

GREAT AND LITTLE KIMBLE CUM MARSH
NEIGHBOURHOOD PLAN

2013 – 2033

BASIC CONDITIONS STATEMENT

Published by Great and Little Kimble cum Marsh Parish Council
under the Neighbourhood Planning (General) Regulations 2012 (as amended)

September 2019

1.INTRODUCTION

1.1 This statement has been prepared by Great and Little Kimble cum Marsh Parish Council ("the Parish Council") to accompany the publication of the Submission version of the Great and Little Kimble cum Marsh Neighbourhood Plan ("the Neighbourhood Plan") at the request of the local planning authority, Wycombe District Council ("the District Council"). The Statement is a requirement of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations") with the purpose of explaining how the Neighbourhood Plan meets the 'basic conditions' (see below).

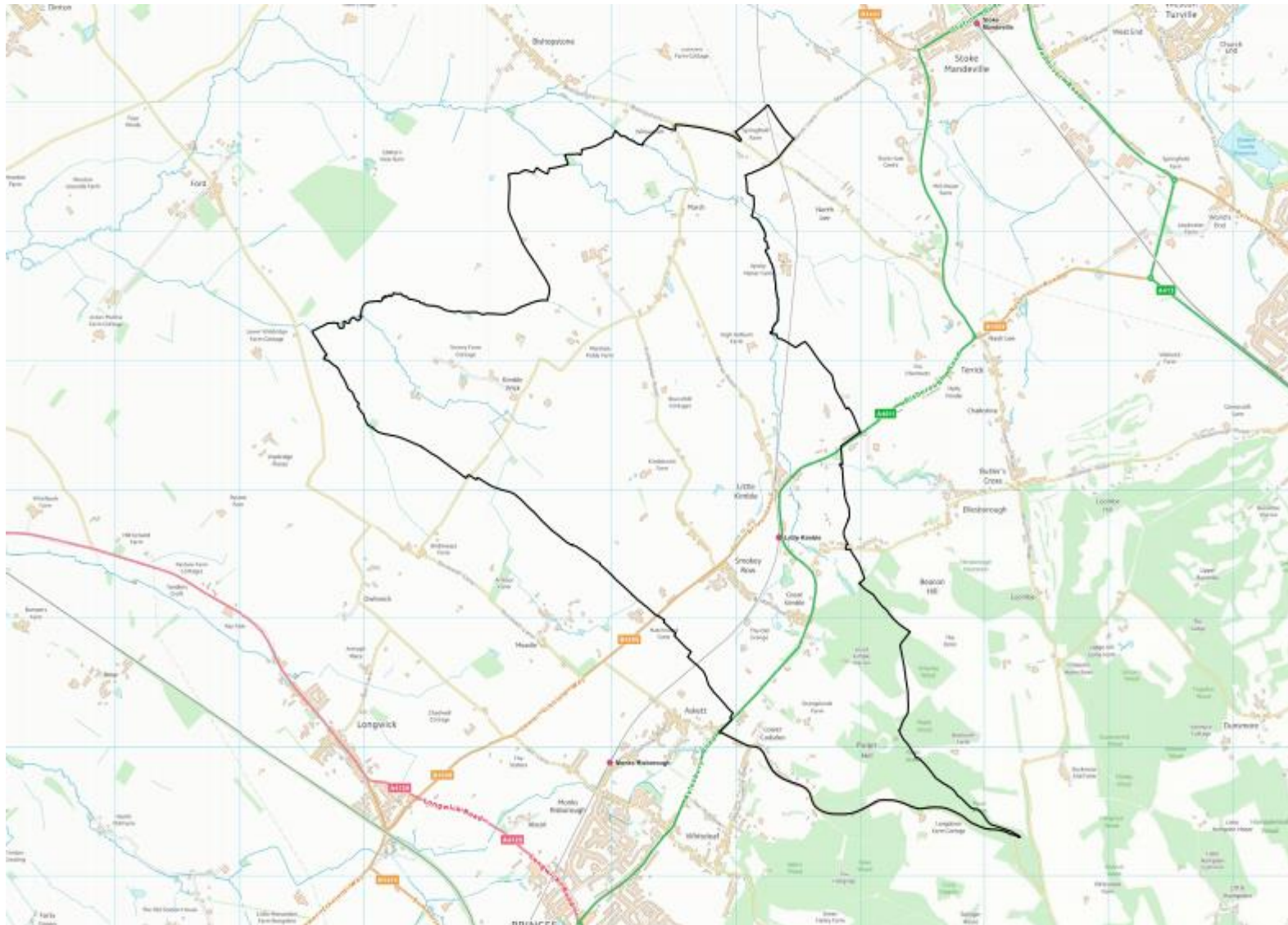
1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish of Great and Little Kimble cum Marsh and which was designated by the District Council on 13 November 2017 (see Plan A overleaf). The Parish Council has consulted the local community, the statutory bodies and other stakeholders throughout the preparation of the Neighbourhood Plan, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2013 to 31 March 2033, which corresponds with the plan period of the adopted Wycombe District Local Plan 2033 ("the new Local Plan").

1.4 The statement addresses each of the 'Basic Conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- the making of the neighbourhood plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan, i.e. the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ("the Habitat Regulations")



Plan A: Designated Neighbourhood Area

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2017. The key driver of this decision was the late addition of a policy (RUR6) in the then emerging new Local Plan, which requires 160 homes to be delivered in the Parish in its plan period to 2033. The policy does not allocate land to meet that requirement but invites a Neighbourhood Plan to come forward making such provision. This scale of housing development, in relation to the existing Parish housing stock of 500 homes, is significant and, having consulted the local community, the Parish Council decided that it needed to respond by accepting the invitation.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council has approved the publication of the Pre-Submission Plan for consultation and now the Submission Plan for its examination.

2.3 The Parish Council has consulted the local community extensively over the duration of the project. It has also worked closely with officers of the District Council to collate and examine the evidence base; to design and iterate policy proposals; and to define the proper relationship between the Neighbourhood Plan and the policies of the new Local Plan. It has also engaged the services of AECOM in respect of preparing the separate Sustainability Appraisal and the necessary information to inform the District Council's Habitats Regulation Assessment of the Neighbourhood Plan.

2.4 The Neighbourhood Plan contains nine land use policies, some of which are defined on the Policies Map. The Plan has deliberately avoided containing policies that unnecessarily duplicate development plan policies or national policies that are used to determine planning applications.

3.CONFORMITY WITH NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The NPPF was first published in 2012 and subsequently revised in July 2018 and in February 2019. In overall terms, there are three NPPF paragraphs (§28 - §30) that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded.

3.2 The Neighbourhood Plan contains non-strategic policies to manage development in the Parish. The Parish Council considers the Neighbourhood Plan positively supports the strategic development needs of the District, as primarily framed by the new Local Plan Policy RUR6 but also its provisions for the strategic housing allocation and infrastructure at nearby Princes Risborough. The Neighbourhood Plan represents a vision, objectives and policies for the Parish that reflect the desires of the majority of the local community for how the villages of Great Kimble (including Smoky Row) and Little Kimble and, to a lesser extent, the hamlets of Clanking, Marsh and Kimblewick, should best seek to accommodate the required scale of housing growth.

3.3 The Parish Council has waited for the District Council to adopt the new Local Plan before submitting its plan for examination and it considers the policies of the Neighbourhood Plan are in general conformity with the strategic policies of the development plan. It acknowledges the physical and policy constraints of the Parish but plans to accommodate development required by strategic policy in the right locations and to be of an appropriate design.

3.4 None of the policies of the Neighbourhood Plan have required a balancing exercise to be undertaken in meeting the basic conditions as none are considered to be inconsistent with national or strategic policy. Importantly, although the strategic policy framework itself does not rule out the Neighbourhood Plan selecting housing sites in the Green Belt or in the AONB, both of which cover parts of the villages, the Parish Council decided at the outset that it would not search for such sites as it is mindful of the considerable weight that the NPPF places on avoiding inappropriate or harmful development in those designated areas,

3.5 In Table A below each Neighbourhood Plan policy is tested for the extent to which it has regard to national policy.

Table A: Neighbourhood Plan & NPPF Summary

No.	Policy Title	Commentary
KIM1	Settlement Boundaries	<p>The definition of the boundaries enables the Neighbourhood Plan to support the delivery of strategic policy (RUR6) of the new Local Plan and to shape and direct development that is outside of these strategic policies (§13). The policy defines boundaries around Great Kimble (including that part known as Smoky Row) and Little Kimble to distinguish between the built up areas and the surrounding countryside to bring clarity and remove ambiguity of place names in the Parish, so it is evident how a decision maker should react to development proposals (§16d).</p> <p>In defining the boundaries, in common with the higher tier, non-Green Belt settlements in the District, the policy directs development to the most sustainable locations (§78) while also acknowledging the importance of the natural (§170) and historic (§185) environment. The boundaries also make provision for the allocations of Policy KIM3 to achieve the identified housing requirement (§65) and for windfall, infill housing schemes and so make a positive contribution to meeting the local supply of housing (§68c). The policy avoids any conflict with the NPPF provisions for the Green Belt (§133 etc) or AONBs (§172) by ensuring that the boundaries do not extend into either of those designated areas. The Local Plan makes policy provision for managing development proposals within the setting of the AONB, so that is not repeated here.</p>
KIM2	Design Principles	<p>'Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development' (§125). The policy seeks to bring 'clarity about design expectations' in the Parish (§126). The specific matters included in the policy 'provide a framework for creating distinctive places' to deliver a 'consistent and high quality standard of design'.</p> <p>When the Parish Council considers planning applications as a consultee, these matters are those that in its experience lead to successful or unsuccessful design outcomes, and so they are 'tailored to the circumstances' in the Parish but 'allow a suitable degree of variety'. The policy responds to the importance of the landscape in the Parish by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside' (§170) as well as 'provide for quality walking and cycling networks' (§104).</p>

KIM3	Housing Site Allocations	<p>'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies' (§13). This policy meets in full the residual housing requirement set out in strategic policy RUR6 which requires 160 homes to be developed in the Parish (with 31 homes having already been built or committed in the plan period) and sets out how the delivery of the allocations will be phased over the full plan period (as per §73).</p> <p>'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay' (§59). All of the five allocated sites are available and offer a variety of land to suit local developers. It responds to 'allocating small and medium-sized sites suitable for housing in their area' (§69) as three of the five allocated sites have a developable area of less than 1 Ha, delivering 44 of the 129 new homes (34%) versus the §68a target of 10%.</p> <p>Two of the proposed site allocations comprise land within or adjoining the gross site area that lies within Flood Zone 2 or 3. In both cases, the policy requires that such land is absent from the developable area in line with §155. In both cases, the land promoters have confirmed that this is possible without undermining the suitability of the land for development or the viability of a development scheme</p> <p>At the 'Call for Sites' stage, the land interests were invited to submit relevant information for the Parish Council to gauge the capacity and suitability of each site. In each of the allocated sites, there has been no need to significantly modify the submitted information. In which case, the Parish Council expects the policy will be welcomed and supported by each land interest, thus demonstrating that the policy provisions are viable in principle at this plan-making stage (§59).</p> <p>However, in one case (Site 15), there is some uncertainty of the precise land take required for the delivery of a road and railway bridge realignment scheme as part of the strategic allocation at Princes Risborough. Approx. one third of the site lies within land that has been safeguarded by Policy PR3 of the new Local Plan, pending the final approval of that scheme. The land promoter has confirmed that this need compromise the viability or deliverability of the scheme as there are options for achieving a successful vehicle access.</p>
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KIM4	Schools	<p>Both of the schools in the Parish lie in the Green Belt and Chilterns AONB. 'The government attaches great importance to Green Belts' (§133) and 'Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty' (§172). On the other hand, 'great weight' is attached to 'the need to create, expand or alter schools through the preparations of plans' (§94).</p> <p>It is possible to balance these competing national policy objectives in favour of the desire to improve the schools by future proposals either demonstrating that their social value ('public benefit') outweighs any harm to the openness of the Green Belt (thus demonstrating the 'very special circumstances' of §144) or being of a nature that accords with an exception set out in clauses (b), (c), (d) or (g) of §145. In addition, provided the scale of the proposals will not have a serious adverse impact on the AONB, then they should only be considered minor development.</p> <p>The policy is therefore intended to encourage proposals that retain and improve the schools, as they are a valued part of the social fabric of the Parish. With additional homes suited to young families planned in the villages it is likely that there will be higher demand for places, which may require improvements. It does so by acknowledging the considerable 'public benefit' of the schools so that this justification may be used if §144 is engaged, but also by restricting the scale of improvements to those that may be consistent with §145 and §172.</p>
KIM5	Landscape Buffer	<p>'Planning policies ... should contribute to and enhance the natural and local environment by ...protecting and enhancing valued landscapes ... recognising the intrinsic character and beauty of the countryside ... in a manner commensurate with their ... identified quality in the development plan' (§170).</p> <p>The new Local Plan (Policy PR5) designates a landscape buffer on land immediately adjoining the Parish boundary to prevent the visual coalescence of the new eastern edge of the town of Princes Risborough with Great Kimble. The policy invites the Neighbourhood Plan to extend the buffer into the Parish as appropriate. The policy therefore recognises this identified quality and seeks to protect this valued landscape. Like PR5, it does not seek to prevent any development as a matter of principle, but rather requires development proposals to avoid the visual coalescence of any part of Great Kimble with the strategic allocation at Princes Risborough. Further, the policy does not unduly constrain the delivery of new development, as the settlement boundaries of Policy KIM1 have made provision for such development of a scale that is in line with strategic policy.</p>

KIM6	Employment	<p>'Planning policies should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings.' (§83). The policy supports proposals to extend or intensify established employment uses and sets out a number of criteria that will ensure proposals are 'well-designed'. The policy also 'promotes an effective use of land' encouraging the use of redundant brownfield land suited to an employment use (§117).</p> <p>The policy also recognises that part of the parish lies in the Green Belt and AONB and requires proposals to accord with national and development plan policies relating to these nationally designated areas.</p>
KIM7	Community & Leisure Uses	<p>'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ... plan positively for the provision and use of shared spaces, community facilities' (§92). The policy is intended to raise the prominence of access to, and to encourage the improvement of, community and leisure facilities in the Parish to serve its growing population.</p>
KIM8	Protecting International Habitats	<p>'To protect and enhance biodiversity and geodiversity, plans should ... safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international ... designated sites of importance for biodiversity'. (§174a)</p> <p>This policy has been included on the advice of the Habitats Regulations Assessment technical report prepared to inform the Neighbourhood Plan. Although entirely in line with the NPPF provisions, the report considered it a necessary duplication of national policy in order to draw specific attention to the importance of the close proximity of the Parish to the Chiltern Beechwoods Special Area of Conservation.</p>
KIM9	Section 106 Agreements	<p>'Plans should set out the contributions expected from development. This should include setting out the levels and types of ... infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan' (§34). This policy sets out the expectations for development in the Parish, which, given its existing limited infrastructure and services, will rely upon that development to invest in upgrading them to maintain the villages as desirable places to live and enjoy. As noted in the supporting text to the policy, the use of these agreements is necessary as additional to the Wycombe Community Infrastructure Levy, as the Levy did not take into account infrastructure improvements in the Parish.</p>

4.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 This condition has been met through the preparation of a separate Sustainability Appraisal. The District Council issued a 'screening opinion' on the need for a Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004. The screening opinion was issued in April 2018 by the District Council, following a consultation period with the statutory bodies, as per those Regulations. The opinion concludes that there is the potential for significant environmental effects to arise as a result of the proposed Neighbourhood Plan and as such, the Neighbourhood Plan does require a full SEA to be undertaken. The opinion also stated:

“WDC also advises that the Neighbourhood Plan should prepare a Sustainability Appraisal in order to comply with the Government’s requirement that the NP demonstrate how it contributes to the achievement of sustainable development in their area. This appraisal should take a ‘light-touch’ proportionate approach to the Neighbourhood Plan. The approach is framed to enable SEA to be incorporated, as good practice now recommends. It is therefore recommended that the NP steering group prepare its SA (incorporating SEA) as advocated by the Council, giving special consideration to the aspects outlined in the assessment above: namely, the impacts on flood risk and visual impact.”

4.2 The Parish Council therefore commissioned from AECOM, via the Neighbourhood Plan Support programme, an SEA incorporated within a wider Sustainability Appraisal. The report concludes that the Neighbourhood Plan is likely to lead to significant positive community and health/well-being effects and capitalises on opportunities to improve local connectivity to public transport services. It also notes that there will be some adverse effects given the loss of some 'best and most versatile' agricultural land. The recommendations made at the draft SA stage – that the plan includes specific reference to heritage assets to reinforce policies CP9 and CP11 of the new Local Plan and encourages better sustainable transport links to Princes Risborough – have been incorporated into the final version of the plan (in its policies KIM2 and KIM9 respectively).

5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the new Local Plan adopted in August 2019 and a small number of saved policies from the Delivery & Site Allocations Plan (D&SAP) adopted in 2013.

5.2 The new Local Plan defines the Parish as a Tier 4 Settlement (other service villages) in the settlement hierarchy of the District. Most importantly, it contains a specific policy for the Parish, Policy RUR6, which sets out a requirement for the villages of Great Kimble and Little Kimble to deliver up to 160 homes in the plan period and it invites a Neighbourhood Plan to come forward to make such provision. It also contains major development proposals to expand the town of Prince Risborough, a short distance to the south west of the Parish, which include provision for a new relief road and upgraded B4009 through the Parish. This combination of proposals requires a scale of new development in the Parish that is unprecedented in recent years.

5.3 The Parish Council has taken a positive approach to these proposals and accepted the invitation of the District Council to bring forward a Neighbourhood Plan to serve this and other purposes. As all the Plan policies are considered to be in general conformity with all the relevant strategic policies of the new Local Plan, none have required a balancing exercise to be undertaken to weigh one strategic policy requirement against another.

5.4 An assessment of the general conformity of each policy with the current development plan (new Local Plan – WLP and D&SAP) is contained in Table C below.

Table C: Neighbourhood Plan & Development Plan Conformity Summary

No.	Policy Title & Refs	Commentary
KIM1	Settlement Boundaries	<p><i>'The Council will direct development within the District in the following way:....Tier 3 and 4: Higher Order and Other Service Villages through ... Development within the settlement boundary as identified on the policies map ... Limited development at specific villages beyond the Green Belt ... Outside of these areas and settlements, development will be restricted to that which is appropriate in a rural area' (WLP CP3).</i></p> <p><i>'Housing will be supported at ... a) Windfall sites within settlement boundaries as shown on the policies map or in accordance with a made Neighbourhood Plan.'</i> (WLP DM21).</p> <p><i>The Council requires 160 homes to be developed in the Parish of Great and Little Kimble-cum-Marsh over the Plan period. A Neighbourhood Plan will determine the distribution of development across the Parish and allocate specific sites.'</i> (WLP RUR6).</p> <p>The policy is consistent with the newly adopted spatial policy for Tier 4 settlements. The District Council accepts the use of settlement boundaries on Policies Maps to distinguish between areas where development may be acceptable to rural areas where development will be restricted. The policy does not attempt to revise the ways in which development plan policies apply to areas inside settlement boundaries or rural areas. The boundaries have been drawn using the same conventions as the District Council and accommodate the housing site allocations of Policy KIM2.</p>
KIM2	Design Principles	<p><i>'The Green Infrastructure Network will be conserved and enhanced, paying special attention to the conservation and enhancement of biodiversity, recreation and non-motorised access' (D&SAP DM11).</i></p> <p><i>'The Council will deliver a distinctive high quality sense of place within the District through ... Conserving the natural and historic environment and implementing measures for their enhancement ... Requiring development to achieve a high quality of design which contributes positively to making places better for people and which takes the opportunities available for improving the character and quality of an area and the way it functions;'</i> (WLP CP9).</p>

		<p><i>'The Council will promote the conservation and enhancement of the natural environment and green infrastructure of the District through ... Conserving, protecting and enhancing the Chilterns Area of Outstanding Natural Beauty and other natural environmental assets of local, national and international importance by ... Protecting them from harmful development through development management policies ... including the protection of biodiversity and landscape designations and landscape character-based approach to considering proposals' (WLP CP10).</i></p> <p><i>'All development is required to improve the character of the area and the way it functions ... Development is required to evidence a thorough and holistic understanding of the functions, qualities, and character of the proposed development's natural and built context and demonstrate a positive response to this context ...Where the scale of development in its context provides the opportunity to do so, development will also be required to provide a robust and legible network of connected green infrastructure, streets and other spaces which is integrated both within and beyond the site ... Streets and off-site highway improvements should be designed to strike an appropriate balance between all of the five principle functions of a street: place, movement, access, parking, and utilities.'</i> (WLP DM35).</p> <p>The policy refines DM35 by emphasising specific design principles that are relevant to defining the character of the Parish in respect of its landscape, heritage and green infrastructure. The principles have been derived from an analysis by the project steering group of the key building and landscape features of the villages, of the spaces between them and of their wider landscape setting.</p>
KIM3	Housing Site Allocations	<p><i>'1. The Council requires 160 homes to be developed in the Parish of Great and Little Kimble-cum-Marsh over the Plan period.</i></p> <p><i>2. A Neighbourhood Plan will determine the distribution of development across the Parish, and allocate specific sites. In the absence of a Neighbourhood Plan, development will be required to:</i></p> <ul style="list-style-type: none"> <i>a) Be delivered over the lifetime of the Local Plan;</i> <i>b) Provide up to a maximum of 160 homes on a range of small sites within or adjacent to the villages of Great Kimble (Smokey Row), Little Kimble, including a small allowance for windfall sites in villages such as Marsh and Kimblewick;</i> <i>c) Select sites based on an appraisal of local issues, including an assessment of the capacity of the landscape to:</i> <ul style="list-style-type: none"> <i>i. Accommodate development without having a major impact on the setting of the Chilterns Area of Outstanding Natural Beauty;</i> <i>ii. Contribute to the provision of sustainable transport schemes.</i>

		<p>3. <i>Proposals for large scale developments will not be permitted.</i></p> <p>4. <i>Development proposals or allocations will not be permitted which would:</i></p> <p>a) <i>Prejudice the delivery of infrastructure improvements required for the expansion of Princes Risborough.'</i> (WLP RUR6).</p> <p>The policy allocates 5 sites to deliver approx. 135 homes in addition to those homes already built or committed in the plan period to achieve the target set by Policy RUR6. Each of the sites meets the locational and other requirements of the policy (as set out in the separate Site Assessment Report) and has been assessed by the SEA as being amongst the most sustainable of all the qualifying sites made available for development. Each allocation policy includes a set of key development principles to comply with the design principles of CP9 and CP10.</p> <p>In addition, the policy responds to clause 2(a) of RUR6 in relation to phasing by seeking to manage an even delivery of the sites over the full plan period. This is necessary, as all of the sites are available now, but some have not been as actively promoted as others.</p> <p>There are a number of development management policy provisions of the new Local Plan and Delivery & Sites Allocations DPD that will apply to these site allocations as a matter of course. However, the assessment process (including the separate Sustainability Appraisal) has examined if there are harmful development effects that cannot be avoided or satisfactorily mitigated, so that this is not left to the planning application stage. Each allocation therefore highlights specific mitigation measures (e.g. landscaping, flood risk management) – none are considered to be incapable of meeting those requirements.</p> <p>The supporting text notes that Site 15 is affected by Policy PR3, which safeguards land for the realignment of Grove lane and the railway bridge. A final scheme has not yet been approved but a recent iteration indicated that none of the site would be required. The policy therefore makes requires a future planning application to be made once the scheme design has been finalised.</p>
KIM4	Schools	<p><i>'Development which cannot be adequately served by existing built facilities is required to provide sufficient additional built facilities as are needed to meet the needs of future occupants. This assessment shall take account of the capacity and accessibility of existing facilities. In assessing capacity, first priority will be given to allocated and committed growth in the area.'</i> (WLP DM32).</p> <p><i>'These uses enhance the sustainability of communities and residential environments and the presumption is therefore that they should be retained.'</i> (WLP §6.87).</p>

		The policy recognises the social value of schools and refines DM35 in supporting the expansion of schools in the parish where they accord with national and development policy for the Green Belt and Chiltern AONB due to the schools' locations in these designated areas.
KIM5	Landscape Buffer	<p><i>'It is expected that the Neighbourhood Plan will wish to define the northern edge of the strategic buffer to Princes Risborough. In the Local Plan the northern edge is defined as the Parish Boundary.'</i> (WLP §5.5.42).</p> <p>As invited by the WLP, the policy defines the extent of the landscape buffer to Princes Risborough to prevent the visual coalescence of the expanding town with Little Kimble (Smoky Row). The defined area follows the clear physical boundaries on its three edges and up to the Parish Boundary that adjoins the WLP (Policy PR5) buffer proposal.</p>
KIM6	Employment	<p><i>'1. Planning permission will be granted on scattered business sites where the proposed development:</i></p> <ul style="list-style-type: none"> <i>a) falls within the B1, B2, and B8 use classes of the use classes order, or,</i> <i>b) is for uses that deliver economic development such as employment generating sui generis uses, community facilities or main town centre uses (as defined by National Policy), and,</i> <i>c) where the site is not within an existing centre, but the use is a main town centre use, the requirements of the tests set out in National Policy have been met, and,</i> <i>d) would not be detrimental to and is compatible with surrounding land uses...'</i> (D&SAP DM5) <p>The policy is consistent with, and refines, this strategic policy to address specific concerns in the Parish.</p>
KIM7	Community & Leisure Uses	<p><i>'Development which cannot be adequately served by existing built facilities is required to provide sufficient additional built facilities as are needed to meet the needs of future occupants ... Land or buildings currently or last occupied for community use must be retained ...'</i> (WLP DM29)</p> <p>The policy complements the direction given by DM29 in encouraging proposals to improve the quality and capacity of local facilities to serve the planned growth in local population.</p>

KIM8	Protecting International Habitats	<p><i>'The highest level of protection will be given to sites and species of international and national Importance'</i> (D&SAP DM13)</p> <p><i>'The Council will promote the conservation and enhancement of the natural environment and green infrastructure of the District through ... conserving, protecting and enhancing ... natural environmental assets of ... international importance'</i> (WLP CP10)</p> <p>This policy has been included on the advice of the Habitats Regulations Assessment technical report prepared to inform the Neighbourhood Plan. Although entirely in line with the provisions of both of the above policies, the report considered it a necessary duplication of strategic policy in order to draw specific attention to the importance of the close proximity of the Parish to the Chiltern Beechwoods Special Area of Conservation.</p>
KIM9	Section 106 Agreements	<p><i>'Where justified, development will be required to provide or contribute towards delivering the key infrastructure requirements for the District including ... new road infrastructure and public transport to support growth at Princes Risborough ... provision of new community facilities and improving land in community use ... Improved walking and cycling provision (and) ... facilities that promote healthy living'</i> (WLP CP7)</p> <p>This policy responds to the direction set by CP7 and complements the provisions of Wycombe's Community Infrastructure Levy. With pooling restrictions now rescinded, the policy seeks to secure financial contributions to essential improvements to highways, public transport services, footpaths, public open spaces and community facilities.</p>

6. COMPATABILITY WITH EU LEGISLATION

6.1 As set out in Section 4 above, the Parish Council has met its obligations in relation to the EU Directive on the requirement of a Strategic Environmental Assessment (SEA).

6.2 In the same report, in relation to the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017, the District Council states:

“The LP HRA sets out that as the Kimble allocations were not set at the time of undertaking the local plan HRA, a specific HRA ... may be required for Kimble, under Article 6 or 7 of the Habitats Directive. The need for an HRA screening, and its scope and geographical extent, should be confirmed by Natural England as statutory consultee under the Directive.”

6.3 Since then an updated Habitats Regulations Assessment (HRA) of the adopted Local Plan Policy RUR6 has screened out any likely significant effects of the policy on the Chilterns Beechwoods Special Area of Conservation (SAC). The Parish Council has also commissioned a Habitat Regulations Assessment technical report (in line with Reg 106 of the 2017 Habitat Regulations) to inform the Neighbourhood Plan policy provisions. The report has informed the screening and appropriate assessment of the Neighbourhood Plan by the District Council (as the ‘competent authority’), in liaison with Natural England (as per Reg 105 of the above).

6.4 A draft assessment of the provisions of the Pre-Submission plan recommended some modifications for submission, which have been made, notably in respect of adding Policy KIM8 on International Habitats. As a result, in a letter of 28 June 2019 (published separately), the District Council concluded that it is:

“satisfied that the HRA, as included as part of the pre-submission evidence base, provides the information required by the Council for the assessment, under regulation 105 of the Conservation of Habitats and Species Regulations 2017. It is agreed that no adverse effects on the integrity of the Chilterns Beechwoods SAC would arise either alone or in combination with other projects or plans as a result of the inclusion of the policies and sites set out in the Kimble Neighbourhood Plan.”

6.5 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act.