
- 5.21 In line with Regulation 9 of the SEA Directive, the HPNP has been subject to a Strategic Environmental Assessment (SEA) and an Habitat Regulations Assessment (HRA) screening exercise. These screening opinions were sent to the relevant SEA/HRA consultation bodies for comment.
- 5.22 Strategic Environmental Assessment and Habitat Regulation Assessment screening reports were completed and updated following the Pre-Submission consultation. The Environment Agency, Natural England and Historic England concur with the conclusions which have been reached at this stage of the process that there are not likely to be significant (adverse) effects as a result of the plan and the HPNP does not need to go forward with either full SEA or HRA. CYC concur with this conclusion.

#### **Schedule 4B Paragraph 8 Section 2 (g) Prescribed matters and conditions**

- 5.23 Paragraph 1 of Schedule 2 of the Neighbourhood Planning Regulations 2012 (as amended) prescribes the following conditions for the purpose of this section of the Basic Conditions Statement:
- “The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(d) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats &c.) Regulations 2007) (either alone or in combination with other plans or projects)”.*
- 5.24 The effect of this condition and the explanatory note to the Neighbourhood Planning Regulations 2012 (as amended) is that provided the appropriate environmental body (City of York Council) is of the view that the HPNP is not likely to have a significant effect upon a European Site (as considered above in Section (f) of the Statement) the, in the Examination of the Plan, the Examiner must apply the prescribed conditions.

## **6 Conclusion**

The Basic Conditions as set out in the Schedule 4B to the TCPA 1990 are considered to be met by the Heslington Parish Neighbourhood Plan and all the policies therein.

It is therefore concluded that the Heslington Parish Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.