

**Kempsey Submission Neighbourhood Development Plan
Paragraph 8 of Schedule 4b
'Basic Conditions' Statement**

1.0 LEGAL REQUIREMENTS

The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Kempsey 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 Neighbourhood Development Plan states the period for which it is to have effect. That period is from the Plan being made up to 2030 (the same period as the South Worcestershire Development Plan).

The policies do not relate to excluded development

The Neighbourhood Development Plan 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 Neighbourhood Development Plan proposal relates to the Kempsey Neighbourhood Area and to no other area. There are no other Neighbourhood Development Plans relating to that neighbourhood area.

2.0 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 Kempsey Neighbourhood Development Plan 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 Neighbourhood Development Plan has been drafted with regard 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 Kempsey Neighbourhood Development Plan does not undermine the strategic policies of South Worcestershire and Malvern Hills. The Plan aims to support these policies by managing future housing growth in Kempsey and the smaller settlements; maintaining the Significant Gap between Kempsey and Worcester City; 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 Plan has regard to the twelve 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 Kempsey Submission Neighbourhood Development Plan

<p>NPPF Core Planning Principle</p>	<p>Regard that the Kempsey Neighbourhood Development Plan has to guidance</p>
<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 Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through consultation, the Plan will empower local people to shape their surroundings. The vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2030. The Neighbourhood Development Plan sets out a concise and practical suite of policies (15 in total) to guide development management decisions.</p>
<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>The Submission Neighbourhood Development Plan offers the local community the opportunity to shape the future development of Kempsey in a creative way, ensuring that its quality and distinctiveness is enhanced by protecting important local green spaces, supporting local employment opportunities, protecting community facilities, whilst at the same time supporting housing growth and new community, recreation and sport facilities.</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</p>	<p>This Submission Neighbourhood Development Plan refines and amplifies strategic policies set out in the South Worcestershire Development Plan. The Submission Neighbourhood Development Plan supports local economic development. The plan seeks to protect key resources and</p>

<p>NPPF Core Planning Principle</p>	<p>Regard that the Kempsey Neighbourhood Development Plan has to guidance</p>
<p>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>assets and seeks to support the development of new community, recreation and sport facilities. Housing growth will be managed so that it is directed to within the existing Kempsey village development boundary. Enabling development to support the development of new community, sport and recreation facilities may be considered on land at site K10Bii.</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>The Submission Neighbourhood Development Plan does not include a design policy. Such matters would be considered against policy in the South Worcestershire Development Plan.</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 thriving rural communities within it.</p>	<p>The Kempsey Neighbourhood Development Plan seeks to protect the surrounding open countryside by identifying a village development boundary. Policy K2 will be used to manage any future development for housing in the open countryside; Policy K14 will seek to do the same for economic related development.</p> <p>Policy K4 seeks to protect the openness of the Significant Gap between Kempsey and Worcester City and includes a list of open land uses and minor development considered suitable in this area.</p> <p>Policy K7 identifies and seeks to protect and enhance a number of valued landscapes in the neighbourhood area.</p>

<p>NPPF Core Planning Principle</p>	<p>Regard that the Kempsey Neighbourhood Development Plan has to guidance</p>
	<p>The neighbourhood plan also seeks and sets a framework for the continued sustainable growth of Kempsey village: ensuring development is focussed within the village development boundary, whilst protecting community facilities and local green spaces.</p>
<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).</p>	<p>The Submission Neighbourhood Development Plan promotes an approach which seeks to focus development in the existing villages, thereby offering the opportunity to use relatively better public transport facilities; and more opportunities for walking to key services and facilities.</p> <p>A number of the policies in the plan promote the re-use of land and buildings.</p>
<p>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>	<p>The Submission Neighbourhood Development Plan is fully consistent with this principle.</p> <p>The Plan provides a policy framework for protecting and enhancing local green spaces (Policy K11) and restricting development in the open countryside (Policy K2) and the Significant Gap (Policy K4). Policy K7 seeks to protect and enhance valued landscapes and Policy K12 seeks to protect and enhance green infrastructure. Together, these policies should have a beneficial impact on the natural environment.</p>

NPPF Core Planning Principle	Regard that the Kempsey Neighbourhood Development Plan has to guidance
<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.</p>	<p>The Submission Plan seeks to safeguard locally important local green spaces from new development and encourages new housing within the village development boundary of Kempsey. A number of the policies in the plan promote the re-use of land and buildings.</p>
<p>Planning should promote mixed-use developments, and encourage multiple 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>The plan recognises that open land can perform many functions. Policies will protect the Significant Gap (K4) between Kempsey and Worcester City; protect valued landscapes (K7); protect local green spaces (K11) and protect and enhance green infrastructure (K12).</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>The neighbourhood plan conserves heritage assets in a manner appropriate to their significance. Policy K5 seeks to conserve designated heritage assets and Policy K6 seeks to protect buildings and structures identified on Malvern Hills Local List.</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>The Submission Neighbourhood Development Plan promotes an approach which seeks to focus development in the existing villages, thereby offering the opportunity to use relatively better public transport facilities; and more opportunities for walking to key services and facilities.</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 Neighbourhood Development Plan is fully in accord with this principle. Policies in the plan safeguard and seek to improve local green spaces (Policy K11). The Plan protects local community facilities and services (Policy K8). The plan also allocates land for new community,</p>

NPPF Core Planning Principle	Regard that the Kempsey Neighbourhood Development Plan has to guidance
	sport and recreation provision (Policy K10). Section 6 of the plan sets out a number of non-planning supporting actions to support better service provision, e.g. in health.

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 Neighbourhood Development Plan includes a complete list of the Listed Buildings in the Parish in Appendix 1. Policy K5 seeks 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 Neighbourhood Development Plan has special regard to the desirability of preserving and enhancing the character and appearance of the Kempsey Conservation Area, through the provision of planning policies which aim to protect and enhance historic, natural and built heritage assets Policy K5 seeks to conserve designated heritage assets and Policy K6 seeks to protect buildings and structures identified on Malvern Hills Local List.

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

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)

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.

A screening report was prepared by Malvern Hills District Council to determine whether or not the content of the draft Kempsey Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and/or a Habitats Regulations Assessment (HRA) in accordance with Article 6(3) of the EU habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). The draft screening report was subsequently sent to the relevant statutory bodies; Natural England, Historic England and the Environment Agency to clarify whether they agreed with Malvern Hills District Council's findings as to whether the plan requires a full SEA and/or HRA.

Requirement for HRA / legislative Background

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..

Screening Determination

Strategic Environmental Assessment (SEA)

A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken and can be found in Section 5 of the Malvern Hills Screening Report. The assessment found that no significant environmental effects will occur as a result of the implementation of the Kempsey Neighbourhood Development Plan. Consequently, it is recommended that a full SEA does not need to be undertaken for the Kempsey Neighbourhood Development Plan. This was confirmed through the responses from Historic England, Natural England and the Environment Agency.

Habitats Regulations Assessment (HRA)

A screening assessment to determine the need for HRA in line with regulations and guidance was undertaken and is set out in Section 4 of the screening report. It found that it was unlikely that the neighbourhood development plan will result in any significant negative impacts on

internationally designated wildlife sites which have not already been examined and addressed as part of the Appropriate Assessment conducted for the South Worcestershire Development Plan. As such, it was recommended that a full Appropriate Assessment is not required. This was confirmed through the responses from Historic England, Natural England and the Environment Agency.

Contribute to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development.

Paragraphs 6-10 of the National Planning Policy Framework outline the Government's definition of sustainable development.

The UK Government's interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:

- ❑ "an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ❑ a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- ❑ an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

In Paragraph 6, the NPPF states that "the policies in paragraphs 18-219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system".

Table 1 above gives a clear and comprehensive narrative of how the framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.

Table 2 below summarises how the policies and allocations in the Kempsey Submission Plan contribute to the economic, social and environmental aspects of sustainable development.

Table 2 Submission Plan’s contribution to the economic, social and environmental aspects of sustainable development.

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	The Submission Neighbourhood Development Plan seeks to promote development of new employment uses inside and outside the village development boundary (Policy K13 and K14). The plan supports appropriate housing development within and outside the village development boundary (Policy K1 and K2)
Social	The Neighbourhood Development Plan sets a strong framework that will help to support the achievement of sustainable social development. The plan protects local community facilities (Policy K8) and promotes health and well-being by supporting proposals for new and expanded community facilities and services and green spaces and by encouraging investment in new facilities. (Policies K8, K9, K10, and K11)
Environmental	The Submission Neighbourhood Development Plan includes a number of policies that seek to protect and enhance the environment of the neighbourhood area. Policy K4 seeks to retain the Significant Gap between Worcester City and Kempsey; Policy K5 and K6 seek to protect built heritage; Policy K7 valued landscapes; Policy K11 Local Green Spaces; and Policy K12 Green Infrastructure.

Be in General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Development Plan is in general conformity with strategic Local Plan policies contained in the South Worcestershire Development Plan 2016.

Planning Practice Guidance 2014 para 009 advises that *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its [Local Plan](#).*

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

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 Conformity with Local Strategic Planning Policy

<i>Kempsey Neighbourhood Development Plan</i>	<i>South Worcestershire Development Plan (SWDP) 2016</i>
All Policies	<p>SWDP 1: Overarching Sustainable Development Principles</p> <p>A. When considering development proposals, the Local Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work jointly and proactively with applicants to find solutions that mean proposals can be approved wherever possible and to secure development that improves economic, social and environmental conditions in south Worcestershire.</p> <p>B. Planning applications that accord with the policies in the SWDP (and where relevant, with polices in Neighbourhood Plans) will be approved unless material considerations indicate otherwise.</p> <p>C. Where applications do not accord with policies in the SWDP, the Local Authority will seek to work with applicants with a view to mitigating adverse impacts and identifying sustainable solutions where possible.</p> <p>D. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Local Authority will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> i. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or ii. specific policies in the Framework indicate that development should be restricted.

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>POLICY K1 – NEW HOUSING DEVELOPMENT IN KEMPSEY VILLAGE</p> <p>New housing development within the Kempsey village development boundary (Figure 5, the Policies Map) will be supported when it meets the following:</p> <p>a) It is infill development that seeks, wherever possible, to use previously developed land that is not of high environmental value; or</p> <p>b) It is for the conversion, re-use or extension of an existing building; and</p> <p>c) It accords with other relevant policies of the Kempsey Neighbourhood Plan and South Worcestershire Development Plan (SWDP).</p>	<p>Kempsey is identified in the SWDP as a Category 1 settlement (Appendix D – Hierarchy of Settlements).</p> <p>Category 1 settlements are identified in SWDP Policy 2 Development Strategy and Settlement Hierarchy as settlements where the SWDP allocates sites for housing to meet needs and support local services. The SWDP allocates sites for this purpose in Kempsey. Policy SWDP 2 also identifies that in Category 1 settlements, such as Kempsey, that infill development within the defined development boundaries is acceptable in principle subject to the more detailed policies in the SWDP.</p> <p>Policy K1 is in general conformity with this strategic policy:</p> <ol style="list-style-type: none"> 1. It supports infill development, particularly on previously developed land. This approach is in line with national planning policy and SWDP Policy 13 – Effective Use of Land; 2. Conversion, re-use or extension of existing buildings: and 3. In line with Policy 2 of the SWDP sets out that such development should accord with other policies in the SWDP. <p>The development boundary identified in the Kempsey NDP is the same as that identified in the SWDP.</p>
<p>POLICY K2 – NEW HOUSING DEVELOPMENT IN KEMPSEY PARISH OUTSIDE OF KEMPSEY VILLAGE</p> <p>New housing development within the parish, but outside of the Kempsey village development boundary, as shown on Figure 5</p>	<p>Policy 2 Development Strategy and Settlement Hierarchy identifies that outside of the development boundaries, in this instance the Kempsey village development boundary, development will be strictly controlled and limited to:</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>the Policies Map, will be strictly controlled. New housing development will only be supported outside of the development boundary when it is:</p> <p>For new dwellings, the development is for one of the following:</p> <p>a) A dwelling that is essential for use by a rural worker including persons employed in agriculture, horticulture, forestry or a rural enterprise and when in accordance with SWDP policy SWDP19;</p> <p>b) Affordable housing on an exception site to meet identified local need and when in accordance with SWDP policy SWDP16;</p> <p>c) A replacement of an existing dwelling with established use rights and where the replacement dwelling does not exceed the footprint of the dwelling to be replaced by more than 30% and is in accordance with SWDP policy SWDP 18; and</p> <p>d) It accords with other relevant policies in the Kempsey Neighbourhood Development Plan and the South Worcestershire Development Plan.</p> <p>For extensions or alterations to existing dwellings and buildings that require planning permission:</p> <p>e) An extension to an existing dwelling will be supported provided that they are subordinate to, and do not dominate the character and appearance of the original dwelling; or</p>	<ol style="list-style-type: none"> 1. Dwellings for rural workers (SWDP Policy 19) 2. Employment development in rural areas (SWDP Policy 12) 3. Rural exception sites (SWDP Policy 16) 4. Buildings for agriculture, forestry, replacement dwellings (SWDP Policy 18) 5. House extensions, replacement buildings and renewable energy projects (SWDP Policy 27; and 6. Development specifically permitted by other SWDP policies. <p>Policy K2 is in general conformity with Policy 2 and the related policies identified above.</p> <p>Criterion a) of K2 would support new dwellings for rural workers and cross-references Policy SWDP 19).</p> <p>Criterion b) of Policy K2 allows for rural exception sites and cross- references to SWDP Policy 16.</p> <p>Criterion c) allows for replacement dwellings and cross- references SWDP Policy 18.</p> <p>Criterion d) is a catch-all cross-reference other policies in the SWDP and the Kempsey NDP.</p> <p>Criteria e) and f) set local criteria for extensions, alterations or re-use of existing dwellings and building and do not conflict with strategic planning policy.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>f) Conversion or re-use of existing buildings will be supported where there is no need for substantial reconstruction or need for large extensions.</p>	
<p>POLICY K3 – HOUSING MIX</p> <p>All new housing development proposals over 5 units should provide a range of types, sizes and tenures of housing. As and when proposals are submitted, the proposed mix of housing will be assessed on a site by site basis. This assessment will take in to account SWDP Policy 14 and the most up to date information on local housing needs.</p>	<p>Policy K3 is in general conformity with SWDP Policy 14 – Market Housing Mix.</p> <p>The policy uses the same size threshold as SWDP Policy 14 and sets an additional criterion for housing mix to be informed by information on local (i.e. Kempsey) housing needs.</p>
<p>POLICY K4 –THE SIGNIFICANT GAP</p> <p>The open character of the Significant Gap (as shown on Figure 4) between Kempsey and Worcester will be retained to provide a clear separation and the individual identities of Kempsey and Worcester.</p> <p>The following development may be acceptable in the Significant Gap:</p> <p>a) The re-use of rural buildings; b) Agricultural and forestry-related development; c) Playing fields d) Other open land uses that maintain the openness of the gap; and</p>	<p>The SWDP Policies Map identifies a Significant Gap between Kempsey and Worcester City. This Significant Gap is shown on Figures 4 and 5 of the Kempsey NDP. The Kempsey NDP does not allocate this land or change the area of the Significant Gap.</p> <p>Policy SWDP 2 – Development Strategy and Settlement Hierarchy sets out in criterion D that “development proposals should ensure the retention of the open character of the Significant Gaps”.</p> <p>Policy K4 of the Kempsey NDP sets out five criteria, all of which would meet the strategic objective of ensuring the retention of the open character of the Significant Gap.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>e) Minor extensions to existing dwellings.</p>	
<p>POLICY K5 – DESIGNATED HERITAGE ASSETS</p> <p>Development proposals that conserve, enhance and respect the setting of the parish’s Listed Buildings and Conservation Area (see Figure 7) will be supported.</p> <p>The Listed Buildings in Kempsey are found in Appendix 1.</p>	<p>Policy K5 is in general conformity with SWDP Policy 6 – Historic Environment. In criterion Bi, Policy 6 of the SWDP says development proposals will be supported when they conserve and enhance the significance of heritage assets, including designated heritage assets such as Listed Buildings and Conservation Areas.</p>
<p>POLICY K6 – NON-DESIGNATED HERITAGE ASSETS</p> <p>Following adoption by Malvern Hills District Council, proposals requiring planning consent which affect a building or structure on the Local List must demonstrate how they protect or enhance the heritage asset,</p> <p>The renovation or alteration of buildings or structures identified on the Local List should be designed sensitively, and with careful regard to the heritage asset’s historical and architectural interest and setting.</p>	<p>Policy K6 is in general conformity with SWDP Policy 6 – Historic Environment. In criterion Bi, Policy 6 of the SWDP says development proposals will be supported when they conserve and enhance the significance of non-designated heritage assets.</p> <p>The Kempsey NDP takes the opportunity to identify such assets. This information, in Appendix 2 of the Kempsey NDP, will be an input to the preparation of a Local List by Malvern Hills District Council. When such buildings have been identified development proposals affecting them will be assessed, amongst other considerations, against Policy K6 of the Kempsey NDP.</p>
<p>POLICY K7 – VALUED LANDSCAPES</p> <p>Valued landscape areas in the neighbourhood plan area will be protected and enhanced for their visual, cultural, historical, archaeological and architectural interest. These valued landscapes are:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Kempsey Common <input type="checkbox"/> Normoor, Kerswell Green and Stonehall Common 	<p>Policy K7 identifies a small number of valued landscapes in Kempsey.</p> <p>Policy K7 is in general conformity with strategic planning policies SWDP25 – Landscape Character; SWDP 21 – Design; and SWDP 6 – Historic Environment. All of these policies seek to ensure valued landscapes are considered as part of the planning process. Policy K7 of the Kempsey NDP seeks to identify local, valued landscapes that should be given particular regard when assessing planning applications against development plan policy.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<ul style="list-style-type: none"> ❑ Ashmoor Common ❑ north and south Hams ❑ The confluence of Hatfield Brook and the River Severn in Kempsey village. <p>The Commons and Hams are shown on Figure 11.</p>	
<p>POLICY K8 – PROTECTION AND IMPROVEMENT OF COMMUNITY FACILITIES</p> <p>Proposals leading to the loss or change of use of the community facilities identified on Figure 5 the Policies Map, and listed below, to non-community uses will not be supported unless the following can be met:</p> <p>a) There is clear justification by the applicant that the facility is no longer economically viable in its current form and location to continued community use. If a site is considered to be no longer economically viable for continued community use, evidence should be provided by the applicant to show that the site has been actively marketed for community uses for a period of at least 12 months, including in the neighbourhood area and that no sale or let has been achieved during that period; or</p>	<p>Policy K8 is in general conformity with SWDP Policy 37 – Built Community Facilities.</p> <p>Criterion K8(a) sets a viability criterion in a similar way to SWDP 37 iii and criterion K8(b) sets an alternative provision criterion similar to SWDP 37 i.</p> <p>Policy K8 identifies the built community facilities that will be considered against development plan policy. Proposal K8/3 includes a shop. Policy 10 of the SWDP seeks to limit the change of use of village shops to non-retail uses.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>b) The proposal includes alternative provision, on a site within the parish, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking.</p> <p>This policy applies to the following:</p> <ul style="list-style-type: none"> K8/1 Kempsey Community Centre K8/2 Seabourne Inn K8/3 Shop and Post Office K8/4 Crown Inn K8/5 St Mary’s Church K8/6 Parish Hall K8/7 Talbot Inn K8/8 Walter de Cantelupe Inn K8/9 Anchor Inn K8/10 Kempsey Youth Centre K8/11 The Huntsman Public House 	
<p>POLICY K9 – NEW AND EXTENDED COMMUNITY FACILITIES</p> <p>Proposals for new, or extensions or improvements to existing community facilities (including those identified under Policy K8) will be supported provided that they are:</p>	<p>Policy K9 is in general conformity with SWDP Policy 37 – Built Community Facilities. Criterion A of Policy 37 supports the provision of new, or enhancement of existing community facilities, particularly where the proposals have resulted from neighbourhood planning.</p> <p>Policy K9 of the Kempsey NDP sets additional local criteria against which proposals for new and extended community facilities will be</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>a) Within or adjoining the Kempsey village development boundary or identified on the Policies Map (Figure 5) including on site K10Bi; b) Of a scale that meets the needs of the local community and in keeping with the character of the area; c) Provided with adequate car parking and operational space; and d) They are accessible by walking, cycling, and public transport</p>	<p>assessed. None of which impact on strategic policy 37 and K9 is in general conformity with strategic planning policy.</p>
<p>POLICY K10 – EXISTING AND FUTURE COMMUNITY, RECREATION AND SPORT</p> <p>K10A: Existing Provision</p> <p>The existing sports and recreation facilities at Plovers Rise (see Proposal K10A, Figure 5 the Policies Map) will be protected. Proposals to improve and enhance these facilities will be supported.</p> <p>K10B: Future Provision</p> <p>To meet future community, recreation and sport needs land to the north of Pixham Ferry Lane and west of Old Road South is identified on the Policies Map for further sport and recreation provision (shown as Proposal K10Bi on Figure 5 the Policies Map).</p> <p>In order to develop this area for further community, recreation and sport provision enabling housing development may be</p>	<p>Policy K10 is in general conformity with SWDP Policy 37 – Built Community Facilities. Criterion A of Policy 37 supports the provision of new, or enhancement of existing community facilities, particularly where the proposals have resulted from neighbourhood planning.</p> <p>Part K10A of NDP Policy K10 seeks to protect and support proposals to improve or enhance the existing community, sport and recreation provision at Plovers Rise. This approach is in conformity with that set in SWDP Policy 37.</p> <p>Part K10 B of NDP Policy K10 identifies land for new community, sport and recreation provision to meet future needs under Policy SWDP37 such development will be permitted particularly where proposals have resulted from neighbourhood planning – as is the case with this proposal; and where such proposals satisfy the sequential test in the Framework where applicable. The sequential test set in Policy SWDP for retail and leisure uses attracting large numbers of visitors is not applicable.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>considered on land to the east of Old Road South and north of Pixham Ferry Lane between Sunnyside Farm and Bight Farm (shown as Proposal K10Bii on Figure 5 the Policies Map). Such enabling development would only be supported where it can be demonstrated that:</p> <p>a) the enabling development is necessary to secure the delivery of site K10Bi for community, recreation and sports provision;</p> <p>b) sufficient funding for the community, recreation and sport provision cannot be assembled without including such enabling development; and</p> <p>c) the amount of enabling development is the minimum necessary to provide the identified community, recreation and sport provision on site K10Bi.</p>	<p>In terms of the potential enabling development Policy SWDP59 New Housing for Villages supports housing proposals that are part of local initiatives, including neighbourhood plans.</p>
<p>POLICY K11 – LOCAL GREEN SPACES</p> <p>The following Local Green Spaces identified in Table 1 and shown on Figure 5 the Policies Map, will be protected. Inappropriate development, as defined in the Framework, that would be harmful to these Local Green Spaces will only be supported in very special circumstances.</p> <p>K11/1 Kings Hill K11/2 The Limes</p>	<p>Policy K11 of the Kempsey NDP identifies 6 local green spaces – these spaces have been selected after an analysis using the local green space criteria in NPPF. They are all demonstrably special, local in character, not extensive tracts of open land, and in close proximity to the community they serve. Development of these identified local green spaces, as set out in NPPF, will only be supported in very special circumstances.</p> <p>The approach set out in Kempsey NDP Policy K11 is in general conformity with SWDP Policy 38 Green Space. Policy 38 seeks to</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>K11/3 St Mary's Close K11/4 Christina Close K11/5 The Oaks K11/6 Bannut Hill</p>	<p>identify green spaces identified on the SWDP Policies Map and smaller open spaces that are too small to show on the Policies Map. The Kempsey NDP, following the analysis referred to above, and summarised in the submitted NDP, identifies and maps the local green spaces in Kempsey that should be protected.</p> <p>In identifying K11/1 to K11/6 as local green spaces, as opposed to the SWDP's "Green Space" the Kempsey NDP offers a higher level of protection to these spaces that is consistent with national planning policy. Policy K11 is also in general conformity with the overall objective of SWDP38 which is to protect such spaces. However, to be consistent with national policy which provides such identified local green spaces with protection akin to Green Belt policy, Policy K11 does not follow the tests set out in Policy SWDP38 for possible development of these spaces, instead it follows the test set out in national Green Belt policy of very special circumstances. This is not strictly in line with the SWDP but, in terms of overall objective, and in terms of how Policy K11 meets national planning policy this is not considered to be an issue of general conformity.</p>
<p>POLICY K12 – GREEN INFRASTRUCTURE</p> <p>The Green Infrastructure Network identified on Figure 11 will be protected and enhanced in accordance with Policy 5 of the SWDP.</p>	<p>Policy K12 identifies the Green Infrastructure Network in Kempsey. In doing this it, therefore, identifies, locally, those areas to which Policy 5 of the SWDP will be relevant. This approach adds local detail to a strategic policy and does not raise any issues of general conformity.</p>

Kempsey Neighbourhood Development Plan	South Worcestershire Development Plan (SWDP) 2016
<p>POLICY K13– DEVELOPMENT OR RE-DEVELOPMENT OF LAND FOR EMPLOYMENT USES WITHIN THE DEVELOPMENT BOUNDARY</p> <p>Proposals to develop or redevelop land for employment purposes within the Kempsey village development boundary (Figure 5) will be supported when:</p> <p>a) They re-use existing land or buildings, and do not have an adverse impact on residential amenity, traffic flows or highway safety; or</p> <p>b) They are for the diversification of an existing rural enterprise.</p> <p>In assessing such applications, proposed uses should not have a significant adverse impact on the residential amenity or character of the area through their scale, nature of operation, access, car parking, noise or traffic generated by visitors, staff and deliveries.</p>	<p>Policy SWDP12 is the strategic planning policy for employment in rural areas. This policy applies to Category 1 villages (such as Kempsey), lower category villages and open countryside.</p> <p>Criterion C of SWDP12 seeks to support the expansion of employment sites in the rural areas where intensification is not viable or practical. Criterion (a) of Policy K13 of the Kempsey NDP is in general conformity with this strategic policy.</p> <p>Criterion B SWDP12 seeks to support farm diversification. Criterion (b) of NDP Policy K12 also supports this objective but also acknowledges that there are other rural enterprises in the area, not just farms, and that the diversification of such concerns should be supported. This approach is not considered to raise any issues of general conformity with strategic planning policy.</p>
<p>POLICY K14 – DEVELOPMENT OR RE-DEVELOPMENT OF EMPLOYMENT SITES OUTSIDE THE DEVELOPMENT BOUNDARY</p> <p>Extension proposals that would support the retention of existing employment sites or development of new sites outside of the Kempsey village development boundary will be supported when they satisfy criterion C in Policy 12 of the SWDP and where they</p>	<p>Criterion C of SWDP12 seeks to support the expansion of employment sites in the rural areas where intensification is not viable or practical. Policy K14 of the Kempsey NDP is in general conformity with this strategic policy where it supports the expansion of existing employment sites outside the village development boundary.</p>

<i>Kempsey Neighbourhood Development Plan</i>	<i>South Worcestershire Development Plan (SWDP) 2016</i>
<p>do not have a significant adverse impact on local roads, residential amenity, enjoyment of the countryside, landscape, heritage assets or wildlife.</p>	<p>Policy K14 also allows for new development outside the village development boundary this is a departure from strategic planning policy.</p>
<p>POLICY K15 – TRANSPORT</p> <p>Development leading to adverse traffic impacts will be required to put in place suitable mitigation or make developer contributions so that such mitigation can be put in place.</p>	<p>Policy K15 is in general conformity with Policy SWDP7 of the SWDP. Policy7 requires development to provide or contribute to the provision of infrastructure needed to support it. Policy K15 seeks to ensure a particular local concern is adequately addressed.</p>

Be Compatible with EU Obligations

The Submission Neighbourhood Development Plan is fully compatible with EU Obligations.

The Neighbourhood Development Plan has been subjected to an SEA/HRA Screening Assessment. This is available as a separate Environment Report that accompanies this Statement. The revised Screening Assessment concluded that a full SEA was not required and that a full Habitat Regulations Assessment is not required.

The Submission Neighbourhood Development Plan 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 Neighbourhood Development Plan 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.

