

The Parish of Hanley Castle

Neighbourhood Development Plan

Basic Conditions Statement

December 2017

BASIC CONDITIONS STATEMENT

1.0 INTRODUCTION

This statement has been prepared to accompany the Hanley Castle Parish Neighbourhood Development Plan (NDP) which is a requirement as laid down in the Localism Act 2011 for this plan to go forward to referendum.

Paragraph 8 of schedule 4B Town and Country Planning Act 1990 identifies the following basic conditions for an NDP as:

1. It must have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF)
2. It must contribute to the achievement of sustainable development
3. It must be in general conformity with the strategic policies contained in the development plan for the local planning authority.
4. It must not breach and is compatible with EU obligations.
5. It must ensure prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The NDP covers the entirety of the parish which has been designated as a neighbourhood area in July 2014 by Malvern Hills District Council after a publicised application. See map of the neighbourhood area.

The conditions as stated above have been given due consideration at every stage in the process of this plan, from initial parish meetings, consultations through questionnaires and in the analysis and writing of the NDP. Our local planning authority Malvern Hills District Council has given support, advice and direction, especially through David Clarke, throughout the process. In addition we have worked with a specialist planning consultancy for further support.

2.0 LEGAL REQUIREMENTS

The Submission Plan is being submitted by a qualifying body

The plan has been prepared by an appointed steering group of Hanley Castle Parish Council under the chairmanship of Cllr Robert Lamb and is submitted by Hanley Castle Parish Council.

What is being proposed is a Neighbourhood Development Plan

The plan proposal 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.

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

The proposed NDP states the period for which it is to have effect. That period is 2016-2030 parallel with the South Worcestershire Development Plan.

The policies do not relate to excluded development

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

The proposed Neighbourhood Development 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 NDP proposal relates to the Hanley Castle Neighbourhood Area and to no other area. There are no other Neighbourhood Development Plans relating to that neighbourhood area.

3.0 BASIC CONDITIONS

Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan

The Hanley Castle NDP has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Development Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Development Plans must be in general conformity with the strategic policies of the local plan.” The NDP has been drafted with regard to the needs of the Parish in relation to the relevant strategic planning policies for South Worcestershire and Malvern Hills District, and the comprehensive evidence base that supports these policies.

Paragraph 184 also states that Neighbourhood Development Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Hanley Castle NDP does not undermine the strategic policies of South Worcestershire and Malvern Hills. The NDP aims to support these policies by managing future growth in the Parish (which has been determined to be a key aim of the NDP); conserving and enhancing the historic environment; maintaining, expanding and improving community and recreation facilities; conserving and enhancing green spaces and green infrastructure; supporting opportunities for the development of existing and new businesses; and promoting safe and accessible modes of transport.

The guidance and policies contained in the national documents have been the starting point for our NDP. This is illustrated in the Introduction where the NDP is set in the national context. Our NDP policies have been cross referenced to the national requirements in the written document to illustrate how each complies. The NDP has been set out in such a way as to illustrate this throughout. As required and intended, this NDP supports the strategic development needs set out in Local Plans and shows the positive nature of this as we seek to support, shape and direct local development. This includes policies for housing and economic development.

The Plan has regard to the 12 core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

Table 1 NPPF Core Planning Principles and the Hanley Castle Neighbourhood Development Plan – Submission Version

NPPF Core Planning Principle	Regard that the Neighbourhood Development Plan has to the Guidance
<p>Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and Neighbourhood Development Plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.</p>	<p>The Neighbourhood Plan Steering Group has consulted extensively with the residents of Hanley Castle Parish in order to determine the direction and detail of our NDP. One of the key factors has been our determination not to let the parish fossilise but to adopt an Aim of ‘To encourage vitality and vibrancy in the community through managed growth of housing and business developments that reflect local needs.’ We have worked in collaboration with our LPA, Malvern Hills District Council, to provide a practical framework for planning decision making.</p>

NPPF Core Planning Principle	Regard that the Neighbourhood Development Plan has to the Guidance
<p>Planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.</p>	<p>Although the residents of Hanley Castle parish recognise the vitality that growth can bring they are equally certain that they wish to retain a rural environment for the parish. Our policies seek to preserve rurality through; smaller developments with designs appropriate for the locality; by preserving Local Green Spaces and Sites of Biological Interest; by encouraging the expansion of walking and cycling routes and by maintaining and enhancing social cohesion within the community.</p>
<p>Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.</p>	<p>This Submission NDP refines and amplifies strategic policies set out in the South Worcestershire Development Plan. The Submission NDP supports local economic development by identifying housing development sites in addition to that proposed in the SWDP. The housing types needed within the parish are defined in our policy relating to Housing Mix. The parish is one of the more expensive areas to live in within Worcestershire and our required housing mix reflects the need for suitably sized and priced properties that local people can afford.</p> <p>The parish has a very active business community with more small business estates than surrounding parishes. We have made provision for the potential expansion of these estates whilst also protecting the open countryside. In addition we are home to a major business growth area in Blackmore Park as designated in SWDP 54.</p>
<p>Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>	<p>We have further enhanced the excellent guidance of SWDP 21 by providing localised policies on Sympathetic Design and General Building Design Principles. The parish has also compiled a Design Guide to help residents and developers.</p>
<p>Planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting</p>	<p>Our NDP seeks to protect the surrounding open countryside by supporting a limited size of development and only offering additional development sites that adjoin the development boundary. Policy RE2 will be used to manage any future development for</p>

NPPF Core Planning Principle	Regard that the Neighbourhood Development Plan has to the Guidance
thriving rural communities within it.	<p>housing in the open countryside; Policy MnGr 8 and MnGr 10 will seek to do the same for economic related development.</p> <p>The NDP also seeks and sets a framework for the continued sustainable growth of our villages; whilst protecting community facilities, local green spaces, heritage assets, our conservation area and retaining the rurality of the parish.</p>
Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).	Our plan supports the re-use of Disused or Redundant Buildings (policy MnGr 10); whilst Renewable and Low Carbon Energy is promoted by policy Des 2.
Planning should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework.	<p>Our NDP is fully consistent with this principle.</p> <p>The plan provides a series of policies for protecting the natural environment: Preserving Ancient Trees, Woodland, Trees, Hedges (policy BHN 4); Protecting Local Green Spaces (policy BHN 5) and Sites of Biological Interest (policy BHN 6). In addition policy RE 2 Settlement Identity helps restrict development in the open countryside. These policies combined all help to protect and enhance the green infrastructure within and around our communities.</p> <p>The reduction of pollution is aided by our policy on renewable energy (Des 2) and by our range of policies relating to traffic.</p> <p>Together, these policies should have a beneficial impact on the natural environment.</p>
Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.	Previously developed land is promoted for use for business development within policy MnGr 8 Siting of Local Businesses. The major development at Blackmore Park (SWDP 54) is also on brownfield land. In addition our policy MnGr 10 promotes the use of disused or redundant buildings.
Planning should promote mixed-use developments, and encourage multiple	Our plan recognises that open land can perform many functions. Our policies BHN 4,

NPPF Core Planning Principle	Regard that the Neighbourhood Development Plan has to the Guidance
<p>benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as wildlife, recreation, flood risk mitigation, carbon storage or food production).</p>	<p>5 and 6 protect local green spaces, enhance green infrastructure and generally protect the natural environment.</p> <p>A key aspect of our plan has been to maintain the rurality of the parish, achieved through our Rural Environment Policies, RE 1, 2 and 3.</p> <p>Although generally the potential size of developments within the parish precludes mixed use, the promoted re-use of disused or redundant buildings is an example where mixed use could occur.</p>
<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations</p>	<p>Our NDP conserves heritage assets in a manner appropriate to their significance and takes cognisance of those protections offered at a higher level, such as that applicable to our conservation area. Policy BHN 1 seeks to protect buildings and structures identified on our proposed Local List. BHN 2 relates to The Environs of Heritage Assets and BHN 3 concerns the Protection of the Archaeological Environment.</p>
<p>Planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable</p>	<p>Our NDP has as a key principle the managed growth of the community. In accordance with the SWDP, development is focussed within the existing villages or adjoining the development boundaries. This offers residents more immediate access to our limited local services either on foot or by bicycle or car. Public transport facilities have been reduced and now regular services only run from one village but do provide access to larger shopping centres.</p>
<p>Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs</p>	<p>The NDP is fully in accord with this principle. Policies in the plan safeguard the rurality of the parish and the green infrastructure. Additionally our policies seek to improve and expand the network of footpaths, bridleways and cycle paths. The plan protects local community facilities through policy MnGr 11 Assets of Community Value.</p>

Table 2 below summarises how the overarching Aims of the Hanley Castle NDP contribute to the economic, social and environmental aspects of sustainable development. The impact upon community cohesion is also shown. Delivery of each Aim is through the policies associated with it.

Aim 1 of our NDP states; “To encourage vitality and vibrancy in the community through managed growth of housing and business developments that reflect local needs”. In a sense this concentrates the whole essence of sustainable development and underpins all the policies as they support the Aims.

Research through consultations has provided an accurate sense of need, provision, hopes and concerns of the existing community. This combined with the context of the SWDP and NPPF has produced policies which relate to environmental, economic and social conditions.

We have gone beyond the basic requirement of the local and national plans by suggesting additional potential sites for development; which is a mark of the desire to be sustainable rather than sterile.

Table 2 Contribution to Sustainable Development

Aim		Soc	Ec	Env	Com. Cohesion
1	To encourage vitality and vibrancy in the community through managed growth of housing and business developments that reflect local needs	***	***	**	***
2	To maintain the rural environment of the parish and its settlements	**	*	***	**
3	To maintain and enhance the built , historic and natural environment	*	**	***	**
4	To promote thoughtful, quality design of buildings and their built environment to complement or enhance their surroundings	*	**	*	**
5	To minimise the impact of road traffic on the day to day lives of residents whilst encouraging sustainable forms of transport	***	**	***	***

- * Some contribution to principle of sustainability
- ** Significant contribution
- *** Highly significant contribution

Have Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

The Submission NDP includes a complete list of the Listed Buildings in the Parish in Appendix A. Policies BHN 1, 2 and 3 all seek to conserve designated heritage assets.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

The Submission NDP has special regard to the desirability of preserving and enhancing the character and appearance of the Hanley Castle Conservation Area, through the provision of planning policies which aim to protect and enhance historic, natural and built heritage assets. Our range of policies BHN 1 to BHN 6 address the Built, Historic and Natural environments.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

4.0 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 Introduction

The SWDP’s overarching direction is in sustainable development as defined in SWDP 1 and expressed through economic, social and environmental principles. This includes strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure;
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

These cannot be undertaken in isolation because they are mutually dependent. The Hanley Castle NDP has followed these principles in its policies.

Hanley Castle NDP has conformed with the SWDP site allocation and number of properties for development, whilst adding to these. Not only are there policies which improve on the existing circumstances but they also seek to reduce potential adverse effects through protection, prevention and mitigation.

In addition this NDP has sought to be aware of the impact of the SWDP on adjacent parishes and the concomitant effect on our parish through increased traffic flow, commercial sites, etc.

Other strategic policies which have been examined and considered related to:

- the AONB which, although Hanley Castle is just outside this defined area, has an influence on the parish and
- Worcester County Council especially with regard to their remit for infrastructure, such as highway improvement, education, etc.

4.2 Relationship to SWDP Strategic Policies

Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the Adopted South Worcestershire Development Plan.

Table 3

Hanley Castle NDP Policies	Related SWDP Strategic Policy
All policies	<p><i>SWDP1 Overarching Sustainable Development Principles</i></p> <p>The Hanley Castle Neighbourhood Plan is in general conformity with principles A to D set out in SWDP 1. These principles have been taken into account throughout the development of our plan and are recognised in our Managed Growth approach to development. We support the need for growth within the boundaries of National, Local and Neighbourhood planning policies.</p>

Hanley Castle NDP Policies	Related SWDP Strategic Policy
Managed Growth Policies	
<p><i>MnGr 1 - Housing Mix</i> Sets out the type and size of home particularly needed within the parish.</p>	<p><i>SWDP14 Market Housing Mix</i> Our policy has determined the preferred types and sizes of homes required in the parish. This has been based upon a Parish Survey and the trend of housing planning applications.</p>
<p><i>MnGr 2 – Affordable Housing</i> Sets out a desired tenancy mix and the use of exception sites.</p>	<p><i>SWDP15 Meeting Affordable Housing Needs</i> The Local Plan sets out the overall framework for the delivery of affordable housing, including proportions of new developments or financial contributions required. Para E of that policy sets out tenure requirements which this policy in the Neighbourhood Plan refines by adding a specific minimum requirement for shared ownership. <i>SWDP 16 Rural Exception Sites</i> Policy MnGr 2 supports the proposals within the Local Plan and adds support for the use of brownfield land.</p>
<p><i>MnGr 3 - Allocation of Affordable Housing</i> Sets out the need for tenants to have a strong local connection.</p>	<p><i>SWDP15 Meeting Affordable Housing Needs</i> Policy MnGr 3 sets out the policy basis that the parish wishes to be followed when granting planning permission, this is based upon existing practice. This approach is also supported by the SWDP Affordable Housing supplementary planning document.</p>
<p><i>MnGr 4 - Infill / Backland Housing in the Parish</i> Relates this type of development to the housing needs of the parish.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> The villages of the parish are categorised: Hanley Swan – 1 Hanley Castle – 4a Infill development is provided for in both categories. Our policy relates any such development to the size of house type needed by the community as well as providing for self-build projects.</p>
<p><i>MnGr 5 - Scale of New Development</i> Limits the size of new developments in keeping with the scale of our communities.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> Other than for sites allocated within the SWDP our policy constrains the size of other developments so that they are in keeping with the scale of our villages. Master planning provides for larger developments to be phased over time.</p>

Hanley Castle NDP Policies	Related SWDP Strategic Policy
<p><i>MnGr 6 - Incremental Growth</i> Provides for the assimilation of new developments.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> As with policy MnGr 5, this policy recognises the need for growth but also that growth needs to be phased over time. SWDP 2 focusses most housing development on urban areas, with windfall developments being managed in line with the village hierarchy.</p>
<p><i>MnGr 7 – Preferred Site Allocations</i> The policy sets out some small additional housing sites as well as those proposed by the SWDP.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> <i>SWDP13 Effective Use of Land</i> <i>SWDP15 Meeting Affordable Housing Needs</i> <i>SWDP59 New Housing for Villages</i> The villages of the parish are categorised: Hanley Swan – 1 Hanley Castle – 4a The SWDP identifies a site for 20 properties to be developed within Hanley Swan. Our neighbourhood plan goes further than this and has identified some small additional sites which are outside of but adjoining the existing development boundaries. One of these sites could be a rural exception site.</p>
<p><i>MnGr 8 - Siting of Local Businesses</i> Supports the intensification of existing sites and limits expansion into open countryside.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> <i>SWDP8 Providing the Right Land and Buildings for Jobs</i> <i>SWDP12 Employment in Rural Areas</i> <i>SWDP54 Blackmore Park</i> Two of the relevant SWDP policies relate the scale of business development to the location. SWDP 2 ‘Rural employment opportunities of an appropriate scale are also encouraged.’ SWDP 8 ‘will be supported providing the development supports an existing business or new enterprise of a scale appropriate to the location.’ Because of a number of war time brownfield sites the parish of Hanley Castle has, as a relatively small rural parish, more employment sites in total than in neighbouring parishes. Additionally SWDP 54 – Blackmore Park, allocates 5.1 hectares of land for employment use on a brownfield site that was virtually unused. This in itself is a major significant increase of business activity within a rural parish. It is for these reasons that we support intensification of</p>

Hanley Castle NDP Policies	Related SWDP Strategic Policy
	<p>existing sites but not outward expansion into open countryside. We acknowledge that this is a slight divergence from SWDP 12 but believe it to be justified in the circumstances and within general conformity with rural employment policies.</p>
<p><i>MnGr 9 - Heavy Goods Traffic</i> Limits the impact on residents from new sources of HGV movements within the parish.</p>	<p><i>SWDP4 Moving Around South Worcestershire</i> <i>SWDP8 Providing the Right Land and Buildings for Jobs</i> <i>SWDP12 Employment in Rural Areas</i> <i>SWDP54 Blackmore Park</i> <i>SWDP55 Three Counties Showground</i> Whilst SWDP 4 addresses the impact of major developments, at the more local scale increases in HGV movements can have a significant effect upon residents. Policy MnGr 9 is in general conformity with other policies protecting residents from the impact of traffic.</p>
<p><i>MnGr 10 - Disused or Redundant Buildings</i> Encourages the repurposing of disused property for job generation.</p>	<p><i>SWDP8 Providing the Right Land and Buildings for Jobs</i> <i>SWDP12 Employment in Rural Areas</i> SWDP 8E. In addition to the sites allocated specifically for employment uses, the provision of employment land and the conversion of existing buildings to support job creation throughout south Worcestershire will be supported providing the development supports an existing business or new enterprise of a scale appropriate to the location. SWDP 12 Farm Diversification D iii. Wherever possible existing buildings are used to reduce the need for additional built development.</p> <p>Policy MnGr 10 encourages the re-use of appropriate existing buildings for productive purposes.</p>
<p><i>MnGr 11 - Assets of Community Value</i> Includes protection of the only remaining shop in the parish.</p>	<p><i>SWDP10 Protection and Promotion of Centres and Local Shops</i> Sections I, J, K and L of SWDP 10 all deal with rural retail operations. Our policy MnGr 11 identifies retail and other premises within the parish that are worthy of potential protection as their loss would be detrimental to the community.</p>
<p><i>MnGr 12 - Developer Contribution Policy</i></p>	<p><i>SWDP7 Infrastructure</i></p>

Hanley Castle NDP Policies	Related SWDP Strategic Policy
Sets out some specific uses for contributions.	SWDP 7 sets out the overarching framework for infrastructure development. Our policy MnGr 12 is in conformity with this but at the local level. It identifies some project areas that could be funded (partially or fully) by developer contributions.
Rural Environment Policies	
<p><i>RE 1 - Sympathetic Design</i> Relates to the maintenance of rurality for our parish.</p>	<p><i>SWDP5 Green Infrastructure</i> <i>SWDP6 Historic Environment</i> <i>SWDP21 Design</i> SWDP 21 has a number of broad headings aimed at settings and character: ii. Relationship to Surroundings and to Other Development; v. Settlement Character; but nothing specifically about rurality. Our policy RE 1 is in general conformity with the SWDP strategic policies but is aimed specifically at maintaining the rural nature of the parish.</p>
<p><i>RE 2 – Settlement Identity</i> The policy sets out to maintain the separate identity of settlements.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> In addition to the strategic policy SWDP 2 our policy also relates to SWDP 18 – Replacement Dwellings in Open Countryside and SWDP 19 – Dwellings for Rural Workers. The thrust of our policy RE 2 is to maintain the separation of existing residential areas. It is thus in conformity with the development strategy and protection of open countryside set out in SWDP 2.</p>
<p><i>RE 3 – Replacing Natural Features Lost Through Development</i> The policy provides for replacement or mitigation against loss of significant natural features.</p>	<p><i>SWDP2 Development Strategy and Settlement Hierarchy</i> <i>SWDP5 Green Infrastructure</i> <i>SWDP22 Biodiversity and Geodiversity</i> Is complementary to the requirements of the various policies in the Local Plan which focus on sites with some form of local or national designation. Our policy to help maintain a rural environment recognises that at the local level natural features can have ‘significance’ to the locality without having specific designation. The policy encourages good landscaping and mitigation measures where significant features may be lost.</p>
Built, Historic & Natural Environment Policies	

Hanley Castle NDP Policies	Related SWDP Strategic Policy
<p><i>BHN 1 – Protection of Buildings or Structures on the Local List of Heritage Assets (Local List)</i> The policy provides for protection of properties on a Local List once accepted by MHDC. The list has been compiled but not as yet submitted.</p>	<p><i>SWDP6 Historic Environment SWDP21 Design</i> Policy BHN 1 is in conformity with the principles embodied within SWDP 6 and SWDP 24 Management of the Historic Environment. Our policy extends these principles to what will be the eventually accepted Local List of heritage assets.</p>
<p><i>BHN 2 – The Environs of Heritage Assets</i> Relates to the surroundings of heritage assets.</p>	<p><i>SWDP6 Historic Environment SWDP21 Design</i> Our policy BHN 2 is concerned with changes within the vicinity of heritage assets. This is in conformity with point B in SWDP 6: 'B. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting.'</p>
<p><i>BHN 3 – Protection of the Archaeological Environment</i> A policy which is important for a parish with a rich archaeological history.</p>	<p><i>SWDP6 Historic Environment</i> Policy BHN 3 lists some currently known archaeological sites and is in conformity with point A in SWDP 6. 'A. Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24.' The policy is also in conformity with points B and D in SWDP 24.</p>
<p><i>BHN 4 - Preserving Ancient Trees, Woodland, Trees, Hedges</i> A policy aimed at preserving our green infrastructure.</p>	<p><i>SWDP5 Green Infrastructure SWDP22 Biodiversity and Geodiversity</i> Policy BHN 4 is complementary to policy RE 3 and offers strong protection to ancient trees and woods as well as encouraging new planting. It is in conformity with SWDP 22 and the strategy set out in SWDP 5.</p>
<p><i>BHN 5 - Protected Local Green Spaces</i> The policy identifies specific green spaces to be protected.</p>	<p><i>SWDP5 Green Infrastructure</i> Policy BHN 5 is in conformity with the strategy set out in SWDP 5 and adds local detail to SWDP 38 – Green Space.</p>
<p><i>BHN 6 - Sites of Biological Interest</i> The policy identifies specific biodiverse sites to be protected as major components of the local green infrastructure.</p>	<p><i>SWDP5 Green Infrastructure SWDP22 Biodiversity and Geodiversity</i> Policy BHN 6 is in conformity with the strategy set out in SWDP 5 and adds local detail to SWDP 22 – Biodiversity and Geodiversity.</p>
<p>Design Policies</p>	
<p><i>Des 1 - General Building Design Principles</i></p>	<p><i>SWDP5 Green Infrastructure</i></p>

Hanley Castle NDP Policies	Related SWDP Strategic Policy
Sets out the design criteria for developments in the parish and provides a link to the Parish Design Guide.	<p><i>SWDP6 Historic Environment</i> <i>SWDP21 Design</i></p> <p>Policy Des 1 is in conformity with SWDP 21 and sets out local preferences within the strategic framework. The policy encourages modern as well as traditional architecture and also seeks to avoid all properties in a development being of the same design. Reference is made to the more detailed Hanley Castle Parish Design Guide.</p>
<p><i>Des 2 – Renewable and Low Carbon Energy</i> This policy principally relates to community and business schemes.</p>	<p><i>SWDP21 Design</i> <i>SWDP27 Renewable and Low Carbon Energy</i></p> <p>Policy Des 2 is in conformity with the overall strategy of SWDP 21 and the more detailed requirements of SWDP 27. Our policy assumes sustainable development of community or business schemes and sets out relevant criteria when assessing the scheme.</p>
<p><i>Des 3 - Integrating New Developments with the Existing Community</i> Emphasises how connectivity helps with social cohesion.</p>	<p><i>SWDP21 Design</i></p> <p>Policy Des 3 is in conformity with SWDP 21 B ix. Links, Connectivity and Access. Policy Des 3 recognises that the issue is not just about access but is also an enabler of community integration.</p>
Traffic and Transport Policies	
<p><i>Trf 1 - Highways and Traffic Principles</i> Relates to issues affecting our rural parish.</p>	<p><i>SWDP4 Moving Around South Worcestershire</i></p> <p>Trf 1 conforms with SWDP 4 in that it recognises that significantly increased traffic volumes will arise as a result of additional development and the removal of public transport services. These are local issues which fall within the strategy set out in SWDP 4.</p>
<p><i>Trf 2 - Footpaths/Bridleways/Cycle paths</i> Sets out local policies and some specific schemes which relate to the Local Transport Plan.</p>	<p><i>SWDP4 Moving Around South Worcestershire</i> <i>SWDP21 Design</i></p> <p>Policy Trf 2 is in conformity with SWDP 21 B ix. Links, Connectivity and Access and to the section of SWDP 4 - Providing Alternative Modes of Travel. Our policy is also in conformity with LTP 4 the current Local Transport Plan.</p>
Hanley Castle Position	Other SWDP Strategic Policies

Hanley Castle NDP Policies	Related SWDP Strategic Policy
This SWDP strategic policy sets overall targets which our NDP helps to support and deliver.	SWDP3 Employment, Housing and Retail Provision Requirement and Delivery
Not applicable as it focusses upon urban centres.	SWDP9 Creating and Sustaining Vibrant Centres
No specific policy although the parish does host a travellers' residential site.	SWDP17 Travellers and Travelling Showpeople
The parish is adjacent to but not within the Malvern Hills AONB. Our policies have taken this proximity into account so as to preserve the rural environment.	SWDP23 The Cotswolds and Malvern Hills Areas of Outstanding Natural Beauty (AONB)
Parts of the parish suffer flooding from the River Severn and its tributaries. However we have no specific local policies as the SWDP covers the issue.	SWDP28 Management of Flood Risk

5.0 COMPATIBILITY WITH EU OBLIGATIONS

5.1 Legislative Background

Strategic Environmental Assessment (SEA)

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th 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.

Requirement for HRA

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 Development 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. As set out in the Screening Report, there are no internationally designated wildlife sites within the neighbourhood development plan area.

5.2 Screening Assessment

The Hanley Castle NDP is fully compatible with EU Obligations as set out in the screening assessment below.

The NDP has been subjected to a Strategic Environmental Assessment and a Habitat Regulations Assessment (SEA/HRA) Screening Assessment undertaken by MHDC. This is available as a separate report. The initial Screening Assessment concluded that a full HRA was not required but that a SEA may be. Following further consultation and review the final assessment concluded that a SEA was not needed.

The following are extracts from the final MHDC report.

Extracts from Introduction

'This document brings together the draft Hanley Castle Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Opinions.

A SEA and HRA Screening Opinions document was published in February 2017 which concluded that a full SEA may be required as the draft Hanley Castle Neighbourhood Plan seeks to allocate sites for housing over and above that in the SWDP, and these sites were therefore not considered in the SWDP full SEA. It was also concluded that a HRA Appropriate Assessment would not be required. These conclusions were subject to consultation with the three statutory environmental consultees between Friday 3 March 2017 and Friday 7 April 2017.

Both the Environment Agency and Natural England concluded that a full SEA would not be required, and Natural England also confirmed that a HRA AA would not be required.

However concerns were raised by Historic England who concluded a full SEA would be required.

After additional assessments and correspondence between Malvern Hills District Council and Historic England, a SEA Screening Opinion Update was published in June 2017 for consultation with Historic England.

It concluded that the Neighbourhood Plan was in general conformity with the SWDP with the exception of four small additional housing allocations, the impact of which on heritage assets would be afforded a significant level of protection or mitigation by Neighbourhood Plan policies BHN1, BHN2 and the Hanley Castle Parish Building Design Guide. On that basis, a full SEA was not considered necessary, a conclusion that Historic England agreed with.

On the basis of the above, it is considered that neither a full SEA nor a HRA AA is required for the draft Hanley Castle Neighbourhood Plan.'

Extract from Conclusion

‘3. CONCLUSION

3.1 SCREENING OPINIONS CONCLUSIONS

Following the assessment made in Table 2 and discussion in Paragraph 2.2, it is considered that a full SEA is not required for the Draft Hanley Castle Neighbourhood Plan. This conclusion is on the basis of the Neighbourhood Plan being in general conformity with the SWDP, with the exception of four small additional housing allocations. The impact of these additional sites on heritage assets would be afforded a level of protection or mitigation by policies BHN1, BHN2 and the Hanley Castle Parish Building Design Guide.’

END OF EXTRACT

5.3 Human Rights

The Submission NDP 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 Plan has been produced in full consultation with the local community. The Plan 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.

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.

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:

- 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 NDP 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.

- 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 Development 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.
- 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 Parish Council has developed the policies and proposals within the Plan 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.

6.0 CONCLUSION

This Basic Conditions paper outlines the fulfilment of legal conditions for the Hanley Castle Neighbourhood Development Plan to go forward to the final procedures of the required approval process, which we do with confidence.