

Clawson, Hose & Harby Neighbourhood Plan 2017-2036 Statement of Basic Conditions

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1.0 Introduction

- 1.1 The Basic Conditions Statement has been prepared to accompany the Clawson, Hose & Harby Neighbourhood Plan (“the Neighbourhood Plan”) under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 1.2 In order to satisfy Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Parish Council, as the ‘qualifying body’ must include a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.3 Paragraph 8 (1) states that the examiner must consider the following:
 - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2))
 - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L, as amended by s38C(5)(b)
 - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates and
 - (d) such other matters as may be prescribed.
- 1.4 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:
 - (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan
 - (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development
 - (c) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
 - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations and
 - (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

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

2.0 Legal Requirements

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

The Plan is being submitted by a qualifying body

The Neighbourhood Plan has been submitted by Clawson, Hose and Harby Parish Council, which is a qualifying body and entitled to submit a Neighbourhood Plan for the designated Plan Area.

What is being proposed is a neighbourhood plan

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

The proposed Neighbourhood Plan states the period for which it is to have effect

- 2.3 The Neighbourhood Plan states that the period which it relates to is from 2017 until 2036. The period has been chosen to align with that of the emerging Melton Local Plan.

The policies do not relate to excluded development

- 2.4 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

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

- 2.5 The designated Plan area was approved by Melton Borough Council on 18 January 2016. The Plan does not relate to more than one neighbourhood plan area. There are no other neighbourhood plans in place within the Neighbourhood Plan area.

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

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

3.0 The Basic Conditions

3.1 This section addresses how the Neighbourhood Plan fulfils the basic conditions set out in sub-paragraph (2). The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF) and to the saved strategic policies contained in the Melton Local Plan 1999.

3.2 The Neighbourhood Plan has been informed by the evidence base of the emerging Local Plan, which has been subject to consultation through the period of preparing the Neighbourhood Plan and which is at pre-submission stage.

Having regard to national policies and advice

3.3 The Neighbourhood Plan has been developed having regard to the NPPF. An explanation of how each of the Neighbourhood Plan policies have shown regard to the NPPF are outlined in table 1 below.

3.4 In broad terms the Plan:

- process has empowered the local community to develop the plan for their neighbourhood and has undertaken a creative exercise in identifying ways to enhance and improve the area.
- policies are based on robust evidence and provide a practical framework within which decisions on planning applications can be made, with a high degree of predictability and efficiency.
- seeks to deliver homes, businesses and infrastructure through housing allocations, windfall sites, employment policies and developer contributions.
- seeks to actively manage patterns of growth in the most sustainable locations through the designation of Limits to Development.
- supports local strategies to deliver sufficient community facilities and services including education and health to meet local needs.
- contributes to conserving and enhancing the natural environment through the protection of Local Green Spaces and biodiversity.

General conformity with the strategic policies of the development plan for the area

- 3.5 The Neighbourhood Plan has been prepared in general conformity with the saved strategic policies of the Melton Local Plan 1999. To meet the basic conditions, the Neighbourhood Plan is only required to demonstrate general conformity with the adopted Local Plan. However, given how dated this Local Plan is, considerable regard has been paid to the evidence base of the emerging Local Plan, in producing the Neighbourhood Plan.
- 3.6 Table 1 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the saved Strategic Policies of the Melton Local Plan 1999.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy S1: Presumption in Favour of Sustainable Development	16	Supports the ‘golden thread’ of the NPPF; a presumption in favour of sustainable development. The Neighbourhood Plan, by shaping and directing development in the area, makes clear the type and location of development that will be supported.	The principal aim of the local plan is to contribute to sustainable development. Policy SD1 does not contradict any of the saved strategic policies in the local plan.
Policy S2 Development Proposals outside the Limits to Development	17 & 55	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. The policy accords with the NPPF in its control of development outside the defined Limits to Development (in the open countryside).	Policy S2 is in general conformity with the Local Plan and specifically Policy OS2 which does not grant planning permission outside the village envelopes except for very specific circumstances.
Policy H1: Housing Provision	16	Inclusion of a housing target supports ‘the presumption in favour of sustainable development’ by providing for the strategic development needs set out in the emerging Local Plan.	Given how dated the adopted Local Plan is, the Neighbourhood Plan in accordance with the national guidance, has considered the latest and up-to-date evidence of housing need used to inform the emerging Local Plan. This policy is in general conformity with the settlement hierarchy identified in the emerging Local Plan and the apportioned housing requirements for the parish, agreed in consultation with the Borough Council.
Policy H2: Housing Site Allocations	16 & 47	Inclusion of housing allocations with support from the community supports ‘the presumption in favour of sustainable development’ by planning positively and shaping and directing development. The policy in identifying sites to deliver housing targets utilising evidence underpinning the emerging local plan, supports the NPPF aims of delivering a wide choice of quality homes.	The Local Plan (Policy OS1) includes ‘village envelopes’, within which, subject to certain criteria, a general presumption in favour of most development will be applied. The housing allocations sit within the amended Limits to Development proposed in the draft Neighbourhood Plan.
Policy H3: Limits to Development	17, 23, 30 & 95	One of the core principles of the NPPF is to recognise and protect the intrinsic character and beauty of the countryside. Actively managing patterns of growth, within the Limits to Development seeks to support existing services and facilities and protect the countryside and setting of the settlements. Further, Limits to Development facilitate the use of sustainable modes of transport with both benefits to the environment and the health of the community, both underlying premises of the NPPF.	The Local Plan (Policy OS1) includes ‘village envelopes’, within which, subject to certain criteria, a general presumption in favour of most development will be applied. The Neighbourhood Plan seeks to update these ‘envelopes’ to reflect housing allocations and thus is in general conformity with the Local Plan.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy H4: Housing Mix	50	The policy seeks to support a mix of housing that meets an identified need in the community. The NPPF advocates for inclusive and mixed communities, which will require a mix of housing types based on current and future demographic trends.	There is no explicit policy direction with regards housing mix in the adopted Local Plan. Policy H6 does not contradict the strategic intent of any saved policies in Local Plan.
Policy H5: Windfall Sites	48 & 55	The policy for small scale windfall sites has regard to the NPPF; by seeking to meet any future housing requirements for the area and maintain the vitality of the settlements, whilst protecting their character and setting. This is a positive policy for future housing provision given that this type of development has a proven track record in providing a good source of new housing over recent years in the Parish.	The preference of the Neighbourhood Plan for small scale windfall development is in general conformity with the Local Plan (Policy H6) which seeks to confine development within village envelopes to 'small groups of dwellings, single plots or the change of use of existing buildings.
Policy H6: Affordable Housing Provision	50	This policy supports the provision of affordable housing and includes a policy prioritising allocation to local residents. This policy is consistent with the NPPF which outlines the need to widen opportunities for home ownership and create inclusive and mixed communities through amongst other things, supporting affordable housing, where there is an identified need.	The Local Plan (Policy H7) supports the provision of affordable housing where there is evidence of need. The Neighbourhood Plan, in providing a strong justification for such a need, meets this requirement and thus is in general conformity.
Policy H7: Housing Design	42, 58 & 60	The policy outlines several design principles and supports the NPPF principle of requiring good design; and the need to respond to local character and history of the local surroundings. Importantly the policy does not impose architectural styles and hence does not stifle an innovative approach.	The Local Plan (Policies OS1 and BR1), like the Neighbourhood Plan seeks to ensure good design, which 'harmonises with the traditional character of the villages.'
Policy H8: Street Lighting	125	The policy has regard to the NPPF principle of conserving and enhancing the natural environment through design principles that seek to limit the impact of light pollution and artificial light.	H9 seeks to limit the impact of light pollution from artificial externally visible light resources. This is consistent with R4, which whilst granting permission for floodlighting of recreation grounds, does so with due consideration to common criterion.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy ENV1: Local Green Space	76 & 77	Protection of Local Green Spaces identified as being special by the community is advocated through the NPPF. Proposed designations meet the criteria set out in the NPPF.	The principles underpinning the protection of Local Green Spaces are in general conformity to the Local Plan's identification and conservation of 'Protected Open Areas' (Policy BE12).
Policy ENV 2: Protection of other sites of Environmental (Natural and Historical) Significance	109 & 135	This policy seeks to protect other open space with environmental value on account of their natural and/or historical features. This has regard to the NPPF principles conserving and enhancing the natural and historic environment. It takes into account the designation hierarchy and the protection is commensurate with their status.	The Local Plan seeks to protect sites of ecological, geological and other scientific importance and encourages the management of land for nature conservation. The Neighbourhood Plan in identifying locally significant sites for protection, adds further detail and value at the neighbourhood level and is in general conformity with the overarching principles of Policy C13.
Policy ENV 3: Areas of Separation	17 & 109	The policy seeks to ensure that the physical separation of the settlements is maintained thereby protecting their individuality and character. A Core principle of the NPPF is that planning should empower local people to shape their surroundings and contribute to and enhance the natural and local environment by protecting valued landscapes.	The Local Plan (OS1) supports the principle of non-coalescence of existing settlements by not supporting development outside of the village envelopes where this would lead to this occurring.
Policy ENV 4: Biodiversity	109 & 117	The policy seeks to protect and enhance local biodiversity features and habitats. The policy has regard to the NPPF, which states that the planning system should contribute to enhancing the natural and local environment by minimizing impacts on biodiversity and providing net gains where possible.	Protection and enhancement of designated and non-designated ecological sites suitably conforms with the strategic policies of the local plan and in particular, C13 which outlines that planning permission will not be granted for development that adversely affects sites of ecological, geological or other scientific importance.
Policy ENV 5: Ridge and Furrow	139	This policy seeks to protect ridge and furrow fields and has regard for the NPPF, which considers that non-designated heritage assets of archaeological interest, of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.	Policy ENV5 is in general conformity with the Local Plan (C13), which seeks to conserve the natural beauty and amenity of the countryside. The policy also has regard for recent studies undertaken by the Borough Council (Areas of Separation, Settlement Fringe and Local Green Space Study 2015) to support the emerging Local Plan, which recommends the conservation, enhancement and interpretation of ridge and furrow.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy ENV 6: Woodland, Trees and Hedges	117 & 118	The policy in its aims to protect trees, woodlands and hedgerows and has regard for the NPPF, specifically, the need to conserve and enhance biodiversity and encourage opportunities for its incorporation in and around developments.	Policy ENV3 of the Neighbourhood Plan is in general conformity with Policy C14 which seeks to retain, replace or reinstate hedgerows and tree belts and woodlands affected by development.
Policy ENV 7: Protection of Great Crested Newts and their Habitats	113	The policy has regard to the NPPF and specifically, protection and enhancement of the natural environment by setting criteria by which proposals for any development on or affecting protected wildlife will be judged.	The policy is in general conformity with Local Plan policy C15 which does not grant planning permission for development which would have an adverse effect on the habitat wildlife species protected by law.
Policy ENV 8: Protection of Important Views	Para. 109	The policy seeks to protect views identified as being significant to the community. In accordance with the NPPF, the planning system should contribute to and where possible; enhance the landscape. Views are a key component of the landscape	Whilst there is no explicit policy regarding the protection of views, the Local Plan (Policy C2) supports the protection of the character and appearance of the rural landscape. Important views are an important element of the character of the landscape and thus their identification and protection is consistent with the broad aims for the countryside and natural environment in the Local Plan.
Policy ENV 9: Flooding	100 & 103	The policy seeks to address potential flooding by ensuring development is not undertaken in high risk zones without suitable mitigation measures, integrating appropriate design measures and that flood risk is not increased elsewhere. This policy has regard for the NPPF and in particular meeting the challenge of climate change and flooding.	There are no saved policies within the Local Plan that conflict with mitigation of local flooding.
Policy ENV10: Renewable Energy Generation Infrastructure	93, 97	The policy supports the NPPF aim of meeting the challenge of climate change by supporting the delivery of renewable energy development while ensuring that adverse impacts are addressed satisfactorily.	There are no saved policies within the Local Plan that conflict with conditional support for renewable energy generation infrastructure.
Policy CF1: Protection and Enhancement of Community Facilities and Amenities	28 & 70	This policy seeks to protect key community facilities. This has regard for the NPPF principle of promoting healthy communities through amongst other things, planning positively for community facilities and guarding against their unnecessary loss.	Policy CF1 is in general conformity with Local Plan policy CF4 which does not grant permission for development which would result in the loss of community facilities unless there is no local need or a replacement can be provided. The Neighbourhood Plan provides further detail, by identifying those community facilities that are important to the local community.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy CF2: New Community Facilities	70	In seeking new or improved community facilities, the policy supports the NPPF principle of promoting healthy communities.	There is no explicit policy direction with regards new or improved community facilities in the adopted Local Plan. Policy CF2 does not contradict the strategic intent of any saved policies and supports one of the identified aims in the Local Plan, that is to 'encourage and provide for the development of community facilities to meet the needs of the Borough.'
Policy CF3: Schools	72	Ensuring adequate education provision in the Plan area has regard to 'promoting healthy communities.'	The Neighbourhood Plan policy is consistent with Local Plan policy CF1 which supports new education facilities on land used for education purposes subject to certain criteria.
Policy CF4: Health and Wellbeing	17, 70 & 95	Support for the expansion of GP premises will help to deliver the facilities and services required by the community and aid the move to a low carbon future by reducing the need to travel and thereby reducing greenhouse gas emissions.	The Neighbourhood Plan is in general conformity with Local Plan Policy CF2; New Health Care Facilities on Land Occupied by Existing Surgeries.
Policy T1 Public Transport	35	The policy supports the NPPF aim of promoting sustainable transport, by seeking development that gives priority to pedestrian and cycle movements and access to public transport facilities.	Policy T1 is in general conformity with Local Plan Policies T3 and T6 which advocate for road layouts suitable for the needs of public transport and the provision of cyclist and pedestrian routes as part of major new developments
Policy T2 Traffic Management	30 & 95	The policy seeks to manage potential traffic issues arising from development and has regard for 'promoting sustainable transport' and supporting reductions in greenhouse gas emissions.	There are no saved policies within the Local Plan that conflict with seeking developer contributions to address traffic issues.
Policy T3: Pavements, Footpaths, Cycle and Bridleways	30 & 75	This policy aims to protect and improve the existing cycle and pedestrian network. In doing so, it has regard to the NPPF in terms of 'promoting sustainable transport', reducing congestion and greenhouse gas emissions and 'promoting healthy communities'.	Whilst there is no generic strategic policy regarding the protection of footpaths and cycleways, the Local Plan includes several policies protecting specific routes. Policy ENV7 generally conforms with the implicit objectives of the Local Plan in relation to recreation and leisure (Policies R8, R9 & R10).
Policy T6: Car Parking	39, 57, 58 & 69	The adequate provision of off road vehicle parking contributes towards 'good design' and 'promoting healthy communities' by ensuring clear and legible pedestrian routes and ease congestion.	There are no saved policies within the Local Plan that conflict with the car parking policy.

<i>Clawson, Hose and Harby Neighbourhood Plan policies</i>	<i>NPPF para</i>	<i>Regard to National Planning Policy</i>	<i>General Conformity with Melton Local Plan 1999</i>
Policy E1: Existing Employment Use	28	This policy seeks, where viable, to safeguard existing employment sites. This has regard for the NPPF in terms of supporting a prosperous and rural economy.	There is nothing within the Industry and Employment saved strategic policies that are contradicted by Policy E1 and the overall strategic intent of the policies is to support employment through the provision of adequate land.
Policy E2: Attracting New Business	9, 28 & 37	The policy supports new employment opportunities through small scale employment premises. 'Making it easier for jobs to be created in cities, towns and villages' is a key element in the pursuance of sustainable development as outlined in the NPPF. The policy aims to support a prosperous rural economy, to grow and where possible, diversify the local economy.	Supporting additional employment development on the premise that is within existing buildings, on areas of previously developed land or within the limits to development is in general conformity with EM10 and S6 which significantly restricts the extension of existing employment sites outside of village envelopes but generally supports shopping facilities within village envelopes.
Policy E3: Home Working	28 & 29	This policy supports the use of part of a dwelling for office or light industrial use in order to facilitate working from home. Working from home further supports employment activities; thus, contributing to a prosperous rural economy. It also supports the transition to a low carbon future by reducing the dependency of the car for journeys to employment sites outside of the Parish.	The general development principles of Policy E4 conform with those of OS1.
Policy E4: Farm Diversification	17 & 28	Re-use of agricultural buildings for small businesses, recreation or tourism further support a prosperous rural economy and the transition to a low carbon future by encouraging the use of existing resources.	Re-use of agricultural buildings for small business, recreation or tourism is in general conformity with the local plan, most notably policies C2 and C6 which supports farm based diversification in order to local employment opportunities.
Policy E5: Broadband	42 & 43	This policy recognises the need for super-fast broadband service and improved mobile telecommunications network for sustainable economic growth in the area. The NPPF advocates planning that supports high quality communications infrastructure.	There are no strategic policies within the Local Plan regarding communications infrastructure. However, the broad principles that any aboveground installations are required to be sympathetically located and integrate with the landscape conform generally with development principles in the Local Plan.
Policy DC1: Developer Contributions	173.	The prioritization of projects funded through developer contributions has regard to the NPPF in terms of ensuring viability and deliverability.	There are no saved policies within the Local Plan that conflict with the prioritisation of local infrastructure projects.

Achieving sustainable development

- 3.7 The Neighbourhood Plan is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In this regard, the Plan supports the strategic development needs in the emerging Local Plan, shaping and directing development in the area that is outside of the strategic elements of the Local Plan.
- 3.8 The NPPF defines sustainable development as having three dimensions; economic, social and environmental. The Neighbourhood Plan has been developed with regard to these principles and has jointly sought environmental, economic and social gains.
- 3.9 The policies contained in the Neighbourhood Plan contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life, including:
- supporting strong, vibrant, healthy and inclusive communities by facilitating the right mix of housing (including affordable housing) to meet local need
 - supporting the transition to a low carbon future through actively managing patterns of growth within existing settlements, supporting sustainable modes of transport, renewable energy generation and local employment opportunities.
 - protecting and enhancing the distinctive character of the built and natural environment through high quality design, designation of Areas of Separation, protection of important open green space and protection important views.
 - conserving and enhancing the natural environment by protecting and supporting a net gain in biodiversity and important habitats.
 - supporting a strong economy through the protection of existing employment sites, support for new businesses including home working and encouragement of superfast broadband.
 - safeguarding and enhancing existing open space, community facilities and pedestrian and cycling facilities for the health, social and cultural wellbeing of the community.

EU obligations

Strategic Environmental Assessment (SEA)

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

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

3.11 A Screening opinion was issued by Melton Borough Council with which determined that a full SEA would not be required.

Habitats Directive

3.12 Melton Borough Council undertook a Habitat Regulation Assessment (HRA) screening of the Neighbourhood Plan and concluded that an HRA was not required. The statutory consultees concurred with this conclusion.

Convention on Human Rights

3.13 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Statement of Consultation. Considerable 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.

3.14 There was extensive consultation and engagement in identifying issues and objectives and the community has been consulted on the draft Neighbourhood Plan, as required by Regulation¹⁴ 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 Statement of Consultation. The Statement of

Consultation has been prepared by the Advisory Committee and meets the requirements set out in Paragraph 15 (2) of the Regulations.

4.0 Conclusion

- 4.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 are considered to have been met by the Clawson, Hose and Harby Neighbourhood Plan.
- 4.2 The Plan has regard to national policy, will contribute towards the achievement of sustainable development, is in general conformity with the saved strategic policies in the Melton Local Plan 1999 and meets relevant EU obligations.
- 4.3 It is therefore respectfully suggested to the Examiner that the Clawson, Hose & Harby Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.