

# BURCOT & CLIFTON HAMPDEN NEIGHBOURHOOD PLAN

2011 – 2035

## BASIC CONDITIONS STATEMENT

December 2022

### 1. INTRODUCTION

1.1 This statement has been prepared by Burcot and Clifton Hampden Parish Council ("the Parish Council") to accompany its submission of the Burcot and Clifton Hampden Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, South Oxfordshire District Council ("the District Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Burcot and Clifton Hampden and which was designated by the District Council on 26 September 2014 and amended on 18 September 2020 (see Plan A below). 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 Parish of Burcot and Clifton Hampden is a small community of about 660 residents, 220 houses, with facilities and amenities that are truly remarkable for parish of its size: a primary school, shop and post office, GP's surgery and pharmacy, a village hall, River Thames wharf, recreation ground with a cricket pitch, pavilion, and scout hut, church, cemetery, and three pubs. In 2013, the Parish Council of Burcot and Clifton Hampden decided to write a Village Plan. A survey was conducted in 2014, and the Village Plan was published in 2015. Through the Village Plan, residents expressed a desire for the village to grow, provide opportunities for residents to downsize without having to move away, sustain its amenities, and carry out a range of improvements to the built infrastructure of the village and for other community led activities.

1.4 In 2017 the Parish Council launched the Neighbourhood Plan, which will be used to inform and determine planning applications in the area in the period to 2035. In 2018 the Parish Council consulted residents on draft vision for the parish, reflecting views expressed previously on sustaining amenities. The vision, which sets out the core purpose of the Neighbourhood Plan and its policies is:

*“Our vision is for a single, thriving, sustainable parish formed of two distinct villages, each with its own particular identity and character, with shared facilities and amenities.”*

1.5 It was the Parish Council's original intention that the Neighbourhood Plan would also set the policy framework to deliver the improvements to the built infrastructure set out in the Village Plan. However, following extensive consultation with the Local Planning Authority, South Oxfordshire District Council, it became clear that, given the status of the parish as 'washed over Green Belt', there was no provision under National Planning Policy for this Neighbourhood Plan to include specific policies, such as housing targets or site allocations, that would deliver the required improvements to the built infrastructure. In 2019 the Parish Council, in consultation with SODC, decided on a twin track approach and prepare a Neighbourhood Plan which would set out general planning policies, and a 'Neighbourhood Development Order which would bring forward development of a new surgery, homes, additional parking and other benefits would be brought forward through a Neighbourhood Development Order (NDO).

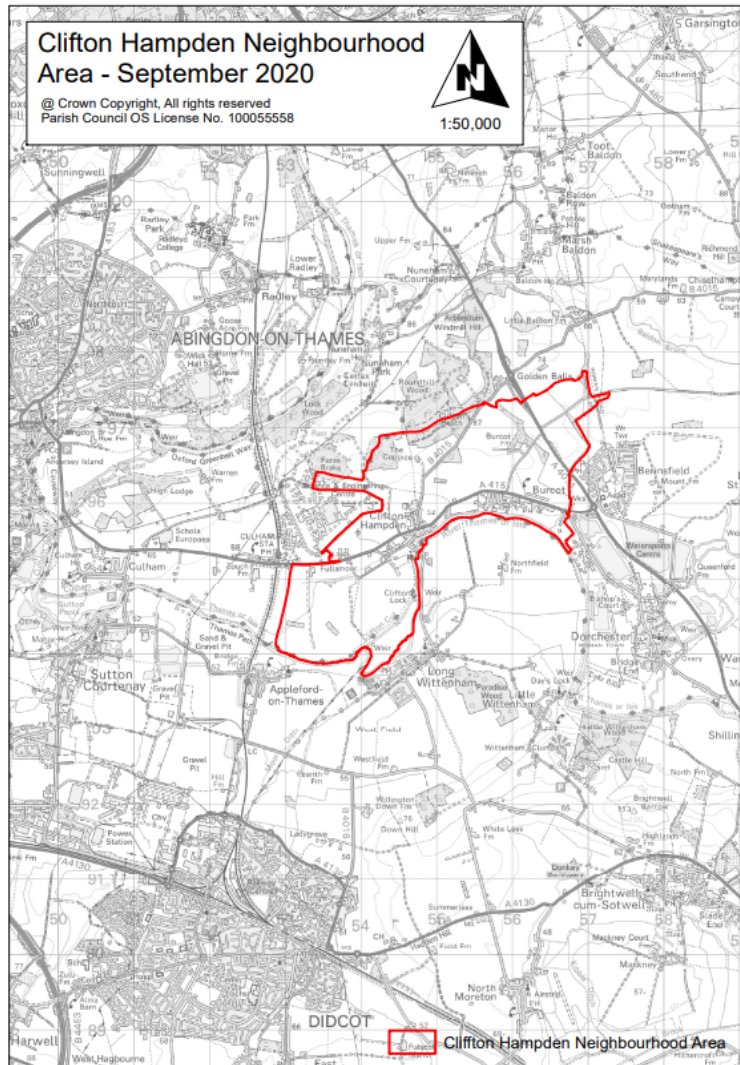
1.6 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2011 to 2035 and will form part of the development plan for the district, alongside the adopted South Oxfordshire Local Plan 2035 ("the Local Plan").

1.7 This statement addresses each of the four 'Basic Conditions', which are relevant to this plan, 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.

1.8 The Regulations state that a Neighbourhood Plan will be considered to have met the 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 Neighbourhood Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),

- d) The making of the Neighbourhood Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan 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 Neighbourhood Plan does not breach and is otherwise compatible with retained EU obligations.



Plan A: The Burcot and Clifton Hampden Designated Neighbourhood Area

- 1.9 The National Planning Policy Framework (NPPF 2021) states in para. 13 that 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 these strategic policies.

- 1.10 When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- a. whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
  - b. the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
  - c. whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
  - d. the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach
- 1.11 NPPF 2021 para. 20 clarifies that strategic policies set out the overall strategy for the pattern, scale and quality of development making sufficient provision for housing, employment, leisure and other commercial development; infrastructure; community facilities; and conservation and enhancement of the natural, built and historic environment. Para. 22-23 indicate that plans should make clear which policies are strategic and that these should cover a period of at least 15 years showing broad locations for development
- 1.12 For the purposes of the Neighbourhood Plan, the strategic policies are set out in the South Oxfordshire Local Plan 2035.
- 1.13 The Parish Council is also mindful of the Levelling Up and Generation Bill placed before Parliament in May 2022. The Bill proposes to make changes to both the development plan and management system. It indicates that there is a future for neighbourhood planning in that system. Once the Bill has received Royal Assent and the associated regulations and changes to national policy are in place, necessary amendments to the proposed policy provisions will be considered in a first review of the made Neighbourhood Plan.
- 1.14 The remainder of this report will be set out under the following headings, which will provide detail how the policies in the Neighbourhood Plan will:

- i Compliance with the NPPF (2021)
- ii Contribution towards Sustainable Development
- iii Compliance with Development Plan policies
- iv Compliance with EU policies.

## 2. COMPLIANCE WITH THE NPPF (2021)

2.1 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. In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

### General Paragraphs

2.2 The Parish Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

2.3 The Parish Council considers that its Neighbourhood Plan has provided its community the power to develop a shared vision for the Area that will shape, direct, and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will unreasonably result in less development than set out in the strategic policies for the area (§29). In this regard, the District Council has confirmed that the ‘indicative housing figure’ for the Parish is zero in accordance with the NPPF provisions of meeting local housing needs (as per §65/§66). Through choosing not to make any housing site allocations, it is accepted that the provisions of §14 will not apply. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

## Specific Paragraphs

2.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below:

<b>Neighbourhood Plan Policy</b>	<b>Relevant NPPF Paragraphs</b>	<b>Commentary</b>
BCH1 - School Improvements	93	This policy seeks to protect early years provision facilities across the Parish in line with §93.
BCH2 – Enhancing Community Facilities	93, 149	This policy seeks to promote the enhancement of existing popular and cherished social, recreational and cultural facilities across the Parish in line with §93, whilst recognizing the need to comply with S149.
BCH3 – Design Principles in Burcot	126, 130	This policy identifies the local character in Burcot and seeks to ensure that new development preserves and enhances it.
BCH4 – Design Principles in Clifton Hampden	126, 130	This policy identifies the local character in Clifton Hampden and seeks to ensure that new development preserves and enhances it.
BCH 5 – Protecting Community Facilities	93	The policy supplements and refines existing development plan policies on community, open space, sport or recreation facilities to which the policies should apply and by seeking to ensure that the long-term potential value of land in community use is not lost without good reason, in line with S93.

BCH 6 – Local Heritage Assets	190	<p>This policy makes provision for the conservation and enhancement of all heritage assets.</p> <p>The Steering Group considered whether there were any other assets that should be listed in the NP as non-designated heritage assets, and the policy widened to include them. However, on examination of the Historic England guide to identifying nonheritage assets, the steering group judged there were no buildings worth of the designation.</p> <p>Policies to enhance or protect community facilities that the community regards as having special value are listed in BCH2 and BCH5.</p>
<b>Neighbourhood Plan Policy</b>	<b>Relevant NPPF Paragraphs</b>	<b>Commentary</b>
BCH 7 – Footpaths and Cycle paths	92, 106, 112	<p>The policy seeks to secure footpath and cycle path improvements from new development and has identified those routes that are highest priority</p> <p>The NP area has a significant number of designated heritage assets many of which are located within the conservation area. Planning policy for designated assets is covered by NPPF and Local Plan policies.</p> <p>The Steering Group considered whether there were any other assets that should be listed in the NP as non-designated heritage assets, and the policy widened to include them. However, on examination of the Historic England guide to identifying nonheritage assets, there were no buildings worth of the designation. Policies to protect or enhance buildings and facilities that the community regards as having special value are listed in BCH2 and BCH5.</p>



BCH 8- Provision of well-designed energy efficient buildings and places	152, 155, 157	This policy is a local response to a global challenge.
BCH 9 Green Infrastructure	174, 179	The policy contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures through identifying, mapping and safeguarding these components. It is therefore consistent with the aims of §174 and §179 in these respects
BCH 10 Local Landscape	174	The policy contributes to and enhances the local landscape natural and local environment through identifying, mapping and safeguarding these components. It is therefore consistent with the aims of §174 in these respects

### 3. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 As a Strategic Environmental Assessment Report has not been required of the Neighbourhood Plan, the Statement sets out in Table B below how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to significantly positive (dark green), moderate positive (light green), neutral (yellow), moderate adverse (light red) or significant (dark red) adverse effects, taking into account the proposed mitigation measures.

**Table B: Neighbourhood Plan & Sustainable Development**

Policy		Social	Economic	Environmental	Commentary
BCH1	School Improvements	Green	Light Green	Yellow	The policy will have a significant positive social effect in protecting the range of community facilities that are well used and cherished by the village communities. By ensuring there is early years provision in the parish local people do not need to drive to access this type of service. The school is also attended by pupils from outside the parish. The close proximity of the school and village shop means that many parents/guardians visit the shop and drop off/pickup contributing to the sustainability of a valued community facility.
BCH2	Enhancing Community Facilities	Green	Yellow	Yellow	The policy will have a significant positive social effect in enhancing the listed community facilities that are well used and cherished by the village communities, a key objective of the Neighbourhood Plan.
BCH3	Design Principles in Burcot	Light Green	Yellow	Green	The policy will have a significant positive environmental effect and a moderate social effect in conserving the essential character of the village, and some of its history, which local people care about. Its economic effect is neutral.

BCH4	Design Principles in Clifton Hampden				The policy will have a significant positive environmental effect and a moderate social effect in conserving the essential character of the village, and some of its history (especially that of its Conservation Area and Listed Buildings), which local people care about. Its economic effect is neutral.
BCH5	Protecting Community Facilities				The policy will have a significant positive social effect in protecting community facilities that are well used and cherished by the village communities, a key objective of the Neighbourhood Plan.
BCH6	Local Heritage Assets				The policy will have a significant positive environmental effect and a moderate social effect in ensuring that features of local historic and/or architectural value are understood and kept as far as possible in new development proposals as part of retaining the character of the Parish, for the enjoyment of the local community. Its economic effect is neutral.
BCH7	Footpaths and Cycle paths				The policy will have significant positive environmental and social effects in reducing traffic to improve air quality and in encouraging healthier lifestyles by walking and cycling. Its economic effect is neutral.
BCH8	Provision of well-designed energy efficient buildings and places				The policy will have a significant positive environmental effect in reducing carbon emissions of all new buildings, beyond that required by current building regulation standards. It will have moderate social and economic effects in the ongoing financial savings to the building (residential and commercial) occupiers in energy costs.
BCH9	Green Infrastructure				The policy will have a significant positive environmental effect in ensuring that development proposals contribute to the multi-functional roles of green infrastructure assets including their recreational, ecological and climate change roles. It will have moderate social effect as the network comprises a range of publicly accessible spaces that will benefit from the policy provisions. Its economic effect is neutral
BCH10	Local Landscape Character				The policy will have a significant positive environmental effect in ensuring that development proposals protect or enhance the local landscape character and its recreational and ecological value. It will have moderate social effect as the network comprises a range of publicly accessible spaces that will benefit from the policy provisions. Its economic effect is neutral

#### 4. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for the District, that is the adopted South Oxfordshire Local Plan 2011 – 2035 (“the Local Plan”), and the Oxfordshire Minerals and Waste Local Plan (“the Minerals & Waste Plan”), taken as a whole. An emerging Joint Local Plan to 2041 is at the very early stages of preparation. In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of the emerging Local Plan, which in any event is too early in its preparation to be of any help.

4.2 The Local Plan defines the parish of Clifton Hampden as a ‘Smaller Village’ in the settlement hierarchy of the District and it remains ‘washed over’ by the Oxford Green Belt. There are major strategic allocations and safeguarded land for strategic transport schemes adjacent to and within Clifton Hampden’s boundary. It encourages the preparation of Neighbourhood Plans at such villages but does not require any further growth to be planned for, other than infill and conversions. An assessment of the general conformity of each policy is contained in Table C below.

<b>Table C: Neighbourhood Plan &amp; Development Plan Conformity Summary</b>		
<b>No.</b>	<b>Policy Title &amp; Refs</b>	<b>Commentary</b>
BCH1	School Improvements	<p>The policy seeks to safeguard early years provision in the Parish. It refines SODC Policies ENV6 and ENV8.</p> <p><b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b></p>

BCH2	Enhancing Community Facilities	This policy refines Policies CF1, CF4, ENV 6 and ENV 8 in defining those facilities in the Parish to which those policies apply.  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH3	Design Principles for Burcot	The policy refines Policies DES1, DES2, ENV6 – ENV9 by identifying local context and specific design features of the village of Burcot which lies within the parish, but outside the Conservation Area.  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH4	Design Principles for Clifton Hampden	The policy refines Policies DES1, DES2, ENV6 – ENV9 by identifying local context and specific design features of the village of Clifton Hampden and the Conservation Area.

**Table C: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
		<b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH5	Protecting Community Facilities	This policy refines Policies CF1 and CF4 in defining those facilities in the Parish to which those policies apply.  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan</b>

BCH6	Local Heritage Assets	The policy is intended to give additional protection to designated Local Heritage Assets, in recognition of the important contribution they can make to the special character of the Parish for the application of Policy ENV6  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH7	Footpaths and Cycle paths	The policy refines Local Plan Policy TRANS2 by providing a local element to its provisions.  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH8	Provision of well-designed energy efficient buildings and places	The policy framework is consistent with the criteria outlined in Policy DES8 and DES10 of the Local Plan  <b>As a result, the Parish Council considers that the policy is in general conformity with the development plan.</b>
BCH9	Green Infrastructure	The policy refines Local Plan Policy ENV5 by providing a local element to its provisions
<b>Table C: Neighbourhood Plan &amp; Development Plan Conformity Summary</b>		
No.	Policy Title & Refs	Commentary
		<b>As a result, the Parish Council considers that the policy is in general conformity with the development plan</b>
BCH10	Local Landscape Character	The policy refines Local Plan Policy ENV1 by providing a local element to its provisions

		<b>As a result, the Parish Council considers that the policy is in general conformity with the development plan</b>
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4.3 It is considered that all the policies are in general conformity with the strategic policies of the adopted development plan. None of the policies of the Neighbourhood Plan have required a balancing exercise to be undertaken in having regard to general conformity with strategic policy as none are considered to be inconsistent with strategic policy. As a result, the Neighbourhood Plan, as a whole, meets Condition (e)

## **5 CONDITION (F): COMPATABILITY WITH EU LEGISLATION**

5.1 The District Council provided a screening opinion that has determined that a Strategic Environmental Assessment is not required, following consultation with statutory bodies, as per Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended). A copy of the screening opinion is published separately. The Parish Council has therefore met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

5.2 The Parish Council has also met its obligations in relation to the habitat provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Parish Council provided the District Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. The District Council's Habitats Regulations Screening Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

5.3 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. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

