

Reviewed Long Wittenham
Neighbourhood Development Plan
2018-2035

BASIC CONDITIONS STATEMENT

November
2021

Submission Draft (revised)

INTRODUCTION

1. This Basic Conditions Statement has been prepared in support of the Reviewed Long Wittenham Neighbourhood Development Plan (RLWDNP) as part of its submission to South Oxfordshire District Council.
2. The RLWNDP is an update of the original Long Wittenham Neighbourhood Development Plan (LWNDP) which was made on 12 October 2017. The review is an update and refinement of the 2017 NDP and relies on much of the evidence prepared for that document.
3. The RLWNDP has been prepared by the NDP steering group which is composed of Parish Councillors and members of the Long Wittenham Community.
4. Long Wittenham Parish Council is the “qualifying body” for the NDP and is the project sponsor for the community hub project which is a key delivery objective for the NDP.
5. Neighbourhood plans must meet a set of basic conditions as set out in paragraph 8(2) 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 2004.¹

The basic conditions for neighborhood plans are:

- 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.

¹ Planning Practice Guidance, Paragraph: 065 Reference ID: 41-065-20140306

- d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
 - e. the making of the neighbourhood 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, EU obligations.
 - g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
6. 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.
7. When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following²:
- i. whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
 - ii. the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
 - iii. 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
 - iv. the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach
8. 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

² Planning Practice Guidance Paragraph: 074 Reference ID: 41-074-20140306

and that these should cover a period of at least 15 years showing broad locations for development.

9. For the purposes of the RLWNDP, the strategic policies are set out in the South Oxfordshire Local Plan 2035, December 2020.
10. The remainder of this report will be set out under the following headings, which will provide detail how the policies in the RLWNDP comply:
 - i. Compliance with the NPPF (2021)
 - ii. Contribution towards Sustainable Development
 - iii. Compliance with Development Plan policies
 - iv. Compliance with EU policies.

COMPLIANCE WITH THE NPPF (2021)

RLWNDP POLICY	NPPF PARA.	COMMENT
<p>LW1: Community Hub</p>	<p>13: NDPs should support delivery of strategic policies in the development plan and should shape and direct development outside these policies</p> <p>28: NDPs can set out policies for allocating sites, the provision of infrastructure and community facilities</p> <p>29: NDPs allow communities to develop a shared vision for their area. NDPs should not promote less development.</p> <p>70: NDP groups should consider allocating small and medium sized sites suitable for housing in their area.</p> <p>84: planning policies should enable the development of accessible community facilities and open space</p> <p>92: planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction and enable healthy lifestyles</p> <p>93: policies should provide social, recreational and cultural facilities and services the community needs by planning positively for the provision of shared spaces and community facilities; guard against the unnecessary loss of valued facilities and services</p>	<p>Policy LW1 conforms to development plan strategic policies for housing. The evidence papers demonstrate that the housing requirement has been exceeded by a significant margin through this site allocation and others in the NDP. In addition, LW1 realizes the community vision to create a new community hub with improved school provision, particularly for pre-school. The proposal is meant to improve the village's sustainability in the long term by providing improved access by foot and cycle to community facilities, improved open space and play pace, and reduced congestion in the village centre. In doing so, the master plan requirement under LW1B that the overall scheme will be sensitively designed and will complement neighbouring development. This policy "future proofs" the potential loss of the school and improves access to community space. It also provides additional affordable housing which will assist in delivering a locally-defined housing mix under LW5. LW1 requires heritage assets to be given proportionate protection. The Character Assessment and LW7 will ensure that</p>

	<p>95: it is important that a sufficient choice of school places is available</p> <p>100: policies should enhance public rights of way and access</p> <p>119: planning policies should promote the effective use of land</p> <p>127: design policies should reflect community aspirations</p> <p>128: plans should provide visual tools such as design guides</p> <p>167: development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate</p> <p>190: plans should set out a positive strategy for conservation of historic environment</p>	<p>design is in keeping with the locality. The policy seeks sustainable drainage.</p> <p>Overall, the community hub scheme is an effective use of land, making a contribution to community infrastructure and providing housing and affordable housing in a viable manner.</p>
<p>LW2: Safeguarded Sites</p>	<p>210: best definition of “safeguarding” sites in ref. to minerals policies which known resources are not sterilised by alternative development whilst not creating a presumption that the development will proceed.</p> <p>28: NDPs can set out policies for allocating sites, the provision of infrastructure and community facilities</p> <p>29: NDPs allow communities to develop a shared vision for their area. NDPs should not promote less development.</p> <p>69: NDP groups should consider allocating small and medium sized sites suitable for housing in their area.</p> <p>84 : planning policies should enable the development of accessible community facilities and open space</p> <p>92: planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction and enable healthy lifestyles</p> <p>93: policies should provide social, recreational and cultural facilities and services the community needs by planning positively for the provision of shared spaces and community facilities; guard against the unnecessary loss of valued facilities and services</p> <p>190: plans should set out a positive strategy for conservation of historic environment</p>	<p>LW2 takes an unusual approach and safeguards two sites rather than allocates them for the reasons set out in the evidence paper. The NPPF uses the term “safeguard” in numerous instances, but there are basically three meanings to be understood: safeguarding as protection of an asset such as biodiversity; safeguarding as a means of putting in a safe zone around a hazard such as an aerodrome or hazardous installation; safeguarding minerals sites so that their potential future benefit is available when needed. The development plan uses safeguarding to protect a zone where transport infrastructure might be put – this (in keeping with the third meaning for minerals safeguarding and NPPF para 104c) is the approach used for LW2 for two sites that are required to be redeveloped for housing to realise LW1.</p> <p>The most effective use of the land in the event that the community hub scheme does not proceed might be for a land use other than housing. Therefore, it is better to safeguard the sites for housing rather than allocate them for housing to ensure that the land is most effectively used in future should either site not be required to deliver the community hub.</p> <p>The two sites referred to in LW2 are the sites that the community vision wishes</p>

		to redevelop through LW1 and together they can provide up to 7 additional houses when their current uses become redundant. LW2 also provides improved and more accessible community space as a village green and improved historic asset (the war memorial).
LW3: Housing Mix	<p>60: the needs of groups with specific housing requirements are addressed</p> <p>62: size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.</p> <p>78: in rural areas, planning policies should be responsive to local circumstances and support housing developments that reflect local needs.</p> <p>84: planning policies should support the sustainable growth and expansion of businesses in rural areas</p>	This policy seeks to secure a range of housing types to meet local needs and aspirations.
LW4: Countryside	<p>13: NPDs should support the delivery of strategic policies</p> <p>28: non-strategic policies can conserve and enhance the natural and historic environment</p> <p>104: plan-making should promote walking and cycling</p> <p>106: work with neighbouring authorities to ensure that strategies for supporting sustainable transport are aligned and protect routes would be critical in delivering infrastructure</p> <p>120: planning policies should take opportunities to achieve net environmental gains such as improving public access to the countryside</p> <p>174: planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and countryside</p> <p>176: great weight should be given to conserving and enhancing Areas of Outstanding Natural Beauty</p> <p>185: Planning policies should ensure that new development is appropriate for its location taking into account the likely effects on the natural environment and identify and protect tranquil areas which have</p>	<p>The countryside in the parish serves important amenity, green infrastructure and character functions for the parish and more widely for Didcot Garden Town which also requires transport improvements to be made in Long Wittenham (transport route and improved cycle and footpath access).</p> <p>A critical feature of the character of the countryside is the long distance and open views across it. The countryside also serves as the backdrop to the North Wessex Downs AONB. The countryside is tranquil in character and the policy seeks to protect this.</p> <p>The policy is written flexibly so that certain types of development can proceed: affordable housing on rural exception sites; growth and expansion of rural businesses; infill housing.</p> <p>The baseline for this policy is the date that the RLW NDP will be made which will define the village built-up area against which future developments can be assessed during the NDP period. The policy applies to the land outside the built up area on that date.</p>

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	<p>remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.</p>	<p>This policy does not allow major housing schemes in the countryside because LW1, LW2 and LW3 have made excess housing provision and additional major housing schemes are not required at this time.</p>
<p>LW5: Protected Views</p>	<p>130: planning policies should ensure that developments are sympathetic to local character including the surrounding built environment and landscape setting</p> <p>174: planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside</p>	<p>The policy has identified views of value to the local community and which enhance the value of the countryside as green infrastructure. The policy seeks appropriate evidence prepared in support of development proposals that might harm the views to ensure that the views' visual integrity is maintained.</p>
<p>LW6: Heritage and Design</p>	<p>126: good design is a key aspect of sustainable development</p> <p>127: plans should set out a clear design vision and expectations. Design policies should be developed with local communities, so they reflect local aspirations</p> <p>130: planning policies should ensure that developments are sympathetic to local character and history and establish or maintain a strong sense of place</p> <p>190: plans should set out a positive strategy for the conservation and enjoyment of the historic environment</p> <p>195: local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal</p>	<p>This policy identifies the local character and seeks to ensure that new development preserves and enhances it. It makes provision for the conservation and enhancement of all heritage assets.</p> <p>Small areas of green space that are not suitable for designation as Local Green Spaces are protected for their contribution to local character.</p>
<p>LW7: Cycle and Footpaths</p>	<p>92: planning policies should aim to achieve healthy, inclusive and safe places which promote social interaction through measures such as easy pedestrian and cycle connections</p> <p>106: planning policies should provide for high quality walking and cycling networks</p> <p>112: planning applications should give priority first to pedestrian and cycle movements both within the scheme and with neighbouring areas</p>	<p>The policy seeks to secure cycle and footpath and cycle path improvements from new development and has identified those routes that are highest priority.</p>

LW8: Off-street parking	<p>104: Transport issues should be considered in plan-making including patterns of movement, street parking and other transport consideration which are integral to the design of schemes and contribute to making high quality places</p> <p>108: In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.</p>	<p>The policy seeks to restrict the amount of on-street parking from new developments so that existing congestion caused by vehicles parked on-street is not exacerbated, and to create better developments in future.</p>
LW9: Ecologically Sensitive Area	<p>179: to protect and enhance biodiversity, plan should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>	<p>This policy seeks to provide additional protection for a known colony of Helix Pomatia which is a species on the IUCN Red list of Threatened Species.</p>

CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

11. The RLWNDP seeks to contribute to the achievement of sustainable development first and foremost by making for provision of a new community hub which will provide improved public and community services, and secondly by allocating land for housing in excess of its identified requirement. Policies LW1 and LW2 ensure that the village can grow and that there will be sufficient good quality services to maintain the current standard of life.
12. The Vision for 2035 complements these high aims with additional aspirations to increase opportunities to walk and cycle within and outside the village, reduce congestion in the village centre, and protecting the high quality built and natural environment in the parish. Policies LW3 – LW9 set out detailed policies how this will be achieved.
13. The Table below summarises how each policy contributes towards sustainable development as defined in para. 8 of NPPF 2021.

RLWNDP POLICY	ECONOMIC OBJECTIVE	SOCIAL OBJECTIVE	ENVIRONMENTAL OBJECTIVE
LW1: Community Hub			
LW2: Safeguarded Sites			

LW3: Housing Mix			
LW4: Countryside			
LW5: Protected Views			
LW6: Heritage and Design			
LW7: Cycle and Footpaths			
LW8: Off-street parking			
LW9: Ecologically Sensitive Area			

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14. Full consideration of how individual RLWNDP policies and proposals comply with the South Oxfordshire Local Plan is set out in the Evidence Papers, in particular Evidence Paper: Planning Policy Context.

COMPLIANCE WITH EU POLICIES.

15. A screening report was submitted to the local planning authority in May 2018. The report argued that SEA was not required. However, following consultation with statutory consultees, the planning authority determined that SEA was advisable.
16. It is a requirement that SEA is undertaken in-line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004, which transposed into national law EU Directive 2001/42/EC on SEA.
17. In-line with the Regulations, a report (known as the Environmental Report) must be published for consultation alongside the draft plan that ‘identifies, describes and evaluates’ the likely significant effects of implementing ‘the plan, and reasonable alternatives’.³ The report must then be taken into account, alongside consultation responses, when finalising the plan.

18. The NDP steering group commissioned AECOM to prepare a Strategic Environmental Assessment for the Revised Long Wittenham Neighbourhood Plan. It was substantially revised from the 2018 version to the current November 2021 version. The 2021 Environmental Report concluded that:

The assessment predicts significant positive effects in terms of Population and communities objectives, given the clear merit in the proposed new community hub (and enabling housing) scheme, but serves to highlight tensions with certain environmental objectives, namely:

- Climate change – flood risk is extensive in the area, and flood risk zone 2 does intersect the proposed Didcot Road allocation site;*
- Historic Environment – this is the centrally important issue for the RLWNP, with the primary considerations relating to on-site archaeology within the Didcot Road site and the setting of the adjacent scheduled monument;*
- Land, soils and natural resources – as the Didcot Road site is likely to comprise best and most versatile agricultural land, and also falls within a broad area safeguarded for potential minerals extraction. It is for the plan-maker to consider if and how these tensions can be addressed or reduced ahead of the plan being finalised.*

19. The text and policies of the RLWNDP have been extensively modified and updated in response to the revised SEA (2021) and discussions with Historic England. A full discussion of how the plan was modified is set out in the Consultation Statement, and the Evidence Papers on: Site Allocations, Archaeology and Planning Policy Context.
20. On the matter of Human Rights, all members of the community were provided with an equal opportunity to comment upon the preparation of the original and reviewed NDPs.
21. On the matter of Habitats Regulation Assessments, Long Wittenham Parish Council has provided South Oxfordshire District Council with all the necessary information they reasonably require for the purposes of determining whether an Appropriate Assessment is required or to carry out the Appropriate Assessment if one is required.
22. The RLWDP plan-making process is compatible with EU regulations for the reasons set out above.

CONCLUSION

23. Neighbourhood plans must meet a set of basic conditions which are:

- i. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- ii. the making of the neighbourhood plan contributes to the achievement of sustainable development.
- iii. the making of the neighbourhood 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).
- iv. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

24. The table below summarises how the NDP meets its basic conditions:

Requirement	Reference	Comment
The policies relate to the development and use of land for a designated neighbourhood area	Section 38A of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	All policies apply to land within the designated area.
The Plan specifies the period to which it has effect	25. Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The plan period is 2018 -2035
The Plan does not include excluded development	Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The NDP does not relate to minerals, waste or any nationally significant infrastructure project
The Plan does not relate to more than one neighbourhood area	Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	It only relates to Long Wittenham Parish
The Plan has been prepared for an area that has been designated	Section 61G of the Localism Act, Para 8(1) of Schedule 4B TCPA 1990	The NDP relates to the designated area
The Plan has been developed and submitted for examination by a qualifying body	Para 8(1) of Schedule 4B TCPA 1990	The NDP is submitted by Long Wittenham Parish Council who is the qualifying body

The Plan has regard to national policies and advice contained in guidance issued by the Secretary of State	Para 8(2) of Schedule 4B TCPA 1990	This has been demonstrated above
The Plan contributes to the achievement of sustainable development.	Para 8(2) of Schedule 4B TCPA 1990	This has been demonstrated above
The Plan is in general conformity with the strategic policies of the development plan for the area	Para 8(2) of Schedule 4B TCPA 1990	This has been demonstrated above
The Plan is compatible with EU obligations and human rights requirements.	Para 8(2) of Schedule 4B TCPA 1990, European Convention on Human Rights (ECHR), Para 8(2) TCPA 1993	This has been demonstrated above

26. The evidence set out in this statement lead to the conclusion that the RLWNDP meets the basic conditions: conformity with policies in the NPPF and the Development Plan has been demonstrated, the plan contributes to the achievement of sustainable development and it does not breach EU obligations.
27. When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- i. whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
 - ii. the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
 - iii. 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
 - iv. the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach
28. The evidence set out in this statement concludes that:
- i. The RLWNDP supports and upholds the general principle that the strategic policies in the development plan contains, namely that housing allocations are made in excess of the requirement; the critical community infrastructure has been provided in a viable manner; that the policies lead to the conservation and enhancement of the built, historic and natural environment; and that provision is made for strategic

transport and green infrastructure requirements of neighbouring Didcot Garden Town.

- ii. There is no conflict between the RLWNDP and strategic policy.
- iii. The RLWNDP provides a significant level of additional detail and local justification presented in evidence in support of the plan.
- iv. The rationale for all policies in the RLWNDP has been evidenced and justified.

29. The RLWNDP therefore meets its basic conditions.