

Abberley Neighbourhood Development Plan 2020-2030

Basic Conditions Statement

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1. INTRODUCTION

- 1.1 A draft Neighbourhood Development Plan must meet a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.2 This Statement has been prepared for Abberley Parish Council to demonstrate that the Abberley Neighbourhood Development Plan 2020-2030 (NDP) meets legal requirements and the prescribed basic conditions.
- 1.3 The Statement confirms that:
- the legal requirements have been met (section 2)
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the NDP (section 3)
 - the NDP contributes to sustainable development (section 4)
 - the NDP is in general conformity with the strategic policies contained in the relevant development plan, the South Worcestershire Development Plan (SWDP) (section 5)
 - the NDP does not breach and is otherwise compatible with EU obligations, and that the making of the NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (section 6).

2. LEGAL REQUIREMENTS

- 2.1 The NDP relates to the area that was designated by Malvern Hills District Council as a Neighbourhood Area on 28 August 2015. The NDP relates only to this Area. No other Neighbourhood Development Plan has or is being made for the Area.
- 2.2 Abberley Parish Council is a qualifying body.
- 2.3 The NDP is a plan which sets out policies in relation to the development and use of land in the Neighbourhood Area and which has been prepared in accordance with the statutory provisions.
- 2.4 The NDP specifies the period for which it is to have effect, 2020-2030.
- 2.5 The NDP does not include provision about development that is excluded development, such as mineral and waste matters, nationally significant infrastructure projects or other prescribed development under section 61K of the Town and Country Planning Act 1990.

3. REGARD TO NATIONAL POLICIES AND ADVICE

- 3.1 The NDP has been prepared with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF)¹ and Planning Practice Guidance (PPG).² The NDP will help achieve national planning policies at the parish level.
- 3.2 NPPF paragraph 13 sets out requirements for how communities should engage in neighbourhood planning. In accordance with this national policy, the NDP supports the delivery of strategic policies set out in the SWDP, including its policies for housing and economic development, and seeks to shape and direct development that is outside these strategic policies.
- 3.3 In accord with NPPF paragraph 16, the NDP:
- contributes to the objective of achieving sustainable development, as explained in section 4 of this Statement.
 - has been prepared positively through community engagement as explained in the Consultation Statement.
 - has been shaped by early, proportionate and effective engagement with the community and other consultees, as explained in the Consultation Statement.
 - contains policies that are clearly written and unambiguous.
 - is accessible via the Abberley Parish Council website.
 - serves a clear purpose in the context of the Abberley Neighbourhood Area, complementing rather than duplicating existing national and SWDP policies as explained in this section and section 5.
- 3.4 The NPPF sets out more specific guidance on neighbourhood plans as follows:
- NPPF paragraph 29: Abberley Parish Council have used neighbourhood planning powers to develop a local vision for the Neighbourhood Area and to set planning policies in the NDP as part of the statutory development plan.
 - NPPF paragraph 29: the NDP does not promote less development than set out in the strategic policies of the SWDP, or undermine those policies. The general conformity of the NDP with the strategic policies of the SWDP is set out in more detail in section 5 below.
 - NPPF paragraph 31: the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focussed tightly on supporting and justifying the policies concerned. In preparing the NDP, use has been made of a wide range of existing evidence sources, supplemented by a residents' questionnaire survey and other commissioned work at

¹ February 2019.

² <https://www.gov.uk/government/collections/planning-practice-guidance>

the Neighbourhood Area level. The resultant 'evidence base' is referred to throughout the NDP as required and is listed at Appendix A of the NDP.

- 3.5 PPG indicates that a policy should be clear and unambiguous to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance further advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.³ There is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies.⁴ In accordance with this guidance, NDP policies have been carefully crafted to be clear and unambiguous and are based on appropriate and proportionate evidence.
- 3.6 The regard had to national policies is set out in more detail on an NDP policy-by-policy basis in Table 1.

³ PPG Paragraph: 041 Reference ID: 41-041-20140306.

⁴ PPG Paragraph: 040 Reference ID: 41-040-20160211.

Table 1: National policies by NDP policy

NDP policy	Regard to national policies
<p>Policy ABY1: Sustainable development</p> <p>Development proposals which contribute to the sustainable development of the Abberley Neighbourhood Area will be supported. In making this assessment of sustainability, the following considerations will be sought and balanced, as relevant to the proposal:</p> <ol style="list-style-type: none"> 1. retaining and enhancing social and community infrastructure and promoting and enabling new provision, to meet a range of needs and support quality of life; 2. ensuring that new housing addresses community needs; 3. conserving and enhancing the distinctive natural and historic environment of the Neighbourhood Area, with development avoiding undue loss of amenity or impacts on landscape character and biodiversity; 4. supporting existing, new and diversified employment opportunities which are compatible and in scale with the rural nature of the Neighbourhood Area. 	<p>Policy ABY1 reflects the national policy objective that the purpose of the planning system is to contribute to the achievement of sustainable development, and that in doing so economic, social and environmental objectives should be pursued in a mutually supportive way (NPPF paras. 7 and 8).</p> <p>The NDP is the vehicle for guiding development in the locality towards sustainable solutions, taking into account the character, needs and opportunities of the Abberley Neighbourhood Area (NPPF para.9).</p>
<p>Policy ABY2: Type of new housing</p> <p>To be supported, all new housing development proposals of five or more units must demonstrate, subject to viability considerations, that they provide a range of types, size and tenure of dwellings to meet local housing need. There is a particular need in the Neighbourhood Area for:</p> <ul style="list-style-type: none"> • Smaller family housing of 3 bedrooms or less • Housing designed to meet the needs of older people including bungalows. <p>Applicants should take account of the requirements of the most up to-date local Housing Needs Assessment.</p>	<p>Policy ABY2 supports housing developments that reflect local needs as to size, type and tenure in accord with NPPF para. 61.</p>

NDP policy	Regard to national policies
<p>Policy ABY3: Criteria for development of Land at The Orchard</p> <p>Proposals for the development of land at The Orchard which meet the following requirements will be supported:</p> <ol style="list-style-type: none"> 1. a maximum of six dwellings are provided which accord with policy ABY2; and 2. 20% of the dwellings are provided as affordable housing available in perpetuity for those in local housing need; and 3. the scheme is designed in accord with policy ABY9 and the principles in the Abberley Design Guide, illustrated in the concept plan (Plan 2); and 4. the existing dwelling and outbuilding are retained and incorporated in the scheme; and 5. vehicular access is taken from Clows Top Road, incorporating traffic calming as required to meet highway requirements and retaining as much of the existing roadside hedge as is consistent with junction design requirements; and 6. the new dwellings are positioned with their principal frontages to Clows Top Road or the site access/green space, and are sited and are of a design and height so as to retain existing views across the site from Clows Top Road and Churchfield Terrace as far as possible; and 7. a sustainable urban drainage strategy is provided to satisfactorily address surface water and foul drainage. The strategy should avoid discharging surface water to the public sewerage system where possible; and 8. provision is made for green space and outdoor community uses in accord with SWDP 39 or its successor, incorporating pedestrian footpaths, pedestrian access between Clows Top Road and The Common to maximise connectivity to village facilities, and native species planting to consolidate the existing orchard trees. 	<p>Land at The Orchard, Abberley Common is allocated for residential purposes in the SWDP. Policy ABY3 does not seek to re-allocate the site, in accord with Planning Practice Guidance (Paragraph: 044 Reference ID: 41-044-20190509). Rather, the purpose of policy ABY3 is to set out a more detailed policy for the site by way of establishing design principles to shape, direct and help to deliver its development. This is in accord with NPPF paras. 28 and 29.</p> <p>Having further regard to NPPF para. 29, the NDP policy does not promote less development than that envisaged in the strategic policy because the quantum of development in policy ABY3 is the same as the indicative number of dwellings in the SWDP.</p>

NDP policy	Regard to national policies
<p>Policy ABY4: Community facilities</p> <p>Development proposals that would result in the loss of existing community facilities will only be supported when the criteria in policy SWDP 37B or its successor can be shown to be met. Proposals in the vicinity of an existing community facility should not have a significant adverse effect on its operation, taking account of any mitigation proposed.</p> <p>The existing community facilities covered by this policy are shown on Plan 3 and are:</p> <ol style="list-style-type: none"> 1. Abberley Village Hall 2. Abberley Parochial VC Primary School 3. St. Michael’s Church 4. St. Mary’s Church 5. The Manor Arms 6. Abberley Hall School 7. The Elms Hotel and Spa. <p>The provision of new built community facilities or the enhancement of existing facilities will be required to demonstrate that:</p> <ol style="list-style-type: none"> 1. the siting, scale and design respects the character of the surrounding area, including any historic and natural assets; and 2. the local road network can accommodate the additional traffic without compromising highway safety, and; 3. adequate off-road vehicle and cycle parking is provided on the site. 	<p>Policy ABY4 seeks the retention and development of accessible community facilities, as part of supporting a prosperous rural economy in line with NPPF para. 83 d).</p> <p>It also takes account of NPPF para. 92, which requires planning policies to plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments, and of para. 182 which protects existing community facilities from having unreasonable restrictions placed on them by subsequent nearby development.</p>
<p>Policy ABY5: Landscape character</p> <p>Development proposals must demonstrate that:</p> <ol style="list-style-type: none"> 1. the characteristics and guidelines for the Landscape Type of the proposed site, as defined in the Worcestershire Landscape Assessment, have positively influenced the siting, design, scale, layout, landscaping and boundary treatment of the proposal; and 	<p>Policy ABY5 has regard to national policy in NPPF chapter 15 which deals with conserving and enhancing the natural environment. It is in line with NPPF para. 170 which requires planning policies to contribute to and enhance the natural and local environment by protecting valued landscapes in a manner commensurate with their statutory status or identified quality, and to recognise the intrinsic character and beauty of the countryside.</p>

NDP policy	Regard to national policies
<p>2. every available opportunity has been taken to strengthen the landscape character of the relevant Landscape Type, by retaining and conserving existing features such as trees, woodland and hedgerows, and by restoring, enhancing and making new provision where this is appropriate.</p>	
<p>Policy ABY6: Key Views</p> <p>To be supported development proposals must demonstrate that they are sited, designed and of a scale such that they do not substantially harm the Key Views identified in Table 1 and on Plan 5.</p>	<p>Policy ABY6 seeks to protect key views of the wider landscape and of Abberley Common and The Village. In doing so it contributes to an appreciation of the intrinsic character and beauty of the countryside (NPPF para. 170 b)) and helps to ensure that development is sympathetic to local character and history, which includes the built environment and its landscape setting (NPPF para. 127 c)).</p>
<p>Policy ABY7: Biodiversity and Geodiversity</p> <p>The following sites of local biodiversity and geodiversity importance wholly or partly within or immediately adjoining the Neighbourhood Area are identified for protection in accordance with SWDP 22D or its successor:</p> <p>Local Wildlife Sites (Plan 6)</p> <ul style="list-style-type: none"> • Abberley Hill • Dick Brook • Ellbatch and Meneatt Woods • Ridding Coppice and Hall Wood <p>Local Geological Sites (Plan 7)</p> <ul style="list-style-type: none"> • Abberley Hall East (adjoining) • Abberley Hall (South Terrace) • Abberley Parish Quarry • Abberley Village Quarry • Shavers End (adjoining) • Shewards Quarry • The Woodlands Quarry <p>Grassland Inventory Sites (Plan 7)</p> <ul style="list-style-type: none"> • Hill Farm Meadows. 	<p>Policy ABY7 has had regard to national policy in NPPF chapter 15 which deals with conserving and enhancing the natural environment. It is in line with NPPF para. 170 which requires planning policies to contribute to and enhance the natural and local environment by protecting sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality in the development plan.</p>

NDP policy	Regard to national policies
<p>Policy ABY8: Local Green Spaces</p> <p>The following areas of land shown on Plan 8 are designated as Local Green Space:</p> <ol style="list-style-type: none"> 1. LGS1 St. Mary’s Churchyard 2. LGS2 Abberley Village Green 3. LGS3 St. Michael’s Churchyard 4. LGS4 Village Hall green space 5. LGS5 Rosedale, Abberley Common 6. LGS6 Abberley Parish Quarry. <p>Development that would result in the loss or partial loss of the Local Green Spaces will not be supported unless very special circumstances arise which outweigh the need for protection.</p>	<p>Policy ABY8 provides for the designation of Local Green Space in accord with the provisions of NPPF paras. 99-101. The designations are consistent with the local planning of sustainable development and investment in homes, jobs and services. The NDP considers the social, economic and environmental aspects of sustainable development together in its Vision, objectives and policy ABY1. All the designations are capable of enduring beyond 2031, and meet the requirements of NPPF para. 100 as explained in the NDP.</p>
<p>Policy ABY9: Building design</p> <p>Development proposals should maintain and enhance the local distinctiveness of the Abberley Neighbourhood Area, achieve a high quality of sustainable design, enable healthy lifestyles and support local resilience to climate change by:</p> <ol style="list-style-type: none"> 1. having regard to the design guidelines set out in the Abberley Design Guide. A Design and Access Statement or similar should be provided to show how the design guidelines have been addressed and positively influenced the proposed design solution. Proposals for historic farmsteads should be sensitive to their distinctive character, materials and form; and 2. incorporating sustainability measures to include building orientation and design, energy and water conservation, sustainable construction methods and materials, the generation of renewable energy (particularly for affordable and shared ownership homes), and provision for the recycling of waste, cycle storage, communications and broadband technologies, and electric vehicle charging points. All new housing should achieve the highest standards of energy conservation, being ideally 	<p>Policy ABY9 seeks to achieve a high quality of design reflecting NPPF chapter 12 which sees good design as a key aspect of sustainable development (para. 124). In accord with NPPF para. 126, the Abberley Design Guide has been prepared to provide maximum clarity about design expectations at an early stage. The policy also supports designs promoting a high level of sustainability (NPPF para. 131) and the reduction of greenhouse gas emissions (NPPF para. 150).</p> <p>The policy aims to prevent new and existing development from contributing to or being affected by unacceptable levels of pollution (NPPF para. 170 e).</p>

NDP policy	Regard to national policies
<p>carbon neutral whilst as a minimum complying with Building Regulations. The estimated consumption of wholesome water per dwelling, calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day; and</p> <ol style="list-style-type: none"> 3. being capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated, not resulting in additional on-road parking, and promoting walking and cycling; and 4. avoiding creating unacceptable impacts on residential amenity and the tranquillity of the countryside from noise, volume and nature of traffic generated, dust or odour. External lighting should avoid undue adverse impacts on amenity, wildlife and dark skies; and 5. locating and designing new housing to avoid adverse impacts on the amenity of the future occupants from the operation of existing uses, including agricultural, business and community uses, where such impacts could lead to unreasonable restrictions being placed on them. <p>Modern design approaches which take an innovative approach, including to energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.</p>	
<p>Policy ABY10: Abberley Conservation Area</p> <p>Development proposals within Abberley Conservation Area or its setting should preserve or enhance its character or appearance, having regard to its significance and special interest as set out in the Appraisal and Management Strategy. Proposals will be supported provided that they:</p> <ol style="list-style-type: none"> 1. serve to preserve or positively enhance the Conservation Area by virtue of their use, character and design; and 2. avoid any demolition of a building or structure if its loss would be 	<p>Policy ABY10 has regard to national policy in NPPF chapter 16 which deals with conserving and enhancing the historic environment. It provides criteria for the assessment of development proposals informed by the Conservation Area Appraisal and Management Strategy. The Appraisal and Strategy sets out the key characteristics which give the Conservation Area its significance and special architectural and historic interest.</p>

NDP policy	Regard to national policies
<p>harmful to the character of the Conservation Area; and</p> <ol style="list-style-type: none"> 3. respect the prevailing density of buildings and their plan form, recognising the variations that occur in these factors within the Conservation Area; and 4. reflect the size, height, scale, form, proportions and detailing of the existing and surrounding built form; and 5. use local materials and vernacular techniques wherever possible; and 6. ensure that any extensions and service buildings are subsidiary to the main property, are not unduly prominent in the street scene, and use sympathetic materials to the main property; and 7. retain the important views, open spaces, boundary features, trees and hedgerows identified in the Appraisal and Management Strategy; and 8. specify local materials or native species for any new boundary treatments such as walls, railings, fencing or hedging; and 9. preserve the open countryside setting of the Conservation Area. 	
<p>Policy ABY11: Employment and farm diversification</p> <p>Development proposals for employment uses and farm diversification in accord with SWDP 12 or its successor will be supported provided that:</p> <ol style="list-style-type: none"> 1. they are of a scale, type and nature appropriate to their location and setting; and 2. the impacts on highway safety and capacity are or can be made acceptable, with adequate parking provided for staff, delivery vehicles and visitors; and 3. there are no undue impacts on residential or visual amenity, or on the built and natural environments. 	<p>Policy ABY11 supports the sustainable economic growth and expansion of businesses in the Neighbourhood Area as set out in NPPF para. 83.</p> <p>It recognises that opportunities to meet business needs may arise outside existing settlements (NPPF para. 84).</p>

NDP policy	Regard to national policies
<p>Policy ABY12: Local retail and other services</p> <p>Proposals for the expansion of existing local retail and other services within the Neighbourhood Area or for new such provision will be supported provided that they:</p> <ol style="list-style-type: none"> 1. are of a scale appropriate to the location; and 2. make full use of opportunities to provide access by sustainable modes of travel; and 3. avoid undue impact on residential or other local amenity; and 4. provide sufficient parking to accommodate the vehicles of all users and staff. <p>Wherever possible, use should be made of sites which are physically well-related to Abberley Common, and of existing buildings in preference to new development.</p>	<p>Policy ABY12 supports the expansion and development of accessible local retail and other services as part of supporting a prosperous rural economy in line with NPPF para. 83 d).</p> <p>It also takes account of NPPF para. 92 which requires planning policies to plan positively for the provision and use of community facilities such as local shops and other local services to enhance the sustainability of communities and residential environments.</p>

4. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

4.1 The making of the Abberley NDP will contribute to the achievement of sustainable development.

4.2 The NPPF explains that achieving sustainable development means that the planning system has three overarching objectives:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.3 The NPPF emphasises that these objectives are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the objectives. The objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.4 The three objectives are then set out in greater detail in subsequent chapters of the NPPF. Section 3 of this Statement explains how the NDP has had regard to national policy and advice, and thus how it will contribute to the achievement of sustainable development.

4.5 The NDP is also considered to be in general conformity with the strategic policies of the SWDP (see section 5). The SWDP sets out a development strategy and settlement hierarchy to achieve the sustainable development of South Worcestershire based on economic, social and environmental roles. These echo the three objectives defined in the NPPF. The NDP will deliver sustainable development by virtue of setting out a balanced set of policies which address each of the strategic roles.

4.6 Policy ABY1 establishes that the NDP will play an active role in guiding development in the Neighbourhood Area to a sustainable solution. The aim will be to consider how individual proposals contribute to sustainability, assessed across economic, social and environmental objectives, to best deliver the NDP’s vision and objectives. Importantly the policy approach recognises the interdependence of the objectives and the need to take into account the character, needs and opportunities of the Neighbourhood Area. Table 2 sets out how the Plan’s other policies will help achieve sustainable development, by contributing to each of the three national objectives.

Table 2: Sustainable development

Sustainable development objective	How the Abberley NDP contributes
Economic	<p>The Vision includes that by 2030 Abberley will be a location which supports successful and environmentally-sustainable farming enterprises and other small businesses, providing local employment, and where high-quality and sustainable community services are available.</p> <p>Relevant objectives are to support local employment of a type and scale appropriate to the rural character of the parish and the provision of new local retail and other services.</p> <p>Plan policies directly address the economic objective by:</p> <ul style="list-style-type: none"> • Supporting the retention of existing community facilities and providing planning policy criteria for new provision (policy ABY4). • Providing planning policy criteria for the design of proposed development, giving guidance to those bringing proposals forward and to decision makers (policy ABY9). • Supporting proposals for employment and farm diversification (policy ABY11) and local retail and other services (policy ABY12). <p>Other NDP policies support the economic objective indirectly. Policies addressing the social objective help to maintain and promote a thriving rural community and thus demand for goods and services. Policies addressing the environmental objective serve to protect, conserve and enhance the natural and historic environments, providing a stable basis for economic activity.</p> <p>As well as its planning policies, the NDP sets out other actions which the Parish Council will undertake to contribute to the economic objective, including working with Worcestershire County Council and others on aspects of local highways and transport provision, and by promoting and supporting improvements to communications and broadband infrastructure.</p>

Sustainable development objective	How the Abberley NDP contributes
Social	<p>The Vision includes that by 2030 Abberley will be a home for healthy and thriving local communities, where the differing housing needs of all ages (including those of the younger generation) can be met and where high-quality and sustainable community services are available, with additional provision delivered by or in step with new development.</p> <p>Relevant objectives are to help meet housing requirements by requiring a mix of type of properties in line with community needs; by providing for the development of land at The Orchard, Abberley Common so as to deliver the SWDP allocation for this site consistent with settlement character; and to sustain and improve the health and wellbeing of the community by retaining, protecting and enhancing community facilities.</p> <p>Plan policies directly address the social objective by:</p> <ul style="list-style-type: none"> • Requiring new housing to contribute to meeting housing needs (policy ABY2). • Providing design principles to shape, direct and help to deliver new housing at Land at The Orchard (policy ABY3). • Supporting the retention of existing community facilities and proposals for new provision (policy ABY4). • Maintaining local distinctiveness and fostering community identity by protecting landscape character and key views (policies ABY5 and ABY6), local features of biodiversity and geodiversity interest (policy ABY7), Abberley Conservation Area (policy ABY10), and requiring a high quality of design in new development, including consideration of the amenity of existing and future occupants (policy ABY9). • Designating and protecting Local Green Spaces which are demonstrably special to the community and hold a particular local significance (policy ABY8). • Supporting the expansion and development of accessible local retail and other services (policy ABY12). <p>Other NDP policies support the social objective indirectly. Policies addressing the economic objective enable local employment opportunities by supporting proposals for the creation or expansion of small-scale business enterprises. Policies addressing the environmental objective serve to protect the Neighbourhood Area's built and natural environments which contributes to the sense of place and community identity.</p> <p>As well as its planning policies, the NDP sets out other actions which the Parish Council will undertake to contribute to the social objective, including on highway and public transport matters, communications and broadband, community information, and community facilities.</p>

Sustainable development objective	How the Abberley NDP contributes
Environmental	<p>The Vision includes that by 2030 Abberley will be a sustainable rural environment where the distinctive character of the villages, important green spaces, the separation between settlements, the natural beauty of the landscape, wildlife and historic heritage are conserved and enhanced, providing an attractive and peaceful countryside for all to enjoy.</p> <p>Relevant objectives are to protect, enhance and strengthen the distinctive landscape character of the Neighbourhood Area; to identify and safeguard key public views of the landscape and settlements; to identify and safeguard Local Wildlife Sites and Local Geological Sites, as well as other features of biodiversity or geodiversity interest; and to protect green areas of particular importance to the local community by designating them as Local Green Space.</p> <p>Plan policies directly address the environmental objective by:</p> <ul style="list-style-type: none"> • Protecting landscape character and key views (policies ABY5 and ABY6). • Identifying local features of biodiversity and geodiversity interest (policy ABY7). • Designating and protecting Local Green Spaces which are demonstrably special to the community and hold a particular local significance (policy ABY8). • Requiring a high quality of design in new development (policy ABY9). • Providing planning policy criteria to ensure that development proposals preserve or enhance the character or appearance of Abberley Conservation Area (policy ABY10). <p>Other NDP policies support the environmental objective indirectly. Policies addressing the social objective help to promote the health, social and cultural well-being of the community by making use of the local environment in varying ways including informal recreation. Policies addressing the economic objective support the continued availability of goods and services locally, reducing the need to travel.</p> <p>As well as its planning policies, the NDP sets out other actions which the Parish Council will undertake to contribute to the environmental objective. These include actions to recognise the special qualities of the Abberley Hills landscape, to record old oak trees, and in respect of non-designated heritage assets.</p>

5. GENERAL CONFORMITY WITH STRATEGIC POLICY

- 5.1 The Abberley NDP is in general conformity with the strategic policies contained in the development plan for the area, the SWDP.⁵ Guidance on which policies in the SWDP are considered strategic has been provided by the South Worcestershire Councils.⁶ The response by Malvern Hills District Council to the draft Plan does not raise any issues of general conformity.
- 5.2 Table 3 sets out how each of the NDP’s policies align with relevant policies in the SWDP. These are identified as strategic or non-strategic on the basis of the guidance provided for this purpose by the South Worcestershire Councils.

Table 3: General conformity of NDP policies with strategic policies.

NDP policy	General conformity with SWDP policy
Policy ABY1: Sustainable development	Policy ABY1 is in general conformity with the SWDP. It adds local detail as to the social, economic and environmental dimensions of sustainable development in the Neighbourhood Area.
Policy ABY2: Type of new housing	Policy ABY2 is in general conformity with strategic policy SWDP 14 <i>Market Housing Mix</i> . It adds local detail on the size and type of housing that is required to meet needs in the Neighbourhood Area.
Policy ABY3: Criteria for development of Land at The Orchard	Policy ABY3 is in general conformity with strategic policy SWDP 59 <i>New Housing for Villages</i> . It adds more detail to the SWDP allocation (SWDP 59/1), setting out planning criteria to guide the development of the site.
Policy ABY4: Community facilities	Policy ABY4 is in general conformity with non-strategic policy SWDP 37 <i>Built Community Facilities</i> . It adds local detail by identifying the community facilities in the Neighbourhood Area covered by the policy.
Policy ABY5: Landscape character	Policy ABY5 is in general conformity with non-strategic policy SWDP 25 <i>Landscape Character</i> . It adds local detail by setting out relevant criteria for the consideration of development proposals.

⁵ https://www.wychavon.gov.uk/south-worcestershire-development-plan?page_id=12262

⁶

https://www.malvernhillsgov.uk/?option=com_fileman&view=file&routed=1&name=Strategic_Policies_Neighbourhood%20Planning.pdf&folder=Documents%2FPlanning%2FPlanning%20Policy%2FNeighbourhood%20Planning&container=fileman-files

NDP policy	General conformity with SWDP policy
Policy ABY6: Key Views	Policy ABY6 is in general conformity with non-strategic policy SWDP 25 <i>Landscape Character</i> , to which it adds local detail by identifying key views of the Neighbourhood Area.
Policy ABY7: Biodiversity and Geodiversity	Policy ABY7 is in general conformity with strategic policy SWDP 22 <i>Biodiversity and Geodiversity</i> . It adds local detail by identifying sites of biodiversity or geological value in the Neighbourhood Area.
Policy ABY8: Local Green Spaces	Policy ABY8 is in general conformity with non-strategic policy SWDP 38 <i>Green Space</i> . It adds detail by identifying areas for designation as Local Green Space which are of particular importance to the community.
Policy ABY9: Building design	Policy ABY9 is in general conformity with strategic policy SWDP 21 <i>Design</i> . It adds local detail by referencing the Abberley Design Guide and by reflecting issues of concern as expressed in replies to the questionnaire survey.
Policy ABY10: Abberley Conservation Area	Policy ABY10 is in general conformity with non-strategic policy SWDP 24 <i>Management of the Historic Environment</i> , adding local detail by setting criteria for the consideration of development proposals affecting the Conservation Area.
Policy ABY11: Employment and farm diversification	Policy ABY11 is in general conformity with strategic policy SWDP 12 <i>Employment in Rural Areas</i> , adding local detail by setting criteria for employment and farm diversification proposals in the Neighbourhood Area.
Policy ABY12: Local retail and service facilities	Policy ABY12 is in general conformity with strategic policy SWDP 10 <i>Protection and Promotion of Centres and Local Shops</i> . It adds local detail by setting criteria for such development in the Neighbourhood Area.

6. EU OBLIGATIONS

6.1 The Abberley NDP is compatible with European Union obligations as detailed in Table 4 and as transposed into UK law.

Table 4: EU obligations

EU Obligation	Compatibility of the Abberley NDP
<p>Strategic Environmental Assessment (SEA) Directive</p> <p>Habitats Directive</p>	<p>In February 2020 Abberley Parish Council requested Malvern Hills District Council as the responsible authority to determine whether or not a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA) were required for the NDP. The draft NDP was provided to the District Council for the purposes of the assessment. A draft Screening Opinion report was prepared by the District Council in March 2020, on which Natural England, Historic England and the Environment Agency were consulted in accordance with the regulations.</p> <p>The District Council concluded in its final Screening Opinion report (April 2020) that:</p> <p><i>“The SEA screening exercise featured in Section 2 concludes that the draft Abberley Neighbourhood Development Plan will not require a full Strategic Environmental Assessment to be undertaken. This is because the Abberley Neighbourhood Development Plan is considered to be in general conformity with the SWDP and does not deviate from the land allocations for development made in the SWDP.</i></p> <p><i>The HRA screening exercise featured in Section 3 concludes that the draft Abberley Neighbourhood Development Plan does not require a full Habitats Regulation Assessment Appropriate Assessment to be undertaken. There are no internationally designated wildlife sites within the Abberley Neighbourhood Area, with only Lyppard Grange falling within a 20km radius. The impact on this site and others as a result of the land allocations contained within the SWDP has been assessed in the SWDP Habitats Regulation Assessment Appropriate Assessment, and as the Abberley Neighbourhood Development Plan is considered to be in general conformity with the SWDP and does not deviate from the land allocations for development made in the SWDP, the recommendation is made that a full Appropriate Assessment is not required.</i></p> <p><i>Both of the above mentioned recommendations were subject to consultation with the statutory environmental bodies (i.e. the Environment Agency, Historic England and Natural</i></p>

EU Obligation	Compatibility of the Abberley NDP
	<p><i>England); the five week consultation period ran from Thursday 5 March until 5pm on Thursday 9 April 2020. ... in short all three statutory environmental bodies agreed that neither a full SEA or HRA Appropriate Assessment are required."</i></p> <p>Following this opinion, regulation 14 consultation on the draft NDP was held between 29 June 2020 and 24 August 2020. No material changes have arisen from the consultation in respect of the above Screening Opinions. The requirements of the SEA and Habitats Directives are considered to have been met.</p>
Water Framework Directive	<p>The SWDP addresses the achievement of the Water Framework Directive in South Worcestershire, including by SWDP 29 <i>Sustainable Drainage Systems</i> and SWDP 30 <i>Water Resources, Efficiency and Treatment</i>. The NDP has been prepared within the context of these policies. None of the NDP's objectives or policies are directly relevant to or affect the Water Framework Directive.</p>
Human Rights	<p>The NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance, and South Worcestershire strategic and other planning policies. In accordance with established process, its preparation has included consultation with the local community and it is subject to independent examination. The policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights.</p>