

Sedgeberrow Parish Neighbourhood Plan

Basic Conditions Statement



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1. Legal requirements

1.1. This statement has been prepared by Sedgeberrow Neighbourhood Plan Steering Group on the behalf of Sedgeberrow Parish Council to accompany its submission to Wychavon District Council of the Sedgeberrow Parish Neighbourhood Plan under section 15 of the Neighbourhood Planning Regulations 2012.

1.2. The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the area covering the Parish of Sedgeberrow, as designated by Wychavon District Council on 29 November 2019.

1.3. The neighbourhood area is contiguous with the Parish boundary as shown on the map accompanying the neighbourhood designation application. For clarity, the Plan area is shown at Figure 1 over leaf. There are no other neighbourhood plans in place for the Sedgeberrow neighbourhood area.

1.4. The Plan proposal relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from 2020 to 2035.

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

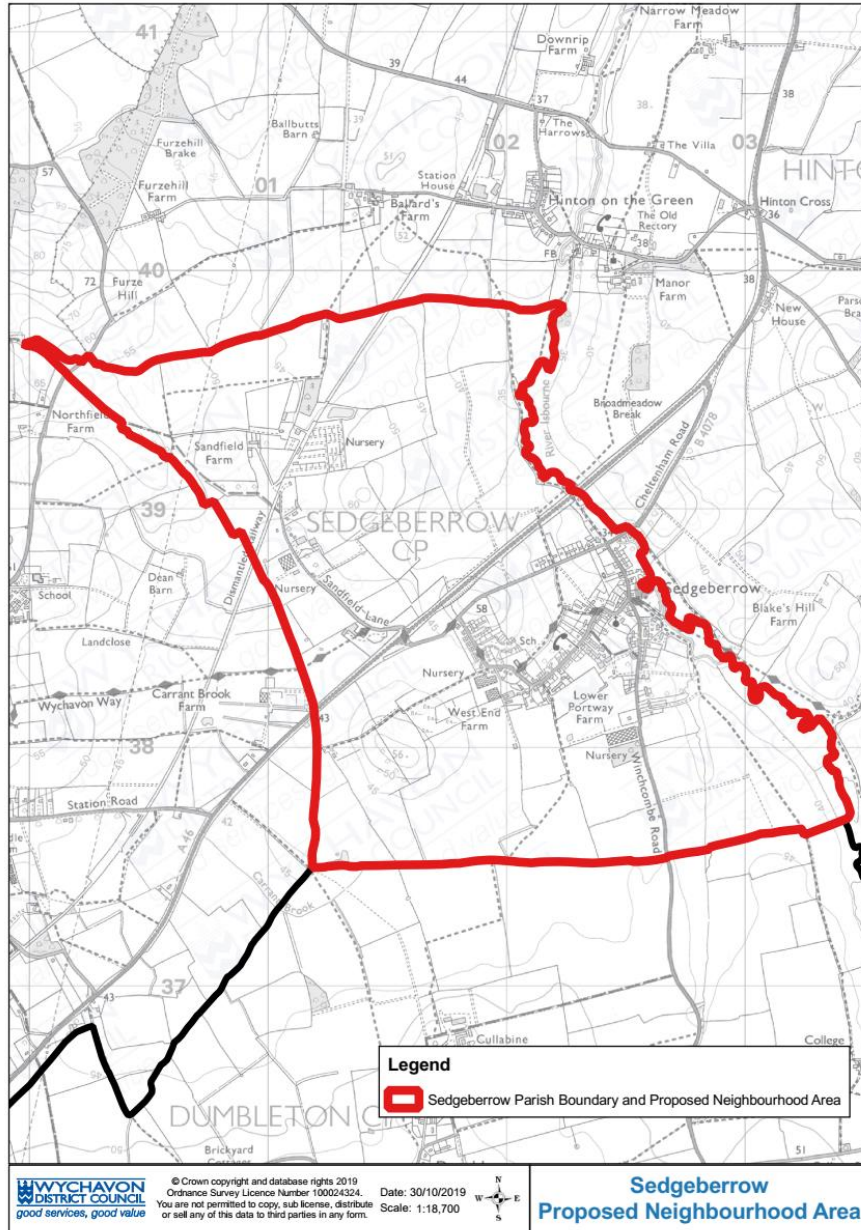
1.6. The Draft Sedgeberrow Parish Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations March 2012 from 17th September 2021 to 30th October 2021. Some amendments have been made to the document based on the comments received and these are summarised in the document entitled 'Consultation Statement' that is submitted with the Neighbourhood Plan.

1.7. The following statement will address each of the 'basic conditions' required of the Regulations and explains how the Neighbourhood Plan meets the requirement of paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act (as amended).

1.8. The Regulations state that the Neighbourhood Plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area;
- Is compatible with and does not breach European Union (EU) and European Convention on Human Right (ECHR) obligations; and
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Figure 1: Sedgeberron Neighbourhood Plan Area.
Source: Wychavon District Council



2. Introduction and Background

2.1. The Parish Council commenced preparation of the Neighbourhood Plan in October 2019, seeking to designate the Parish as a Neighbourhood Area in November 2019.

2.2. A small steering group was formed, and work commenced on researching the Neighbourhood Plan process and developing a resident and business survey to inform the overall direction of the Plan. The Parish Council appointed independent planning consultants Brodie Planning Associates (BPA) to steer the process and to provide impartial professional planning advice in November 2019. Members of the Steering Group were involved in reviewing site assessments and areas of research, and matters were always brought back to the wider group to gain consensus to carry forward into the draft Plan.

2.3. Consultation was held with the wider community at key stages to gain an understanding of community issues and to ensure that the Plan represented the views of the majority. This included an initial Household Questionnaire, a Business Questionnaire and an Options Survey delivered to every household to seek opinions on the draft Plan's Vision and Objectives, to identify the community's preferred housing site and to confirm local green space designations. More detail on community engagement is provided in the accompanying Consultation Statement.

2.4. The key drivers to produce a Neighbourhood Plan were the District Council advocating the preparation of neighbourhood development plans, coupled with the concerns of the local community over the location of new housing development within the Parish. The aim at the outset of the Neighbourhood Plan was to influence the location of any new residential development following publication of the SWDPR 'Call for Sites' Preferred Options policy map which promoted a number of green field sites for new housing in and adjacent to the village. The possible erosion of these green fields for new housing caused alarm. The community were keen to protect the green fields as important defining features that make an important contribution to the character of the village and its rural feel particularly when an alternative site was available (identified on the SWDPR Preferred Options policy map) in the form of a redundant horticultural nursery site which houses numerous disused structures and is located within the built envelop of the village. The Plan sets out to influence the location of any new housing, protect key open spaces to preserve the rural character of the village and to minimise flood risk and support water management measures.

2.5. In developing the Plan, the Parish Council has had careful regard for policies in the adopted Local Plan the South Worcestershire Development Plan (SWDP) and has also paid close attention to the emerging SWDP Review. Care has been taken not to duplicate policies already addressed in the SWDP and to where necessary add a level of local detail that is considered appropriate to the Parish.

3. Having regard to National Planning Policy

3.1. The Neighbourhood Plan has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF) of February 2019 and more recently been reconsidered against the NPPF July 2021. It also gives regard to National Planning Practice Guidance (NPPG) published by the Government in April 2014 (as revised) to April 2022 in relation to the formation of neighbourhood plans.

3.2. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should contribute to the achievement of sustainable development.

3.3. The following table shows which sections of the NPPF 2021 the Neighbourhood Plan has had regard to. As the Plan is submitted after 24 January 2019, policies in the previous Framework no longer apply (paragraph 220, NPPF 2021).

Table 1: Sections within NPPF 2021 that the Neighbourhood Plan has had regard to

NPPF 2021
Achieving sustainable development (para 7-14)
Plan making (para 15-37)
Delivering a sufficient supply of homes (para 60-80)
Promoting healthy and safe communities (para 92-103)
Promoting sustainable transport (para 104-113)
Making effective use of land (para 119-125)
Meeting the challenge of climate change flooding and coastal change (para 152-173)
Conserving and enhancing the natural environment (para 174-188)
Annex 1: Implementation (para 218-223)

3.2. Table 2 sets out a summary of how each policy has regard to the NPPF 2021. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 2: How the NP policies have regard to the NPPF

NP Policy Number and Title	NPPF 2021 Paragraph(s)	Comment on regard to NPPF (2021)
Policy SB1 - Land at Springfield Nursery off Main Street	8,13,15,28,29, 37,78, 174, 176, 179	<p>The policy has regard to paragraph 8 – 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. The policy includes requirements that will make effective use of the land whilst helping to improve biodiversity and mitigating and adapting to climate change. The location of the site within the envelop of the village and within proximity to the school, community hall, children’s play area and existing footway connections to link up with the wider village and its other community facilitates will encourage more walking.</p> <p>The policy has regard to paragraph 13 as the Neighbourhood Plan, whilst supporting the delivery of the SWDP strategic policies, takes the opportunity to “shape and direct development that is outside of these strategic policies” by allocating a site for development. It is the intention that by allocating a site chosen by the community that future development in the parish will be “plan led” (paragraph 15).</p> <p>The allocated site will provide a sustainable development within the settlement of Sedgeberrow and will contribute to the vitality of this rural community supporting local services including the school. In conformity with paragraph 78, the Neighbourhood Plan has identified an opportunity for the village to grow and thrive in the future.</p> <p>The policy has regard to the purpose of paragraphs 174 and 176 to conserve and enhance valued landscapes. The site lies within the setting of the CAONB. The wider landscape delivers multiple benefits for both people and wildlife, including opportunities for recreation, biodiversity enhancements and access to nature and contributes to the overall identity of the Parish.</p> <p>The policy has regard to the purpose of paragraph 179 to protect and enhance biodiversity.</p>
Policy SB2 - Local Green Space	101, 102, 103	<p>The NPPF allows communities to identify and protect green areas of particular importance to them. A comprehensive Green Space Background Paper has been prepared to support the submission of the Neighbourhood Plan and all green spaces were assessed using the NPPF criteria and the Local Green Space designation has only been used where the green space meets the following criteria:</p> <p>“</p>

		<p>a) <i>in reasonably close proximity to the community it serves;</i> b) <i>demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i> c) <i>local in character and is not an extensive tract of land.</i>"</p> <p>The policy for managing Local Green Space is consistent with Green Belt policy in its intention to maintain the openness of these spaces.</p>
Policy SB3 - Flood Prevention and Water Management	153, 167	<p>In accordance with paragraph 153 this policy takes a proactive approach to mitigating and adapting to climate change, in particular the increased risk of flooding. The policy supports appropriate measures to ensure the future resilience of communities and infrastructure to the impact of fluvial and pluvial flooding.</p> <p>The policy supports paragraph 167 in that new development should “ensure that flood risk is not increased elsewhere”, and new development should incorporate sustainable drainage systems. The policy has been informed by the requirements of the lead local flood authority and Sedgeberrow Flood Group and is in direct response to local issues.</p>

4. General conformity with the strategic policies of the development plan

4.1. The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area. The current development plan for the area is the adopted South Worcestershire Development Plan (SWDP) 2016-2030¹.

4.2. The table overleaf (Table 3) sets out how each policy is in general conformity with the SWDP 2016-2030.

¹ <https://www.swdevelopmentplan.org>

Table 3: How the Neighbourhood Plan policies conform to the Local Development Plan

NP Policy Number and Title	Relevant local plan policy	Comment on conformity
<p>Policy SB1 -Land at Springfield Nursery off Main Street</p>	<p>SWDP2, SWDP14, SWDP15, SWDP20, SWDP21, SWDP22, SWDP23</p>	<p>SWDP 2F requires that “<i>development proposals should be of an appropriate scale and type with regard to the size of the settlement.</i>” The allocated site is on land that is contained within the village envelop with existing development to the north, south and east. Given this and the current appearance of the site (albeit horticulture is outside the definition for previously developed land) it does not extend the development out into the wider open countryside instead it reflects the established pattern of development. It connects well to the school and other local facilities.</p> <p>SWDP 2H is also clear that “<i>The SWDP is supportive of development proposals that are promoted through neighbourhood planning mechanisms where these proposals do not compromise the delivery of the plan’s strategic policies and proposals.</i>” The SWDP allocated two housing sites in Sedgeberrow both of which have been built out. The site does not conflict with the strategic polices in the SWDP.</p> <p>The emerging SWDPR seeks to allocate a housing site along Winchcombe Road. This site is an alternative to that, which has been undertaken through the NDP process in agreement with Wychavon District Council to address future local housing need. On this basis, the site does not conflict with the emerging strategic housing polices in the SWDPR.</p> <p>The policy complies with policies SWDP 14 (Market Housing Mix) and SWDP 15 (Meeting Affordable Housing Needs) by recognising that new dwellings should meet local needs relevant to Sedgeberrow Parish.</p> <p>The Policy also conforms to SWDP 20 (Housing to Meet the Needs of Older People) as it recognises that there is a need for bungalows and smaller homes to enable local residents to downsize and remain in the community as well as providing first homes for younger people to get on the property ladder.</p>

		The Policy also complies with purpose of SWDP 22F to enhance biodiversity and the aims of SWDP 23 in that, any visual impact from development should be suitably assessed and mitigated against to protect the special qualities of the nearby CAONB.
Policy SB2 - Local Green Space	SWDP38	This policy is intended to complement policy SWDP38 (Green Space). Locally important green spaces are identified in the Neighbourhood Plan.
Policy SB3 - Flood Prevention and Water Management	SWDP29, SWDP30	<p>The policy adds locally specific requirements to SWDP29 (Sustainable Drainage Systems) for the use of sustainable drainage techniques to achieve betterment in surface water run-off rates on both greenfield and brownfield sites when compared with the pre-development situation and to also mitigate against any increased flood risk due to evidenced flooding issues in the parish.</p> <p>The policy also encourages the use of features which contribute to the efficient use of water and prevent rainwater from entering the sewage system in accordance with SWDP30 (Water Resources, Efficiency and Treatment).</p>

5. Contribution to the achievement of sustainable development

5.1. A Neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three strands of sustainability: economic, social, and environmental.

5.2. The NPPF states in paragraph 10 and 11 that a presumption in favour of sustainable development is at the heart of the NPPF.

5.3. The objectives of the Neighbourhood Plan comprise a balance of social, environmental, and economic goals.

5.4. The social goals are to maintain, protect and enhance the natural environment in the Parish whilst delivering homes that meet the needs of the Parish. There is a keen desire to improve community facilities and to continue to have access to green space to support the health and well-being of the community.

5.5. The environmental goals are to protect and enhance the natural environment and ensure that it can be enjoyed by future generations. It is important that features of the natural environment such as green spaces and traditional landscape qualities are retained. Green space provides multifunctional benefits including habitats for wildlife, recreation for residents and helps to manage the impacts of climate change for example reducing flooding.

5.6. The economic goals are intertwined within the social and environmental benefits; by ensuring that new development is well located to ensure that the landscape character of the Parish is respected and maintained it will assist in ensuring that Sedgeberrow continues to be an attractive place to live, work and visit. Seeking to improving existing community facilities will also bring economic gains.

5.7. Table 4 overleaf sets out an assessment of each policy of the plan and how it impacts on each of the three strands of sustainability: economic, social, and environmental.

Table 4. How the Neighbourhood Plan policies contribute to sustainable development

++ Very positive impact + positive impact 0 neutral impact - negative impact - - very negative impact

Policy Number and Title	Economic	Social	Environmental	Comment
Policy SB1 -Land at Springfield Nursery off Main Street	+	++	++	This policy has a very positive social impact by providing new homes to meet the needs of the community as well as encouraging the right type of homes to meet the needs of current and future residents of Sedgeberrow. Providing the right type of homes, for example, smaller homes or bungalows that meet the local need means that residents can stay in the Parish and continue to be part of a well-established community. This will help to create a strong, vibrant, and healthy community. Further economic and social benefits include seeking to improve community facilities and the provision of green infrastructure for recreation. Environmental gains will include the provision of green infrastructure that will help manage the impacts of climate change for example reducing flooding and conserve and enhance biodiversity. The requirement for any future development to take full account of landscape character (LVIA) will protect the landscape and ensure the distinctive rural character of Sedgeberrow is maintained for the benefit of the local community and make it an attractive and desirable place to live, work and visit providing further economic, social, and environment benefits.
Policy SB2 - Local Green Space	0	+	++	This policy has positive social and environmental benefits in preventing the harmful and inappropriate development of valued open spaces within the Parish. This will ensure the distinctive character of Sedgeberrow is maintained for the benefit of the local community.
Policy SB3 - Flood Prevention and Water Management	+	+	++	This policy has strong environmental benefits through using sustainable drainage techniques that can also be important habitats and areas of open space for the community to enjoy. The policy aims to reduce the likelihood of flooding which can be distressing and can cause physical damage to local property as well as being financially damaging. Encouraging more efficient

				water use will have the economic benefit of reduced water rates and will bring about environmental benefits.

++ Very positive impact + positive impact 0 neutral impact - negative impact - - very negative impact

6. Compatibility with EU obligations and legislation

6.1. The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded. Every household in the Parish has received information about the Neighbourhood Plan and have had the opportunity to attend meetings, contribute to, or comment on the process.

6.2. The Equality and Human Rights Commission were also consulted on the Draft Plan. It is considered that the content of the Plan, the consultation process and evidence gathering has been undertaken in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010.

6.3. A screening opinion consultation was undertaken by Wychavon District Council from 12th November 2022 until 17th December 2022 to identify whether the Plan required a Strategic Environmental Assessment (SEA) and/ or Habitats Regulations Assessment (HRA). The screening exercise involved consultation with the statutory environmental bodies (i.e. the Environment Agency, Historic England and Natural England) and the Cotswolds National Landscape Board. This followed an earlier SEA and HRA Screening Opinion on the Sedgeberrow Neighbourhood Plan whereby Natural England raised concerns with the HRA Screening, and as such the Screening Opinion was revised.

6.4. The HRA screening exercise concludes that “the draft Sedgeberrow Parish Neighbourhood Plan does not require a full Habitats Regulation Assessment Appropriate Assessment to be undertaken. There are no internationally designated wildlife sites within the Sedgeberrow Parish Neighbourhood Area, with Bredon Hill SAC and Dixton Wood SAC falling within a 20km radius. The impact on these sites as a result of the land allocations contained within the SWDP has been assessed in the SWDP HRA AA, and although the draft Sedgeberrow Parish Neighbourhood Plan does deviate, the level of such allocation is considered small enough to conclude that it is unlikely to have a negative impact on any internationally designated wildlife sites. In addition, it is concluded that there will be no impact of the Sedgeberrow Neighbourhood Plan, with particular reference to the proposed mixed-use allocation, on functionally linked land related to the Severn Estuary SPA / Ramsar / SAC. As such, the recommendation is made that a full AA is not required.”

The Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.5. Regarding the requirement for a full SEA, “in response to the first Screening Opinion consultation no issues were raised by the Environment Agency or Historic England with regard to matters within their remit, however Natural England recommended consultation with the Cotswolds National Landscape Board due to the potential for impact on the Cotswolds National Landscape. In response to the second Screening Opinion consultation, the Environment Agency, Historic England and Natural England made no further comments, however the Cotswolds National Landscape Board indicated that a full SEA is required; this is due to the potential visual effects of the proposed mixed-

use allocation on views from the Cotswolds National Landscape. On that basis, it is determined that a full SEA is required.”

6.6. In light of the above, Wychavon District Council deemed it necessary that a full SEA was undertaken in the preparation of the Sedgeberrow Neighbourhood Plan. A SEA has been carried out and forms part of the Submission draft documents of the Sedgeberrow Neighbourhood Plan. A recommendation and suggestion made by the SEA have been added to Policy SB1 for a LVIA and habitat survey to accompany any application for development.