Hazelbury Bryan Neighbourhood Plan

Basic Conditions Report

Prepared by: Dorset Planning Consultant Ltd, on behalf of Hazelbury Bryan Parish Council

Plan period: 2018-2031

Date of report: November 2023

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1. Introduction

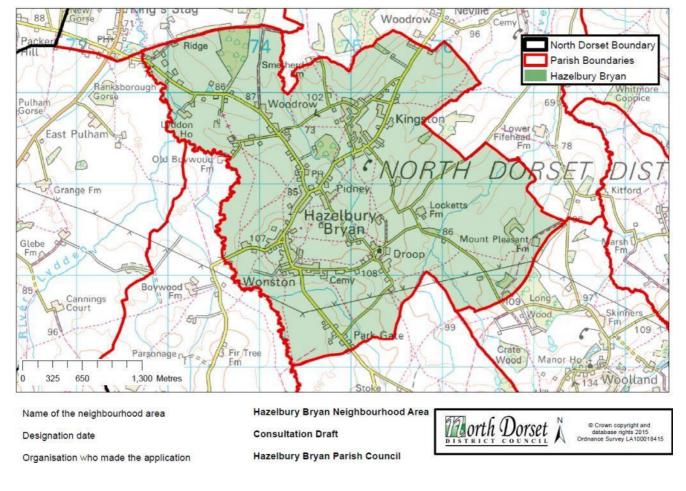
When a Neighbourhood Plan modification proposal is submitted to the Local Planning Authority, it needs to be accompanied by a statement, known as the Basic Conditions Statement, which explains how how the neighbourhood development plan as proposed to be modified meets the requirements of paragraph 11 of Schedule A2 to the 2004 Act. This means:

- the legal requirements (as prescribed) have been complied with in connection with the Plan;
- the Plan has had appropriate regard to national policies and advice contained in guidance issued by the Secretary of State, and is in general conformity with the strategic policies in the Development Plan for the area
- the Plan will contribute to the achievement of sustainable development, and would not breach, and is otherwise compatible with, retained EU obligations and the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2. Legal Requirements

Have the modification proposals been submitted by a qualifying body?

The modifications proposals have been prepared and submitted for examination by Hazelbury Bryan Parish Council, which is the qualifying body. The Neighbourhood Plan Area was designated by the former North Dorset District Council in June 2014, replaced by Dorset Council on 1 April 2019 which carries over the statutory designation.



Map 1 – Neighbourhood Plan Designated Area

Is what is being proposed relate to the development and use of land or sites in the Neighbourhood Plan Area? Do any of the policies extend beyond the neighbourhood area or cover an area where there is a neighbourhood development plan already in place?

The Neighbourhood Plan proposal relates to planning matters (the use and development of land) and its policies relate only to the designated Neighbourhood Plan area or parts thereof. The Neighbourhood Plan policies relate only to Hazelbury Bryan parish (which is the designated Neighbourhood Plan Area) and to no other area.

Do any of the policies relate to excluded development?

The Neighbourhood Plan policies do not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or other strategic / significant development that falls within Annex 1 to Council Directive 85/337/EEC.

Does the proposed neighbourhood plan state the period for which it is to have effect?

The Neighbourhood Plan makes clear in Section 2 that it is intended to cover the period from April 2018 to March 2031. This has not been revised.

Were the modifications consulted on as per the requirements in Part 5 Section 14 of Neighbourhood Planning Regulations?

As set out in the Consultation Statement, the consultation was publicised, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area, and included:

- i. details of the modification proposal (both the made Neighbourhood Plan and revised version were made available alongside the modifications statement which summarised the main changes proposed to the plan);
- ii. details of where and when the modification proposal could be inspected (the consultation went fully live on the 10 August, on the website, with copies of the revised Plan are available to view at the Village Hall and the Red Barn shop);
- iii. details of how representations could be made (this was done, with options to comment via the online form, by post or email to the Parish Clerk, or by completing the consultation form and placing it in the ballot box at the village hall or shop in Hazelbury Bryan);
- iv. the date by which those representations must be received (which was 30 September 2023, which being just over 7 weeks was not less than 6 weeks prescribed)
- v. a modifications statement setting out the qualifying body's view on whether the modifications contained in the modification proposal were so significant or substantial as to change the nature of the neighbourhood development plan.

The following bodies were considered, and where applicable consulted (taking into account whether their interests may be affected by the modification proposal), as per the list provided in paragraph 1 of Schedule 1;

Potential consultee	Considered as potential interest
Mayor of London	n/a
Local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority	Holwell Parish Council and Lydlinch Parish Council. Parish meeting chairmans / contacts at Mappowder, Pulham and Woolland were also included

Coal Authority	n/a		
Homes and Communities Agency	n/a		
Natural England	Natural England – and including Dorset AONB Team		
Environment Agency	Environment Agency		
Historic England	Historic England		
Network Rail Infrastructure Limited	n/a		
Strategic highways company (or Secretary of State for Transport) any part of whose area is in or adjoins the neighbourhood area;	National Highways		
Marine Management Organisation	n/a		
Electronic communications providers	n/a		
Health Service providers, including integrated care board and National Health Service Commissioning Board	Dorset Public Health Planning		
Electricity or Gas Infrastructure Providers	SSE, Southern Gas Networks		
Water or Sewerage undertakers	Wessex Water		
Voluntary bodies some or all of whose activities benefit all or any part of the neighbourhood area	Woodland Trust		
 Bodies which represent the interests of different racial, ethnic or national groups; different religious groups; persons carrying on business in the area; and disabled persons in the area. 	n/a (none identified)		

A copy of the modification proposal was also sent to the local planning authority (Dorset Council)

3. Consideration of National and Strategic Policies

The Neighbourhood Plan must have regard to national policy and guidance from the Secretary of State and be in general conformity with the strategic policies of the development plan that covers the area.

National Planning Policy and Guidance

National planning guidance comes primarily from the published National Planning Policy Framework (last updated September 2023), but where appropriate, reference is made to the online National Planning Policy Guidance (NPPG) and Ministerial Statements.

The Development Plan for the Neighbourhood Plan area

The North Dorset Local Plan Part 1, prepared by North Dorset District Council and adopted January 2016, contains the bulk of the strategic planning policies for the area. It includes topic-based policies, place-based policies and development management policies that together are considered to provide the strategic policy framework. The saved policies in the 2003 Local Plan are not considered strategic - in many cases the Local Plan Part 1 makes clear that these can be reviewed through Neighbourhood Plans.

Dorset County Council has a Minerals Strategy (adopted May 2014) that also forms part of the development plan for the area, together with the more recently adopted Minerals Site Plan and the Bournemouth, Dorset and Poole Waste Plan (the latter replacing the 2006 Waste Local Plan that was in

place when the Neighbourhood Plan was made). Neither the waste plan or minerals strategy contain proposals for the Neighbourhood Plan Area, other than defining minerals safeguarding areas.

The NPPG also states that it is important to minimise any conflicts between policies in a neighbourhood plan and an emerging Local Plan, and that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. The first draft of the new Dorset Council Local Plan was published for consultation in January 2021, and includes strategic allocations at the towns (Tier 2 settlements). There are no strategic allocations made at the larger villages (Tier 3) which includes Hazelbury Bryan (village). Policy DEV2 would allow windfall and infilling within existing settlements defined by local plan or neighbourhood plan development boundaries. The Local Development Scheme as updated anticipates that the next iteration of the plan will be published in Summer 2024. As such, the Local Plan remains at a relatively early stage and is not being given any significant weight in planning decisions at this time.

Approach to the assessment

The following conformity assessment summarises how the Neighbourhood Plan relates to the relevant national planning guidance and strategic development plan policies.

The made Neighbourhood Plan was previously assessed in November 2018 against the 2012 version of the NPPF, and the (unchanged) North Dorset Local Plan Part 1.

The main focus of the assessment is therefore on the modifications to the policies in light of the updated NPPF and the (unchanged) North Dorset Local Plan Part 1.

Checks have also been made to ensure that the remaining (unmodified) policies remain compliant with changes in national policy and guidance (focusing on the differences between the 2012 and 2023 versions of the NPPF). These have not been reconsidered in terms of the North Dorset Local Plan Part 1 given that no changes are proposed and the Plan previously passed its Examination.

Policy	Main change	National Policy / Guidance	North Dorset Local Plan Part 1	Assessment
Policy HB2 . Protecting and Enhancing Local Biodiversity	Updates to the map to use latest available ecology data, and amendments to the policy and supporting text to reflect the latest changes on mitigation being progressed through the Dorset Biodiversity Protocol and Levelling Up Bill.	 NPPF 174(d) minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures NPPF 179(a) plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks 	Policy 4 The Natural Environment Protects environmental assets and the establishment of a coherent ecological network of designated sites and stepping stone sites linked via corridor features. Includes specific criteria protecting Internationally Important Wildlife Sites, SSSIs, Locally Designated Natural Environment Sites and nationally protected or locally rare or scarce species	The modifications take on board the changes at national and local level regarding biodiversity and how net gains should be assessed. No conformity issues identified
Policy HB5. Locally Distinctive Development	Updates to reference climate mitigation measures – i.e. measures to reduce energy consumption and carbon emissions, minimise waste, conserve water resources, incorporate green infrastructure and sustainable drainage, consider electric vehicle charging points and sustainable drainage.	 NPPF 153. Plans should take a proactive approach to mitigating and adapting to climate change NPPG 6-001-20140306 Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan-making and decision-taking. [This complements] the expectation that neighbourhood plans will contribute to the achievement of sustainable development. 	 Policy 3: Climate Change Neighbourhood plans will be required to consider local community actions that will help to mitigate and adapt to climate change. (Policy 24 – Design is a non-strategic 'development management' policy) 	The modifications reflect the increased importance accorded to climate change mitigation measures at both national and local levels. No conformity issues identified
Policy HB13. Settlement Boundaries and	Adjustment to the extent of the gap between Wonston and Droop (to reflect the findings of the	NPPF 104/105 Transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impacts	Policy 2 Core Spatial Strategy States that all development proposals should be located in accordance with	The modifications reflect recent planning decisions and will not prevent necessary

The main changes proposed to the plan, and most relevant national and local plan policies, are summarised below:

Policy	Main change	National Policy / Guidance	North Dorset Local Plan Part 1	Assessment
Important Gaps	Churchfoot Lane appeal decision) and between Partway and Woodrow (to exclude the now developed area that was permitted prior to the making of the plan).	of development on transport networks can be addressed, and significant development is focused on locations which are or can be made sustainable. NPPF 130(c) Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting NPPF 174(a) Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes	the spatial strategy - which identifies Stalbridge and eighteen larger villages (including Hazelbury Bryan) as the focus for growth to meet the local needs outside of the four main towns. At Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs. Policy 20 The Countryside Recognises Stalbridge and the eighteen larger villages as the focus for growth outside of the four main towns. Development in the countryside outside the defined settlement boundaries is only permitted if it can be demonstrated that there is an 'overriding need' for it to be located in the countryside.	development coming forward within the Neighbourhood Plan area. No conformity issues identified
Policy HB15. Meeting Housing Needs – Amount and Location of New Dwellings	Updated supporting text to reflect the most up-to-date situation on housing needs, and minor changes to policy wording for clarity.	 NPPF 60 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. NPPF 70 Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69(a) suitable for housing in their area. 	As above, plus Policy 6 Housing Distribution In the countryside (including Stalbridge and the villages) the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs. At least 825 dwellings will be provided in the countryside	The modifications continues to reflect the Government's objective of significantly boosting the supply of homes in line with the Local Plan's spatial strategy. No conformity issues identified

Policy	Main change	National Policy / Guidance	North Dorset Local Plan Part 1	Assessment
			(including Stalbridge and the villages) during the period 2011 – 2031.	
Policy HB17. Site 11 – Martin Richard's Tractors UK site, Back Lane, Kingston and Policy HB18. Site 7 – Former Frank Martin's Agricultural Depot	Minor changes to reflect latest information on groundwater levels, and (with respect to HB17) delete reference to possible contamination (as confirmed not applicable).	As above, plus NPPF 153 Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk NPPF 161 All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.	As above, plus Policy 3: Climate Change Development should seek to minimise the impacts of climate change overall through avoidance of areas at risk of flooding from all sources and the incorporation of measures to reduce flood risk overall.	The groundwater flood risk information is not sufficiently detailed to establish a clear risk (i.e. no data equivalent to FRZ 1-3) but does flag that this area (along with much of the parish) may be susceptible to groundwater flooding. As such the change is considered an appropriate level of precaution.
Policy HB20. Economic Development Opportunities	Minor changes to map (Figure 11) to remove sites approved for dwellings and better reflect employment area footprints.	NPPF 84 Planning policies and decisions should enable: the sustainable growth and expansion; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside; and the retention and development of accessible local services and community facilities.	Policy 11: The Economy Economic development in the countryside will be supported by enabling rural communities to plan to meet their own local needs, particularly through neighbourhood planning and the re-use of existing buildings, the retention and small-scale expansion of existing employment sites; the provision of certain forms of tourist accommodation, and equine-related developments.	The policy remains in conformity with the approach taken in the Local Plan and NPPF, and the modifications improve the clarity for decision makers in terms of eligible sites to which this policy would apply.

Policy	Main change	National Policy / Guidance	North Dorset Local Plan Part 1	Assessment
Policy HB21. Site 12 – Land adjoining King Stag Mill, The Common	Minor changes to reflect the approved planning consent (deleting reference to flood risk as no longer applicable, and vehicular access which has been built).	As above.	As above.	No conformity issues identified. As permission has been approved this policy is retained in the event of scheme amendments during construction.

The remaining policies, and consideration of changes in national policy and guidance, are summarised below:

Policy	2012 NPPF assessment	Main changes to National Policy	Assessment
Policy HB1. Reinforcing Local Landscape	NPPF 17 Take account of the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside.	Similar wording regarding character contained in NPPF 127, 130c and 174b	No significant changes in national policy
Character	NPPF 109 Protect and enhance valued landscapes.	Same wording contained in NPPF 174b	
	NPPF 125 Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	Similar wording contained in NPPF 185c	
Policy HB3. Local Green Spaces	NPPF 76 – 78 Local communities should be able to identify for special protection, green areas of particular importance to them by designating land as Local Green Space, and to rule out new development other than in very special circumstances. They should be capable of enduring beyond the end of the plan period. The designation should only be used where the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance; and is local in character and is not an extensive tract of land. Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts	Very similar wording used in NPPF 101- 103 – no change to tests or that the policies for managing development within a Local Green Space should be consistent with policy for Green Belts	No significant changes in national policy

Policy	2012 NPPF assessment	Main changes to National Policy	Assessment
Policy HB4. Key Rural Views	NPPF 17 Take account of the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside.	Similar wording regarding character contained in NPPF 127, 130c and 174b	No significant changes in national policy
	NPPF 109 Protect and enhance valued landscapes.	Same wording contained in NPPF 174b	
Policies HB6-12. Distinctive Character (of each of the 7 hamlets)	 NPPF 17 Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas. NPPF 58 Develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. NPPF 60 Policies should not stifle innovation, originality or initiative, but it is proper to seek to promote or reinforce local distinctiveness. 	Similar wording regarding character contained in NPPF 127, 130c and 174b Whilst paragraphs 58 and 60 have been deleted, section 12 of the NPPF places great emphasis on design. NPPF 127 makes clear that Neighbourhood Planning Groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.	No significant changes in national policy – whilst some of the text has changed, if anything there is now a stronger emphasis placed on the creation of high quality, beautiful and sustainable buildings and places and the role of Neighbourhood Plans in setting local design criteria.
Policy HB14. Supporting Community Facilities	 NPPF 28 Promote the retention and development of local services and community facilities in villages. NPPF 69-70 Promote opportunities for social interaction through safe and accessible environments, deliver sufficient community and cultural facilities and services to meet local needs and guard against the unnecessary loss of valued facilities and services. 	Similar wording contained in NPPF 84d Similar wording contained in NPPF 92 - 93	No significant changes in national policy
Policy HB16. Meeting Housing Needs – Dwelling Types	NPPF 50 Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, by:	Similar wording contained in NPPF 62 , which states that the size, type and tenure of housing needed for different groups in the community should be	No significant changes in national policy. The Housing Target Paper also considered the

Policy	2012 NPPF assessment	Main changes to National Policy	Assessment
	 planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); identifying the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and setting policies to meet affordable housing need. 	assessed and reflected in planning policies.	latest evidence on housing need including mix, which remains compatible with this policy.
Policy HB19. Site 13 – Land immediately	NPPF 16 Neighbourhood plans should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.	Similar wording contained in NPPF 13	No significant changes in national policy
adjoining the Retreat, Coney Lane, Pidney	NPPF 55 Housing should be located where it will enhance or maintain the vitality of rural communities. Avoid new isolated homes in the countryside unless there are special circumstances.	Similar wording contained in NPPF 79- 80	
Policy HB22. Parking Provision	NPPF 17 Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas.	Similar working in NPPF 130	No significant changes in national policy
	NPPF 39 If setting local parking standards for residential and non- residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.	Similar wording in NPPF 107 , wit the final criteria changed to refer to ensuring an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles	
Policy HB23. Highway Infrastructure Improvements	NPPF 69 Promote opportunities for social interaction through safe and accessible environments.	Similar wording in NPPF 92	No significant changes in national policy

Conformity conclusions

The analysis of the plan and modification proposals in relation to national planning policy and guidance and the strategic policies of the local plan, as shown in the preceding tables, does not highlight any fundamental conformity issues.

The NPPG makes clear that in considering whether a policy is in general conformity with strategic policies, a view should be taken on whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with and the degree, if any, of conflict and the rationale and evidence to justify that approach. As such, even where there is a degree of conflict, if the changes are considered to be relatively minor in nature and justified by locally-specific evidence, they should still be considered as being in general conformity.

On this basis, there are no apparent reasons to conclude other than the Neighbourhood Plan as modified would meet the basic conditions of having regard to national policy and guidance from the Secretary of State and being in general conformity with the strategic policies of the development plan for the area.

4. EU and sustainability obligations

The 'making' of the Neighbourhood Plan must not breach or conflict, and must be compatible, with EU obligations, must not have a significant effect on a European site, and must contribute to the achievement of sustainable development. It must not breach human rights, within the meaning of the Human Rights Act 1998.

The previously made Plan was subject to a full Strategic Environmental Assessment, including the relevant scoping stage, assessment of options, and assessment of the pre-submission draft plan. The reports were sent to the statutory consultees (the Environment Agency, Natural England and Historic England) and made publically available at the relevant times. The cumulative impact of the plan's policies are shown in the following table. This shows how the policies could impact on the environmental, social and economic characteristics of the parish, and allows an overview of the combined impacts of the plan's policies.

. water an 0 eguardin fauna & flo commi Biodiversit <u>Landscape</u> Housing, heritage e and <u>ם</u> matic Cultural factors: Vineral accessi 00 and So<u>i</u> si S sai ວ **SEA objective** $\checkmark\checkmark$ Policy HB1. Local Landscape Character \checkmark \checkmark _ _ -_ -Policy HB2. Protecting Local Wildlife $\checkmark\checkmark$ \checkmark _ _ _ _ **Policy HB3. Local Green Spaces** $\checkmark\checkmark$ $\checkmark\checkmark$ \checkmark \checkmark $\checkmark\checkmark$ _ _ _ **Policy HB4. Key Rural Views** \checkmark _ -----_ √ \checkmark Policies HB5-12. Locally Distinctive Development \checkmark \checkmark **Policy HB13. Settlement Boundaries & Gaps** _ _ _ _ _ **Policy HB14. Supporting Community Facilities** $\checkmark\checkmark$ $\checkmark\checkmark$ _ -_ _ _ _ W2 M2 \checkmark \checkmark \checkmark $\checkmark\checkmark$ Policy HB15. Amount / Location of Dwellings \checkmark Policy HB16. Dwelling Types $\checkmark\checkmark$ ---_ _ _ _ M2 \checkmark \checkmark Policy HB17. Site 11 \checkmark _ \checkmark M2 Policy HB18. Site 7 \checkmark \checkmark _ $\checkmark\checkmark$ -_ _ W. Policy HB19. Site 13 \checkmark _ _ _ _ _ _

Sustainability Assessment – Overview

SEA objective	Biodiversity, fauna & flora	Landscape	Cultural heritage	Soil, water and air pollution	Climatic factors:	Housing, jobs and community	Safe and accessible	Minerals safeguarding
Policy HB20. Economic Development	-	-	-	-	-	\checkmark	₩\$	-
Policy HB21. Site 12	-	-	-	W.S.	mz.	$\checkmark\checkmark$	₩¥.	-
Policy HB22. Parking Provision	-	×	×	-	-	-	$\checkmark\checkmark$	-
Policy HB23. Highway Infrastructure	-	-	-	-	-	₩3	$\checkmark\checkmark$	-

Key:	\checkmark	significant positive impact likely
	\checkmark	positive impact likely
	-	neutral impact likely
	×	adverse impact likely
	xx	significant adverse impact likely
	ms	impact uncertain but unlikely to be significantly adverse
	m m	impact uncertain but potentially significantly adverse

A screening assessment in relation to modifications proposals was undertaken by Dorset Council and a report finalised in June 2023 following consultation with the Environment Agency, Historic England and Natural England. The report concluded that the scope of the modifications are such that sensitive environmental assets (ecological designations, heritage assets and the Dorset AONB) are unlikely to be significantly affected by the plan, given there are no significant changes made to allocated sites. The Plan has had regard to reinforcing the distinctive local character of the area and avoiding harm to nearby heritage assets through Policy HB5. There are ecological designations of European or international value, such as European Wildlife sites and SSSIs, and non-designated wildlife sites SNCI's. However, the proposed updates in the Review do not change the nature of the plan, therefore significant impacts upon the natural environment are considered unlikely. Therefore, in conclusion, a full SEA would not be required for the Hazelbury Bryan Neighbourhood Plan Review.

It also follows that given an SEA would not be required, there should be no requirement for a Habitats Regulations Assessment. Dorset Council is responsible for such an assessment (with Hazelbury Bryan Parish Council required to provide such information as may reasonably be required).

No issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations, and given the conclusions on the plan's general conformity with the strategic policies of the Local Plan and regard to National Planning Policy, it is reasonable to conclude that the making of the plan should not breach human rights.