

**Botley Parish Council**

# **Botley Neighbourhood Plan**

**Basic Conditions Statement**

**April 2024**



## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
	Supporting documents and evidence .....	1
	Key statements .....	1
<b>2</b>	<b>CONFORMITY WITH NATIONAL PLANNING POLICY .....</b>	<b>3</b>
	Introduction .....	3
	National Planning Policy Framework .....	3
<b>3</b>	<b>CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT .....</b>	<b>9</b>
<b>4</b>	<b>GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN .....</b>	<b>13</b>
<b>5</b>	<b>DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS .....</b>	<b>16</b>
<b>6</b>	<b>CONFORMITY WITH THE PRESCRIBED CONDITIONS .....</b>	<b>17</b>
<b>7</b>	<b>CONCLUSION .....</b>	<b>18</b>

# 1 INTRODUCTION

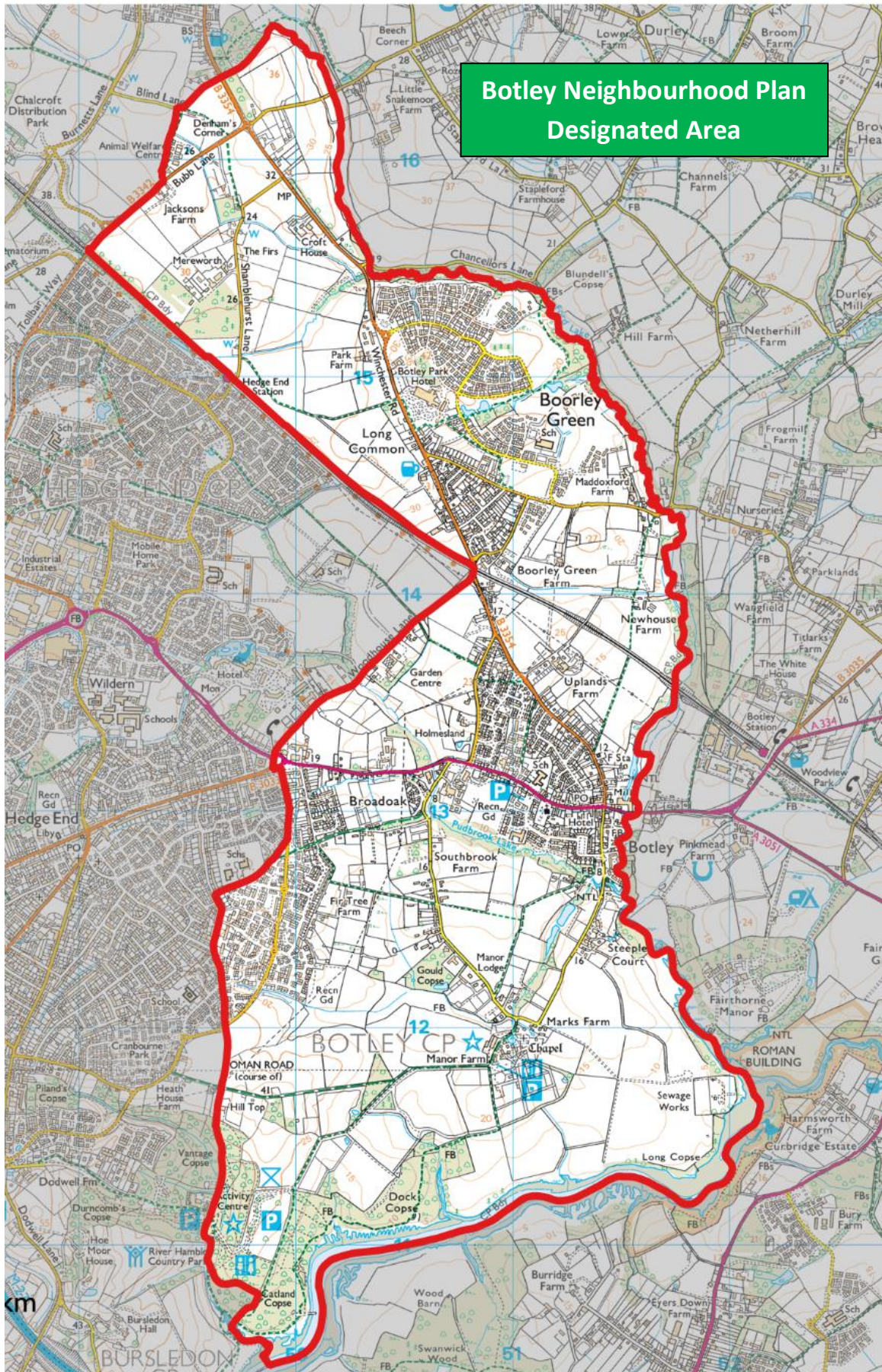
- 1.1 This Basic Conditions Statement has been produced to accompany the submission of the Botley Neighbourhood Plan (referred to as 'the Plan') to the local planning authority, Eastleigh Borough Council ('the Borough Council'), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations').
- 1.2 Paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act requires that a Neighbourhood Plan (or order) will be considered to have met the seven basic conditions if:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
  - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
  - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
  - d) the making of the order contributes to the achievement of sustainable development,
  - e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
  - f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and
  - g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 1.3 Basic Conditions (b) and (c) relate to neighbourhood development orders therefore are not relevant to the consideration of whether the BOTLEY NEIGHBOURHOOD PLAN meets the basic conditions.

## Supporting documents and evidence

- 1.4 The Botley Neighbourhood Plan is supported by a Consultation Statement and this Basic Conditions Statement.

## Key statements

- 1.5 Botley Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The Botley Neighbourhood Plan expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map on the following page.
- 1.7 The Botley Neighbourhood Plan covers the period from 2016 to 2036.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 The Botley Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the area of Botley as designated by Eastleigh Borough Council on 30<sup>th</sup> November 2015.
- 1.10 There are no other Neighbourhood Development Plans in place for the Botley neighbourhood area.



## **2 CONFORMITY WITH NATIONAL PLANNING POLICY**

### **Introduction**

- 2.1 It is required that the Botley Neighbourhood Plan has appropriate regard to national planning policy and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

### **National Planning Policy Framework**

- 2.2 The NPPF in sections 29-30 and 37 refers to Neighbourhood Development Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.
- 2.3 This section demonstrates that the Botley Neighbourhood Plan has regard to relevant policies within the NPPF in relation to:
- Delivering a sufficient supply of homes
  - Building a strong, competitive economy
  - Ensuring the vitality of town centres
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Achieving well-designed places
  - Meeting the challenge of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment
- 2.4 The Botley Neighbourhood Plan has twenty-five principal objectives. We summarise them in table 2.1 below and which NPPF goals each objective seeks to address.
- 2.5 Table 2.2 then provides a summary of how each policy in the Botley Neighbourhood Plan conforms specifically to the NPPF.

**Table 2.1: Assessment of Botley Neighbourhood Plan objectives against NPPF goals**

Ref	Objective	NPPF Goal
1	Preserving and safeguarding, where appropriate, employment uses and maintaining a lively mix of retail and similar uses in the shopping area.	Building a strong, competitive economy Ensuring the vitality of town centres
2	Promoting the further retail development of the Botley Mills site.	Building a strong, competitive economy Ensuring the vitality of town centres
3	Supporting the development of retail facilities in Boorley Park and Boorley Gardens earlier than identified in the Eastleigh Borough Local Plan.	Building a strong, competitive economy Ensuring the vitality of town centres Achieving well-designed places
4	Protecting and maintaining existing green space, archaeological sites and heritage assets.	Promoting healthy and safe communities Conserving and enhancing the natural environment Conserving and enhancing the historic environment
5	Protecting the River Hamble and tributaries and Sites of Importance for Nature Conservation, including the provision of new green spaces.	Conserving and enhancing the natural environment Meeting the challenge of climate change, flooding and coastal change
6	Preserving native wildlife and wildflowers in local green spaces, and in and along the River Hamble.	Achieving well-designed places Conserving and enhancing the natural environment
7	Creating a Botley museum through the use of developer contribution.	Conserving and enhancing the historic environment
8	Improving pedestrian access from the village square to Botley Mills through the use of developer contribution.	Ensuring the vitality of town centres Promoting healthy and safe communities Promoting sustainable transport
9	Identifying a site for a new cemetery in the Parish.	Achieving well-designed places Promoting healthy and safe communities

10	Creating Local Settlement Gaps between Botley and neighbouring settlements to prevent coalescence.	Achieving well-designed places Conserving and enhancing the natural environment
11	Allocating sites for future small-scale residential development which will not place unacceptable strain on existing infrastructure.	Delivering a sufficient supply of homes Achieving well-designed places
12	Ensuring any new development does not have an unacceptable impact on its environment and is implemented alongside identified infrastructure needs.	Delivering a sufficient supply of homes Achieving well-designed places Conserving and enhancing the natural environment
13	Ensuring that housing on allocated sites provides an integrated mix of open market housing and affordable housing.	Delivering a sufficient supply of homes
14	Ensuring an appropriate infrastructure is in place to deal with surface water and sewerage within any new development.	Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment
15	Ensuring new development in Botley is of appropriate design and fits with the general character of Botley.	Achieving well-designed places
16	Ensuring any new development, including housing extensions, outbuildings, garages and conservatories, plus those under Permitted Development Rights, are consistent with the requirements of the strategic high and intermediate pressure pipelines passing through the Parish.	Achieving well-designed places
17	Supporting the use of renewable energy systems.	Meeting the challenge of climate change, flooding and coastal change
18	Ensuring all dwellings in new developments have direct access to electric vehicle charging points.	Promoting sustainable transport Meeting the challenge of climate change, flooding and coastal change



19	Requiring new developments to provide acceptable recycling facilities.	Meeting the challenge of climate change, flooding and coastal change Promoting healthy and safe communities
20	Ensuring off-road parking is available in all residential developments	Promoting sustainable transport Promoting healthy and safe communities
21	Ensuring there is sufficient provision for off-road parking for all users of schools.	Promoting healthy and safe communities Promoting sustainable transport
22	Ensuring existing community infrastructure is retained or improved for the benefit of the community.	Promoting healthy and safe communities
23	Using developer contribution to decrease village centre traffic congestion and pollution by the provision of additional parking space at the Botley Centre.	Building a strong, competitive economy Ensuring the vitality of town centres Promoting healthy and safe communities Promoting sustainable transport Achieving well-designed places
24	Identifying land within development sites for parking.	Promoting healthy and safe communities Achieving well-designed places
25	Using developer contribution to improve the network of movement routes linking key services, schools and recreational areas, both from existing and new developments.	Promoting healthy and safe communities Promoting sustainable transport Achieving well-designed places

**Table 2.2: Assessment of how each policy in the Botley Neighbourhood Plan conforms to the NPPF**

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	<b>Retention of existing commercial premises</b>	85, 86, 90	Seeks to maintain the retail centre of the village and ensure its continued vibrancy and viability as part of a prosperous local economy
2	<b>Retail development sites</b>	85, 88, 90	Seeks to encourage the provision of shops serving local needs where these are otherwise not available and where they are easily accessible to the whole community
3	<b>Local green space</b>	105, 106	Designates a series of spaces that are special to the community and fulfil the NPPF criteria.
4	<b>Infrastructure investment priorities</b>	34, 57, 96	Seeks to improve access to key facilities within Botley and ensure the necessary infrastructure is delivered to ensure that non-car users have alternative routes to the existing road network.
5	<b>New cemetery provision</b>	96, 97	Encourages the provision of a site for new cemetery in the Parish
6	<b>Local Settlement Gaps</b>	132, 135	Seeks to prevent coalescence and maintain the identity of Botley
7	<b>Woodhill School</b>	11, 28, 70, 71	Allocates a site for residential use. Seeks to encourage appropriate and ensure that design is of the highest standard and protect its surrounding environment.
8	<b>Mitigation in development</b>	180, 181, 185, 187	Ensures that development meets the requirements of the Habitats Regulations.
9	<b>Site B03 (strategic allocation)</b>	11, 21, 28, 29, 64	Seeks to deliver development which reflects local need.
10	<b>Utility provision</b>	11, 28, 86	Seeks to ensure that the need for utility provision is considered and provided in full to support new developments.
11	<b>Flood mitigation</b>	165, 172, 180	Seeks to mitigate issues caused by surface water flooding and minimise impacts of development on water quality
12	<b>Strategic high and intermediate pressure pipelines</b>	8	Seeks to ensure that utilities infrastructure is provided safely and without creating the risk of harm to the public

Botley Neighbourhood Plan  
Basic Conditions Statement

No.	Policy title and reference	NPPF ref. (para.)	Commentary
13	<b>Parking standards for new residential development</b>	108, 110, 111, 114	Seeks to ensure new residential developments provide adequate parking facilities.
14	<b>Housing mix and affordable housing</b>	34, 63, 64	Seeks to provide the homes needed by the community.
15	<b>Built form, design and materials</b>	28, 134	Seeks to ensure that development is in keeping with the design of surrounding buildings, without stifling high quality or innovative design.
16	<b>Renewable energy</b>	111, 157, 160	Seeks to encourage the use of renewable energy in homes and transportation.
17	<b>Parking infrastructure for educational facilities</b>	108, 114	Seeks to ensure the safe access to education facilities.
18	<b>Community Infrastructure</b>	28, 97, 108	Seeks to retain and increase the provision and use of community facilities within the parish.

### 3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 10 that 'at the heart of the Framework is a presumption in favour of sustainable development'.
- 3.2 Table 3.1 below summarises how the objectives and policies in the Botley Neighbourhood Plan contribute towards sustainable development, as defined in the NPPF.

**Table 3.1: Assessment of Botley Neighbourhood Plan objectives and policies against sustainable development**

<b>Deliver Economic Sustainability</b>	
<i>NPPF Definition – "to help build a strong, responsive and competitive economy"</i>	
<b>Botley Neighbourhood Plan Objectives</b>	<ul style="list-style-type: none"> <li>○ Preserving and safeguarding, where appropriate, employment uses and maintaining a lively mix of retail and similar uses in the shopping area.</li> <li>○ Promoting the further retail development of the Botley Mills site.</li> <li>○ Supporting the development of retail facilities in Boorley Park and Boorley Gardens earlier than identified in the Eastleigh Borough Local Plan.</li> <li>○ Improving pedestrian access from the village square to Botley Mills through the use of developer contribution.</li> <li>○ Using developer contribution to decrease village centre traffic congestion and pollution by the provision of additional parking space at the Botley Centre.</li> </ul>
<b>Botley Neighbourhood Plan Policies</b>	<p><b>Policy 1: Retention of existing commercial premises</b></p> <p><b>Policy 2: Retail development sites</b></p> <p><b>Policy 4: Infrastructure investment priorities</b></p>
<b>Botley Neighbourhood Plan Comments</b>	<p>The Botley Neighbourhood Plan seeks to preserve and improve the retail base of the area (Policy 1). It also places emphasis on the access to retail facilities to maximise use (Policy 2). Policy 4 identifies specific infrastructure needs that should enhance accessibility, including parking, to the village centre and key services.</p>

<b>Deliver Social Sustainability</b>	
<i><b>NPPF Definition – “to support strong, vibrant and healthy communities”</b></i>	
<b>Botley Neighbourhood Plan Objectives</b>	<ul style="list-style-type: none"> <li>○ Protecting and maintaining existing green space, archaeological sites and heritage assets.</li> <li>○ Creating a Botley museum through the use of developer contribution.</li> <li>○ Improving pedestrian access from the village square to Botley Mills through the use of developer contribution.</li> <li>○ Allocating sites for future small-scale residential development which will not place unacceptable strain on existing infrastructure.</li> <li>○ Ensuring that housing on allocated sites provides an integrated mix of open market housing and affordable housing.</li> <li>○ Ensuring there is sufficient provision for off-road parking for all users of schools.</li> <li>○ Ensuring existing community infrastructure is retained or improved for the benefit of the community.</li> <li>○ Using developer contribution to decrease village centre traffic congestion and pollution by the provision of additional parking space at the Botley Centre.</li> <li>○ Using developer contribution to improve the network of movement routes linking key services, schools and recreational areas, both from existing and new developments.</li> </ul>
<b>Botley Neighbourhood Plan Policies</b>	<p><b>Policy 3: Local green space</b></p> <p><b>Policy 4: Infrastructure investment priorities</b></p> <p><b>Policy 5: New cemetery provision</b></p> <p><b>Policy 7: Woodhill School</b></p> <p><b>Policy 9: Site B03 (strategic allocation)</b></p> <p><b>Policy 10: Utility provision</b></p> <p><b>Policy 13: Parking standards for new residential development</b></p> <p><b>Policy 14: Housing mix and affordable housing</b></p> <p><b>Policy 15: Built form design and materials</b></p> <p><b>Policy 17: Parking infrastructure</b></p> <p><b>Policy 18: Community Infrastructure</b></p>
<b>Botley Neighbourhood Plan Comments</b>	<p>The Botley Neighbourhood Plan seeks to maintain a thriving community for all ages within Botley. It identifies specific infrastructure requirements (Policy 4, Policy 5, Policy 17 and Policy 18) and improvements to utilities provision (Policy 10) that will enable Botley to better support the needs of its community. It also seeks to protect existing</p>

	<p>leisure assets (Policy 18) and encourages walking and cycling by identifying specific improvements needed (Policy 7). The decrease in car movements and associated congestion will decrease air pollution and its effects on human health whilst the intention to keep the retail centre of Botley thriving will provide social opportunities and maintain our vibrant community. The protection of green spaces (Policy 3) will mean they continue to provide places for the community to engage in informal recreation, including walking. The delivery of a range of housing sizes (Policy 14) including on a new site allocation (Policy 7) and an existing strategic allocation (Policy 9) will ensure that the housing needs of a wider range of the existing community can be met. More widely, the importance of good design is required to underpin all new development (Policy 13 and Policy 15).</p>
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<b>Deliver Environmental Sustainability</b>	
<i><b>NPPF Definition – ‘to protect and enhance our natural, built and historic environment; and adapt to climate change’</b></i>	
<b>Botley Neighbourhood Plan Objectives</b>	<ul style="list-style-type: none"> <li>○ Protecting and maintaining existing green space, archaeological sites and heritage assets.</li> <li>○ Protecting the River Hamble and tributaries and Sites of Importance for Nature Conservation, including the provision of new green spaces.</li> <li>○ Preserving native wildlife and wildflowers in local green spaces, and in and along the River Hamble.</li> <li>○ Creating a Botley museum through the use of developer contribution.</li> <li>○ Identifying a site for a new cemetery in the Parish.</li> <li>○ Creating Local Settlement Gaps between Botley and neighbouring settlements to prevent coalescence.</li> <li>○ Ensuring any new development does not have an unacceptable impact on its environment and is implemented alongside identified infrastructure needs.</li> <li>○ Ensuring an appropriate infrastructure is in place to deal with surface water and sewerage within any new development.</li> <li>○ Ensuring any new development, including housing extensions, outbuildings, garages and conservatories, plus those under Permitted Development Rights, are consistent with the requirements of the strategic high and intermediate pressure pipelines passing through the Parish.</li> <li>○ Supporting the use of renewable energy systems.</li> <li>○ Ensuring all dwellings in new developments have direct access to electric vehicle charging points.</li> <li>○ Requiring new developments to provide acceptable recycling facilities.</li> <li>○ Using developer contribution to decrease village centre traffic congestion and pollution by the provision of additional parking space at the Botley Centre.</li> <li>○ Using developer contribution to improve the network of movement routes linking key services, schools and recreational areas, both from existing and new developments.</li> </ul>

<p><b>Botley Neighbourhood Plan Policies</b></p>	<p><b>Policy 3: Local green space</b></p> <p><b>Policy 6: Local Settlement Gaps</b></p> <p><b>Policy 7: Woodhill School</b></p> <p><b>Policy 8: Mitigation in development</b></p> <p><b>Policy 9: Site B03 (strategic allocation)</b></p> <p><b>Policy 11: Flood mitigation</b></p> <p><b>Policy 15: Built form design and materials</b></p>
<p><b>Botley Neighbourhood Plan Comments</b></p>	<p>The Botley Neighbourhood Plan seeks to protect the character of Botley by focusing development within the existing built-up area and on one specific allocated site (Policy 7) and a strategic site (Policy 9), requiring good design of new development (Policy 15) and by designating certain spaces as local green spaces of importance to the local community (Policy 3). It places a focus on protecting the high quality landscape (Policy 6). Similarly it seeks to protect against surface water flooding and unacceptable water quality (Policy 11). It also ensures that development does not have an unacceptable impact on environmental designations of importance (Policy 8).</p>

- 3.3 As demonstrated in Table 3.1, the strategic objectives of the Neighbourhood Development Plan are considered to comprise a balance of economic, social and environmental goals.
- 3.4 The SEA and HRA documents have been submitted along with the other documents required at Regulation 16 stage.

## **4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

- 4.1 The development plan covering the Neighbourhood Plan Area currently consists of the following:
- Eastleigh Borough Council Local Plan 2016-2036
  - Hampshire Mineral and Waste Plan 2013
- 4.2 The policies of relevance are shown in Table 4.1 below, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made of whether the Botley Neighbourhood Plan is in general conformity with them.
- 4.3 Any policy that is not identified in Table 4.1 is not considered to be relevant to the Botley Neighbourhood Plan because the Botley Neighbourhood Plan does not have any policies that directly relate to it.



Table 4.1: Strategic policies in the EBC Local Plan 2016-2036

Local Plan Policy	BOTLEY NEIGHBOURHOOD PLAN policy
Strategic Policy S1, Delivering sustainable development	Strategic Policy S1 identifies a series of requirements in order that development is sustainable. Of the list in Strategic Policy S1 (clause 1), the Botley NP addresses community needs, community facilities, employment, services, adaptation to and mitigation of climate change, sustainable transport, water quality and landscape value. In each case, the Botley NP policy provides local specificity which complements the requirement of the strategic policy.
Strategic Policy S2, Approach to new development	Strategic Policy S2 identifies the housing and employment needs in the Borough. Botley NP Policy 7 allocates a site for housing and Policy 14 seeks to provide affordable homes for the community. Policies 1 and 2 seek to protect and enhance employment-generating uses.
Strategic Policy S3, Location of new housing	Strategic Policy S3 identifies the specific locations where housing development will occur. It also states that the housing numbers are 'approximate'. Botley NP Policy 7 identifies a development site where additional development can come forward to address needs in Botley, along with an existing strategic site (Policy 9).
Strategic Policy S4, Employment provision	Strategic Policy S4 identifies new employment allocations and seeks to protect existing employment uses. NP Policies 1 & 2 highlight the importance of local employment by seeking to retain and increase retail development and in turn employment provision.
Strategic Policy S5, New development in the countryside	Strategic Policy S5 identifies suitable uses in the countryside, including cemeteries. Botley NP Policy 5 identifies the need for a cemetery to serve Botley although it does not identify a specific location.
Strategic Policy S6, Protection of settlement gaps	Botley NP Policy 6 seeks to build on Strategic Policy S6 by identifying local settlement gaps important to the community. These do not overlap the strategic settlement gaps.
Strategic Policy S7, The coast	Strategic Policy S7 identifies the coastal area and seeks to provide appropriate protection relating to landscape, biodiversity, heritage, flood management, infrastructure and recreational activities. Botley NP Policy 3 identifies Botley Quay, which is within the coastal area, as an important Local Green Space, which needs to be protected.

Botley Neighbourhood Plan  
Basic Conditions Statement

Local Plan Policy	BOTLEY NEIGHBOURHOOD PLAN policy
Strategic Policy S8, Historic Environment	Strategic Policy S8 seeks to conserve and/or enhance the Borough's heritage assets. Botley NP Policy 7 identifies specific heritage assets within the site allocation and seeks their inclusion as part of the development proposals, pursuant to historic buildings guidance.
Strategic Policy S9, Green infrastructure	Strategic Policy S9 seeks to protect, enhance and provide new green infrastructure. Botley NP Policy 3 identifies 31 important Local Green Spaces within the parish which need to be protected.
Strategic Policy S10, Community facilities	Strategic Policy S10 identifies a range of types of community facility that are required. Botley Policy 5 specifically identifies the need for a local cemetery and Policy 18 identifies a series of community infrastructure investment priorities for Botley.
Strategic Policy S11, Transport infrastructure	Strategic Policy S11 identifies the importance of encouraging walking and cycling. Botley NP Policy 4 and Policy 18 identify the importance of a well-planned transport infrastructure for benefit to the community.
Strategic Policy S12, Strategic footpath, cycleway and bridleway links	Strategic Policy S12 seeks to create and improve the network of links for walking and cycling. Botley NP Policy 4 identifies the need for improved movement routes for existing and new developments.

## **5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS**

- 5.1 The Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 In September Botley Parish Council submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA) of the draft Botley Neighbourhood Plan. EBC confirmed an SEA would be needed and Botley Neighbourhood Plan engaged Dynamic Development Solutions to undertake this in March 2022.
- 5.3 The summary for the SEA was as follows:
- 5.4 The majority of the policies contained within the Neighbourhood Plan score positively or neutrally against the Sustainability Objectives.
- 5.5 Policy 1 scores negatively against SAO 4, however Policy 4 also seeks to improve pedestrian access to Botley Mills which will help to encourage people to travel to the site on foot, therefore decreasing congestion. This should assist in mitigating any potential negative impact.
- 5.6 Policy 4 is expected to have a negative impact on SAO 6 through the provision of additional car parking and creation of Botley Bypass which may encourage car use and increase levels of air pollution. However, the cumulative impact of this policy on the Sustainability Objectives overall is expected to be positive.
- 5.7 Policy 7 and Policy 9 were found to have a mixture of both positive and negative impacts when assessed against a number of the Sustainability Objectives including SAO 5, SAO 10 and SAO 11. However, it is considered that the overall impact of each of these policies when assessed against all the Sustainability Objectives combined is likely to be either positive or neutral.
- 5.8 Policy 3 and Policy 16 were assessed as having the most positive impact overall, having significant positive impacts on many of the Sustainability Objectives related to climate change and environmental sustainability.
- 5.9 The SEA documents have been submitted along with the other documents required at Regulation 16 stage.

## 6 CONFORMITY WITH THE PRESCRIBED CONDITIONS

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive<sup>1</sup>, it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 The banks of the River Itchen define the south-eastern boundary to the Botley Neighbourhood Area. This is covered by the Solent & Southampton Water SPA/Ramsar and River Itchen SAC European site designations and therefore new residential development proposed in the Plan must have due regard to Habitat regulations.
- 6.3 As part of the process of developing the neighbourhood plan, in January 2021 EBC produced a screening report (Appendix A) which identified that a Strategic Environmental Assessment (SEA) would be required for the Plan (Appendix B).
- 6.4 In respect of Habitats Regulations Assessment (HRA) matters, the screening assessment identified some policies as having the potential for significant effects upon protected European designated sites – primarily upon the Solent & Southampton Water SPA and Ramsar sites River Itchen SAC designations due to their nearby proximity to development which is proposed in the screening draft of the BNP.
- 6.5 In September 2021 the Botley Neighbourhood Plan Steering Group submitted a formal screening request regarding the need for an HRA. EBC confirmed an HRA would be needed, and Botley Neighbourhood Plan engaged the landscape partnership to undertake this in March 2022.
- 6.6 The HRA concluded that there would be no adverse effect upon the integrity of any European site from the Botley Neighbourhood Plan acting alone or in combination with any other plan or project.
- 6.7 The HRA documents have been submitted along with the other documents required at Regulation 16 stage.

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<sup>1</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043> (retained).

## **7 CONCLUSION**

- 7.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Botley Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Botley Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.