

Basic Conditions Statement

Scopwick and Kirkby Green Neighbourhood Plan



16 May 2022

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1. Introduction

What is the Scopwick and Kirkby Green Neighbourhood Plan?

- 1.1 The Neighbourhood Plan for Scopwick and Kirkby Green Parish Neighbourhood Area (hereafter the SKGNP) has been prepared in accordance with the Town and Country Planning Act 1990, the Planning & Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and Directive 2001/42/EC on Strategic Environmental Assessment. The Plan establishes a vision of the future for the Plan area and sets out how that vision will be realised through planning and controlling land use and development change.
- 1.2 The Plan 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) and the Neighbourhood Planning (general) Regulations 2012.

What is the Basic Conditions Statement?

- 1.3 This Basic Conditions Statement has been prepared to accompany the SKGNP. 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, requires that a Neighbourhood Development Plan meets each of the following Basic Conditions¹:
 - I. has regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan,
 - II. contributes to the achievement of sustainable development,
 - III. is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - IV. does not breach and is otherwise compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations,
 - V. does not breach the requirements of chapter 8 part 6 of the Conservation of Habitats and Species Regulations 2017,
 - VI. having regard to all material considerations, it is appropriate that it is made.
- 1.4 This document outlines how the SKGNP meets the Basic Conditions.

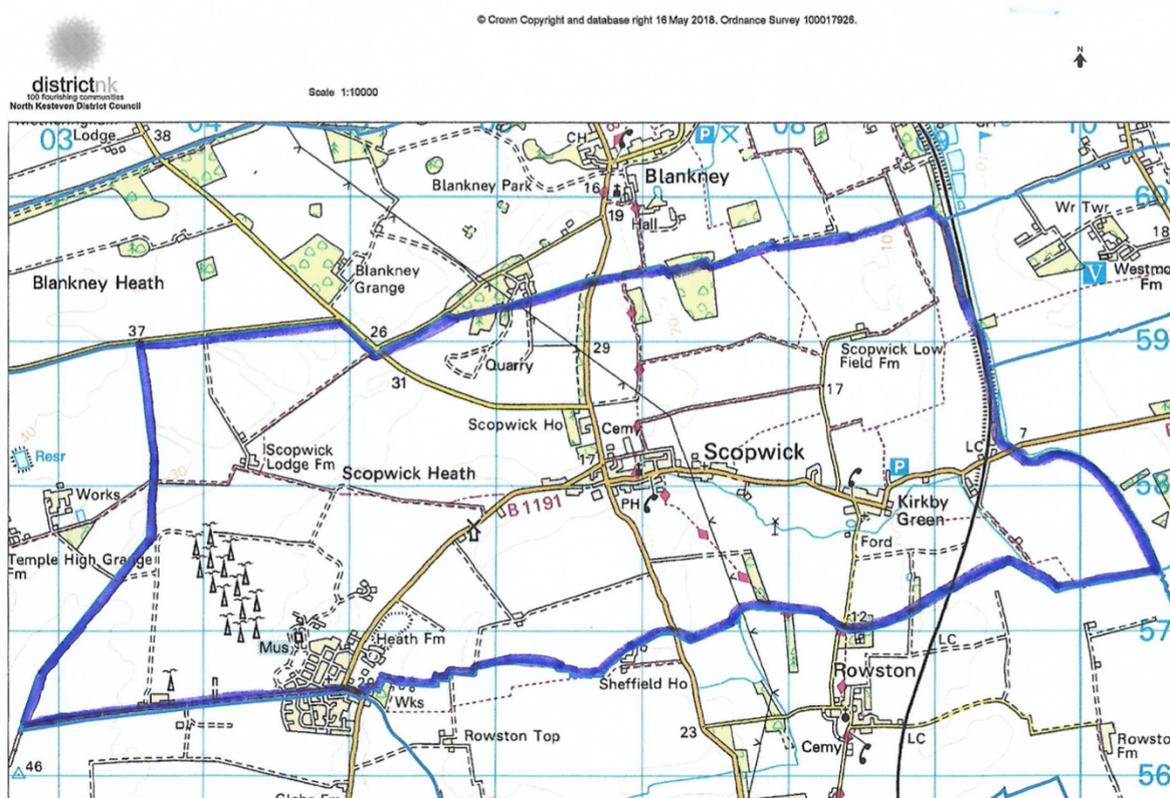
2. Key Statements

- 1.5 The Plan area covers the Parish of Scopwick and Kirkby Green and the Parish was designated a neighbourhood plan area on 16th July 2018. Scopwick and Kirkby Green Parish Council are the qualifying body for the purposes of neighbourhood planning.
- 1.6 The SKGNP expresses policies that relate to the development and use of land only within the Neighbourhood Area.

¹ See national planning practice guidance Paragraph: 065 Reference ID: 41-065-20140306

- 1.7 The Neighbourhood Area is shown on the map accompanying the neighbourhood designation application and the designated area is contiguous with the Parish boundary.
- 1.8 The SKGNP Plan covers the period from 2021 to 2036.
- 1.9 The Plan proposals do not deal with 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 as 'excluded development'.
- 1.10 The SKGNP does not relate to more than one neighbourhood area and covers only the Parish of Scopwick and Kirkby as shown in figure 1 below.

Figure 1: Scopwick and Kirkby Green Neighbourhood Plan Area



- 1.11 There are no other Neighbourhood Plans in place for this area.
- 1.12 The Pre-Submission Draft SKGNP was made available for consultation in accordance with Regulation 14 of the Neighbourhood Plan Regulations from 25th October to 10th December 2021. Amendments have been made to the document based on all the comments received and these are summarised in the document entitled 'Consultation Statement'.

3. Conformity with National and District Policy

- 1.13 The Neighbourhood Plan has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF)². Paragraphs 28 to 30 and footnote 18 of the NPPF refers to Neighbourhood Plans requiring them to have regard to the policies in the NPPF.
- 1.14 The NPPF provides a framework within which local communities can produce Neighbourhood Development Plans for their area and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
- 1.15 The NPPF also refers to the need for Neighbourhood Plans to be in general conformity with strategic policies in any Development Plan that covers the area, here it is the Central Lincolnshire Local Plan (CLLP) 2012-2036. Whilst the SKGNP was being prepared the CLLP was being reviewed. The policies in the SKGNP have been drafted to be in general conformity with the adopted policies in the CLLP and the Central Lincolnshire Local Plan Review (June 2021) and the evidence base supporting both the adopted Local Plan and the Review where applicable.
- 1.16 The Neighbourhood Plan has been in preparation since 2018. In accordance with National Planning Guidance, documents commissioned by NKDC and/or the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) have also been used to guide the Neighbourhood Plan policies. These are;
- Central Lincolnshire Local Plan Adopted 2017
 - North Kesteven Landscape Character Assessment 2007
 - 5 Year Land Supply October 2021
 - Housing and Economic Land Availability Assessment Appendix D March 2020
 - Central Lincolnshire Local Plan Review Options for Village Growth Levels in the Local Plan June 2019
 - Central Lincolnshire Local Plan Review Consultation Draft 2021
 - Strategic Housing Market Assessment 2015
- 1.17 Table 1 sets out how the SKGNP is in general conformity National Policy.

² All references are to the NPPF 2021

Table 1: Assessment of how each policy in the SKGNP conforms to the NPPF

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
1	Sustainable Development, Infill and the Development Boundary	7,8,124	<p>The NPPF enshrines sustainable development at the heart of planning. Policy 1 defines what sustainable development is in the context of the Plan Area and establishes a Development Boundary for Scopwick and Kirkby Green. This provides certainty in respect of the extent of development and the need to protect valued open spaces, the areas of nature conservation and open countryside in accordance with the NPPF. The NPPF para 124 notes that planning policies should achieve appropriate densities taking into account <i>'the desirability of maintaining an area's prevailing character and setting (including residential gardens)'</i>. Policy 1 is based on analysis to provide a policy framework to ensure infill development is sensitive to the local character.</p>
2	Protecting the Landscape Character	130, 174	<p>The landscape character of the Plan Area is highly valued by the local community. The NPPF at para 130a requires planning policies to ensure that developments will <i>'function well and add to the overall quality of the area not just in the short term but over the life time of the development'</i>. The NPPF at para 174 requires planning policies to <i>'contribute to and enhance the natural and local environment by [174 a)] protecting and enhancing valued landscapes'</i>. Policy 2 defines the overall approach to protecting landscape character and provides a framework to show how the allocated sites and any infill development should be designed to minimise the impact on the landscape. Policy 2 is based on an understanding and evaluation of the defining characteristics of the Plan Area undertaken for the Neighbourhood Plan. The Design</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			Code combines an assessment of landscape character with the historic landscape (in accordance with NPPF para 130c). The identification of the significant green gaps and the key views contributes to this analysis providing local input in establishing where the landscape is locally valuable. Based on this detailed analysis Policy 2 provides a framework to identify and protect the valued landscape.
3	Protecting and Enhancing Biodiversity	174, 179, 180	<p>The NPPF at para 174 states that planning policies should '<i>minimis[e] impacts on and provid[e] net gains for biodiversity</i>'.</p> <p>NPP 3 provides a clear policy framework to show how the impact on biodiversity of development will be assessed and how it can be mitigated. NPPF para 180 d supports opportunities to improve biodiversity in and around development especially when this can secure measurable net gains. The tree replacement policy NP 3 (2) seeks to identify a measurable net gain.</p> <p>In accordance with para 179, areas of biodiversity value have been identified and Policy 3 protects them.</p>
4	Local Green Spaces	99, 100	The NPPF encourages communities to identify, for special protection, green areas of particular importance. NPP 4 identifies 5 areas of tranquillity and/or community value that will be protected from development.
5	Conservation and Enhancement of Non-Vehicular Routes	104, 106	The NPPF supports the promotion of sustainable transport like cycling and walking in planning policies. There is potential to enhance the network of walking and cycling routes through the Plan Area, (especially given the local topography). Connections are supported to the train station and Metheringham and to encourage more

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			active leisure routes across the Parish generally. Policy 5 supports this ambition where it does not harm the landscape or ecology of the Plan Area.
6	Flood Risk and Drainage	167, 153, 154	<p>Para 167 of the NPPF is clear that <i>'When determining locations local planning authorities should ensure that flood risk is not increased elsewhere.</i> Policy 6 reflects the local concern about flood risk particularly in relation to drainage capacity.</p> <p>Para 153 notes that plans should take into account the long-term implications for flood risk and that new development should avoid increasing vulnerability to the range of impacts arising from climate change'. Policy 6 provides a policy framework to emphasise that drainage is a significant issue in the Parish and that mitigation is required.</p> <p>The importance of SuDs, designed to provide an opportunity to achieve net biodiversity gains and multi benefits is supported in Policy 6 in accordance with best practice.</p>
7	Achieving Well designed Places	126, 127, 128, 129, 134 and 134b	<p>In accordance with NPPF para 127 Policy 7 provides <i>'a clear vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable'</i>.</p> <p>The NPPF supports the production of Design Codes for neighbourhood areas and Policy 7 is underpinned by the SKG Design Code. NPPF para 130a) ensures that development <i>'adds to the overall quality'</i> of the Plan Area. The policy is <i>'sympathetic to local character and history including the surrounding built environment and landscape setting'</i> as it is based on the SKG Design Code analysis.</p> <p>Policy 7 encourages the use of the National Design Guide standards and Building for a Healthy Life to provide a measure of the standard required in accordance with NPPF</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
			para 126 <i>'Being clear about design expectations and how these will be tested is essential for achieving [good design]'</i> .
8a	Provision of Affordable Housing	61, 62, 63, 64, 65	<p>Para 61 supports the use of local housing needs assessments to inform policy. The SKGNP is supported by a Parish HNA. Para 62 states that where a need is identified (including for affordable housing) this should be reflected in planning policy. Para 63 states that <i>'where a need for affordable housing is identified, planning policies should specify the type of affordable housing required'</i>.</p> <p>Policy 8a is a response to the HNA findings. The Parish is a designated rural area as defined in para 64 and affordable housing is supported. Policy 8a acknowledges the NPPF requirement (para 64) for 10% of homes to be affordable home ownership.</p>
8b	Rural Exception Site	60, Annex 2	The delivery of sufficient homes to meet the needs of groups with specific housing requirements is a central part of the planning system (para 60). Annex 2 of the NPPF defines a rural exception site. The community would support the delivery of a rural exception site and the SKGPC are committed to working with local landowners to identify a suitable site.
8c	A Mix of Housing Types	61,62	Policy 8c supports policies that meet local housing need for smaller dwellings and properties for older people in accordance with district and local analysis from the HNA. The use of up-to-date evidence is in accordance with the NPPF. This creates a policy framework that identifies different house sizes and types and encourages a range of development to meet this need - (see NPPF para 62).

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
8d	Specialist accommodation for the elderly	60, 62	The delivery of sufficient homes to meet the needs of groups with specific housing requirements is a central part of the planning system. The reuse of the Limes as a residential care home is supported by the community.
9	Enhancing the Provision of Community Facilities	93	<p>The NPPF states that planning policies should <i>'plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship).'</i></p> <p>The Plan Area has limited facilities and Policy 9 supports the need to protect and improve these community facilities.</p>
10	Improving Broadband and Mobile Connectivity	114	Policy 10 promotes the delivery of superfast broadband to the houses and businesses in the Parish in accordance with the NPPF recognising that <i>'high quality and reliable communications infrastructure is essential for economic growth and social well-being'</i> and that planning policies and decisions <i>should support the expansion of electronic communication networks including next-generation mobile technology such as 5G and full final broadband connections.'</i>
11	Protecting and Enhancing Heritage Assets	189,190,194,197	<p>The NPPF places great importance on the protection and enhancement of heritage assets and that <i>'these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance'</i>.</p> <p>Policy 11 sets out <i>'a positive strategy for the conservation and enjoyment of the historic environment'</i> in accordance with NPPF para 190.</p> <p>Policy 11 (2) identifies additional buildings and structures for local listing, recognising the contribution they make to the historic environment of the Parish.</p>

NP Policy No.	Policy Title	NPPF Ref (para.)	Commentary
12	Conversion of Redundant Agricultural Buildings	80	Local Authorities are encouraged to bring back into use empty buildings and should normally approve changes of use to residential (or employment where appropriate). Proposals should also enhance their setting. Policy 12 provides a framework for assessing applications of this sort in the context of the wider valued rural landscape.
13a-f	Site Allocations	7, 8, 119, 126, 159, 174, 189,	<p>Each site-specific policy seeks to encourage sustainable development as defined in the NPPF and the SKGNP (see Policy 1).</p> <p>The policies allocate some housing but in carefully selected locations in accordance with Para 119 of the NPPF that states <i>'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment'</i>.</p> <p>Policies 13a-13f sets a policy framework that provides specific criteria based on local knowledge to assist developers in preparing planning applications that constitute sustainable development.</p> <p>The policies require high quality design and they reflect the heritage value and landscape of the site and location in relation to the requirements of Policy 7 (Achieving High Quality Design).</p> <p>Requirements relating to other site-specific issues are also reflected in accordance with other NP policies and the NPPF</p>

4. Contribution to the Achievement of Sustainable Development

1.38 The NPPF has a presumption in favour of sustainable development. *'Achieving sustainable development means the planning system has three overarching objectives which 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 different objectives)*³. The SKGNP recognises that this is a balancing act and the objectives of the Plan comprise a balance of social, economic and environmental objectives.

1.39 The **economic** goals are to encourage the reuse of disused agricultural buildings for other suitable purposes. The SKGNP also seeks to ensure that all houses and businesses have super-fast broadband to enable the effective running of businesses (and to enable effective working from home). Covid 19 has meant very many more people now access health, retail and social facilities on line. This shift is likely to continue, making the importance of access to super-fast broadband even more important to the well-being of the Parish.

See Policies 1, 9, 10, 12

1.40 The **social** goals are to maintain a thriving community, recognising that the community and its needs change over time. The SKGNP supports the development of in the region of 33 dwellings to meet needs identified in the Housing Needs Assessment. Community facilities are vital to provide social space and these are protected. The SKGNP protects the community facilities, and recognises the value the community place on the quality of the outdoors. The SKGNP identifies areas of community value as Local Green Spaces (LGS). The new Local Green Spaces in the Parish have a social value (for leisure and recreation) as well as for their tranquillity and environmental value. Promoting better walking and cycling connections across the Parish including to Metheringham provides an opportunity for active travel and can enhance health and well-being.

1.41 The SKGNP has been prepared on the basis that local people can inform planning policy in their neighbourhood at the pre-application engagement stage (see Key Principle). By enabling people to become more actively involved in the decision-making process the Neighbourhood Plan has assisted in building social capacity.

See key principle and policies 1, 4, 5, 8a, 8b, 8c, 9, 13a-f

1.42 The **environmental** goals are to protect the natural and built environment. The Neighbourhood Plan policies ensure that proposals protect and where possible enhance valued landscapes and the heritage of the Parish. The SKGNP provides locally specific policies based on the SKG Design Code to provide clarity to developers on what constitutes sustainable development. The identification of Significant Green Gaps and Key Views based on landscape analysis is an important part of this process to provide clarity to decision makers and developers about the sensitivity of these spaces within and adjoining the Development Boundary.

See policies 1, 2, 3, 4, 7, 11

1.43 A sustainability matrix of the policies in the SKGNP has been produced to assess the policies against sustainability criteria.

1.44 There is no legal requirement for neighbourhood plans to have a Sustainability Appraisal. It is considered that this Sustainability Matrix is adequate in showing how the Neighbourhood Plan policies

³ NPPF para 8

will deliver sustainable development. The Sustainability Matrix shows that the Neighbourhood Plan policies would mostly have a positive benefit and occasionally a neutral impact.

Sustainability Matrix

Policy	Environmental Impact	Economic Impact	Social Impact
Policy 1 Sustainable Development, Infill and the Development Boundary	Positive impact Minimises the impact of development on the environment by requiring development to be sustainable and defining what that means for Scopwick and Kirkby Green. Defines the extent of the Development Boundaries and what constitutes infill (to avoid the over development of sites) so that the wider landscape character and natural environment is protected.	Positive impact Sets out clear guidelines for the location of new development. Ensures that the impact of new development avoids harm to the local character of the Parish as a place to live. Protecting the quality of the place will ensure the Parish remains a desirable and economically attractive place to live/work.	Positive impact Sets out clear guidelines for sustainable development to provide assurance to existing and future generations that the attributes that make the Parish special will be protected and that the scale of growth is in accordance with what the community supported. In the context of the site allocations the SKGNP supports more growth than would otherwise be required providing more opportunity for local accommodation.
Policy 2 Protecting the landscape character	Positive impact Requires development to protect the local landscape, recognizes the importance of the sense of openness provided by significant green gaps and key views and that this is a defining characteristic.	Positive Impact The rurality of the Parish is an attribute that attracts people to live and work in the Parish.	Positive impact The quality of the landscape around the Parish is a valuable attribute. This policy provides assurance that the quality and quantity of the landscape within and around the Parish will remain largely unchanged for the duration of the Plan period.
Policy 3 Protecting and Enhancing Biodiversity	Positive impact Highlights the specific biodiversity quality of the Parish and requires development to make a net contribution to biodiversity. Identifying areas of nature conservation and specific actions that would enhance biodiversity in the Plan Area.	Neutral Impact	Positive impact The biodiversity of the Parish is a valuable attribute; residents cherish the quality and accessibility of nature. This policy provides assurance that the areas of designated nature conservation (which are often areas of leisure and recreation as well) will be

Policy	Environmental Impact	Economic Impact	Social Impact
			protected for the duration of the Plan period.
Policy 4 Designation of Local Green Spaces	Positive Impact The designation of Local Green Spaces highlights the value of these spaces to local people and affords them additional protection from development.	Neutral Impact	Positive Impact These Local Green Spaces have been put forward by local people and are very important to them; their designation provides assurance that they will be protected from development for the duration of the Plan period. The focus on them may enable improved maintenance of them to enhance their form and function.
Policy 5 Conservation and Enhancement of Non Vehicular Routes	Positive Impact Encouraging people to cycle or walk by providing connecting routes will reduce car usage which is beneficial in addressing climate change.	Neutral Impact	Positive Impact The creation of connecting routes within and out of the parish provides leisure and recreation opportunities for local people.
Policy 6 Flood Risk and Drainage	Positive Impact The Policy ensures that development will not cause additional problems in relation to drainage capacity. Development is supported that increases the use of SuDS, increases biodiversity and creates open spaces with multi-functional uses.	Positive Impact The economic cost of damage to homes and businesses from a drainage system at capacity is high, mitigating the impact on the drainage system and reducing the risk of flooding ensures the area remains an attractive place to live.	Positive Impact Concern about the impact on the drainage system of more development and the risk of flooding creates anxiety and distress. Development which will not exacerbate the situation and may reduce the likelihood of flooding in general improves well-being.
Policy 7 Achieving High Quality Design	Positive Impact Policy 7 minimises the impact of development on the environment by setting out design guidelines that ensure development will blend with the existing built form and landscape and ensures that	Positive Impact Ensures a high-quality design that will have community support.	Positive Impact Ensures that new development integrates with the existing, creating high-quality buildings. Provides existing and future residents with confidence that future development will be of the highest design quality.

Policy	Environmental Impact	Economic Impact	Social Impact
	development will reinforce existing character.		
Policy 8a, 8b and 8c, 8d Housing Type, Mix and Tenure Policies	Neutral Impact	Positive Impact Seeks to address the need for smaller dwellings, affordable housing and bungalows reflecting community feedback findings of the AECOM HNA and an understanding of the existing housing stock.	Positive Impact Seeks to provide new houses that will meet local need and the changing needs of people of their life time.
Policy 9 Enhancing the Provision of Community Facilities	Neutral Impact	Positive Impact A good range of community provision creates a more vibrant neighbourhood where people want to live and work.	Positive Impact Access to a range of indoor and outdoor community facilities is vital to foster a sense of community cohesion and well-being in the Parish.
Policy 10 Improving broadband and mobile connectivity	Positive Impact Encourages the ability to work from home which reduces car usage which in turn will improve air quality and reduce environmental damage.	Positive Impact Supports the expansion and productivity of local businesses.	Positive Impact Supports the expansion of local businesses and may provide local job opportunities. It also ensures ready access to the increasing amount of on line services e.g. health and retail.
Policy 11 Protecting Heritage Assets	Positive Impact Protecting the historic environment is an important tenet of sustainable development.	Positive Impact Protecting the historic environment maintains the quality of the Parish, ensuring the area remains an attractive, economically vibrant place to live and work.	Positive Impact The community value the historic character of the. Policy 11 is locally specific adds additional structures for local listing and reinforces this requirement to protect these assets.
Policy 12 Conversion of Redundant Agricultural Buildings	Positive Impact Re-use of a derelict or underused building in the countryside (or elsewhere) is supported in the NPPF and is usually better for the environment than demolition and new build.	Positive Impact The reuse of an under used building can bring back into use an economic asset.	Positive Impact This can provide a dwelling or provide a facility to expand a local business and may create local job(s).

Policy	Environmental Impact	Economic Impact	Social Impact
NPP13a-13f Site-specific Policies	Neutral Impact Whilst there will be development on these sites, the site-specific policies assist developers by drawing together all the local information and identify issues on the sites relating to flooding, drainage, landscape and biodiversity. This ensures the development minimizes the impact on the environment.	Positive Impact The sites will attract more residents who will use the pub and community facilities.	Positive Impact The sites will provide housing to meet local housing need.

5. Compatibility with Former EU Obligations post Brexit (SEA and HRA Screening)

- 1.46 The European Withdrawal Act 2018 (EUWA) provides a new constitutional framework for the continuity of retained EU law in the UK, replacing the EU treaties that had until that point applied in the UK. Section 7 of the EUWA 2018 states that *'Anything which was immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind and continues to be domestic law on and after exit day continues to be domestic law as an enactment of the same kind'*⁴.
- 1.47 The references below are to EU directives and regulations because *'there is no official record of which EU treaty rights were incorporated into UK law'*⁵ but the EUWA accepts that the same environmental standards remain.
- 1.48 *'The EU (Withdrawal) Bill incorporates the existing body of EU environmental law into UK law, making sure the same protections have effect in the UK and laws still function effectively after the UK leaves the EU'*⁶.
- 1.49 On the basis of the foregoing the SKGNP has been assessed in accordance with extant EU regulation that has been incorporated into UK law.

⁴ See <https://www.legislation.gov.uk/ukpga/2018/16/section/7>

⁵ See <https://www.pinsentmasons.com/out-law/guides/retained-eu-law-uk-after-brexit>

⁶ EU Withdrawal Bill Fact sheet 8 Environmental Principles. EU Withdrawal Bill came into force in January 2020

Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) Screening

- 1.50 The environmental assessment of plans with a significant environmental impact is a requirement of the EC Directive on the assessment of plans and programmes on the environment (Directive 2001/42/EC), known as the Strategic Environmental Assessment (SEA) Directive.
- 1.51 A Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects on protected European Sites as a result of the Plan's implementation⁷.
- 1.52 A Strategic Environmental Assessment (SEA) Screening Report was undertaken by NKDC in December 2021 to determine whether or not the SKGNP (Regulation 14 Pre-Submission Draft) required a SEA and HRA. In accordance with regulations NKDC consulted Natural England, the Environment Agency and Historic England. NKDC's Determination Statement of January 2022 concluded that neither a full SEA nor a HRA are necessary. The Screening Report and Determination Statement are available on NKDC's web site⁸.
- 1.53 The Determination Statement concludes on page 2 that

*'Based on the assessment undertaken in the Screening Report and the responses received from the consultation bodies, NKDC consider that it is unlikely that significant environmental effects will arise from implementation of the Scopwick and Kirkby Green Neighbourhood Plan, and therefore Strategic Environmental Assessment is not required. NKDC also considers that there are unlikely to be any significant effects on a designated European Site arising from the implementation of the SKGNP, and therefore further HRA assessment under the Habitats Regulations can be screened out.'*⁹

Other EU obligations

- 1.54 The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the **European Convention on Human Rights**. Whilst an Equality Impact Assessment Report has not been specifically prepared, great care has been taken throughout the preparation and drafting of this Plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups.
- 1.55 The main issues for planning are the right to family life and in preventing discrimination. The SKGNP makes positive contributions, such as protecting the heritage and landscape of the Plan area, protecting Local Green Spaces, supporting the improvement of walking and cycling routes and promoting housing to meet local needs. The population profile has revealed that there are not significant numbers of people who do not speak English (as a first language) and it has not been necessary to produce consultation material in other languages.

⁷ Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

⁸ See document at <https://www.n-kesteven.gov.uk/residents/living-in-your-area/localism-your-community/neighbourhood-plans/scopwick-and-kirkby-green-neighbourhood-plan/sea-hra-screening/>

⁹ See document at <https://scopwick.parish.lincolnshire.gov.uk/council-business/neighbourhood-planning-group>

1.56 The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement.¹⁰ There was consultation and engagement early on in the process and residents were encouraged to participate throughout. The draft Neighbourhood Plan has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012; responses have been recorded and changes have been made as per the schedule set out in the Statement of Consultation. The Consultation Statement has been prepared by the Neighbourhood Plan Steering Group and meets the requirements set out in Paragraph 15 (2) of the Regulations.

6. General Conformity with Strategic Local Policy

Central Lincolnshire Local Plan 2017

1.57 To meet the Basic Conditions, the Neighbourhood Plan is required to demonstrate general conformity with the strategic policies in the adopted Local Plan, here the Central Lincolnshire Local Plan, (hereafter the CLLP). The CLLP strategic policies provide detailed guidance on where new development can take place and sets out the factors that will be considered by NKDC when considering all proposals for development.

1.58 The SKGNP has been developed to be in general conformity with these strategic policies.

1.59 Table 2 provides a summary of how each of the Neighbourhood Plan policies are in general conformity with the CLLP strategic policies. Table 2 assesses only relevant CLLP policies against the NP policies.

Table 2: Assessment of how the policies in the SKGNP are in general conformity with the Strategic Policies in the CLLP

CLLP Policy	How this is addressed in the SKGNP
LP1 sets out the presumption in favour of sustainable development where development improves the economic social and environmental conditions in Central Lincolnshire.	Policy 1 requires a positive approach to sustainable development and defining what this means for the Parish in terms of development type and location. It provides locally specific information on landscape sensitivity and housing need.
LP2 spatial strategy and settlement hierarchy defines the scale of development appropriate to Scopwick and Kirkby Green. LP2 (6) provides for circumstances where a neighbourhood plan can identify sustainable growth otherwise growth is limited to up to 4 dwellings in one development or 0.1	Policy 1 defines a development boundary for Scopwick and Kirkby Green which follows the same criteria (but does also reflect local knowledge). The boundaries have been drawn to include the site allocations which are in 'appropriate locations' as defined in LP2. The scale proposed by the site allocations is for in the region of 33 dwellings. This is greater than the balance of 13 (see LPA housing monitoring report Feb 2022) based on the 10% growth threshold suggested by LP2 and LP4. However, the community support this higher growth

¹⁰ See Consultation Statement at <https://scopwick.parish.lincolnshire.gov.uk/council-business/neighbourhood-planning-group>

CLLP Policy	How this is addressed in the SKGNP
<p>hectares for an employment site and 10% total growth per settlement.</p> <p>in ‘appropriate locations’ is defined as a location which does not conflict when taken as a whole with national policy or policies in this Local Plan such as but not exclusively LP 26. In addition to qualify as an appropriate location the site if development would</p> <ul style="list-style-type: none"> • Retain the core shape and form of the settlement; • Not significantly harm the settlement’s character and appearance; and • Not significantly harm the character and appearance of the surrounding countryside or the rule setting of the settlement. <p>‘developed footprint’ of a settlement is defined as the continuous built form of the settlement and excludes</p> <ol style="list-style-type: none"> a. Individual buildings or groups of dispersed buildings which are clearly detached from the continuous built-up area of the settlement; b. Gardens paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside down to the built-up area of the settlement; c. Agricultural buildings and associated land on the edge of the settlement; and d. Outdoor sports and recreation facilities and other form of open spaces on the edge of the settlement. 	<p>rate where it can bring forward smaller market dwellings, some affordable housing and bungalows which is meeting local housing need.</p>

CLLP Policy	How this is addressed in the SKGNP
LP4 Growth in Villages identifies Scopwick and Kirkby Green as small villages suitable to accommodate approx. 10% growth	Policy 13a-13f allocate sites that will exceed this threshold but the SKNP uses the flexibility as set out in LP2 to deliver sustainable development based on local evidence of need.
LP5 Delivering prosperity and jobs – includes the support for the reuse of buildings outside allocated employment sites for the expansion of existing businesses	Policy 12 supports the conversion of redundant agricultural buildings
LP9 requires health and well-being to be taken into account in all development proposals.	<p>The link with health and well-being in the SKGNP relates to</p> <ol style="list-style-type: none"> 1) Policy 5, the promotion of improved cycling and walking routes around the Parish and particularly to Metheringham, 2) Policy 4, the designation of Local Green Spaces, 3) Policy 13a, the provision of a new public green space and a footpath connecting the west and east of Scopwick village as part of the delivery of the site on Land North Of Heath Road, and 4) Policy 9, which protects and where possible seeks opportunities to enhance existing community facilities.
LP10 Meeting Accommodation Needs	<p>Policies 8a, 8b and 8c reflect the local evidence of housing need from the community consultation and AECOMs HNA. Policy 8c encourages more dwellings to be accessible M (4) 2 where possible. The requirements of LP10 are seen as a starting point with a voluntary higher standard M 4 (3) encouraged.</p> <p>Policy 8d supports the return to use of the Limes as a care home for older people.</p>
LP11 Affordable Housing – includes the support for rural affordable housing where there is clear local community support (this is defined in LP2 and can include being in a neighbourhood plan).	Policy 8b supports the principle of development on a rural exception site in the Parish. Policy 8a highlights the need for AH, it is expected this will be delivered as part of site 13a, 13e and/or on a rural exception site.
LP14 Managing Water Resources and Flood Risk includes need to consider the	Policy 6 - the issue of flood risk is increasingly relevant as a consequence of climate change. Drainage capacity

CLLP Policy	How this is addressed in the SKGNP
requirements of the Water Framework Directive and the use of SuDs.	is already an issue in parts of Scopwick and concern was raised during the consultation with the community about the impact of further development on the drainage capacity. Scopwick Main Street is also at risk of surface water flooding. Policy 6 provides local background evidence on the drainage and flood risk issues and sets a locally relevant policy framework with requirements in conformity with LP 14.
LP15 protects existing Community Facilities and sets out a policy framework when their loss via development for alternative uses is proposed.	Policy 9 – whilst there are no development proposals that are expected to directly result in the loss of community facilities, the provision of community facilities is limited in the parish and the existing are highly valued and well used. Policy 9 identifies what the local community facilities are and sets out a local policy framework for their protection and where applicable, enhancement.
LP17 Landscape, Townscape and Views requires proposals to have particular regard to maintaining positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area	Policy 2 is supported by the AECOM Design Code and Maps 4a, 4b, 5a and 5b. The SKGNP provides much more detail about landscape sensitivity by identifying the key views and significant green gaps. Map 6 identifies the priority habitats from the Magic Map. Together this provides locally specific information about the landscape and views to provide a clear policy framework for developers and decision makers.
LP21 Biodiversity and Geodiversity sets out the Central Lincs requirement for the protection of wildlife sites, habitats and species	Map 6 identifies specific flora and fauna of value in the Parish. Policy 3 requires their protection. Policy 3 also requires development to achieve a 10% net biodiversity gain reflecting the more recent requirements in the Environment Bill.
LP23 Local Green Spaces And other important open space – Protect areas identified through the CLLP against development unless it needs certain criteria. The only designation in the CLLP was the open space along the Beck in Scopwick -it was identified as other important open space	Policy 4 takes the opportunity, in accordance with the NPPF paragraph 100, to designate Local Green Spaces in the neighbourhood plan. Maps 7a and 7b identify these spaces, Appendix 1 provides photos and text to justify their inclusion.
LP25 The Historic Environment	Policy 11 provides locally specific information (including information from the SKGNP Design Code) to identify

CLLP Policy	How this is addressed in the SKGNP
	the elements of the Parish that have historic value. Policy 11 also identifies buildings nominated for local listing, in consultation with the owners of the buildings and NKDC.
LP26 Design and Amenity requires design to reinforce local distinctiveness and respect local character.	The approach in LP26 is central to the SKGNP and Policy 7 uses up to date analysis in the SKGNP Design Code as an evidence base to provide a locally specific design code.

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1.60 Whilst the Basic Conditions test only requires Neighbourhood Plans to be in general conformity with adopted Local Plans, the Neighbourhood Plan Group (NPG) considered it prudent to ensure that the SKGNP would be in general conformity with the approach in the Review CLLP. Table 3 provides an assessment of the SKGNP approach in relation to the Central Lincolnshire Local Plan Review Consultation Draft June 2021. The analysis only highlights the differences in the adopted and emerging approach to avoid unnecessary repetition.

1.61 Table 3 assesses only relevant CLLP policies against the NP policies.

Table 3: Assessment of how the policies in the SKGNP are in general conformity with the Strategic Policies in the emerging Consultation Draft CLLP

CLLP Consultation Draft Policy	Conformity with the SKGNP
Policy S1 The Spatial Strategy and Settlement Hierarchy – Scopwick and Kirkby Green remain defined as small villages and the policy allows for allocations in neighbourhood plans. Very similar to approach in adopted CLLP.	Policy 1 and policy 13a-f SKGNP in general conformity.
Policy S4 small villages will experience limited growth allows for sites allocated in neighbourhood plans	Note the 10% growth threshold cap has been removed – Policy 1 and policy 13a-f SKGNP in general conformity
Policy S5 Development in the Countryside - allows for reuse or conversion of non-residential buildings for residential uses	Policy 1 and Policy 12 SKGNP in general conformity

CLLP Consultation Draft Policy	Conformity with the SKGNP
Policy S6: Reducing Energy Consumption – Residential Development	Policy 7 (6) promotes energy efficiency in building design and construction, SKGNP in general conformity
Policy S11: Water Efficiency and Sustainable Water Management	Policy 6 (6) seeks to minimise the use of water in new development. Policy 7 (6) supports water efficiency in new development. SKGNP in general conformity
Policy 16 Carbon Sinks – Considerable weight in favour of a proposal will be given where the net situation is a considerable increase in tree cover.	Policy 3 (2) and (3) support the planting of replacement trees and additional trees. SKGNP in general conformity.
Policy S19: Resilient and Adaptable Design	Policy 7 (6) supports the use of innovative solutions to design to adjust to climate change Policy 8c (3) and (4) supports a higher proportion of Life Time Homes that are accessible and adaptable to reflect changing needs over a life time. SKGNP in general conformity.
Policy S20: Flood Risk and Water Resources	Policy 6 supports the use of SuDs and design that minimises water usage, SKGNP is in general conformity.
Policy S21: Affordable Housing inc Rural Affordable Housing here includes a limited number of market houses to facilitate delivery.	<p>Policy 8a supports the provision of AH to meet local need SKGNP is in general conformity.</p> <p>Policy 8c supports the principle of a rural exceptions site and, subject to NKDCs consideration, the provision of a small amount of market housing where this delivers AH. SKGNP is in general conformity.</p>
Policy S22: Meeting Accommodation Needs	Policy 8c requires housing to meet local needs based on local evidence and community consultation SKGNP is in general conformity.
Policy S47: Walking and Cycling Infrastructure	Policy 5, the promotion of improved cycling and walking routes around the Parish and out to connect with other routes for leisure and recreation. SKGNP is in general conformity.
Policy S52: Design and Amenity	The approach in S52 is central to the SKGNP and Policy 7 uses up to date analysis in the SKGNP Design Code as an evidence base to provide locally specific design guidelines. SKGNP is in general conformity.

CLLP Consultation Draft Policy	Conformity with the SKGNP
Policy S53: Health and Wellbeing – the Potential for achieving positive mental and physical health outcomes will be taken into account when considering all development proposals.	Approach for development of the scale proposed in the SKGNP similar to adopted policy LP9 – see answer to LP9 above, SKGNP is in general conformity.
Policy S56: The Historic Environment – includes consideration of non-designated heritage assets wording reflects updated NPPF.	Policy 11 wording reflects updated NPPF and identifies buildings nominated for local listing, in consultation with the owners of the buildings and NKDC, SKGNP is in general conformity.
Policy S59: Protecting Biodiversity and Geodiversity and Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains	Is closely aligned to the approach in Policy 2 and 3 requiring measurable biodiversity net gain of 10% – Policy 3 seeks the same. SKGNP is in general conformity
Policy S63: Local Green Space – identifies that Neighbourhood plan can designate Local Green Spaces	Aligned with Policy 4 which identifies 5 Local Green Spaces, SKGNP is in general conformity.
Policy S65: Trees, Woodland and Hedgerows - emphasises their value	Policy 3 (3) supports net increase in tree coverage, policy 2 and policies 13a-13f seek the retention of trees and hedgerows wherever possible, SKGNP is in general conformity.

7. Conclusion

- 1.62 It is the view of Scopwick and Kirkby Green Neighbourhood Plan Steering Group that the foregoing has shown that the Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the SKGNP and all the policies therein.
- 1.63 The SKGNP has appropriate regard to the NPPF, will contribute to the achievement of sustainable development, is in conformity with the strategic policies contained in the CLLP (NKDCs Development Plan) and meets relevant EU obligations that have been transferred into UK Law.
- 1.64 On that basis, it is respectfully suggested to the Examiner that the SKGNP complies with Paragraph 8(2) of Schedule 4B of the Act.