

# Fenny Compton Neighbourhood Development Plan

## Basic Conditions Statement

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# 1. Introduction

- 1.1. This Basic Conditions Statement has been prepared to accompany the Fenny Compton Neighbourhood Development Plan (FCNDP).

## The Basic Conditions

- 1.2. Paragraph 8, sub-paragraph (2), of schedule 4B to the Town and Country Planning Act 1990 requires a Neighbourhood Development Plan to meet the following 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 order,
- 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,
- 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,
- d) the making of the order contributes to the achievement of sustainable development,
- e) the making of the order 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 does not breach, and is otherwise compatible with, EU obligations, and
- g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

- 1.3. This Basic Conditions Statement addresses these requirements in four sections:

Section 2 Demonstrates conformity with the National Planning Policy Framework (NPPF) as revised in July 2021;

Section 3 Shows how the FCNDP will contribute to sustainable development and the various designated heritage assets throughout the Neighbourhood Area;

Section 4 Demonstrates conformity with the strategic policies contained within the Stratford-on-Avon District Council (SDC) Core Strategy; and

Section 5 Demonstrates compliance with the appropriate EU obligations.

## The Qualifying Body

- 1.4. The FCNDP is submitted by Fenny Compton Parish Council, who is the qualifying body as defined by the Localism Act 2011.

## The Neighbourhood Area

- 1.5. The FCNDP applies to the Parish of Fenny Compton which is within Stratford-on-Avon District. In accordance with Part 2 of the Regulations, SDC, as the local planning authority, publicised the Neighbourhood Area application from Fenny Compton Parish Council to designate their Parish for the purposes of producing a NDP and advertised it accordingly for the statutory period of 6 weeks.
- 1.6. The application was approved by the Cabinet of SDC in December 2016 and consequently the Parish of Fenny Compton was designated as a Neighbourhood Area.
- 1.7. Fenny Compton Parish Council confirms that the FCNDP:
  - Relates only to the Parish of Fenny Compton and to no other Neighbourhood Area(s); and
  - Is the only NDP within the designated area and no other NDP exists nor is in development for part or all of the designated area.



*Fenny Compton Neighbourhood Area*

- 1.8. Fenny Compton is a small, attractive rural village and civil parish in Warwickshire, England with many of the houses are of honey coloured local stone. It sits approximately 20 miles east of Stratford-upon-Avon and southeast of Warwick, and lies between Leamington Spa (14 miles north) and Banbury (9 miles south).
- 1.9. In the 2001 census the parish had a population of 797, increasing to 808 at the 2011 census. A subsequent Office of National Statistics estimate put the population at just over 800 by mid-2017.
- 1.10. It has a long, rich history including linked prehistoric trackways nearby and signs of Iron Age settlement on Gredenton Hill. Its name comes from the Anglo-Saxon Fennig Cumbtūn meaning "marshy farmstead in a valley". The Parish church of St. Peter and St. Clare was built in the 13th century and is a Grade II\* listed building. The old part of the village has many notable buildings including the Woad House, Knotts Cottage, the Red House, the Old School House and the Hollies.
- 1.11. Being in the shelter of the Dassett Hills, many springs supply water to the area. In 1866 the "Water Company" was formed and still supplies some of the houses in the village today.
- 1.12. It is an active community with many amenities including two public houses, church and a chapel. It also has a primary school, a modern doctors surgery, Co-op shop, hairdressers with beauty salon as well as a maintained fire station.

### **Plan Period**

- 1.13. The FCNDP states that the period it relates to is from 2011 until 2031. The period has been chosen to align with the dates of SDC's Core Strategy.

## 2. National Planning Policy Framework

- 2.1. The FCNDP must have appropriate regard to national planning policy. The following section describes how the FCNDP relates to the National Planning Policy Framework (NPPF) revised July 2021.

### Sustainable Development

- 2.2. The central theme throughout the NPPF is the presumption in favour of sustainable development. In this context sustainable development is broadly defined internationally as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 2.3. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe built environment places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- an environmental objective – to contribute to protect and enhance our natural, built and historic environment; including making effective use of land, help to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 2.4. Paragraph 9 of NPPF gives clear advice on how plans should contribute to these sustainability objectives:

*“Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”*

- 2.5. Paragraph 13 states the role of neighbourhood plans in attaining sustainable development:

*“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.”*

2.6. Footnote 18 to paragraph 29 notes that:

*“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*

2.7. In addition to contributing to the district’s strategic development plan, Paragraph 69 adds that:

*“Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their areas.”*

2.8. Neighbourhood Plans can do more than just support or facilitate development. They also have a part to play in meeting other sustainability objectives of the NPPF. The NPPF chapters to which Fenny Compton’s plan contributes are:

- Delivering a sufficient supply of homes;
- Building a strong, competitive economy;
- Promoting healthy and safe communities;
- Promoting sustainable transport;
- Making effective use of land;
- Achieving well-designed places;
- Protecting Green Belt Land (in Fenny Compton’s case: Local Green Spaces);
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment; and
- Conserving and enhancing the historic environment.

2.9. The tables below summarises how FCNDP policies contribute to the sustainability objectives of NPPF:

### Achieving sustainable development

**Policy DE2** supports development in the Built-up Area Boundary (BUAB) through new build, converting, extending or redeveloping existing underused buildings. Supports limited development supports local needs housing development beyond but adjacent to the BUAB. Requires development on greenfield sites to provide measures to encourage biodiversity.

**Policy RO1** requires new development to include adequate and safe provision for off road parking, access for emergency vehicles and ensures, where appropriate, new developments provide means to mitigate any harm to pedestrian safety or cycle routes.

**Policy PA2** supports development proposals for new or improvements to existing community facilities and infrastructure.

**Policies RE1 & RE2:** ensures that existing village recreational assets are protected and supports proposals to enhance and improvement them.

**Policy FL1** ensures that new development does not increase pluvial or fluvial flooding and requires new developments to include SuDS.

**Policy EN1** supports proposals relating to the production of renewable energy.

**Policy EN2** requires all new dwellings and commercial developments to have at least one electric car charging point.

**Policy EN3** supports development proposals which demonstrate water efficiency and which incorporate the re-use and recycling of water.

**Policy BU1** supports minor commercial development sites at: Manor Farm, Wharf Rd, Avon Dassett Rd and available brownfield sites.

**Policy BU2** supports proposals for new employment sites and which promote employment opportunities.

**Policy BU3** supports development proposals for new dwellings which provide space adaptable for home working.

**Policies CN1 and CNS** requires all new development to include the necessary infrastructure for future connectivity to the highest speed broadband.

## Plan making

**Policy BU1** supports minor commercial development sites at: Manor Farm, Wharf Rd, Avon Dassett Rd and available brownfield sites.

## Delivering a sufficient supply of homes

**Policy DE2** supports development in the Built-up Area Boundary (BUAB) through new build, converting, extending or redeveloping existing underused buildings. Supports limited development supports local needs housing development beyond but adjacent to the BUAB.

## Building a strong, competitive economy

**Policy BU1** supports minor commercial development sites at: Manor Farm, Wharf Rd, Avon Dassett Rd and available brownfield sites.

**Policy BU2** supports proposals for new employment sites and which promote employment opportunities.

**Policy BU3** supports development proposals for new dwellings which provide space adaptable for home working.

**Policies CN1 and CNS** requires all new development to include the necessary infrastructure for future connectivity to the highest speed broadband.

## Promoting healthy and safe communities

**Policy RO1** requires new development to include adequate and safe provision for off road parking, access for emergency vehicles and ensures, where appropriate, new developments provide means to mitigate any harm to pedestrian safety or cycle routes.

**Policies PA1 and PA2** protect existing community assets and supports development proposals for new or improvements to existing community facilities and infrastructure.

**Policies RE1 & RE2:** ensures that existing village recreational assets are protected and supports proposals to enhance and improvement them.

**Policy D3** seeks to ensure that development proposals help maintain a low crime and safe environment through the incorporation of Secured by Design principles and standards.

## Promoting sustainable transport

**Policy RO1** requires new development to include adequate and safe provision for off road parking, access for emergency vehicles and ensures, where appropriate, new developments provide means to mitigate any harm to pedestrian safety or cycle routes.

**Policy EN2** requires all new dwellings and commercial developments to have at least one electric car charging point.

**Policy BU3** supports development proposals for new dwellings which provide space adaptable for home working.

## Making effective use of land

**Policy DE2** supports development in the Built-up Area Boundary (BUAB) through new build, converting, extending or redeveloping existing underused buildings. Supports limited development supports local needs housing development beyond but adjacent to the BUAB.

**Policy BU1** supports minor commercial development on infill sites at: Manor Farm, Wharf Rd, Avon Dassett Rd and available brownfield sites.

## Achieving well-designed places

**Policy DE1** requires development proposals to consult the village design guide, respect the local character, building styles and materials, settlement pattern and preserve or enhance the heritage assets, the landscape and biodiversity. Proposals should minimise the impact on the village infrastructure by careful planning of vehicular access, pedestrian access and management of rainwater run off to reduce the likelihood of flooding.

**Policy RO1** requires new development to include adequate and safe provision for off road parking, access for emergency vehicles and ensures, where appropriate, new developments provide means to mitigate any harm to pedestrian safety or cycle routes.

**Policy EN2** requires all new dwellings and commercial developments to have at least one electric car charging point.

**Policy BU3** supports development proposals for new dwellings which provide space adaptable for home working.

**Policy D3** seeks to ensure that development proposals help maintain a low crime and safe environment through the incorporation of Secured by Design principles and standards.

**Policy NA3** seeks to protect trees, hedges, woodland and copses and requires development proposals to demonstrate regard to appropriate sustainable landscaping. It cites British Standards BS 5837: 2012, BS 4428:1989 and BS 8545:2014.

## Protecting Green Belt land

The FCNDP does not designate any land within the Green Belt and all policies respect national Green Belt policy.

## Meeting the challenge of climate change, flooding and coastal change

**Policies RE1 & RE2:** ensures that existing village recreational assets are protected and supports proposals to enhance and improvement them.

**Policy FL1** ensures that new development does not increase pluvial or fluvial flooding and requires new developments to include SuDS.



## Conserving and enhancing the natural environment

**Policy DE1** supports proposals which preserve or enhance the heritage assets, the landscape and biodiversity.

**Policy DE2** requires development on greenfield sites to provide measures to encourage biodiversity.

**Policy NA1** identifies and seeks to safeguard the Neighbourhood Area's valued landscapes.

**Policy NA2** designates one Local Green Space.

**Policy NA3** seeks to protect trees, hedges, woodland and copses and requires development proposals to demonstrate regard to appropriate sustainable landscaping. It cites British Standards BS 5837: 2012, BS 4428:1989 and BS 8545:2014.

**Policy NA4** seeks the retention of ecological habitats and networks. It supports the creation of new ecological habitats and measures to improve landscape quality, tranquillity and the reduction of light pollution. It requires the planting of native hedges and trees in new developments where applicable.

## Conserving and enhancing the historic environment

The Neighbourhood Area contains over 50 listed buildings and a conservation area.

**Policy HE1** will only support development proposals within or adjacent to the Conservation Area or a designated heritage asset or its setting if the proposals conserve and enhance the Conservation Area or the heritage asset unless:

- a) the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or
- b) the nature of the heritage asset prevents all reasonable uses of the site and no viable use can be found, and grant or other funding or ownership is not possible, and the harm or loss is outweighed by bringing the site back into use.

The table below provides a matrix of the FCNDP policies against the relevant paragraphs of the NPPF:

| Fenny Compton Neighbourhood Plan<br>Policy ref.     | NPPF Paragraph ref.   |
|---|---|
| <b>Design and Infrastructure</b>                    |   |
| Policy DE1: Sensitive building design               | 8b & c, 20, 110, 112, 124d & e, 126-130, 132, 152, 153, 159, 160 – 168, 199-204 |
| Policy DE2: Sustainable development                 | 61, 64, 65d, 78, 79, 120d   |
| Policy DE3: Designing out crime                     | 8b, 92b, 112, 124e, 130f  |
| <b>Promoting Road Safety</b>                        |   |
| Policy RO1: Appropriate traffic management measures | 20b, 29, 30, 104, 106a-d- 108, 110, 111 - 113, 186                              |

| Promoting Supporting Parish Amenities               |   |
|---|---|
| Policy PA1: Protection of Village Community Assets  | 8b, 20c, 84d, 92a & c, 93, 123b<br>127f |
| Policy PA2: Development of new community facilities | 8b, 20c, 84d, 92a & c, 93, 123b<br>127f |

| Promoting Recreational Spaces                          |  |
|--|--|
| Policy RE1: Protecting Village Recreational Assets     | 8b, 20c, 84d, 92a & c, 93, 98,123b, 127f |
| Policy RE2: Development of New Recreational Facilities | 8b, 20c, 84d, 92a & c, 93, 98,123b, 127f |

| Flood Prevention  |                                       |
|---|---------------------------------------|
| Policy FL1: Ensuring development manages the flood risk | 8c, 20b & d, 152, 153, 159, 160 - 168 |

| Environmental Sustainability           |  |
|--|--|
| Policy EN1: Domestic Energy Production | 8c, 20d, 154-158a                      |
| Policy EN2: Electric Vehicle Charging  | 8c, 20b & d, 107e, 112e, 154, 155      |
| Policy EN3: Water Usage                | 8c, 20b & d, 152, 153, 154b, 155, 154a |

| Promoting Business and Employment                  |   |
|--|---|
| Policy BU1: Minor Commercial Developments          | 8a, 20a, 81, 82a & d, 84, 104d & e, 107e, 112e, 119, 120c |
| Policy BU2: Promoting New Employment Opportunities | 8a, 20a, 81, 82a & d, 104d & e                            |
| Policy BU3: Home working                           | 8a, 82d, 84a, 114   |

| Promoting Connectivity               |          |
|--------------------------------------|----------|
| Policy CN1: High-speed Homes         | 20b, 114 |
| Policy CN2: Connected Infrastructure | 20b, 114 |

| Natural Environment                            |   |
|--|---|
| Policy NA1: Protection of Valued Landscapes    | 8c, 20d, 174a & b                           |
| Policy NA2: Local Green Spaces                 | 8c, 101 - 103                               |
| Policy NA3: Verges, Trees and Hedges           | 8c, 20d, 130c, 131, 174a & b, 175, 179, 180 |
| Policy NA4: Conserving the Natural Environment | 8c, 20d, 130c, 174a & b, 175, 179, 180, 182 |

| Caring for Heritage Assets                                   |                                       |
|--|---------------------------------------|
| Policy HE1: Conserving or Enhancing the Historic Environment | 20d, 79b, 189, 190, 194, 195, 199-204 |

### **3. Delivering Sustainable Development**

The key ways that the FCNDP will contribute to the achievement of the NPPF's three overarching objectives of sustainable developments are:

#### **3.1. Economic objective**

- The FCNDP policies seek to protect and enhance existing employment sites.
- The FCNDP supports new employment sites and encourages local employment growth and opportunities.
- It supports home-working and live-work units through the use of flexible design and incorporated internet connectivity.

#### **3.2. Social objective**

- The FCNDP supports new housing development within the Village Boundary or adjacent to it such as small scale schemes for housing, employment or community facilities which meets a locally identified need. It also supports the principle of rural exception housing.
- It encourages a well-designed and safe environment which will ensure the village continues to evolve in accordance with villagers' wishes.
- It protects and enhances local green spaces, footpath, bridleways and valued landscapes which support the community's health, social and cultural well-being.
- It encourages the protection of local social and recreational amenities and businesses which serve the current and future needs of the community.

#### **3.3. Environmental objective**

- It promotes biodiversity by ensuring the retention of existing ecological networks, wildlife corridors and habitats and supports the creation of new ones.
- It seeks a harmonious relationship between developments and the local flora and fauna.
- It ensures development within or near the Conservation Areas is undertaken with sensitivity and an awareness of their impact on the setting of the village's heritage assets.
- It notes the impact of flooding in the locality (which appears to be partly related to climate change) and requires all developments to mitigate any future contribution to this by minimising off-site run-off and incorporating sustainable drainage systems.
- It encourages new developments to make effective use of renewable energy and resource recycling and to incorporate electric vehicle charging points.

## 4. General Conformity with Strategic Local Policy

- 4.1. The FCNDP has been prepared with regard to national policies set out in the NPPF as outlined above. It must also be in general conformity with strategic policies of the local Development Plan.
- 4.2. The Development Plan for the Neighbourhood Area is the Stratford-on-Avon District Core Strategy 2011-2031, adopted July 2016.
- 4.3. Paragraph 13 of NPPF declares that Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
- 4.4. The FCNDP supports the delivery of the strategic policies of the Core Strategy, and contains no conflicts with these policies.
- 4.5. The FCNDP builds on, adapts or otherwise makes use of selected Core Strategy policies to suit the local environment and economy of Fenny Compton.
- 4.6. The table below provides a matrix indicating the relationship between the FCNDP policies and the SDC Core Strategy policies:

| Fenny Compton Neighbourhood Plan Policy ref.           | SDC Core Strategy Policy ref.  |
|--|--------------------------------|
| <b>Design and Infrastructure</b>                       |                                |
| Policy DE1: Sensitive building design                  | CS.4 – CS.6, CS.8, CS.9, AS.10 |
| Policy DE2: Sustainable development                    | CS.1, CS.20, AS.10a-d, f, l, j |
| Policy DE3: Designing out crime                        | CS.9b.7                        |
| <b>Promoting Road Safety</b>                           |                                |
| Policy RO1: Appropriate traffic management measures    | CS.9.b7, AS.10, CS.26          |
| <b>Promoting Supporting Parish Amenities</b>           |                                |
| Policy PA1: Protection of Village Community Assets     | AS.10, CS.25                   |
| Policy PA2: Development of new community facilities    | AS.10, CS.25                   |
| <b>Promoting Recreational Spaces</b>                   |                                |
| Policy RE1: Protecting Village Recreational Assets     | AS.10, CS.25                   |
| Policy RE2: Development of New Recreational Facilities | AS.10, CS.25                   |

| Flood Prevention  |                        |
|---|------------------------|
| Policy FL1: Ensuring development manages the flood risk | CS.2, CS.4, CS.7, CS.9 |

| Environmental Sustainability           |   |
|--|---|
| Policy EN1: Domestic Energy Production | Strategic objective 5, CS.2, CS.3, CS.9.5 |
| Policy EN2: Electric Vehicle Charging  | Strategic objective 5, CS.2, CS.3, CS.9.5 |
| Policy EN3: Water Usage                | Strategic objective 5, CS.2, CS.3, CS.9.5 |

| Promoting Business and Employment                  |                                   |
|--|-----------------------------------|
| Policy BU1: Minor Commercial Developments          | CS.1, AS.10, 10a, AS.11a-g        |
| Policy BU2: Promoting New Employment Opportunities | CS.1, CS.22, AS.10, 10a, AS.11a-g |
| Policy BU3: Home working                           | CS.22, CS.26, AS.10, 10a          |

| Promoting Connectivity               |                     |
|--------------------------------------|---------------------|
| Policy CN1: High-speed Homes         | CS.22, CS.26, AS.10 |
| Policy CN2: Connected Infrastructure | CS.22, CS.26, AS.10 |

| Natural Environment                            |                               |
|--|-------------------------------|
| Policy NA1: Protection of Valued Landscapes    | CS.5, CS.6, CS.7, CS.9, CS.15 |
| Policy NA2: Local Green Spaces                 | CS.5, CS.6, CS.25             |
| Policy NA3: Verges, Trees and Hedges           | CS.5, CS.6, CS.7, CS.9        |
| Policy NA4: Conserving the Natural Environment | CS.5, CS.6, CS.7              |

| Caring for Heritage Assets                                   |                         |
|--|-------------------------|
| Policy HE1: Conserving or Enhancing the Historic Environment | CS.5, CS.8, CS.9, AS.10 |

## **5. European Union Obligations**

### **Strategic Environmental Assessment**

- 5.1. A revised Strategic Environmental Assessment (SEA) screening exercise was undertaken by Lepus on behalf of Stratford-on-Avon District Council (SDC) in between January and March 2020.
- 5.2. The screening exercise involved consultation with the statutory environmental bodies (Historic England, Natural England and the Environment Agency).
- 5.3. All three bodies have returned consultations and it was confirmed by SDC in a letter dated 1 April 2020 that a Strategic Environmental Assessment (SEA) is not required in respect of the FCNDP.

### **Habitat Regulations Assessment**

- 5.4. It is considered that a Habitat Regulations Assessment would not be required as long as the Neighbourhood Plan makes reference to or includes a link to the SDC Core Strategy's HRA.
- 5.5. It is considered that an Environmental Impact Assessment would not be required as the Neighbourhood Plan does not propose any projects which fall under the criteria set out in either Annex I or Annex II of the EIA Directive.

### **Human Rights**

- 5.6. The FCNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.