

# Basic Conditions Statement

## Chinnor Parish Council

1. This Statement has been prepared by Chinnor Parish Council (the Parish Council) to accompany its submission to the local planning authority, South Oxfordshire District Council (SODC) of the Chinnor Neighbourhood Development Plan 2011 - 2034 (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.
2. 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,
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (d) 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,
- (b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (c) 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),
- (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (e) 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.
- (f) 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).

3. This Statement addresses these two related matters in turn.

## **Background to the review of the plan**

4. The Chinnor Neighbourhood Plan 2011-2034 is a review of the made Chinnor Neighbourhood Plan (October 2017). The 2017 neighbourhood plan did not contain a site allocation or development boundary. In 2018, the Neighbourhood Plan steering group decided that it would be prudent and necessary to update the made plan to take account of recent planning appeals and decisions that would allow significant new housing developments to be built in Chinnor.
5. Accordingly, the plan went into review with the sole purpose of allocating sites so that the policies would reflect the existing development context. Andrea Pellegram Ltd. (the consultant) was commissioned by Chinnor Parish Council to undertake the task.
6. The consultant worked closely with South Oxfordshire District Council (SODC) officers in the preparation of the site allocation assessment, Appendix 6 to the plan. SODC officers provided practical advice on how to undertake the assessment, and the monitoring officer provided information on planning permissions. The methodology for the site assessment was also discussed in detail and was agreed with the planning officers.
7. The site allocation was based on existing planning decisions and appeals and was therefore entirely factual. It was therefore not consulted upon, other than with the planning authority, because the results were not subject to interpretation.
8. The revised NDP differs from the original made 2017 NDP in the following ways:
  - a. It now contains a site allocation in a new policy CH H6 which allocates 5 sites for housing developments, a total of 507 dwellings;
  - b. It now contains a development boundary around Chinnor village in a new policy CH H7;
  - c. Made policies were slightly reworded to make them clearer and more precise but their meaning was not changed nor were any other new policies added;
  - d. Facts were updated as appropriate to cover the intervening time from October 2017.

## **Statement on nature of modifications**

9. South Oxfordshire District Council require as part of this submission 'a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal (review) are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal (review) would modify, giving reasons for why the qualifying body is of this opinion'.
10. The Parish Council, as the qualifying body, considers that the introduction of policies CH H6 and CH H7 substantially and significantly modify the nature of the previously made Chinnor Neighbourhood Plan (2017) in that there is now an allocation of land to accommodate 507 dwellings and a development boundary which restricts development outside the boundary.

## **Legal Requirements**

11. The Plan is submitted by Chinnor 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 Chinnor Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.

12. The whole parish of Chinnor 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 17 June 2015. **Figure 1** shows the extent of the designated neighbourhood area.
13. The Plan contains policies relating to the development and use of land within the 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.
14. The Plan identifies the period to which it relates as 2011 to 2034.
15. 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.
16. The Plan relates only to the parish of Chinnor. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

**Figure 1: Map of Plan Area (Chinnor Parish)**



## **The Basic Conditions**

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

17. 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.
18. **Table 1** provides a summary of how policies CH H6 and CH H7 in the neighbourhood plan conform to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

| <b>Table 1</b>           |                                       |  |
|--------------------------|---------------------------------------|--|
| <b>CNP Policy Number</b> | <b>NPPF Reference</b>                 | <b>Commentary</b>  |
| <b>CH H1</b>             | 104, 105,1110, 127, 180               | The policy clarifies how infill development should be designed in order to preserve local amenity, character and access.                                       |
| <b>CH H2</b>             | 20, 63, def major development page 68 | The policy amplifies the strategic policy on affordable housing and is in accordance with provision for major development.                                     |
| <b>CH H3</b>             | 60, 61                                | The policy seeks to ensure that new development provides the type of housing needed.   |
| <b>CH H4</b>             | 60, 61                                | The policy seeks to ensure that local people are able to access affordable housing.  |
| <b>CH H5</b>             | 61                                    | The policy identifies a specific need for housing for older people.  |
| <b>CH H6</b>             | 28, 68a,69                            | The plan allocates sites to meet the identified housing need in the area.  |
| <b>CH H7</b>             | 28, 77, 78                            | The development boundary around Chinnor village is a method for setting out development management principles appropriate in urban and rural areas.            |
| <b>CH C1</b>             | 28, 124-132                           | The policy seeks to encourage high quality design.   |
| <b>CH C2</b>             | 200                                   | The policy seeks to make a positive contribution to the conservation areas.  |
| <b>CH C3</b>             | 190, 192, 197                         | The policy sets out how the importance of a heritage (including a non-designated) asset can be assessed so that proper mitigation can be considered.           |
| <b>CH GP1</b>            | 99-100                                | The policy identifies suitable land for designation as local green spaces.   |
| <b>CH GP2</b>            | 170, 175                              | The policy seeks to protect protected sites and species, trees, hedgerows and to secure net biodiversity gain. Annex 5 identifies local species of importance. |
| <b>CH GP3</b>            | 98                                    | The policy seeks to protect existing PROW and specify how alternative provision should be made.  |
| <b>CH GP4</b>            | 151, 153                              | The policy identifies how energy efficiency and generation can be included in design of development.   |
| <b>CH CF1</b>            | 28, 92                                | The policy seeks to preserve existing community facilities and guards against their loss.  |
| <b>CH CF2</b>            | 28, 92                                | The policy clarifies how new healthcare facilities should be planned for the benefit of the community.   |

|              |        |  |
|--------------|--------|--|
| <b>CH R1</b> | 28, 92 | The policy provides a local test to resist the unnecessary loss of local retail services.  |
| <b>CH B1</b> | 121    | The policy provides local clarification how loss of employment land should be assessed and mitigated.                                |
| <b>CH B2</b> | 81, 83 | The policy sets out how proposals for new employment should be designed to achieve maximum benefits for the local community.         |
| <b>CH T1</b> | 83     | The policy sets out how proposals for new tourism businesses should be designed to achieve maximum benefits for the local community. |

*Contributes to the achievement of sustainable development*

19. The following sustainability assessment has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The plan will serve an economic, social and environmental objective and seeks to balance them. **Table 2** summarises the various sustainability outcomes of each policy in the neighbourhood plan.

| <b>Table 2</b>           |                           |                         |                                |  |
|--------------------------|---------------------------|-------------------------|--------------------------------|--|
| <b>CNP Policy Number</b> | <b>Economic Objective</b> | <b>Social Objective</b> | <b>Environmental Objective</b> | <b>Commentary</b>  |
| <b>CH H1</b>             | Neutral                   | Positive                | Positive                       | The policy sets out how unplanned development will avoid negative amenity, character and environmental impacts.  |
| <b>CH H2</b>             | Neutral                   | Positive                | Neutral                        | The policy seeks to secure necessary affordable housing.   |
| <b>CH H3</b>             | Neutral                   | Positive                | Neutral                        | The policy seeks to secure necessary types of housing.   |
| <b>CH H4</b>             | Neutral                   | Positive                | Neutral                        | The policy seeks to secure affordable housing to meet local need.  |
| <b>CH4 H5</b>            | Neutral                   | Positive                | Neutral                        | The policy seeks to secure housing for older people to meet local need.  |
| <b>CH H6</b>             | Positive                  | Positive                | Negative                       | The housing allocations have provided necessary dwellings to meet the needs of SO. CIL and S106 funding has been used to increase social infrastructure such as school places. The sites were previously greenfield sites. |
| <b>CH H7</b>             | Positive                  | Positive                | Positive                       | The development boundary provides a flexible approach to new development in the most sustainable location whilst protecting smaller settlements and the countryside from unsustainable development.                        |
| <b>CH C1</b>             | Positive                  | Positive                | Positive                       | The policy will secure high quality design which will benefit the parish overall.  |
| <b>CH C2</b>             | Neutral                   | Positive                | Positive                       | Local character is protected including landscape and trees.  |
| <b>CH C3</b>             | Neutral                   | Positive                | Positive                       | The historic environment is protected.   |
| <b>CH GP1</b>            | Neutral                   | Positive                | Positive                       | Existing sites where the community can access green space is protected from development.   |
| <b>CH GP2</b>            | Neutral                   | Neutral                 | Positive                       | The policy protects habitats and seeks to increase biodiversity.   |
| <b>CH GP3</b>            | Neutral                   | Positive                | Positive                       | The PROW network is protected and the policy will probably lead to net biodiversity gain or at least prevent loss.   |
| <b>CH GP4</b>            | Positive                  | Positive                | Positive                       | New development is encouraged to be more energy efficient, therefore increased in value and with lower running costs and reduced environmental impact.   |

|               |          |          |         |   |
|---------------|----------|----------|---------|---|
| <b>CH CF1</b> | Positive | Positive | Neutral | Community facilities are protected and their loss due to economic circumstances resisted; new provision allowed in some circumstances.                  |
| <b>CH CF2</b> | Neutral  | Positive | Neutral | New healthcare facilities will be provided to avoid harm to amenity and traffic congestion, whilst being well designed.                                 |
| <b>CH R1</b>  | Positive | Positive | Neutral | Economic circumstances can be taken into account where change of use is proposed – the tests allow for best community outcome.                          |
| <b>CH B1</b>  | Positive | Positive | Neutral | Economic circumstances can be taken into account where change of use is proposed – the tests allow for best community outcome.                          |
| <b>CH B2</b>  | Positive | Positive | Neutral | New businesses are supported whilst protecting amenity and character and providing adequate access and avoidance of traffic impacts related to parking. |
| <b>CH T1</b>  | Positive | Positive | Neutral | The policy encourages new tourism facilities whilst protecting amenity and traffic impacts.   |

*General conformity with the strategic policies in the development plan*

20. The development plan for the Chinnor 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 **Table 3** (Core Strategy December 2012).
21. Saved Policies from the Local Plan are considered in **Table 4** (South Oxfordshire Local Plan 2011, January 2006, saved policies).
22. Conformity with the emerging local plan is shown in **Table 5** (The emerging Local Plan 2011-2034 – January 2019). However, Table 5 only discusses conformity for the two new policies (CH H6 and CH H7) to demonstrate that where significant changes have been made, they are likely to be in conformity with the Local Plan when it is adopted.



| <b>Table 3</b>           |                           |  |
|--------------------------|---------------------------|--|
| <b>CNP Policy Number</b> | <b>SODC Core Strategy</b> | <b>Commentary</b>  |
| <b>CH H1</b>             | CST1                      | Chinnor is a local centre where village centres may expand through infill development.   |
|                          | CSR1                      | There is no limit to infill housing in larger villages.  |
|                          | 13.10                     | The policy does not conflict with the definition of infill development.  |
|                          | CSR2                      | The policy does not conflict with rural infill for employment.   |
|                          | CSM1                      | The policy seeks to avoid traffic congestion.  |
|                          | CSQ3                      | The policy provides local context for this design policy.  |
| <b>CH H2</b>             | CSH2                      | The policy is aligned to this policy and uses the same threshold of 40%.   |
| <b>CH H3</b>             | CSQ4                      | This policy is in conformity with CSQ4 for Major development which requires consideration of provision of a mix of housing types.  |
|                          | CSH4                      | The policy is in conformity with CSH4 which also seeks a mix of dwelling types to meet identified need.  |
| <b>CH H4</b>             | CSH4                      | This policy adds detail to CSH4 by providing a local test and is in conformity with this policy.   |
| <b>CH H5</b>             | CSH4                      | The policy is in conformity with CSH4 which allows specialist accommodation for older people on greenfield and other locations. The policy seeks to meet an identified need. |
| <b>CH H6</b>             | CSS1                      | The plan sets out how housing is provided in the village.  |
|                          | CSR1                      |  |
| <b>CH H7</b>             | CSS1                      | The plan sets out a clear definition of the village boundary so that there is a separation of village and the “outside”.   |
| <b>CH C1</b>             | CSQ3                      | This policy adds local detail to CSQ3 and is in conformity.  |
| <b>CH C2</b>             | CSEN3                     | The policy uses the same wording as CSEN3.   |

|               |                  |  |
|---------------|------------------|--|
| <b>CH C3</b>  | CSEN3            | The wording of the two policies are different, however, the meaning of the policy does not conflict with the meaning of CSEN3 and the stronger wording in CH C3 that seeks to control demolition or partial demolition is not at odds with CSEN3's "conserve and enhance" requirement.                             |
| <b>CH GP1</b> | CSG1             | The Core Strategy pre-dated the NPPF and therefore has no reference to Local Green Space. However, the policy is not in conflict with CSG1 which seeks to contribute to the delivery of green infrastructure or its improvement  |
| <b>CH GP2</b> | CSB1<br><br>CSQ3 | The policy is in conformity with this policy and adds local detail such as the protection of trees and hedgerows and the type of local planting that would be appropriate.<br><br>The policy is in conformity with CSQ3 in that it sets out local detail to how links and green infrastructure should be provided. |
| <b>CH GP3</b> | CSG1             | PROW are a form of green infrastructure and this policy is therefore in conformity with CSG1 where a net loss of green infrastructure should be avoided.   |
| <b>CH GP4</b> | CSQ2             | This policy addresses sustainable design features that are absent in CSQ2. It therefore does not conflict though is also not compliant since it discusses different matters. There is no comparable policy in the core strategy for this policy.   |
| <b>CH CF1</b> | CSI1             | The policy adds more detail than is available in the Core Strategy, though it is not in conflict with CSI1 and adds local detail to what infrastructure is important in Chinnor.   |
| <b>CH CF2</b> | CSI1             | The policy adds more detail than is available in the Core Strategy, though it is not in conflict with CSI1 and adds local detail to what healthcare infrastructure is important in Chinnor.  |
| <b>CH R1</b>  | CSR2<br><br>CST1 | The policy does not conflict with CSR2 and adds a test to protect rural employment.<br><br>The policy is in conformity with CST1 which seeks to resist changes of uses to maintain the role of town centres.   |
| <b>CH B1</b>  | CST1             | The policy is in conformity with CST1 which seeks to resist changes of uses to maintain the role of town centres.  |

|              |      |  |
|--------------|------|--|
| <b>CH B2</b> | CST1 | This policy is in conformity with CST1 which seeks to reinforce the local distinctiveness of town. |
| <b>CH T1</b> | CSR2 | This policy is in conformity with CSR2 which seeks to support tourism based employment.            |

**Table 4**

*(Note: The saved policies are now very out of date and there is not a good fit between them and the NPPF-compliant RCNDP policies.)*

| <b>CNP Policy Number</b> | <b>Saved policy</b>                | <b>Commentary</b>  |
|--------------------------|------------------------------------|--|
| <b>CH H1</b>             | D2, D3, D4, D5, TC2                | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH H2</b>             | H10                                | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH H3</b>             | -                                  | No policy  |
| <b>CH H4</b>             | -                                  | No policy  |
| <b>CH H5</b>             | -                                  | No policy  |
| <b>CH H6</b>             | -                                  | No policy  |
| <b>CH H7</b>             | H4                                 | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH C1</b>             | D1                                 | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH C2</b>             | CON7                               | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH C3</b>             | CON1, CON2, CON3, CON4, CON5, CON6 | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH GP1</b>            | -                                  | No policy  |
| <b>CH GP2</b>            | C6, C7C8, C9                       | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH GP3</b>            | T1, T7                             | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH GP4</b>            | -                                  | No policy  |
| <b>CH CF1</b>            | -                                  | No policy  |
| <b>CH CF2</b>            | -                                  | No policy  |
| <b>CH R1</b>             | TC8                                | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH B1</b>             | TC8                                | The policy is not a good fit since TC8 focuses on retail and CHB2 upon employment. The saved policy pre-dates the NPPF and may be out of date. |
| <b>CH B2</b>             | TC2                                | The policy is in conformity with or does not conflict with the saved policy  |
| <b>CH T1</b>             | TSM1                               | The policy is in conformity with or does not conflict with the saved policy  |

| <b>Table 5</b>           |   |  |
|--------------------------|---|--|
| <b>CNP Policy Number</b> | <b>Emerging Local Plan (January 2019)</b> | <b>Commentary</b>  |
| <b>CH H6</b>             | Strat1, H1, H4, H8                        | Supports the role of Chinnor as a larger village. NDP allocates housing in a larger village. Chinnor is not listed as a larger village that should contribute to housing requirement. Whilst Chinnor is not a “smaller village”, it allocates sites according to H8. |
| <b>CH H7</b>             | Strat1                                    | Clear definition of “countryside”.   |

*Does not breach and is otherwise compatible with EU Obligations*

23. As part of the process of developing the made neighbourhood plan (2017), SODC prepared a Sustainability Appraisal / Strategic Environmental Assessment Scoping Report.
24. SODC published the Sustainability Assessment Scoping report for a 5-week period for the made plan (2017) during which time comments were sought from the statutory consultation bodies, including the Environment Agency, Natural England and Historic England. Based on the response it was confirmed that the emerging Chinnor Neighbourhood Development Plan would not have significant effects on the environment and it was considered that a full Strategic Environment Assessment would not be required.
25. Chinnor Parish Council has provided South Oxfordshire District Council with all the necessary information they reasonably require for the purposes of determining whether a Strategic Environmental Assessment (SEA) or an Appropriate Assessment is required.
26. On 06 September 2019 the District Council issued a Screening Statement confirming that neither an SEA nor Appropriate Assessment were required. It is therefore considered that the making of the Chinnor Neighbourhood Plan is not likely to have significant effect on a European site (as defined in the Conservation of Habitats and Specials Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats Regulations 2007) either alone or in combination with other plans or projects.
27. The neighbourhood area is not in close proximity to any European site. As such a Habitats Regulation Assessment screening opinion was deemed unnecessary.
28. 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.