

# Basic Conditions Statement

## Willington Neighbourhood Plan



21 April 2026



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# 1. Introduction

## ***What is the Willington Neighbourhood Plan?***

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

## ***What is the Basic Conditions Statement?***

- 1.3 This Basic Conditions Statement has been prepared to accompany the Willington Neighbourhood Plan (hereafter the WNP). Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004, requires that a 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 plan,
  - 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 would not have the effect of preventing development from taking place which
    - (i) Is proposed in the development plan for the area of the authority (or any part of that area) and
    - (ii) If it took place would provide housing
  - f) The making of the order does not breach and is otherwise compatible with EU obligations
  - fa) any requirements imposed in relation to the order by or part six of the levelling up and regeneration act 2023 (environmental outcomes reports) have been complied with<sup>1</sup>.
- 1.4 This document outlines how the WNP meets the Basic Conditions.

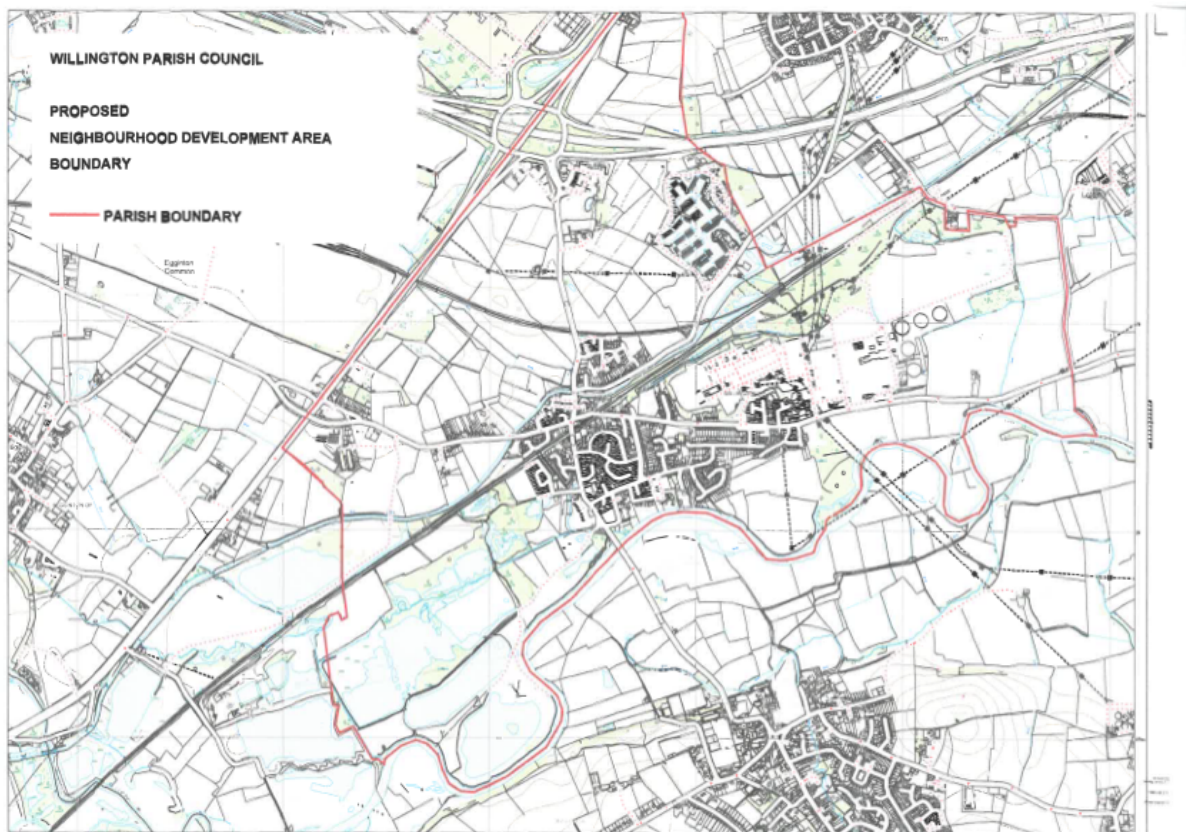
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<sup>1</sup> until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

## 2. Key Statements

- 1.5 The Plan area covers Willington Parish and was designated a neighbourhood plan area in May 2020.
- 1.6 The WNP expresses policies that relate to the development and use of land only within the Neighbourhood Area. Willington Parish Council are the qualifying body for the purposes of neighbourhood planning.
- 1.7 The WNP expresses policies that relate to the development and use of land only within the Neighbourhood Area.
- 1.8 The Neighbourhood Area is shown on the map accompanying the neighbourhood designation application and the designated area is aligned with the Parish boundary.
- 1.9 The WNP covers the period from 2022 to 2041 matching the timeframe of the Publication Version of the Local Plan Part 1 Review.
- 1.10 The Plan proposals do not deal with mineral extraction and waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990 as 'excluded development'. In all other respects the WNP does not include anything not permitted by section 98 (2) (A1) of the Levelling Up and Regeneration Act.
- 1.11 The WNP does not relate to more than one neighbourhood area and covers only the Parish of Willington as shown in figure 1 below.

**Figure 1: Willington Neighbourhood Plan Area**



- 1.12 There are no other Neighbourhood Plans in place for this area.
- 1.13 The Pre-Submission Draft WNP was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 27<sup>th</sup> July until 20<sup>th</sup> September 2024. Amendments have been made to the document based on all the comments received and these are summarised in the document entitled 'Consultation Statement'.

### **3. Relationship with National and District Policy**

- 1.14 The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF)<sup>2</sup>. Paragraphs 29 to 31 and footnote 17 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF.
- 1.15 The NPPF provides a framework within which local communities can produce Neighbourhood Development Plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
- 1.16 The NPPF also refers to the need for Neighbourhood Plans to be aligned with strategic policies in any Development Plan that covers the area. For Willington this is the Local Plan Part 1 (LPP 1), which is the strategic element, adopted June 2016, Local Plan Part 2 (LPP 2), which is the non-strategic housing and detailed development policies plan, adopted November 2017, the Local Green Spaces Plan adopted September 2020 and the saved policies in the Minerals Local Plan for Derbyshire County Council.
- 1.17 Parish area based studies have been commissioned and are available on the Neighbourhood Plan tab at <https://www.willingtonparishcouncil.gov.uk/pre-submission-draft-willington>
- Willington Site Options and Assessment final report 2024
  - Willington Guide and Codes 2023
  - Housing Needs Assessment 2023
  - Housing Needs Assessment Quantity Addendum 2024
- 1.18 In addition, the NPG have done their own assessment of Local Green Spaces, Key Views and Significant Green Areas. This involved a walkabout and discussion with the AECOM consultants as part of the Design Code work and the same with the planning consultant supporting the group to write the neighbourhood plan. The NPG then met with maps to agree the Local Green Spaces, Key Views and Significant Green Areas based on criteria provided by the planning consultant.
- 1.19 Table 1 sets out how the WNP has regard to National Policy.

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<sup>2</sup> All references are to the NPPF 2024

**Table 1: Assessment of how each policy in the WNP has had regard to the NPPF.**

NP Policy No.	Policy Title	NPPF (para.) Ref	Commentary
1	Infill Development	7,8, 129	<p>The NPPF para 129 notes that planning policies should take into account <i>'the desirability of maintaining an area's prevailing character and setting (including residential gardens)'</i>. Policy 1 is based on local analysis to reinforce the value of the settlement boundary defined in the Local Plan and to clarify the sort of development that will be appropriate within the settlement boundary to ensure infill development is sensitive to the local character.</p>
2	Achieving Well Designed Places	131, 132, 134	<p>The NPPF sees good design as a key aspect of sustainable development (para 131) and para 132 notes that design policies should be developed with local communities.</p> <p>Para 134 supports the production of Design Guides for neighbourhood areas and Policy 2 is underpinned by the Willington Design Guide and Codes.</p> <p>In accordance with NPPF para 131 Policy 2 is clear about the design expectations and how these will be tested.</p> <p>Policy 2 is based on robust local evidence, has involved the community in its preparation and sets out a framework for developers.</p>
3	Protecting Landscape Character	135, 187	<p>The landscape character of the Parish is highly valued by the local community.</p> <p>The NPPF at para 135a requires planning policies to ensure that developments will <i>'function well and add to the overall quality of the area not just in the short term but over the life time of the development'</i>.</p> <p>The NPPF at para 187 requires planning policies to <i>'contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes'</i>.</p> <p>The WNP has focused on defining the quality and location of Significant Green Areas to ensure this is taken into account in decision making.</p>

NP Policy No.	Policy Title	NPPF (para.)	Ref Commentary
			<p>Policy 3 defines the overall approach to protecting landscape character and provides a framework to show how development should be designed to minimise the impact on the landscape. Policy 3 is based on an understanding and evaluation of the defining characteristics of the Plan Area undertaken for the Neighbourhood Plan. The Willington Design Guide and Codes combines an assessment of the surrounding built environment and landscape setting (in accordance with NPPF para 135c). The identification of the areas of landscape sensitivity, the key views and local green spaces, contributes to this analysis, providing local input in establishing where the landscape is locally valuable.</p>
4	Protecting and enhancing biodiversity	136, 256, 192	<p>At para 192 of the NPPF plans are required to <i>'map and safeguard components of local wildlife rich habitats'</i></p> <p>Policy 4 is based on a wealth of local data about the variety of species in the Parish.</p> <p>The NPPF at para 125 states that planning policies should <i>'achieve net environmental gains such as developments that would enable new habitat creation....'</i> Policy 4 provides a clear policy framework to show how the impact on biodiversity of development will be assessed, how the uplift will be measured and how it can be mitigated.</p> <p>The NPPF para 136 states that <i>'Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure new streets are tree lined and..... existing trees are retained wherever possible.'</i></p> <p>Policy 4 emphasises the importance of the trees and other planting in the Parish and development proposals to protect the</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			existing trees where possible and to include additional planting in landscape schemes.
5	Designation of Local Green Spaces	106,108	The NPPF encourages communities to identify, for special protection, green areas of particular importance. Policy 5 identifies 7 areas of tranquillity and/or community value that will be protected from development.
6a and 6b	Protecting and Enhancing Heritage Assets	202,203	<p>The NPPF places great importance on the protection and enhancement of heritage assets and that <i>'these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance'</i> (Para 202).</p> <p>The WNP identifies the listed buildings and nominates some non-designated heritage assets in the Parish based on work with SDDCs conservation officer.</p> <p>Policy 6 sets out <i>'a positive strategy for the conservation and enjoyment of the historic environment'</i> in accordance with NPPF para 203.</p>
7a, 7b,7c,7d	Housing Development	62,63,64,65	<p>Para 62 supports the use of local housing needs assessments to inform policy. The WNP is supported by a specific HNA. Policy 7a supports development that meets local housing need in accordance with District and local analysis from the HNA and a housing size and tenure mix is identified. The use of up-to-date evidence is in accordance with the NPPF. This creates a policy framework that identifies different house sizes and types and encourages a range of development to meet this need - (see NPPF para 63).</p> <p>NPPF para 64 states that were a need is identified (including for affordable housing) this should be reflected in planning policy <i>'where a need for affordable housing is</i></p>

NP Policy No.	Policy Title	NPPF (para.)	Ref Commentary
			<p><i>identified, planning policies should specify the type of affordable housing required’.</i></p> <p>Policy 7a,7b and 7c is a response to the HNA findings.</p>
8	Protecting and Enhancing Community Facilities	88	<p>The NPPF states that planning policies should <i>‘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).</i></p> <p>Willington village has a range of well used and highly valued facilities and Policy 8 supports the need to protect and improve these community facilities.</p>
9	Protecting the Vitality and Viability of Willington Centre	7, 8, 88	<p>The NPPF supports the growth and expansion of all types of businesses in rural areas to enable diversification and to enable access to local services. Willington’s role as a key service centre is important in providing local facilities to reduce car use and provide accessible services for local people– this is vital in ensuring that Willington remains a sustainable community.</p>
10	Reducing the Risk of Flooding	162, 182	<p>Para 162 of the NPPF requires plans to <i>‘Take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk’.</i></p> <p>Flooding incidents are increasing in the Parish and policy 10 reflects the local concern about flood risk and provides a policy framework to set out clearly how it should be taken into account. The importance of SuDs, designed to provide an opportunity to achieve net biodiversity gains and multi benefits is supported in Policy 10 in accordance with best practice.</p>

NP Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
11	Extending the Footpaths and Cycle Routes	96,109		<p>The NPPF supports the promotion of sustainable transport like cycling and walking in planning policies to achieve healthy inclusive and safe places (para 96) and to consider the location of development to encourage walking and cycling (para 109).</p> <p>There is potential to enhance the network of walking and cycling routes through the Parish and connect them to wider active travel routes. Policy 11 has identified these opportunities and encourages their enhancement. The NPPF sees the enhancement of walking and cycling routes as a way of encouraging healthy, inclusive and safe places.</p>
12	Renewable Energy, Energy Efficiency and Low Carbon Technologies	161, 164 ,165		<p>The NPPF para 161 sees the planning system as crucial in supporting the transition to a low carbon future to <i>'shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience'</i>. New development should be planned in ways that <i>'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'</i> (para 164). NPPF para 165 notes that <i>'Plans should provide a positive strategy for energy from [renewable ] sources.... while ensuring that adverse impacts are addressed satisfactorily including cumulative landscape and visual impacts'</i>.</p> <p>Policy 12 is proactive and encourages the development of low carbon homes and the use of renewable energy reflect statements of government policy. It also provides specific local criteria to ensure that there is a proper balanced assessment so that the local environment is not harmed in the aim to achieve lower carbon emissions.</p>
13	Mercia Marina	7, 8, 88		<p>This policy supports the sustainable growth of Mercia Marina recognising its contribution to the local economy, attracting tourists and as a destination encouraging recreational activity. Improving walking and cycling</p>

NP Policy No.	Policy Title	NPPF (para.)	Ref	Commentary
				connections increases the opportunity for active travel.

#### 4. Contribution to the Achievement of Sustainable Development

1.34 The NPPF has a presumption in favour of sustainable development. The NPPF defines sustainable development as having three overarching objectives *‘which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)’*.<sup>3</sup> The WNP recognises that this is a balancing act, and the objectives of the Plan comprise a balance of social, economic and environmental objectives.

1.35 The **economic** goals relate to the emphasis on supporting development that enhances the vitality of Willington as a key service centre and the sustainable expansion of Mercia Merina.

See Policies 9, 13

1.36 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. The WNP supports the provision of housing in accordance with SDDCs policies either within the Settlement Boundary or on the edge where it is for affordable housing. Community facilities are vital to provide social space and these are protected. The WNP protects the community facilities and recognises the value the community place on the quality of outdoor recreation as well. The WNP identifies some outdoor areas of community value as Local Green Spaces (LGS). These Local Green Spaces have a social value (for leisure and recreation) as well as for their tranquillity and environmental value. Support for Willington as a vibrant service centre and the appropriate expansion of Mercia Merina reflect the contribution these facilities make in providing spaces to meet and local activities.

1.37 The Housing Needs Assessment commissioned for the WNP provides local analysis and is used to support policies to ensure that house types meet local need ensuring that the community remains cohesive as it expands. The process of producing this neighbourhood plan means that local residents have been actively involved in considering the policy framework for new development.

1.38 The WNP has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application engagement stage (see Key Principle). By enabling people to become more actively involved in the decision-making process the Neighbourhood Plan has assisted in building social capacity.

See key principle and policies 1, 5, 7a,7b, 7c, 8,9, 11, 13

1.39 The **environmental** goals are to protect the natural and built environment. The WNP policies ensure that proposals protect and where possible enhance valued landscapes and the heritage of the Parish.

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<sup>3</sup> NPPF para 8

The WNP provides locally specific policies based on the Willington Design Guide and Codes to provide clarity to developers on what constitutes sustainable development. The identification of Significant Green Areas, Local Green Spaces and Key Views based on landscape analysis is an important part of this process to provide clarity to decision makers and developers about the sensitivity of these spaces within and adjoining the Settlement Boundary.

1.40 The additional local data on the flora and fauna in the Parish means there is a very clear understanding of the biodiversity of the Parish and the actions required to protect and improve this.

1.41 The WNP also sends a clear signal that the community supports low carbon development in design and construction and in the location of renewable energy technology.

See policies 1,2,3,4,5,6a,6b,9,12

1.42 A sustainability matrix of the policies in the WNP has been produced to assess the policies against sustainability criteria - see Appendix A. The Sustainability Matrix concluded that the WNP policies would mostly have a positive benefit and occasionally a neutral impact.

1.43 There is no legal requirement for neighbourhood plans to have a Sustainability Appraisal. The SEA/HRA Screening process identified that one was not required. It is considered that this Sustainability Matrix is adequate in showing how the Neighbourhood Plan policies will deliver sustainable development.

## **5. Compatibility with EU Obligations post Brexit**

1.44 The European Withdrawal Act 2018 (EUWA) provides a new constitutional framework for the continuity of retained EU law in the UK, replacing the EU treaties that had until that point applied in the UK. Section 7 of the EUWA 2018 states that *'Anything which was immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind and continues to be domestic law on and after exit day continues to be domestic law as an enactment of the same kind'*<sup>4</sup>.

1.45 The references below are to EU directives and regulations because *'there is no official record of which EU treaty rights were incorporated into UK law'*<sup>5</sup> but the EUWA accepts that the same environmental standards remain.

1.46 *'The EU (Withdrawal) Bill incorporates the existing body of EU environmental law into UK law, making sure the same protections have effect in the UK and laws still function effectively after the UK leaves the EU'*<sup>6</sup>.

1.47 On the basis of the foregoing the WNP has been assessed in accordance with extant EU regulation that has been incorporated into UK law.

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<sup>4</sup> See <https://www.legislation.gov.uk/ukpga/2018/16/section/7>

<sup>5</sup> See <https://www.pinsentmasons.com/out-law/guides/retained-eu-law-uk-after-brexit>

<sup>6</sup> EU Withdrawal Bill Fact sheet 8 Environmental Principles. EU Withdrawal Bill came into force in January 2020

## ***Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening***

- 1.48 The environmental assessment of plans with a significant environmental impact is a requirement of the EC Directive on the assessment of plans and programmes on the environment (Directive 2001/42/EC), known as the Strategic Environmental Assessment (SEA) Directive.
- 1.49 A Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects on protected European Sites as a result of the Plan's implementation<sup>7</sup>.
- 1.50 SDDC screened the WNP in June 2025 to determine whether the WNP (Submission Draft) required a SEA and HRA. In accordance with regulations Natural England, the Environment Agency and Historic England were consulted. SDDC advised that no feedback from the consultees was received and on the basis of the information provided SDDC determined that no SEA/HRA was required.

### ***Other EU obligations***

- 1.51 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the **European Convention on Human Rights**. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 1.52 The main issues for planning are the right to family life and in preventing discrimination. The NP makes positive contributions, such as protecting the heritage and landscape of the Plan area, protecting the countryside, supporting the improvement of walking and cycling routes, promoting housing to meet local needs and protecting community facilities. The population profile has revealed that there are not significant numbers of people who do not speak English (as a first language) and it has not been necessary to produce consultation material in other languages.
- 1.53 The WNP has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement.<sup>8</sup> There was consultation and engagement early on in the process and residents were encouraged to participate throughout. The draft WNP has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012; responses have been recorded and changes have been made as per the schedule set out in the Consultation Statement. The Consultation Statement has been prepared by the Neighbourhood Plan Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

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<sup>7</sup> Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

<sup>8</sup>See Consultation Statement under neighbourhood plan at [www.willingtonparishcouncil.gov.uk](http://www.willingtonparishcouncil.gov.uk)

## 6. How the policies in the WNP do not have the effect of preventing development as set out in the strategic policies in the Local Plan Part 1 and Part 2

- 1.54 To meet the Basic Conditions, the Neighbourhood Plan is required to demonstrate that it does not hinder growth planned via the strategic policies in the adopted District Local Plan, here the Local Plan Part 1 and Part 2. The strategic policies provide detailed guidance on where new development can take place and set out the factors that will be considered by SDDC when considering all proposals for development.
- 1.55 Table 2 provides a summary of how each of the WNP policies do not prevent development prescribed in District policies.

**Table 2: Assessment of how the policies in the WNP do not have the effect of preventing development as set out in the Strategic Policies in the Local Plan Part 1 and Part 2**

Local Plan Part 1 Policies <sup>9</sup>	Willington Neighbourhood Plan Policy
S1 Sustainable Growth Strategy and H1 Settlement Hierarchy	The WNP does not propose any site allocations and follows SDDCs settlement boundary.
S2 Presumption in favour of Sustainable development	The WNP does not seek to prevent development, rather it provides more detail about the parish both within the settlement boundary and beyond to ensure that decision making is based on local analysis. This means that mitigation, where required, can be more effective in minimising the local impact of development. (Policy 1,3,4)
S3 Environmental Performance	The WNP supports the construction of low carbon homes, design that minimises water usage and the use of renewable energy in the Parish. It also supports the provision of accessible and adaptable (lifetime) homes. (Policy 12 and 7a,7b)
S4 Housing Strategy	The WNP aligns its housing policies 7a,7b and 7c and policy 1 to SDDCs settlement hierarchy.
S6 Sustainable Access	Policy 11 promotes ways of extending cycling and walking routes
H20 Housing Balance, H21 Affordable Housing	The Willington HNA provided parish specific housing data and the policies 7a, b, c, d provide a locally specific response. They are in general alignment with H20 and H21.
SD2 Flood Risk	Policy 10 reflects local concern about flood risk and reinforces the significance of considering it in the location and design of

<sup>9</sup> Note only those SDDC policies that have an overlap with WNP policies are listed

	housing in the future in Willington Parish. Policy 10 is in general alignment with SD2.
SD2 Sustainable water Supply	Policy 12 identifies the need to meet the water efficiency standards set out in SD2.
SD6 Sustainable Energy and Power Generation	Aspiration Policy 1 reflects the communities' desire to see the former power station site being reused for renewable energy and is in alignment with SD6.
BNE1 Design Excellence	Policy 2 defines what good design means for Willington based on the Willington Design Guide and Codes and provides more detail in relation to BNE1 e) and g).
BNE2 Heritage Assets	Policy 6a protects the parish's heritage assets. Policy 6b identifies locally significant heritage assets to contribute to the local list identified in BNE2 Ci
BNE3 Biodiversity	Policy 4 uses local data to provide more information about the parish's biodiversity and requires development to achieve biodiversity net gain in accordance with national legislation.
BNE4 Landscape Character and Local Distinctiveness	Policy 3 identifies key views and significant green areas providing more local detail about the landscape character and local distinctiveness of the parish. This means that mitigation, where required, can be more effective in minimising the local impact of development. The key valued landscape components listed in BNE4 are also identified in policy 3.
INF2 Sustainable Transport	Policy 11 aligns with INF2 B walking and Cycling – providing local information to identify existing and potential extensions to walking and cycling and highlighting the importance of the canal as an active travel corridor. Policy 11 is in alignment with INF2.
INF6 Community Facilities	Policy 8 lists the community facilities that require protecting in the Parish – the list is in accordance with SDDCs glossary definition
INF7 Green Infrastructure	Green Infrastructure in the WNP is addressed across a number of policies – the canal is the most significant. It is protected in SDDC policy as a conservation area and the WNP highlights its local value for its heritage, biodiversity and as an active travel corridor. As such the WNP aligns with INF7.
INF9 Open Space, Sport and Recreation	Policy 5 identifies some of the sport and recreation spaces in the parish as local green spaces – as they are demonstrably special to local people. The WNP highlights the contribution all the parks and play areas make to the quality of life in Willington and the WNP is in general alignment with INF9.
<b>Local Plan Part 2</b>	

SDT1 Settlement Boundaries and Development and BNE5 Development in Rural Areas	The approach set out in SDT1 and BNE5 is mirrored in policies in the WNP particularly policy 1 and 3. The settlement boundary map is included before policy 1 for clarity. Specific reference is made to the requirements of BNE5 in policy 1 and 3.
H23 Off Kingfisher Way	Site allocation for around 50 dwellings – the WNP references this site allocation in the list of locations for future growth see appendix I.
BNE7 Trees, Woodland and Hedgerows	Policies 3 and 4 emphasise the important multi benefits of trees, woodland and hedgerows in the contributing to landscape character and for biodiversity. The WNP provides local data on their presence and significance and the policies in the WNP seek their protection where possible in accordance with BNE7.
BNE8 Local Green Space	BNE8 allows for the identification of LGSs in neighbourhood plans and the WNP proposes 7 additional spaces that meet the NPPF criteria.
BNE10 Heritage	Polices 6a reinforces the value of the heritage in the plan area that it should be protected in accordance with BNE10. Policy 6b identifies additional buildings that have local heritage value and is intended to contribute to SDDCs local list.
BNE12 Former Power Station Land	Aspiration Policy 1 demonstrates the communities’ support for renewable energy in particular on the former Willington Power Station site in accordance with the range of uses identified in BNE12.
RTL1 Retail Hierarchy	Willington is classed as a Key Service Village in RTL1 and treated as such in the WNP. Policy 8 seeks to protect the viability of the village centre reflecting the important role it plays in this regard.

## 7. Consideration of S98 and S99 of LURA

1.56 Sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force on 25 March 2026.

The legal compliance and the Basic Conditions requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to ensure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

1.57 Policy 4 Protecting and Enhancing the Environment identifies those factors that will contribute to the mitigation of climate change. These are

Policy 4 (1) provide at least 10% biodiversity net gain

Policy 4 (3) planting and other biodiversity enhancements that are good for wildlife

Policy 4 (4) protecting mature trees and hedgerows

- 1.58 Policy 10 Reducing the Risk of Flooding criteria (1) requires development to be located in areas away from flood risk and criteria (3) encourages the use of sustainable drainage systems which can mitigate the increase flood risk associated with climate change.
- 1.59 Policy 11 Extending Footpaths and Cycle Routes supports measures that make cycling and walking easier and which will reduce car usage.
- 1.60 Policy 12 supports the use of renewable energy, energy efficiency and local carbon technologies, all crucial to mitigating climate change.
- 1.61 Policy 4 (3) requires enhancement measures associated with any new development to have regard to the Derbyshire Local Nature Recovery Strategy.

## **8. Conclusion**

- 1.62 It is the view of Willington Parish Council that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the WNP and all the policies therein.
- 1.63 The WNP has appropriate regard to the NPPF and will contribute to the achievement of sustainable development. The WNP does not have the effect of preventing development as set out in the strategic policies contained in SDDCs adopted Local Plan Part 1 and Part 1 and the WNP meets relevant EU obligations that have been transferred into UK Law.
- 1.64 On that basis, it is respectfully suggested to the Examiner that the WNP complies with Paragraph 8(2) of Schedule 4B of the Act.

## 9. Appendix A Sustainability Matrix

<b>Policy</b>	<b>Environmental Impact</b>	<b>Economic Impact</b>	<b>Social Impact</b>
<b>Policy 1 Infill Development</b>	<b>Positive Impact</b> Minimises the impact of development on the environment by defining where windfall development can be located and that it should be designed in accordance with the Willington Design Guide and Codes.	<b>Positive Impact</b> Sets out clear guidelines for the location of new development. Ensures that the impact of new development avoids harm to the local character of the Parish as a place to live. Protecting the quality of the place will ensure the Parish remains a desirable and economically attractive place to live/work.	<b>Positive Impact</b> Allows some housing within the village.
<b>Policy 2 Achieving Well Designed Places</b>	<b>Positive Impact</b> Minimises the impact of development on the environment by setting out design guidelines that ensure development will blend with the existing built form and landscape. Ensures that development will reinforce existing character.	<b>Positive Impact</b> Ensures a high-quality design that will have community support and that will increase the attractiveness of the area as somewhere to live and work.	<b>Positive Impact</b> Ensures that new development integrates with the existing, creating high-quality buildings. Provides existing and future residents with confidence that future development will be of the highest design quality.
<b>Policy 3 Protecting the Landscape Character</b>	<b>Positive Impact</b> Requires development to protect the local landscape, provides a detailed understanding of this landscape and why it is important (the sense of openness around the Parish and the contribution made by the significant green areas and key views are highlighted.)	<b>Positive Impact</b> The rurality of the Parish is an attribute that attracts people to live and work in the here.	<b>Positive impact</b> The quality of the landscape around the Parish is a valuable attribute. This policy provides assurance that the quality and quantity of the landscape within and around the Parish will remain largely unchanged for the duration of the Plan period.
<b>Policy 4 Protecting and</b>	<b>Positive impact</b>	<b>Positive impact</b>	<b>Positive impact</b>

<b>Policy</b>	<b>Environmental Impact</b>	<b>Economic Impact</b>	<b>Social Impact</b>
<b>Enhancing Biodiversity</b>	Highlights the specific biodiversity quality of the Parish and requires development to make a net contribution to biodiversity. Identifying areas of nature conservation and specific actions that would enhance biodiversity in the Plan Area. Requires development to retain existing trees and have a landscape plan that enhances the greenery along boundaries and within development sites.	The quality of the natural environment is an attribute that attracts people to living in Willington.	The biodiversity of the Plan area is a valuable attribute; residents enjoy the quality and accessibility of nature. This policy provides assurance that the biodiversity of the Parish will be protected and encourages their enhancement for the duration of the Plan period.
<b>Policy 5 Designation of Local Green Spaces</b>	<b>Positive impact</b> The designation of Local Green Spaces highlights the value of these spaces to local people and affords them additional protection from development.	<b>Neutral Impact</b>	<b>Positive impact</b> These Local Green Spaces have been put forward by local people and are very important to them; their designation provides assurance that they will be protected from development for the duration of the Plan period. The focus on them may enable improved maintenance of them to enhance their form and function.
<b>Policy 6a and 6b Protecting and Enhancing Heritage Assets</b>	<b>Positive Impact</b> Protecting the historic environment is an important tenet of sustainable development. Policies 6a and 6b provide a policy framework to protect heritage assets in accordance with NPPF guidelines	<b>Positive Impact</b> Protecting the historic environment maintains the quality of the Parish—ensuring the Plan Area remains an attractive, economically vibrant place to live and work.	<b>Positive Impact</b> The community value the historic character of the Parish. Policy 6b is locally specific and reinforces this requirement to protect these assets.
<b>Policy 7a, 7b and 7c Housing</b>	<b>Neutral impact</b>	<b>Positive Impact</b> Seeks to address the need for smaller	<b>Positive impact</b> Seeks to provide new houses that will meet local

<b>Policy</b>	<b>Environmental Impact</b>	<b>Economic Impact</b>	<b>Social Impact</b>
<b>to Meet Local Need</b>		<p>dwellings, reflecting community feedback, findings from the HNA and an understanding of the existing housing stock. Housing should meet local need and be a valuable addition to the existing housing stock.</p>	<p>need and meet the changing needs of local residents over their lifetime.</p>
<b>Policy 8 Protecting and Enhancing Community Facilities</b>	<b>Neutral Impact</b>	<p><b>Positive Impact</b> A good range of community provision creates a more vibrant neighbourhood where people want to live and work.</p>	<p><b>Positive Impact</b> Access to a range of indoor and outdoor community facilities is vital to foster a sense of community cohesion and well-being in the Parish.</p>
<b>Policy 9 Protecting the Vitality and Viability of Willington Centre</b>	<b>Neutral Impact</b>	<p><b>Positive Impact</b> Policy defines the extent of the village core and supports uses within it that maintain its economic function</p>	<p><b>Positive Impact</b> The facilities in the centre provide important local services</p>
<b>Policy 10 Reducing the Risk of Flooding</b>	<p><b>Positive Impact</b> Recognises the flood risk issues in the parish</p>	<p><b>Positive Impact</b> Minimising the impact of flooding on a community is a cost saving to residents, businesses</p>	<p><b>Positive Impact</b> Flooding causes significant anxiety – reducing its impact is a significant benefit to a community</p>
<b>Policy 11 Getting Around</b>	<p><b>Positive impact</b> Reducing car useage by improving active travel routes has multi benefits for the environment.</p>	<b>Neutral Impact</b>	<p><b>Positive impact</b> Cycling and walking is good for health and will improve the well-being of residents.</p>
<b>Policy 12 Renewable Energy and Low Carbon Technologies</b>	<p><b>Positive Impact</b> Low carbon development and the use of renewable energy will reduce the use of fossil fuels and reduce the waste of resources.</p>	<p><b>Positive Impact</b> In the long-term addressing climate change is an economic necessity.</p>	<p><b>Positive Impact</b> The community want a lower carbon neighbourhood and support the move to renewable energy, in the long term this will enhance the quality of life.</p>
<b>Policy 13 Mercia Marina</b>	<b>Positive Impact</b>	<p><b>Positive Impact</b> Mercia Marina provides local employment and is a</p>	<p><b>Positive Impact</b> Mercia Marina provides a recreational facility within</p>

Policy	Environmental Impact	Economic Impact	Social Impact
		visitor destination – supporting appropriate development that does not harm the local environment supports the local economy.	the parish that is highly valued.