

# **Wilmcote and Pathlow Regulation 16 Submission Neighbourhood Development Plan**

**Paragraph 8 of Schedule 4b**

## **‘Basic Conditions’ Statement**

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## **1.0 Legal Requirements**

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

This Submission Plan is being submitted by a qualifying body, namely Wilmcote Parish Council. The parish includes a second village, Pathlow, and the neighbourhood development plan has been titled the “Wilmcote and Pathlow Neighbourhood Development Plan”.

### **What is being proposed is a neighbourhood development plan**

The plan proposal 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 [as amended?].

### **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 the Plan being made (2016) up to 2031 (the same period as the Stratford on Avon Core Strategy Local Plan).

### **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.

### **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 Wilmcote Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

## 2.0 Basic Conditions

A draft Neighbourhood Development Plan (NDP) must meet a set of basic conditions before it 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. How the Wilmcote and Pathlow NDP meets these basic conditions is set out below.

### Have Appropriate Regard to National Policy

The Wilmcote and Pathlow NDP 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 planning policies of Stratford on Avon Council, and the comprehensive evidence base that supports these policies.

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 Wilmcote and Pathlow NDP does not undermine the strategic policies of Stratford on Avon Council: the Plan aims to support these strategic policies by protecting local built and natural heritage assets from inappropriate new development whilst at the same time seeking to manage future housing growth.

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 Wilmcote and Pathlow Submission Neighbourhood Development Plan**

<b>NPPF Core Planning Principle</b>	<b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b>
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	The Parish Council has produced the Submission Plan in line with this guidance. It will provide a framework to ensure that development is genuinely plan-led, and through involvement of the local community in

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b></p>
<p>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>shaping its policies and proposals through informal and formal consultation, the Plan will empower local people to shape their surroundings. The vision, objectives and policies in the Plan have been developed with a thorough approach to community engagement (see the Consultation Statement that has been submitted alongside this Statement for further information). The Plan sets out a positive vision for the area up to 2031. The Neighbourhood Plan sets out a number of development management policies (14 in total) to guide, control and promote future development that is not inappropriate in the Green Belt.</p>
<p>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.</p>	<p>The Submission Neighbourhood Plan offers the local community the opportunity to shape the future development of Wilmcote Parish in a creative way, ensuring that the quality of the place is enhanced by including policies which: protect biodiversity, geodiversity, non-designated heritage assets, green infrastructure, landscape character and views; the plan seeks to protect and enhance community facilities and local green spaces; housing development in Wilmcote and Pathlow villages that is consistent with national Green Belt policy; promote good design; new leisure and recreation development consistent with national Green Belt policy; and safer roads.</p>
<p>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</p>	<p>This Wilmcote and Pathlow NDP supports the policies and proposals set out in the adopted Stratford-upon-Avon District Local Plan Review, adopted 2006, and in the emerging Core Strategy where this is consistent with national Green Belt policy.</p>

<b>NPPF Core Planning Principle</b>	<b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b>
<p>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.</p>	
<p>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>	<p>The Wilmcote and Pathlow NDP sets out policies to protect and enhance local character and encourage high quality design in new development.</p> <p>Policy WP5 seeks to protect landscape character.</p> <p>Policy WP6 seeks to protect public views.</p> <p>Policy WP9 sets a set of criteria against which future infill development in Wilmcote village will be assessed, this includes amenity criteria.</p> <p>Policy WP11 sets a development management framework that will be used to assess planning proposals and promote good design.</p> <p>Policy WP12 promotes appropriate leisure and recreation development and includes criteria to assess amenity considerations.</p>
<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,</p>	<p>The Wilmcote and Pathlow NDP takes account of this guidance fully. It recognises the importance of protecting the Green Belt; the parish’s rural</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b></p>
<p>recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</p>	<p>character. It also aims to protect and enhance services and facilities vital to supporting a thriving rural community (Policy WP7).</p> <p>The plan sets out development management policies to manage future housing development in Wilmcote village (Policy WP9) and Pathlow (Policy WP10).</p>
<p>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).</p>	<p>The Wilmcote and Pathlow NDP promotes more sustainable construction (Policy WP11).</p> <p>Objective 4 of the NDP supports re-use and conversion of existing buildings.</p>
<p>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>	<p>The Wilmcote and Pathlow NDP is fully consistent with this principle.</p> <p>The NDP provides a policy framework for the protection and enhancement of the character of this rural landscape (Policy WP5) and prominent public views (Policy WP6).</p> <p>The NDP also includes policies on Biodiversity (Policy WP1); Geodiversity (WP2) and non-designated heritage assets (Policy WP3).</p> <p>The NDP includes policies to manage future housing development appropriately within the parish’s rural, Green Belt setting (Policies WP9 and WP10).</p>

<p><b>NPPF Core Planning Principle</b></p>	<p><b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b></p>
<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.</p>	<p>The Wilmcote and Pathlow NDP seeks to encourage the re-use and conversion of buildings and sets policy for infill development within Wilmcote village that is consistent with national Green Belt policy (Policy WP9).</p>
<p>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>	<p>The Wilmcote and Pathlow NDP includes a number of policies consistent with this principle and that will ensure the parish’s countryside can perform a number of functions. This includes policies covering:</p> <p>Biodiversity (Policy WP1)</p> <p>Geodiversity (Policy WP2)</p> <p>Green Infrastructure (Policy WP4)</p> <p>Landscape Character (Policy WP5)</p> <p>Prominent Public Views (Policy WP6)</p> <p>Leisure and Recreation Development (Policy WP12)</p> <p>The NDP policies covering the villages of Wilmcote (Policy WP9) and Pathlow (Policy WP10) support housing development consistent with national Green Belt policy. Policies WP7 and WP8 that protect community facilities and local green spaces respectively will ensure that in the future there will be a suitable mix of land uses in the villages.</p>
<p>Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for</p>	<p>The Wilmcote and Pathlow NDP is fully in line with this principle.</p>



<b>NPPF Core Planning Principle</b>	<b>Regard that the Wilmcote and Pathlow Neighbourhood Plan has to guidance</b>
their contribution to the quality of life of this and future generations	Policy WP3 identifies and seeks to protect in a manner appropriate to their significance the parish’s non-designated heritage assets.
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 Wilmcote and Pathlow NDP seeks to focus any new housing development in the parish’s largest village, Wilmcote. Wilmcote rail station is within reasonable walking distance for many people in the village. Policies WP13 and WP14 respectively seek to promote safer roads and footpaths.
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 Wilmcote and Pathlow NDP is fully in accord with this principle. Policies in the plan, within the national framework set by Green Belt policy, seek to protect the open countryside and rural landscape setting (Policy WP5) and, where possible, promote suitable leisure and recreation use (Policy WP12). The NDP promote safer movement (Policies WP13 and 14). The Plan also protects local community facilities (Policy WP7 and local green spaces (Policy WP8).

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

In preparing the NDP full account has been taken of the three Grade I listed buildings and 16 Grade II listed buildings. The Historic Environment Record is a key part of the NDP’s evidence base. The parish also has a number of historic farmsteads.

### **Have Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area**

Special regard has been had to preserving and enhancing the conservation area and this is shown on Figure 2 of the NDP.

**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)**

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. A screening report was prepared by Stratford on Avon District Council to determine whether or not the content of the draft Wilmcote and Pathlow Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and/or a Habitats Regulations Assessment (HRA) 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 draft screening report was subsequently sent to the relevant statutory bodies: Natural England, Historic England and the Environment Agency to clarify whether they agreed with Stratford on Avon District Council’s findings as to whether the plan requires a full SEA and/or HRA assessment.

### **Requirement for HRA / Legislative Background**

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.

### **Screening Determination**

#### **Strategic Environmental Assessment (SEA)**

A screening assessment to determine the need for a SEA in line with regulations and guidance was undertaken and can be found in section 8 of Stratford on Avon's Screening Report. The assessment finds that it is unlikely that significant environmental effects will occur as a result of the implementation of the Wilmcote and Pathlow Neighbourhood Development Plan. The assessment also finds that the NDP will conform to the strategic policies of the Stratford on Avon Core Strategy which has been subject to a full SA/SEA where no significant effects were identified. Consequently, from the findings of the screening assessment it is recommended that a full SEA does not need to be undertaken for the Wilmcote and Pathlow Neighbourhood Development Plan. This was confirmed through the responses from Historic England, Natural England and the Environment Agency.

#### **HRA**

A screening assessment to determine the need for HRA in line with regulations and guidance was undertaken and is set out in Section 8 of the Screening report. It found that there are no internationally designated wildlife sites within the Neighbourhood Plan Area or within 20km of it. The Wilmcote and Pathlow Neighbourhood Development Plan will not, therefore, have an adverse effect on the integrity of internationally designated either on its own or in combination with other plans and does not need to be subject to a Habitats Regulations Assessment. This was confirmed through the responses from Historic England, Natural England and the Environment Agency which are set out in the accompanying Consultation Statement for the Wilmcote and Pathlow Neighbourhood Development Plan.

## **Contribute to the Achievement of Sustainable Development**

The Wilmcote and Pathlow NDP contributes strongly to the achievement of sustainable development.

Paragraphs 6-10 of the National Planning Policy Framework outline the Government’s definition of sustainable development.

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.’

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.”

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”.

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.

Table 2 below summarises how the policies of the Wilmcote and Pathlow NDP contribute to the economic, social and environmental aspects of sustainable development.

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

Sustainable Development Role	Neighbourhood Development Plan’s Contribution
Economic	<p>The Wilmcote and Pathlow NDP seeks to support appropriate growth that is compatible with the Parish’s Green Belt location and that is sensitive to the rural landscape and setting of the Parish. Policies WP9 and WP10 support housing development that is consistent with national Green Belt policy. Policy WP12 supports leisure and recreation development that is consistent with national Green Belt policy.</p>
Social	<p>The Wilmcote and Pathlow NDP sets a strong framework that will help to support the achievement of sustainable social development. The plan protects and seeks to enhance local community facilities (Policy WP7) and promotes health and well-being by protecting local green spaces (Policy WP8).</p> <p>The Plan also supports local needs housing where consistent with national Green Belt policy.</p>
Environmental	<p>The Wilmcote and Pathlow NDP has a number of policies to protect key environmental assets:</p> <ul style="list-style-type: none"> <li>Biodiversity (Policy WP1)</li> <li>Geodiversity (Policy WP2)</li> <li>Non-designated Heritage Assets (Policy WP3)</li> <li>Green Infrastructure (Policy WP4)</li> <li>Landscape Character (Policy WP5)</li> </ul>

	<p>Prominent Public Views (Policy WP6)</p> <p>Local Green Spaces (Policy WP8)</p> <p>The Plan seeks to promote safer more sustainable transport by promoting safer roads (Policy WP13) and better footpaths (Policy WP14).</p>
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## **Be in General Conformity with Strategic Local Planning Policy**

The Wilmcote and Pathlow NDP in general conformity with strategic Local Plan policies contained in the Stratford on Avon Local Plan Core Strategy, and, where relevant, the ‘saved’ Local Plan Review policies.

Planning Practice Guidance 2014 para 009 advises that *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its [Local Plan](#).*

*A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the [basic condition](#). A draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”*

Table 3 below sets out the way that the Wilmcote and Pathlow NDP conforms to the relevant ‘saved’ strategic policies contained in the Stratford on Avon District Local Plan Review 2006 and policies contained in the emerging Stratford on Avon Core Strategy, as amended by the Main Modifications.

Table 3 Conformity with Local Strategic Policy

<b><i>Wilmcote and Pathlow Submission Neighbourhood Development Plan</i></b>	<b><i>Stratford on Avon District Local Plan Review 2006 ‘saved’ policies (SADLPR)</i></b>	<b><i>Stratford on Avon Core Strategy, as modified (Main Modifications 2016) (SACS)</i></b>
<p><b>POLICY WP1 - BIODIVERSITY</b></p> <p>All new development proposals should seek to minimise impact on and where possible secure net gains in biodiversity.</p> <p>Proposed development within or outside the Copmill Hill Site of Special Scientific Interest (SSSI) that has an adverse impact on the SSSI, either individually or in combination with other development, will not be supported. Where an adverse effect on the site’s notified special interest features is likely, an exception will only be made where the benefits of the development clearly outweigh both the impact on the features of the site that make it of special scientific interest and any broader impact on the national networks of SSSI’s.</p> <p>Development resulting in significant harm to other ecological sites and priority habitats, including Local Wildlife Sites and features such as semi-natural woodland, orchards, calcareous grasslands, ponds and streams and the canal, will not be supported. Where such harm cannot be avoided, applicants will have to demonstrate, to the satisfaction of the local planning authority, why the development cannot be</p>	<p>Policy WP1 is in general conformity with Policy EF.6 of the SADLPR, criterion (a) of this policy will not permit development that would destroy or damage, directly or indirectly a SSSI.</p> <p>Criterion (b) of Policy EF.6 will be used to assess if development has an adverse impact on local wildlife sites. Policy WP1 seeks to protect these sites.</p> <p>Criterion (c) of Policy EF.6 also seeks to protect features of significant ecological importance, Policy WP1 seeks to protect priority habitats and other ecological sites.</p> <p>With regard to “other” sites this approach is in general conformity with Policy EF.7 and EF.7A of the SADLPR that seek to retain and protect wildlife habitats, such as those listed in Policy WP1; Policy EF.9 that seeks to resist the loss of ancient semi-natural woodland and to manage development that could lead to the loss of “other” woodland; and Policy EF.10 that seeks to preserve and enhance the nature conservation value of trees, woodlands and hedgerows.</p>	<p>Policy WP1 has been amended to take in to account the Main Modifications of the emerging SACS.</p> <p>In line with SACS Policy CS.6 “Natural Environment”, Policy WP1 seeks to minimise impact on and secure net gains in biodiversity.</p> <p>Policy WP1 protects the Copmill Hill SSSI and is in line with Policy CS.6.</p> <p>Policy WP1 then seeks to offer protection to locally designated sites and other sites. This approach is broadly in line with emerging Policy CS.6.</p>



<b><i>Wilmcote and Pathlow Submission Neighbourhood Development Plan</i></b>	<b><i>Stratford on Avon District Local Plan Review 2006 'saved' policies (SADLPR)</i></b>	<b><i>Stratford on Avon Core Strategy, as modified (Main Modifications 2016) (SACS)</i></b>
<p>located on an alternative site with less harmful impact and, if this has been successfully demonstrated, that adequate mitigation is put in place. As a last resort, suitable compensation within, or in close proximity to, Wilmcote parish, must be agreed with the local planning authority.</p>		
<p><b>POLICY WP2 - GEODIVERSITY</b>                      Development proposals should seek to preserve and enhance the parish's natural geodiversity and the man-made legacy of quarrying and stone working. Particular regard should be had to soils and landforms and the late Triassic/early Jurassic geology of the parish.                      Where development proposals affect areas with considerable potential for important palaeontological and geological discoveries applicants may be required to undertake surveys of the natural geology, for the purposes of assessing the importance of a particular site, and where planning permission is to be granted, for the purposes of recording and sample collection.</p>	<p>Policy WP2 is in general conformity with Policy EF.6 of the SADLPR. Both policies seek to protect features of geological value. Policy WP2 identifies the specific local features in Wilmcote parish that should be considered in the development process.</p> <p>Policy WP2 is also in general conformity with SADLPR Policy EF.7. Policy WP2 in possibly requiring site surveys will identify features of importance, this information could then be used to support Geodiversity Action plan targets; integration of geological features into development proposals; and identification of features for educational, recreational and amenity purposes.</p>	<p>Policy CS.6 of the SACS sets out a strategic framework for the conservation and enhancement of features of geological interest.</p> <p>Policy WP1 of the NDP is in general conformity with this policy and adds specific local detail on the parish's natural and man-made geology and seeks surveys where such assets could be affected by development proposals.</p>

<b><i>Wilmcote and Pathlow Submission Neighbourhood Development Plan</i></b>	<b><i>Stratford on Avon District Local Plan Review 2006 'saved' policies (SADLPR)</i></b>	<b><i>Stratford on Avon Core Strategy, as modified (Main Modifications 2016) (SACS)</i></b>
<p><b>POLICY WP3 – NON-DESIGNATED HERITAGE ASSETS</b>                      Local non-designated heritage assets identified in the Historic Environment Record should be conserved.                      Development proposals affecting these assets will be supported when they conserve and enhance these assets. Development that would result in the loss of, or have a detrimental impact on, these assets 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 loss of, or substantial harm to a locally non-designated heritage asset, such development will only be supported when the public benefit of the proposed development outweighs the loss of or harm to the asset and its setting. Where such development is permitted, this will be conditioned in such a way so as to ensure the proposed development takes place after the loss, or harm, has occurred (e.g.</p>	<p>The SADLPR has no policy to cover non-designated heritage assets.</p>	<p>Policy CS.8 “Historic Environment” of the SACS seeks to protect and enhance non-designated heritage assets (criterion (2)). In setting a detailed policy framework Policy WP3 is in line with the SACS as modified.</p> <p>Policy WP1 sets two detailed criteria (a and b) for assessing proposals that affect non-designated heritage assets. These criteria are considered to be broadly in line with the SACS approach for non-designated heritage assets that “proposals will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset”.</p> <p>Criterion (a) of the NDP sets detailed policy for assessing “harm or loss” when considering proposals for renovation or alteration.</p> <p>Criterion (b) sets detailed policy where proposals would result in loss or substantial harm.</p>

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<p>demolition or removal of a building feature); and that appropriate recording of the heritage takes place prior to any loss or harm.</p>		
<p><b>POLICY WP4 – GREEN INFRASTRUCTURE</b></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. In implementing this policy, regard should also be had to Policy WP14 and the need to protect privacy, safety and security.</p>	<p>Policy WP4 supports and is in general conformity with a number of the nature conservation and landscape policies in the SADLPR:</p> <p>Landscape – policies PR.1 and EF.4.,</p> <p>Nature conservation – policies EF.6, EF.7, EF.7A, EF.9, and EF.10.</p>	<p>Policy WP4 is in general conformity with Policy CS.7 “Green Infrastructure” of the emerging SACS.</p> <p>Policy WP4 identifies the elements that make up the neighbourhood areas green infrastructure and the policy acknowledges the recreational, tourism and ecological value of this network.</p> <p>Policy WP4 seeks to maintain, enhance and encourage new connections in the network of green infrastructure in line with SACS Policy CS.7.</p>
<p><b>POLICY WP5 – LANDSCAPE CHARACTER</b></p> <p>Development proposals will be required to incorporate the following landscape design principles:</p>	<p>Policy WP5 is in general conformity with Policy PR.1 of the SADLPR. Policy PR.1 expects development proposals to respect, and, where possible enhance the character of the area. Under this broad heading, Policy WP5 identifies specific detailed features that should</p>	<p>Policy WP5 is in line with Policy CS.5 of the SACS as modified.</p> <p>Policy WP5 sets detailed policy criteria for the neighbourhood area that are in line with SACS</p>

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<p>a) Height, scale, and form of buildings should not disrupt the visual amenities of the immediate surroundings or impact adversely on any significant wider landscape views;</p> <p>b) Development proposals should give careful consideration to noise, odour and light, which might be detrimental to the enjoyment of the area by other residents. Light pollution should be minimised wherever possible and security lighting should be appropriate, unobtrusive and energy efficient;</p> <p>c) Development proposals should conserve important local historic landscape features such as ridge and furrow fields, hedges and stone walls. Woodland, orchards and small groups or individual mature and established trees should be protected and incorporated into landscaping schemes wherever possible; and</p> <p>d) New development should also take account of known surface and sub-surface archaeology, including preservation in situ and suitable recording and preservation off-site. Where appropriate, applicants will be required to carry out an appropriate survey where there is potential for archaeological remains.</p>	<p>be taken in to account in designing proposals for the area.</p> <p>Criterion (b) of Policy WP5 is in general conformity with SADLPR Policy Pr.8 that seeks to manage and mitigate air, noise and light pollution.</p> <p>Policy WP5 is also in general conformity with Policy EF.4 of the SADLPR. Policy EF.4 seeks to protect and maintain the historic character of the landscape. Criterion (c) of Policy WP5 identifies beyond existing designated heritage assets (Conservation Area, Listed Buildings) those features of the historic landscape that should be given particular attention.</p> <p>Policy WP5, criterion (d) is in general conformity with SADLPR Policy EF.11 that covers archaeological sites.</p>	<p>Policy CS.5 of maintain the landscape quality and character of the district.</p> <p>Policy WP5 addresses the following elements of Policy CS.5:</p> <ul style="list-style-type: none"> <li>▪ local distinctiveness</li> <li>▪ historic character</li> <li>▪ protection of important features in the local landscape</li> <li>▪ visual amenity</li> </ul>

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<p><b>POLICY WP6 – PROMINENT PUBLIC VIEWS</b></p> <p>The locally prominent views listed below and shown on Figure 6 are considered special and development will be required to take into consideration any adverse impacts on these views through landscape appraisals and impact studies.</p> <ol style="list-style-type: none"> <li>1. The Green</li> <li>2. Church of St Andrew</li> <li>3. Palmers Farm/Mary Arden’s House</li> <li>4. The Orchards</li> <li>5. Stratford-upon-Avon Canal</li> <li>6. Canal towpath towards Henley in Arden</li> <li>7. Canal towpath and cycleway towards Stratford-on-Avon</li> <li>8. Views towards the Cotswold Hills from Featherbed Lane</li> </ol>	<p>The SADLPR has no strategic policy on prominent public views.</p>	<p>Policy WP6 is in line, and identifies specific prominent local views. This approach is in line with SACS Policy Cs. 9 “Design and Distinctiveness” that seeks to make the best use of “on-site assets including landscaping features as well as public views and vistas and not harming existing ones”.</p>

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<p>9. Featherbed Lane approach to Wilmcote, ahead is the Railway Bridge.</p> <p>10. Wilmcote Railway Station</p> <p>11. Featherbed Lane approach to Wilmcote, ahead is the canal bridge.</p> <p>12. View from Featherbed Lane across the field between the Railway Station and the canal</p> <p>13. View from the Railway Station footbridge towards the South-East.</p> <p>14. View to the rear of Mary Arden's House</p> <p>15. Approach to the village along Aston Cantlow Road (part of the National Cycle Route 5) with open views to the North and North West across the historic farmstead of Gypsy Hall Farm and views beyond of the forested hills of Wootton Wawen</p> <p>16. Willow Wood Play Area</p> <p>17. Along Billesley Road looking towards the East</p>		

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<p>18. Church Road approach to Wilmcote</p> <p>19. Billesley Road approach to Wilmcote</p> <p>20. Open countryside views from the Gallops to the South</p> <p>21. Open countryside views from the Gallops to the West</p> <p>22. View from Pathlow looking West towards Wilmcote village.</p> <p>23. View from Pathlow looking North-West towards the Railway Line and the canal</p> <p>24. View from Pathlow looking North-West towards the railway line. Wootton Hill can be seen in the distance</p>		
<p><b>POLICY WP7 – PROTECTING AND ENHANCING COMMUNITY FACILITIES</b></p>	<p>Policy WP7 is in general conformity with Policy COM.2 of the SADLPR. Policy Com.2 seeks to retain local shops and services that meet the</p>	<p>The protection of existing community facilities is in line with emerging SACS Policy CS.24 “Healthy Communities”.</p>

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<p>The following community facilities (also shown on Figure 7) will be protected:</p> <ul style="list-style-type: none"> <li>☐ St Andrews Church</li> <li>☐ Wilmcote Post Office and Stores</li> <li>☐ Mary Arden Inn</li> <li>☐ Masons Arms</li> <li>☐ Wilmcote Church of England Primary School</li> <li>☐ Wilmcote Sports and Social Club</li> <li>☐ Village Hall and Youth Centre</li> <li>☐ Scout Hut</li> </ul> <p>The loss of existing community facilities will be resisted unless it can be demonstrated that the current use is no longer viable or that the facility is no longer in active use and has no prospect of being brought back into active community use.</p> <p>Development proposals to enhance or improve these facilities will be supported where they do not conflict with the purposes of the Green Belt or have an adverse impact on residential amenity.</p>	<p>needs of local communities. Policy WP7 adds specific local detail be identifying those buildings that currently provide shops and services.</p>	<p>The criteria in the second paragraph of WP&amp; are broadly in line with emerging Policy CS.24.</p> <p>The final paragraph of Policy WP7 is in line with Policy AS.10 “Countryside and Villages” of the SACS. Criterion (a) of AS.10 supports small-scale schemes for community facilities as set out in neighbourhood plans.</p>



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<p><b>POLICY WP8 – LOCAL GREEN SPACES</b></p> <p>The local green spaces listed below (and shown on Figure 8) will be protected. Development of these local green spaces will only be permitted in very special circumstances. That is, when the harm to the local green space and any other harm is outweighed by other material considerations.</p> <ul style="list-style-type: none"> <li>☐ <b>The Green</b></li> <li>☐ <b>Field opposite Mary Arden’s House</b></li> <li>☐ <b>Willow Play Area and Playing Field</b></li> <li>☐ <b>Glebe Playing Field</b></li> </ul>	<p>The SADLPR has no specific policy on the NPPF designation of “local green spaces”. This was introduced in 2012 after the adoption of the SADLPR.</p>	<p>The SACS has no specific policy on the NPPF designation of “local green spaces”.</p>
<p><b>POLICY WP9 – NEW HOUSING DEVELOPMENT IN WILMCOTE VILLAGE</b></p> <p>New housing development within the existing village of Wilmcote will be supported when it is limited infilling, including residential gardens, and can demonstrate that it meets the following criteria:</p> <p>a) It would not lead to encroachment into the open countryside and is infilling within an existing built-up frontage or infilling on a small plot within the existing built envelope of Wilmcote village;</p>	<p>Policy WP9 is in general conformity with Policy PR.2 of the SADLPR.</p> <p>Criterion (c) of Policy PR.2 allows in appropriate circumstances for “small-scale housing schemes within or adjacent to an existing settlement specifically to meet an identified need in accordance with Policy COM.1 and Policy CTY.5</p> <p>Policy WP9 allows for infilling, in line with the more up to date national planning policy,</p>	<p>In Local Service Villages such as Wilmcote that are within the Green Belt new housing development will be in accordance with emerging SACS Policy CS.10 “Green Belt” .</p> <p>Limited infilling is allowed in such villages by CS.10.</p> <p>Policy WP9 is consistent with this emerging strategic policy.</p> <p>Policy CS.15 “Distribution of Development” will allow for local needs schemes to come forward</p>

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<p>b) It would not have an unacceptable adverse impact on residential amenity for existing and future residents;</p> <p>c) It would not result in an unacceptable loss of garden space for an existing property, or properties;</p> <p>d) Provision of off-street car parking for a minimum of two cars is provided;</p> <p>e) It would not result in a reduction in off-street car parking; and</p> <p>f) It would not harm the setting of any designated or non-designated heritage assets and would retain and enhance the visual amenity of the Green Belt.</p> <p>New housing development outside of the existing village will be considered inappropriate development unless it is limited affordable housing to meet an identified local community need. Such housing should not compromise the purposes of the Green Belt and they retain and enhance the visual amenity of the Green Belt. Any site identified for such homes must also be in close proximity to existing local services, facilities and be in reasonable walking distance of local public transport.</p> <p>The occupancy, and future occupancy, of these homes will be limited in perpetuity to people</p>	<p>contained in paragraph 89 of the NPPF. Policy WP9 then sets local criteria for assessing if such development is appropriate. This approach is in general conformity with Policy COM.1 and then sets out when housing development outside of the existing village may be appropriate. This approach is in general conformity with Policy COM.1 and Policy CTY.5, the latter allows for limited affordable housing.</p>	<p>within or adjacent to settlements. Policy WP9 is in line with this approach.</p>

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with a local connection by use of an appropriate planning obligation.		
<p><b>POLICY WP10 – NEW HOUSING DEVELOPMENT IN PATHLOW</b>                      New housing development in Pathlow will only be supported when it meets a local need identified through an up to date local housing needs survey. When such a need has been identified such proposals should be:</p> <ul style="list-style-type: none"> <li>☐ For small-scale affordable housing; and</li> <li>☐ Be well related to the existing built form of the settlement and limit any incursion in to the open countryside.</li> </ul>	<p>Policy WP10 is in general conformity with the SADLPR and overall Green Belt policy set out in Policy PR.2 and the more detailed guidance on local choice and exception housing set out in Policy COM.1 and Policy CTY.5 respectively.</p>	<p>Emerging Policy CS.15 “Distribution of Development” at section 5 sets out policy for “All other settlements”. This includes Pathlow. This emerging policy would allow for small-scale community-led schemes to be brought forward that meet a need identified by the community. Policy WP10 is consistent with this approach in that it only allows such schemes to be for “local need”, based on an up to date local housing needs survey and they must be “small scale”.</p>
<p><b>POLICY WP11 – PROMOTING GOOD DESIGN</b>                      All new development proposals should be of good quality design that responds sympathetically and positively to the surrounding local character. To ensure this is achieved development will be expected to demonstrate the following:</p> <ul style="list-style-type: none"> <li>a) preservation and enhancement of the local built, historic and natural environment;</li> </ul>	<p>Policy WP11 is in general conformity with SADLPR Policy DEV.1.</p> <p>Both policies seek to encourage design that takes account of:</p> <ul style="list-style-type: none"> <li>▪ local character;</li> <li>▪ integration with surrounding uses and buildings</li> <li>▪ issues such as position, shape, size and height</li> <li>▪ amenity standards</li> </ul>	<p>Policy WP11 is consistent with emerging SACS Policy CS.9 “Design and Distinctiveness”.</p>

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<p><b>b) design that is good because it takes into account site characteristics and surroundings and has made appropriate use of:</b></p> <ul style="list-style-type: none"> <li><b>i. layout</b></li> <li><b>ii. density</b></li> <li><b>iii. siting</b></li> <li><b>iv. scale</b></li> <li><b>v. height</b></li> <li><b>vi. proportions and massing</b></li> <li><b>vii. orientation</b></li> <li><b>viii. architectural detailing</b></li> <li><b>ix. landscaping and</b></li> <li><b>x. materials</b></li> <li><b>xi. street scene</b></li> <li><b>xii. design and materials compatible with surrounding buildings</b></li> </ul> <p><b>c) no significant adverse impact on residential amenity for existing and future residents;</b></p>	<ul style="list-style-type: none"> <li><b>▪ incorporation of important site features</b></li> </ul>	

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<p>d) does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;</p> <p>e) seeks to utilise sustainable construction methods, minimises the use of non-renewable resources and maximises the use of recycled and sustainably sourced materials;</p> <p>f) where appropriate, opportunities are taken to minimise resource use and incorporate in the design, features (including renewable energy) that lead to low or zero carbon dioxide emissions;</p> <p>g) provides suitable and easy access for all members of the community;</p> <p>h) minimises opportunities for crime;</p> <p>i) can be easily adapted to accommodate changing lifestyles and technologies;</p> <p>j) includes adequate off-street car parking;</p> <p>k) for residential development, has a garden to meet the needs of existing and future residents;</p> <p>l) ensures, privacy, security and safety;</p>		

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<p>m) would retain and enhance the visual amenity of the Green Belt.</p>		
<p><b>POLICY WP12 – LEISURE AND RECREATION DEVELOPMENT</b></p> <p>Within the existing village of Wilmcote proposals for new leisure and recreation uses will be supported when they meet the following criteria:</p> <p>a) They do not have an adverse impact on residential amenity;</p> <p>b) They do not have an adverse impact on designated and non-designated heritage assets and their setting;</p> <p>c) They do not have an adverse impact on privacy, safety and security; and</p> <p>d) They do not have an adverse impact on the openness and purposes of the Green Belt.</p> <p>Outside of Wilmcote village such proposals will be supported when they are for the provision of appropriate facilities for outdoor leisure and recreation, including small buildings essential for the running of such outdoor recreation, that</p>	<p>Outside of Wilmcote village, Policy WP12 is in general conformity with criterion (d) of the SADLPR that in appropriate circumstances would allow development related to outdoor sport, recreation and leisure, including the construction of essential buildings.</p> <p>Recognising that Wilmcote has a significant leisure and recreation asset in Mary Arden’s House, that is not entirely devoted to outdoor activity, a different policy approach is set out within Wilmcote village. This allows for new leisure and recreation uses, not “outdoor” <i>per se</i>, when they meet the criteria in Policy W12, including not having an adverse impact on the openness and purposes of the Green Belt.</p>	<p>Outside of Wilmcote village, Policy WP12 is in line with emerging SACS Policy CS.10 “Green Belt” that in appropriate circumstances development related to outdoor sport, recreation and leisure, including the construction of buildings may be permitted.</p> <p>The emerging SACS makes no further provision for tourism and leisure development, e.g. large building for an indoor use in the Green Belt. Recognising that Wilmcote has a significant leisure and recreation asset in Mary Arden’s House, that is not entirely devoted to outdoor activity, a different policy approach is set out within Wilmcote village. This allows for new leisure and recreation uses, not “outdoor” <i>per se</i>, when they meet the criteria in Policy W12, including not having an adverse impact on the openness and purposes of the Green Belt.</p>

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<p>would not conflict with the purposes of the Green Belt.</p>		
<p><b>POLICY WP13 – SAFER TRAVEL AND TRAFFIC</b>            Where appropriate, new development should include suitable measures to improve accessibility and safety for all modes of travel. In particular development should seek to incorporate measures that provide alternatives to the use of private car such as walking, cycling and public transport. Where there are identified adverse traffic impacts arising from the proposed development, the applicant will be required to identify and incorporate measures to deal with these impacts.</p>	<p>Policy WP13 is in general conformity with the following SADLPR policies:</p> <p>Policy DEV.4 that seeks new or improved access arrangements to serve development. Such arrangements should ensure the safety of road users and pedestrians.</p> <p>Policy COM.9 that seeks to support improved walking and cycling.</p> <p>Policy COM.11 that seeks to support traffic management proposals.</p>	<p>Policy WP13 is in line with emerging SACS Policy CS.25 “Transport and Communications” that will only permit development “if necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development”.</p>
<p><b>POLICY WP14 – FOOTPATHS, PAVEMENTS AND STREET LIGHTING</b>            Where necessary, development proposals should seek to provide new footpaths and pavements and appropriate street lighting. These features should be designed to make the highway safer for all users and, in appearance, should be appropriate to the character of the surrounding area.</p>	<p>Policy WP14 is in general conformity with the following SADLPR policies:</p> <p>Policy DEV.4 that seeks new or improved access arrangements to serve development. Such arrangements should ensure the safety of road users and pedestrians.</p> <p>Policy COM.9 that seeks to support improved walking and cycling.</p>	<p>Policy WP14 is in line with emerging SACS Policy CS.25 “Transport and Communications” that will only permit development “if necessary mitigation is provided against any unacceptable transport impacts which arise directly from that development”. Identified measures to achieve this include “provision of new, and the improvement of existing pedestrian and cycle routes.</p>

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	Policy COM.11 that seeks to support traffic management proposals.	



## **Be Compatible with EU Obligations**

The Wilmcote and Pathlow NDP is fully compatible with EU Obligations.

The Neighbourhood Plan has been subjected to an SEA Screening Assessment undertaken by Stratford on Avon Council. This concluded that the Neighbourhood Development Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to a SEA report. Furthermore, as there are no internationally designated wildlife sites within the Neighbourhood Plan Area or within 20km of it, the Plan will not have an adverse effect on the integrity of internationally designated sites either on its own or in combination with other plans and does not need to be subject to a Habitats Regulations Assessment.

The Submission Neighbourhood 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.

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.

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:

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.

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.

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.