

Benson Neighbourhood Plan.

Basic Conditions Statement

Introduction

This Statement has been prepared by Benson Parish Council (the Parish Council) to accompany its submission to the local planning authority, South Oxfordshire District Council (SODC) of the Benson Neighbourhood Development Plan (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012 SI No 637.

The Neighbourhood Plan must meet the following requirements:

Legal matters

(1) The examiner must consider the following—

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E (2), 61J and 61L,*
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (e) such other matters as may be prescribed.*

The Basic Conditions

(2) A draft neighbourhood development plan meets the 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 neighbourhood development plan,*
 - (d) the making of the neighbourhood development 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 development plan does not breach, and is otherwise compatible with, EU obligations, and*
 - (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
- (6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

This note addresses these two related matters in turn.

Legal Requirements

The Plan is submitted by Benson Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Benson Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.

The whole parish of Benson has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 (part2 S6) and was formally approved by South Oxfordshire District Council on 9 January 2013. The extent of the designated neighbourhood area is shown in the Plan itself.

The Plan contains policies relating to the development and use of land within the Benson neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 (as amended).

The Plan identifies the period to which it relates as 2017 to 2033.

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

The Plan relates only to the parish of Benson. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

The Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State

The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the Core Planning Principles at the heart of the NPPF.

Appendix 1 provides a summary of how each policy in the neighbourhood plan conforms to the NPPF. The NPPF paragraphs set out are those considered most relevant. The appendix is not intended to be an exhaustive list of all NPPF policies.

Contributes to the achievement of sustainable development

The following sustainability appraisal has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The plan will perform an economic, social and environmental role and seeks to balance these objectives. Appendix 2 summarises the various sustainability outcomes of each policy in the neighbourhood plan.

General conformity with the strategic policies in the development plan

The development plan for the Benson neighbourhood plan is the SODC Core Strategy 2012. An emerging local plan has been running in parallel with the submitted neighbourhood plan. Whilst its policies have been taken into account insofar as is possible the policies in this neighbourhood plan are assessed for general conformity only with the adopted local plan. This analysis is shown in Appendix 3. It shows only the assessment of the neighbourhood plan against the strategic policies and not all the saved policies. However, where appropriate, and to demonstrate that the Parish Council has sought to future-proof its neighbourhood plan and align it with the emerging local plan (as set out in Planning Practice Guidance 41-09-20160211), Appendix 3 provides a degree of commentary on key policies in the submitted Plan.

Does not breach and is otherwise compatible with EU Obligations

Environmental Matters

As part of the process of developing the neighbourhood plan, SODC produced a screening report which concluded that Strategic Environmental Assessment (SEA) would be required for the Plan. The Parish Council has commissioned a Sustainability Appraisal which includes SEA. This is included at Appendix 4

SODC commissioned a revised Habitats Regulations Assessment Screening (December 2017). This assessment is included at Appendix 5. It concludes:

The HRA screening of the Benson Neighbourhood Plan: Pre-Submission Plan (March 2017) has been undertaken in accordance with currently available guidance and based on a precautionary approach as required under the Habitats Regulations.

The HRA screening has concluded that likely significant effects on the integrity of European sites around South Oxfordshire from policies and site allocations in the Local Plan will not occur in relation to:

- Physical loss of or damage to habitat;
- Non-physical disturbance: noise, vibration and light pollution; or
- Water quantity and quality.

In addition, none of the policies or site allocations in the Neighbourhood Plan is considered *likely* to result in significant effects on the European sites within 17km of Benson, due to air pollution or recreation pressure.

Four policies that would result in new homes were identified as having *uncertain* likely significant effects on Little Wittenham SAC, due to increased visitor numbers, and uncertain likely significant effects on Aston Rowant SAC and Chilterns Beechwoods SAC, due to increased traffic and air pollution:

- BEN NP2: Land to the north of Littleworth Road (site allocation BEN1) - c.241 homes;
- BEN NP3: Land off Hale Road (site allocation BEN2) - c.80 homes;
- BEN NP4: Land North and North East of Sands Way (site allocation BEN 3) - c.110 homes; and

- BEN NP5: Land North of The Sands (B4009) (site allocation BEN4) - c.140 homes.

571 homes at Benson would represent a local population increase of c.2% (3% including completed / committed development in Benson); therefore none of these four policies either alone or in combination, or the Neighbourhood Plan as a whole, is likely to have a significant effect on Little Wittenham SAC due to recreation pressure. The small increase in total homes in Benson over what was assessed in the Core Strategy HRA also mean that the Neighbourhood Plan will not have a significant in-combination effect with the Core Strategy.

Benson Neighbourhood Plan in combination with planning applications for additional development in Benson and the emerging new Local Plan has the potential for more significant increases in visitors to Little Wittenham SAC. The emerging new Local Plan is expected to result in an increase in visits to the site of c.32% alone and c.50% in combination with already-committed developments, over the plan period. Although the HRA of the emerging new Local Plan has not yet concluded, preliminary findings are available. Natural England is of the view that the site's qualifying feature, its great crested newt population, is not particularly sensitive to disturbance from recreation. As the Earth Trust is actively managing the site to reduce the visitor pressure on the SAC, the expected increase in visitor numbers is not expected to have a significant effect on Little Wittenham SAC.

With this in mind, and taking into account mitigation provided by several policies within the Neighbourhood Plan that require developments to provide open space, it is considered that Appropriate Assessment of recreation effects at Little Wittenham SAC is not required.

The Council may rely upon the conclusions of the recent HRA of the emerging Local Plan in respect of the potential effects of traffic related air pollution. The assessment concluded that the in-combination effects of growth could have likely significant effects on the Aston Rowant SAC, however an appropriate assessment of those effects has confirmed that they would not result in an adverse effect on the integrity of the site, and as such no further appropriate assessment of the Benson Neighbourhood Plan is required.

Human Rights

The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The Plan complies with the requirements of the Human Rights Act 1998.

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Appendix 1: Relationship to the NPPF

Context

This appendix sets out the relationship of each policy in the Plan to national planning policy. Where appropriate it also refers to the greater levels of detail set out in Planning Practice Guidance (PPG) which underpins the NPPF. In some cases, the neighbourhood plan policies are grouped where they address similar or overlapping issues. Otherwise it addresses the policies in the order in which they appear in the submitted Plan.

Plan Policies

NP1-4 Strategic Development and Housing Allocations

NPPF 47/50/58

PPG 41-09-20160211

These policies set out to deliver positive housing growth in the Plan area. They do so in a positive way that will boost significantly the supply of housing land in the Plan area and in the wider district. The specific housing allocations are supported with specific criteria that reflect their particular circumstances. In all cases they set out a requirement to deliver a Benson relief road along the route safeguarded in the emerging South Oxfordshire Local Plan. This is referenced in greater detail in Appendix 3.

Policy NP1 addresses the strategic location of new development in the Plan area. This is intended to be focused either in the existing built form of the village or within the new housing allocations. This is a sustainable approach in its own right and will concentrate investment in proposals which will deliver key local transport infrastructure.

NP5 Land to the South of St Helens Road

NPPF 47/69/70

This is an innovative policy that seeks to develop a new burial ground, a replacement GP surgery and housing development on an accessible site in the village. It addresses two important community issues. The policy addresses the role of the planning system in facilitating social interaction and creating healthy, inclusive communities (NPPF 69). It also proposes the range of facilities highlighted in NPPF 70.

NP6 Conservation and Heritage

NPPF 126-141

This policy is wide-ranging. It addresses the conservation areas in the Plan area and its listed buildings. It also provides a wider context for the safeguarding of the historic environment and its setting in the Plan area. It has been designed to send out clear signals that Benson values its historic environment and expects that it is safeguarded in a period of significant change.

NP7 Design

NPPF 58-61

The policy sets out the community's expectation for high quality design. It is underpinned by a Design Statement. The policy and the Statement have been designed to have regard to the NPPF. It plans for high quality and inclusive design for all development (NPPF57), it has developed a robust and comprehensive policy (NPPF58), it proposes design principles (NPPF59) and does so in a locally-distinctive yet non-prescriptive way (NPPF60).

NP8-12 Traffic/Parking/Sustainable Travel

NPPF 29-41

PPG 41-04-20170728

This suite of policies addresses a related series of matters including car parking, access to pedestrian routes and access to local bus services. They are intended to promote sustainable transport in the Plan area and to reduce the incidence of on -road parking. The policies have been designed to be land use policies as required by PPG.

NP13 Community Facilities

NPPF 69-72

The policy provides a positive context within which community facilities can be improved or established in the Plan area. The Plan highlights community facilities that would be particularly supported. This approach has been adopted on the basis of appropriate work and local knowledge.

NP14 Benson Library

NPPF 69-72

The policy recognises the importance of the library to the local community. Discussions are taking place with the County Council. On this basis, the policy provides flexibility either for an improved library or its relocation elsewhere in the village.

NP15-16 Shops/Village Centre

NPPF 19/69-70

The policies recognise the importance of shops to the vitality and viability of the village centre. In their complementary ways, the policies set out to safeguard existing retail outlets and to promote the development of new retail premises, financial services and cafes in the village

centre. The policies take account of the future increases in the population of the village as a result of the planned new residential developments.

NP17 Assets of Community Value

As NP13. This policy addresses the specific importance of Assets of Community Value in Benson.

NP18 Doctors Surgery

NPPF 69-70

This policy seeks to ensure that new development makes appropriate contributions to the expansion of medical infrastructure in the village.

NP19-20 Internet and Broadband

NPPF 42-46

These policies recognise the importance of high quality communications infrastructure in shaping the future of the Plan area. NP20 requires developers to include the correct designs and installations. NP21 supports new strategic investment in communications network by the commercial operators.

NP21 Allotments

NPPF 69

The policy requires the provision of allotments in new residential developments. The policy is designed to assist in community cohesion and sustainability.

NP22-23 Play Space

NPPF 73-74

PPG 37-01-20140306

These policies set out the requirements for the provision of play spaces in new residential developments. NP24 allocates specific land off Littleworth Road for a specific facility.

NP24-25 Local Green Space and Open Space

NPPF 76-78

PPG Section 37 (various)

These policies address open space in the village. NP25 designates a series of local green spaces. NP26 provides standards for the provision of new open spaces as part of new housing developments.

NP26 Biodiversity Net Gain

NPPF 109-12

This policy seeks to ensure that proposals should safeguard and where possible enhance local biodiversity.

NP27-29 Wildlife Corridors/Green Infrastructure/Benson Brook

NPPF 109-125

These policies seek to ensure that proposals should incorporate measures that would facilitate the development of new green infrastructure in the Plan area and facilitate wildlife movements within safeguarded corridors. NP29 provides specific guidance for the important Benson Brook. These policies are part of the wider package to secure a sustainable and attractive future for Benson.

NP30-32 Landscape Buffer and Important Views

NPPF 109-125

These policies seek to ensure that proposals should incorporate measures that would facilitate the development of landscape buffers where the sites are located on the edge of the existing village or are otherwise prominent from the countryside. NP31 identifies and safeguards important public viewpoints.

NP33-34 SUDS/Flood Risk

NPPF93-100

These policies take account of the sensitivity of the Plan area to flooding. In particular NP 33 identifies that sustainable drainage solutions should be incorporated within new developments.

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Appendix 2: Relationship to the achievement of sustainable development

Context

This appendix sets out the relationship of each policy to its ability to contribute towards the achievement of sustainable development in the Plan area. In some cases, the neighbourhood plan policies are grouped where they address similar or overlapping issues. Otherwise it addresses the policies in the order in which they appear in the submitted Plan.

Appendix details

The report addresses each policy (or each group of policies as appropriate) against the three dimensions of sustainable development – the economic role, the social role and the environmental role. These address the matters as set out in paragraph 7 of the NPPF. The assessment methodology is as follows:

Positive (+)

The policy has a positive effect on the dimension concerned. In certain cases where the effect is very positive this is recorded as ++

Neutral (0)

The policy is neutral on the dimension concerned. It would be difficult to assert that the effect was either positive or negative

Negative (-)

The policy has a negative effect on the dimension concerned. In certain cases where the effect is very negative this is recorded as - -

Where appropriate a summary or explanation is set out on a case by case basis.

Policy Assessment

NP1-4 Strategic Development and Housing Allocations

Economic	++
Social	+
Environmental	0

The Plan recognises that there will be a series of environmental and landscape issues to be addressed as part of the development of the housing allocations. The policies provide the necessary degree of mitigation. The environmental implications need to be balanced against the wider benefits that will arise with the construction of the relief road as part of the new housing development. This is a balance that the community is willing to accept within the context of a robust neighbourhood plan.

NP5 Land to the South of St Helens Road

Economic	+
Social	++
Environmental	0

The social benefits of this policy are clear and obvious

NP6 Conservation and Heritage

Economic	0
Social	+
Environmental	++

The social and environmental benefits of this policy are clear and obvious.

NP7 Design

Economic	0
Social	+
Environmental	++

The social and environmental benefits of this policy are clear and obvious. Whilst the economic dimension has been assessed as 0 there may be circumstances where good design will assist in the marketing of new houses and in the commercial attractiveness of new shops and other village centre facilities.

NP8-12 Traffic/Parking/Sustainable Travel

Economic	+
Social	++
Environmental	+

The implementation of these policies has all round benefits. They are at the very heart of the sustainable community that the Plan is seeking to achieve.

NP13 Community Facilities

Economic	0
Social	++
Environmental	0

NP14 Benson Library

Economic	0
Social	++
Environmental	+

The social benefits of a new or improved library are clear. The environmental dimension has been assessed as + to reflect the likely scale and nature of any improvements to the existing building or the effects of Policy NP7 on the design of any new library.

NP15 Shops

Economic	++
Social	++
Environmental	+

The score of + in the environmental dimension reflects the effects of Policy NP7 of the design of any new/converted shops and their shopfronts and signage.

NP16 Village Centre

Economic	++
Social	++
Environmental	+

NP17 Assets of Community Value

Economic	0
Social	++
Environmental	0

NP19-20 Internet and Broadband

Economic	++
Social	++
Environmental	0

The neutral score for the environmental dimension reflects that there may be some impact associated with the installation of new technology. In a broader sense, this will be offset by the reduction in the need to travel to access goods and services.

NP21 Allotments

Economic	+
Social	++
Environmental	+

NP22-23 Play Space

Economic	0
Social	++
Environmental	+

NP24-25 Local Green Space/Open Space

Economic	0
Social	++
Environmental	+

NP26 Biodiversity Net Gain

Economic	0
Social	+
Environmental	++

NP27-28 Wildlife Corridors/Green Infrastructure

Economic	0
Social	+
Environmental	++

NP29 Benson Brook

Economic	0
Social	0
Environmental	++

NP30 Landscape Buffer

Economic	0
Social	+
Environmental	++

NP31 Important Views

Economic	0
Social	+
Environmental	++

BEN NP33-34 SUDS/Flood Risk

Economic	0
Social	++
Environmental	++

It is not surprising that the environmental policies will assist in the environmental role of sustainable development. This analysis also highlights social benefits.

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Appendix 3: General Conformity with strategic policies in the development plan.

Context

This appendix sets out the relationship of each policy in the Plan to local planning policy. To reflect the Neighbourhood Plan Regulations, it does so against the policies in adopted policies. However, to reflect government policy in Planning Practice Guidance it assesses some policies against policies in the emerging Local Plan. This reflects the ambition of the submitted Plan to be in general conformity with strategic policies that will apply throughout the Plan period. In some cases, the neighbourhood plan policies are grouped where they address similar or overlapping issues. Otherwise it addresses the policies in the order in which they appear in the submitted Plan.

The following abbreviations are used in this Appendix:

CS Core Strategy (Adopted in December 2012)

SOLP South Oxfordshire Local Plan 2011-2033 (submitted in October 2017)

Policies

NP1-4 Strategic Development and Housing Allocations

CS CS1, H1, H2, H3, H4, Q4

SOLP STRAT 1, H1, H4, H9, TRANS1/2/3, ENV5, DES4

These policies have a very close association with the strategic approach adopted in the CS and proposed to be included in the SOLP. They set out to implement them in a practical and exciting way. In particular the proposed housing sites will over-provide the new housing required in the Plan area and will deliver, not just safeguard the proposed Benson bypass in the SOLP. This approach is not at the expense of the environment. The Plan expects the highest standards of incorporation of the housing sites into the surrounding countryside.

NP5 Land to the South of St Helens Road

CS R3

NP6 Conservation and Heritage

CS EN3
SOLP ENV6-9

NP7 Design

CS EN3 Q3
SOLP DES 1/2

NP8-12 Traffic/Parking/Sustainable Travel

CS M1/2

The submitted policies seek to give a distinctive and local interpretation of these strategic policies. Benson has particular needs and issues as a Larger Village in the settlement hierarchy. It is neither a major town with the full range of modes of transport nor a remote village. It finds itself adjacent to the main Oxford to Reading Road (A4130) but with mixed accessibility to that important route.

NP13 Community Facilities

CS R3
SOLP CF1/2

NP14 Benson Library

CS R3
SOLP CF1/2

NP15 Shops

CS EM1, EM4
SOLP TC1

NP16 Village Centre

CS EM1, EM4 CST1
SOLP TC1

Policies NP15/16 sit at the heart of the Plan's ambition to extend the vitality and viability of the village centre. It offers significant opportunities to extend the range of goods and services available. The extended facilities that would be supported by the two policies have the ability to enhance the sustainability of Benson in general, and for the delivery of day-to-day retail and associated commercial services.

NP17 Assets of Community Value

CS R3

NP19-20 Internet and Broadband

SOLP INF3

NP21 Allotments

CS R3

BEN NP22-23 Play Space

CS GS1
SOLP DES5 CF3/4/5

NP24-25 Local Green Space

CS G1
SOLP CF3/4/5

NP26 Biodiversity Net Gain

CS B1

NP27-28 Wildlife Corridors/Green Infrastructure

CS B1 G1

NP29 Benson Brook

CS B1
SOLP ENV4, EP4

NP30 Landscape Buffer

CS EN1

NP31 Important Views

CS EN1

NP33-34 SUDS/Flood Risk

SOLP EP4

Summary

The Parish Council considers that the Benson Neighbourhood Plan is in general conformity with the strategic policies in the development plan. It has been produced from the outset to sit within this context and to provide clarity and certainty for local residents.

The Parish Council has worked proactively with the District Council, the County Council and affected land owners and developers to prepare an ambitious and evidenced neighbourhood plan for the period up to 2033. In doing so it has followed the advice in Planning Practice Guidance for circumstances where the neighbourhood plan is being prepared to a similar timetable of an emerging Local Plan (41-09-20160211). Evidence and information has been discussed and shared and the two plans are in full alignment. Crucially the neighbourhood plan has provided a developer-led mechanism for the delivery of the safeguarded route of the Benson bypass (Policy TRANS3) in the emerging Local Plan (2011-33).

The Parish Council recognises its responsibilities to ensure that the Plan is properly delivered and implemented. Within this context it will continue to work with the District Council, the County Council and landowners and developers concerned throughout the Plan period.

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Appendix 4: Benson Neighbourhood Plan Sustainability Appraisal (including SEA)

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Appendix 5: SODC Habitats Regulations Assessment Screening Report