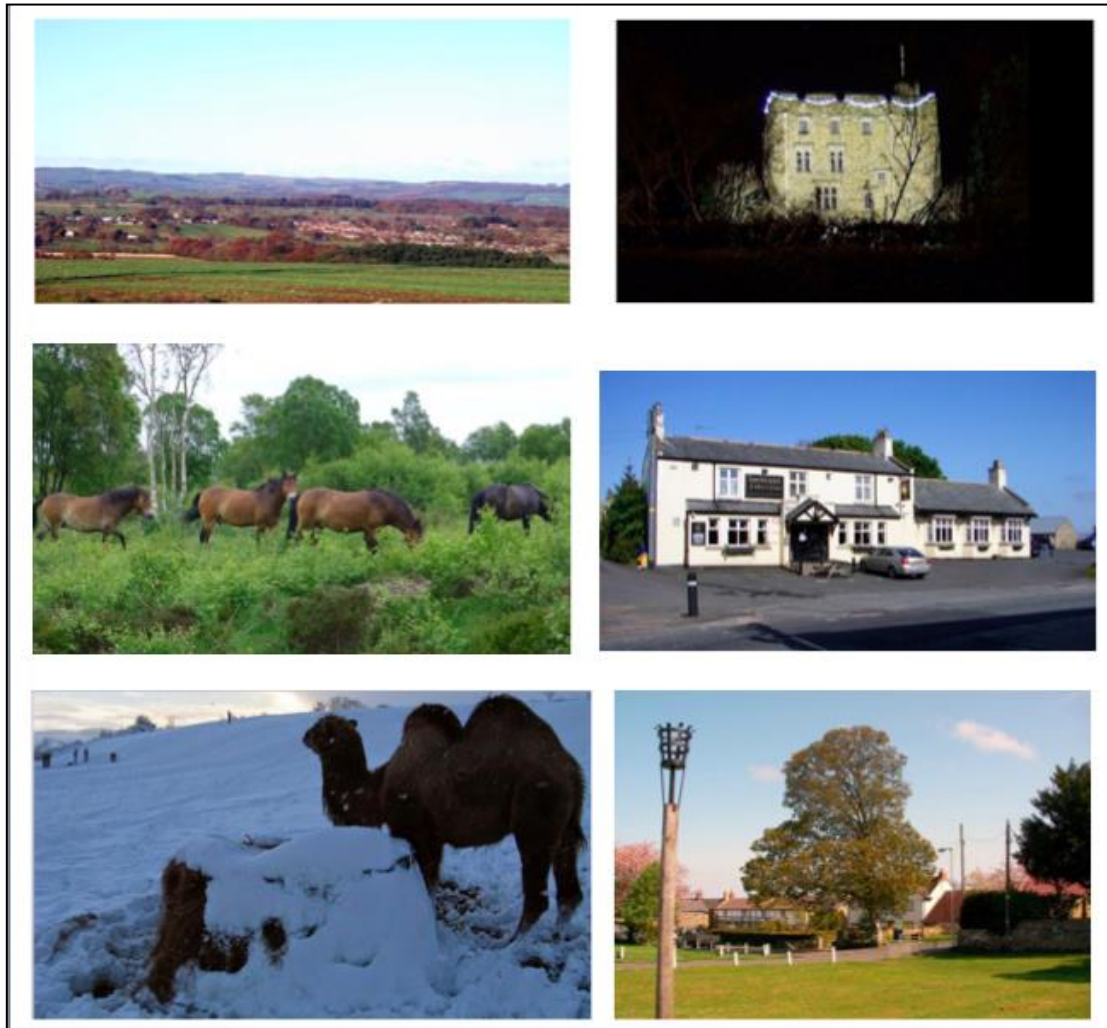


# LONGHORSLEY NEIGHBOURHOOD PLAN 2017 – 2031

## Basic Conditions Report November 2017



The Shape of Things to  
Come

Basic Conditions Report November 2017

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# LONGHORSLEY NEIGHBOURHOOD PLAN 2017 – 2031

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### 1. INTRODUCTION

- 1.1 This Basic Conditions Report (BCR) has been prepared by the Steering Group on behalf of Longhorsley Parish Council to accompany the submission version of the Longhorsley Neighbourhood Plan (the “LNP”). These two documents along with a Consultation Statement will be submitted to Northumberland County Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The plan period of the LNP is from 2017 to 2031.
- 1.2. The BCR has been prepared to demonstrate how the LNP meets the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). A neighbourhood plan must meet these conditions if it is to proceed to a referendum and be made. The basic conditions are that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- 1.3. This BCR addresses each of the four points and explains how the requirements of the basic conditions have been met.

### 2. BACKGROUND

- 2.1. Longhorsley Parish Council is the qualifying body responsible for the preparation of the LNP. The Parish Council submitted proposals to prepare a neighbourhood plan for the parish of Longhorsley (the “Parish”) - the Neighbourhood Area.
- 2.2. Following a six-week public consultation, the Longhorsley Neighbourhood Area was formally approved and designated by Northumberland County Council (NCC) on the 30<sup>th</sup> September 2014. Subsequently a Neighbourhood Plan Steering Group was established, consisting of local people from the Parish. This Committee and its associated working groups have met regularly to prepare and develop the LNP.
- 2.3. The LNP has been developed through effective consultation with the local community, including key stakeholders within the Parish. A robust community consultation supports the evidence base and justification for the development of the draft Plan and more importantly the policies.
- 2.4. The Consultation Statement, which accompanies this BCR and the LNP itself, details the consultation exercises that have taken place, and summarises the key findings as well as evidencing how issues and concerns have been addressed.
- 2.5. The Parish Council and the Steering Group have sought advice and guidance from NCC throughout the preparation of the LNP.

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### 3. PRE-SUBMISSION PUBLIC CONSULTATION

- 3.1. The LNP was the subject of a pre-submission public consultation for the statutory six- week period between the 16<sup>th</sup> June and 31 July 2017. The comments received have been recorded, considered and used to prepare the submission version of the LNP. They are also summarised in the separate Consultation Statement submitted with the LNP. Following the consultation a health check was undertaken by an independent examiner, appointed through NPIERS. The findings of the examiner have also been used to prepare the LNP for Submission and are also detailed in the evidence provided in the Consultation Statement.

### 4. APPROACH TAKEN BY THE NEIGHBOURHOOD PLAN

#### 4.1. Strategic Approach

- 4.1.1. The LNP and the policies it contains are both a response to development pressures of the past and a way forward which provides for sustainable growth, supports business development and conserves and protects the parish and the wishes and safety of its people. The strategy for achieving this is;

- Plan for the quality implementation of the existing permitted sites and delivery of around 80 dwellings during the period 2017 to 2031.
- Define the Settlement Boundary, distinguishing Longhorsley from open countryside
- Plan for the sustainable growth of the parish beyond existing permitted developments focussing the majority of development within the settlement boundary
- Define policies to manage and guide development whether it be within the Settlement Boundary, the open countryside or the Green Belt

#### 4.2. Vision and Objectives

- 4.2.1. The vision for Longhorsley Parish is to sustain our thriving and active community, whilst protecting the beauty and heritage of our built and natural landscape. The objectives to achieve this vision are:

**Objective 1** - To outline levels of housing development across the parish to contribute to local housing needs, whilst protecting the green belt and environmental beauty of our area

**Objective 2** - To conserve or enhance the landscape setting, biodiversity and heritage of the parish and village

**Objective 3** - To support and encourage local business to thrive

**Objective 4** - To support and protect our key community facilities

**Objective 5** - To work with Northumberland County Council to provide safer roads and footpaths for better transport for the parish

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### 4.3. Procedural Matters

In terms of the procedural matters required of the plan in legislation these are all met as follows:

4.3.1 Qualifying body - Longhorsley Parish Council as the duly elected lower tier council is the qualifying body for preparation of the Plan.

The requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) have been met.

4.3.2 Plan area - The Longhorsley Neighbourhood Area as designated coincides with the boundaries of the Parish.

An application was made by the LPC on to designate the Longhorsley Neighbourhood Area. This was approved by NCC on 30<sup>th</sup> September 2014 following consultation. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the TCPA (as applied to neighbourhood plans by section 38A of the PCPA) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

4.3.3 Plan period - A neighbourhood plan must specify the period during which it is to have effect. The LNP clearly states on its title page and in the introductory sections that it covers the period from 2017 – 2031. It therefore satisfies the requirements of Section 38B of the PCPA as amended.

4.3.4 Excluded development - The Plan does not include policies or proposals that relate to any of the categories of excluded development – county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the TCPA 1990. The LNP relates solely to the neighbourhood area and no other neighbourhood and there are no other neighbourhood development plans in place within the neighbourhood area. This satisfies requirements of Section 38B of the PCPA as amended.

4.3.5 Development and use of land - The Neighbourhood Plan should only contain policies relating to development and use of land. The LNP policies would be compliant with this requirement of Section 38B of the PCPA as amended and all relate to development and the use of land. Some community action projects are set out in an Appendix to the plan to deal with matters the community has raised which cannot be addressed through the formal neighbourhood plan.

### 5. RELATIONSHIP WITH NATIONAL POLICY AND LOCAL STRATEGIC PLANNING POLICIES

#### 5.1. Planning Context

- 5.1.1. To provide a clear basis for decisions on land use planning applications in Longhorsley Parish, the policies in the LNP set out the types of development that will and will not be supported. As required by paragraph 154 of the National Planning Policy Framework (NPPF), the policies are aspirational but realistic and reflect the unique characteristics and context of the Neighbourhood Area.
- 5.1.2. The adopted Local Plan that covers the Neighbourhood Area is the Castle Morpeth District Local Plan (CMDLP). During the period of developing the plan NCC was in the latter stages of preparation of a new Local Plan but the saved policies of the adopted CMDLP are the policies to which the LNP is in general conformity. (The saved policies of the CMDLP are set out in a letter to Castle Morpeth Borough Council from the Government Office for the North East, dated 31<sup>st</sup> August 2007).
- 5.1.3. Individually and taken as a whole, the policies of the LNP conform with national and local policy by promoting sustainable development. They have a clear and strong focus on preserving and enhancing the nature and character of the Neighbourhood Area and promoting appropriate and sensitive growth which respects and takes account of the Parish's distinctive and special character. Applicants and decision-makers must take all the policies into account.
- 5.1.4. This document provides a full analysis of how the LNP has regard to national policy and guidance which provides the national strategic context for the Plan and the alignment of the Neighbourhood Plan with the saved policies from the Castle Morpeth District Local Plan (2003).
- 5.1.5. The LNP sets out a total of 23 local policies. Annex 1 shows these policies and how they have regard to the NPPF and conform to the CMDLP.

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### 5.2. Relationship with the NPPF

- 5.2.1. The NPPF explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan. The LNP has regard to the NPPF and delivers these outcomes.
- 5.2.2 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in line with the strategic policies of the Development Plan. They cannot promote less development than that set out in the Development Plan or undermine its strategic policies. The LNP can deliver the development expected of the parish and does not undermine the strategic policies of the development plan.
- 5.2.3 The NPPF indicates that plans should provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The LNP policies have been carefully assessed by an independent consultant, NCC Planners and the Health Check Examiner to ensure they will be efficient and effective in practice.
- 5.2.4 In detail the LNP sets out to have regard to, and secure local implementation of the following elements of the NPPF:
- 5.2.5. **Part 3, supporting a prosperous local economy.** Policies LNP1 and 2, LNP9 to LNP11 and LNP14 in the LNP support the sustainable growth and expansion of all types of business, including agricultural diversification and rural tourism as well as promoting the retention and development of local services and community facilities.
- 5.2.6. **Part 6 Delivering a wide choice of high quality homes.** Policies LNP1 to LNP3 set out the approach to sustainable development across the parish and policies LNP5 to LNP8 cover the amount, type and location of housing, including extensions to existing dwellings and the provision of affordable homes.
- 5.2.7. **Part 7 Requiring Good Design.** Policy LNP4 specifically addresses the good design of new or altered developments. It is supported by a number of other policies in defining the scale (e.g. LNP11), landscaping (LNP19) and Conservation area protection (LNP20), which is necessary to establish a strong sense of place and respond to local character and history. The policies also help to ensure design reflects the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, including through the use of appropriate landscaping.
- 5.2.8. **Part 8 – Promoting Healthy Communities.** The LNP policies have regard to the objectives of the NPPF in a number of ways, most particularly;
- Paragraph 70 - delivering social, recreational and cultural facilities and services. Policies LNP10 and LNP14 have regard to this objective
  - Paragraphs 74 (protecting existing open space, sports and recreational buildings and land, including playing fields) and 77 (Local Green Space designation) are supported by policy LNP12.
  - Paragraph 75 - protecting and enhancing public rights of way and access is supported through policies LNP23 and LNP24.
- 5.2.9. **Part 9 – Protecting Green Belt Land** – Policy LNP3 confirms that within the Green Belt part of the Parish only development that is not inappropriate will be accepted and requires

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development to comply with the requirements of section 9 of the NPPF. It therefore has regard to the Framework.

- 5.2.10 **Part 10 – Meeting the challenge of climate change and flooding** – Policies LNP16 (Water Management) and LNP21 (renewable energy) support the aspirations of this section.
- 5.2.11. **Part 11 – Conserving and enhancing the natural environment.** The LNP, in response to the wishes of residents, has formulated more policies in support of this part of the NPPF than any other. These are; LNP12 and 13, LNP15 through 19 and LNP21. All have regard to the objectives of the NPPF.
- 5.2.12. **Part 12 – Conserving and enhancing the historic environment.** Policies LNP1, LNP4 and LNP7 seek to protect and enhance the character and appearance of the historic environment. Policy LNP20 specifically addresses the special needs of the designated conservation area.

### 5.3. Relationship with the Local Plan

- 5.3.1. The adopted Local Plan that covers the Neighbourhood Area is the Castle Morpeth District Local Plan (CMDLP, 2003) and, in particular, the saved policies as of August 2007. The following sets out how the policy areas of the LNP are in general conformity with the relevant saved CMDLP policies
- 5.3.2. **Section 5 - Development within the parish.** The intention of policies LNP1, LNP2 and LNP3 is to enable new development in the parish, while avoiding adverse impact on valued characteristics of the Neighbourhood Area in particular the need to conserve and enhance the countryside. The policies are in line with CMDLP saved policies C1, C16, C17, C26, LHC1, LHC2 and LHC4.
- 5.3.3. **Section 6 – Design.** The LNP threads good design through a number of sections and policies but LNP4 captures the essential aspects of design for all developments. Similarly, the CMDLP has corresponding design criteria across a number of policies, being; C29, C30, H14, H15, H16, H19, H20, H21, H22 and H24). The LNP policies conform to these.
- 5.3.4. **Section 7 – Sustainable Housing.** There has been significant change and planned development within Longhorsley village since 2003 and neither the CMDLP settlement boundary nor the sustainable housing figures planned for it now reflect the current position. However, policy LNP5 seeks to secure a sustainable level of housing in the parish. Whilst LNP6 (Development, by exception, in the open countryside) is in line with CMDLP policies; H16, H19, H20, H21 and H24. In addition policy LNP7 (Extensions) is in conformity with CMDLP policy H22.
- 5.3.5. **Section 8 – Supporting Businesses** – This section includes policies promoting the development of new and existing businesses both within the Settlement Boundary and in the Open Countryside. Policy LNP9 (business development in the open countryside) is in line with policy criteria in CMDLP policies E10, E11 and E12. Policy LNP10 (retaining local services and facilities) is in line with policies S5 and S12 in the CMDLP. Policy LNP11 (Working from home) is in line with CMDLP policy E6. The LNP does not include policy for the development of businesses in the Green Belt as this is adequately covered in both the NPPF (Paragraphs 28, 89 and 90) and CMDLP policies C17, C18, C24 and C25.
- 5.3.6. **Section 9 – Supporting Community Facilities** – In LNP12 the plan protects a wide diversity of important local spaces, ranging from church grounds to an all weather playing surface. In doing so it is in line with CMDLP policies C21 and LHC3. LNP13 separately



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protects the allotments from other green spaces. There is no directly relevant CMDLP policy. LNP14, supporting the creation or extension of facilities is in line with policy E6 of the CMDLP, where such development involves the reuse of an existing building.

- 5.3.7. **Section 10 - Conserving Landscape, Biodiversity, and Heritage.** The plan contains a number of policies in this section, reflecting the keen local interest in conservation. LNP15 (biodiversity and nature conservation) is in line with CMDLP policies C4, LHC4 and C10. LNP16 (Water Management, including flood risk management) is in line with CMDLP policy RE5. LNP17 protects some of the key rural features of the parish and is partly reflective of the landscape corridors, covered in CMDLP policy LHC2. LNP18 (tree protection) directly conforms with CMDLP policy C15. The requirement for landscaping expressed in LNP19 is in line with CMDLP policy H15, particularly criteria vii. The Conservation area was defined in 1987 and so had been established some time before the 2003 CMDLP, consequently LNP20 conforms across a range of policies; C26, C28, C29, C30, C31, C32, C33 and C34. The final policy in this section, LNP21, supports the use of renewable energy, where appropriate and is in line with policy RE2 of the CMDLP.
- 5.3.8. **Section 11 – Safer Movement Within the Parish –** This section addresses some very specific and more recently raised issues connected with safe movement. Not surprisingly then, the two policies it contains; LNP22 and LNP23 are not directly reflected by policies in the CMDLP. However, they align with CMDLP policy R8.

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### 6. CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

- 6.1. One of the basic conditions applying to neighbourhood plan production is that it should contribute towards the achievement of sustainable development in the designated neighbourhood area.
- 6.2. The Government's approach towards sustainable development is set out in the National Planning Policy Framework (NPPF). This is essentially about enabling growth for the current needs of the population and for future generations to come.
- 6.3. The NPPF describes three dimensions to sustainable development: Economic, Social and Environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
  - An Economic Role - Contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A Social Role - Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - An Environmental Role - Contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

#### 6.4. Sustainability Assessment.

- 6.4.1. There are many ways of demonstrating how neighbourhood plans contribute towards achieving sustainable development. Although neighbourhood plans are not required to carry out a Sustainability Appraisal, an assessment has been carried out against the plan using the broad methodology of an appraisal.
- 6.4.2. Firstly, the Neighbourhood Planning and Infrastructure Team within NCC have carried out a detailed analysis of all the policies against appropriate criteria and rated their sustainability. The detailed report which they produced can be found [here](#). Their conclusion was that “ ***the sustainability review of the Longhorsley Neighbourhood Plan suggests that, overall, introducing the Plan will help to contribute to sustainable development. No modifications to the Longhorsley Neighbourhood Plan are suggested as a result of this Sustainability Review***”.
- 6.4.3. In addition, this report describes how the LNP supports the achievement of sustainable development. It assesses the various policies in the LNP against the three broader elements of sustainable development and the various objectives set out in the Plan.

#### 6.4.4. The Economic Dimension

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- Ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation is a fundamental requirement of providing sustainable development. Section 7 of the LNP explains the methodology developed to ensure that this will be the case for Longhorsley and provides policies LNP5 through LNP8 to manage development effectively to secure sustainable outcomes.
- The LNP contributes to the promotion of the economic dimension of sustainable development in a variety of ways. In a general sense it seeks to preserve and enhance the range of existing community facilities within the Neighbourhood Area. These facilities allow the Neighbourhood Area to have a degree of independence and inherent sustainability. (See section 9 and policies LNP12 through LNP14). Facilities such as the Linden Hall Country House Hotel, Longhorsley Village Hall and the public house act both as local community facilities and businesses in their own right. The focus of the LNP is to encourage business growth and diversification (see section 8 and policies LNP9 through LNP11)

### 6.4.5. The Social Dimension

- A key part of the LNP is its attention to the community aspects of life in the Neighbourhood Area and how the LNP can safeguard and consolidate its future. This is achieved through a variety of policies. Policy LNP4 sets out to safeguard a sense of place and the quality of life in the Neighbourhood Area. Policy LNP17 also addresses the rural character of the area and its intrinsic tranquillity.
- Policies LNP22 and LNP23 make specific comments on footpaths and rights of way. These add much to the character of the Neighbourhood Area and to the quality of the life for local people and visitors to the area.
- Policies LNP12 and LNP13 identify a variety of spaces and community facilities which add to the community value of the Neighbourhood Area. They also set out how they will be safeguarded.

### 6.4.6. The Environmental Dimension

- The environment is also at the heart of the LNP. Longhorsley has a rich and diverse built and natural environment which is highly valued both by local residents and visitors alike. This dimension is addressed through a range of policies. Section 10 of the LNP contains 7 policies (LNP15 through LNP21) to safeguard the built and natural environments and promote good standards of maintenance and protection for biodiversity features in the Neighbourhood Area.

6.4.7. On the basis of this evidence it is submitted that the LNP contributes significantly to the achievement of sustainable development in the Neighbourhood Area.

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### 7. EUROPEAN OBLIGATIONS

#### 7.1. European Convention on Human Rights (ECHR)

7.1.1. The Human Rights Act encapsulates the Convention and its articles into UK Law.

7.1.2. In respect of Article 1 - the right of everyone to the peaceful enjoyment of possessions; - although the LNP includes policies that would restrict development rights, this does not have a greater impact than the general restrictions on development rights provided for in national law. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

7.1.3. In respect of Article 6 - the right to a fair and public hearing in determination of an individual's rights and obligations; - the process for preparing the LNP is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, as evidenced by the Consultation Statement. The examination process and referendum will also support the objectives of this Article.

7.1.4. In respect of Article 12 - the enjoyment of rights and freedoms without discrimination on any ground; - the policies and proposals of the LNP have been developed in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. Although no specific Equalities Impact Assessment has been carried out, the policies, together, would generally have public benefits and encourage the social sustainability of the neighbourhood.

7.1.5. The Plan does not breach, and is otherwise compatible with, the ECHR.

#### 7.2. Strategic Environment Assessment and Habitats Regulations Assessment Screening.

7.2.1 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on neighbourhood plans.

7.2.2 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (NCC) that the plan is not likely to have 'significant effects.'

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7.2.3 A screening opinion both in respect of the need for Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) was prepared by NCC in consultation with the statutory bodies on the pre-submission version of the LNP. This determined that there would be no likely significant adverse effects and no significant environmental impacts and therefore no need to carry out either assessment.

7.2.4 Regarding Habitats Regulations Assessment the test in the additional Basic Condition is that the making of the neighbourhood development plan is “*not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.*”

7.2.5 No European sites are located within the Neighbourhood Area. The HRA screening considered there would be no in combination effects of development in the LNP due to the small scale and nature of development over the plan period. The screening also concluded that the nature, scale and location of proposals were not likely to impact on sensitive environmental receptors within or around the parish.

The Screening Reports are available on the parish council website or by clicking on these links;

- [SEA Screening Report](#)
- [Habitats Regulations Assessment](#)

7.3. The LNP is therefore compatible with EU obligations.

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### ANNEX A. Relationship of Plan policies to NPPF and CMDLP

Longhorsley Neighbourhood Plan Policy	NPPF sections to which the LNP policy has regard	CMDLP policies with which the LNP policy is in general conformity
LNP1 - Development within the settlement boundary	Paras 47,48, 50 and 54	C1, C26, LHC1, LHC2 and LHC4
LNP2 – Development in the open countryside	Paras 17, 28, 54 and 55	C1 and LHC2
LNP3 – Development in the Green Belt	Paras 79,80, 89 and 90	C16 and C17
LNP4 - Design	Para 17 and Section 7 as a whole	C29, C30, H14 to H16, H19 to H22 and H24
LNP5: Housing within the settlement boundary	Paras 47, 48 and 50	None
LNP6 – Sustainable dwellings in the countryside, outside the Green Belt	Paras 28, 54 and 55	H16,H19,H20, H21 and H24
LNP7 - Extensions	Para 17	H22
LNP8 - Use of Affordable Housing for local needs	Paras 47 and 50	H9
LNP9 – Support for business in the open countryside, outside the Green Belt	Para 28	C25, E6 and E12
LNP10 - Retaining Local business services and community facilities	Paras 28 and 70	S5
LNP11 – Working from Home	Para 28	None
LNP12 – Local Green Spaces	Paras 73 and 77	LHC3 and C21
LNP13 - Protection of Allotments	Paras 73 and 74	None
LNP14 – Support for community facilities	Paras 28 and 70	E6
LNP15 - Biodiversity and nature conservation	Part 11 as a whole	C4, C10 and LHC4
LNP16 – Water management:	Paras 94 and 99 to 103	RE5
LNP17 - Rural features	Paras 109 and 118	LHC2
LNP18 – Protecting Trees	Para 118	C15
LNP19 - Landscaping	Paras 58 and 96	H15
LNP20 - Conservation Area	Paras 126 and 127 and Section 12 as a whole	C26 and C28 to C34
LNP21 – Small scale renewable energy	Para 97	RE2

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LNP22 – Walking safely:	Paras 17 and 32	None
LNP23 – Rights of Way	Para 75	R8