

Hartington Town Quarter Parish

Neighbourhood Development Plan

2024 - 2039

Basic Conditions Statement

Town and County Planning Act 1990 (as amended)

Paragraph 8 (2) of Schedule 4B

Submitted by Hartington Town Quarter Parish Council as the qualifying body for the Hartington Neighbourhood Development Plan (HNDP)

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1 Introduction

1.1 This Basic Conditions Statement has been prepared to accompany the Hartington Neighbourhood Development Plan (HNDP). HNDP covers the time period 2024-2039 and relates only to the area of Hartington Town Quarter Parish Council. HNDP is the only neighbourhood development plan for Hartington Town Quarter Parish Council Neighbourhood Area. HNDP does not include policies regarding any excluded development. The Plan has been prepared taking into account relevant National Policy and Guidance relating to Neighbourhood Plans.

1.2 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans (NDP) must meet the following basic conditions:

A draft order meets the basic conditions if—

- (a) 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, assimilated 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 There is likely to be no significant effect of the Hartington Neighbourhood Plan on the European sites. Therefore, an Appropriate Assessment is not required. Hartington neighbourhood plan is in conformity with the Peak District National Park Authority's Local Plan. The core strategy and Development Management Policy Document have undergone their own HRA – both a screening statement and for some polices a fuller 'appropriate assessment'.

1.4 Therefore, it can be concluded that where the HRA for the Local Plan has determined that a particular policy is 'unlikely to have an adverse effect on the integrity of a relevant European Sites, any HNP policy that conforms with it, similarly, is unlikely to have an adverse effect. The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

1.5 The core strategy HRA also determined that the effect of certain core strategy policies on the integrity of a relevant European Sites was 'uncertain'.

1.6 In order to further test the likelihood of significant effects of the 'uncertain' policies, the core strategy HRA undertakes a more detailed assessment of these policies for the following criteria:

- impact on drainage,
- impact on water quality,
- impact on air quality,
- human activity,
- hydrology &
- small-scale wind turbine development.

1.7 HNP policies that are judged to be in conformity with these 'uncertain' core strategy policies, are also further screened according to these criteria. This is set out in detail in the Habitat Regulation Screening.

1.8 This Basic Conditions Statement addresses these requirements in four dimensions:

- It demonstrates the conformity of the HNPP with the NPPF;
- It shows how the HNPP will contribute to sustainable development;
- It demonstrates the conformity of the HNPP with the PDNPA Core Strategy and Development Management Policies; and
- It demonstrates compliance with the appropriate assimilated obligations.

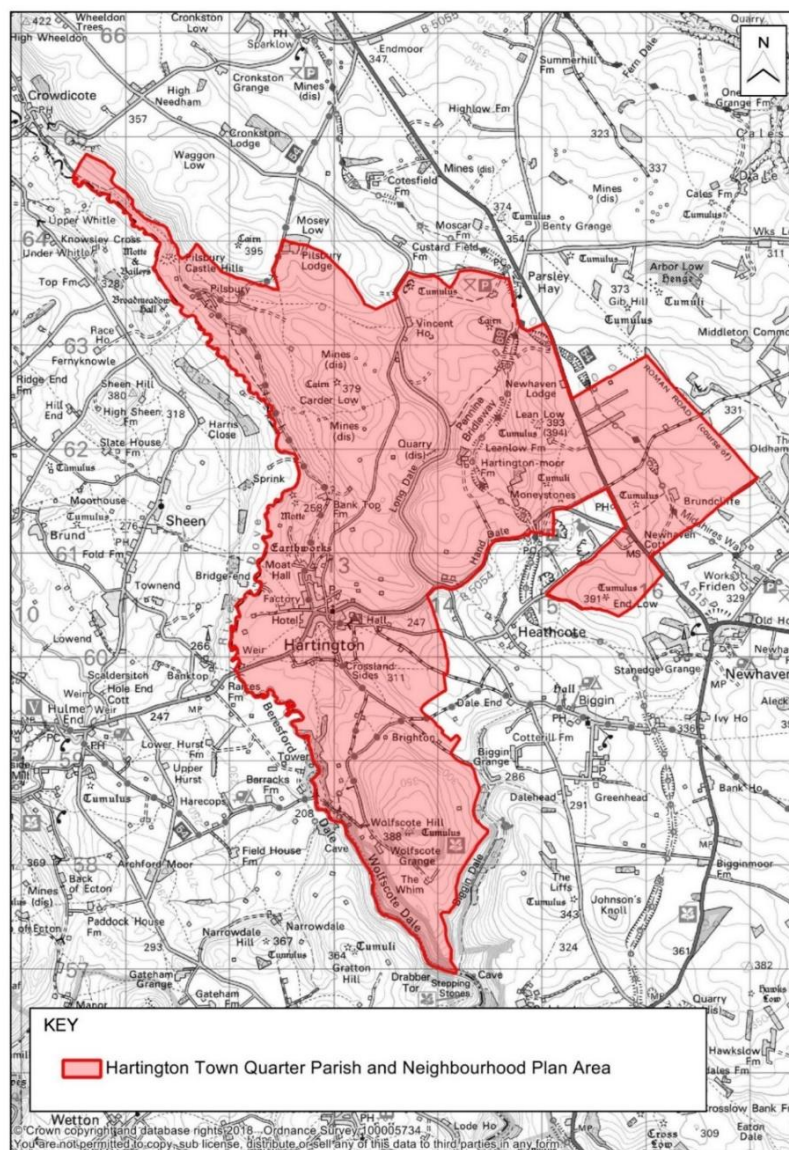
2 Submitting Body

2.1 The Hartington Neighbourhood Development Plan is submitted by Hartington Town Quarter Parish Council, which is a qualifying body as defined by the Localism Act 2011.

3 Neighbourhood Area

3.1 The Plan applies to the Parish of Hartington Town Quarter in Derbyshire.

3.2 The area covered by the HNDP is the same as the boundary of the Parish of Hartington Town Quarter. It is shown below:



3.3 Hartington Town Quarter Parish was designated as the Neighbourhood Area on 8th February 2013, following an application by the Parish Council to the Peak District National Park Authority (PDNPA).

4 National Planning Policy Framework

- 4.1 The HNPD must have appropriate regard to national policy. The following section describes how the HNPD proposal relates to the NPPF (December 2023).
- 4.2 The central theme of 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.
- 4.3 The NPPF defines three ‘objectives’ to achieve sustainable development: economic, social and environmental, and requires that planning policies, and thus the HNPD:
- a) should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - b) should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.4 The NPPF goes on to set out that to be found ‘sound’ plans should be:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 4.5 These tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.

- 4.6 In addition HNBP has given due regard to consideration of other guidance issued by the Secretary of State where these relate to policies within HNBP. These include guidance on Neighbourhood Plans, green spaces, housing especially in terms of affordability, climate change, the historic environment, and transport. Historic England and the Environment Agency both provided guidance on specific issues relating to their areas of concern.

5 Local Strategic Policy

- 5.1 The HNBP must demonstrate that it is in general conformity with the development plan for the area of the local planning authority (or any part of that area). This section shows how the HNBP is in general conformity with the strategic policies in PDNPA's Development Plan.
- 5.2 The Development Plan for the National Park comprises the Peak District National Park Core Strategy (2011) and the Development Management Policies (May 2019). Policies need to be read in sequence.

HNDP Policy	Regard to NPPF	Local Plan Strategic Policies
<p>E1 Every application must also contain measures that will be undertaken to deliver a net gain in biodiversity and landscape within the Parish. This can include measures to reinstate or add to locally significant habitats including native trees, native hedgerows, grassland and dry stone walls and measures to improve the connectivity of existing fragmented habitats.</p>	<p>Policy E1 complies with national policy in NPPF chapter 15 which deals with conserving and enhancing the natural environment. It is in line with NPPF para. 180 which requires policies protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).</p> <p>Paragraph 181 goes on to require that great weight is given to conserving and enhancing landscape and scenic beauty in National Parks, and the conservation of wildlife.</p>	<p>Policy E1 complies with Core Strategy Policy L1 which requires development to conserve and enhance valued landscape character and policy L2 which requires that development must conserve and enhance biodiversity.</p>
<p>E2 Proposals will only be acceptable where they will not fragment or disrupt existing habitat networks.</p>	<p>Policy E2 complies with NPPF para 185. Which says that to protect and enhance biodiversity ..., plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>	<p>Policy E2 complies with Development Management Policy DMC11 sets out that biodiversity gain should be delivered, and that direct and indirect effects of development should be assessed.</p>
<p>C1 In seeking to address the causes and impacts of climate change future developments must comply with the following:</p> <p>All proposals that seek to increase the volume of an existing building by more than 15% must include measures for microgeneration of energy where compatible with heritage and landscape interests.</p>	<p>Policy C1 complies with NPPF chapter 14: Meeting the challenge of climate change, flooding, and coastal change.</p> <p>Paragraph 157 says that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources,</p>	<p>Policy C1 complies with Core Strategy Policy CC1 which sets out that development must:</p> <p>A. Make the most efficient and sustainable use of land, buildings, and natural resources.</p> <p>B. Take account of the energy hierarchy by: I. reducing the need for energy; II. using energy more efficiently; III. supplying energy efficiently; and IV. using low carbon and renewable energy.</p> <p>C. Be directed away from flood risk areas and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.</p> <p>D. Achieve the highest possible standards of carbon reductions.</p>

<p>All proposals to build new buildings or extend existing buildings or change their use must include grey water recycling.</p> <p>The use of locally sourced building materials will be required for all development.</p> <p>Subject to it being viable within the electricity infrastructure available in the village:</p> <p>a) all new houses, and residential annexes will be required to deliver an EV charging point.</p> <p>b) new business or commercial development will be required to deliver at least 1 EV charging point per three car parking spaces delivered, with a minimum of one EV charging point for each development.</p> <p>If it is demonstrated that the electricity infrastructure is not available to deliver EV charging points, then the on-site infrastructure to enable EV charging points to be installed in future must be provided.</p>	<p>including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p>	<p>E. Achieve the highest possible standards of water efficiency.</p>
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<p>DB1 - New development in Hartington Village will be limited to within the Development Boundary, protecting the surrounding landscape and historic field patterns.</p>	<p>Policy DB1 complies with NPPF chapter 15: Conserving and enhancing the natural environment. Paragraph 182 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.</p> <p>Chapter 3 Plan Making sets out at paragraph 23 that broad locations for development should be indicated on a key diagram. Policy DB1 has regard to this.</p>	<p>Policy DB1 complies with Core Strategy Policy DS1 which sets out the spatial strategy for development within settlements in the National Park.</p>
<p>DB2 - Outside of the Development Boundary no new development will be supported except under policy HC1 where it addresses proven local need to provide a home for a local person in perpetuity, essential housing for a worker employed in agriculture or forestry, or new agricultural buildings where there is a compelling case for their need.</p>	<p>Policy DB1 complies with NPPF chapter 15: Conserving and enhancing the natural environment. Paragraph 182 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.</p> <p>Chapter 3 Plan Making sets out at paragraph 23 that broad locations for development should be indicated on a key diagram. Policy DB2 has regard to this.</p>	<p>This policy complies with Core Strategy Policy HC1 which sets out the circumstances in which housing can be delivered in the National Park and policy DS1 which sets out the broad strategy for development.</p>
<p>H1 - The provision of a wider mix of tenure for new affordable housing, including rental, shared ownership and private ownership will be encouraged</p>	<p>This policy complies with paragraph 11 of the NPPF which sets out that plans should apply a presumption in favour of sustainable development and that this should ensure all plans promote a sustainable pattern of development that seeks to: meet the development needs of their area.</p> <p>Paragraph 63 of the NPPF sets out that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.</p>	<p>The policy complies with Development Management Policy DMH1 which sets out the size and type of homes that will be supported.</p>

<p>H2 - Affordable housing should not be readily differentiated from open market housing by its design, quality, location, or distribution within a site.</p>	<p>This policy complies with paragraph 11 of the NPPF which sets out that plans should apply a presumption in favour of sustainable development and that this should ensure all plans promote a sustainable pattern of development that seeks to: meet the development needs of their area.</p>	<p>The policy complies with has regard to Development Management Policy DMH1 which sets out the size and type of homes that will be supported.</p>
<p>H3 - If a building has a high heritage value and the only viable way to conserve the building is conversion to an open market home, this would be supported subject to a legal agreement which specifies that it must be the occupant's primary residence.</p>	<p>This policy complies with paragraph 11 of the NPPF which sets out that plans should apply a presumption in favour of sustainable development and that this should ensure all plans promote a sustainable pattern of development that seeks to: meet the development needs of their area.</p> <p>It also complies with paragraph 8 which sets out that it is an overarching objective for planning to deliver social objectives 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.</p>	<p>This policy complies with policy GSP2 which sets out that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. The National Park Management plan identifies that a valued characteristic is 'characteristic settlements with strong communities and traditions'.</p>
<p>ED1 - Change of use of the WC facilities in Mill Lane will not be supported.</p>	<p>This has regard to paragraph 97 (c) which says that policies should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.</p>	<p>This policy complies with policy HS4 which aims to secure the retention of community facilities and policy DMS2 which sets out that the loss of community facilities will only be permitted where a process of marketing and viability assessment demonstrates that the loss is acceptable.</p>
<p>ED2 - Business uses should primarily be directed to existing buildings. If a new building is proposed for a business use, an assessment of the availability and suitability of existing buildings in the Development Boundary must be undertaken.</p>	<p>This policy complies with paragraph 85 of the NPPF which directs planning policies to support economic growth and business development and paragraph 196 which sets out that Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, and that the strategy should take into account the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;</p>	<p>This policy complies with to Core Strategy policy E1 which directs businesses into re-use of historic buildings.</p>

<p>ED3 - Given the number of existing touring camping and caravan sites, yurts, shepherds huts and pods within the Dove and Manifold valleys the development of any new sites will not be supported. The extension or improvement of facilities at existing sites will not be supported unless the development offers landscape, ecological and amenity improvements.</p>	<p>This complies with paragraph 176 of the NPPF which requires that great weight is given to conserving and enhancing landscape and scenic beauty in National Parks.</p>	<p>This is compliant with policy RT3 which sets out that sites will be permitted only where there are few existing sites, and GPS2 which sets out that development should respect the character of the area and deliver enhancement.</p>
<p>ED4 - To ensure the viability of existing retail services in Hartington, new shopping and catering facilities on existing camping and/or caravan sites will not be supported.</p>	<p>This policy complies with paragraph 88 of the NPPF which sets out that to support a prosperous rural economy, policies should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.</p>	<p>This policy is compliant with Core Strategy Policy DS1 which sets out that shops and premises for the consumption of food and drink will be directed into settlements, and policy HS4 which aims to secure the retention of community facilities.</p>
<p>T1 - Proposals for development must; a) demonstrate how the development will be served by sustainable and active travel; b) encourage walking or cycling as a means of transport, including by provision for less able users, and provision for cycle parking and storage.</p>	<p>This complies with NPPF paragraph 108 which sets out that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a) the potential impacts of development on transport networks can be addressed; b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c) opportunities to promote walking, cycling and public transport use are identified and pursued.</p>	<p>This policy complies with policy T1 which sets out that modal shifts to sustainable transport will be encouraged.</p>

<p>T2 - Proposals for the provision of an off-road link between the centre of Hartington village and the Tissington Trail will be supported, provided that it does not compromise the valued characteristics of the area. Cycle parking facilities in Hartington village should be an integral feature.</p>	<p>This complies with NPPF paragraph 104 which sets out that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.</p>	<p>This policy complies with policy T1 which sets out that improved connectivity between sustainable modes of transport will be sought and that sustainable access for the quiet enjoyment of the National Park will be promoted.</p>
<p>T3 - Proposals for development that would lead to a loss of existing on street parking in the centre of the village or a loss of any part of the Mill Lane car park will not be supported.</p>	<p>This complies with paragraph 97 of the NPPF which says that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community;</p>	<p>This policy complies with Policy DMS2 which sets out that the loss of community facilities is to be avoided.</p>
<p>T4 - Development proposals which deliver off-street parking for existing residents will be supported. Any domestic garages that are permitted will include</p>	<p>This complies to paragraph 108 of the NPPF which says that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that patterns of movement, streets, parking and other</p>	<p>This complies with policy DMT8 which sets out that off street residential parking should be provided.</p>

<p>planning conditions requiring that they remain available for the parking of vehicles in perpetuity.</p>	<p>transport considerations are integral to the design of schemes and contribute to making high quality places.</p>	
<p>T5 - Commercial development proposals, including agricultural diversification projects, that involve the movement of customers or clients to the site must provide a travel plan with the planning application addressing how the travel needs will be met and how sustainable travel will be promoted.</p>	<p>This complies with paragraph 108 of the NPPF which says that Transport issues should be considered from the earliest stages of plan-making and development proposals, so that...patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.</p>	<p>This complies with policy T1 which sets out that conserving and enhancing the National Parks valued characteristics will be the primary criterion in the planning and design of transport and its management.</p>
<p>S1 - The areas listed on Appendix A and shown together on Map 5, are designated as Local Green Spaces, where new development is not supported other than in the exceptional circumstances set out in policies S2 and S3.</p>	<p>This complies with paragraphs 105 – 107 of the NPPF. 105 This says that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period. 106. The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land. 107.</p>	<p>This policy complies with GSP3, and L1 which aim to respect conserve and enhance the valued characteristics of the National Park and it's landscape.</p>

	Policies for managing development within a Local Green Space should be consistent with those for Green Belts.	
S2 - The provision of a children's outdoor play area will be supported as an exception in Local Green Space LGS2. Provision of outdoor, communal green spaces will be supported in both LGS2 and LGS6.	This complies with paragraphs 105 – 107 of the NPPF. 105 This says that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period. 106. The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land. 107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.	This policy complies with GSP3, and L1 which aim to respect conserve and enhance the valued characteristics of the National Park and its landscape.
S3 - Any proposal for development of a graveyard extension in LGS 3 as shown on Map 5) will be supported as an exception to policy S1.	This complies with paragraphs 105 – 107 of the NPPF. 105 This says that the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential	This policy complies with GSP3, and L1 which aim to respect conserve and enhance the valued characteristics of the National Park and its landscape.

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<p>S4 - Proposals for change of use of a community facility to accommodate flexible working space for business use will be supported provided the community use is not lost and the business use remains ancillary to community use.</p>	<p>This complies with paragraph 93 of the NPPF which says that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.</p>	<p>This complies with policy HC4 which sets out that the provision or improvement of community facilities and services will be encouraged within settlements.</p>

6 Environmental Impact and Habitat Regulations

6.1 With respect to EU relevant directives the following applies:

i. With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). The conclusion of the SEA screening statement and consultation is: “ It is demonstrated, through assessment against the significance criteria in the SEA Directive and Regulations . . . that the impact of Hartington Neighbourhood Development Plan will not result in significant environmental effects.” The consultation responses supported the conclusion and with comments that will be taken into account.

ii. With regard to Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). This is to confirm that no neighbourhood development orders are proposed by the qualifying body, so the directive does not apply.

iii. With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively), the conclusion of the HRA screening statement and consultation is: “there is likely to be no significant effect of the Hartington Neighbourhood Plan on the European sites. Therefore, an appropriate assessment is not required.”

iv. With regard to the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC). This is to confirm that there are no policies contained in Hartington neighbourhood that are within the scope of the directives.

v. Hartington Town Quarter Neighbourhood Development Plan does not include provision for ‘County Matters’ (i.e. minerals), waste development nor development requiring an Environmental Impact Assessment.

vi. A Strategic Environmental Assessment has been produced and in conclusion offers evidence that policies are supportive of sustainable development and are aligned to this dimension of PDNPA policies and actions. In particular policies relating to landscape and ecosystems, climate change, economic development, transport and community well being are supportive of both the human and environmental dimensions of sustainable development.

A Strategic Environmental Assessment Scoping Report has been carried out and concludes that the making of the order/Plan contributes to the achievement of sustainable development.

The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

7 Human Rights

- 7.1 An equalities impact assessment has not been undertaken, as is no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.