

Hallow Neighbourhood Development Plan (HNDP)

Basic Conditions Statement

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

Hallow Parish Council

With assistance from



1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

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

e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

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

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

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

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

2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Hallow Parish Council (HPC). The area was designated by Malvern Hills District Council on 14th July 2017.

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

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

The HNBP states the period for which it is to have effect. That period is from 2020 to 2041 (the same period as the South Worcestershire Development Plan Review - https://www.swdevelopmentplan.org/?page_id=13748).

2.4 The policies do not relate to excluded development

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

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

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

3.0 Basic Conditions

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

3.1 The HNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, February 2019)².

Achieving Sustainable Development (NPPF, section 2)

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the HNDP delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	HNDP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>The HNDP supports this objective by identifying a site for new housing development (Policy HAL1) and by seeking to protect local shops (Policy HAL10).</p>
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with</i></p>	<p>The HNDP supports this objective by identifying a site for new housing development (Policy HAL1) and meeting local housing needs (Policy HAL2); by seeking to protect community facilities and local shops (Policy HAL10); and by protecting local green spaces (Policy HAL6) and recreation facilities (Policy HAL11).</p>

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

NPPF Overarching Objectives	HNDP Policies and Proposals
<i>accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;</i>	
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The HNDP meets this national sustainable development objective by including a comprehensive set of policies to protect natural and built heritage:</p> <ul style="list-style-type: none"> HAL4 – Landscape HAL5 – Dark Skies HAL6 – Local Green Spaces HAL7 – Important Views HAL8 – Green Infrastructure HAL9 – Biodiversity HAL12 – Hallow Conservation Area HAL13 – Archaeological Assets

Plan Making (NPPF, section 3)

3.4 In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the HNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	HNDP
<p>a) be prepared with the objective of contributing to the achievement of sustainable development;</p>	<p>The HNDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.</p>

NPPF Plan Making	HNDP
b) be prepared positively, in a way that is aspirational but deliverable;	The HNDP has been prepared positively to support new housing development and to meet the indicative housing requirement 2021-2041 set for Hallow by the South Worcestershire Councils.
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>All the policies have been prepared through an extensive and thorough approach to community engagement. This has led to regular and constructive involvement of the local community in the plan-making process.</p> <p>The accompanying Consultation Statement sets out the details of the extensive and wide ranging community consultation and engagement activities which have been undertaken at all stages of the HNDP's preparation.</p> <p>At each consultation stage representations have been considered carefully and appropriate amendments to the HNDP made.</p>
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The HNDP policies and proposals have been prepared by a Steering Group on behalf of the Parish Council, with support from a planning consultant and planning officers at Malvern Hills District Council. Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	<p>Updates and documents have been provided on the HNDP website at all stages of plan preparation:</p> <p>https://www.hallowpc.co.uk/neighbourhood-development-plan</p>

NPPF Plan Making	HNDP
	Responses by email were invited at informal and formal consultation stages.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The HNDP has been amended and updated to reduce duplication with policies in the South Worcestershire Development Plan (SWDP). Again, it is understood that the Examination may lead to further changes to policies and supporting text.

The Plan Making Framework (NPPF, section 3)

- 3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The HNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the SWDP. The supporting text for the HNDP policies refers to strategic policies, where relevant.

Non-strategic policies (NPPF, Section 3)

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

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

- 3.8 Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The South Worcestershire Councils have provided an indicative housing requirement for Hallow 2021-2041. This has been used as the basis for identifying a site allocation at Greenhill Lane.

Promoting healthy and safe communities (NPPF, section 8)

- 3.9 Paragraph 91 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The HNPP includes policies which protect and encourage investment in community facilities, policy to protect local green spaces and recreation sites. The plan seeks to promote health and wellbeing through its design policy (HAL3) and by promoting active forms of travel (HAL14).

Promoting sustainable transport (NPPF, section 9)

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 102). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 104 of NPPF sets out that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking. Policy HAL14 of the HNPP seeks to reduce reliance on the private car and increase opportunities for active travel (use of public transport, walking and cycling). Policy HAL14 also includes a range of specific neighbourhood area projects to help achieve this objective.

Achieving well-designed places (NPPF, section 12)

- 3.11 Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The HNPP includes policies to protect landscape character, improve accessibility for all and to promote good housing design. The plan is also accompanied by a *complementary Hallow Design Guide*.

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

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 148). The HNDD does not include a specific policy on flooding – this is left to national and strategic planning policy. Taken as a whole the plan’s policies that seek to protect key environmental assets, reduce the need to travel and encourage high quality design will help to reduce the impacts of climate change.

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

- 3.13 Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. The HNDD includes policies to protect landscape, dark skies, local green spaces, important views, green infrastructure and biodiversity.

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

- 3.14 Paragraph 184 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The HNDD includes policies to protect landscape character, green infrastructure, local green spaces, and development management policy for the Conservation Area and a separate policy on archaeology.

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

- 3.15 The HNDD took account of designated heritage assets during its preparation, including the Conservation Area and listed buildings.

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

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

- 3.16 The NDP area does include a Conservation Area. Where necessary this has been considered when preparing the HNDD.

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

Basic condition d. Contributes to the achievement of sustainable development

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

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

3.18 The Submission HNNDP is in general conformity with strategic Local Plan policies contained in the adopted South Worcestershire Development Plan (SWDP). Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the SWDP.

Table 3 General Conformity with Strategic Planning Policies in the South Worcestershire Development Plan (SWDP)

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
<p>Policy HAL1 – Development of Land at Greenhill Lane</p>	<p>SWDP2: Development Strategy and Settlement Hierarchy</p> <p>SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery</p> <p>SWDP 59: New Housing for Villages</p>	<p>SWDP2: Development Strategy and Settlement Hierarchy</p> <p>The development strategy is driven by the SWDP Vision and associated objectives. The adopted strategy seeks to direct development to urban areas, in particular Worcester and the main towns, that have the greatest housing needs and are locations where the cost of public service delivery is relatively low. In order to deliver the social objectives of sustainable development, some growth is directed to those rural settlements (Category 1, 2 and 3 villages) that enjoy a reasonable range of local services.</p> <p>Hallow is identified as a Category 1 Service Village. Such settlements occupy the Fourth position in the settlement hierarchy.</p>

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>A number of housing sites of an appropriate local scale are allocated in Category 1 villages to address the need for housing and to support local services. Allocations SWDP59/5 Land north of Orchard Close, SWDP59d Land at Braithwaite's Yard, SWDP59zk Former Royal Oak Public House, Main Road and SWDP59zzi Land south of Greenhill Lane. These allocations total 93 units.</p> <p>A development boundary is also set for Hallow, Map 5 in the HNPD. Infill development for is acceptable within principle in these boundaries.</p> <p>The Hallow NDP does not seek to amend the development boundary. This is matter is left to the SWDP Review.</p> <p>The Hallow NDP seeks to allocate a site for development at Greenhill Lane. This site has been selected after a call for sites and site appraisal. The site will seek to meet the indicative housing target supplied to the Parish Council by the South Worcestershire Councils. The indicative housing target informs the SWDP Review, this will cover the period 2021 to 2041.</p> <p>The approach adopted by the Parish Council in the HNPD is in general conformity with the</p>

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>adopted SWDP for the following reasons it will:</p> <ol style="list-style-type: none"> 1. address future housing needs and support local services; 2. ensure the open character of the Significant Gap; 3. be of an appropriate scale and type with regard to the size of the settlement, local landscape character , location and the availability of infrastructure (SWDP2F); and 4. it is a development proposals promoted through a neighbourhood planning mechanisms, that does not compromise the delivery of the SWDP's strategic policies and proposals (SWDP2H). <p><u>SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery</u></p> <p>The allocation of the site at Greenhill Lane is in general conformity with Policy SWDP3 that sets the housing requirement for South Worcestershire and its sub-areas 2006-2030. This figure is being reviewed as part of the SWDP Review and an indicative housing requirement has been provided to the Parish Council. This figure is for the period of SWDP</p>

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>Review – 2021-2041. Although the HNPD cannot be in general conformity with an emerging plan, the use of this indicative figure is in line with national planning policy (paragraphs 65 and 66) and the guidance on neighbourhood plans and emerging plans contained in the National Planning practice Guide.</p> <p>SWDP 59: New Housing for Villages Policy HAL1 is in general conformity with Policy SWDP59. This Policy has two criteria: criterion (A) that allows for residential development on allocated sites; and criterion (B) that states:</p> <p>“In addition to A, housing proposals in all villages will be permitted where they comply with SWDP 2 B and fall into one or more of the following categories:</p> <ul style="list-style-type: none"> i. Located on land within defined development boundaries, as identified on the Policies Map, where they comply with relevant other Plan policies. ii. Local initiatives including Neighbourhood Plans, Community Right to Build Orders and Neighbourhood Development Orders. iii. Rural Exception Sites (see SWDP 16).”

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		The HNDP satisfies criterion (B) ii and the settlement hierarchy identified in Policy SWDP2 B.
Policy HAL2 – Housing Need	<p>SWDP 14: Market Housing Mix</p> <p>SWDP 15: Meeting Affordable Housing Needs</p> <p>SWDP 20: Housing to Meet the Needs of Older People</p>	<p>Policy HAL2 is in general conformity with Policy SWDP 14. This policy sets out the following:</p> <p>“A. All new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment and / or other local data, for example, Neighbourhood Plans, Parish Surveys, Parish Plans and developers’ assessments.”</p> <p>Policy HAL2 of the HNDP using data obtained in the <i>Community Survey</i> and <i>Housing Needs Survey</i> seeks to ensure that development proposals of 5 or more units (subject to viability constraints) address particular identified local needs, namely:</p> <ul style="list-style-type: none"> • Affordable housing (particularly 1 bedroom social rented units) • Affordable and open market 1 and 2 bedroom homes (e.g. starter homes for young people or homes for older people wishing to downsize)

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<ul style="list-style-type: none"> • Bungalows of different tenures <p>Policy HAL2 is also in general conformity with Policy SWDP 15: Meeting Affordable Housing Needs, this policy seeks to provide on-site affordable housing on sites of 5 dwellings or more. This threshold is used in the HNDP and the HNDP then provides further policy guidance on the type of affordable housing to be given particular consideration.</p>
<p>Policy HAL3 – Housing Design</p>	<p>SWDP 21: Design</p>	<p>Policy HAL3 is in general conformity with Policy SWDP21: Design of the SWDP. Both policies seek development of high quality.</p> <p>Policy HAL3 seeks to ensure new development retains and enhances the defining characteristics of the area of Hallow, Shoulton, Little Eastbury/Parkfield and the surrounding countryside in which it is situated. This is consistent with the approach in SWDP21A that requires development to “to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness”.</p> <p>Policy HAL3 requires applicants to demonstrate how a development proposal has taken account of, and been designed to incorporate, the recommended approach for each design element set out in the Hallow Design Guide. This approach is in general</p>

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>conformity, but provides more detailed local, non-strategic policy, with that in SWDP21 identifies 15 separate design elements.</p> <p>The final section of HAL3 seeks to provide detailed local, non-strategic policy on health and well-being. These elements are also in general conformity with the 15 detailed elements in Policy SWDP21.</p>
Policy HAL4 - Landscape	SWDP 25: Landscape Character	Policy HAL4 provides more detailed, local, non-strategic planning policy on landscape matters. This approach uses available studies such as the Worcestershire Landscape Character Assessment (referenced in SWDP Policy 25) to identify these detailed requirements. This approach is in general conformity with that in SWDP Policy 25.
Policy HAL5 – Dark Skies	No relevant SWDP policy.	There is no relevant SWDP policy. There is no general conformity issue.
Policy HAL6 – Local Green Spaces	SWDP 38: Green Space	The SWDP does not include a specific policy for the national Local Green Space designation, however, SWDP Policy 38 does protect green spaces identified on the Policies Map. One of these, The Green (HAL6/4) is now identified as a Local Green Space. This policy designation is in general conformity with that in the SWDP.

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>Of the 5 additional spaces, these have been assessed against the national planning policy criteria (paragraph 100, NPPF). Given there is no Local Green Space policy in the SWDP there is no conformity issue.</p>
<p>Policy HAL7 – Important Views</p>	<p>SWDP 25: Landscape Character</p>	<p>Policy HAL7 identifies locally important views. These views should not be substantially harmed by new development.</p> <p>This approach is in general conformity with Policy SWDP25 of the SWDP that seeks a Landscape and Visual Impact Assessment (LVIA) for all major development proposals and for other proposals where they are likely to have a detrimental impact upon:</p> <ul style="list-style-type: none"> i. A significant landscape attribute; ii. An irreplaceable landscape feature; or iii. The landscape as a resource. <p>By providing more detailed non-strategic policy on important views in Hallow applicants and decision-makers are provided with additional guidance on which views are considered important by local people.</p>
<p>Policy HAL8 – Green Infrastructure</p>	<p>SWDP 5: Green Infrastructure</p>	<p>Policy HAL8 identifies the Green Infrastructure (GI) network in the neighbourhood area. This is based, in part on the Environmental Character Map referenced in SWDP Policy 5.</p>

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		<p>By mapping this resource the HNDDP provides more detailed non-strategic guidance on GI.</p> <p>Policy HAL8 also identifies local policy criteria for development that impacts on the neighbourhood area's GI. This approach is consistent with SWDP5.</p> <p>Policy HAL8 is in general conformity with the SWDP.</p>
Policy HAL9 - Biodiversity	SWDP 22: Biodiversity and Geodiversity	Policy HAL9 seeks to ensure new development (where appropriate) provides a net gain biodiversity. This approach is in general conformity with Policy 22F of the SWDP that seeks to wherever practicable ensure development is designed to enhance Biodiversity.
Policy HAL10 – Community Facilities and Local Shops	SWDP 10: Protection and Promotion of Centres and Local Shops SWDP 37: Built Community Facilities	<p>Policy HAL10 identifies 4 local community facilities that will be protected under the provisions of SWDP Policy 37. This approach is in general conformity with the SWDP.</p> <p>Policy HAL10 also identifies two local shops for protection under the provisions of SWDP Policy 10I. This approach is in general conformity with SWDP Policy 10.</p>
Policy HAL11 - Recreation	SWDP 38: Green Space	Policy HAL11 seeks to protect 5 local recreation facilities. One of these, the playing fields and pavilion are protected as green

Hallow NDP Policies	South Worcestershire Development Plan	General Conformity
		space under SWDP Policy 38. The additional 4 spaces are now allocated and protected under the provisions of SWDP38. This approach is in general conformity with the SWDP.
Policy HAL12 – Hallow Conservation Area	SWDP 24: Management of the Historic Environment	Policy HAL12 sets out specific detailed policy for Hallow Conservation Area, this approach is in general conformity with SWDP Policy 24 that sets out high-level strategic planning policy for the management of the historic environment.
Policy HAL13 – Archaeological Assets	SWDP 24: Management of the Historic Environment	Policy HAL13 sets out specific detailed policy for Hallow’s archaeological assets, this approach is in general conformity with SWDP Policy 24 that sets out high-level strategic planning policy for the management of the historic environment.
Policy HAL14 – Sustainable Transport	SWDP 4: Moving Around South Worcestershire	<p>Policy HAL14 seeks to reduce reliance on the private car and increase opportunities for active travel and identifies a number of local initiatives to accomplish this.</p> <p>This approach is in general conformity with SWDP4 that seeks to “minimise demand for travel, they offer genuinely sustainable travel choices”.</p>

Basic condition f. Be compatible with EU obligations

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

Strategic Environmental Assessment (SEA)

- 3.21 To meet the 'basic conditions' which are specified by law a neighbourhood development plan must be compatible with EU obligations. Furthermore, as 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.
- 3.22 A Strategic Environmental Assessment Screening was undertaken on the HNDP by Malvern Hills District Council in May 2020 (https://07b42b99-8750-40db-9857-b899f469b7bf.filesusr.com/ugd/edc28a_7e9c223cb0704df1a7e7f1ec4af33b43.pdf). This concluded that:

“On the requirement for a full SEA, the Environment Agency and Natural England concluded that the draft Hallow Neighbourhood Plan was unlikely to give rise to a significant impact on a European site and as such a full SEA was not required, whilst Historic England deferred to the advice of Malvern Hills District Council’s own Archaeology and Conservation Officers. The advice received from Malvern Hills District Council’s Archaeology and Planning Adviser and Senior Conservation Officer can be found at Appendix 1, but in summary it was determined that a full SEA would not be required.”

- 3.23 The full report is submitted alongside the HNDP.

Requirement for Habitats Regulations Assessment (HRA)

- 3.24 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context

of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.

3.25 The HRA Screening was undertaken on the HNDP by Malvern Hills District Council in May 2020. This concluded that:

“On the requirement for a HRA AA, the statutory environmental bodies unanimously agreed that a HRA AA was not required.”

European Convention on Human Rights

3.26 The Submission HNDP 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 HNDP has been produced in full consultation with the local community. The HNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

3.27 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

3.28 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

3.29 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 HNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

3.30 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

3.31 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 HNDP in full

consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

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

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

Hallow Parish Council

With assistance from



www.kirkwells.co.uk

September 2020