

Broadwas and Cotheridge Neighbourhood Development Plan 2019

Basic Conditions Statement

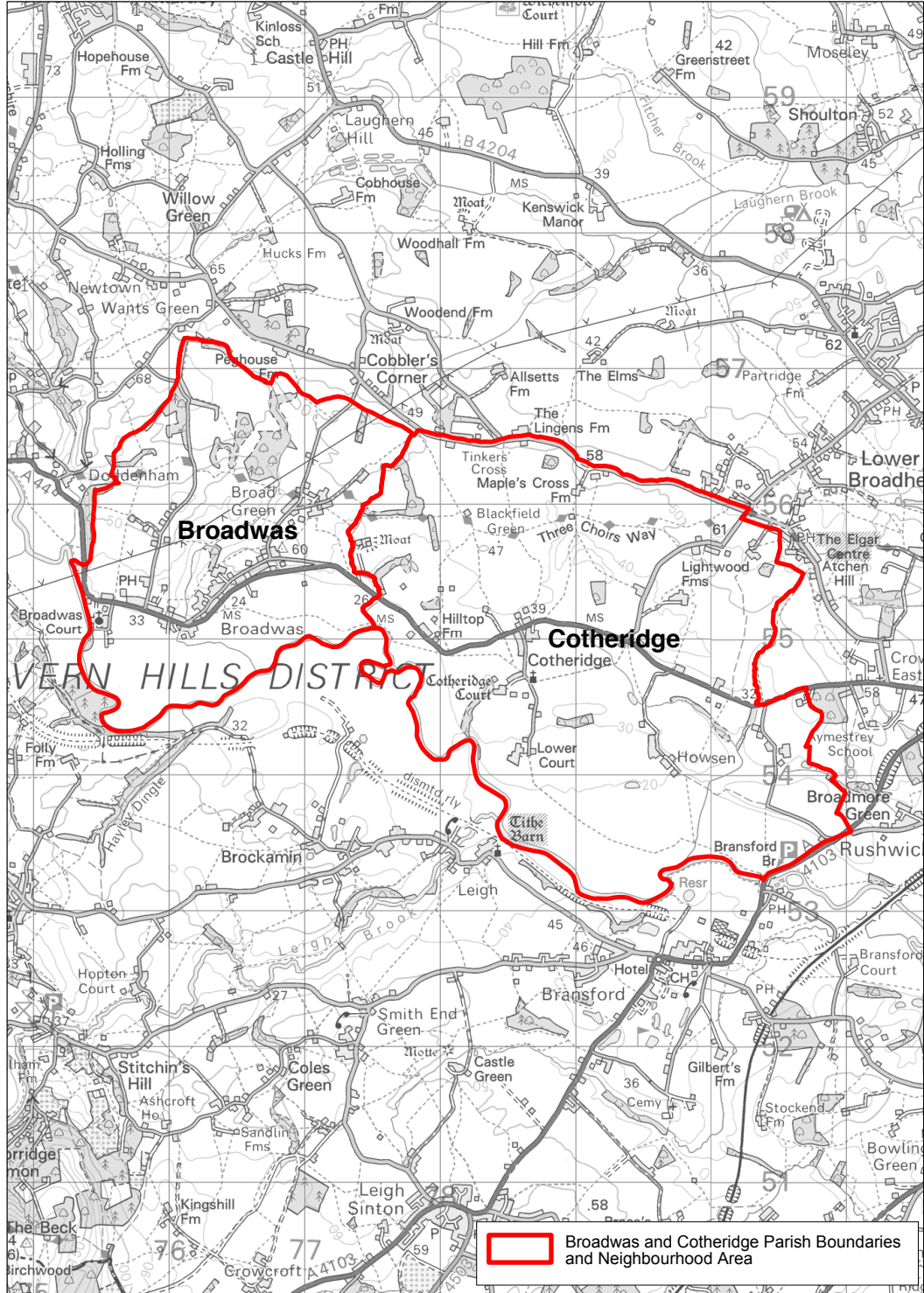
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1. Introduction
- 1.1 Broadwas and Cotheridge Parish Council serves two adjacent parishes in Malvern Hills District Council (MHDC), Worcestershire. In May 2016 the Parish Council applied to MHDC for designation as a Neighbourhood Planning Body in accordance with The Neighbourhood Planning (General) Regulations 2012, regulation 5. The designation was agreed in June 2016 for the area shown in the map below. Work has proceeded on the Proposed Neighbourhood Development Plan (NDP) as further explained below and this **Basic Conditions Statement** has been prepared to accompany the submission of the Plan for examination in accordance with Regulation 15 (d).
- 1.2 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that NDPs must meet the following conditions:
 - i. The draft NDP must have appropriate regard to the national policies and advice contained in the National Planning Policy Framework (the “Framework”) the most recent version of which was published in July 2018 and came into effect for all development plans submitted after 24th January 2019.
 - ii. The draft NDP must contribute to the achievement of Sustainable Development (as defined in the Framework)
 - iii. The draft NDP must be in general conformity with the strategic policies contained in the development plan for the area, in this case the South Worcestershire Development Plan (SWDP), and
 - iv. The draft NDP must meet the relevant EU obligations.
- 1.3 The Statement that follows sets out the various aspects of these conditions and explains how the NDP meets the necessary tests.

Broadwas and Cotheridge Neighbourhood Area



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2. Compliance with legal requirements
 - 2.1 Broadwas and Cotheridge Parish Council is the recognised qualifying body to prepare and submit the Neighbourhood Development Plan (NDP) for the combined area of the two parishes of Broadwas and Cotheridge.
 - 2.2 This NDP:
 - i. is a Neighbourhood Development Plan within the meaning of the Localism Act 2011
 - ii. relates to one NDP Area only and there are no other NDPs in place which overlap within the NDP Area
 - iii. is to have effect for the period from 2019 to 2030 i.e. the period from when the NDP is made to the currently planned end date of the South Worcestershire Development Plan 2016.
 - iv. includes no policies that relate to “excluded development” such as Nationally Significant Infrastructure Policies and “County” matters such as those relating directly to Minerals and Waste (which will be the subject of separate Development Plan Documents to be prepared by Worcestershire Council).
 - 2.3 **The Broadwas and Cotheridge Neighbourhood Development Plan thereby meets the basic legal requirements for submission as a Proposed Neighbourhood Development Plan at this (Regulation 16) stage.**
 - 2.4 The Local Plan (Core Strategy) for the Malvern Hills District is a joint one which has been prepared with Worcester City Council and Wychavon District Council and is the South Worcestershire Development Plan (the SWDP) adopted in 2016 with a target end date of 2030. In due course other Development Plan Documents will be added in accordance with the Local Development Scheme which was re-published in November 2017 and included provision for:
 - SWDP, partial review due to commence in 2019
 - Travellers and Travelling Showpeople Site Allocations and two other significant documents:
 - Community Infrastructure Charging Schedule
 - Statement of Community Involvement

Note that the Community Infrastructure Charging Schedule was adopted in June 2017
 - 2.5 The overall local plan for the area including this NDP will comprise of the NDP itself plus the Development Plan Documents mentioned above although that list may change from time to time as the Local Development Scheme is revised, typically on an annual basis.
 - 2.6 There are also a number of Supplementary Planning Documents prepared by the South Worcestershire Districts and intended to apply throughout the area covered by the SWDP. In preparation of the NDP regard has been paid to these as complementing the role of the NDP although they fall outside the strict legal test of compliance which this NDP must meet. They are (in date order):
 - Developer Contributions – adopted October 2016
 - Affordable Housing – adopted October 2016
 - Planning for Health – adopted September 2017
 - Design Guide – adopted March 2018
 - Renewable and Low Carbon Energy – adopted July 2018
 - Water Management and Flooding – adopted July 2018

3. Contributing to the achievement of Sustainable Development as expressed in the National Planning Policy Framework (the “Framework”).

3.1 The Framework was initially published in 2012 and substantially revised in 2018. The 2018 version included paragraph 214 which stated that:

The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.

Consequently this Basic Condition Statement refers throughout to the 2012 Framework as submission is intended before 24th January 2019.

3.2 The Framework sets out the national planning policy of the Government for England and sets the context for all other planning policy documents and for the determination of planning applications for development.

3.3 The Framework explicitly sets out what is meant by “Sustainable Development” in the English planning context and how it is intended to be achieved taking into account the three principal objectives: economic, social and environmental. The Framework goes on to set out 12 “Core Planning Principles” (Framework paragraph 17) against which the Broadwas and Cotheridge NDP is assessed in the table below. Paragraph 11 of the Framework also explains how the presumption in favour of sustainable development should be applied to development plans.

The twelve core planning principles of the Framework

	Framework principle (taken from Framework paragraph 17)	Evidence of Compliance in the Broadwas and Cotheridge NDP	Relevant policy
1	[plans should] be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood 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>There has been substantial community involvement through the preparation of the NDP, details of which are set out in the Consultation Statement. In summary:</p> <p>The initial consultation with the local community started in May to July 2017 with a combination of Open Days, questionnaires and public meetings. From these sessions a Vision and Objectives were devised and a Steering Group set up to develop a Draft Plan.</p> <p>The Draft Plan was approved by the Parish Council in April 2018 for consultation purposes and the Regulation 14 consultation took place from 17th September to 29th October 2018.</p> <p>The analysis of responses then further informed the Proposed Plan which is now to be submitted.</p>	Whole plan, especially the Vision and Objectives

		The NDP will be reviewed by the Parish Council on a regular basis, as set out in the Monitoring and Implementation section of the Plan, and this will need to be done to take account of any significant changes in the anticipated review of the SWDP.	
2	[plans 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;	The NDP has responded directly to the views of the local community by identifying those issues, especially with regard to Farm Diversification, that have caused concern and which the NDP addresses by interpreting the SWDP policies into the local context. Additionally key (but limited) Local Green Spaces and Key Views have been identified which are regarded as essential to the distinctive character of the two parishes. The re-assessment of the Development Boundary has been undertaken to ensure compliance with the SWDP and has found the support of the local community.	These principles have informed all 10 policies in the NDP
3	[plans should] proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively 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>The NDP approaches the issue of economic development by interpreting the SWDP policies into the local context to allow for job creation through home working, farm diversification and expansion of existing employment sites, whilst retaining the rural character of the area.</p> <p>Improved Broadband is also an important factor in enabling existing and new businesses to thrive in the NDP area.</p> <p>The Development Boundary policy, taken directly from the SWDP after being reviewed, allows for appropriate infill development within Broadwas. In the Open Countryside the relevant SWDP policies will be applied to re-use, conversion and expansion of residential development. Note that the NDP area is within 1 km of the strategic housing allocation of over 2,000 new dwelling in the form of the West Worcester Urban Extension (SWDP Policy 45/2) so</p>	<p>Economic Development: P7</p> <p>P10</p> <p>Residential: P1, P2</p>

		that the strategic housing needs of this part of Worcestershire are provided for close to, but not in, the NDP area.	
4	[plans should] always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings	Considerable efforts have gone into the design policies which reflect local distinctiveness and seek to enhance the quality of development.	P6
5	[plans 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 .	As a rural parish in a rural county “main urban areas” do not form part of the NDP. Likewise the option of formal Green Belt designation is not available on the west side of Worcester and hence is not available to be implemented in this NDP. However the Framework does include provision for “Local Green Spaces” (paragraphs 76 and 77) and the Local Green Spaces policy in the NDP applies these principles in an appropriate and proportionate manner.	P3, P4
6	[plans should] 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)	The sound design principles being promoted in the NDP allow for the use of renewable energy techniques where appropriate, along with appropriate waste storage facilities in new developments along with a specific policy on minimising flood risk especially in form of run-off from development sites. SUDS are encouraged.	P6, P9
7	[plans 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 this Framework;	There are two SSSIs in the NDP area: Broad Green and the River Teme. They are recognised as such and no development is directed towards them as they are both within Open Countryside. The River Teme regularly floods. The NDP does not propose any new policies for these SSSIs relying on statutory protections and SWDP policies for their continued wellbeing.	P6
8	[plans should] encourage the effective use of land by	Brownfield sites are very limited in number in this NDP area but they	P7

	reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value	will be supported especially in the case of conversion of redundant buildings for either residential or commercial use as appropriate where any environmental and amenity issues are adequately addressed..	
9	[plans 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 for wildlife, recreation, flood risk mitigation, carbon storage, or food production)	As rural parishes Broadwas and Cotheridge have limited scope for “Mixed use” developments other than live/work units. An extensive area of open land in Cotheridge has been used for a solar array and this is a good example of the use of an inconspicuous site for a very extensive development which is highly relevant to the management of climate change.	P2, P3, P9
10	[plans 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>The built heritage assets benefit from statutory protection and from the relevant SWDP policies. The NDP has not attempted to introduce additional policy constraints above and beyond these, and this has not been an issue raised by the public during the plan preparation. A particular concern for the Parish Council has been the lack of Conservation Area status for the immediate environs of St Mary Magdalene Church, Broadwas, but the designation of conservation areas is outside the scope of an NDP and it remains to be seen whether the local planning authority will be able to take this forward.</p> <p>The design policy addresses the detailed need for sensitive design of extensions and alterations of existing buildings whatever their land use and heritage status.</p>	P5, P6
11	[plans 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	The “sustainability” of Broadwas to accept further growth has been of concern, especially as the village has no shop to serve local residents. It does have a primary school, public house, two places of worship and a village hall and it is thus not surprising that some development was allocated in the SWDP. However, those two allocations have taken place and further significant growth is not required by the SWDP and, in	P1, P2

		order to remain compliant with the SWDP the Development Boundary has been retained. Public transport is limited and hence Broadwas is not anticipated to be the focus of significant growth in the plan period.	
12	[plans should] take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs	The protection of existing community facilities is a specific feature of the plan, along with targeted proposals for the use of developer contributions through either Section 106 or Community Infrastructure Levy payments where available.	P8, P10

3.4 In conclusion, from the table above, it can be seen that the NDP has been drawn up to respect and comply with the twelve principles for Sustainable Development as set out in the 2012 Framework paragraph 17.

4 Compliance with the Framework and the South Worcestershire Development Plan

4.1 A “Place Shaping” Approach to Achieving Sustainable Development

Framework provision	SWDP Policy and/or Requirement	Broadwas and Cotheridge NDP
<p>Set out a positive vision for the future of the area (framework paragraph 17, bullet 1). Neighbourhood plans should develop a shared vision for their neighbourhood (Framework paragraphs 183 - 185).</p> <p>There should be a presumption in favour of sustainable development (Framework paragraphs 11 – 16)</p>	<p>Vision and Objectives for South Worcestershire: Are set out in detail on pages 8 and 9 of the SWDP describing the area as “a highly desirable place in which to live and work”. The vision sets out various aspirations for growth in housing and employment, inward investment, locally skilled workforce, and accessibility. In particular: “residents enjoy a high standard of living, featuring good health and education in an attractive, safe and secure, low-crime environment. The investment in Green Infrastructure has enabled better access to healthy opportunities and lifestyles for residents and visitors alike as well as helping to improve biodiversity interest.”</p> <p>Policy SWDP 1 Overarching Sustainable Development Principles.</p> <p>The policy sets out a positive approach that reflects the presumption in favour of sustainable development. Development proposals should be approved wherever possible unless material considerations indicate otherwise.</p>	<p>The Vision for the NDP is set out in paragraph 4.1 of the Plan and is: “The residents of Broadwas and Cotheridge have identified the rural nature of their villages as being fundamental to the character of their neighbourhood. We aim to maintain and improve that character and to address the needs and wishes of those who live, work, socialise and relax within it”. This accords with the principles of the SWDP Vision and Objectives.</p> <p>The NDP sets out a positive vision for the future of their villages which, taken together with the objectives in paragraph 4.2, accords with the presumption in favour of Sustainable Development.</p>

4.2 The Social Role In Achieving Sustainable Development

i.e. supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural wellbeing.

Framework provision	SWDP Policy and/or Requirement	Broadwas and Cotheridge NDP
<p>Delivering a wide choice of high quality homes.</p> <p>Illustrate housing delivery over the plan period showing of a 5-year supply of housing land. (Framework paragraph 47, bullet 4).</p> <p>Set out an approach to housing density to reflect local circumstances. (Framework paragraph 47, bullet 5).</p> <p>Plan for a mix of housing based on demographic trends, market trends and needs of different groups (Framework paragraph 50, bullet 1).</p> <p>Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand (Framework paragraph 50, bullet 2).</p>	<p>Policy SWDP 2: Development Strategy and Settlement Hierarchy</p> <p>Policy SWDP 2: Employment, Housing and Retail provision (housing section relevant at this stage), and the allocations SWDP Policy 59 New Housing For Villages, including allocations SWDP 60/2 and SWDP 60a for Broadwas.</p> <p>The detailed policies for new housing are set out in:</p> <p>SWDP13: Effective Use of Land</p> <p>SWDP 14: Market Housing Mix</p>	<p>The two allocations in Broadwas totalling 18 units have now (2018) been developed with 22 homes – thereby exceeding the requirements of SWDP Policy 59 and allocations 60/2 and 60/a. There is currently (2019) no outstanding need for significant new allocations in this NDP (without risking non-compliance with the SWDP). Notwithstanding this position Background Paper No 1 has examined the options for further allocations and for the reasons set out and summarised in paragraphs 5.4 to 5.6 of the NDP the Proposed NDP remains consistent with the SWDP rather than allocate specific new sites (which would inevitably have been in Open Countryside).</p> <p>Infill development is however possible within the Development Boundary (NDP Policy P1) and the design of such development is dealt with in detail in Policy P6.</p> <p>Few sites of five or more units (Policy SWDP 14) are anticipated in the NDP area due its rural nature and the limited scope for infill within the Development Boundary.</p> <p>Overall, the type, size, tenure and range of housing will be determined through the application of Design Policy P6 where appropriate.</p>

<p>Set policies to meet identified affordable housing need on site, unless offsite provision can be robustly justified but ensuring mixed and balanced communities (Framework paragraph 50, bullet 3).</p> <p>Make allowance for windfalls in the 5-year supply where compelling evidence (framework paragraph 48).</p> <p>Restrict inappropriate development of residential gardens where it will cause harm to local area (Framework paragraph 53).</p> <p>In rural areas be responsive to local circumstances, reflecting local need, particularly for affordable housing on “exception sites” and whether allowing some market housing would facilitate additional affordable housing for local need (Framework paragraph 54).</p>	<p>SWDP 15: Meeting Affordable Housing Needs</p> <p>This policy applies where the thresholds in SWDP 15B apply and, in the case of Broadwas, that may be the case for developments of less than 5 dwellings. (SWDP 15 B v).</p> <p>This is a design issue which the SWDP has effectively delegated to the Supplementary Planning Guidance, in the form of the Design Guide which was adopted by the South Worcestershire local planning authorities in 2018</p> <p>The approach to Affordable Housing is set out in SWDP Policy 15 (as above)</p>	<p>Affordable Housing has been developed on the two allocated sites. Future developments of less than 5 units may result in a financial contribution in accordance with SWDP 15 B v.</p> <p>The local planning authority has not identified any specific Affordable Housing needs for the NDP to address and this has not featured in any responses to consultations or responses to publicity for the NDP. Hence reliance is placed on the proper application of SWDP Policies to address this issue.</p> <p>Policy P6 – Design of Development takes the principles of the South Worcestershire Design Guide and applies them in the specific context of Broadwas and Cotheridge</p> <p>The NDP places reliance of SWDP 15 for this issue.</p>
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4.3 The Economic Role in Achieving Sustainable Development

i.e. Building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available in the right places and at the right time; and by identifying and co-ordinating development requirements including the provision of infrastructure.

Framework provision	Core Strategy Policy and/or Requirement	Broadwas and Cotheridge NDP
<p>Building a Strong Economy</p> <p>Set out a clear economic vision and strategy to positively and proactively encourage sustainable</p>	<p>The most important element of this for the NDP area is Policy SWDP 12: Employment in Rural</p>	<p>Employment is addressed in principally in Policy P7.</p> <p>It is anticipated that future</p>

<p>economic growth, to meet development needs of business, address potential barriers to investment and support an economy fit for 21st century (Framework paragraphs 18-21).</p> <p>Support existing business sectors (including expansion or contraction) planning for new or emerging sectors (Framework paragraph 21, bullet 3).</p> <p>Facilitate flexible working practices such as live/work units (Framework paragraph 21, bullet 6).</p>	<p>Areas. This important policy includes: Part B: Protection of Existing Employment Sites Part C: Expansion of Existing Employment Sites in Rural Areas Part D: Farm Diversification</p>	<p>Employment Development will be small scale including homeworking. Policy P7 attracted the most comment at Regulation 14 stage regarding both Farm Diversification and the local environmental effects of commercial activities in the open countryside affecting both the amenities of nearby residents and the rural landscape generally. These issues are addressed in the revisions to Policies P6 and P7 with the intention that local businesses can be provided for in accordance with the Framework and SWDP 12 whilst respecting their local circumstances.</p>
<p>Supporting a Prosperous Rural Economy</p> <p>Promote diversification and development of agriculture and other land based rural businesses (Framework paragraph 28, bullet 2).</p> <p>Promote provision and expansion of sustainable rural tourism, visitor facilities and leisure developments that respect the countryside (Framework paragraph 28, bullet 3).</p>	<p>SWDP 12 (as above)</p> <p>The SWDP addresses this issue principally through Policy SWDP 37: Built Community Facilities</p>	<p>(as above)</p> <p>The public house in Broadwas is referred to in Policy P8 (see below). There is one long distance footpath running through the NDP area: The Three Choirs Way. No development is proposed which would affect it and it has not given rise to any comments through the plan preparation stages. Potential improvements to footpaths and bridleways through the NDP area are also highlighted in Policy P10 as appropriate targets for expenditure should appropriate opportunities and projects come forward.</p>

<p>Promote the retention and development of local services and community facilities in villages (Framework paragraph 28, bullet 4).</p>	<p>Policy SWDP 37 Built Community Facilities</p>	<p>Policy P8 takes the SWDP Policy 37 and identifies the particular built community facilities to which it should be applied.</p>
<p>Supporting High Quality Communications Infrastructure</p> <p>Support the expansion of electronic communications network, including broadband but keeping the number of masts to a minimum, using existing buildings and structures, with new sites sympathetically designed (Framework paragraph 43).</p>	<p>SWDP Policy 8 G v includes a requirement for “all units to have access to superfast broadband or equivalent infrastructure as part of the generic approach to economic growth.”</p>	<p>Communications technology is especially important to rural area such as the NDP area generally. Policy P10 identifies improved Broadband provision for Cotheridge as an appropriate use of funds deriving from developer contributions.</p>

4.4 The Environmental Role in Achieving Sustainable Development

i.e. 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.

Framework provision	Core Strategy Policy and/or Requirement	Broadwas and Cotheridge NDP
<p>Requiring Good Design</p> <p>Plan positively for the achievement of high quality design based on robust and comprehensive objectives for the future of the area defined characteristics (Framework paragraph 57).</p> <p>Establish a strong sense of place, using streetscape and buildings to create attractive and comfortable places to live, work and visit (Framework paragraph 58, bullet 2).</p> <p>Optimise potential of site to accommodate development, sustaining a mix of uses and including green and open space, local facilities transport networks (Framework paragraph 58, bullet 3).</p> <p>Reflect the identity of local surroundings and materials contributing to local</p>	<p>Policy SWDP 21 Environmental Enhancement and Protection</p> <p>The SWDP sets out a comprehensive design strategy and policy for the whole of South Worcestershire. This has been further developed with the Design SPD adopted in March 2018.</p>	<p>Policy P6 is especially important in this context. The detail of this policy, which is intended to apply to both residential (part A) and non-residential (part B) development has taken forward the principles of the SWDP and SPD in the local context. The intention is for Broadwas and Cotheridge retain their individual characters through design features, layout and choice of external materials.</p> <p>The key Local Green Spaces are protected through Policies P4 and P5 as detailed below.</p>

<p>distinctiveness but without discouraging innovation and originality (Framework paragraph 58, bullet 4). Create safe and accessible environments, maintaining community cohesion (Framework paragraph 58, bullet 5). Be visually attractive with good architecture and appropriate landscaping (Framework paragraph 58, bullet 6).</p>		<p>Landscaping is regarded as a key aspect of good design and is recognised as part of Policy P6.</p>
<p>Conserving and enhancing the natural environment. Landscape</p> <p>Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside (Framework paragraph 17, bullet 5).</p> <p>Protect and enhance valued landscapes, geological conservation interests and soils (Framework paragraph 109, bullet 1)</p> <p>Set criteria based policies against which proposals for any development landscape areas will be judged (Framework paragraph 113).</p>	<p>Policy SWDP 21 Environmental Enhancement and Protection has several subparagraphs including those relating to landscaping and the public realm. These principles are taken further with regard to specific Green Infrastructure through SWDP Policy 22: Biodiversity and Geodiversity which explicitly deals with issues raised by development which could affect SSSIs and other landscape, geological and conservation interests.</p> <p>Note also SWDP Policy 23 The Cotswolds and Malvern Hills Areas Of Outstanding Natural Beauty.</p>	<p>NDP Policy P5 Key Views is especially relevant in considering landscape in its broader sense, and the details of Design Policy P6 also addresses these issues directly where they could affect individual development sites.</p> <p>Note that there are two SSSIs in the NDP area but neither is likely to be directly affected by development allowed for in the NDP (as is made clear by the SEA/HRA Screening Report)</p> <p>Broadwas and Cotheridge . do not lie adjacent to the Malvern Hills AONB but the Hills themselves are the most significant landscape feature that appears in several of the Key Views identified in NDP Policy P5. It is important that this important landscape backdrop to the NDP area is protected from inappropriate development.</p>
<p>Efficient use of land Encourage the effective use of land – reuse previously developed land where not of high environmental value (Framework paragraph 11).</p>	<p>SWDP Policy 13 Effective Use of Land includes the specific provision at paragraph G thus: “The plan includes an indicative monitoring target of 40% of housing development in the</p>	<p>There is very little Previously Developed Land available for development in the NDP area but where such sites are developed they will be assessed in accordance with the NDP policies taken as a</p>

	<p>Plan period to be located on Brownfield Land.”</p>	<p>whole. The SWDP target of 40% of development on “Brownfield Land” makes sense in the strategic sweep of the SWDP policy which includes substantial urban areas in the City of Worcester and the main towns, but would be impractical to insist on as a detailed requirement of NDP policies for new housing given the predominantly rural nature of Broadwas and Cotheridge and the consequently small sites of any windfall development that may come forward.</p>
<p>Biodiversity</p> <p>Set criteria based policies against which proposals for any development affecting protected geodiversity sites and wildlife sites will be judged (Framework paragraph 113).</p> <p>Distinction should be made between the hierarchy of international, national and locally designated sites, so protection is appropriate to their status and gives appropriate weight to their importance and contribution to the wider ecological network (Framework paragraph 113).</p> <p>Set out a strategic approach and plan positively for the creation, protection, enhancement and Management of networks of biodiversity and green infrastructure (Framework paragraph 114, bullet 1).</p> <p>Identify and map constraints of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them, and areas identified by LNP for habitat restoration or creation (Framework</p>	<p>SWDP Policy 22: Biodiversity and Geodiversity explicitly deals with issues raised by development which could affect SSSIs and other landscape, geological and conservation interests.</p> <p>SWDP Policies 5, 6 and 38 set out a comprehensive approach to protecting key “Green Infrastructure” in the whole SWDP area. The detailed work done in preparation of the SWDP Green Infrastructure policies has followed the Framework principles carefully and implements it at the strategic level.</p>	<p>The two SSSIs in the NDP area are detailed in the appendix to the Plan. Neither is likely to be directly affected by development allowed for in the NDP. Significantly one of the SSSIs, Broad Green, is also a registered Village Green giving further protection from inappropriate development.</p> <p>Local Green Spaces are identified with two different but complementary roles. Policy P3 identifies those with a primarily amenity value and P4 the two with primarily recreational value. They all meet the criteria for designation as local green spaces in accordance with the Framework as set out in the relevant Background Paper. The purpose of these two policies is to make explicit those sites within the NDP area where the SWDP policies on Green Infrastructure should be applied.</p>

<p>paragraph 117, bullet 2).</p> <p>Promote the preservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species linked to national and local targets and identify suitable indicators for monitoring (Framework paragraph 117, bullet 3).</p> <p>Prevent harm to geological conservation interests. (Framework paragraph 117, bullet 4)</p> <p>The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Habitats Directive is being considered, planned or determined (Framework paragraph 119).</p> <p>Control of Pollution and Land Stability</p> <p>Avoid noise giving rise to significant adverse impacts on health and quality of life (Framework paragraph 123, bullet 1)</p> <p>Limit impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation through good design. (Framework paragraph 125).</p> <p>Conserving and Enhancing the Historic Environment</p> <p>Set out a positive strategy for the conservation and enjoyment of the historic environment (Framework paragraph 126).</p> <p>Take account of the desirability of sustaining and enhancing the significance of heritage assets (Framework paragraph 126, bullet 1)</p> <p>Ensure policies for development affecting historic assets and their settings are properly</p>	<p>SWDP Policy 31 Pollution and Land Instability deals specifically with these topics, recognising that pollution can take many forms such as chemical, dust, light, noise, fumes, smell and vibration.</p> <p>SWDP Policy 6 Historic Environment deals comprehensively with this issue including specific provision for the conservation and enhancement of heritage assets.</p>	<p>The SEA and HRA Screening Opinion has demonstrated that the scale and location of development proposed in this NDP will not have any significant deleterious effects on priority habitats and other key ecological assets</p> <p>Likewise no geological conservation interests are adversely affected by the NDP proposals.</p> <p>Following the consultation on the draft plan (Regulation 14) further refinements have been made to NDP policies P6 regarding design and P7 regarding farm diversification to address these issues in the local context.</p> <p>Light pollution is addressed in Policy P6 B concerning Design in the context of non-residential development.</p> <p>There is no need for an NDP to replicate national and policies (and legislation) and SWDP policies for the conservation and enhancement (where possible) of heritage assets. This has not been an issue of concern to the local community raised through the plan preparation and consultations. The NDP identifies the various heritage assets in the appendix. Whilst the designation of a conservation area in</p>
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<p>assessed, including considering uses consistent with their conservation, their contribution to the community, their economic viability, and contribution to local character and distinctiveness (Framework paragraph 131).</p> <p>Less than substantial harm should be weighed against public benefit (Framework paragraph 134)</p> <p>The effect of development on the significance of locally important assets should be balanced against the scale of the harm (Framework paragraph 135).</p> <p>Look for opportunities for new development within conservation areas or within the setting of a heritage asset to enhance or better reveal their significance (Framework paragraph 137)</p> <p>Non designated heritage assets of archaeological interest that are demonstrably equivalent to a scheduled monument should be considered subject to policies for designated heritage assets.(Framework paragraph 139)</p> <p>Meeting the challenge of climate change, flooding and coastal change</p> <p>Plan in locations and ways to reduce greenhouse gas emissions (Framework paragraph 95, bullet 1).</p> <p>Actively support energy efficiency improvements to existing buildings (Framework paragraph 95, bullet 2).</p> <p>Positively promote and maximise energy from renewable and low carbon sources while ensuring adverse effects are addressed satisfactorily, including cumulative effects (Framework paragraph 97,</p>	<p>SWDP Policy 28 Management of Flood Risk sets out the strategic approach to flooding and SWDP Policy 29 promotes Sustainable Urban Drainage Systems (“SuDS”)</p>	<p>Broadways would be desirable given the cluster of heritage assets and distinctive character of the area around St Mary Magdalene church such an action is outside the scope of an NDP.</p> <p>The southern boundary of the NDP area is formed by the River Teme which floods regularly. The NDP proposes no development near the river. The principal flooding issue that has been raised during plan preparation has been the issue of run-off from sites, especially where it affects the main road through the area, the A44. For this reason NDP Policy P6 promotes both SuDS technology and requires development sites to be designed to avoid rainwater run-off.</p>
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<p>bullets 1 & 2).</p> <p>Identify opportunities for renewable energy and low carbon sources and/or supporting infrastructure (Framework paragraph 97, bullet 3).</p> <p>Support community-led initiatives for renewable and low carbon energy (Framework paragraph 97, bullet 4).</p> <p>Identify opportunities for development to draw its energy supply from decentralised renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (Framework paragraph 97, bullet 5).</p>	<p>SWDP Policy 27 Renewable and Low Carbon Energy encourages the use of such energy sources in new development, and goes on to set criteria against which large scale schemes can be assessed.</p>	<p>There is a large scale solar farm in Cotheridge at Otherton Lane that has been developed in a relatively inconspicuous location when viewed from public vantage points. Energy conservation and climate change concerns led directly to policy P9 concerning Renewable and Low Carbon Energy which details how SWDP Policy 27 can be applied in the local context.</p> <p>Note that there are no sites identified in the NDP area as suitable for wind energy development.</p>
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5 Compliance with EU Regulations

- 5.1 The Broadwas and Cotheridge Neighbourhood Development Plan is compatible with European Union obligations, including Human Rights, which have been transposed into domestic legislation, thereby ensuring its legal compliance with:

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive);

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;

Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).

European Obligations	Broadwas and Cotheridge NDP
	<p>The final Broadwas and Cotheridge Environmental Report (for SEA purposes) was published in January 2019.</p>
<p>Directive 2001/42/EC or Strategic Environmental Assessment (SEA)</p>	<p>It is considered that the Broadwas and Cotheridge NDP is in general conformity with both national planning policies contained in the National Planning Policy Framework 2012 (the “Framework”) and strategic policies set within the South Worcestershire Development Plan (the “Local Plan”). It does not propose any growth that would be over and above that prescribed by strategic policies. Therefore no significant changes to the NDP are recommended as a result of the SEA.</p> <p>The SEA Screening Opinion published in January 2019 lists from a) to g) the criteria for determining the likely significance of effects (SEA Directive, Annex II) of the NDP and concludes (page 13 paragraph 2.2) that:</p> <p><i>“the assessment shown in Table 2 above identifies no potential significant negative effects arising from the draft Broadwas and Cotheridge Neighbourhood Plan, and as such it is considered that it will not require a full SEA to be undertaken.”</i></p> <p>Once made (adopted) the effects of the policies within the Broadwas and Cotheridge NPD will be monitored annually via Malvern Hills District Council’s Annual Monitoring Report (AMR).</p>

<p>Directive 92/43/EEC Directive 2009/147/EC Habitats Regulations Assessments</p>	<p>The final Broadwas and Cotheridge HRA Screening Report and addendum was published in January 2019.</p> <p>The Screening Report confirmed there are no European category of wildlife sites (“SACs”) within or close to the NDP area and concluded that:</p> <p><i>“As a result of the above assessment, it is considered that the policies of the draft Broadwas and Cotheridge Neighbourhood Plan are in general conformity with those contained in the SWDP. With this in mind, alongside the SWDP AA and the fact that the draft Broadwas and</i></p>
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	<i>Cotheridge Neighbourhood Plan does not deviate from the land allocations contained within the SWDP, it is concluded that the draft Broadwas and Cotheridge Neighbourhood Plan is unlikely to have a negative impact on any internationally designated wildlife sites and as such, the recommendation is made that a full AA is not required.”</i>
Directive 2000/60/EC Water Framework Directive	Broadwas and Cotheridge are not within the hydrological catchment area of a river with SAC status. In light of the proposed policies to manage development in the NDP <i>none</i> of the NDP objectives and policies were concluded to be likely to have any significant effect on Water Framework Directive interests.
Human Rights	The policies within this NDP are considered to comply with the EU Obligations in relation to Human Rights. The plan is not detrimental to Human Rights but seeks to enhance the Human Rights of current and future residents within the parishes of Broadwas and Cotheridge.

6. Conclusion – and Formal Statement

The Broadwas and Cotheridge Neighbourhood Development Plan:

1. **meets the legal tests to be a Proposed Neighbourhood Development Plan within the meaning of The Neighbourhood Planning (General Regulations) 2012** (section 2 above)
2. **is in conformity with national planning policies as set out in the National Planning Policy Framework 2012 (the “Framework”) and, in particular, will contribute to the achievement of Sustainable Development according to the principles set out in the Framework,** (section 3 above)
3. **is in general conformity with the strategic policies set out in the South Worcestershire Development Plan,** (section 4 above)
4. **meets the relevant European Union obligations, in particular with regard to the environment and human rights.** (section 5 above)

Broadwas and Cotheridge Parish Council
7th January 2019.