

Whissendine Basic Conditions Statement

April 2023



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1 Introduction

1.1 Purpose of the Report

This is a Basic Conditions Statement, prepared to accompany the submission of the WHISSENDINE Parish Neighbourhood Development Plan.

The statement explains how the WHISSENDINE Parish Neighbourhood Development Plan meets the basic conditions and other legal requirements.

2 Meeting Legal Requirements

2.1 The Basic Conditions

The basic conditions that neighbourhood plans must meet are as follows:

- must be appropriate having regard to national policy.
- must contribute to the achievement of sustainable development.
- must be in general conformity with the strategic policies in the development plan for the local area; and
- must be compatible with EU obligations.

In addition, the plan must meet requirements of human rights law.

Regulations specify an additional basic condition that a plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.

The following chapters of this statement deal with the basic conditions in more detail.

2.2 General Legal Requirements

Qualifying Body

The draft plan proposal is being submitted by WHISSENDINE Parish Council, which is the qualifying body.

The Neighbourhood Development Plan

The draft plan proposal relates to 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), Planning and Compulsory Purchase Act 2004 (as amended) and the Neighbourhood Planning Regulations 2012 (as amended). Basic conditions are set out in paragraph 8 (2) of schedule to the Town and Country Planning Act 1990

Period of Effect

The draft plan proposal states the period for which it is to have effect is from the day it is made to the end of 31st December 2035.

Excluded Development

The draft plan proposal does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

Neighbourhood Area

The draft plan proposal relates to the WHISSENDINE Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to the WHISSENDINE Neighbourhood Area.

3 SUSTAINABLE DEVELOPMENT

3.1 Dimensions of Sustainable Development

The National Planning Policy Framework (NPPF) 2021 states that sustainable development has economic, social and environmental dimensions.

The draft plan proposal takes a balanced approach to enabling growth, but also considering economic, social and environmental sustainability.

3.2 Delivering Growth

The draft plan proposal seeks to deliver growth through the following means:

Site Allocations: The plan supports and identifies where housing development is sustainable (Policy WH1).

Meeting Local Need: Policy WH1 identifies the village settlement boundaries as sustainable locations for housing development and outlying brownfield sites. Policy HSG2 identifies the housing mix, including priority tenures to meet local need.

Effective Growth: The plan recognises that growth depends on the achievement of good design (Policies WH 2, WH3 & WH4).

Transport Provision: The plan requires a balanced range of transport provision.

Employment: The plan supports the provision of new and expanded employment and community facilities (Policies WH3).

3.3 Ensuring Growth is Sustainable

The draft plan proposal addresses sustainability in the following ways:

Housing Mix and Standards: The plan requires affordable housing to be delivered locally and sets other requirements for new housing, including giving priority to the needs of pedestrians and cyclists including links to surrounding path networks and open spaces and providing secure and covered cycle storage facilities (Policies WH 1).

Natural Environment: The plan protects the natural environment and identifies local natural features of particular value (Policy WH 5).

Local Green Space: The plan designates and protects spaces of special community value Local Green Spaces (Policy WH 5).

Impacts of Drainage: The designates that surface water drainage from new developments should have no adverse impact (Policy WH 7).

Sustainable Design and Character: The importance of design to achieving sustainable growth is recognised and specific aspects of sustainable design are set out (Policy DES1). Local character is also addressed (Policies DES3 and DES4).

Heritage: The plan identifies key heritage settings, adding a local dimension to national policy on heritage (Policy WH2, WH4,WH5 & WH 6).

Sustainable Transport: The plan requires sustainable forms of transport to be considered and highlights critical junction congestion points on the highway network for infrastructure improvements, (Policy WH 1 & WH 2).

3.4 Achieving Sustainable Development

The combination of policies enabling growth and those addressing economic, social and environmental sustainability mean that the plan will help to achieve sustainable development. This takes account of the needs of current and future generations (WH 4).

4 NATIONAL POLICY AND GUIDANCE

4.1 Having Regard to National Policy and Guidance

The draft plan proposal has had regard to the National Planning Policy Framework July 2021 (NPPF) and Planning Practice Guidance (PPG).

The central theme of the NPPF is the presumption in favour of sustainable development. Three overarching objectives are stated for achieving sustainable development in Paragraph 8:

- a) an economic objective ...
- b) a social objective ...
- c) an environmental objective ...

Paragraph 9 states:

The WHISSENDINE Neighbourhood Development draft plan proposal has the following overall vision and aims:

A vision that In 2035 WHISSENDINE Parish, will still be a tranquil, safe environment with a strong community spirit whilst keeping the individuality of four separate villages all with their own historical feel.

WHISSENDINE Parish remains a parish with a distinct identity sitting in a rural setting.

Development has served to improve access to the countryside surrounding WHISSENDINE Parish, which itself is protected from inappropriate development. This means that more WHISSENDINE Parish residents can continue to enjoy the countryside.

Achieved by the following aims: -

- **To ensure that development is well-designed, sustainable and contributes to the locally-distinctive character and sense of place.**
- **To maintain and support more sustainable live/work patterns, maintaining a range of local facilities and opportunities for flexible working.**
- **To maintain and enhance quality of life and opportunity for the local community.**
- **To preserve or enhance Whissendine's historic and rural environments.**
- **To take action to reduce the effects of climate change (relating to development and land use) and mitigate locally any potential impacts, including surface water and pluvial flooding.**

The neighbourhood development draft plan is based on a range of evidence, in line with planning practice guidance. This includes evidence on housing need, the natural and historic environments, transport, flood risk, and other economic, social and environmental factors.

4.2 NPPF Policy Areas

NPPF Aims and Policies	WHISSENDINE Parish Development draft Plan Aims	WHISSENDINE Parish Development draft Plan Policies
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<p>Delivering a sufficient supply of homes</p> <p><i>“... 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 ...</i></p> <p><i>... that the needs of groups with specific housing requirements are addressed ...”</i></p>	<p>Aim set out for Housing</p>	<p>Policies WH1 deal with housing mix and standards to meet local need.</p>
<p>Building a strong, competitive Economy</p> <p><i>“planning policies should ... set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth...”</i></p> <p>This includes consideration of economic and investment strategy, infrastructure, and flexibility to changing practices.</p>	<p>Aims set out for Business and Leisure and Recreation</p>	<p>Policies WH3 support new and expanded employment and community facilities. WH2 & WH 5 focuses on community facilities.</p>
<p>Promoting healthy and safe Communities</p> <p><i>“planning policies and decisions should aim to achieve healthy, inclusive and safe places ...”</i></p> <p>This includes consideration of social interaction, safety and accessibility, healthy lifestyles.</p>	<p>Aims set out for, Business, Leisure and Recreation and Design and Heritage</p>	<p>Policies WH3 support new and expanded employment. WH 2 & WH5 focuses on community facilities.</p> <p>Policy WH 4 deals with safety and accessibility in design.</p>
<p>Chapter 9. Promoting sustainable transport</p> <p><i>“transport issues should be considered from the earliest stages of plan-making and development proposals ...”</i></p> <p>This includes consideration of impacts of development, existing and proposed infrastructure, promotion of walking, cycling, and public transport, environmental impacts, and movement, streets, and parking in the design of schemes.</p>	<p>Aims set out for Transport and Design and Heritage</p>	<p>Policies WH8 deal with sustainable transport and accessibility, including supporting walking, cycling and public transport</p> <p>Policy WH8 deals with impact of developments on existing infrastructure and proposed infrastructure</p>

<p>Chapter 11. Making effective use of land</p> <p><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 and ensuring safe and healthy living conditions ...”</i></p> <p>This includes promotion of mixed use to achieve environmental net-gain, using</p>	<p>Aims set out for Housing, Business, Leisure and Recreation, Environment and Design and Heritage</p>	<p>Policy WH1 housing development including brownfield sites.</p> <p>Policy WH3 & WH4 support employment through change of use and mixed use in existing built locations</p>
<p>undeveloped land for alternative uses, using brownfield land and under utilized land and buildings, use of airspace.</p>		<p>Policy WH2 supports new community facilities</p>
<p>Chapter 12. Achieving well-designed places</p> <p><i>“plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable ...”</i></p> <p><i>... Neighbourhood Planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and engaging in the production of design policy, guidance and codes by local planning authorities and developers ...”.</i></p> <p>This includes consideration of function, attractiveness, character, sense of place, optimising potential, safety, inclusivity, accessibility.</p>	<p>Aims set out for Housing and Design and Heritage</p>	<p>Policy WH1 deals with encroachment of residential developments.</p> <p>Policies WH4 provide details of design expectations for new developments Policy WH4, WH5 & WH6 includes reference to special qualities of specific areas</p>
<p>Chapter 14. Meeting the challenge of climate change, flooding and coastal change</p> <p><i>“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change ...”</i></p> <p>This includes consideration of flood risk, resilience to climate change, and promoting a low carbon economy.</p>	<p>Aims set out for Transport and Design and Heritage</p>	<p>Sustainable design is addressed in Policy WH4</p> <p>Balanced and sustainable transport provision is required and provision of secure cycle storage in policy WH8</p>

<p>Chapter 15. Conserving and enhancing the natural environment</p> <p><i>“planning policies and decisions should contribute to and enhance the natural and local environment ...”</i></p> <p>This includes consideration of protection of valued landscapes, intrinsic character, biodiversity net-gain, pollution, mitigation.</p>	<p>Aims set out for Leisure and Recreation, Environment and Design and Heritage</p>	<p>Policy WH2, WH5 & WH6 relates directly to the protection of the natural environment, adding a local dimension.</p>
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<p>Chapter 16. Conserving and enhancing the historic environment</p> <p><i>“plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats ...”</i></p> <p>This includes consideration of sustaining or enhancing heritage assets, wider social, economic and cultural benefits, contribution of new development, and character of place.</p>	<p>Aims set out for Business and Design and Heritage</p>	<p>Policy WH1, WH3 & WH6: deals with heritage-led regeneration</p> <p>Policy WH5 & WH6 provides a local dimension to heritage policy, including identification of key settings.</p> <p>Policy WH1 & WH4 deals with design and local character.</p>
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5 LOCAL POLICY

5.1 Strategic Policies

Neighbourhood Plans should be tested against adopted strategic local policies. RCC advised the following policies are considered strategic for the purpose of preparing the Basic Conditions Statement.

The relevant strategic policies in adopted local plan: : Core Strategy Development Plan Document (July 2011) and the Site Allocations and Policies Development Plan Document (October 2014). for the purpose of meeting the basic conditions are:

RCC Strategic Policies	Justification
CS2 - The Spatial Strategy for Development	Strategic to deliver development strategy of the Local Plan
CS3 – The Settlement Hierarchy	Strategic to deliver development strategy of the Local Plan
CS4 – The location of development	Strategic to deliver development strategy of the Local Plan
CS9 - Provision and distribution of new housing	Strategic to deliver development strategy of the Local Plan
CS11 - Affordable housing	Strategic to deliver development strategy of the Local Plan
CS19 – Promoting good design	Strategic to deliver development strategy of the Local Plan
CS22 - The historic and cultural environment	Strategic to deliver development strategy of the Local Plan
SP5 - Built development in the towns and villages	Strategic to deliver development strategy of the Local Plan
SP6 - Housing in the countryside	Strategic to deliver development strategy of the Local Plan
SP7 – Non-residential development in the countryside	Strategic to deliver development strategy of the Local Plan
SP9 - Affordable housing	Strategic to deliver development strategy of the Local Plan
SP14 - Telecommunications and high-speed broadband	Strategic to deliver development strategy of the Local Plan
SP15 – Design and amenity	Strategic to deliver development strategy of the Local Plan
SP22 - Provision of new open space	Strategic to deliver development strategy of the Local Plan

5.2 General Conformity

It should be noted that general conformity relates to the policies of the neighbourhood plan taken as a whole, considered against the strategic local policies taken as a whole.

The draft plan proposal has been drafted against the context of strategic local policies and taken as a whole, does not undermine and helps to deliver the spatial strategy of the adopted Local Plan.

5.3 Policy Comparison

The WHISSENDINE Neighbourhood Development Plan policies have been drafted to complement and add local character and other detail to the corresponding Local Plan Policies. The following table maps together corresponding policies.

Rutland County Council Strategic Policies.- Core Strategy Development Plan Document (July 2011) and the Site Allocations and Policies Development Plan Document (October 2014).	WHISSENDINE Parish Neighbourhood Development draft Plan Policies
CS2 - The Spatial Strategy for Development	Whissendine is identified as a larger village. Policy WH 1 , together with sites granted planning permission, would already meet the identified housing need.

CS3 – The Settlement Hierarchy	Policy WH 1 complements Policy CS3.
CS4 – The location of development	Policies WH 1, WH2 and WH3 complement and support the distribution of development and location within the Neighbourhood Area.
CS9 - Provision and distribution of new housing	Policy WH 1 supports Policy CS9 identifying sustainable locations for new residential development and informing the type and mix of homes needed in the Plan period.
CS11 - Affordable housing	Policy WH1 seeks to shape the way in which affordable housing is provided, to meet the parish's needs, but does not seek to modify thresholds or proportions.
CS19 – Promoting good design	Policy WH 4 addresses design and amenity in a more comprehensive way, against the context of climate change, and taking account of the National Design Guide. Policy WH8 addresses infrastructure that promotes active travel as part of design.
CS22 - The historic and cultural environment	Policy WH 5 deals with historic character, focused on the parish. Policy WH6 safeguards the Whissendine Windmill as a functioning heritage asset.
SP5 - Built development in the towns and villages	Policy WH 1 complements the policy with development within the Planned Limits of Development.
SP6 - Housing in the countryside	Policy WH 1 supports the policy requirement of redevelopment and re-use of buildings for residential use.
SP7 – Non-residential development in the countryside	Policy WH 3 complements the policy setting clear requirements to support existing employment sites and conversion of buildings for employment E Use Class.
SP9 - Affordable housing	Policy WH1 seeks to shape the way in which affordable housing is provided, to meet the parish's needs, but does not seek to modify thresholds or proportions.
SP14 - Telecommunications and high-speed broadband	Policy WH 1 and WH3 support the provision of super-fast broadband connectivity as part of new development.
SP15 – Design and amenity	<p>Policy WH 4 addresses design and amenity in a more comprehensive way, against the context of climate change, and taking account of the National Design Guide. Policy WH8 addresses infrastructure that promotes active travel as part of design.</p> <p>Policy WH5 deals with the natural environment including features such as trees and hedges.</p>

	<p>Policy WH7 deals with surface water and flooding to ensure climate resilient development.</p> <p>Policy WH8 deals with infrastructure supporting active travel and creating secure covered cycle storage as part of new development.</p>
SP22 - Provision of new open space	Policy WH 3 seeks to protect community facilities including outdoor sports provision

6. EU OBLIGATIONS AND HUMAN RIGHTS

6.1 Strategic Environmental Assessment

The plan has been screened for Strategic Environmental Assessment (SEA). This included consultation with national statutory bodies. Natural England, the Environment Agency and Historic England responded and indicated that the plan would not have significant environmental impacts or affect a European site.

In the conclusions section of the SEA report paragraph 6.2 states – It is considered that the WHISSENDINE Neighbourhood Development Plan is unlikely to lead to any significant environmental effects beyond those already assessed through the environmental assessments (SEA/SA and HRA) of the Rutland Local Plan (that is under development)

In line with regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, it is therefore considered that no further environmental assessment is required. Appendix 1 includes a copy of the screening report and forms part of the draft plan submission.

6.2 Habitat Regulations Assessment

The plan has been screened for Habitat Regulation Assessment (HRA).

As a result of the assessment carried section 4 of the screening assessment concluded in paragraph 6.3 that it is considered unlikely that any significant environmental effects will occur as a result of implementation of policies and proposals set out in the draft WHISSENDINE Neighbourhood Development Plan. Natural England have been consulted on the report and agree with these conclusions.

HRA Stage 1 Screening Outcome – paragraph 6.4 states that the WHISSENDINE Neighbourhood Development plan does not require further HRA work to be undertaken.

Appendix 1 includes a copy of the screening report and forms part of the draft plan submission.

6.3 EU Obligations

Given the above screening outcomes, which take account of the responses of national statutory bodies, the draft plan proposal meets the basic conditions relating to not breaching EU obligations and Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.4 Human Rights

The draft plan proposal is a result of extensive engagement with the local community and stakeholders, from the earliest stages of the process. This has informed the content of the draft plan. Further details can be found in the Consultation Statement.

An equalities assessment is included at Appendix 2. This indicates that the plan would have positive impacts for people with protected characteristics. The draft plan proposal meets human rights requirements.

Appendix 1 - Screening Outcomes

I. Appendix - Strategic Environmental Assessment

The following is an extract from the WHISSENDINE Parish Strategic Environmental Assessment Screening Report October 2022.



Rutland
County Council

Whissendine Neighbourhood Plan
The Environmental Assessment of Plans and Programmes Regulations 2004
Screening determination notice under Regulation 9(1)

Regulation 9 of the above regulations requires Rutland County Council (the 'responsible authority') to determine whether the Whissendine Neighbourhood Plan is likely to have significant environmental effects.

Rutland County Council, following consultation with the Environment Agency, Natural England and Historic England, has determined that the Whissendine Neighbourhood Plan is not likely to have significant environmental effects and therefore, a Strategic Environmental Assessment (SEA) is not required.

This notice fulfils the publicity requirements in accordance with Regulations 11(1) and 11(2).

A copy of this determination notice and the associated screening report will be available on the council's website (Neighbourhood Planning webpage) or can be viewed during normal opening hours at:

Rutland County Council
Catmose House
Catmos Street

II. Appendix - Habitat Regulations Assessment

The following is an extract from the WHISSENDINE Parish Habitat Regulation Assessment Report October 2022.

Whissendine
Neighbourhood Plan

**Sustainability Appraisal/
Strategic Environmental Assessment
&
Habitat Regulations Assessment**

Screening Report



September 2022

Full report can be viewed on the following link: <https://whissendine-neighbourhood-plan.uk/>

Appendix 2 - Equalities Assessment

- I. Legal Requirements
- II. WHISSENDINE Parish General Population Characteristics
- III. Impacts on Protected Characteristics
- IV. Conclusion

Equalities Assessment

I. Legal Requirements

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not. Protected characteristics are defined in the Equality Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An Equalities Assessment is a systematic analysis of a policy or policies in order to scrutinise the potential for an adverse impact on a particular group or community, in particularly those with a protected characteristic. An assessment has been made on whether the WHISSENDINE Parish Neighbourhood Development Draft Plan has a positive, negative or neutral impact on each of the protected characteristics. If the impact is negative, this is given a high, medium or low assessment. The following describes these:

Impact Description High A significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.

Impact Description Medium Some potential impact exists, some mitigating measures are in place, poor evidence.

Impact Description Low Almost no relevancy to the process, e.g., an area that is very much legislation led.

II. Whissendine Parish General Population Characteristics

These may be sourced in detail in the report which covers the characteristics of people and households in WHISSENDINE Parish in Rutland. Figures are sourced from the 2021 Census key statistics (link below)

Households in - Area	2021
Rutland	16,696
Whissendine	535

Whissendine population by Age ONS – Census 2021

Category	Whissendine	England	Unit
Population	1200	56490000	people
Aged 0 to 4	3.4	5.4	%
Aged 5 to 9	3.9	5.9	%
Aged 10 to 14	4.5	6	%
Aged 15 to 19	4.9	5.7	%
Aged 20 to 24	4.4	6	%
Aged 25 to 29	3.4	6.6	%
Aged 30 to 34	3.8	7	%
Aged 35 to 39	3.2	6.7	%
Aged 40 to 44	4.7	6.3	%
Aged 45 to 49	5	6.4	%
Aged 50 to 54	9.9	6.9	%
Aged 55 to 59	9.7	6.7	%
Aged 60 to 64	8.2	5.8	%
Aged 65 to 69	7.9	4.9	%
Aged 70 to 74	10.1	5	%
Aged 75 to 79	6.1	3.6	%
Aged 80 to 84	3.8	2.5	%
Aged 85 and over	3	2.4	%

Ethnic data table from 2021 census provided by NOMIS data Feb 2023

Whissendine population by Ethnic Origin; ONS – Census 2021

Category	Whissendine	England	Unit
Population	1200	56490000	people
Asian, Asian British or Asian Welsh	0.9	9.6	%
Black, Black British, Black Welsh, Caribbean or African	0.2	4.2	%
Mixed or Multiple ethnic groups	0.1	3	%
White	98.7	81	%
Other ethnic group	0.2	2.2	%

III. Impact on Protected Characteristics

- **Age:** The plan seeks to accommodate housing need and growth (Policies WH 1). This will help to ensure that housing provision caters for all ages, including younger people seeking housing for the first time, and older people looking to downsize by requiring that housing proposals properly address identified local needs. This provides opportunity for employment to a range of people and provides services at the centre of WHISSENDINE village, accessible to the immediate and wider community. Policies WH3, encourages a range of uses to support the sustainability of the community across the whole parish. Policy WH4 requires good design, including for people of a range of mobility's. The impact on all ages will be positive.
- **Disability:** The needs of persons who are disabled or who have limited mobility are addressed in Policies WH1 & WH4, which seek to create a well-designed and accessible environment. Policy HSG2 requires new housing to meet identified local needs, Policies WH1, WH2, WH3 & WH4 will help to enable local employment, and Policies WH2, WH5 & WH6, will enable improvement to the local environment. Policy WH8 will encourage the provision and improved infrastructure to support improved public transport services or access too. The impact on people with disabilities will be positive.
- **Race:** A very small proportion of the population of WHISSENDINE parish are from non-white ethnic groups. For the most part, the plan will have an equal impact on the local population regardless of race. A public realm designed with safety and accessibility in mind will minimise opportunities for hate crime (there is no evidence that this is a problem in the Neighbourhood Area). Policy WH4 seeks to create well designed development, which includes safety considerations. The impact will be positive on people of all races.
- **Maternity and Pregnancy:** Maternity has implications for numerous factors, including ease of movement, changing housing needs, and access to local facilities. Policy WH1 addresses housing requirements and local community facilities in policies WH2 and WH3. Movement and active travel are addressed in WH4 and WH8.
- **Sex (Gender):** The Neighbourhood Development draft Plan contains no specific policies or proposals for any particular gender. The policies have been written to provide equal opportunity to any gender in respect of the provision of development and access to facilities. No gender is disadvantaged by any of the policies and proposals in the Neighbourhood Development draft Plan. People will benefit equally from the implementation of the Neighbourhood Development draft Plan. This includes people with prams or pushchairs. The impact will be positive for all genders.
- **Religion, Gender Re- assignment, Sexual orientation:** The Neighbourhood Development draft Plan cannot directly address the social attitudes that underpin hate crimes. However, it does seek to provide a well-designed and safe built environment for all. The impact will be positive on all people, regardless of religion or LGBT+ status.

IV. Conclusion

The draft Whissendine Neighbourhood Plan provides a strategy for the development of the Neighbourhood Area, and a range of policies and proposals, which will result in positive benefits for the local community, including those with protected characteristic.