

Pyrton Neighbourhood Plan 2018 - 2033

Basic Conditions Statement

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1. Purpose

1. This basic conditions statement has been prepared in support of the Pyrton Neighbourhood Plan (PNP) as part of its submission to South Oxfordshire District Council (SODC – the Local Planning Authority).
2. It has been prepared by the PNP Steering Group, acting on behalf of Pyrton Parish Council ('the qualifying body') following the designation of the parish as a neighbourhood area on 2 July 2015, in order to set out how the PNP meets the basic conditions required of a neighbourhood plan (NP) and other legal tests.
3. Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004, notes that in examining a neighbourhood plan, the examiner must consider the following:
 - a. "whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),
 - b. whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L,
 - c. whether any period specified under section 61L(2)(b) or (5) is appropriate,
 - d. whether the area for any referendum should extend beyond the neighbourhood area to which the draft order relates, and
 - e. such other matters as may be prescribed".
4. Paragraph 8(2) then outlines the basic conditions that a neighbourhood plan must adhere to (where relevant) in order to progress to a referendum and be made. These are as follows:

"A draft order 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 order,
 - b. the making of the order contributes to the achievement of sustainable development,
 - c. the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - d. the making of the order does not breach, and is otherwise compatible with, EU obligations, and
 - e. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
5. Please note that sub paragraphs 8(2)(b) and 8(2)(c), as outlined below, do not apply to NPs, as confirmed by paragraphs 8(3) and 8(4):
 - a. 8(2)(b): "having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order"
 - b. 8(2)(c): "having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order"
 - c. 8(3): "Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting."
 - d. 8(4): "Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area."

- e. Paragraph 8(6) confirms that the examiner is not to consider any matter that does not fall within sub-paragraph (1), apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.
6. This statement responds to each of the legal tests and basic conditions in turn.

2. Legal requirements

1. Basic conditions
 - a. The PNP is submitted by a qualifying body. Pyrton Parish Council submits the PNP, being a qualifying body in accordance with the regulations.
 - b. The parish decided to embark on preparing the PNP in early 2015. An application to designate the full parish boundary as the 'neighbourhood plan area' was submitted on 1 April 2015, in accordance with Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended).
 - c. The submitted area related to the parish boundary prior to changes that came into effect on 1 April 2015, therefore including a sports field on the northern edge of Watlington, adjacent to Shirburn Road.
 - d. A decision was made to include this land because it was not covered by Watlington's NP designation, which had been granted at an earlier date, and would have resulted in the sports field not forming part of either NP area.
 - e. SODC publicised the NP area application from 21 May to 23 June 2015 in accordance with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012 (as amended).
 - f. An objection was received from Watlington Parish Council. The matter was resolved by SODC concluding that both NPs should reflect the new parish boundary, which led to an amendment to Watlington's designated NP area to include the sports field, and Pyrton only needing to include land within its new parish boundary (i.e. excluding the sports field).
 - g. The neighbourhood area application submitted by Pyrton Parish Council was subsequently amended by SODC and the whole area of the parish as defined at July 2015 was designated as a neighbourhood area on 2 July 2015.
 - h. There are no other NPs relating to the Pyrton neighbourhood area.
2. The NP proposal: the PNP sets out policies in relation to the development and use of land in the neighbourhood area. It includes land use planning policies that can be used in the determination of planning applications and relates to the designated PNP area and does not apply outside the designated area.
3. Time period: the proposed PNP extends across the years 2018–2033, the same plan period as the emerging South Oxfordshire Local Plan.
4. Excluded development: the policies in the PNP do not relate to excluded development, as defined in s.61K of the Localism Act 2011.
5. Single neighbourhood area: the proposed PNP does not relate to more than one neighbourhood area.
6. Having regard to national policy and advice contained in guidance issued by the Secretary of State: throughout the preparation of the PNP, regard has been had to national policy and guidance as set out in the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and written ministerial statements. Table 1 below provides a summary of this attention to national policy and guidance, focusing specifically on the NPPF. The paras quoted are not exhaustive.

Neighbourhood Plan policy	NPPF para	Comment
Policy BNE1: Historic environment	Section 12: Conserving and enhancing the historic environment	The PNP seeks to conserve and enhance designated heritage assets and their settings.
Policy BNE2: Landscape Character	Section 11: Conserving and enhancing the natural environment	The PNP seeks to conserve, protect and enhance the landscape character.
Policy BNE3: Local green space	<p>Para 76: Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.</p> <p>Para 77: The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:</p> <ul style="list-style-type: none"> • where the green space is in reasonably close proximity to the community it serves; • where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and • where the green area concerned is local in character and is not an extensive tract of land. <p>Para 78: Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.</p>	The PNP seeks to identify two areas of land as 'local green spaces', which meet the NPPF criteria.
Policy BNE4: Local gap	The NPPF does not refer to local gap policies, but in principle a local gap policy can be justified. A principle of national policy (NPPF, para 17) is to "take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".	The PNP seeks to identify one area of land as a 'local gap'.
Policy BNE5: Flood risk and drainage	Section 10: Meeting the challenge of climate change, flooding and coastal change	The PNP seeks to ensure that the considerable risk of flooding is not increased and appropriate provision for foul drainage is provided.

Policy BNE6: Footpaths and bridleways	Para 75: Planning policies should protect and enhance public rights of way and access.	The PNP seeks to protect public footpaths and bridleways.
Policy C1: Assets of Community Value	Section 8: Promoting healthy communities	The PNP seeks to protect Assets of Community Value.
Policy C2: Developer contributions	<p>Para 204. Planning obligations should only be sought where they meet all of the following tests:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>Paragraph 75. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.</p>	The PNP seeks to ensure that any required mitigation to make development acceptable in planning terms is provided. The PNP also sets out that any CIL receipts will be spent on appropriate projects.
Policy H1: New homes	Section 6: Delivering a wide choice of high quality homes	The PNP supports the delivery of approximately 15 – 20 new homes.
Policy H2: Type of new homes	Section 6: Delivering a wide choice of high quality homes	The PNP seeks to ensure that a mix of unit sizes is provided, with a preference for unit sizes that are similar to existing properties.
Policy D1: Detailed design criteria	Section 7: Requiring good design	The PNP seeks to ensure new developments have high standards and quality of design. NP seeks to set expectations for the design of new residential development.
Policy D2: Infill design criteria	Section 7: Requiring good design	The PNP seeks to set expectations for the design of new infill development
Policy D3: Extension of existing properties	Section 7: Requiring good design	The PNP seeks to set expectations for the design of extensions to existing properties.
Policy SA1: Former MOD site	<p>Section 6: Delivering a wide choice of high quality homes</p> <p>Paragraph 17: Core planning principle 8:</p> <ul style="list-style-type: none"> • encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; <p>Paragraph 111: Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</p>	The PNP allocates this site for residential development.

Table 1: Regard to national policy and guidance

3. Sustainable development

1. The PNP sets the framework for development in the parish. Various potential impacts, both positive and negative, have been identified. Measures have been established to address many of the negative impacts and maximise the positive impacts.
2. The PNP seeks to contribute to the achievement of sustainable development through the following aims:
 - a. To conserve the quality and character of the built and natural environment, conserving Pyrton's historic character;
 - b. To manage sensitively any redevelopment or re-use of the former MoD site at the junction of Pyrton Lane with Shirburn Road (B4009) (PYR1);
 - c. To deliver limited housing growth, commensurate with the size and character of the parish, and to address any potential district need for area affordable housing;
 - d. To establish parish design principles to guide and maintain the quality of future development;
 - e. To confirm planning policy for the charity land in Pyrton village to the east of Pyrton Lane and agricultural land north of the Watlington Recreation Ground (PYR2), along with the charity land in Christmas Common off Stokenchurch to Howe Hill road;
 - f. To recognise the limitations of, and set out measures to improve, existing services and infrastructure, within the remit of land use and planning.
3. A sustainability appraisal (SA) has been carried out for the PNP, which also meets the requirements of a strategic environmental assessment (SEA).
4. A full assessment of the sustainability of the aims of the PNP, its policies, and site allocations is provided in the submitted SA.

4. Conformity with SODC Local Plan

1. A NP must be in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). Para 184 of the NPPF explains that: "the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan."
2. The key parts of the development plan for South Oxfordshire comprise the saved policies of the SODC Local Plan 2011 (adopted January 2006) and the adopted Core Strategy (December 2012). In addition, although a draft NP is not tested against the policies in an emerging Local Plan, the emerging SODC Local Plan (Final Publication Version, October 2017) has been considered for completeness and to identify any points of potential conflict.
3. Table 2 below provides a summary of how PNP policies are in general conformity with the relevant policies of SODC's adopted and emerging Local Plans.
4. While the regulations require general conformity only with the strategic policies of the adopted Local Plan, each of the NP policies has been considered alongside all the relevant adopted and emerging policies of the Local Plan for completeness.

PNP policy	SODC adopted and emerging policies	Comment
Policy BNE1: Historic environment	<p>Saved policy CON1: Listed buildings</p> <p>Saved policy CON2: Alterations and extensions to listed buildings</p> <p>Saved policy CON3: Alterations and extensions to listed buildings</p> <p>Saved policy CON4: Use and changes of use of listed buildings</p> <p>Saved policy CON5: The setting of listed buildings</p> <p>Saved policy CON6: Proposals affecting a conservation area</p> <p>Saved policy CON7: Proposals affecting a conservation area</p> <p>Saved policy CON11: Archaeology and historic building analysis and recording</p> <p>Saved policy CON15: Historic battlefields, parks, gardens and landscapes</p> <p>Policy CSEN3: Historic Environment</p> <p>Emerging new Local Plan proposed policy - Policy ENV6: Historic Environment</p> <p>Emerging new Local Plan proposed policy - Policy ENV7: Demolition of Listed Buildings</p> <p>Emerging new Local Plan proposed policy - Policy ENV8: Alteration of and Extension to Listed Buildings</p> <p>Emerging new Local Plan proposed policy - Policy ENV9: Conservation Areas</p> <p>Emerging new Local Plan proposed policy - Policy ENV10 : Archaeology</p> <p>Emerging new Local Plan proposed policy - Policy ENV11: Historic Battlefields, Registered Parks and Gardens and Historic Landscapes</p>	The PNP seeks to conserve and enhance designated heritage assets and their settings.
Policy BNE2: Landscape character	<p>Saved policy G2: Protection and enhancement of the environment</p> <p>Saved policy G4: Development in the countryside and on the edge of settlements</p> <p>Saved policy C4: The landscape setting of settlements</p> <p>Saved policy C9: Landscape features</p> <p>Saved policy: Policy CSEN1 Landscape</p> <p>Emerging new Local Plan proposed policy – Policy ENV1: Landscape and Countryside</p>	The PNP seeks to conserve, protect and enhance the landscape character.
Policy BNE3: Local green space	N/A	No specific Local Plan strategic policy exists, but the opportunity to designate a local green space is established in national policy and recognised in the emerging new Local Plan.
Policy BNE4: Local green gap	<p>The adopted Local Plan refers to important open gaps between settlements as a consideration in its development management policies:</p> <p>Saved policy H17: Gypsies</p> <p>Saved policy H18: Extension of gardens.</p>	The concept of the 'local gap' conforms with the strategic policies of the adopted and emerging Local Plans and with the Core Strategy.

	The safeguarded Watlington bypass route in the emerging new Local Plan is contained in proposed policy TRANS3: Safeguarding of land for strategic transport routes,	The PNP does not reflect the safeguarding of a Watlington bypass route on PYR2 in the emerging new Local Plan, as there is not yet a bypass policy or proposal.
Policy BNE5: Flood risk and drainage	Saved policy EP6: Surface water protection Saved policy EP7: Groundwater protection Emerging new Local Plan proposed policy – Policy INF5: Water Resources	The PNP seeks to ensure that the already considerable risk of flooding is not increased and appropriate provision for foul drainage is provided.
Policy BNE6: Footpaths and bridleways	Saved policy R8: Public rights of way Emerging new Local Plan proposed policy ENV5: Green infrastructure in new developments	The PNP seeks to protect and improve public footpaths and bridleways.
Policy C1: Assets of Community Value	Saved policy CF1: Safeguarding community facilities and services including recreation facilities Emerging new Local Plan proposed policy – Policy CF1: Safeguarding Community Facilities	The PNP seeks to protect Assets of Community Value.
Policy C2: Developer contributions	Saved policy CF2: Provision of community facilities and services Policy CSR3: Community facilities and rural transport Policy CSI1: Infrastructure provision Emerging new Local Plan proposed policy – Policy INF1: Infrastructure Provision Emerging new Local Plan proposed policy – Policy	The PNP seeks to ensure that any required mitigation to make development acceptable in planning terms is provided. NP also sets out that any CIL receipts will be spent on appropriate projects.
Policy H1: New homes	Policy CSS1: The overall strategy Policy CSH1: Amount and distribution of housing Policy CSH4: Meeting housing needs Policy CSR1: Housing in villages Emerging new Local Plan proposed policy STRAT1: The Overall Strategy Emerging new Local Plan proposed policy STRAT2: The need for new development in South Oxfordshire Emerging new Local Plan proposed policy H1: Delivering new homes Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs	The PNP supports the delivery of approximately 15 – 20 new homes. The parish, being an “Other Village” does not have a specific housing requirement that it needs to deliver. However, the parish is open to an appropriate level of new development and recognises wider district housing needs. The parish has therefore used the NP process to identify suitable sites to help accommodate these needs.
Policy H2: Type of new homes	Policy CSH4: Meeting housing needs Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs	The PNP seeks to ensure that a mixture of unit sizes are provided, with a preference for unit sizes that are similar to the existing properties.
Policy D1: Detailed design criteria	Saved policy D1: Good design and local distinctiveness Policy CSQ3: Design Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs	The PNP seeks to ensure new developments have high standards and quality of design, and to set expectations for the design

	<p>Emerging new Local Plan proposed policy – Policy DES1: Delivering High Quality Development</p> <p>Emerging new Local Plan proposed policy – Policy DES2: Enhancing Local Character</p> <p>Emerging new Local Plan proposed policy – Policy DES3: Design and Access Statements</p> <p>Emerging new Local Plan proposed policy – Policy DES4: Masterplans for allocated sites and major development</p> <p>Emerging new Local Plan proposed policy – Policy DES6: Privacy and daylight</p> <p>Emerging new Local Plan proposed policy – Policy DES8: Promoting sustainable design</p>	<p>of new residential development.</p>
<p>Policy D2: Infill design criteria</p>	<p>Saved policy D1: Good design and local distinctiveness</p> <p>Policy CSQ3: Design</p> <p>Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs</p> <p>Emerging new Local Plan proposed policy – Policy H18: Infill Development</p> <p>Emerging new Local Plan proposed policy – Policy DES1: Delivering High Quality Development</p> <p>Emerging new Local Plan proposed policy – Policy DES2: Enhancing Local Character</p> <p>Emerging new Local Plan proposed policy – Policy DES3: Design and Access Statements</p> <p>Emerging new Local Plan proposed policy – Policy DES4: Masterplans for allocated sites and major development</p> <p>Emerging new Local Plan proposed policy – Policy DES6: Privacy and daylight</p> <p>Emerging new Local Plan proposed policy – Policy DES8: Promoting sustainable design</p>	<p>The PNP seeks to set expectations for the design of new infill development.</p>
<p>Policy D3: Extension of existing properties</p>	<p>Saved policy D1: Good design and local distinctiveness</p> <p>Saved policy H13: Extensions to dwellings</p> <p>Policy CSQ3: Design</p> <p>Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs</p> <p>Emerging new Local Plan proposed policy – Policy H21: Extension to Dwellings</p> <p>Emerging new Local Plan proposed policy – Policy DES1: Delivering High Quality Development</p> <p>Emerging new Local Plan proposed policy – Policy DES2: Enhancing Local Character</p> <p>Emerging new Local Plan proposed policy – Policy DES3: Design and Access Statements</p> <p>Emerging new Local Plan proposed policy – Policy DES6: Privacy and daylight</p> <p>Emerging new Local Plan proposed policy – Policy DES8: Promoting sustainable design</p>	<p>The PNP seeks to set expectations for the design of extensions to existing properties.</p>

<p>Policy SA1: Former MOD site</p>	<p>Saved policy E6: Retention of employment sites Saved policy G5: Making the best use of land Policy CSH2: Density Policy CSH3: Affordable housing Emerging new Local Plan proposed policy H1: Delivering new homes Emerging new Local Plan proposed policy – H11: Affordable Housing Emerging new Local Plan proposed policy – Policy H13: Meeting Housing Needs Emerging new Local Plan proposed policy – Policy EMP3: Retention of Employment Land Emerging new Local Plan proposed policy – Policy TRANS3 Safeguarding of Land for Strategic Transport Schemes</p>	<p>The PNP allocates this site to deliver residential development. While the parish does not have a housing requirement, there is support for the redevelopment of this site for housing to meet district needs.</p>
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Table 2: General conformity with the policies of the Local Plan

5. Conformity with EU obligations

1. The PNP Steering Group has been careful to ensure that the plan-making process is compatible with EU obligations.
2. As is documented in full in the Consultation Statement, the following has taken place to ensure compliance:
 - a. A Screening Opinion Questionnaire for a Strategic Environmental Assessment (SEA) was completed.
 - b. SODC prepared a Screening Statement (screening opinion) to determine whether a SEA would be required for the PNP.
 - c. SODC concluded that there was a high probability that the plan would have significant effects on the environment and that a SEA would be required.
 - d. Following consultation with English Heritage, Natural England and the Environment Agency on this initial screening statement, a revised screening statement was received and concluded that an Appropriate Assessment was also required.
 - e. The Steering Group explained to SODC that, before confirming whether an Appropriate Assessment is required, there would be a need for a shadow Habitats Regulations Assessment (HRA) to be prepared to examine whether European sites would be likely to be affected significantly by the plan.
 - f. Following this, an updated screening statement was issued by SODC following the receipt of updated screening responses from the Environment Agency, Natural England and Historic England. This concluded that an Appropriate Assessment was no longer required, only a SEA.
 - g. The Steering Group then issued the scoping report to the Environment Agency, Historic England and Natural England.
 - h. The scoping consultation responses were used to inform the scope of the Sustainability Appraisal (which meets the requirements of an SEA) to ensure the sustainability of the PNP, its policies and site allocations.
3. In view of the above, it is concluded that the PNP and the plan-making process are compatible with EU obligations.

6. Prescribed conditions and matters

1. It is considered that the prescribed conditions and matters have been met/complied with in the preparation of the PNP.

7. Equal opportunities and human rights

1. The PNP Steering Group has sought to reach out to the whole community in preparing the PNP, via a variety of methods of consultation, to ensure that the views of the whole community are reflected in the PNP. It is not considered that the PNP discriminates unfairly or in a manner contrary to the Human Rights Act 1998.

8. Conclusion

1. This Basic Conditions Statement has been prepared in support of the PNP as part of its submission to SODC.
2. It has been prepared by the PNP Steering Group, acting on behalf of Pyrton Parish Council ('the qualifying body'), to explain how the PNP meets the basic conditions required of a NP and other legal tests.
3. This statement has shown how these basic conditions and legal tests have been met. It is therefore appropriate for the PNP to be made and become a part of the adopted development plan.