

Bishop's Tachbrook Neighbourhood Development Plan (BTNDP)

Basic Conditions Statement

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

Bishop's Tachbrook 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 Bishop's Tachbrook Neighbourhood Development Plan (BTNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the BTNDP 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 Bishop's Tachbrook Parish Council (BTPC). The area was designated by Warwick District Council on 5th May 2017 (https://www.warwickdc.gov.uk/info/20444/neighbourhood_plans/957/bishops_tachbrook). This was a new designation following withdrawal of a previously examined plan in January 2017 (see link above).

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 BTNDP states the period for which it is to have effect. That period is from 2011 to 2029 (the same period as the Warwick District Local Plan 2011-2029 https://www.warwickdc.gov.uk/info/20410/new_local_plan).

2.4 The policies do not relate to excluded development

The BTNDP 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 BTNDP relates to the designated Bishop's Tachbrook 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 information Map 1 in the BTNDP.

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 BTNDP 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 BTNDP delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	BTNDP Policies and Proposals
<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>	Policy BT12 of the BTNDP in seeking to meet District-wide planning policy for housing supports a suitable mix of house types and tenures.
<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>	The BTNDP supports this national objective by seeking to improve accessibility for all (Policy BT5), protecting local green space and other open spaces (Policies BT6 and BT7), protecting community facilities (Policy BT8) and by seeking to create a healthy, inclusive community (Policy BT9).

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

NPPF Overarching Objectives	BTNDP 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>	
<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>	The BTNDP helps to meet the NPPF environmental objective by seeking to conserve and enhance landscape character (Policy BT1), supporting the implementation of Tach Brook Country Park (Policy BT2), protecting green infrastructure (Policy BT3), protecting local green space and other open spaces (Policies BT6 and BT7), and by seeking to manage development in the Conservation Area (Policy BT10) and by seeking to protect non-designated heritage assets (Policy BT11). Policy BT13 sets out a development management to promote measures that help respond to climate change.

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 BTNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	Bishop's Tachbrook NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The BTNDP 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.
b) be prepared positively, in a way that is aspirational but deliverable;	The BTNDP has been prepared positively to support new housing development to meet the objectively assessed need in the Warwick District Local Plan (WDLP).

NPPF Plan Making	Bishop's Tachbrook NDP
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 BTNDP's preparation.</p> <p>At each consultation stage representations have been considered carefully and appropriate amendments to the BTNDP made.</p>
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	<p>The BTNDP 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 Warwick 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.</p>
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 BTNDP website at all stages of plan preparation:</p> <p>http://www.bishopstachbrook.com/parish-council/neighbourhood-plan</p> <p>Responses by email were invited at informal and formal consultation stages.</p>

NPPF Plan Making	Bishop's Tachbrook NDP
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The BTNDP has been amended and updated to reduce duplication with policies in the WDLP. 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 BTNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the WDLP. The supporting text for the BTNDP policies refers to the relevant 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 BTNDP does not undermine the WDLP strategic policies it seeks to set more local non-strategic policies to tackle more local issues to help retain the town'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 WDLP does not set a requirement, nor has one been requested. The BTNDP is happy to rely on the WDLP and any subsequent review to address these issues.

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 BTNDP includes policies which protect and encourage investment in community facilities, policy to protect local green spaces and open spaces, policy to support the implementation of Tach Brook Country park and policy to promote a healthy, inclusive community.

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. The BTNDP includes policies that promote access to the local countryside and traffic management and transport improvements.

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 BTNDP includes policies to protect landscape character, improve accessibility for all and to promote design measures that help to respond to climate change.

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). Policy BT13 of the BTNDP sets out a development management policy for the area, this will be used to reduce greenhouse gas emissions and to increase resilience to the impact 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 BTNDP includes policies to protect landscape character, green infrastructure, local green spaces, open spaces and development management policy for the Conservation Area.

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 BTNDP includes development management policy for the Conservation Area and seeks to protect non-designated heritage assets.

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 BTNDP 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 BTNDP.

[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 BTNDP 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 BTNDP is in general conformity with strategic Local Plan policies contained in the adopted Warwick Local Plan 2011-2029. Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the Local Plan.

Table 3 General Conformity with Strategic Planning Policies in the Warwick Local Plan 2011-2029

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p><u>Policy BT1 - Conserving and Enhancing Bishop's Tachbrook's Landscape Character</u></p> <p>New development should conserve or enhance the area's landscape character to enhance the sense of place and history and to provide recreational opportunities within tranquil settings by:</p> <p>a. Protecting the historic character and settlement pattern of the area. Particularly the distinct settlement of Bishop's Tachbrook, individual farmsteads and key heritage assets, especially Tachbrook Mallory;</p> <p>b. Retaining the network of water features of streams and ponds, especially the Tach Brook;</p> <p>c. Protecting the mosaic of woodland and hedgerows including the tree cover along the Tach Brook, Oakley Wood and High Down Hill Plantation;</p>	<p><u>NE4 Landscape</u></p> <p>New development will be permitted that positively contributes to landscape character. Development proposals will be required to demonstrate that they:</p> <p>a) integrate landscape planning into the design of development at an early stage;</p> <p>b) consider its landscape context, including the local distinctiveness of the different natural and historic landscapes and character, including tranquillity;</p> <p>c) relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance;</p> <p>d) identify likely visual impacts on the local landscape and townscape and its immediate setting and undertakes appropriate landscaping to reduce these impacts;</p> <p>e) aim to either conserve, enhance or restore important landscape features in accordance with the latest local and national guidance;</p>	<p>Policy BT1 is in general conformity with Policy NE4 of the WDLP. Policy NE4 provides a district-wide policy to ensure that significant landscape features are protected from harm and that landscape design is a key component in the design of new development. Within this district-wide framework Policy BT1 of the NDP identifies the key features in the local landscape that should be conserved or enhanced. In this way Policy BT1 adds additional local detail to Local Plan policy.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>d. Planting new hedgerows and improving existing hedgerows through suitable planting of native plant species;</p> <p>e. Seeking to retain the quality and integrity of the views identified in Figure 7. Where necessary applicants should carry out a Landscape Visual Impact Assessment (LVIA) of the key attributes of these views. Where impacts are identified measures should be incorporated to minimise these impacts;</p> <p>f. Retaining, improving and supporting creation of new Public Rights of Way;</p> <p>g. Screening urban forms of development and having appropriate transitions from urban to rural areas; and</p> <p>h. In appropriate locations, to introduce new planting of coverts and tree belts to restore the Feldon Parklands character.</p>	<p>f) avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area;</p> <p>g) address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas; h) maintain the existence of viable agricultural units, and;</p> <p>i) are sensitive to an area's capacity to change, acknowledge cumulative effects and guard against the potential for coalescence between existing settlements.</p>	
<p><u>Policy BT2 – Tach Brook Country Park</u></p> <p>The Tach Brook Country Park will be protected in order to provide a recreational resource for residents of the Parish. It will act as a green link, an area of both connection and separation, between the historic,</p>	<p><u>DS13 Allocation of Land for a Country Park</u></p> <p>Land adjoining the Tach Brook, as shown on the Policies Map, is allocated for a Country Park</p>	<p>Policy DS13 of the WDLP allocates land to the north of Tach Brook as a Country Park. Policy BT2 sets additional development management for this area, this more detailed planning policy is in general conformity with the WDLP. Policy BT2 also identifies an area of search to the south of Tach Brook for a possible</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>established and developing settlements within the community. Development for outdoor countryside and recreation uses and for infrastructure and small buildings associated with outdoor recreation, will be supported. In particular, the following will be encouraged:</p> <p>a) Connections to the Country Park, particularly from existing residential communities and local facilities, such as schools;</p> <p>b) Outdoor sport and recreation uses compatible with the use of the area as a Country Park;</p> <p>c) Protection of existing and creation of new habitats; and</p> <p>d) Signage, interpretation and information infrastructure.</p> <p>An area south of Tach Brook has been identified as an area of search for a possible southern extension to Tach Brook Country Park, this is shown on the Policies Map North (Map 2, page 10). The Parish Council will work with Warwick District Council, and other interested parties, to develop a masterplan for the defined Country Park area.</p>		<p>extension to the Country Park. This will create a larger recreational resource accessible to south Leamington and Bishop's Tachbrook. This extension will also help to offset some of the Country Park land that will be lost to the new school proposal that now has planning permission.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p><u>Policy BT3 – Green Infrastructure</u></p> <p>The network of paths, fields, watercourses and water features, woodland, grassland and other green infrastructure features within the parish should be maintained and enhanced for their recreational, tourism and ecological value. Development proposals should seek to maintain this green infrastructure network and, where possible, encourage the enhancement of the green infrastructure network by creating new connections and links in the network; restoring existing green infrastructure; or by introducing features that enhance the existing green infrastructure network.</p>	<p><u>NE1 Green Infrastructure</u></p> <p>The Council will protect, enhance and restore the district's green infrastructure assets and strive for a healthy integrated network for the benefit of nature, people and the economy. The natural environment will be planned for at a variety of spatial scales:</p> <ul style="list-style-type: none"> a) sub regional level, crossing administrative boundaries; b) district-wide scale; c) town-wide scale, and at; d) local and neighbourhood scales. <p>The Council recognises the Warwickshire, Coventry and Solihull Sub-Regional Green Infrastructure Strategy and will support the periodic updating of this important strategic document.</p> <p>The Council will continue to work with partners, including neighbouring authorities and the Local Nature Partnership, to plan for green infrastructure at a landscape scale;</p> <ul style="list-style-type: none"> • protecting and enhancing existing habitats and restoring fragmented areas; • ensuring access to natural green space; and 	<p>Policy BT3 is in general conformity with WDLP Policy NE1 that seeks to plan for GI on a town-wide scale. PolicyBT3 provides more detailed development management policy for GI in the neighbourhood area.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<ul style="list-style-type: none"> • improvements to landscape character. 	
<p><u>Policy BT4 - Traffic Management and Transport Improvements</u></p> <p>To improve health, road safety and reduce traffic impacts the following transport proposals will be encouraged:</p> <p>a) Measures to provide safer travel to Bishops Tachbrook CE Primary School, Heathcote Primary School and future school;</p> <p>b) Improved car parking in the village centre, including at the St Chad's Centre, where this is in line with County standards;</p> <p>c) Improvements to the junction of Mallory Road / Banbury Road (A452);</p> <p>d) Provision of a pedestrian crossing and traffic calming measures on Mallory Road;</p> <p>e) Provision of suitable pedestrian/cycle crossing (Toucan) at the A452 providing connections to The Asps and beyond;</p> <p>f) Traffic calming measures on Oakley Wood Road (southern approach into the village); and</p> <p>g) Measures to improve bus travel to key local centres, including Leamington and Warwick.</p>	<p><u>TR1 Access and Choice</u></p> <p>Development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate.</p> <p>Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> a) are not detrimental to highway safety; b) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services; c) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access routes into the overall development; d) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles 	<p>Policy BT4 is in general conformity with Policy TR1 of the WDLP that seeks to provide suitable access and choice and Policy TR2 that seeks to manage traffic generation. Within the framework provided by these Local Plan policies, Policy BT4 identifies specific measures and proposals to make the neighbourhood area cleaner, safer and healthier.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>where the development proposals include provision for off street parking and is for one or more dwelling, and;</p> <p>e) have taken account of the needs of people with disabilities by all modes of transport.</p> <p><u>TR2 Traffic Generation</u></p> <p>All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and effective measures to be taken to avoid the adverse impacts of traffic.</p> <p>Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic generation will not be permitted unless effective mitigation can be achieved.</p> <p>Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by</p>	

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.</p> <p>A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.</p> <p>All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.</p>	
<p><u>Policy BT5 - Improving Accessibility for All</u></p> <p>Proposals which improve accessibility for existing and future residents of Bishop's Tachbrook will be supported including accessibility and transport improvements:</p> <ul style="list-style-type: none"> • Provision of safe cycle routes within the design of new and existing roads. • Inclusion of appropriate covered bike storage at community and retail facilities. • Inclusion of appropriately surfaced cycle routes and footpaths through green spaces to assist cyclists and 	<p><u>TR1 Access and Choice</u></p> <p>Development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate.</p> <p>Development proposals will be expected to demonstrate that they:</p> <p>f) are not detrimental to highway safety;</p>	<p>Policy BT5 is in general conformity with Policy TR1 of the WDLP that seeks to provide suitable access and choice and Policy TR2 that seeks to manage traffic generation. Within the framework provided by these Local Plan policies, Policy BT4 identifies a range of measures and proposals to make the neighbourhood area more accessible to all.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>pedestrians to use these routes in adverse weather.</p> <ul style="list-style-type: none"> • Signalling improvements, environmental enhancements and improved signage to promote increased use of walking and cycling routes to local schools, neighbourhood centres and open spaces. • Integration of any new green routes into existing off-road networks, such as Oakley Wood Road and from Banbury Road and Europa Way. • Improvements to local bus service provision, where routes and services are related to new development. • Creation within the neighbourhood area of a circular network of off-road footpaths and cycleways. • A foot bridge over Europa Way to link The Asps to the Country Park. 	<p>g) are designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists, emergency services and public transport services;</p> <p>h) create safe and secure layouts for motorised vehicles, cyclists, pedestrians and public transport and integrate the access routes into the overall development;</p> <p>i) where practical, incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling, and;</p> <p>j) have taken account of the needs of people with disabilities by all modes of transport.</p> <p><u>TR2 Traffic Generation</u></p> <p>All large-scale developments (both residential and non-residential) that result in the generation of significant traffic movements should be supported by a Transport Assessment, and where necessary a Travel Plan, to demonstrate the practical and</p>	

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>effective measures to be taken to avoid the adverse impacts of traffic.</p> <p>Any development that results in significant negative impacts on the health and wellbeing of people in the area as a result of pollution, noise or vibration caused by traffic generation will not be permitted unless effective mitigation can be achieved.</p> <p>Any development that results in significant negative impacts on air quality within identified Air Quality Management Areas or on the health and wellbeing of people in the area as a result of pollution should be supported by an air quality assessment and, where necessary, a mitigation plan to demonstrate practical and effective measures to be taken to avoid the adverse impacts.</p> <p>A Transport Statement may be required for development that has relatively small transport implications in line with the Guidance on Transport Assessments.</p> <p>All measures required in the policy should take full account of the cumulative impact of all development proposed in this Plan (and any other known developments) on traffic generation and air quality.</p>	

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<p><u>Policy BT6 – Designated Local Green Space</u></p> <p>The following local green spaces as shown on the Policies Map (Maps 2 and 3, pages 10 and 11) are designated when consistent with paragraphs 99 and 100 of the NPPF as Local Green Spaces:</p> <ul style="list-style-type: none"> a. The Meadow b. The Village Green c. St Chad's Road d. The field north of Croft Close e. Park Homes site open space <p>Development of these sites will only be permitted in accordance with national Green Belt policy.</p>	<p><u>HS3 Local Green Space</u></p> <p>The Council supports the principle of designating land as Local Green Space.</p> <p>Local communities, through Neighbourhood Plans, may designate Local Green Spaces that are demonstrably special to their local community and of particular local significance in accordance with national planning policy.</p>	<p>PolicyBT6 is in general conformity with Policy HS3 of the WDLP. Policy HS3 supports the principle of designating Local Green Space through neighbourhood plans and working within this framework and following an assessment against the national planning policy criteria, Policy BT6 designates 5 local green spaces.</p>
<p><u>Policy BT7 Protecting Other Open Spaces</u></p> <p>The open spaces identified on the Policies Map (Maps 2 and 3, pages 8 and 9) will be protected.</p> <p>Development of these areas for built development will only be supported when:</p>	<p><u>HS2 Protecting Open Space, Sport and Recreation Facilities</u></p> <p>Development on, or change of use of open spaces and sport and recreation facilities will not be permitted unless:</p> <ul style="list-style-type: none"> a) an alternative can be provided that is at least equivalent in terms of size, quality, accessibility, usefulness 	<p>Policy BT7 is in general conformity with the approach set out in WDLP Policy HS2. Policy BT7 identifies the sites to which it will apply and sets out development management for proposals affecting these sites.</p>

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>a. There is clear evidence the open space is no longer used by the local community; or</p> <p>b. When the space is still used by the local community, alternative provision of equal or better community benefit is provided elsewhere within the local area; or</p> <p>c. The development is for alternative sport and recreation facilities the need for which clearly outweighs the loss of the existing facility.</p>	<p>and attractiveness, and a management plan is submitted to ensure the future viability of the provision, or</p> <p>b) there is a robust assessment demonstrating a lack of need for the asset currently or in the future.</p> <p>Development on open spaces for sport and recreation purposes will be permitted subject to the proposal being of sufficient benefit to clearly outweigh the loss.</p>	
<p><u>Policy BT8– Protection of Community Facilities</u></p> <p>There will be a presumption in favour of the protection of existing facilities. Where permission is required, the change of use of local community facilities, as listed below, will only be permitted for other health, education or community type uses (such as village halls, local clubhouses, health centres, schools and children's day nurseries), unless one of the following conditions is met:</p> <p>1. The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public transport,</p>	<p><u>HS8 Protecting Community Facilities</u></p> <p>Redevelopment or change of use of community facilities that serve local needs will only be permitted where it can be demonstrated that:</p> <p>a) There are similar facilities accessible to the local community by means other than the car, and either;</p> <p>b) The facility is redundant and no other user is willing to acquire and manage it, or;</p> <p>There is an assessment demonstrating a lack of need for the facility within the local community.</p>	<p>Policy BT8 is in general conformity with WDLP Policy HS8. Policy BT8 identifies the specific community facilities to be protected and sets out development management policy for the future development of these facilities.</p>

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<p>walking and cycling and have adequate car parking; or</p> <p>2. Satisfactory evidence is produced (including active marketing locally and in the wider area) that, over a minimum period of 12 months, it has been demonstrated that there is no longer a demand for the facility. The facilities are listed as follows and shown on the Policies Maps 3 and 4 (pages 8 and 9) [of the BTNDP]</p> <ul style="list-style-type: none"> a. The Leopard b. St Chad's Church c. St Chad's Centre d. Bishop's Tachbrook Sport and Social Club e. Tachbrook Stores f. Croft Medical Centre g. Bishop's Tachbrook School h. Heathcote Primary School <p>Proposals that would enhance the appearance, improve access and accessibility</p>		

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
<p>to these facilities will be supported when they are in accordance with other development plan policies and the policies of the BTNDP.</p> <p>Where new open spaces are created planning applications affecting those spaces will also be subject to policy BT8.</p>		
<p><u>Policy BT9 – Healthy, Inclusive Community</u></p> <p>To ensure that the neighbourhood area is a healthy, inclusive community where appropriate, feasible and viable, development proposals should include the following:</p> <p>a. Well-designed roads and streets that are accessible to all and offer people places and spaces to meet;</p> <p>b. Footpaths, cycleways and bridleways that link to existing networks and offer opportunities to make connections between geographically separate communities;</p> <p>c. Links to Tach Brook Country Park; and</p> <p>d. Parish noticeboards and other signage</p>	<p><u>HS1 Healthy, Safe and Inclusive Communities</u></p> <p>The potential for creating healthy, safe and inclusive communities will be taken into account when considering all development proposals.</p> <p>Support will be given to proposals that:</p> <p>a) provide homes and developments that are designed to meet the needs of older people and those with disabilities;</p> <p>b) provide energy efficient housing to help reduce fuel poverty;</p> <p>c) design and layout development to minimise the potential for crime and anti-social behaviour and improve community safety;</p> <p>d) contribute to the development of a high-quality, safe and convenient walking and cycling network;</p> <p>e) contribute to a high-quality, attractive and safe public realm to encourage social</p>	<p>Policy BT9 is in general conformity with and seeks to add more localised detail to WDLP Policy HS1.</p>

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	<p>interaction and facilitate movement on foot and by bicycle;</p> <p>f) seek to encourage healthy lifestyles by providing opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets;</p> <p>g) improve the quality and quantity of green infrastructure networks and protect and enhance physical access, including public rights of way to open space and green infrastructure;</p> <p>h) deliver or contribute to new and improved health services and facilities in locations where they can be accessed by sustainable transport modes;</p> <p>i) provide good access to local shops, employment opportunities, services, schools and community facilities, and;</p> <p>j) do not involve the loss of essential community buildings and social infrastructure.</p>	
<p><u>Policy BT10 – Development within Bishop's Tachbrook Conservation Area</u></p> <p>All new development within and affecting the setting of the Bishop's Tachbrook Conservation Area (Map 9, page 45) will be expected to maintain and, where possible, enhance the positive attributes of the Conservation Area and its setting. In particular development proposals should:</p>	<p><u>HE1 Designated Heritage Assets and their setting</u></p> <p>Development will not be permitted if it would lead to substantial harm to or total loss of the significance of a designated heritage asset, unless it is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or it is demonstrated that all of the following apply:</p>	<p>Policy RLS3 is in general conformity with Policies HE1 and HE2 of the WDLP.</p> <p>Policy HE1 sets out the overall approach to be taken in the District when considering the development of or within the setting of designated heritage assets (this includes Conservation Areas).</p> <p>Policy HE2 sets out the overall approach to be taken in the District when considering the</p>

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<p>a. Maintain the historic pattern of development by respecting the open dispersed form of settlement and the historic street pattern;</p> <p>b. Retain and enhance any non-designated heritage assets, such as the former village school;</p> <p>c. Ensure that any development on key gateways, such as The Leopard Public House are designed to a high quality;</p> <p>d. Retain trees, tree belts, banks and open spaces;</p> <p>e. Ensure that any development on key road junctions respects the character of the area and is suitable to this sensitive setting, avoiding clutter, over-engineered traffic management solutions and inappropriate signage; and</p> <p>f. That the following important views are protected:</p> <p style="padding-left: 40px;">I. Views at the Oakley Wood Road/Church Hill junction;</p>	<p>a) The nature of the heritage asset prevents all reasonable uses of the site; and</p> <p>b) No viable use of the heritage asset itself can be found that will enable its conservation; and</p> <p>c) Conservation by grant funding or charitable or public ownership is not possible; and</p> <p>d) The harm or loss is outweighed by the benefit of bringing the site back into use.</p> <p>Where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.</p> <p><u>HE2 Conservation Areas</u></p> <p>There will be a presumption in favour of the retention of unlisted buildings that make a positive contribution to the character and appearance of a Conservation Area. Consent for total demolition of unlisted buildings will only be granted where the detailed design of the replacement can demonstrate that it will</p>	<p>development of or within the setting of Conservation Areas.</p> <p>Within this District-wide policy framework Policy BT10 of the BTNDP provides more detailed non-strategic development management policy for assessing development proposals within the village's Conservation Area. The development management criteria have been identified from and reflect those in the Conservation Area Assessment.</p>

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<p>II. Views at the Church Hill/Mallory Road junction</p> <p>III. Views from The Green to the Parish Church;</p> <p>IV. View down Oakley Wood Road past the tree belt to the Manor House grounds.</p>	<p>preserve or enhance the character or appearance of the conservation area.</p> <p>Measures will be taken to restore or bring back into use areas that presently make a negative contribution to conservation areas.</p>	
<p><u>Policy BT11 – Protection of Non-Designated Heritage Assets and Locally Listed Historic Assets</u></p> <p>Development proposals affecting the significance of Locally Listed Buildings and other non-designated heritage assets identified in the Warwickshire Historical Environment Record will only be supported in the following circumstances:</p> <p>a) Where renovation or alteration of non-designated heritage assets require planning permission, such changes are designed sensitively, and with careful regard to the heritage asset's historical and architectural value and pay appropriate regard to the asset's setting; or</p> <p>b) Where a development proposal would result in the total loss of, or substantial harm</p>	<p><u>HE3 Locally Listed Historic Assets</u></p> <p>Development that would lead to the demolition or loss of significance of a locally listed historic asset will be assessed in relation to the scale of harm or loss and the significance of the asset.</p> <p>Change to locally listed historic assets should be carried out using traditional detailing and using traditional materials.</p>	<p>Policy BT11 is in general conformity with Policy HE3 of the WDLP. Policy BT11 seeks to protect locally listed historic assets and other non-designated heritage assets by setting out development management policy to help manage future development affecting such assets.</p>

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<p>to, the significance of a non-designated heritage asset, such development will only be supported when the public benefit of the proposed development outweighs the total loss of, or substantial harm to, the significance of the asset and its setting. Where such development is permitted, this will be conditioned in such a way that appropriate recording of the heritage asset takes place prior to any loss or harm occurring.</p>		
<p><u>Policy BT12 – Securing a Suitable Mix of House Types, Tenures and Sizes in New Development</u></p> <p>In meeting District-wide planning policies H2 and H4, development proposals for new housing should also be informed by and demonstrate how they have met the needs identified in the most up to date Parish Housing Needs Survey.</p>	<p><u>H2 Affordable Housing</u></p> <p>Residential development on sites of 11 or more dwellings or where the combined gross floor space is more than 1,000 sq. m will not be permitted unless provision is made for 40% affordable housing.</p> <p>The amount of affordable housing, the form of provision, its location on the site and the means of delivery of the affordable element of the proposal will be subject to negotiation at the time of a planning application. The viability of the development will be a consideration in such negotiations.</p> <p>Planning permission will not be granted until satisfactory arrangements have been made to</p>	<p>Policy BT12 seeks to provide additional policy guidance in addition to that contained in Policies H2 and H4 of the WDLP. Policy BT12 cross-references these two WDLP policies and is in general conformity with them. Policy BT5 seeks to ensure in applying policies H2 and H4 that account is also taken of any Parish Housing Needs Survey.</p>

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	<p>secure affordable housing as determined by the following principles: -</p> <ul style="list-style-type: none"> a) the affordable housing will be provided on site as either serviced land or dwellings, or a combination of the two; b) the sizes, types and tenures of homes provided will be determined on the basis of local need as identified in the latest Strategic Housing Market Assessment and, where appropriate, by other local needs surveys and information; c) the accommodation provided will be genuinely available to those households who have been identified as being in housing need; d) the affordable housing will be well integrated into the overall scheme along with the market housing with consistent qualities of materials, design and open spaces; e) the affordable housing will meet the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework (NPPF) in terms of tenure, eligibility and provider. If the NPPF is replaced by later national guidance while this policy H2 remains in force then, at the time of consideration of a planning 	

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	<p>application, the definition of affordable housing shall be taken to be as defined by such later national guidance;</p> <p>f) the affordable housing will be built within an agreed timescale; and</p> <p>g) the affordable housing will be available as such in perpetuity, where practicable, and only to those with a demonstrable housing need.</p> <p>The Council will, in exceptional circumstances, accept contributions of equivalent value in lieu of on-site delivery. This should include financial contributions, land or off-site provision of affordable homes. In such cases, the developer will be required to demonstrate why on-site delivery is not practical.</p> <p><u>H4 Securing a Mix of Housing</u></p> <p>The Council will require proposals for residential development to include a mix of market housing that contributes towards a balance of house types and sizes across the district, including the housing needs of different age groups, in accordance with the latest Strategic Housing Market Assessment.</p> <p>In assessing the housing mix in residential schemes, the Council may take into account</p>	

Bishop's Tachbrook NDP Policies	Warwick District Local Plan Policies 2011-2029 (WDLP)	General Conformity
	<p>the following circumstances where it may not be appropriate to provide the full range of housing types and sizes in accordance with the latest Strategic Housing Market Assessment:</p> <ul style="list-style-type: none"> a) physical constraints, such as those associated with small sites of less than five houses and conversion schemes, where opportunities for a range of different house types are limited (unless criterion e) applies); b) locational issues, such as highly accessible sites within or close to the town centre where larger homes and low / medium densities may not be appropriate; c) sites with severe development constraints where housing mix may impact on viability; d) sites where particular house types and / or building forms may be required in order to sustain or enhance the setting of a heritage asset; and e) developments in rural areas, where there is an up-to-date village or parish housing needs assessment that is a more appropriate indication of housing need. 	

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<p>Policy BT13 – Responding to Climate Change</p> <p>Development proposals should incorporate features that contribute to reducing greenhouse gas emissions and increasing resilience to the impact of climate change.</p> <p>New builds</p> <p>1. All new buildings should be designed to be carbon neutral. Proposals will be supported where they take account of the following:</p> <p>a. Building and roof orientation maximise opportunities for harnessing solar energy for renewable energy generation and passive solar gain.</p> <p>b. Heating systems are carbon neutral incorporating such technology as Ground/Air Source Heat pumps or community heating systems</p> <p>c. Water saving technology and waste water recycling are incorporated</p> <p>d. All properties have vehicle charging points</p> <p>e. Sustainable standards of resource consumption and recycling have been applied</p>	<p><u>BE1 Layout and design</u></p> <p>New development will be permitted where it positively contributes to the character and quality of its environment through good layout and design. Development proposals will be expected to demonstrate that they:</p> <ul style="list-style-type: none"> a. harmonise with, or enhance, the existing settlement in terms of physical form, patterns of movement and land use; b. relate well to local topography and landscape features (see policy NE4); c. reinforce or enhance the established urban character of streets, squares and other spaces; d. reflect, respect and reinforce local architectural and historical distinctiveness; e. enhance and incorporate important existing features into the development; f. respect surrounding buildings in terms of scale, height, form and massing; g. adopt appropriate materials and details; 	<p>Policy BE1 of the WDLP sets a design policy for the district. Policy BE1 seeks to ensure that new development contributes to the quality of its environment. Policy BT13 of the BTNDP seeks to add additional detailed local policy to respond to climate change (Warwick District Council has recently declared a “Climate Emergency”).</p> <p>Policy BT13 identifies a range of measures that could be included in new development to reduce greenhouse gas emissions and increase resilience to the impacts of climate change. These are detailed matters and are in general conformity with strategic planning policy.</p> <p>Policy BT13 also identifies a range of other matters (some of which, at times, may be non-planning matters). Initiatives to address these matters will be supported by the Parish Council.</p>

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<p>ensuring that there is an appropriate balance between innovation and respecting and harmonising with the local quality and character of the surrounding development.</p> <p>f. Building for Life standards, or an equivalent assessment framework, have been met.</p> <p>2. All new buildings should contribute to environmental resilience. Proposals will be supported where they take account of the following:</p> <p>a) The vulnerability of the site, and the wider area to flooding, especially during extreme weather events, have been identified and mitigated for in the proposal's design;</p> <p>b) The incorporation of buffer strips to protect streams, trees and hedgerow rooting zones;</p> <p>c) Extensive tree planting and landscaping using native species to increase carbon sequestration and ensure biodiversity is connected to the plan; and</p> <p>d) Surfaces that increase groundwater infiltration and reduce run-off will be used.</p>	<p>h. integrate with existing paths, streets, circulation networks and patterns of activity;</p> <p>i. incorporate design and layout to reduce crime and fear of crime (see policy HS7);</p> <p>j. provide for convenient, safe and integrated cycling and walking routes within the site and linking to related routes and for public transport (see policy TR1);</p> <p>k. provide adequate public and private open space for the development in terms of both quantity and quality (see policy HS4);</p> <p>l. incorporate necessary services and drainage infrastructure without causing unacceptable harm to retained features including incorporating sustainable water management features;</p> <p>m. ensure all components, e.g. buildings, landscaping, access routes, parking and open spaces are well-related to each other and provide a safe and attractive environment;</p> <p>n. make sufficient provision for sustainable waste management (including facilities for kerbside collection, waste separation and minimisation where appropriate)</p>	

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<p>The Parish Council will not support new developments that it considers does not meet these criteria.</p> <p>Other issues</p> <p>3 In addition to the design of new buildings, proposals that contribute to the issues listed below will be supported:</p> <p>a. The decarbonisation of existing private homes</p> <p>b. Improving air quality</p> <p>c. More effective waste management</p> <p>d. The creation of renewable energy infrastructure including the building of community solar farms and wind turbine electricity generation</p> <p>e. Carbon free transport including the installation of public charging points</p>	<p>without adverse impact on the street scene, the local landscape or the amenities of neighbours;</p> <p>o. meet the highest standards of accessibility and inclusion for potential users regardless of disability, age or gender;</p> <p>p. ensures that layout and design addresses the need for development to be resilient to climate change (see policy CC1); and</p> <p>q. ensure that there is an appropriate easement between all waterbodies / watercourses to allow access and maintenance</p> <p>Development proposals that have a significant impact on the character and appearance of an area will be required to demonstrate how they comply with this policy by way of a Layout and Design Statement.</p>	

Basic condition f. Be compatible with EU obligations

- 3.19 The Submission BTNDP 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 BTNDP by Warwick District Council in March/April 2019. This concluded that:
 - 4.1 As a result of the screening assessment in section 3, it is considered unlikely there will be any significant environmental effects arising from the Bishops Tachbrook Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal of the Local Plan. As such, it is considered that the Bishops Tachbrook Neighbourhood Plan does not require a full SEA to be undertaken."*
- 3.23 The full report is submitted alongside the BTNDP.

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 Strategic Environmental Assessment Screening was undertaken on the BTNDP by Warwick District Council in March/April 2019. This concluded that:

“The Neighbourhood Plan must be prepared in general conformity with the Local Plan. The development of the Local Plan is subject to a detailed SA which is considered compliant with European Directive 2001/42/EC the Strategic Environmental Assessment Directive. A Habitats Regulation Assessment (HRA) of the Local Plan has also been produced and reported on separately that is also considered relevant in the assessment of the environmental effects of the Neighbourhood Plan. It is unlikely that it will have a significant effect on important Habitat / Biodiversity assets.”

European Convention on Human Rights

- 3.26 The Submission BTNDP 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 BTNDP has been produced in full consultation with the local community. The BTNDP 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 BTNDP 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 BTNDP 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 BTNDP and prescribed matters have been complied with in connection with the proposal for the Plan.

Bishop's Tachbrook Parish Council

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