

HAZLEMERE NEIGHBOURHOOD PLAN
2022 - 2033

BASIC CONDITIONS STATEMENT

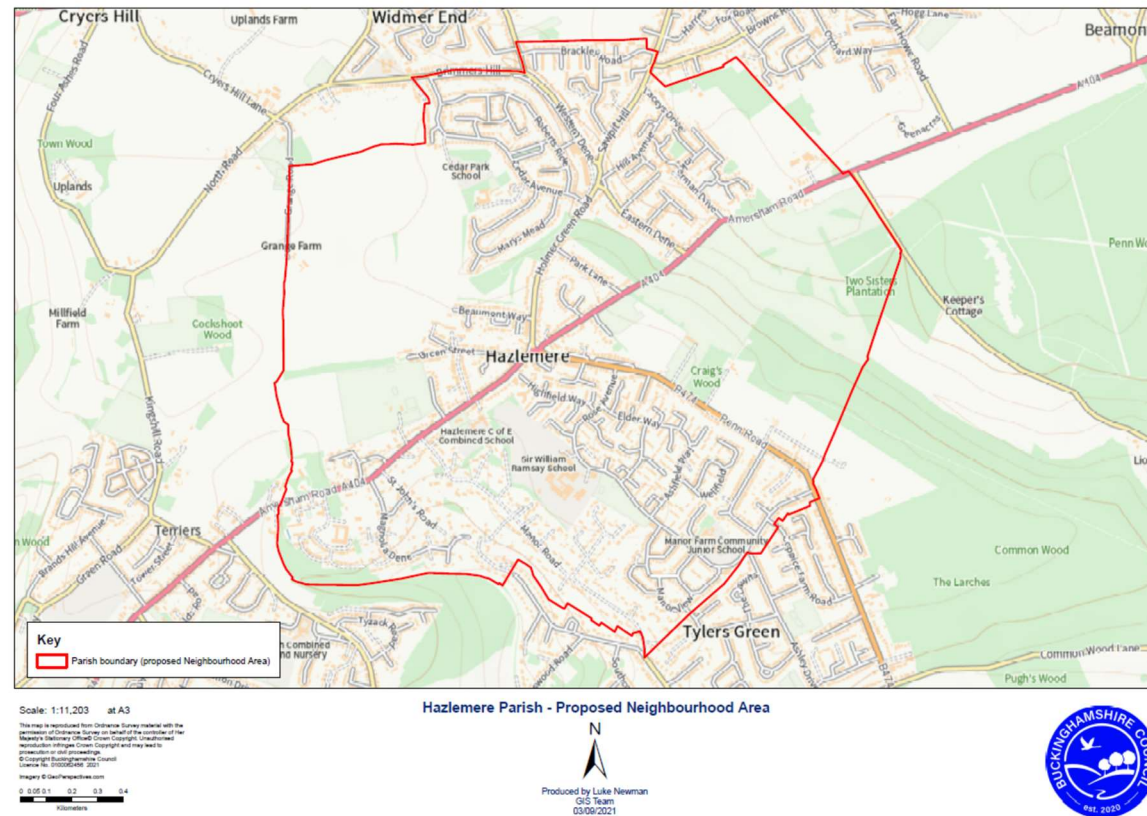
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CONTENTS

1. INTRODUCTION	3
2. BACKGROUND	6
3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY	8
4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT	15
5. CONDITION (E): GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN	16
6. CONDITION (F): COMPATIBILITY WITH ENVIRONMENTAL LEGISLATION	23

1.INTRODUCTION

1.1 This statement has been prepared by Hazlemere Parish Council (“the Parish Council”) to accompany its submission of the Hazlemere Neighbourhood Plan (“the Neighbourhood Plan”) to the local planning authority, Buckinghamshire Council (“Buckinghamshire Council”), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).



Plan A: Hazlemere Designated Neighbourhood Area

1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Hazlemere as shown on Plan A above. Buckinghamshire Council designated the Area on 28 September 2021.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2022 to 31 March 2033, the end date of which corresponds with the end of the plan period of the Wycombe District Local Plan ("the Local Plan") adopted in 2019.

1.4 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Parish & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f) The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations that have been incorporated into UK law,
- g) prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Plan (in respect of the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 and other material considerations).

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

"... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine." (our emphasis)

1.7 It is noted that the case law has not yet explicitly established the same principle for Condition (a) in respect of the regard to national policy, but it seems reasonable to expect the Courts would reach the same conclusion, given there will also be a range of national policies influencing plan making, and that those policies may also be in tension. In any event, the Parish Council and Buckinghamshire Council have endeavoured to work together closely in preparing the Neighbourhood Plan to avoid any disagreement on these matters in its submitted version (see §2.4 for further details).

1.8 The Parish Council has also been mindful of the 'Planning for the Future' White Paper and 'Levelling Up & Regeneration' Bill published by the Government in August 2020 and May 2022 respectively. The Bill proposes to make some significant changes to both the development plan and management systems but has restated the value of neighbourhood planning in that system. Although there remains some uncertainty on the direction these changes will take the Parish Council is confident the submitted Neighbourhood Plan will provide a robust policy platform for decision making for the next few years.

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2021. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish in the light of community concerns on the detailed planning of two strategic allocations in its area and an increasing interest in tackling climate change through local actions.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the formal documents.

2.3 The Parish Council has consulted local communities extensively over the duration of the project with a series of workshops and other engagement events, which are described in the separate Consultation Statement. It has also worked closely with officers of Buckinghamshire Council although there remains an unresolved difference of opinion in respect of one policy meeting the basic conditions.

2.4 In this regard the Parish Council acknowledges that the Planning Practice Guidance (§41-053) states that “it is only after the independent examination has taken place and after the examiner’s report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions.” However, it is also mindful that, once submitted for examination, it has no further opportunity to modify the Neighbourhood Plan, other than through its withdrawal and resubmission. Further, S12(4) of the Parish & Country Planning Act 1990 defines the local planning authority as the decision maker in respect of determining if the basic conditions have been met in order to make a neighbourhood plan, with modifications to the submitted plan as necessary. However the Planning Practice Guidance regards the task of arriving at a planning judgement to be shared by the local planning authority, the qualifying body and examiner during the examination, in collectively considering if the basic conditions have been met (§41-070 and §41-074).

2.5 The Neighbourhood Plan contains five land use policies, some of which are defined on the Policies Map where they apply to a specific part of the Area. The Plan has deliberately avoided containing policies that unnecessarily duplicate saved development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific and development management matters that seek to refine and/or update existing policies.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

3.2 The Parish Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in (the) local plan ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its community with the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains a site-specific proposal to update a Local Plan allocation in the light of new evidence (§29) but the NPPF provisions of meeting local housing needs in the Parish (as per §67) have been met by the Local Plan alone for the plan period to 2033, thus enabling Buckinghamshire Council to engage the provisions of §14 in managing housing development proposals if necessary. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref.	Commentary
HAZNP1	Delivering Homes for First Time Buyers & Downsizers	62	The policy aims to encourage smaller, more affordable housing types that are suited to first time buyers and downsizers to tackle a trend towards larger, more expensive housing stock in the Parish. It is a community ambition rather than a requirement, as it stops short of setting out targets and has not been evidenced by a Housing Needs Assessment.
HAZNP2	Protecting and Improving Green Infrastructure	153, 154, 174, 175	The policy defines the green infrastructure network as one means of ensuring the future resilience of the local community and infrastructure to climate change impacts. It seeks to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure. It also seeks to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity or geological value and soils; by recognising the wider benefits from natural capital and ecosystem services; by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; by taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and by planning for the enhancement of natural capital in the Parish.
HAZNP3	Delivering Zero Carbon Buildings	152, 154	The policy encourages the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and to support renewable and low carbon energy and associated infrastructure. It encourages new development to be planned for in ways that help to reduce greenhouse gas emissions, such as through its location, orientation and design. Its requirement for schemes that choose not to meet the PassivHaus standard to demonstrate there is no energy

			performance gap through post construction assessment is intended to incentivise the use of that zero carbon standard, which would guarantee no gap if certified. The avoidance of making zero carbon a requirement – no matter how much recent events are proving its absolute long term worth for energy bills and climate change mitigation – reflects current Government policy, irrespective of the Climate Change Act and all other contradictory policy announcements on this matter over the last couple of years. To be clear, the policy is drafted in a way that does not engage the 2016 Written Material Statement on the subject, which although now out-of-date and superseded by any number of subsequent Government policy statements, continues to be alleged as a means of preventing neighbourhood plans from contained any meaningful policy covering this agenda.
HAZNP4	Promoting Sustainable Transport	104, 106	The policy encourages transport issues to be considered from the earliest stages of development proposals so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised and opportunities to promote walking, cycling and public transport use are identified and pursued. It seeks to provide for attractive and well-designed walking and cycling networks with supporting facilities.
HAZNP5	Planning for Sustainable Development at Amersham Road/Tralee Farm	21, 29	The policy provides a timely means of updating some elements of an adopted strategic allocation policy (HW8 – see section 5) without undermining or modifying its strategic purpose. To be clear, the policy does not re-allocate the land or alter the housing quantum or mix but instead modifies some of the detailed, non-strategic development principles to take account of new evidence and circumstances (not least the opportunity to better connect this important site with its surroundings to improve its sustainability). It is intended to enable the local community to shape and help to deliver sustainable development, by influencing the final proposals that come forward for the site.

3.5 It is considered that all of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 As noted in Section 6 of this statement, Strategic Environmental Assessment of the Neighbourhood Plan has not been required. In which case, this basic condition is addressed by considering the potential for minor or modest positive and adverse sustainability effects of each policy. Suffice to say that the Parish Council considers sustainability as a 'golden thread' running through its vision, objectives and policies.

HAZNP1 Delivering Homes for First Time Buyers & Downsizers

4.2 The policy seeks to provide opportunities to maintain a variety of housing stock to support a diverse population of young and old from all backgrounds. The long term trend of increasing house prices, and the effects on how the existing housing stock is changing (mostly by larger buildings), will only be modestly addressed by the new housing developments. It therefore aims to have a positive social effect and is neutral in its environmental and economic effects.

HAZNP2 Protecting and Improving Green Infrastructure

4.3 The policy establishes a coherent green infrastructure network of a variety of asset types which anticipates emerging national policy initiatives like biodiversity net gain and local nature recovery. In addition to protecting that network from harmful development it is seeking to prioritise for future investment derived from local development schemes improvements in quality and connectivity, rather than see that investment unnecessary made outside the Parish. Given its publicly accessible assets are enjoyed by the local community, it aims to have a positive social as well as environmental effect and is neutral in its economic effect.

HAZNP3 Delivering Zero Carbon Buildings

4.4 The policy encourages the use of the PassivHaus standard (or equivalent) for all new buildings as a primary means of tackling climate change and the energy crisis in the coming years. For those projects that choose not to meet that standard (for as long as national policy allows it) then it requires that the lower energy performance standards of the proposed buildings are at least achieved post construction. Not only will this lower the adverse environmental effect of new buildings, it will also significantly lower energy bills for occupiers. It also requires an assessment of how the scheme will reduce embodied carbon over its lifetime. It therefore aims to have positive effects in all respects.

HAZNP4 Promoting Sustainable Transport

4.5 The policy contains a series of proposals to reduce the dependency of the local community on vehicles for moving around the Parish. This will have positive social effects (in encouraging and enabling healthier lifestyles) but also environmental effects in reducing the need for car-based trips. It is neutral in its economic effects.

HAZNP5 Planning for Sustainable Development at Amersham Road/Tralee Farm

4.6 The policy updates the adopted strategic allocation policy to deliver a more effective sustainability outcome, given some changes in site circumstances since the allocation policy was formulated. It will enable better accessibility and green infrastructure connectivity without undermining the core development principles of the allocation. It therefore aims to have positive social and environmental effects and is neutral in its economic effects.

5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the Local Plan, which covers the period to 2033. In doing so, the Parish Council has worked closely with Buckinghamshire Council with the aim of ensuring that both consider this basic condition has been fully met. The Parish Council has also been mindful of the provisions of the Buckinghamshire Minerals & Waste Local Plan also adopted in 2019 for the period to 2036 which also forms part of the development plan. That plan contains no policies or proposals affecting the Parish.

5.2 The Planning Practice Guidance (§41-074) states that:

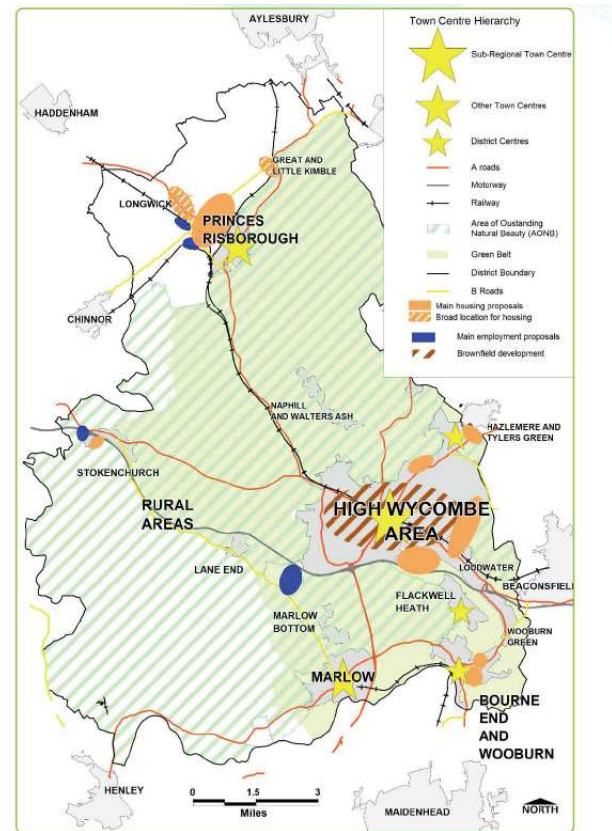
“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach”*

5.3 The Local Plan helpfully makes clear which are ‘strategic’ policies, comprising primarily policies CP1 – CP12 with some site-specific proposals for the ‘High Wycombe Area’ that lie within the Parish and a series of other non-strategic development management policies (notated as ‘DM’ or Development Management policies). Those policies supplement other development management policies adopted in 2013 in the Wycombe District Delivery & Site Allocations Plan.

5.4 The key policy provisions relating to Hazlemere are:

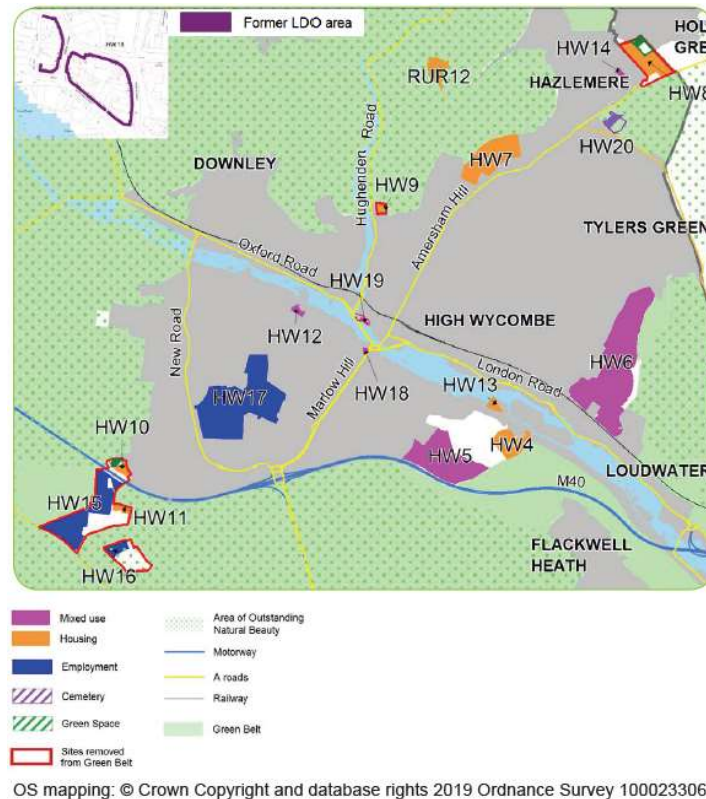
- CP3 Settlement Strategy – with the village being part of the much larger High Wycombe area, focusing on change in the existing built up area, maintaining and respecting the physical and community identity of adjoining settlements and removing land at Terriers Farm and Amersham Road/Tralee Farm from the Green Belt
- CP6 Securing Vibrant & High Quality Town Centres – identifying Hazlemere (the Crossroads and Park Parade) as a District Centre in the Wycombe retail hierarchy
- CP7 Delivering Infrastructure to Support Growth – seeking to achieve a modal shift from private car use through more integrated and smart public transport provision and upgrades in social and green infrastructure provision



Plan B: Wycombe District Local Plan Policies Map: Hazlemere

- CP8 Protecting the Green Belt – identifying all of the Parish outside its built up area as lying within the Green Belt for national policy protection (notwithstanding the decision to remove land at Amersham Road/ Tralee Farm from the Green Belt)
- CP9 Sense of Place – setting out the requirements for new development to deliver a distinctive and high quality sense of place
- CP10 Green Infrastructure & the Natural Environment – identifying a green infrastructure network for protection and improvement, including assets within the Parish
- CP12 Climate Change – promoting generic measures to mitigate and adapt to climate change

- DM30 Chilterns AONB – restating the NPPF provisions for managing development in the AONB that covers part of the Parish, with the remainder of the Parish lying within its setting
- Policy HW7 at Terriers Farm for 500-541 homes
- Policy HW8 at Amersham Road/Tralee Farm for 350 homes (also releasing the land from the Green Belt)
- Policy HW14 at Highbury Works for 14 homes (a brownfield site in the built up area)
- Policy HW20 at Queensway for a Cemetery



Plan C: Wycombe District Local Plan – High Wycombe Area (Source: Buckinghamshire Council)

5.5 The Wycombe District Delivery & Site Allocations Plan 2013 includes a number of site-specific proposals – none in the Parish – and another set of development management policies, that have been supplemented by the Local Plan. Of special relevance to Hazlemere are those policies relating to District Centres (DM9), Green Networks and Infrastructure (DM11), Green Spaces (DM12) and Biodiversity in Development (DM14).

5.6 Buckinghamshire Council has begun work on its first countywide Local Plan, which should be adopted in 2025 to cover the period to 2040. Its scope is not yet known but this may become clearer before the end of 2022. There are no made Neighbourhood Plans in the immediate vicinity of the Parish, but both Penn Parish Council to the south of Hazlemere and Little Missenden Parish Council to the north are in the process of bringing forward draft plans for their respective designated areas and other nearby Parishes are considering the possibility of starting Neighbourhood Plan projects.

5.7 The Chilterns AONB was designated in 1965 for the natural beauty of its landscape and its natural and cultural heritage. In particular, it was designated to protect its special qualities which include the steep chalk escarpment with areas of flower-rich downland, woodlands, commons, tranquil valleys, the network of ancient routes, villages with their brick and flint houses, chalk streams and a rich historic environment of hillforts and chalk figures.

5.8 The Chilterns Conservation Board is a statutory independent corporate body set up by Parliamentary Order in 2004 under the provisions of Section 86 of the Countryside and Rights of Way (CROW) Act 2000. Like all public bodies, including ministers of the Crown, local authorities and parish councils, the Chilterns Conservation Board is subject to Section 85 of the CROW Act which states that “in exercising or performing any functions in relation to or so as to effect land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB”. To this end, the Parish Council has been mindful of the latest iteration of the Board’s AONB Management Plan covering the period 2019 – 2024, especially in terms of its provisions on priority habitats and orchards.

5.9 The Neighbourhood Plan has sought to add value to the Local Plan by refining some of its policies to better fit with the Hazlemere context and, in the case of Policy HAZNP5 to update the Local Plan strategic allocation at Amersham Road (HW8) to ensure local housing needs continue to be met in the plan period. This will in turn ensure that Buckinghamshire Council is able to use the Neighbourhood Plan to engage NPPF §14 in relevant development management decisions – most notably in having to demonstrate only a three year housing land supply – for as long as the §14 conditions are met.

5.10 A summary assessment of the general conformity of each policy, and its relationship with adopted policy where relevant, is contained in Table C below. For ease of reference, the policies are Local Plan policies (e.g. CP9) unless shown as those of the Delivery & Site Allocations Plan (DSAP).

Table C: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
HAZNP1	Delivering Homes for First Time Buyers & Downsizers	<p>The policy is consistent with the overall sense of place and housing goals of CP9 and CP4 respectively. More specifically, it is in line with DM21 in supporting ‘windfall’ schemes within the built-up area of Hazlemere, i.e. that part of the Parish that is not in the Green Belt. The supporting text defines that type of housing as falling within the lowest bands of the Council Tax, but the policy stops short of requiring specific proportions. It is also consistent with DM22 in refining its goals for delivering a mix of housing by emphasising a desire for home types that are especially suited to first time buyers and downsizers in an area where average house prices are well above the national and regional averages. Finally, it acknowledges that schemes must contribute to placemaking and be of a high standard of design in line with DM35, noting especially the value of the adopted Housing Intensification SPD, as well as the District Residential Design Guide.</p>
HAZNP2	Protecting and Improving Green Infrastructure	<p>The policy is consistent with overall green infrastructure and natural environment goals of CP10. It translates those goals into a spatial network of green infrastructure assets defined on the Policies Map and derived from a variety of published data sets (e.g. Magic Map and Natural England). More specifically, its Clause A restates the policy provisions of CP10 (which itself summarises DSAL policies DM11-DM14).</p> <p>Its Clause B supplements DM34 in responding to the new national Biodiversity Net Gain provision by adopting a sequential, spatial approach to where offsite gain is delivered. This is consistent with the goal of DM34 to see development delivering long lasting measurable gains in biodiversity and reflects the community’s keenness to see investment in the Parish’s green network as a priority where this is feasible, rather than see mitigation delivered many miles away from the Parish.</p> <p>Its Clause C introduces Local Green Space designations derived from an assessment of those spaces identified in DSAP Policy DM12 as ‘Green Spaces’ to identify those that meet the tests of NPPF §102. It therefore supersedes their DM12 status. Its Clause D also supersedes the DM12 status of the remaining spaces identified in that policy, as well as adding a small number of other spaces that meet the DM12 definition. They are only renamed as Local Amenity Spaces to avoid any confusion with the new Local Green Space designation of Clause B.</p>

		Its Clause E seeks to reinforce the provisions of DM34 in respect of delivering a proper and speedy tree canopy cover in new schemes.
HAZNP3	Delivering Zero Carbon Buildings	The policy is consistent with the climate change goals of CP12, but that policy stops short of seeking to address mitigation through the planning of new building stock.
HAZNP4	Promoting Sustainable Transport	The policy is consistent with the transport-related, climate change goals of CP12 and with the transport-related infrastructure goals of promoting public transport, walking and cycling of CP7. It is also in line with the transport and development principles set out in DM33 (and DSAP DM2).
HAZNP5	Planning for Sustainable Development at Amersham Road/Tralelee Farm	The policy is intended to update HW8 in the light of further evidence to shape the proper planning of the site and of minor changes to the site boundary to reflect land ownership. It refines the design principles of HW8 without undermining any of the core spatial principles of that policy (e.g. quantum, mix, supporting infrastructure).

5.11 It is considered that all of the policies are in general conformity with the strategic policies of the adopted Local Plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

6. CONDITIONS (F & G): COMPATIBILITY WITH ENVIRONMENTAL LEGISLATION AND OTHER MATTERS

6.1 The requirements in respect of Strategic Environmental Assessment (SEA) have been addressed in Section 4 of this Statement. Suffice to say that the process for determining that an SEA of the Neighbourhood Plan would not be required has followed the requirements set out in the EU Directive 2001/42 as translated in the UK's Environmental Assessment of Plans & Programmes Regulations 2004. Similarly, the Parish Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In both cases, Buckinghamshire Council screened the draft Neighbourhood Plan in March 2022 to determine if these obligations may apply; there have been no material modifications made to the Plan in the submission version and therefore no rescreening has been necessary.

6.2 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.3 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.4 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan does not include any policies in relation to the management of air quality. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.