

## **Polesworth Neighbourhood Development Plan**

### **Basic Conditions Statement**

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

February 2024

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## 1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [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. The basic conditions are:

*a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or 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. This applies only to Orders.*

*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. This applies only to Orders.*

*d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

*e. the making of the order (or neighbourhood 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). <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>*

*f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

*g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

1.2 This Basic Conditions Statement sets out how the Polesworth Neighbourhood Development Plan (PNP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the PNP independent Examiner.

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **2.0 Legal Requirements**

### **2.1 The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Polesworth Parish Council. The area was designated by North Warwickshire Borough Council on 11<sup>th</sup> April 2017 ([Notice of Designation](#)).

### **2.2 What is being proposed is a neighbourhood development plan**

The plan being proposed 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 Regulations 2012 and subsequent amendments.

### **2.3 The proposed neighbourhood plan states the period for which it is to have effect**

The PNP states the period for which it is to have effect. That period is from 2011-2033 (the same plan period as the North Warwickshire Local Plan ([Local Plan](#))).

### **2.4 The policies do not relate to excluded development**

The PNP 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.

### **2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

The PNP relates to the designated Polesworth neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Parish at the time of the designation and is shown on Figure 1 in the PNP.

### 3.0 Basic Conditions

**Basic Condition a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan**

3.1 The PNP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, December 2023)<sup>2</sup>.

**Achieving Sustainable Development (NPPF, section 2)**

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development*' The planning system has three overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the PNP delivers the 3 overarching Objectives in the NPPF:

**Table 1 Delivering Sustainable Development**

NPPF Overarching Objectives	PNP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>The PNP supports this overarching objective of the NPPF in the following ways:</p> <ul style="list-style-type: none"> <li>• Policy PNP6 seeks to protect local services and facilities, some such as public houses perform a key economic and also social function in the area; and</li> <li>• Policy PNP8 seeks to support a package of transport improvements (to be delivered by other agencies) that will help to underpin future economic development in the area.</li> </ul>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	PNP Policies and Proposals
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>The PNP includes the following policies that support the NPPF’s overarching social objective:</p> <ul style="list-style-type: none"> <li>• Policy PNP1 seeks to protect designated local green spaces, many of which perform a social function by providing areas for informal and formal recreation, which boosts physical and mental health and provides places for people to enjoy and to meet;</li> <li>• Policy PNP5 identifies and establishes policy to protect non-designated heritage assets to support cultural well-being;</li> <li>• Policy PNP6 seeks to protect local services and facilities;</li> <li>• Policy PNP7 seeks to protect sport and recreation facilities to deliver physical and mental health benefits.</li> </ul>
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The PNP meets the overarching national policy environmental objective through:</p> <ul style="list-style-type: none"> <li>• Policy PNP1 seeks to protect designated local green spaces many of which are multi-functional, including areas that help improve biodiversity and protect natural resources;</li> <li>• Policy PNP2 seeks to protect other open space areas in the parish ;</li> <li>• Policy PNP3 will seek to improve design standards throughout Polesworth;</li> <li>• Policy PNP4 identifies and sets policy to protect valued local landscape features;</li> <li>• Policy PNP5 identifies and establishes policy to protect non-designated heritage assets.</li> </ul>

**Plan Making (NPPF, section 3)**

3.4 In Section 3 Plan Making, the NPPF sets out that six principles that plans should address. Table 2 sets out how the PNP addresses each of these in turn.

**Table 2 Plan Making**

NPPF Plan Making	PNP
a) be prepared with the objective of contributing to the achievement of sustainable development;	How the PNP meets this principle of NPPF is set out in Table 1 of this document.
b) be prepared positively, in a way that is aspirational but deliverable;	<p>The PNP has been prepared positively and is aspirational and deliverable. This can be demonstrated in the following ways:</p> <ul style="list-style-type: none"> <li>• Policy PNP1 seeks to protect 12 existing local green spaces.]</li> <li>• Policy PNP2 seeks to protect a range of other open spaces.</li> <li>• Policy PNP3 seeks to promote more sustainable design.</li> <li>• Policy PNP4 seeks to conserve and enhance the local landscape.</li> <li>• Policy PNP5 identifies and seeks to conserve 32 non-designated heritage assets.</li> <li>• Policy PNP6 identifies for protection a range of community facilities and Policy PNP7 the area’s recreational facilities.</li> <li>• Policy PNP8 identifies a small number of deliverable transport projects.</li> <li>• Policy PNP9 aims to protect the separate identity of the neighbourhood area’s settlements.</li> </ul>
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	The PNP is underpinned by a significant amount of community engagement. This has been early, proportionate and has included local residents, businesses, local organisations, the Borough Council and key agencies. The submitted Consultation Statement includes a full summary of the work undertaken.

NPPF Plan Making	PNP
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The PNP's policies are clearly written and unambiguous and the accompanying background/justification section sets out how decision makers should use the policies.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Throughout the PNP's preparation, digital tools have been used. These include the Parish Council website; social media; Zoom meetings; facility to make email responses and representations with electronic attachments.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The PNP policies serve a clear purpose. This is set out in the background/justification accompanying each policy in the PNP. The PNP avoids duplication of policies at a national level and at the strategic level as contained in the development plan for North Warwickshire.



**The Plan Making Framework (NPPF, section 3)**

- 3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The PNP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the North Warwickshire Local Plan.

**Non-strategic policies (NPPF, Section 3)**

- 3.6 Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The PNP does not undermine the strategic planning policies for North Warwickshire. It seeks to set more local non-strategic policies to tackle more local issues to help retain the area's local identity and distinctiveness.
- 3.7 Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

**Delivering a sufficient supply of homes (NPPF, section 5)**

- 3.8 Paragraph 67 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The PNP does not include policies affecting the supply of new homes.

**Promoting healthy and safe communities (NPPF, section 8)**

- 3.9 Paragraph 96 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

The PNP meets this section of national planning policy in a number of ways: Policy PNP1 seeks to designate 12 Local Green Spaces. These spaces perform a number of functions – for example, by providing opportunities for sport, recreation and informal exercise; places for people to meet; areas of tranquillity; and areas to enjoy the natural environment. In their totality, they enable and support healthy lifestyles. Policy PNP3 seeks design that will help achieve healthy, inclusive and safe places.

**Promoting sustainable transport (NPPF, section 9)**

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 108). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 110d of NPPF sets out that planning policies should provide for attractive and well-designed walking and cycling networks and supporting facilities such as cycle parking.

Policy PNP8 seeks to promote sustainable transport and includes a range of measures that will deliver this. When read in conjunction with the PNP's design policy this will help to secure well-designed walking and cycling networks.

**Achieving well-designed places (NPPF, section 12)**

- 3.11 Paragraph 131 explains that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 132 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The PNP will help to achieve well-designed places through the design aspects of the policies it contains and through the plan-wide design policy (PNP3).

**Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)**

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 157).

The PNP supports this aspect of national planning policy in a number of ways e.g. by protecting open spaces (PNP1 and PNP2) and through the plan's design policy PNP3.

**Conserving and enhancing the natural environment (NPPF, section 15)**

- 3.13 Paragraph 180 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

The PNP meets this aspect of national planning policy by designating Local Green Spaces (PNP1), other open spaces (PNP2) and by seeking to protect valued local landscape features (PNP4).

**Conserving and enhancing the historic environment (NPPF, section 16)**

- 3.14 Paragraph 195 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 196 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The PNP has had full regard to the area's historic environment (including listed buildings and Conservation Areas). More specifically, the PNP identifies a number of non-designated heritage assets in the area to be protected in a manner appropriate to their significance (Policy PNP5). More generally, the plan's design policy (Policy PNP3) will help to conserve the historic environment.

**Basic condition b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest**

- 3.15 The PNP took account of designated heritage assets during its preparation, including those assets listed on the National Heritage List for England.

*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area**

- 3.16 The neighbourhood area includes the Polesworth Conservation Area. The implications of this designation were taken account of in the preparation of the PNP.

*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition d. Contributes to the achievement of sustainable development**

- 3.17 The Submission PNP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

**Basic condition e. In general conformity with strategic local planning policy**

- 3.18 The Submission PNP is in general conformity with strategic local planning policy contained in the North Warwickshire Local. Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the development plan.

**Table 3 General Conformity with Strategic Planning Policies in the development plan for North Warwickshire**

PNP Policies	North Warwickshire Local Plan (NWLTP)	General Conformity
<p><b>Policy PNP1 – Protecting Local Green Space</b></p> <p>The following areas are designated Local Green Spaces (shown on the Policies Map) in accordance with paragraphs 101 and 102 of the NPPF:</p> <p>PNP1/1 – Birchmoor Allotments                      PNP1/2 – Birchmoor Recreation Ground                      PNP1/3 - Station Road Recreation Ground and Community Field                      PNP1/4 – Hall Court                      PNP1/5 – The Spinney                      PNP1/6 – Abbey Green Park                      PNP1/7 - North Warwickshire Club and Sports Ground                      PNP1/8 – Hoo Monument                      PNP1/9 – Warton Allotments                      PNP1/10 – Warton Recreation Ground                      PNP1/11 – Glebelands                      PNP1/12 – St John’s Church Allotments</p> <p>Development, including enhancements, and expansion, where practicable and feasible, of the designated Local Green Spaces will be supported when consistent with national planning policy for Green Belt.</p>	<p><b>LP20 Green Spaces</b></p> <p>The Green Spaces as shown on the Policies Map will be retained, protected and wherever possible enhanced.</p> <p>The Green Space Strategy will provide information which will be used in determining the amount of land, facilities and/or contributions which will be required as part of development proposals</p> <p>Neighbourhood Plans may designate additional areas.</p>	<p>The PNP is in general conformity with strategic Policy LP20 – this allows for neighbourhood plans to designate additional Local Green Spaces. The 12 Local Spaces Green Spaces have been assessed against national planning policy criteria and area compatible with the sustainable development and will complement investment in sufficient homes, jobs and other essential services.</p>
<p><b>Policy PNP2 - Protecting Other Green Spaces</b></p> <p>Development that would result in the loss of other green spaces (shown on the Policies Map) within the neighbourhood area will be only supported when:</p> <p>a) Equivalent or better provision is provided elsewhere within the Polesworth neighbourhood area preferably within the settlement where the green space is to be lost; or</p>	<p><b>LP22 Open Spaces and Recreational Provision</b></p> <p>Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced</p>	<p>Policy PNP2 is in general conformity with Local Plan Policy LP22. LP22 seeks to retain, protect and enhance open spaces and recreational provision. Policy PNP2</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p><b>b) It can be clearly demonstrated by the applicant that the open space no longer performs a useful open space function in terms of the local environment, amenity, or active public recreation use.</b></p>	<p>(unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.</p> <p>The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to surrounding areas where appropriate.</p> <p>The Council will require the proper maintenance</p>	<p>identifies and seeks to protect non-strategic open spaces and recreational areas in the neighbourhood area.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.</p>	
<p><b>Policy PNP3 – Sustainable Design and Construction</b></p> <p>All new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of the settlement in which it is to be situated.</p> <p>Development should seek to exceed minimum standards for energy efficiency and resource use and seek to be carbon neutral, thereby making a contribution to reducing the effects of climate change. Development will not be supported where it is of poor design that has an adverse impact on the character of the area. To ensure good design is achieved development should be designed to take account of, and will be assessed against, the following criteria, where relevant:</p> <ul style="list-style-type: none"> <li>(a) It promotes or reinforces local distinctiveness of Polesworth, Warton and Birchmoor by demonstrating that appropriate account has been taken of existing good quality examples of street layouts, blocks and plots, building forms and styles, materials and detailing and the vernacular of the settlement;</li> <li>(b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;</li> <li>(c) It conserves or enhances existing wildlife habitats and incorporates new native planting (if appropriate to the site and its context) and landscaping that create new habitats, nesting (e.g., for birds and bats), encourages pollinators and provides foraging opportunities.</li> </ul> <p>Overall, a net gain in biodiversity should be demonstrated;</p>	<p><b>LP29 Development Considerations</b></p> <p>Development should meet the needs of residents and businesses without compromising the ability of future generations to enjoy the same quality of life that the present generation aspires to. Development should:</p> <ol style="list-style-type: none"> <li>1. make effective use of brownfield land in appropriate locations reflecting the settlement hierarchy; and,</li> <li>2. be adaptable for future uses and take into</li> </ol>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p><b>(d)</b> It uses space and creates new public open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations. Such spaces should use native planting (if appropriate to the site and is context) and planting to encourage pollinators;</p> <p><b>(e)</b> It includes sufficient amenity space to serve the needs of the development and its users;</p> <p><b>(f)</b> It includes appropriate boundary treatments that reflect local context and landscaping using predominantly native species to support a net-gain for wildlife. It provides highways for hedgehogs by allowing access through boundary walls and fences;</p> <p><b>(g)</b> It does not have a detrimental effect on the amenity of occupiers of neighbouring property;</p> <p><b>(h)</b> It does not have a severe cumulative adverse effect on the safe and efficient operation of the existing transport and road infrastructure;</p> <p><b>(i)</b> It includes measures that seek to improve pedestrian facilities and linkages in the Parish and beyond to encourage walking and cycling, wherever possible;</p> <p><b>(j)</b> It makes a contribution to local identity, and sense of place. Proposals should not feature generic designs and should set out how they take account of the locally distinctive character of the area in which they are to be located within any submitted Design and Access Statement;</p> <p><b>(k)</b> It respects the height of the buildings in the immediate surrounding area. Future housing development will generally be expected to be no more than two storeys;</p> <p><b>(l)</b> It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable high quality alternatives that authentically reinforce or positively contribute towards local distinctiveness;</p> <p><b>(m)</b> It contributes to reducing carbon emissions by incorporating measures to reduce energy consumption (e.g., building orientation, siting, areas for outdoor drying) and, where possible, sources of renewable energy. Where such features are included, they should be appropriate in scale to the building of good design and well sited. Such features should also be sympathetic to the surrounding area;</p> <p><b>(n)</b> It is designed to be as water efficient as possible e.g., by incorporating water collection measures;</p> <p><b>(o)</b> It uses existing watercourses and ditches, sustainable drainage systems (SUDS, such as swales) to hold rainwater in storms. SuDS should be planted with native vegetation to support wildlife. All paving should be semi-permeable to allow run-off to drain away;</p>	<p>account the needs of all users; and,</p> <p>3. maintain and improve the provision of accessible local and community services, unless it can be demonstrated that they are no longer needed by the community they serve; not needed for any other community use, or that the facility is being relocated and improved to meet the needs of the new, existing and future community; and services in line with policy LP21</p> <p>4. promote healthier lifestyles for the community to be active outside their homes and places of work; and,</p> <p>5. encourage sustainable forms of transport focussing on pedestrian access and provision of bike facilities; and,</p>	



PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p><b>(p)</b> It includes features to minimise light pollution;</p> <p><b>(q)</b> It includes space for off road/pavement storage of refuse and recycling bins;</p> <p><b>(r)</b> It has appropriate car parking in accordance with locally adopted standards. Car parking should be sited in such a way that it is unobtrusive, does not dominate the street scene, and minimises the visual impact of car parking;</p> <p><b>(s)</b> It links to existing rights of way and does not restrict the use and enjoyment of such routes;</p> <p><b>(t)</b> All new residential development should provide external wall-mounted charging points for plug-in and other ultra-low emission vehicles for each dwelling that is to have a private drive or garage. Where communal car parking is provided this should also contain charging points. Larger homes, such as those with 3 bedrooms or more, should consider providing facilities to charge more than one vehicle at once;</p> <p><b>(u)</b> It uses Secured by Design principles;</p> <p><b>(v)</b> It ensures there is no loss of, or damage to, existing trees or woodland. Where trees or woodland cannot be retained, they should be replaced preferably on site, where this cannot be achieved suitable offsetting measures to provide replacement should be provided off-site; and</p> <p><b>(w)</b> Where relevant, applicants will be required to produce a green infrastructure plan. This should demonstrate how the development links to the exiting green infrastructure network and how any open spaces and garden areas will be permeable to wildlife.</p> <p>Poor design when assessed against the above criteria will not be supported.</p>	<p>6. Provide safe and suitable access to the site for all users; and</p> <p>7 before proposals are supported expand or enhance the provision of open space, sport and recreation facilities, using, in particular, the Green Space Strategy and Playing Pitch Strategies; and,</p> <p>8 not lead to the loss unless a site of equivalent quality and accessibility can be provided, or shown that it is surplus to needs; and,</p> <p>9. avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>proposals depending on the history of the site and sensitivity of the end use and,</p> <p>10. protect and enhance the historic and natural environment; and,</p> <p>11. manage the impacts of climate change through the design and location of development, including sustainable building design and materials, sustainable drainage, water efficiency measures, use of trees and natural vegetation and ensuring no net loss of flood storage capacity; and,</p> <p>12 protect the quality and hydrology of ground or surface water sources so as to reduce the risk of pollution and flooding, on site or elsewhere; and</p> <p>13 not sterilise viable known mineral reserves; degrade soil quality or pose risk to human health</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>and ecology from contamination or mining legacy and ensure that land is appropriately remediated, and,</p> <p>14 seek to maximise opportunities to encourage re-use and recycling of waste materials, both in construction and operation, and,</p> <p>15 Adequate space for bins should be provided within all new developments to enable the storage of waste and for materials to be re-cycled. Guidance is provided in the Document “Design Guide for Bin Storage”</p> <p>16 provide for information and communication technologies; and,</p> <p>17</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>seek to reduce crime and in particular the threat of terrorism.</p> <p><b>LP30 Built Form</b></p> <p>General Principles</p> <p>All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. Local design detail and characteristics should be reflected within the development. All proposals should therefore:</p> <p>a) ensure that all of the elements of the proposal are well related to each other and harmonise with both the immediate setting and wider surroundings;</p> <p>b) make use of and enhance views into and out of the site both in and outside of the site;</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>c) make appropriate use of landmarks and local features;</p> <p>d) reflect the characteristic architectural styles, patterns and features taking into account their scale and proportion,</p> <p>e) reflect the predominant materials, colours, landscape and boundary treatments in the area;</p> <p>f) ensure that the buildings and spaces connect with and maintain access to the surrounding area and with the wider built, water and natural environment;</p> <p>g) are designed to take into account the needs and practicalities of services and the long term management of public and shared private spaces and facilities;</p> <p>h) create a safe, secure, low crime</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>environment through the layout, specification and positioning of buildings, spaces and uses in line with national Secured by Design standards;</p> <p>i) reduce sky glow, glare and light trespass from external illumination; and</p> <p>j) ensure that existing water courses are fully integrated into site layout at an early stage and to ensure that space is made for water through de-culverting, re-naturalisation and potential channel diversion.</p> <p>Where Design Briefs are adopted for allocated sites and Neighbourhood Plans address design matters, then all development proposals will be expected to accord with the principles set out therein.</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>Specific Development Types</p> <p>Infill development should reflect the prevailing character and quality of the surrounding street scene. The more unified the character and appearance of the surrounding buildings and built form, the greater the need will be to reproduce the existing pattern.</p> <p>Back-land development should be subservient in height, scale and mass to the surrounding frontage buildings. Access arrangements should not cause adverse impacts to the character and appearance, safety or amenity of the existing frontage development.</p> <p>Alterations, Extensions and Replacements</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>Extensions, alterations to and replacement of existing buildings will be expected to:</p> <ul style="list-style-type: none"> <li>a) respect the siting, scale, form, proportions, materials, details and overall design and character of the host building, its curtilage and setting;</li> <li>b) retain and/or reinstate traditional or distinctive architectural features and fabric,</li> <li>c) safeguard the amenity of the host premises and neighbouring occupiers</li> <li>d) leave sufficient external usable private space for occupiers, and</li> <li>e) satisfy the design criteria set out in the Document “Design Guide for Extensions”.</li> </ul> <p>Extensions should be physically and visually subservient to the host building including its roof</p>	



PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	form so as not to dominate it, by virtue of their scale and siting.	
<p><b>Policy PNP4 - Conserving and Enhancing the Landscape</b></p> <p><b>New development should conserve, enhance, and where appropriate, restore local landscape character by:</b></p> <ul style="list-style-type: none"> <li><b>(a) Maintaining and enhancing the landscape setting, landscape features, field and settlement pattern of the neighbourhood area;</b></li> <li><b>(b) Seeking to conserve <i>in situ</i> heritage assets of archaeological value;</b></li> <li><b>(c) Retaining or enhancing ponds, streams, mature trees, woodland, ancient and mature hedgerows, or where removal is unavoidable, providing by way of offsetting replacement habitat elsewhere on-the site or within the neighbourhood plan area;</b></li> <li><b>(d) Where new planting and landscaping is proposed it should use native species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, links to existing woodland and hedgerows;</b></li> <li><b>(e) Promote high quality residential design that respects local townscape and landscape character and reflects local vernacular building styles, layouts and materials;</b></li> <li><b>(f) Seek to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, it enhances views of the settlement edge from the surrounding countryside and does not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping;</b></li> <li><b>(g) Maintaining and improving access to the surrounding countryside; and by:</b></li> <li><b>(h) Seeking to conserve and enhance the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed through the use of appropriate styles and sustainable locally distinctive materials.</b></li> </ul> <p><b>In addition to the above development should also be prepared using any relevant Landscape or other Supplementary Planning Guidance.</b></p>	<p><b>LP14 Landscape</b></p> <p>Within landscape character areas as defined in the Landscape Character Assessment (2010), Arden Landscape Guidelines (1993) and the Historic Landscape Characterisation Project (June 2010) (or successor document) development should look to conserve, enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific landscape, geo-diversity, wildlife and historic features which contribute to local character will be protected and enhanced as appropriate.</p>	<p>Policy PNP4 is in general conformity with the first part of Local Plan Policy LP14 that seeks for development to “conserve, enhance and where appropriate, restore landscape character”. Policy PNP4 has the same objective and sets out 8 detailed criteria relevant to the neighbourhood area’s landscape against which development proposals will be assessed. This approach adds more detailed neighbourhood level development management policy to complement the strategic policy of the Local Plan.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>A Landscaping Proposals</p> <p>New development should, as far as possible retain existing trees, hedgerows and nature conservation features such as water bodies with appropriate protection from construction where necessary and strengthen visual amenity and biodiversity through further hard and soft landscaping. The Council will seek replacement or enhancement to such natural features where their loss results from proposed development.</p> <p>Development proposals should be designed so that existing and new conservation features, such as trees and hedgerows and water bodies are allowed to grow to maturity without causing undue problems, or are not unacceptably</p>	

PNP Policies	North Warwickshire Local Plan (NWLPL)	General Conformity
	<p>compromised by development, for example by impairing visibility, shading or damage.</p> <p>Development will not be permitted which would directly or indirectly damage existing mature or ancient woodland, veteran trees or ancient or species-rich hedgerows (other than where appropriate avoidance, mitigation, or compensation has been taken and any minimised harm is justified having considered the policies in this plan as a whole).</p> <p>B New Landscape Features</p> <p>The landscape and hydrological impacts of development proposals which themselves directly alter the landscape, or which involve associated</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>physical change to the landscape such a recontouring, terracing, new bunds or banks and new water features such as reservoirs, lakes, pools and ponds will be assessed against the descriptions in the Landscape Character Areas. Particular attention will be paid in this assessment as to whether the changes are essential to the development proposed; the scale and nature of the movement of all associated materials and deposits, the cumulative impact of existing and permitted schemes, the impact on the hydrology of the area and its catchment, any consequential ecological impacts and the significance of the outcome in terms of its economic and social benefits.</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>New landscape schemes will look to use native species and incorporate benefits for biodiversity. Species that are invasive or problematic to the natural environment will be avoided.</p>	
<p><b>Policy PNP5 – Non-designated Heritage Assets</b></p> <p>The non-designated heritage assets identified in this plan will be conserved in a manner appropriate to the significance of the asset. When affected directly or indirectly by development proposals, such proposals will be assessed having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.</p> <p>The Parish council will also seek to work with North Warwickshire Borough Council to include these, and any other identified non-designated heritage asset, on the Borough’s <a href="#">Local List</a>.</p>	<p><b>LP15 Historic Environment</b></p> <p>The Council recognises the importance of the historic environment to the Borough’s local character, identity and distinctiveness, its cultural, social, environmental and economic benefits. The quality, character, diversity and local distinctiveness of the historic environment will be conserved or enhanced. In particular:</p> <ul style="list-style-type: none"> <li>• Within identified historic landscape character areas development will</li> </ul>	<p>Local Plan Policy LP15 seeks to conserve or enhance the Borough’s historic environment, including any <u>non-designated assets</u>; buildings, monuments, archaeological sites, places, areas or landscapes positively identified in North Warwickshire’s Historic Environment Record (HER) as having a degree of significance meriting consideration in planning decisions. Policy PNP5 has used the HER to identify 32 non-designated heritage assets in the neighbourhood area. This approach is in general</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>conserve, or enhance and where appropriate, restore landscape character as well as promote a resilient, functional landscape able to adapt to climate change. Specific historic features which contribute to local character will be protected and enhanced and, development, including site allocations, should consider all relevant heritage assets that may be affected, including those outside the relevant site</p> <ul style="list-style-type: none"> <li>• The quality of the historic environment, including archaeological features, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Conservation Areas and any non-designated assets; buildings, monuments, archaeological sites, places, areas or landscapes positively</li> </ul>	<p>conformity with that set out in Local Plan Policy LP15 and provides a greater degree of certainty as to which assets policies LP15 and PNP5 will apply.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>identified in North Warwickshire’s Historic Environment Record as having a degree of significance meriting consideration in planning decisions, will be protected and enhanced, commensurate to the significance of the asset.</p> <p>Wherever possible, a sustainable reuse of redundant historic buildings will be sought, seeking opportunities to address those heritage assets identified as most at risk.</p> <p>All Scheduled Monuments, Registered Parks and Gardens, Conservation Areas are shown on the Policies Map.</p> <p>Understanding the Historic Environment</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>All development proposals that affect any heritage asset will be required to provide sufficient information and an assessment of the impacts of those proposals on the significance of the assets and their setting. This is to demonstrate how the proposal would contribute to the conservation and enhancement of that asset. That information could include desk-based appraisals, field evaluation and historic building reports. Assessments could refer to the Warwickshire Historic Environment Record, Conservation Area Appraisals, The Warwickshire Historic Towns Appraisals, The Heritage at Risk Register and Neighbourhood Plans or other appropriate report.</p>	



PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>Conserving the Historic Environment</p> <p>Great weight will be given to the conservation of the Borough’s designated heritage assets.</p> <p>Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification with regard to the public benefits of the proposal. A balanced judgement will be taken regarding the scale of any harm or loss to the significance of a non-designated heritage asset, and the relative significance of that heritage asset must be justified and will be weighed against the public benefits of the proposal.</p> <p>Where a proposal affects the significance of a</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>heritage asset, including a non-designated heritage asset, or its setting, the applicant must be able to demonstrate that:</p> <ul style="list-style-type: none"> <li>i) all reasonable efforts have been made to sustain the existing use; find new uses or mitigate the extent of the harm to the significance of the asset; and,</li> <li>ii) the works proposed are the minimum required to secure the long term</li> <li>iii) use of the features of the asset that contribute to its heritage significance and interest are retained.</li> </ul> <p>Additional evidence, such as marketing details and/or an analysis of alternative proposals will be required where developments involve changes of use, demolitions, sub-divisions or extensions.</p>	

PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>Where a proposal would result in the partial or total loss of a heritage asset or its setting, the applicant will be required to secure a programme of recording and analysis of that asset and archaeological excavation where relevant and ensure the publication of that record to an appropriate standard.</p>	
<p><b>Policy PNP6 – Protection of Existing Services and Facilities</b></p> <p>The facilities and services (not including retail uses) listed as follows and shown on the Policies Map will be protected under Policy LP21 Services and Facilities of the NWLP:</p> <p><b><u>Birchmoor:</u></b></p> <p>St John’s Mission, New Street            Birchmoor Working Men’s Club            Gamecock Inn</p> <p><b><u>Polesworth:</u></b></p> <p>Baptist Church, The Gullet            Abbey Church of St Editha            Polesworth Health Centre            Polesworth Memorial Hall            Polesworth Working Men’s Club            Tithe Barn</p>	<p><b>Policy LP21 Services and Facilities</b></p> <p>Town centres boundaries and neighbourhood centres are defined on the policies map for the market towns of Atherstone with Mancetter, Coleshill and Polesworth with Dordon. Town centres boundaries and neighbourhood centres are to be treated the same in policy terms as below; those terms refer to the different</p>	<p>Policy PNP6 identifies existing services and facilities (not including retail uses) in the neighbourhood area. These will be protected under Policy LP21 of the Local Plan. This approach is in general conformity with and adds detail and certainty to strategic policy.</p>

PNP Policies	North Warwickshire Local Plan (NWLDP)	General Conformity
<p> <b>Baptist Church Youth Hall</b>  <b>Polesworth Scouts Activity Centre, Pooley Country Park</b>  <b>Spread Eagle</b>  <b>The Royal Oak</b>  <b>The Red Lion</b>  <b>Foster’s Yard Hotel</b>  <b>The Bulls Head</b>  <b>Polesworth Library</b> </p> <p><u>Warton:</u></p> <p> <b>Holy Trinity Church</b>  <b>Warton Parish Rooms</b>  <b>Warton Club</b>  <b>The Office</b> </p>	<p>scales of settlements. In principle commercial, business and service uses will be supported in these locations, and in line with LP2, to support vitality.</p> <p>Neighbourhood Centres are defined on the Policies Map in the following locations</p> <ol style="list-style-type: none"> <li>1. Browns Lane &amp; New Street Shopping parade, Dordon;</li> <li>2. Jubilee Court, Tamworth Road, Kingsbury;</li> <li>3. Station Buildings, Birmingham Road, Water Orton; and,</li> <li>4. 82 to 102 Coleshill Road, Chapel End, Hartshill</li> </ol> <p>Within Town Centres and Neighbourhood Centres changes to sui generis uses such as hot food takeaway or betting shops will be restricted unless:</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<ul style="list-style-type: none"> <li>• clear evidence is available justifying the loss and change of use, and</li> <li>• there will be no adverse impact on the retail choice and availability in the frontage or centre.</li> </ul> <p>Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted.</p> <p>The loss of Class E (including retail) units within town centre boundaries and defined neighbourhood centres will only be supported if:</p> <ul style="list-style-type: none"> <li>• it can be shown that there is no reasonable prospect of retention of the use; •</li> <li>• occupation is by an alternative retail or mixed community/retail use; and, there would be</li> </ul>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>no adverse impact on the retail choice and availability.</p> <p>Mixed use proposals, including those with residential uses, will be appropriate in principle. Dual or multiple uses of sites or “hubs” providing services and facilities for individual or groups of settlements will be encouraged. Proposals that would have a detrimental impact on the viability and vitality of centres will not be permitted. Applications should be supported by relevant and proportionate evidence to demonstrate that would not be the case clear evidence is available justifying the loss and change of use, and</p> <ul style="list-style-type: none"> <li>• there will be no unacceptable adverse impact on the retail choice and availability in •</li> </ul>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>the frontage or centre.</p> <ul style="list-style-type: none"> <li>there is not a disproportionate over concentration of these uses.</li> </ul> <p>The following factors will be taken into account: the existing mix of uses; the impact on customer behaviour; the proximity of education establishments; the deprivation levels in the area and the cumulative highway and environmental impacts. Robust justification using a sequential approach will be required to avoid a disproportionate concentration of uses.</p> <p>Proposals resulting in the loss of an existing service or facility and also including retail uses, which contribute to the functioning of a settlement or the public</p>	

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>health and well-being of its community, will only be supported if:</p> <ul style="list-style-type: none"> <li>a) an equivalent facility or service is wholly or partially provided elsewhere, in a similar or more accessible location within that settlement;</li> <li>b) the land and buildings are shown to be no longer suitable for continued use in terms of their location, design and/or construction, or the proposal would represent a net gain or improvement in provision,</li> <li>c) it can be demonstrated by evidence that there is no realistic prospect of an alternative service or facility using the site, such as through an appropriate marketing campaign or the internal procedures of the parent organisation and,</li> </ul>	



PNP Policies	North Warwickshire Local Plan (NWLP)	General Conformity
	<p>d) its loss will not harm the vitality of the settlement.</p> <p>All major developments must consider the impact on the provision of services and facilities and where there is an impact this must be addressed. All major developments should provide land and / or financial contributions to enable the provision of additional services and facilities. As set out in LP1 and paragraph 16.6 all development will be expected to contribute proportionately and in accordance with national policy, statute and relevant supplementary planning documents and guidance to infrastructure provision.</p>	
<p><b>Policy PNP7 – Sport, Recreation and Leisure Facilities</b></p> <p><b>The following sport, recreation and leisure facilities, also shown on the Policies Map, will be protected and or enhanced in accordance with NWLP Policy LP22 Open Spaces and Recreational Provision.</b></p>	<p><b>LP22 Open Spaces and Recreational Provision</b></p>	<p>Policy 7 identifies existing services and facilities (not including retail uses) in the neighbourhood area.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p>PNP7/1 - Birchmoor Recreation Ground                      PNP7/2 - Polesworth Recreation Ground                      PNP7/3 - Warton Recreation Ground                      PNP7/4 - Warton Allotments                      PNP7/5 - Abbey Green Park, Polesworth                      PNP7/6 - North Warwick Recreational Centre</p> <p>Proposals that would enhance the appearance, improve access and accessibility to these facilities will be supported when they are in accordance with other development plan policies and the policies of the PNP.</p>	<p>Wherever possible, Open spaces and recreational areas will be retained, protected and enhanced (unless their loss is off-set by an equivalent or improved replacement). Development proposals will be expected to provide a range of new on-site and open space recreational provision such as parks and amenity space, sport or recreation facilities and semi-natural areas such as woodland wherever appropriate to the area and to the development.</p> <p>The design and location of these spaces and facilities should be accessible to all users; have regard to the relationship with surrounding uses, enhance the natural environment, protect and improve green infrastructure and link to</p>	<p>These will be protected under Policy LP22 of the Local Plan. This approach is in general conformity with and adds detail and certainty to strategic policy.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>surrounding areas where appropriate.</p> <p>The Council will require the proper maintenance of these areas and facilities to be agreed. Where on-site provision is not feasible, off-site contributions may be required where the developments use leads to a need for new or enhanced provision.</p>	
<p><b>Policy PNP8 - Transport</b></p> <p>The following infrastructure projects will be brought forward during the plan period.</p> <ul style="list-style-type: none"> <li>• <b>Bridge Street improvements, Polesworth – junction improvements – including traffic signalling</b></li> <li>• <b>Barn End Road/Orton Road crossroads, Warton – safety improvements</b></li> <li>• <b>Warton – safer school crossing</b></li> <li>• <b>Road safety schemes</b></li> <li>• <b>Measures to improve public transport</b></li> </ul>	<p><b>LP27 Walking and Cycling</b></p> <p>The Borough Council will develop a Walking and Cycling Strategy.</p> <p>All developments should consider what improvements can be made to encourage safe and fully accessible walking and cycling.</p> <p>Encouragement will be given to establishing and promoting responsible access to the natural</p>	<p>Policy PNP8 includes a small number of local highway improvements, and a general commitment to support road safety schemes. Such an approach is in general conformity with Local Plan Policy LP27 that seeks to encourage safe walking and cycling.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
<p><b>Policy PNP9 – Preserving the Separate Identity of Polesworth’s Villages</b></p> <p><b>To preserve the separate identity of the Polesworth neighbourhood areas villages the following measures will be supported:</b></p> <ul style="list-style-type: none"> <li><b>a) Development proposals that would maintain the open land area and enhance Pooley Country Park;</b></li> <li><b>b) Retention of key open land corridors, such as the River Anker and Coventry Canal; and</b></li> <li><b>c) Maintaining as open land the non-strategic open spaces identified on the Policies Map.</b></li> </ul>	<p>environment, for example in the Tame Valley Wetlands NIA.</p> <p>LP17 Green Infrastructure</p> <p>Development proposals must, where appropriate, demonstrate how they contribute to maintaining and enhancing a comprehensive and strategically planned Green Infrastructure network. With reference to the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and Offsetting sub-regional Strategy for Green Infrastructure and the local green infrastructure resource development should:</p> <ul style="list-style-type: none"> <li>• Identify, maintain and enhance existing Green Infrastructure assets where possible;</li> <li>• In all cases should optimise opportunities to create links between</li> </ul>	<p>Policy PNP9 is in general conformity with Local Plan Policy LP17 that seeks to maintain and enhance the Green Infrastructure network. Policy PNP9 identifies specific local GI assets for protection with the aim of preserving the separate identity of Polesworth’s separate villages.</p>

PNP Policies	North Warwickshire Local Plan (NWLSP)	General Conformity
	<p>existing Green Infrastructure within the district and to surrounding sub-regional networks;</p> <ul style="list-style-type: none"> <li>• Help deliver new Green Infrastructure assets where specific need has been identified.</li> </ul> <p>Where an existing asset is lost or adversely affected, and where mitigation or compensatory Green Infrastructure cannot be provided on site, contributions will be sought towards wider Green Infrastructure projects and improvements within the district or, where appropriate, in the subregion.</p>	

**Basic condition f. Be compatible with EU obligations**

- 3.19 The Submission PNP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

**Strategic Environmental Assessment (SEA)**

- 3.21 To meet the ‘basic conditions’ which are specified by law, a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9<sup>th</sup> February 2015, Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening was undertaken on the Regulation 14 Draft PNP. This concluded that:
  - “7.3 In relation to the requirement for the PNP to be subject to Strategic Environmental Assessment, it is concluded in the assessment undertaken in Section 5 of this report that the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.”
- 3.23 Following consultation the three statutory bodies confirmed that they were in agreement with this conclusion. A revised SEA is submitted with the PNP.

### **Requirement for Habitats Regulations Assessment (HRA)**

- 3.24 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.
- 3.25 The Habitat Regulations Screening was undertaken on the Regulation 14 Draft PNP. The HRA screening concluded:
- “7.4 In terms of the requirement for the PNP to be subject to Habitat Regulations Assessment, the appraisal set out in Section 6 of this report concludes that no further work will be required in order to comply with the Habitat Regulations.”*
- 3.26 Following consultation with the statutory and, in particular, the views expressed by Natural England it is concluded that no further work is required on HRA. The revised screening report is submitted alongside the PNP.

### **European Convention on Human Rights**

- 3.27 The Submission PNP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The PNP has been produced in full consultation with the local community. The PNP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.28 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.29 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.30 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission PNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. 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.

- 3.31 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.32 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Town Council has developed the policies and proposals within the PNP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

**Basic condition g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

- 3.33 The prescribed conditions have therefore been met in relation to the Submission PNP and prescribed matters have been complied with in connection with the proposal for the Plan.





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