



# **Budbrooke Neighbourhood Development Plan (NDP)**

## **Basic Conditions Statement**

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



With assistance from



## 1. INTRODUCTION

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> 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. – Not applicable
- 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. – Not applicable
- 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 Budbrooke NDP has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

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

## **2. LEGAL REQUIREMENTS**

### **2.1 The Submission Plan is being submitted by a qualifying body**

The Budbrooke Submission Neighbourhood Development Plan is being submitted by a qualifying body, namely the Budbrooke Parish Council.

### **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 proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2011 to 2029 (the same period as the Warwick Local Plan).

### **2.4 The policies do not relate to excluded development**

The Neighbourhood 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.

### **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 Neighbourhood Plan proposal relates to the designated Budbrooke 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 of the Parish at the time of the designation and is shown on Map 1 in the NDP.

### 3. BASIC CONDITIONS

***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 Budbrooke Submission Neighbourhood Development Plan has been produced with appropriate regard to the guidance contained within the National Planning Policy Framework (NPPF). Paragraphs 183-185 of the NPPF outline specific guidance in relation to the production of Neighbourhood Plans. Paragraph 184 states that “The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the local area. Neighbourhood Plans must be in general conformity with the strategic policies of the local plan.” The Neighbourhood Plan has been drafted with regard to the relevant strategic planning policies for Warwick District Council, and the comprehensive evidence base that supports these policies.
- 3.2 Paragraph 184 also states that Neighbourhood Plans should “not promote less development than set out in the Local Plan or undermine its strategic policies”. The Budbrooke Neighbourhood Plan does not undermine the strategic policies of Warwick District Council. The Plan aims to support these policies these policies and site allocations by promoting the development of proposed allocated housing sites whilst protecting natural and built heritage assets, supporting a proposed community hub facility with enhanced recreational facilities, promoting improved connectivity and accessibility with the Parish and to neighbouring centres such as Kenilworth, and promoting improvements in accessibility and traffic management.
- 3.3 The Plan has regard to the twelve core planning principles set out within paragraph 17 of the Framework, as set out in Table 1 below:

**Table 1: NPPF Core Planning Principles and the Budbrooke Submission Neighbourhood Development Plan**

| NPPF Core Planning Principle  | Regard that the Budbrooke Neighbourhood Development Plan has to guidance  |
|---|---|
| <p>Planning 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> | <p>The Parish Council has produced the Submission Neighbourhood Development Plan in line with this guidance.</p> <p>It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in shaping its policies and proposals through consultation, the Plan will empower local people to shape their surroundings. The vision, objectives, policies and proposals in the Plan have been developed with a thorough approach to community engagement. The Plan sets out a positive vision for the area up to 2029.</p> <p>The Submission Neighbourhood Development Plan sets out a concise and practical suite of</p> |

| <b>NPPF Core Planning Principle</b>   | <b>Regard that the Budbrooke Neighbourhood Development Plan has to guidance</b>   |
|---|---|
|   | policies (11 in total) to guide development management decisions.   |
| Planning 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 Submission Neighbourhood Development Plan offers the local community the opportunity to shape the future development of Budbrooke Parish in a creative way, ensuring that the quality of the place is enhanced by protecting important local greenspaces, and promoting high quality design in new development whilst at the same time supporting housing growth.                           |
| Planning 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 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. | The Submission Neighbourhood Development Plan refines and amplifies District-wide policies and proposals set out in Warwick's Local Plan policies. It supports housing development on identified allocated housing sites. Policies also support the protection of community facilities and Local Green Spaces. The Plan also supports investment in small-scale local employment opportunities. |
| Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.   | <p>The Submission Neighbourhood Development Plan sets out policies to protect and enhance local character and ensure that amenity is protected.</p> <p>Policies encourage high quality design in new development, including detailed development principles for the two allocations in the Warwick Local Plan.</p>  |
| Planning 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.  | <p>The Submission Neighbourhood Development Plan takes regard of this guidance fully in plan- making and decision- taking.</p> <p>The Budbrooke Neighbourhood Plan seeks to protect the surrounding landscape character and designates Local Green Spaces and Open Spaces in the Parish. The Submission Neighbourhood Development Plan</p>  |

| <b>NPPF Core Planning Principle</b>   | <b>Regard that the Budbrooke Neighbourhood Development Plan has to guidance</b>  |
|---|--|
|   | encourages sustainable transport measures and small scale local employment   |
| 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 Submission Neighbourhood Development Plan promotes an approach which reduces reliance on the private car by promoting good accessibility in new development, walking and cycling, and improving traffic management through the village. Sustainable construction and low carbon technologies are encouraged.   |
| Planning 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 the Framework.   | <p>The Submission Neighbourhood Development Plan seeks to protect locally important green spaces and open spaces, and supports proposals to enhance biodiversity.</p> <p>Proposals for increasing opportunities for walking and cycling and improving traffic management have the potential to improve traffic flow through the area reducing carbon emissions, and with their concomitant environmental improvements are likely to have a positive impact on air quality.</p> |
| Planning should encourage the effective use of land by reusing land that has been previously developed (Brownfield land), provided that it is not of high environmental value.  | The Submission Neighbourhood Development Plan supports this principle. It also seeks to safeguard locally important open spaces from new housing development.  |
| Planning 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 wildlife, recreation, flood risk mitigation, carbon storage or food production).                                       | <p>The Submission Neighbourhood Development Plan promotes a green infrastructure approach in policies which protect and seek to enhance local open spaces.</p> <p>Mixed use developments are not promoted as the neighbourhood area is a rural area in the green belt and two housing sites are allocated in the Warwick Local Plan.</p>   |
| Planning 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 Submission Neighbourhood Development Plan is fully in line with this principle.</p> <p>There are 9 statutory Listed Buildings, Scheduled Monuments and a number of ancient woodlands in the Parish. The Plan includes detailed design policies to ensure</p>  |

| NPPF Core Planning Principle  | Regard that the Budbrooke Neighbourhood Development Plan has to guidance  |
|---|---|
|   | high quality design. The Plan also includes policies to protect local landscape character.  |
| Planning 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 Submission Neighbourhood Development Plan seeks to promote the use of sustainable forms of transport through policies promoting walking and cycling.  |
| Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural services to meet local needs                 | The Submission Neighbourhood Development Plan is fully in accord with this principle. Policies in the plan safeguard local green spaces, safeguard and enhance community facilities and promote a network of routes to support walking and cycling. |

***b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest***

- 3.4 There are 9 Listed Buildings in the Neighbourhood Plan area. The Submission Neighbourhood Development Plan has special regard to the desirability of preserving listed buildings and their settings, and features of architectural or historic interest within the town through Policies LW4 and LW5.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

***c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area***

- 3.5 The Plan area has no Conservation Area.

*[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].*

***d. Contributes to the Achievement of Sustainable Development***

- 3.6 The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development.
- 3.7 Paragraphs 6-10 of the National Planning Policy Framework outline the Government's definition of sustainable development.
- 3.8 The UK Government's interpretation of the concept of sustainable development builds on that of the UN resolution 24/187, which is 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

- 3.9 The NPPF amplifies this simple definition, at paragraph 7, stating that sustainable development has three dimensions, economic, social and environmental. Planning needs to perform a number of roles in relation to these issues:
- “an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well- being; and
  - an environmental role - 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.”
- 3.10 In Paragraph 6, the NPPF states that “the policies in paragraphs 18-219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system”.
- 3.11 Table 1 above gives a clear and comprehensive narrative of how the framework complies with the Core Planning Principles of the NPPF, and by corollary, the achievement of sustainable development.
- 3.12 Table 2 below summarises how the policies and allocations in the Budbrooke Submission Neighbourhood Development Plan contribute to the economic, social and environmental aspects of sustainable development.

**Table 2: Budbrooke Submission Neighbourhood Development Plan’s contribution to the economic, social and environmental aspects of sustainable development.**

| <b>Sustainable Development Role</b> | <b>Neighbourhood Development Plan’s Contribution</b>   |
|-------------------------------------|--|
| <b>Economic</b>                     | The Submission Neighbourhood Development Plan seeks to support employment provision. By supporting significant housing growth as identified in the Warwick Local Plan the Neighbourhood Plan recognises the need to plan for housing and jobs together.                                |
| <b>Social</b>                       | The Submission Neighbourhood Development Plan n sets a strong framework that will help to support the achievement of sustainable social development. The plan protects community facilities and promotes health and well-being by protecting recreational facilities and green spaces. |

|                      |  |
|----------------------|--|
|                      | The proposed housing site allocations and supporting policies promote a mix of house types and tenures with an emphasis on providing more housing for older people.  |
| <b>Environmental</b> | <p>The Submission Neighbourhood Development Plan sets out policies that protect landscape character, local wildlife and biodiversity and protect open space.</p> <p>The Plan seeks to promote more sustainable transport patterns through the creation of walking and cycling routes which will encourage more pedestrian journeys.</p> <p>Policies seek to promote the local distinctiveness of the area, and recognise the significance of locally important natural heritage assets to local residents as an important aspect of the Parish's identity.</p> |

***e. In General Conformity with Strategic Local Planning Policy***

- 3.13 The Submission Neighbourhood Development Plan is in general conformity with strategic Local Plan policies contained in the newly adopted Warwick Local Plan (2011-2029). Table 3 below sets out the way that the Neighbourhood Plan conforms to the relevant strategic policies from the Local Plan.

**Table 3 Conformity with Strategic Local Planning Policy**

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>  | <b>Warwick District Local Plan 2011-2029 Policies</b>  | <b>Assessment of “general conformity”</b>   |
|--|--|---|
| <p><b>Policy BNDP1 - Protection and enhancement of local community facilities</b></p> <p>1. There will be a strong presumption in favour of the protection and enhancement of existing community facilities such as village halls &amp; centres, shops and educational facilities. The change of use of community facilities will only be permitted for other health, education or community type uses (such as village halls, club houses, health centres, schools and children’s day nurseries) if one of the following can be demonstrated:</p> <ul style="list-style-type: none"> <li>a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible for the local community by public transport, walking and cycling and have adequate car parking; or</li> <li>b) The facility is redundant and no other user is willing to acquire and manage it, or;</li> <li>c) There is an assessment demonstrating a lack of need for the facility within the local community.</li> </ul> <p>2. New community facilities will be permitted provided that:</p> <ul style="list-style-type: none"> <li>a) They are located within the settlement boundary</li> <li>b) They are accessible by public transport, walking and cycling</li> <li>c) There are opportunities to integrate services</li> <li>d) They would not have an adverse effect on residential amenity.</li> </ul> | <p><b>HS6 Creating Healthy Communities</b></p> <p><b>HS8 Protecting Community Facilities</b></p> | <p>Policy BNDP1 is in general conformity with both Policy HS6 and HS8. It seeks to include further local information to ensure the community facilities are protected. And further community facilities are provided to complement the new housing proposed in the village.</p> |
| <p><b>Policy BNDP2 - Protection of Local Green Spaces</b></p> <p>Development will not be permitted on Local Green spaces that are in the local proximity of Budbrooke, are demonstrably special and are local areas of significance or importance will be</p>  | <p><b>NE1 Green Infrastructure</b></p>   | <p>Policy BNDP 2 is in general conformity with Policy NE1, as it protects Green Infrastructure in the Parish.</p>   |





| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>  | <b>Warwick District Local Plan 2011-2029 Policies</b>   | <b>Assessment of “general conformity”</b>   |
|--|---|---|
| <p>Development of the two sites identified in Map 3 below will only be considered acceptable subject to the following design principles:</p> <p>Density</p> <ol style="list-style-type: none"> <li>1. The density of the site should not exceed 35 dwellings per hectare (gross) in keeping with the context of the immediate surrounding area.</li> </ol> <p>Traffic</p> <ol style="list-style-type: none"> <li>2. Traffic implications must be carefully considered and mitigated</li> <li>3. Multiple access point should be investigated</li> <li>4. Design of main residential streets to include planting of street trees</li> <li>5. Through a sensitive design response to each site, where necessary, traffic calming measures should be included within the design of new developments to help naturally slow traffic</li> </ol> <p>Construction Phase</p> <ol style="list-style-type: none"> <li>6. Consideration should be given to a temporary access road to the site e.g. across fields north of Leasowe’s Farm house from Henley Road or the access point from the former services Northbound on A46</li> <li>7. Construction hours and deliveries will be conditioned</li> <li>8. The landowners and developers will be expected to work with self-build and custom build groups to facilitate such projects provisions including shared services such as water, electricity, gas, sewerage and fibre optic communications</li> </ol> <p>Layout</p> <ol style="list-style-type: none"> <li>9. Establish a well-connected internal street environment, including the existing public rights of way</li> <li>10. Establish pedestrian and cycle-way linkages between the existing housing, services and the site</li> </ol> | <p><b>DS11 Allocated Housing Sites</b></p> <p><b>H2 Affordable Housing</b></p> <p><b>H4 Securing a Mix of Housing</b><br/><b>H5 Specialist Housing for Older People</b></p> <p><b>H10 Bringing Forward Allocated Sites in the Growth Villages</b></p> <p><b>H15 Custom and Self-Build Housing Provision</b></p> | <p>Neighbourhood Plan and provides detailed development principles for the development of the site.</p> <p>Policy BNDP5 is in general conformity with H2 as it seeks a level of affordable housing in accordance with policy H2, and provides further local detail as to location and type.</p> <p>Policy BNDP5 is in general conformity with both H and H54 as it seeks to provide further local information on the mix of housing required across the two development sites.</p> <p>Policy BNDP5 is in general conformity with H10 as it seeks to provide further local information on the mix of housing required across the two development sites.</p> <p>Policy BNDP5 is in general conformity with H15 as it seeks to provide local evidence of demand for self-build housing</p> <p>Policy BNDP5 is in general conformity with SC0 and BE1 as it seeks to add local detail to the higher-level policies.</p> <p>Policy BNDP5 is in general conformity with Policies TR1, TR2 and TR3. The locally identified</p> |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>   | <b>Warwick District Local Plan 2011-2029 Policies</b>  | <b>Assessment of “general conformity”</b>                               |
|---|--|---|
| <p>11. Provide new footpath connections linking existing rights of way</p> <p>12. Includes adequate off-street parking for each dwelling in accordance with Warwick District Council’s adopted standards (presently SPD Vehicle Parking Standards adopted 2007)</p> <p>13. Bungalows should be an integral part of new housing to cater for the needs of residents who wish to remain living in the village</p> <p>Design</p> <p>14. Proposals for the development of each site should include a proper and detailed site appraisal or survey which identifies the attributes of the site and its immediate surroundings</p> <p>15. Design is in accordance with Design Policy BNDP7</p> <p>16. Boundary treatments should respect the rural environment</p> <p>17. Maintain existing trees and hedgerows, wherever possible</p> <p>18. Houses will generally be a maximum two storeys in keeping with the immediate surrounding area</p> <p>19. A mix of house types and sizes will be required across the site to meet an identified range of housing needs including the provision of bungalows to reflect local demographics and self or custom build homes as evidenced by up to date housing needs surveys/information.</p> <p>20. A key feature at each development site should be that low cost and market homes are indistinguishable and are located in several clusters across the site, so as to avoid an over concentration of one type in a single location on the site</p> <p>21. Introduce fibre broadband to new development from existing green boxes and extend where possible to cater for the increasing number of internet based micro companies</p> <p>22. A good proportion of dwellings should to be designed to meet the needs of a variety of different age groups including older residents and residents requiring specialist homes to accommodate people with disabilities. They must also demonstrate as a minimum that they meet the space and accessibility requirements of the Building Regulations</p> | <p><b>Overarching Policy SC0: Sustainable Communities</b></p> <p><b>BE1 Layout and design</b></p> <p><b>BE5 Broadband Infrastructure</b></p><br><p><b>TR1 Access and Choice</b></p> <p><b>TR2 Traffic Generation</b></p> <p><b>TR3 Parking</b></p> | <p>criteria will help achieve the aims of the above three policies.</p> |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>   | <b>Warwick District Local Plan 2011-2029 Policies</b> | <b>Assessment of “general conformity”</b> |
|---|---|---|
| <p>(including Lifetime Home Standards and Building for life 12), reflecting identified local demand.</p> <p>Affordable Housing (as defined by the NPPF) Affordable Housing should be provided in accordance with Warwick Local Plan policies and the Warwick District Council SPD “Affordable Housing)</p> <p>23. 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 (subject to viability)</p> <p>24. All such proposals will be required to provide dwellings, remaining affordable and available in the first instance and in perpetuity to people with local connections, where practicable. In the unlikely event that insufficient needs are identified housing will be offered to other rural parishes in line with the Parish and/or District Council lettings policy. Homes should be offered initially and subsequently to people who have a local connection. Proposals will have to demonstrate how they contribute to maintaining a mix of tenures, types and size of dwelling in the parish, and the steps they propose to take to ensure that affordable dwellings remain available to people with local connections</p> <p>25. Although a full range of affordable local housing will be needed, the mix of tenure types should include a proportion of intermediate housing, in particular shared equity/starter and market homes, where possible. (The exact balance will be determined according to evidence available at the time of any planning application, regarding current and future housing needs in the area.)</p> <p>26. Affordable homes will be mixed among open market homes wherever both are represented on the site</p> <p>Self-Build</p> <p>27. Proposals for self-build and custom-build dwellings will be supported and encouraged in conformity with legislation and</p> |   |   |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>  | <b>Warwick District Local Plan 2011-2029 Policies</b>   | <b>Assessment of “general conformity”</b>   |
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| <p>NPPF paragraph 59 to address the need for local people wishing to build, and live in, their own home.</p> <p>28. Proposals will be in accordance with adopted WDC policy and future supplementary planning documents.</p> <p>The Parish Council’s views on how this might happen are detailed in Appendix 2.</p>  |   |   |
| <p><b>Policy BNDP6 - Scale and type of new housing within Hampton Magna and Hampton-on-the-Hill.</b></p> <p>Hampton Magna is an inset village in the Green Belt. Hampton-on-the-Hill is washed over.</p> <p>In order to retain the rural character of the designated area, proposals for new housing within Hampton Magna (Map 3) and Hampton on the Hill (Map 3) will only be permitted in accordance with the following criteria:</p> <ul style="list-style-type: none"> <li>(a) Is in accordance with National Green Belt policy and with Government Guidance; and</li> <li>(b) Located on an infill site</li> <li>(c) Maintains an appropriate density in context with the immediate surrounding area and not exceeding 35 dwellings per hectare</li> <li>(d) Ensures appropriate and safe access can be achieved</li> <li>(e) Provides appropriate residential amenity for future occupiers (not located adjacent to noise generating agricultural, industrial or commercial activities)</li> <li>(f) Is of high quality design and is in keeping with the immediate surroundings, environment and rural landscape in accordance with the design policies of this plan</li> <li>(g) Incorporates originality, innovation and initiative in design, where appropriate;</li> <li>(h) Demonstrates a contribution to the delivery of an appropriate mix of dwelling types and sizes including affordable housing and self/custom build, to meet the needs of all sectors of the community</li> </ul> | <p><b>H1 Directing New Housing</b><br/> <b>H4 Securing a Mix of Housing</b><br/> <b>H5 Specialist Housing for Older People</b><br/> <b>H11 Limited Village Infill Housing Development in the Green Belt</b></p> <p><b>Overarching Policy SC0: Sustainable Communities</b><br/> <b>BE1 Layout and design</b><br/> <b>BE3 Amenity</b></p> <p><b>TR1 Access and Choice</b><br/> <b>TR3 Parking</b></p> | <p>Policy BNDP6 is in general conformity with H1, H4, H5 and H11 as it identifies Hampton Magna as an inset village and Hampton on the Hill as a limited infill village (washed over). It seeks to provide further local criteria to enhance the overarching strategic policies.</p> <p>Policy BNDP6 is in general conformity with SC0 and BE1 as it seeks to add local detail to the higher-level policies.</p> <p>Policy BNDP6 is in general conformity with Policies TR1, TR2 and TR3. The locally identified criteria will help achieve the aims of the above three policies.</p> |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>  | <b>Warwick District Local Plan 2011-2029 Policies</b>         | <b>Assessment of “general conformity”</b>   |
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| <p>(i) Reflects the scale and function of the settlement</p> <p>(j) Includes adequate off-road parking in line with Warwick District Council's adopted standards (Presently SPD - Vehicle Parking Standards adopted 2007), garaging and private and public amenity space for future residents</p> <p>(k) Reflects the needs of the ageing population, in line with census and survey information, to provide the necessary facilities to cater for the needs of residents who wish to remain living in the village</p> <p>(l) Is in accordance with all other relevant policies</p> <p>(m) Sustainable construction, low carbon technologies and use of innovative solutions will be encouraged such as grey water recycling, rainwater harvesting, and reed beds for sewerage and opportunities for local food production, such as allotments /integrated community gardens</p> <p>For the purposes of this policy infill is defined as</p> <ul style="list-style-type: none"> <li>• Development which fills a restricted gap in the continuity of existing buildings where the site has existing building curtilages, normally residential, adjoining on at least two sides</li> <li>• Development within the settlement which does not involve outward extension of that area</li> <li>• Development of the site is a complete scheme and not the first stage of a larger development.</li> </ul> |   |   |
| <p><b>Policy BNDP7 - Design of Development in Budbrooke Parish.</b></p> <p>The designated area has a distinctive and special character. All new development within the area will be permitted where it makes a positive contribution to that distinctive character and be of good design and quality. In seeking to protect and enhance the unique identity of the area, all development will be expected to take account of the following:</p> <p>(a) Contributes to local identity, and sense of place</p>   | <p><b>BE1 Layout and design</b></p> <p><b>BE3 Amenity</b></p> | <p>Policy BNDP7 is in general conformity with Policies BE1 and BE3 in that it seeks to introduce a local context to complement and support the higher-level policies.</p> |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>   | <b>Warwick District Local Plan 2011-2029 Policies</b>   | <b>Assessment of “general conformity”</b>  |
|---|---|--|
| <ul style="list-style-type: none"> <li>(b) Is suitable in terms of the overall design and appearance of the proposed development (including size, scale, density, layout, access, lighting, street furniture, and signage) when assessed in relationship with surrounding buildings, existing layout, spaces, vegetation, water areas and other features of the street scene</li> <li>(c) Use, and where appropriate re-uses, local and traditional materials or suitable artificial alternatives</li> <li>(d) Does not result in backland development which has a detrimental impact on the character of the villages</li> <li>(e) Includes adequate parking, garaging and private and public amenity space for future residents</li> <li>(f) Ensures the use of space and landscape design is appropriate; and in keeping with the open-plan nature of the existing developments</li> <li>(g) Relates well to the street and have an active frontage</li> <li>(h) Respects local settings and garden forms/landscaping</li> <li>(i) Ensures movement to, within, around, and through the development is acceptable</li> <li>(j) Encourages originality, innovation and initiative</li> <li>(k) Includes appropriate energy efficiency and conservation measures</li> <li>(l) Uses Sustainable Drainage Systems</li> <li>(m) Uses appropriate lighting for the location</li> </ul> |   |  |
| <p><b>Policy BNDP8 - Protecting and enhancing local landscape character</b></p> <p>Development proposals will be required to incorporate the following landscape design principles:</p> <ol style="list-style-type: none"> <li>1. Development proposals should seek to preserve and enhance the character of the villages and surrounding scattered rural settlements and farmsteads. Schemes will be expected to conserve and protect the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed, through the use of appropriate styles and sustainable locally distinctive materials</li> </ol>  | <p><b>STRATEGIC POLICY DS3: Supporting Sustainable Communities</b></p> <p><b>NE1 Green Infrastructure</b></p> <p><b>NE2 Protecting Designated Biodiversity and Geodiversity Assets</b></p> <p><b>NE3 Biodiversity</b></p> <p><b>NE4 Landscape</b></p> | <p>Policy BNDP8 is in general conformity with DS3, NE1, NE2, NE3, and NE4 in that it seeks to add a local context to the higher-level policies to protect the landscape character of the setting of the villages, biodiversity and local landscape features.</p> |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>   | <b>Warwick District Local Plan 2011-2029 Policies</b> | <b>Assessment of “general conformity”</b> |
|---|---|---|
| <p>2. Areas and species of national and local importance for biodiversity should be preserved and enhanced. Landscaping schemes will be required to incorporate planting schemes which use traditional and locally appropriate species to support and enhance biodiversity. Species should be appropriate to the location and setting in terms of type, height, density and the need for on-going management. When constructing boundaries native tree species should be used. Existing hedgerows should be retained and the establishment of new native hedges is encouraged to support and protect wildlife, wherever possible.</p> <p>3. Development proposals should conserve important local landscape features and species wherever possible. Mature and established trees should be protected and incorporated into landscaping schemes wherever possible</p> <p>4. Development proposals should provide linkages to wildlife corridors and provision of landscaping and planting along routes to support local biodiversity objectives such as provision of new areas of woodland, new hedgerows, grassland and wetland habitats</p> <p>5. The conservation of traditional farm buildings through continued and appropriate new uses is supported and repairs and alterations should use local materials and techniques wherever possible</p> <p>6. Ancient Woodlands in the Parish will be protected. There should be no loss or deterioration of irreplaceable habitats, including ancient woodland or the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss</p> |   |   |

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|---|---|--|
| <p><b>Policy BNDP9 - Traffic Management and Transport Improvements</b></p> <p>Proposals for improvements in road safety and traffic management will be fully supported by the Neighbourhood Development Plan. All new development will be expected to satisfy the following criteria, where possible:</p> <ul style="list-style-type: none"> <li>(a) The safety of all roads users will not be compromised</li> <li>(b) There will be no demonstrable adverse impact on the capacity and operation of the highway network that are not outweighed by other benefits of the development</li> <li>(c) There is adequate off-road parking to serve the development in accordance with Warwick District Council’s Standards (presently SPD – Vehicle Standards adopted 2007)</li> <li>(d) There is safe access, egress and appropriate visibility to serve the development and</li> <li>(e) Existing on-street parking problems are not exacerbated by the development.</li> </ul> <p>Developer contributions and Community Infrastructure Levy payments will be sought towards the following within the parish:</p> <ol style="list-style-type: none"> <li>1. Highway improvement schemes to promote the safety of pedestrians and cycle users</li> <li>2. Traffic calming measures, pedestrian priority schemes and the reduction in traffic speeds on routes through the villages</li> <li>3. Increasing public and community transport to and from the designated area</li> <li>4. Measures to deal with tackling traffic congestion</li> </ol> <p>The parish council will work with and encourage providers of public transport to provide as full a service as is needed to support future development in the village</p> | <p><b>TR1 Access and Choice</b></p> <p><b>TR2 Traffic Generation</b></p> <p><b>TR3 Parking</b></p> <p><b>DM1 Infrastructure Contributions</b></p> | <p>Policy BNDP9 is in general conformity with Policies TR1, TR2 and TR3 as it seeks to ensure that the safety of all road users is not compromised, and any transport generation issues are sufficiently mitigated, and adds a local context which supports the higher-level policies.</p> <p>Policy BNDP9 is in general conformity with DM1 in that it identifies specific measures for infrastructure contributions.</p> |
| <p><b>Policy BNDP10 - Sustainable Transport measures</b></p> <p>Proposals should, where appropriate, make provision for sustainable transport measures, through:</p>  | <p><b>TR1 Access and Choice</b></p> <p><b>TR2 Traffic Generation</b></p> <p><b>DM1 Infrastructure Contributions</b></p>                           | <p>Policy BNDP10 is in general conformity with TR1 and TR2 in that it adds a local context to the higher-level policies and identifies local</p>   |

| <b>Budbrooke Submission Neighbourhood Development Plan Policies</b>  | <b>Warwick District Local Plan 2011-2029 Policies</b>   | <b>Assessment of “general conformity”</b>   |
|--|---|---|
| <p>(a) providing pavements and cycle paths enabling residents of all ages and abilities to walk, cycle or utilise mobility vehicles safely from their homes to connect with existing footways, where available, in order to gain access to village services and facilities</p> <p>(b) providing where possible, and where funding and developer contributions allow, new pedestrian and cycle routes or improving existing village networks, including appropriate signage, to serve new development; for example, a foot/cycle bridge over the A46 to improve access to Warwick Town</p> <p>(c) taking the opportunity to contribute to establishing or enhancing pedestrian and cycle routes through the villages and beyond</p> <p>(d) projects such as car share schemes or car clubs should be considered for further investigation in order to reduce car usage in the designated area</p> |   | <p>measures to attract developer contributions.</p>   |
| <p><b>Policy BNDP11 -Supporting and enhancing existing small scale local employment.</b></p> <p>Existing sources of local employment will be protected.</p> <p>Redevelopment or change of use of existing employment premises will only be permitted when:</p> <p>(a) The employment premises have been empty for 18 months or more and during that time actively marketed without securing a viable alternative employment use or</p> <p>(b) Equivalent, or better, provision is made, elsewhere within the parish, to replace the proposed loss of local employment space</p> <p>The development of new small-scale local employment opportunities and homeworking will be permitted within the Neighbourhood Development Plan area providing that they:</p>   | <p><b>EC1 Directing new employment development</b></p> <p><b>BE3 Amenity</b></p> <p><b>BE5 Broadband Infrastructure</b></p> | <p>Policy BNDP5 seeks to provide local criteria for the promotion of new small-scale business in the villages and is in general conformity with EC1, BE3 and BE5.</p> |

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|---|---|---|
| <ul style="list-style-type: none"> <li>(c) Give priority to the re-use of a brownfield site, or the conversion of an existing building</li> <li>(d) Are of a scale appropriate to the immediate surroundings</li> <li>(e) Do not have a detrimental impact on surrounding residential amenity</li> <li>(f) Do not lead to the loss of open space or green infrastructure</li> <li>(g) Are located close to existing highways and do not have an unacceptable impact on traffic</li> <li>(h) Are in accordance with all other relevant policies of this plan</li> <li>(i) Does not have a detrimental impact on the openness of the Green Belt in accordance with NPP</li> <li>(j) Introduce fibre broadband to new development from existing green boxes and extend where possible</li> </ul> |   |   |

#### **f. Be Compatible with EU Obligations**

- 3.14 The Submission Neighbourhood Plan is fully compatible with EU Obligations.
- 3.15 **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)**

- 3.16 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.
- 3.17 A SEA screening report was prepared by Warwick District Council to determine whether or not the content of the Draft Budbrooke Neighbourhood Development Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

#### **Requirement for Habitats Regulations Assessment (HRA)**

- 3.18 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. There are no European Sites within the neighbourhood area or in close proximity.
- 3.19 A Habitat Regulations Assessment screening report was undertaken for the Neighbourhood Plan as part of the SEA Screening Report to determine whether a Habitats Regulations Assessment (HRA) is required in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

#### **The SEA Screening**

- 3.20 The original SEA screening report undertaken at the first Regulation 14 consultation in 2015 concluded "*As a result of the screening assessment in section 3, it is considered unlikely there will be any significant environmental effects arising from the Budbrooke Neighbourhood Plan that were not covered/ addressed in the Sustainability Appraisal*

*of the Local Plan. As such, it is considered that the Budbrooke Neighbourhood Development Plan does not require a full SEA to be undertaken.”*

- 3.21 A further screening was carried out in September 2017. The Report was published for consultation and circulated to the 3 consultation bodies (Natural England, Environment Agency and Historic England) for comments.

The responses are set out in Table 4 below:

**Table 4 SEA Responses**

| <b>Consultation Body</b>  | <b>Response</b>  |
|---------------------------|--|
| <b>Historic England</b>   | Agree with the Screening outcome that no SEA is required |
| <b>Natural England</b>    | Agree with the Screening outcome that no SEA is required |
| <b>Environment Agency</b> | No comments  |

## **European Convention on Human Rights**

- 3.22 The Submission Neighbourhood Development Plan 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 Plan has been produced in full consultation with the local community. The Plan 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.
- 3.23 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.
- 3.24 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:
- 3.25 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 Neighbourhood Plan 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.
- 3.26 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.
- 3.27 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 Plan 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.

***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).***

- 3.28 The prescribed conditions have therefore been met in relation to the Neighbourhood Development Plan (NDP) and prescribed matters have been complied with in connection with the proposal for the Plan.

Prepared on behalf of Budbrooke Parish Council by Kirkwells Town Planning  
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