



King's Somborne Neighbourhood Development Plan

2022-2037

Basic Conditions Statement

CONTENTS

	Page
1.INTRODUCTION	3
2.LEGAL REQUIREMENTS	4
3.REGARD TO NATIONAL POLICIES AND ADVICE	5
4.ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT.....	9
6. EU OBLIGATIONS	13
APPENDIX 1: DESIGNATED AREA.....	14

1. INTRODUCTION

- 1.1. A draft Neighbourhood Development Plan must meet each of a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 1.2. This Statement has been prepared by King's Somborne Parish Council to demonstrate that the Neighbourhood Development Plan 2022- 2037 (The NDP) meets the legal requirements and the prescribed basic conditions.
- 1.3. The Statement confirms that:
 - The legal requirements have been met (section 2).
 - In accordance with National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make The NDP (section 3).
 - The NDP contributes to sustainable development (section 4).
 - The NDP is in general conformity with the strategic policies contained in the relevant development plan, Test Valley Borough Council's Adopted Local Plan 2011-2029 (the Local Plan) (section 5).
 - The NDP does not breach and is otherwise compatible with EU obligations, and that the making of The NDP does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (section 6).

2. LEGAL REQUIREMENTS

- 2.1. The NDP relates to the area noted in Appendix 1, that was designated by Test Valley Borough Council as a Neighbourhood Area on 13 June 2017. The NDP relates only to this Neighbourhood Area. No other Neighbourhood Development Plan has or is being made for the Neighbourhood Area.
- 2.2. King's Somborne Parish Council is the qualifying body for The NDP.
- 2.3. The NDP is a plan which sets out policies in relation to the development and use of land in the Neighbourhood Area and which has been prepared in accordance with the statutory provisions.
- 2.4. The NDP specifies the period for which it is to have effect (2022-2037).
- 2.5. The NDP does not include provision about development that is excluded development, such as mineral and waste matters, nationally significant infrastructure projects or other prescribed development under section 61K of the Town and Country Planning Act 1990.

3. REGARD TO NATIONAL POLICIES AND ADVICE

- 3.1. The NDP has been prepared with appropriate regard to the guidance contained in the National Planning Policy Framework (NPPF)¹ and Planning Practice Guidance (PPG).² The NDP will help achieve national planning policies at the parish level.
- 3.2. NPPF paragraph 13 sets out requirements for how communities should engage in neighbourhood planning. In accordance with this national policy, The NDP supports the delivery of strategic policies set out in the Local Plan and seeks to shape and direct development that is outside these strategic policies.
- 3.3. In accord with NPPF paragraph 16, The NDP:
- Contributes to the objective of achieving sustainable development, as explained in section 4 of this Statement;
 - Has been prepared positively;
 - Has been shaped by early, proportionate and effective engagement with the community and other consultees, as explained in the Consultation Statement;
 - Contains policies that are clearly written and unambiguous;
 - Is accessible via the Parish Council website; and
 - Serves a clear purpose in the context of the King's Somborne Neighbourhood Area, complementing rather than duplicating existing national and Local Plan policies as explained in this section and section 5.
- 3.4. The NPPF sets out more specific guidance on neighbourhood plans, to which the Parish Council in preparing The NDP has had regard to, as follows:
- NPPF paragraph 29: King's Somborne Parish Council has used neighbourhood planning powers to develop a local vision for the Neighbourhood Area and to set planning policies in The NDP as part of the statutory development plan.
 - NPPF paragraph 29: The NDP is considered to be in general conformity with the strategic policies of the Local Plan.³ The NDP reflects the strategic policies and plans positively to support them. It does not promote less development than set out in the Local Plan, or undermine its strategic policies. The NDP provides criteria-based planning policies to guide new housing and environmental protection. The general conformity of The NDP with the strategic policies of the Local Plan is set out in more detail in section 5.
 - NPPF paragraph 31: the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned. In preparing The NDP, use has been made of existing published and other evidence sources, supplemented as necessary by information gathered locally including through a resident survey. This supporting material is referred to throughout The NDP as required and is summarised in Appendix A of the Plan.

- 3.5. PPG indicates that a policy should be clear and unambiguous to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance further advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.⁴ There is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies.⁵ In accordance with this guidance, The NDP policies have been carefully drafted to be clear and unambiguous and are based on appropriate and proportionate evidence. The evidence supporting each policy is confirmed in the explanatory text.
- 3.6. The NDP has been prepared in consideration of the relevant paragraphs of the NPPF. The relevant paragraphs of the NPPF have been clearly identified at the beginning of each section and the content of the section tested against the NPPF to determine compliance. (see Table 1).

¹ July 2021, replacing the previous version published in February 2019.

² <https://www.gov.uk/government/collections/planning-practice-guidance>

³ Test Valley Borough Council, Adopted Local Plan 2011-2029, Annex A.

Table 1: Policies and Conformity

KSPC POLICY NUMBER	NPPF PARAGRAPH	CONFORMITY COMMENTRY
KS/E1 Preserving Landscape Features, Views and Surrounding Farm Land	174	This policy seeks to protect the quintessential and classic rural character of King’s Somborne village and surrounding hamlets set within a Parish of rolling hills dotted with occasional farmsteads whilst ensuring that the Village of King’s Somborne remains compact following the historic development pattern, mainly occupying the floor of the valley rather than the sides of the valley.
KS/E2 - Horsebridge to King’s Somborne Local Gap	174	This policy seeks to ensure the nucleated settlements of King’s Somborne Village and Horsebridge maintain separate identities contributing to the historic compact settlement pattern.
KS/E3 – Local Green Space	99, 101, 102, 103	The policy identifies Local Green Spaces for designation in line with national planning policy criteria which are of importance to the community.
KS/E5 - Flooding and Water Management	159, 160, 161, 167,169	This policy seeks to further support the requirements of the NPPF specifying detailed requirements which have a direct relation to drainage and flooding. To reduce the risk of flooding to the existing settlement and to new development.
KS/E6 – Biodiversity	179	This policy seeks to ensure development protects and enhances areas of key habitats in the local area.
KS/E7 - Mottisfont Bats Special Area of Conservation	179,180,181, 182	This policy seeks to identify the particular requirements to ensure compliance with NPPF policies and preserve the Mottisfont Bats and their habitat.
Policy KS/E8 New Forest Special Protection Area	179,180,181, 182	This policy seeks to reduce development negative implication on the New Forest Special Protection Area .
KS/E9 – The River Network	179,180,181, 182	The policy seeks to protect and improve the biodiversity and water quality of the Somborne Stream and its environs, which is an important chalk stream that flows through water meadows towards the west of the Parish
KS/E10 Solent and Southampton Water SPA and Solent Maritime SAC	179,180,181, 182	The policy seeks to specify the measures required to provide enhanced protection to Southampton Water SPA and Solent Maritime SAC
Policy KS/H1 – Quantity of New Homes Needed	8, 20,	This policy seeks to define the quantity of homes including affordable homes to maintain sustainable development
KS/H2 – Housing Mix	8, 62	This policy seeks to define the size and type of housing required to maintain sustainable development delivering small homes with gardens suitable for people starting out and older people looking to downsize.

KSPC POLICY NUMBER	NPPF PARAGRAPH	CONFORMITY COMMENTRY
KS/ALL1 KS/ALL2 KS/ALL3	60, 68,69,70, 100,124,162	These policies seek to define medium sized sites so as to collectively provide the required number of homes; reflecting the important aspects of each site, and providing well managed, high quality open space with connectivity to the footpath network. These deliver multiple benefits to the community and biodiversity in order to meet the criteria of sustainable development. Land owners have confirmed the availability of the proposed sites.
KS/H8 - Design	28, 73, 92, 126 to 132,134	The policy aims to ensure any new development reflects the best of the local vernacular, utilising varied designs and local materials to retain and enhance the distinctive character of the natural and built environment whilst maintaining high environmental standards and water efficiency.
KS/F1 – Community Assets	93, 94, 95	This policy seeks to preserve identified community facilities.
KS/F2 – Utilities	114, 130	The policy promotes visually enhanced street scenes whilst providing more reliable connections, promoting economic growth and social well being

4. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

- 4.1. The NDP contributes to the achievement of sustainable development.
- 4.2. The NPPF explains that achieving sustainable development means that the planning system has three overarching objectives:
- **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering 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
 - **An environmental objective** – 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.
- 4.3. The NPPF emphasises that these objectives are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the objectives. The objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 4.4. The NDP is also considered to be in general conformity with the strategic policies in the Local Plan. The relevant Local Plan policies have been identified at the beginning of each section and the content of the plan tested against the policy to confirm compliance. The Local Plan sets out a spatial strategy to achieve sustainable development in Test Valley Borough that improves the economic, social and environmental conditions of the area. These themes echo the three objectives for the planning system defined in the NPPF. Having regard to this context, The NDP will deliver sustainable development by setting out a balanced set of policies which address the strategic themes in the Local Plan.
- 4.5. Sustainability has been explored and tested during the development of The NDP. Details of this can be found in the background and evidence information associated with The NDP. This comprises of:-
- the SEA screening opinion by TVBC which requests a Strategic Environmental Assessment 23rd May 2018;

- Sustainability Appraisal, incorporating Strategic Environmental Assessment (SA/SEA) Scoping Report June 2021 originally compiled by SDPA and updated by KSPC; and
- Sustainability Appraisal (incorporating the Strategic Environmental Assessment) Environmental Report June 2022 compiled by SDPA updated by KSPC and a compliance review conducted by AECOM June 2022

4.8. A further review of the Regulation 15 submitted plan policies has been performed to ensure compliance and the results are shown in Appendix 1 of the NDP.

5. GENERAL CONFORMITY WITH STRATEGIC POLICY

- 5.1 The NDP is in general conformity with the strategic policies in the development plan for the area. (See Table 2). This is Test Valley Borough Council’s Adopted Local Plan 2011-2029. The strategic policies are identified in Annex A to the Local Plan. The Local Plan can be seen at <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>.

Table 2: Strategic Policies

KSPC POLICY NUMBER	STRATEGIC POLICY	CONFORMITY COMMENTRY
KS/E1 Preserving Landscape Features, Views and Surrounding Farm Land	E2	The policy is in conformity with strategic policy, identifying important views defined in the conservation policy and specifying elevation above which there is potential impact and requiring landscape assessment.
KS/E2 - Horsebridge to King’s Somborne Local Gap	E3 Local Gaps	The policy is consistent with strategic policy as it identifies a local gap which if developed would diminish the physical and visual separation of the the village of King’s Somborne and the hamlet of Horsebridge.
KS/E3 – Local Green Space	E2, E5, E6 LHW1, LHW4	The policy conforms to strategic policy as it: <ul style="list-style-type: none"> • Preserves public open spaces; • Preserves private open spaces which contribute to visual amenity; • Conserves the character of the neighbourhood; and • Ensures preservation of wild life habitat.
KS/E5 - Flooding and Water Management	E7	The policy conforms to strategic policy and adds relevant detail pertinent to local conditions supplementing NPPF and government policy.
KS/E6 – Biodiversity	E5	The policy conforms to strategic policy seeking to preserve habitat and maintaining the arboreal species of the area.
KS/E7 - Mottisfont Bats Special Area of Conservation	E5	The policy conforms to strategic policy and provides supplementary detail into the conservation of the rare Mottisfont Bat.
Policy KS/E8 New Forest Special Protection Area	E5	The policy conforms to strategic policy and provides supplementary detailed requirements in relation to the New Forest Special Protection Area.

KS/E9 – The River Network	E5	The policy conforms to strategic policy and in addition highlights specific measures to be undertaken in relation to the rivers and streams within the neighborhood area.
KSPC POLICY NUMBER	STRATEGIC POLICY	CONFORMITY COMMENTRY
KS/E10 Solent and Southampton Water SPA and Solent Maritime SAC	E5	The policy conforms to strategic policy with a particular focus relating to the requirements associated with the Solent and Southampton Water SPA and Solent Maritime SAC.
Policy KS/H1 – Quantity of New Homes Needed	COM1 COM2	The policy conforms to strategic policy. It provides a contribution to the rural housing numbers specified in COM1. As there is insufficient space within the settlement boundary to provide affordable homes some of the homes will need to be located outside in compliance with COM2.
KS/H2 – Housing Mix	COM1	The policy conforms to strategic policy. It provides clarity on the mix of housing to meet the neighbourhood needs as noted in para 5.31 of strategic policy.
KS/ALL1 KS/ALL2 KS/ALL3	COM2	The policy conforms to strategic policy. It identifies where development is permitted outside the existing settlement boundary in order to meet the local housing need.
KS/H8 - Design	E1, E7	The policy conforms to strategic policy. It provides detail on the style and distinctiveness of the local neighbourhood and provides potential solutions in respect of water efficiency.
KS/F1 – Community Assets	COM14	The policy conforms to strategic policy. It provides a list of existing assets which are of importance to the community and the loss of which would be detrimental.
KS/F2 – Utilities	COM15	The policy conforms to strategic policy. It identifies specific requirements relating to the area in accordance with paras 5.144 and 5.146 of strategic policy.

6. EU OBLIGATIONS

- 6.1. The NDP is compatible with European Union obligations as transposed into UK law. These have been examined in detail, evidenced for example in the Habitats Regulation Assessment April 2022, which can be found in the Background and Evidence information associated with The NDP together with the positive response from Natural England to the assessment.
- 6.2. The NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. As noted above, the NDP has been prepared within the existing framework of statute, national planning policy and guidance, and strategic planning policies, and has included consultation with the local community and independent examination. The policies within The NDP are also considered to comply with the requirements of EU obligations in relation to Human Rights.
- 6.3. The Local Plan policy E7 requires that development proposals do not result in the deterioration of, and where possible assist in improving water quality and be planned to support the attainment of the requirements of the Water Framework Directive. The NDP does not make proposals for development which would hinder the achievement of this policy (as noted in Table 2), and The NDP is considered to be compatible with the Water Framework Directive.

Appendix 1: Designated Area



Designated Area

N
▲
Not to Scale

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office (© Crown copyright). Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Kings Somborne Parish Council Licence No.100661202