

Fazeley
Neighbourhood Development Plan
2026 - 2043

Basic Conditions Statement



July 2026

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1. Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065) sets out that only a draft Neighbourhood Plan that meets each of a set of 'basic conditions' can be put to a referendum and be made.
- 1.2 The basic conditions are set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 (as amended) and the Levelling-up and Regeneration Act (LURA) 2023 (Part 3 Chapter 2 Neighbourhood Planning Section 99 Neighbourhood development plans and orders: basic conditions. They are as follows:
- 1.3 A draft order meets the basic 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 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 would not have the effect of preventing development from taking place which—
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and
 - (ii) if it took place, would provide housing,
 - (f) the making of the order does not breach, and is otherwise compatible with, assimilated obligations,
 - (f) any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with, 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.
- 1.4 Part e is a new Basic Condition which came into effect for Plans to be examined after 25 March 2026 in accordance with the Levelling-up and Regeneration Act (LURA) 2023 (Part 3 Chapter 2 Neighbourhood planning Section 99 Neighbourhood development plans and orders: basic conditions). Section 99(3) of the LURA 2023 modifies the Basic Conditions set out in paragraph 11(2) of Schedule A2 of PCPA 2004 with the following amendments:
 - a. *For paragraph (c) substitute –*

“(ca) the making of the plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the draft plan were not to be made,”;

b. After paragraph (d) (but before the “and” at the end of that paragraph) insert –

“(da) any requirements imposed in relation to the plan by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with”.

- 1.5 Replacement paragraph (ca) replaces the previous basic condition which required neighbourhood plan policies to be in general conformity with the adopted Local Plan. Replacement paragraph (da) refers to Environmental Outcomes reports. The Plan was considered through the existing Strategic Environmental Assessment and Habitats Regulations Assessment screening framework.
- 1.6 This Basic Conditions Statement sets out how Fazeley Neighbourhood Development Plan (FNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by Lichfield District Council (LDC) and the independent Examiner.

2. Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

The Submission Plan is being submitted by a qualifying body, namely Fazeley Town Council.

2.2 Neighbourhood Area

The Plan relates to the development and use of land for a designated neighbourhood area which was designated by Lichfield District Council on 11th July 2018. The boundary of the area is published in the Fazeley Neighbourhood Development Plan folder of Fazeley Town Council's website and in the Fazeley Neighbourhood Development Plan folder of Lichfield District Council's website and can be viewed [here](#). It is reproduced as a map in the Neighbourhood Plan.

2.3 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011), the Neighbourhood Planning Regulations 2012 (as amended) and the Levelling Up and Regeneration Act (LURA) 2023).

2.4 The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2026 to 2043 (from the current year and referring to the same period as the time period as that proposed in the previous draft Local Plan up to 2043).

2.5 The policies do not relate to excluded development

The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.6 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the designated Fazeley Neighbourhood Plan Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Town Council's area at the time of the designation and is shown on Map 1 in FNDP.

2.7 Section 98(1): Section 38B of the Planning and Compulsory Purchase Act (PCPA) 2004 (provision that may be made by neighbourhood development plans) is amended as follows.

(2) Before subsection (1) [of PCPA 2004 section 38B] insert—

“(A1) A neighbourhood development plan may include—

(a) policies (however expressed) in relation to the amount, type and location of, and timetable for, development in the neighbourhood area in the period for which the plan has effect;

(b) other policies (however expressed) in relation to the use or development of land in the neighbourhood area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;

(c) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise;

(d) requirements with respect to design that relate to development, or development of a particular description, throughout the neighbourhood area, in any part of that area or at one or more specific sites in that area, which the qualifying body considers should be met for planning permission for the development to be granted.”

2.8 FNDP does not contain specific proposals for the amount, type or location of development but it notes that strategic allocations for housing and other development and changes to the Green Belt boundary may come forward through the new Lichfield District Local Plan.**2.9** FNDP describes the particular characteristics of the area and refers to the more detailed Fazeley Civil Parish Design Guidelines & Design Codes in relation to built character, heritage and landscape character. Design policies set out design guidance drawn from the design guidelines and codes document and require developments to address the relevant design criteria. These include Policy F1 Design Guidance for Heritage Assets, Policy F2 Responding to Local Character, Policy F3: Sustainable Design and Policy F7 Conserving and Enhancing Fazeley's

Natural Environment. Policy F10 designates 3 small Local Green Spaces which are highly valued by local residents and which meet the criteria in the NPPF.

- 2.10 The Plan identifies several areas where infrastructure improvements should be made, primarily in relation to the public realm (Policy F4 Enhancing the Public Realm in Fazeley Town Centre) and to promote increased walking and cycling (Policy F5 Improving Accessibility for All).
- 2.11 Design codes are set out in Fazeley Civil Parish Design Guidelines & Design Codes which forms Appendix 3 of FNDP.

- 2.12 Section 98(3) of the Levelling Up and Regeneration Act (LURA) 2023** modifies Section 38B of Planning and Compulsory Purchase Act (PCPA) 2004 by adding the following paragraph:

(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must –

a. Be designed to secure that the development and the use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and

b. Take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular –

i. The areas identified in the strategy as areas which –

A. Are, or could become, of particular importance for biodiversity, or

B. Are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,

ii. The priorities set out in the strategy for recovering or enhancing biodiversity, and

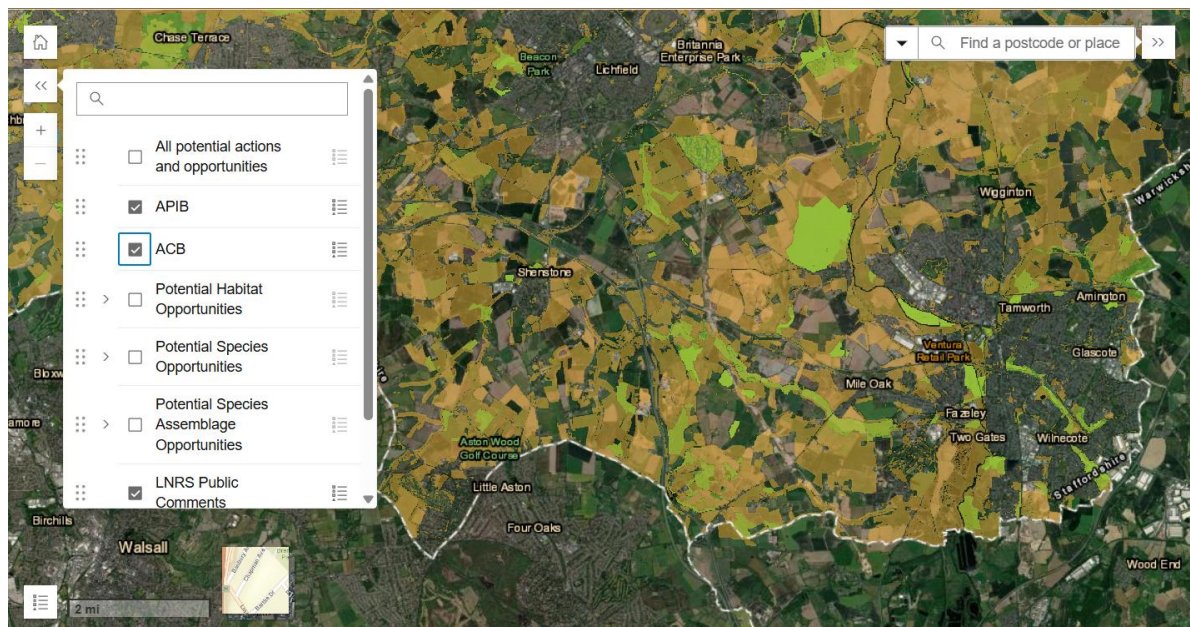
iii. The proposals set out in the strategy as to potential measures relating to those priorities.

- 2.13 In relation to these new requirements the Submission FNDP has been updated and strengthened in several areas. These include the following:

- As part of measures to address **mitigation of, and adaptation to climate change**:
 - **Policy F3 Sustainable Design** has been strengthened and more detailed information added about how key principles may be achieved, including through use of **landscaping and using smart home designs and renewable energy**. Schemes should use permeable surfacing and maximising landscaping in garden and parking areas.
 - **Policy F8 Flooding** has been updated to better address **flooding** in the area as much of the built-up area is in areas at risk of flooding. Sustainable drainage is required in non-minor developments to reduce risks of surface water flooding.
 - In addition, FNDP should help to **reduce carbon dioxide** (a Greenhouse Gas) emissions arising from transport by

supporting and encouraging walking and cycling as healthier and more sustainable travel alternatives in policies and proposals. **Policy F5 Improving Accessibility for All** has been amended to include references to the canal as a non-vehicular route and the supporting text refers to the Local Transport Plan.

- An additional objective has been added to **strengthen nature recovery and BNG**. **Objective 6** is a new objective to ensure opportunities are taken to secure nature recovery and enhancements to wildlife and biodiversity throughout the neighbourhood plan area. This will be delivered through **FNDP Policies F3 Sustainable Design and F7 Conserving and Enhancing Fazeley's Natural Environment** which should help to support nature recovery:
 - **Policy F3** requires retention or replacement of trees and hedgerows.
 - **Policy F7** contains requires various measures in landscaping schemes to enhance wildlife and deliver BNG. The Policy now refers to the LNRS and requires proposals to have regard to this and incorporate measures for nature recovery in accordance with Staffordshire and Stoke-on-Trent Local Nature Recovery Strategy. The draft [Local Nature Recovery Strategy \(LNRS\)](#) is published for consultation until Monday 27th July 2026. The map identifies many Areas which are important for Biodiversity (APIB) and Areas which Could Become (SCB) of greater importance for biodiversity. See screenshot below showing the FNDP area.



- The supporting text in FNDP notes that there are several local wildlife sites including Bonehill Bridge (a Site of Biological Importance or SBI), Seventeen Acre Wood and Duck Decoy, and Kendall's and Pipes Wood in the neighbourhood plan area and some of these areas include ancient woodland. Map A in Appendix 1 of FNDP shows the location of areas of wildlife

importance. There is a proposal for a Biodiversity Net Gain site to the Southeast of the town next to Brook End – see <https://bourneleymeadow.co.uk/> and this contains a small section within the neighbourhood area. The site is privately owned and is being improved to increase wildlife and in the hope that birds and butterflies will spill over into the town and be welcomed in the neighbouring gardens.

3. Basic Conditions

a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.

- 3.1 Fazeley Neighbourhood Development Plan (FNDP) has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF), updated 12th December 2024¹. Note - only those policies and sections in the NPPF that are relevant to the NDP are addressed below. A new NPPF is expected in summer 2026 but it is intended that the Plan will be submitted in summer 2026 and prior to the publication of the updated Framework.

Achieving Sustainable Development

- 3.2 Paragraph 1 of the NPPF explains that *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.'* Paragraph 7 sets out that *'The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.'*
- 3.3 The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These objectives should be delivered through the preparation and implementation of plans (paragraph 9). FNDP contains various policies which, together, should deliver sustainable development. Table 1 sets out how FNDP delivers the 3 overarching Objectives.

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Table 1: Delivering Sustainable Development

NPPF Overarching Objectives	FNDP
a) <i>an economic objective –</i> <i>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;</i>	Fazeley is a small town located on the edge of Tamworth in Staffordshire. There is a theme park (Drayton Manor) located partly within the boundary and several small industrial areas and Fazeley has good access to the national motorway network. The town's interesting industrial heritage, canals and historic buildings provide opportunities for economic growth linked to the visitor economy and FNDP recognises this potential. Objective 2 is to provide an attractive, safe and high-quality public realm which attracts further business investment, is accessible for all and alleviates parking problems in the area. Objective 3 is to encourage suitable business and visitor related uses of former mills and historic buildings and investment in local shops and services. These 2 objectives will be delivered through NDP Policies F4 Enhancing the Public Realm in Fazeley Town Centre and F6 Supporting Heritage-Led Regeneration and the Visitor Economy. FNDP also supports investment in infrastructure including accessibility improvements to support walking, cycling and recreation uses. Objective 2 is to provide an attractive, safe and high-quality public realm which attracts further business investment, is accessible for all and alleviates parking problems in the area, to be delivered through FNDP Policies F4 and F5 Improving Accessibility for All. Objective 5 is to protect and enhance Fazeley's historic local waterways for wildlife and recreation uses.
b) <i>a social objective -</i> <i>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;</i>	FNDP supports healthy communities through well designed, beautiful and safe spaces. The Plan is underpinned by design codes to help ensure new development responds positively to local character and context, and the health and wellbeing of local people and visitors should be enhanced by improvements to

<i>and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</i>	open spaces and walking and cycling routes. Objective 4 is to support improvements in local public open spaces and recreation facilities. This will be delivered through NDP Policies F4, F7 Conserving and Enhancing Fazeley's Natural Environment, F9 Open Spaces and F10 Local Green Spaces. Objective 5 is to protect and enhance Fazeley's historic local waterways for wildlife and recreation uses. This will be delivered through NDP Policies F5, F7 and F8 Flooding.
c) an environmental objective – <i>to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i>	FNDP has a strong focus on the protection and enhancement of the natural and built environment. FNDP notes the town's many built heritage assets including canals and watercourses, listed buildings, conservation area and NdHAs. The neighbourhood plan is underpinned by Fazeley Civil Parish Design Guidelines & Design Codes which was commissioned to provide more detailed advice on design, and which is referred to in FNDP policies. All FNDP Objectives and planning policies should support the protection and enhancement of the natural, built and historic environment. In particular Objective 1 is to promote high quality and sustainable design which is sensitive to local character and heritage, whilst ensuring development is resource efficient and fit for the future. This will be delivered through FNDP Policies F1 Design Guidance for Heritage Assets, F2 Responding to Local Character and F3 Sustainable Design. Objective 2 is to provide an attractive, safe and high-quality public realm which attracts further business investment, is accessible for all and alleviates parking problems in the area through FNDP Policies F4 and F5. Objective 3: To encourage suitable business and visitor related uses of former mills and historic buildings and investment in local shops and services through NDP Policies F4 and F6.

	Objective 4 is to support improvements in local public open spaces and recreation facilities through NDP Policies F4, F7, F9 and F10. Objective 5 is to protect and enhance Fazeley's historic local waterways for wildlife and recreation uses through NDP Policies F5, F7 and F8. Objective 6 has been added to the Submission FNDP. This is to ensure opportunities are taken to secure nature recovery and enhancements to wildlife and biodiversity throughout the neighbourhood plan area and it will be delivered through FNDP Policies F3 and F7.
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- 3.4 The presumption in favour of sustainable development is explained in relation to plan making in NPPF paragraph 11: *'Plans and decisions should apply a presumption in favour of sustainable development.'*

For plan-making this means that:

a) all plans 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;'

- 3.5 FNDP includes a suite of local policies which should together help to ensure development meets the needs of the local area, aligns infrastructure improvements, improves the environment, mitigates climate change and adapts to its effects.
- 3.6 Paragraph 13 explains that *'The application of the presumption has implications for the way communities engage in neighbourhood planning. 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.'*
- 3.7 FNDP has been prepared to support the delivery of strategic policies set out in Lichfield District Local Plan Strategy 2008 – 2029 Adopted 17th February 2015. Lichfield District Council is preparing a new Local Plan and moving to the Government's new Local Plan preparation process. This follows changes to national planning policy and an increase in housing requirements for the district. The Council previously carried out an 'Issues and Options' consultation in late 2024 as part of work on a Local Plan covering the period to 2043. Further consultation will take place as the new Local Plan progresses. In accordance with National Planning Practice Guidance advice, FNDP has been prepared having regard to the reasoning and evidence informing the local plan process for the new Local Plan. The Town Council decided at an early stage that FNDP would not include new housing allocations as these will be determined through the Local Plan process. Instead the policies in FNDP have been prepared to promote high quality design, taking into

account the town's historic and distinctive character and to support heritage led regeneration and appropriate improvement to the public realm.

- 3.8 In **Section 3 Plan Making**, NPPF paragraph 16 sets out 6 principles that plans should address. Table 2 sets out how FNDP addresses each of these in turn.

Table 2: Plan Making

NPPF Plan Making Plans should:	Fazeley Neighbourhood Development Plan
<i>a) be prepared with the objective of contributing to the achievement of sustainable development</i>	FNDP has been prepared to contribute to sustainable development; NDP policies promote high quality and sustainable design which responds to and enhances local historic character and support investment in the public realm and local economy. Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
<i>b) be prepared positively, in a way that is aspirational but deliverable;</i>	FNDP has been prepared positively, with policies that are aspirational and deliverable. Development will be of a high quality, sensitive and sustainable design having regard to the principles set out in local design guidelines and codes. The policies have been informed by a steering group of Town Councillors, taking into account advice and comments from officers at Lichfield District Council and independent planning consultants who were engaged by the Town Council.
<i>c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.</i>	The work on FNDP has been led by a steering group of local town councillors. The accompanying Consultation Statement sets out the details of the various community consultation and engagement activities which have been undertaken at all stages of the Plan's preparation. Briefly these have included: • A Draft Vision, Objectives and Key Planning Themes document for public consultation in Spring 2022. This set out the proposed approach and scope of FNDP and included a draft Vision and Objectives. A drop in event was held on the evening of 28th March 2022 at the Town Hall. The responses to the consultation were considered by the steering group and used to help shape the policies and proposals in the Draft Plan. • Regulation 14 formal consultation from 9th March 2026 until 21st April 2026. The Town Council's website has a page dedicated to FNDP and this has been updated periodically and at key stages of the plan's preparation.
<i>d) contain policies that are clearly written</i>	FNDP policies and proposals have been prepared by the steering group, with support from a planning consultant and advice from officers at Lichfield District Council.

<i>and unambiguous, so it is evident how a decision maker should react to development proposals</i>	Amendments have been made through the process in response to suggestions provided during the public consultation processes. It is understood that the Examiner is likely to recommend further changes to wording following the examination process.
<i>e) be accessible through the use of digital tools to assist public involvement and policy presentation; and</i>	All relevant documents have been provided on the website throughout the Plan's preparation. The website has been kept up to date to include all documents from each stage prior to submission. Consultations have invited responses using an online response form.
<i>f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).</i>	FNDP has been amended and updated throughout its preparation to reduce duplication with Lichfield District Council's policies and national policies, whilst retaining a focus on local priorities identified through the various consultations.

- 3.9 **The Plan Making Framework.** Paragraph 18 sets out that '*Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.*' FNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies.
- 3.10 **Non-strategic policies.** Paragraph 30 advises that '*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*'
- 3.11 When work began on FNDP Lichfield District Council had started work a new Local Plan. Lichfield District Council made the decision to withdraw the new Local Plan 2040 from examination in October 2023 and is now working on a new Lichfield District Local Plan. Once adopted it will replace the current local plan strategy and the local plan allocations document. National Planning Practice Guidance advises that '*Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested*' (Paragraph: 009). In line with the guidance FNDP Steering Group has worked closely with officers at Lichfield District Council so that neighbourhood and local plan policies are complementary and any conflicts are minimised. FNDP refers to the relevant adopted strategic Local Plan policies at

key points in the supporting text. It does not promote less development or undermine strategic policies.

- 3.12 **In Part 5 Delivering a sufficient supply of homes.** In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 82) and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 83). FNDP does not include any site allocations for new housing, but it includes positive planning policies to guide high quality development should it come forward over the plan period.
- 3.13 **Part 8 Promoting healthy and safe communities.** Paragraph 96 advises that planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction with street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods and are safe and accessible with well-designed, clear and legible pedestrian and cycle routes. Developments should enable and support healthy lives, through safe and accessible green infrastructure, and layouts that encourage walking and cycling. FNDP supports health and wellbeing with policies which support improvements to the public realm and promote active travel and walking and cycling opportunities as part of recreation. These policies also support **NPPF Part 9 Promoting sustainable transport** which **sets** out that plan making should involve identifying and pursuing opportunities to promote walking, cycling and public transport use (paragraph 109 e)).
- 3.14 **Part 12 Achieving well-designed places** supports the preparation of local design codes. Paragraph 132 sets out that ‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.’ **Fazeley Civil Parish Design Guidelines & Design Codes** forms Appendix 3 of FNDP and is referred to in the neighbourhood plan’s policies on design.
- 3.15 Fazeley is surrounded by Green Belt the north, south and west of the built-up area. FNDP notes this but does not contain Green Belt policies which could duplicate national Green Belt policy set out in **Part 13 Protecting Green Belt land** in the NPPF.
- 3.16 FNDP supports development which meets **the challenge of climate change, flooding and coastal change (Part 14)**. Fazeley Civil Parish Design Guidelines and Design Codes and FNDP Policy F3 promote high quality and sustainable design and set out how landscaping, buildings and surface materials can reduce run off. Policy F8 has been prepared to address flooding in the area as much of the built-up area is in areas at risk of flooding. FNDP should help to minimise carbon emissions in travel by supporting walking and cycling in policies and proposals.
- 3.17 **Part 15 Conserving and enhancing the natural environment** paragraph 187 advises that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity importance. Plans should also recognise the intrinsic character and beauty of the countryside. Policy F7 require developments to ensure that Fazeley’s wildlife and landscape character are maintained, restored and enhanced.

- 3.18 FNDP area includes a conservation area, several listed buildings and Non designated Heritage Assets, and these are noted in the plan's supporting text. This is in line with NPPF **Part 16 Conserving and enhancing the historic environment** which notes that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 202).
- b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest**
- 3.19 FNDP notes the listed buildings in the Parish.
- c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area**
- 3.20 FNDP refers to the Fazeley and Bonehill Conservation Area and FNDP policies and design codes should help to ensure development responds appropriately to designated and non-designated heritage assets which make a positive contribution to the Conservation Area's character.
- d. The making of the order (or neighbourhood plan) contributes to the Achievement of Sustainable Development**
- 3.21 The Submission Neighbourhood Development Plan contributes to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF. It supports appropriate new development in line with the policies and proposals in the adopted Local Plan and taking into account environmental constraints and opportunities such as heritage, landscape and built character, biodiversity and flooding.
- e. the making of the order would not have the effect of preventing development from taking place which—**
- (i) is proposed in the development plan for the area of the authority (or any part of that area), and**
 - (ii) if it took place, would provide housing.**
- 3.22 FNDP recognises that Fazeley is surrounded by Green Belt to the north, south and west within an area of intense housing development pressure. In order to plan for the new increased housing requirement and to have an up-to-date Local Plan, Lichfield District Council has commenced work on preparing a new Local Plan. Fazeley Town Council intends to review and update FNDP following the adoption of the new Local Plan. In the meantime, planning decisions will continue as normal and planning applications will continue to be assessed against the existing development plan and national planning policy, with appropriate weight given to relevant policies depending on their status.
- 3.23 FNDP does not contain site allocations for new housing as the Town Council has decided that this should be determined in the new Local Plan. It is possible that some sites will be proposed in the Green Belt. FNDP contains a few Local Green Spaces but these are small in scale and within the built-up area and so are unlikely to have the effect of preventing housing development from taking place. The plan's

policies are positively worded to provide detail and to add local context to strategic policies, recognising that local residents and stakeholders have concerns about major development proposals and the potential impact on the town's heritage and identity. Policies refer to heritage assets and the Fazeley Civil Parish Design Guidelines and Design Codes which all support a positive local planning framework to inform future decisions on housing and other development in the neighbourhood area. This should help to make sure new development responds positively to the many natural and built heritage assets in the area and supports their protection and enhancement.

- 3.24 In this way the Plan's policies should not have the effect of preventing housing development which is proposed in the Local Plan, or which may come forward in the Plan period. Overall, the Plan contains policies and proposals to help ensure proposals for new residential development are well designed.

**f. the making of the order does not breach, and is otherwise compatible with, [assimilated] obligations, and
(f a) any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,**

- 3.25 As at June 2026, although the Levelling-up and Regeneration Act 2023 has inserted a basic condition referring to Environmental Outcomes Report requirements, there are no Environmental Outcomes Report requirements in practical operation that apply to the submitted FNDP. The Plan has therefore been considered through the existing Strategic Environmental Assessment and Habitats Regulations Assessment screening framework. Lichfield District Council undertook a screening assessment on the draft Fazeley Neighbourhood Development Plan 2025-2043 Consultation Draft March 2025 provided by Fazeley Town Council – see **Strategic environmental assessment & Habitat regulations assessment screening report Fazeley neighbourhood plan Policy and Strategy Team January 2026** published [here](#).
- 3.26 Part 5. Conclusions and recommendations of the screening assessments set out:

‘Strategic environmental assessment

5.3 In relation to the requirement for the Fazeley neighbourhood plan to be subject to Strategic Environmental Assessment, the assessment detailed in Section 3 of this report concludes that as the plan in its current form is not likely to have significant environmental effects and therefore SEA will not be required.

5.4 The statutory consultees indicated they agreed with the conclusions of this screening report regarding SEA.

Habitat regulations assessment

5.5 In relation to the requirement for the Fazeley neighbourhood plan to be subject to Habitat Regulations Assessment, the assessment detailed at Section 4 of this report concluded that there are no potential significant effects upon European Sites

and no further work as part of the compliance with the Habitat Regulations will be required.

5.6 The statutory consultees indicated they agreed with the conclusions of this screening report regarding HRA.'

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

3.27 The prescribed obligations have been met in relation to the Submission LNP.

European Convention on Human Rights

3.28 The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

3.29 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights ('The Convention'). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

3.30 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

3.31 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

3.32 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

3.33 Article 14 provides that 'The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political

or other opinion, national or social origin, association with a national minority, property, birth or other status.' The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

4. Conclusion

- 4.1 Fazeley Neighbourhood Development Plan (FNDP) has been prepared to meet the required Basic Conditions, and this will be tested at examination.



Fazeley Town Council with support from

