



# Kingsclere Neighbourhood Development Plan 2011 - 2029

## Basic Conditions Statement

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December 2017

*Disclaimer: Every effort has been taken to ensure that the information in this document is as accurate as possible, but no responsibility is implied or taken for errors or omissions.*

**CONTENTS**

- 1. Introduction.....2
  - 1.1 Basic Conditions.....2
  - 1.2 European Union Obligations and Human Rights.....2
  - 1.3 Submitting Body.....2
  - 1.4 Plan Area and Period.....2
  - 1.5 Consultation Statement.....2
- 2. NPPF Obligations .....4
  - 2.1 National Policy.....4
- 3. How the Plan Contributes to the Achievement of Sustainable Development.....8
  - 3.1 Sustainable Development .....8
  - 3.2 Sustainability and the Process of Housing and Employment Site Assessment ..... 14
- 4. Conformity with Strategic Policies ..... 15
  - 4.1 Conformity with B&DBC Local Plan..... 15
- 5. European Union Obligations and Human Rights.....17
  - 5.1 Environmental Impact and Habitats Regulations ..... 17
  - 5.2 Human Rights.....17
- 6. Conclusions .....24
  - 6.1 The Kingsclere Neighbourhood Plan:.....24
- APPENDIX A: SEA and HRA Screening Decision by B&DBC.....25

# **1. INTRODUCTION**

## **1.1 Basic Conditions**

- 1.1.1 This Basic Conditions Statement accompanies the Kingsclere Neighbourhood Development Plan (KNDP). The contents of the Plan are not re-iterated here.
- 1.1.2 The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act, 1990, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The KNDP:
- Complies with the National Planning Policy Framework, March 2012, and Guidance from the Secretary of State;
  - Contributes to the achievement of sustainable development;
  - Is in general conformity with the strategic policies contained in the development plan for Basingstoke & Deane Borough Council (B&DBC);
  - Does not breach, and is otherwise compatible with, EU regulations; and
  - Meets prescribed conditions (Kingsclere Parish Council confirms that there are no prescribed matters in relation to the Plan).

## **1.2 European Union Obligations and Human Rights**

- 1.2.1 The KNDP is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

## **1.3 Submitting Body**

- 1.3.1 The Plan is submitted by Kingsclere Parish Council, which is a qualifying body as defined by the Localism Act 2012.

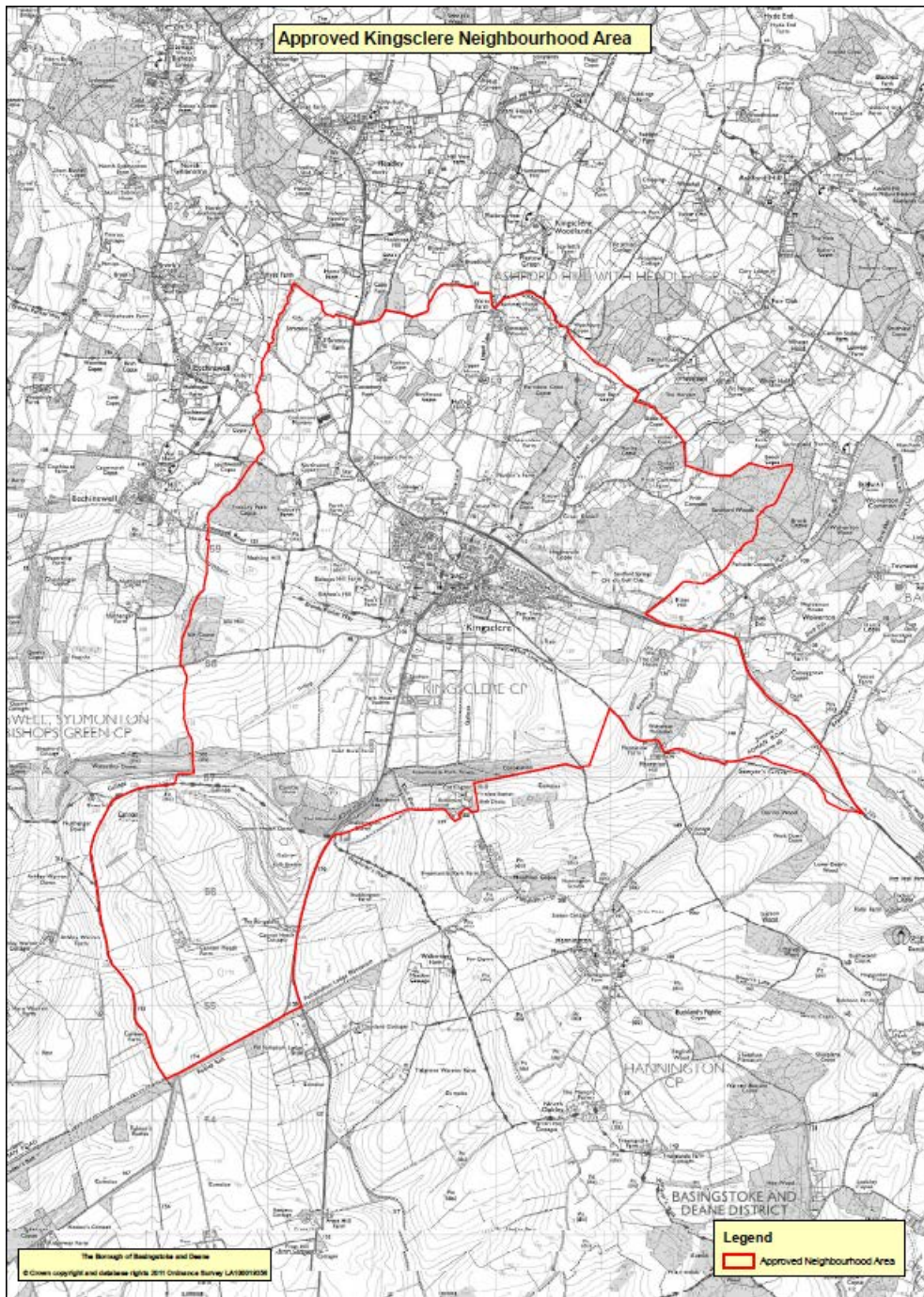
## **1.4 Plan Area and Period**

- 1.4.1 The plan area is Kingsclere Parish, as shown in Figure 1. It was designated by B&DBC on 24<sup>th</sup> July 2013. Kingsclere Parish Council confirms that:
- The Plan sets out proposals for the use of land in Kingsclere Parish;
  - The Plan does not relate to any land outside the boundary of the Parish;
  - No other Neighbourhood Plan has been made or is being prepared which relates to land within the Parish boundary; and
  - The period of the Plan is fifteen years from the date the plan is 'made' or December 31st 2029, whichever is the later.

## **1.5 Consultation Statement**

- 1.5.1 The Consultation Statement is a supporting document to the KNDP.

Figure 1 The Kingsclere Neighbourhood Development Plan Designated Area



## 2. NPPF OBLIGATIONS

### 2.1 National Policy

2.1.1 This section shows how the Plan complies with the National Planning Policy Framework (NPPF), 2012.

2.1.2 The Plan maintains a presumption in favour of sustainable development in that it supports the strategic development needs in the Local Development Plan as well as local priorities.

2.1.3 The NPPF twelve core planning principles have been abbreviated in Table 1.

**Table 1 How the KNDP complies with the core planning principles**

NPPF Core Principles	KNDP Vision and Objectives	KNDP Policies
<b>1. Plan-led</b>	All KNDP strategic aims apply.	The Plan provides for Kingsclere to help deliver the community's aspirations.
<b>2. Enhance and improve places</b>	All KNDP strategic aims apply.	<p>The Plan includes policies which facilitate proportionate levels of residential development immediately adjacent to the Kingsclere Settlement Policy Boundary (SPB).</p> <p>Policy K2 ensures that new housing development includes a mix of house types that will specifically satisfy local housing need.</p> <p>Policy K1 ensures that small scale development within the SPB compliments the local built environment whilst policy K6 respects the landscape character of the village and Policy K21 ensures protection of Kingsclere's heritage assets.</p> <p>Policies K14 – K15 conserve and enhance biodiversity and ensure the use of native species within development sites.</p> <p>Policies K18 – 20 protect and allocate local green spaces and the provision of allotments.</p>
<b>3. Economic development</b>	The identification of sites for development in accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village; The implications for local road use and parking, in	<p>The Plan includes policy K10 which ensures good broadband connection.</p> <p>Policy K11 protects local shops, pubs and businesses whilst policy K13 protects agricultural and other rural businesses for business purposes.</p>

NPPF Core Principles	KNDP Vision and Objectives	KNDP Policies
	the light of any new developments.	
<b>4. High quality design and standard of amenity</b>	The provision of housing, with particular regard to low cost housing within the parish boundary; The identification of sites for development in accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village; All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment, reduction of all forms of pollution, maintenance of footpaths, improving water flow and recycling provision.	The Plan includes policies K3, K4, K5, K12 & K17 which provide criteria to assess the design quality of new development proposals in relation to the local built environment, drawing on established principles of best practice.
<b>5. Character</b>	The identification of sites for development in accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village; All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment, reduction of all forms of pollution, maintenance of footpaths, improving water flow and recycling provision.	The plan includes policies K6 & K21 to protect and enhance both the landscape and built character of Kingsclere village. Policy K18 protects local Green Spaces from inappropriate development whilst Policy K14 conserves and enhances biodiversity.
<b>6. Climate change and flood risk</b>	The identification of sites for development in accordance with the Borough's Local Development Plan, taking account of the historical	The Plan includes policies which place the new developments adjacent to the SP B minimising journey length and carbon emissions (KHA 1 -3). The same policies seek to reduce and mitigate the risk of flooding.

NPPF Core Principles	KNDP Vision and Objectives	KNDP Policies
	<p>integrity of the village; The implications for local road use and parking, in the light of any new developments</p>	<p>Policy K4 seeks to achieve low carbon design. Whilst policy K14 seeks to conserve and enhance biodiversity which helps mitigate against climate change. The plan has a policy, K16, to provide safe pedestrian access linking up with Kingsclere’s network of footpaths.</p>
<p><b>7. Conserving and enhancing the natural environment</b></p>	<p>The identification of sites for development in accordance with the Borough’s Local Development Plan, taking account of the historical integrity of the village; All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment, reduction of all forms of pollution, maintenance of footpaths, improving water flow and recycling provision.</p>	<p>The plan contains Policies K7, K14 and K15 which seek to preserve the natural environment and to take opportunities to enhance and improve its ecological maintenance and management.</p>
<p><b>8. Using brownfield sites</b></p>	<p>The identification of sites for development in accordance with the Borough’s Local Development Plan, taking account of the historical integrity of the village.</p>	<p>There are no available brownfield sites within the approved Plan Area. The Plan includes policies which focuses new development adjacent to the SPB.</p>
<p><b>9. Promote mixed use</b></p>	<p>The provision of housing, with particular regard to low cost housing within the parish boundary; The identification of sites for development in accordance with the Borough’s Local Development Plan, taking account of the historical integrity of the village.</p>	<p>The Plan includes policies K2 &amp; K3 to encourage the development of a mix of both private and rented housing, catering for all age groups, in particular housing for older people.</p>
<p><b>10. Conserving heritage</b></p>	<p>The identification of sites for development in</p>	<p>The Plan contains policy K21 which protects heritage assets whilst policy K12 seeks to</p>

NPPF Core Principles	KNDP Vision and Objectives	KNDP Policies
	<p>accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village.</p>	<p>ensure businesses in the Conservation Area adhere to policies in the Village Design Statement.</p> <p>Policy K 6 protects and enhances the rural setting of Kingsclere and respects important views. Policies K11 and K12 ensure that local businesses and rural buildings take account of the Conservation Area Appraisal and Village Design Statement.</p>
<p><b>11. Sustainable transport</b></p>	<p>The identification of sites for development in accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village;</p> <p>The implications for local road use and parking, in the light of any new developments;</p> <p>All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment, reduction of all forms of pollution, maintenance of footpaths, improving water flow and recycling provision.</p>	<p>The plan includes policies which ensure new development is adjacent to the SPB minimising the need for car journeys to the village centre.</p> <p>These policies ensure good access to community facilities and public transport facilities.</p> <p>Policy K4 ensures the provision of bicycle storage.</p> <p>Policy K8 identifies strategic infrastructure projects to improve road safety.</p> <p>Policy K16 links new developments to the existing footpath network whilst Policy K17 includes provision for off street parking thus mitigating traffic hazards.</p>
<p><b>12. Health and social and cultural wellbeing</b></p>	<p>The protection of existing facilities, particularly for children and young people, where need has been identified;</p> <p>All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment, reduction of all forms of pollution, maintenance of footpaths, improving water flow and recycling provision.</p>	<p>The Plan contains policies K2 and K3 which ensures that new housing development includes a mix of house types that will specifically satisfy local need.</p> <p>It contains Policy K21 which protects heritage assets in Kingsclere and policy K8 which facilitates several community infrastructure projects.</p> <p>Policy K16 supports safe pedestrian access in new developments whilst policies K18 – K20 support local green spaces and the provision of allotments.</p>

### 3. HOW THE PLAN CONTRIBUTES TO THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

#### 3.1 Sustainable Development

- 3.1.1 The central theme of the NPPF is the presumption in favour of sustainable development, broadly defined internationally as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs.' The NPPF describes sustainable development in terms of social, economic and environmental benefits and requires the planning system to:
- Contribute to a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and by improving the local supportive infrastructure;
  - Support strong, vibrant and healthy communities by providing the supply of housing to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing; and
  - Contribute to protecting and enhancing the natural, built and historic environment; helping to improve biodiversity, making better use of natural resources, minimising waste and pollution and mitigating and adapting to climate change including moving to a low carbon economy.
- 3.1.2 **National Planning Practice Guidance** states that 'This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).'
- 3.1.3 The NPPF contains 13 sustainability objectives. Table 2 demonstrates which policies of the KNDP support the NPPF sustainability objectives. The policies are derived from the vision and objectives of the Plan which are themselves based on sustainability considerations.

**Table 2 NPPF Objectives and KNDP Policies**

<b>NPPF Objectives</b>	<b>KNDP Policies</b>
<b>1. Building a strong, competitive economy</b>	K10, K11
<b>2. Ensuring the vitality of town centres</b>	K8, K9, K10, K11
<b>3. Supporting a prosperous rural economy</b>	K10, K11, K13
<b>4. Promoting sustainable transport</b>	K16
<b>5. Supporting high quality communications infrastructure</b>	K9, K10
<b>6. Delivering a wide choice of high quality homes</b>	K1, K2, K3, K4, K17, KHA1, KHA2, KHA3
<b>7. Requiring good design</b>	K1, K3, K4, K5, K12, K13, K17
<b>8. Promoting healthy communities</b>	K8, K16, K18, K19, K20

NPPF Objectives	KNDP Policies
<b>9. Protecting green belt land</b>	There is no Green Belt land in Kingsclere
<b>10. Meeting the challenge of climate change, flooding and coastal change</b>	K4, K5, K6, K7, K14, K15, K16, K18, K19 K20
<b>11. Conserving and enhancing the natural environment</b>	K6, K7, K14, K15, K18. K19
<b>12. Conserving and enhancing the historic environment</b>	K1, K6, K7, K12, K13, K21
<b>13. Facilitating the sustainable use of minerals</b>	N/A

3.1.4 Table 3 sets out how policies in the KNDP aim to bring social, economic and environmental benefits to the whole community, contributing to sustainable development.

**Table 3 Contribution of KNDP Policies to sustainable development**

NPPF Dimension	KNDP Policy Contribution to Sustainable Development
<b>Social</b>	<p>K1 This policy covers small developments which do not count towards the overall target of 50 homes and to ensure sensitive and considerate infill development is supported to meet local housing needs.</p> <p>K2 This policy ensures the mix of housing reflects local character and ensures affordable housing reflects a mix of tenures and sizes, are made available to local people, and meets local needs.</p> <p>K3 ensures the housing needs of older people within the Parish are adequately met by future development.</p> <p>K4 ensures the design and density of development sites are sensitive to their locality, and sympathetic to the community and its heritage, and promotes environmental sustainability.</p> <p>K8 ensures CIL funding and other income from developments is spent on projects which are most supported by the community and most reflective of the community's current needs.</p> <p>K11 seeks to protect local businesses.</p> <p>K12 ensures that businesses within the Conservation Area are sensitive to their surroundings.</p> <p>K16 ensures development provides safe pedestrian access to village amenities and encourages walking where possible.</p> <p>K17 ensures parking is sensitively designed within development sites to reflect and enhance rural character.</p> <p>K21 seeks to preserve the historic nature of the village and parish.</p> <p>KHA1, KHA2, KHA3 meets demand for high quality homes.</p>

NPPF Dimension	KNDP Policy Contribution to Sustainable Development
<b>Economic</b>	<p>K9 ensures local infrastructure is resilient to change and seeks mitigation of any adverse impacts of development on local services.</p> <p>K10 ensures all new developments have high quality communications infrastructure through the provision of high Broadband speeds.</p> <p>K11 encourage new development of local shops, pubs, businesses and safeguards premises.</p> <p>K13 encourages development of rural businesses whilst safeguarding premises and not having adverse impacts on landscape, roads and residents.</p>
<b>Environmental</b>	<p>K5 ensures external domestic and street lighting schemes on new developments are sensitive to the local environment, and to the proximity of the North Wessex Downs AONB.</p> <p>K6 seeks to retain and protect the green and leafy character of the area, in particular to ensure views are protected so as not to adversely affect Kingsclere’s setting and surrounding countryside.</p> <p>K7 Protects mature trees and hedgerows thus enhancing the rural character.</p> <p>K14 seeks to protect, enhance and increase biodiversity through development in Kingsclere. Where there is risk of harm to designated ecological sites, important habitat or species, the policy ensures that appropriate impact avoidance, mitigation and/or compensation measures are included in the development proposals.</p> <p>K15 The aim of this policy is to ensure the use of native plants over non-native species to encourage wildlife, protect and enhance the ecological character of the parish, and to contribute to sustainable development. This policy is also minded to ensure landscaping schemes do not introduce invasive non-native species to the area.</p> <p>K18 preserves strategically important green spaces within the Parish for future generations, and protects associated environmental and health benefits to the community.</p> <p>K19 seeks for proposals for new development will be required to provide public amenity space within the site in accordance with B&amp;DBC’s Green Space Standards in a way which benefits local residents.</p> <p>K20 encourages the provision of further allotments within the Parish.</p>

3.1.5 Table 4 sets out the purpose of each policy in the KNDP and its intended outcome with regard to the achievement of sustainable development.

**Table 4 Contribution of KNDP Policies to sustainable development**

<b>KNDP Policy</b>	<b>Purpose</b>	<b>Outcome</b>
K1	Policy K1 is intended to cover the design and scale of small developments within the SPB which do not count towards the overall target of 50 homes.	Ensures that sensitive and considerate infill development is supported to meet local housing needs.
K2	To ensure that new housing development in Kingsclere includes the kind of homes which meet the needs of the local community, including smaller homes suitable for older people and people seeking an affordable home for themselves or their families.  To make affordable homes available for people with a strong local connection.	Supports the rural community. Ensures local housing needs are met.
K3	Ensures the housing needs older people within the Parish are adequately met by future development.	Ensures the local housing needs of older people are met.
K4	To ensure that all new development in Kingsclere is designed to a high standard based on established design principles.	Provides a practical list to ensure that new development is designed to a high standard and is well connected to its surroundings.
K5	Ensures external domestic and street lighting schemes on new developments are sensitive to the local environment, and to the proximity of the North Wessex Downs AONB.	Ensures opportunities to reduce light pollution will be taken account of, protecting the rural character of Kingsclere and woodland habitats.
K6	To protect and enhance the distinctive landscape character of Kingsclere.  To ensure that important views of Kingsclere are not adversely affected or impaired by future development.	Preserves and enhances the value, significance and character of Kingsclere's historic rural environment.
K7	Retains the existing stock of protected and mature trees and species rich hedgerows, particularly	Retains or contributes to the rural character of the village. Encourages the planting of native

<b>KNDP Policy</b>	<b>Purpose</b>	<b>Outcome</b>
	where these form important visual barriers to development. Encourages the planting and maintenance of additional trees.	hedges within new developments in place of hard landscaping features. Protects trees of recognised importance and/or those which contribute to cultural values so that they are retained for the benefit and enjoyment of future generations of local residents and wildlife.
K8	Ensures CIL funding and other income from developments is spent on the projects which are most supported by the community and most reflective of the community's current needs.	Provides for funding for projects in Kingsclere which will have particular value for the local community.
K9	To ensure local infrastructure is resilient to change and seek mitigation of any adverse impacts of development on local services.	Mitigates the impact of development on local infrastructure.
K10	Ensures all new developments have high quality communications infrastructure through the provision of fast broadband speeds.	Provides a mechanism to improve broadband connectivity, thereby supporting local businesses and home working and reducing the need to commute to work.
K11	Encourages new development of local shops, pubs, businesses and safeguard existing premises.	Supports a balanced rural community. Supports the retention and development of existing shops, pubs and restaurants in Kingsclere. Supports new businesses providing local employment and reducing the need for commuting. Supports the retention of facilities which support the local community.
K12	Ensures that businesses within the Conservation Area are sensitive to their surroundings.	Preserves and enhances the value, significance and character of Kingsclere's historic environment.
K13	Encourages the development of rural businesses whilst safeguarding premises and not having adverse impacts on landscape, roads and residents.	Preserves any historic, architectural or archaeological interest rural building may have. Supports new businesses providing local employment and reducing the need for commuting.
K14	To protect, enhance and increase biodiversity	Protects and sustains the existing natural environment in Kingsclere and improves

<b>KNDP Policy</b>	<b>Purpose</b>	<b>Outcome</b>
	through development in Kingsclere.	biodiversity when opportunities arise.
K15	Ensures the use of native plants over non-native species.	Encourages wildlife, protects and enhances the ecological character of the parish and contributes to sustainable development. Prevents landscaping schemes from introducing invasive non-native species to the area.
K16	Ensures development provides safe pedestrian access to village amenities and encourages walking where possible.	Encourages walking and cycling. Improves access to the countryside.
K17	Ensures parking is sensitively designed within development sites to reflect and enhance rural character.	Ensures that new development is designed to accommodate off street parking, helping to improve pedestrian access and cycling. Ensures that all new development in Kingsclere contributes to the distinctive built character of Kingsclere.
K18	To protect the open character and amenity value of areas of local green space in and around Kingsclere village which are of particular importance to the local community.	Provides special protection for designated local green spaces in the village which have particular value for the local community.
K19	Encourages the provision of further green space and ensure green spaces meet the needs of the community.	Protects and sustains the existing natural environment and improves biodiversity when opportunities arise. Improves access to the countryside.
K20	Encourages the provision of further allotments within the Parish.	Protects and sustains the existing natural environment and improves biodiversity when opportunities arise. Improves access to the countryside.
K21	Protects and preserves the distinctive historic character of Kingsclere.	Preserves and enhances the value, significance and character of Kingsclere's historic environment.
KHA1	Allocates the Fawconer Road site for development Supports the rural community.	Supports the rural community. Ensures local housing needs are met.
KHA2	Allocates the Coppice Road site for development.	Supports the rural community. Ensures local housing needs are met.
KHA3	Allocates the Strokins Road site	Supports the rural community.

<b>KNDP Policy</b>	<b>Purpose</b>	<b>Outcome</b>
	for development	Ensures local housing needs are met.
KHA4	Revises the SPB in light of proposed sites for development.	Supports the rural community. Ensures local housing needs are met

### 3.2 Sustainability and the Process of Housing and Employment Site Assessment

3.2.1 The KNDP allocates sites for housing. Sustainability is an important factor in choosing which sites to allocate from those available. In addition to consulting the community on the most acceptable sites, the site assessment criteria used throughout the site assessment process drew on a range of B&DBC's evidence base documents including the Sustainability Appraisal and site assessments undertaken to support the Local Plan. The criteria included a range of sustainability and environmental considerations, as summarised in Table 5.

**Table 5 Housing site assessment criteria**

<b>Housing Site Assessment Criteria</b>	
<b>Site location</b> (adjacent to SPB; proximity to local amenities; proximity to local bus stop; potential to overlook/dominate existing houses; impact of vehicle access to site)	Social, Economic
<b>Landscape</b> (enhances landscape character & diversity; visible from RoW, are views impaired; effect on public open space; visible from the AONB)	Environmental, Social
<b>Environment</b> (Impact on biodiversity & known protected species; flooding potential; agricultural land classification; noise; physical constraints)	Environmental
<b>Historic environment</b> (effect on historic buildings; proximity to the conservation area)	Social
<b>General</b> effect of parking	Social, Environmental

- 3.2.2 The Housing Site Selection Report is a supporting document to the KNDP which sets out how the criteria above have informed how the potential housing sites were assessed.
- 3.2.3 In addition, the Strategic Environmental Assessment (SEA) of the KNDP was commissioned from AECOM Ltd. The SEA is a supporting document to the KNDP. Having considered the results of the SEA, the Kingsclere Neighbourhood Planning Group confirmed the conclusions of the site selection process.
- 3.2.4 Sustainability and environmental considerations were thus to the fore from the start in the process of site selection.

## 4. CONFORMITY WITH STRATEGIC POLICIES

### 4.1 Conformity with B&DBC Local Plan

4.1.1 The KNDP must demonstrate that it is in general conformity with the Strategic Policies of the Development Plan for the area. The B&DBC Local Plan 2011 - 2029 was adopted on the 26<sup>th</sup> May 2016, and KNDP has been prepared in general accordance with the strategic policies contained within this Local Plan.

4.1.2 National Planning Policy Guidance states the following considerations:

- 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; and
- The rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.

4.1.3 Table 6 demonstrates that the KNDP is in conformity with and supports the Strategic Objectives and Policies of the B&DBC Local Plan 2011-2029.

**Table 6 BDBC Objectives and Policies, Local Plan 2011-2029 and KNDP Policies**

B&DBC Strategic Objective	B&DBC Policy	KNDP Policies
<b>A (sustainable growth)</b>	SD1, SS8, EP1, EP2, EP3, EP4	K1, K2, K3, K11, K13, KHA1, KHA2, KHA3, KHA4
<b>B (sustainable transport)</b>	SS11, CN6, CN9, EP4	K16, KHA1, KHA2, KHA3
<b>C (education/skills)</b>	CN6, CN7	No directly relevant Neighbourhood Plan policy
<b>D (attractiveness to workers, residents and visitors)</b>	CN7, CN8, EM5, EM10, EP1, EP3	K4, K6, K7, K8, K12, K14, K15, K18, K19, K20, K21
<b>E (thriving rural economy)</b>	SS6, CN2, CN7, EP4, EP5	K10, K11, K13
<b>F (new homes and infrastructure)</b>	SS1, SS3, SS4, SS5, SS6	K1, K2, K3, K8, K9, K10, KHA1, KHA2, KHA3
<b>G (delivery of infrastructure)</b>	SS3, CN1, CN3, CN6, CN7, CN8	K9, K10
<b>H (housing mix)</b>	CN1, CN2, CN3, CN4, CN5, EM10	K2, K3, KHA1, KHA2, KHA3
<b>I (regeneration)</b>	SS2, SS8, EM10	No directly relevant Neighbourhood Plan policy
<b>J (healthy lifestyles)</b>	SS9, CN7, CN8	K7, K8, K16, K18, K19, K20
<b>K (sustainable energy use)</b>	EM8, EM9, EM10	K4, K5, K9,
<b>L (high quality design)</b>	EM1, EM2, EM10	K1, K4, K5, K6, K12, K15, K17
<b>M (water and flooding)</b>	EM6, EM7, EM9, EM12	K3, K4
<b>N (biodiversity)</b>	EM1, EM3, EM4, EM5	K6, K7, K14, K15, K18, K19, K20
<b>O (historic environment)</b>	EM1, EM10, EM11	K1, K4, K6, K7, K12, K21

4.1.4 In addition to compliance with the policies of the BDBC Local Plan 2011-2029, policy K2 (Provision of housing to meet local needs) is designed to comply with BDBC's Housing Allocation Policy<sup>1</sup> and Allocations Scheme<sup>2</sup>.

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<sup>1</sup> [www.basingstoke.gov.uk/housingallocations](http://www.basingstoke.gov.uk/housingallocations)

<sup>2</sup> [www.basingstoke.gov.uk/content/page/48364/Allocations%20Scheme%20-%20revised%206%20Dec2016.pdf](http://www.basingstoke.gov.uk/content/page/48364/Allocations%20Scheme%20-%20revised%206%20Dec2016.pdf)

## **5. EUROPEAN UNION OBLIGATIONS AND HUMAN RIGHTS**

### **5.1 Environmental Impact and Habitats Regulations**

5.1.1 Screening of a draft KNDP by B&DBC confirmed that a Strategic Environmental Assessment would be required but a Habitats Regulation Assessment would not. A formal Screening Opinion was provided with a letter dated 9 April 2015 which confirmed that:

“The screening process undertaken concludes that in order to meet the ‘basic conditions’ for neighbourhood planning an Environmental Assessment is considered to be required to accompany the Kingsclere Neighbourhood Plan but it would not need to be subject to HRA.”

5.1.2 The Borough Council’s Screening Opinion is appended to this basic Conditions Statement (Appendix A).

5.1.3 Kingsclere Parish Council commissioned planning consultants AECOM to prepare a Strategic Environmental Assessment of the Consultation Draft Kingsclere Neighbourhood Development Plan, which is submitted as a separate document to the Kingsclere Neighbourhood Development Plan.

### **5.2 Human Rights**

5.2.1 The vision of the KNDP is:

“To create a Neighbourhood Plan that meets the allocated development requirement, which maintains the character of the village of Kingsclere and the surrounding area, and respects the opinions and needs of the majority of the community.”

5.2.2 Thus the overall purpose of the KNDP is to improve the quality of life for all people living and working in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people’s views and in the light of evidence gathered for the parish, in order to meet the needs expressed and address the issues identified.

5.2.3 The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.

5.2.4 The Act defines “Protected Characteristics” as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.2.5 In order to confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Neighbourhood Plan have been systematically scrutinised to examine their impact upon potentially vulnerable groups.

- 5.2.6 This section assesses the Submission Draft of the KNDP to ensure that Kingsclere Parish Council is satisfying its statutory duties in this regard.
- 5.2.7 An assessment has been made on whether the strategic aims and the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. Each of the strategic aims and the policies in the Neighbourhood Plan are considered, and the likely outcome for persons with protected characteristics is assessed. This assessment is presented in Tables 7 and 8.

**Table 7 Impact of Strategic Aims of KNDP on Persons with Protected Characteristics**

Strategic Aim	Outcome for persons with Protected Characteristics
The provision of housing, with particular regard to low cost housing within the parish boundary.	<p>Enables local housing needs to be met and supports the provision of housing specially designed for older people.</p> <p>Enables the provision of infrastructure needed to improve local services which will be of particular benefit to persons with limited mobility.</p> <p>Favours small compact settlements, which shortens journeys for persons who have limited mobility or need to access local services.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
The identification of potential sites for development in accordance with the Borough's Local Development Plan, taking account of the historical integrity of the village.	<p>Preserves and enhances the value and significance of the historic environment; minimises the impact of new development on the local rural environment.</p> <p>Broadly positive for all; neutral impact on persons with protected characteristics.</p>
The implications for local road use and parking, in the light of any new developments.	<p>Improves road safety in the vicinity of new developments, which would benefit persons with limited mobility.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
The protection of existing facilities, continued provision and addition of a variety of sport and leisure facilities, particularly for children and young people, where need has been identified.	<p>Protects existing local community facilities and assets and encourages their enhancement when opportunities arise. This ensures the continued availability of community facilities for persons with limited mobility, mothers with children, young people and older persons.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>

Strategic Aim	Outcome for persons with Protected Characteristics
All activity will take cognisance of existing relevant work on, for example, the protection of the natural environment; reduction of all forms of pollution; maintenance of footpaths; improving water flow and recycling provision.	<p>Protects and sustains the existing natural environment in the parish and improves biodiversity and access to the natural environment when opportunities arise.</p> <p>Facilitates the provision of more footpaths contributing to an extensive footpath network, and improves access to the countryside, all of which benefits persons with limited mobility, older persons and families with children.</p>

**Table 8 Impact of Policies of KNDP on Persons with Protected Characteristics**

Policy	Purpose	Outcome
K1	Covers the design and scale of small developments within the SPB which do not count towards the overall target of 50 homes.	Ensures local housing needs are met and that Kingsclere remains a compact settlement. This benefits persons with limited mobility.
K2	<p>To ensure that new housing development in Kingsclere includes the kind of homes which meet the needs of the local community, including smaller homes suitable for older people and people seeking an affordable home for themselves or their families.</p> <p>To make affordable homes available for people with a strong local connection.</p>	Ensures local housing needs are met and supports the provision of housing specially designed for older people. Policy K2 has a broadly positive impact for persons with certain protected characteristics.
K3	Ensures the housing needs older people within the Parish are adequately met by future development.	Ensures supports the provision of housing specially designed for older people. Policy K3 has a broadly positive impact for persons with certain protected characteristics.
K4	To ensure the that all new development in Kingsclere is designed to a high standard based on established design principles.	Provides practical tests to ensure that new development is designed to be well connected to its surroundings, to provide convenient access to community facilities and is safer for pedestrians. This benefits persons with limited mobility, older persons and families with children.

Policy	Purpose	Outcome
		Policy K4 has a broadly positive impact for persons with certain protected characteristics.
K5	Ensures external domestic and street lighting schemes on new developments are sensitive to the local environment, and to the proximity of the North Wessex Downs AONB.	Ensures that new development is designed to be sensitive to its surroundings, to provide convenient access to community facilities and is safer for pedestrians. Policy K5 has a broadly positive impact for persons with certain protected characteristics.
K6	To protect and enhance the distinctive landscape character of Kingsclere. To ensure that important views of Kingsclere are not adversely affected or impaired by future development.	Protects and sustains the existing natural environment in the parish and improves biodiversity and access to the natural environment when opportunities arise. Policy K6 has a broadly positive impact for persons with certain protected characteristics.
K7	Retains the existing stock of protected and mature trees and species rich hedgerows, particularly where these form important visual barriers to development. Encourages the planting and maintenance of additional trees.	Preserves and enhances the value, significance and character of Kingsclere's rural environment.  Policy K7 has a neutral impact on persons with protected characteristics.
K8	Ensures CIL funding and other income from developments is spent on the projects which are most supported by the community and most reflective of the community's current needs.	Enables opportunities to be taken to provide new community facilities.  This facilitates the improvement of local community facilities and the enlargement of the range of facilities available, which benefits persons with limited mobility, older persons and families with children.  Policy K8 has a broadly positive impact for persons with certain protected characteristics
K9	To ensure local infrastructure is resilient to change and seek mitigation of any adverse impacts of development on local services.	Policy K9 has a neutral impact on persons with protected characteristics
K10	Ensures all new developments have high quality communications infrastructure through the provision of high	Encourages the development of new small local businesses through improved broadband connectivity, which supports

Policy	Purpose	Outcome
	broadband speeds.	home working. This helps persons with limited mobility and families to have access to employment
K11	Encourages new development of local shops, pubs, businesses and safeguard existing premises.	Encourages the development of new small local businesses whilst protecting existing business premises.  Policy K11 has a broadly positive impact for persons with certain protected characteristics.
K12	Ensures that businesses within the Conservation Area are sensitive to their surroundings.	Preserves and enhances the value, significance and character of Kingsclere's historic environment.  Policy K12 has a neutral impact on persons with protected characteristics.
K13	Encourages the development of rural businesses whilst safeguarding premises and not having adverse impacts on landscape, roads and residents.	Encourages the development of new small local businesses whilst protecting existing business premises.  Policy K13 has a broadly positive impact for persons with certain protected characteristics.
K14	To protect, enhance and increase biodiversity through development in Kingsclere.	Protects and sustains the existing natural environment in the parish and improves biodiversity and access to the natural environment when opportunities arise.  Policy K14 could enable improved access to the natural environment for persons with limited mobility.  Policy K14 has a broadly positive impact for persons with certain protected characteristics.
K15	Ensures the use of native plants over non-native species.	Policy K15 has a neutral impact on persons with protected characteristics.
K16	Ensures development provides safe pedestrian access to village amenities and encourages walking where possible.	Facilitates the provision of better footpaths and better connectivity within the village.  To give pedestrians and cyclists better access to the countryside and surrounding areas, all of which benefits mobility, older persons and families with

Policy	Purpose	Outcome
		children.  Policy K16 has a broadly positive impact for persons with certain protected characteristics.
K17	Ensures parking is sensitively designed within development sites to reflect and enhance rural character.	To provide off street parking on all new developments thus creating a safer environment for pedestrians.  Policy K17 has a broadly positive impact for persons with certain protected characteristics.
K18	To protect the open character and amenity value of areas of local green space in and around Kingsclere village which are of particular importance to the local community.	Provides special protection for designated local green spaces in the village which have particular value for the local community.  Policy K18 has a broadly positive impact on persons with protected characteristics
K19	Encourages the provision of further green space and ensure green spaces meet the needs of the community.	To ensure that all new development in Kingsclere provides local green spaces which have a particular value to the community.  Policy K19 has a broadly positive impact on persons with protected characteristics.
K20	Encourages the provision of further allotments within the Parish.	To ensure additional allotments for community use.  K20 has a neutral impact on persons with protected characteristics.
K21	Protect and preserves the distinctive historic character of Kingsclere.	Preserves and enhances the value, significance and character of Kingsclere's historic environment.  Policy K21 has a neutral impact on persons with protected characteristics.

5.2.8 Certain protected characteristics are not affected by the KNDP, namely gender reassignment, race, religion or sexual orientation. For persons with these characteristics, the Neighbourhood Plan has a neutral effect. Where policies in the Neighbourhood Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.

## 6. CONCLUSIONS

### 6.1 The Kingsclere Neighbourhood Plan:

- Has been **positively prepared**, in that it will meet the development needs assessed by B&DBC;
- Is **justified**, in that it complies with all the European, National and Local requirements and meets all the Basic Conditions; and
- Is **effective**, in that it is deliverable within the period of the Plan.

# APPENDIX A: SEA AND HRA SCREENING DECISION BY B&DBC



**Basingstoke  
and Deane**



Kingsclere Parish Office 37 George Street Kingsclere, Newbury Hampshire  
RG20 5NH

09 April 2015

Dear Sir or Madam

## **Kingsclere Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion**

This letter sets out the borough council's screening opinion concerning the need for SEA and HRA in relation to the Kingsclere Neighbourhood Plan. This screening opinion has been underpinned by a detailed report and the opinions of the three consultation bodies (Environment Agency, Natural England and English Heritage).

The screening process undertaken concludes that in order to meet the 'basic conditions'<sup>1</sup> for neighbourhood planning an Environmental Assessment is considered to be required to accompany the Kingsclere Neighbourhood Plan but it would not need to be subject to HRA. The reasons for the decision are set out below:

### **Strategic Environmental Assessment**

Natural England have set out in their response that as far as their strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), there are likely to be significant environmental effects as a result of the proposed plan. English Heritage noted the presence of a conservation area and 95 listed buildings, and have also concluded that an SEA should be required.

In light of the consultation responses received from Natural England and English Heritage, and given the sensitive nature of the neighbourhood area, owing to the presence of a conservation area, numerous listed buildings and the AONB, and when considering the advice contained within the NPPG<sup>2</sup>, it is considered that an SEA is required in relation to the proposed neighbourhood plan.

<sup>1</sup> Requirement (f), that the making of the order or neighbourhood plan does not breach, and is otherwise compatible with EU Obligations. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

## Habitats Regulations Assessment

The neighbourhood area is with 10km of three European sites. However, the village itself, and hence the likely location of the most environmentally relevant development, is outside of the 5km buffer zone for each of those European sites. In addition, the geographical relationship between the neighbourhood area and the European sites suggests that there is no likelihood of any impact on the European sites. Therefore, it is considered that no Appropriate Assessment is required. Natural England have stated that they agree with that conclusion.

The Environment Assessment will need to meet the relevant legal requirements set out in the [Environmental Assessment of Plans and Programmes Regulations 2004](#). Further guidance on the requirements for carrying out the Environment Assessment is set out in the [National Planning Practice Guide](#) and [the Strategic Environmental Assessment Directive: guidance](#). In addition, please feel free to contact the borough council (planning policy team) if you require any additional advice regarding how to complete the Environmental Assessment.

Yours Sincerely

Andrew Rushmer  
Senior Planning Policy Officer

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<sup>2</sup> Paragraph: 046 Reference ID: 11-046-20150209. Of particular relevance in this regard is that the neighbourhood plan will be allocating sites, and the neighbourhood area contains sensitive natural and heritage assets that may be affected by the plan.