

TIDDINGTON-WITH-ALBURY NEIGHBOURHOOD PLAN

2016 - 2035

MAY 2022

BASIC CONDITIONS STATEMENT

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under the Neighbourhood Planning (General) Regulations 2012 (as amended)

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1. INTRODUCTION

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

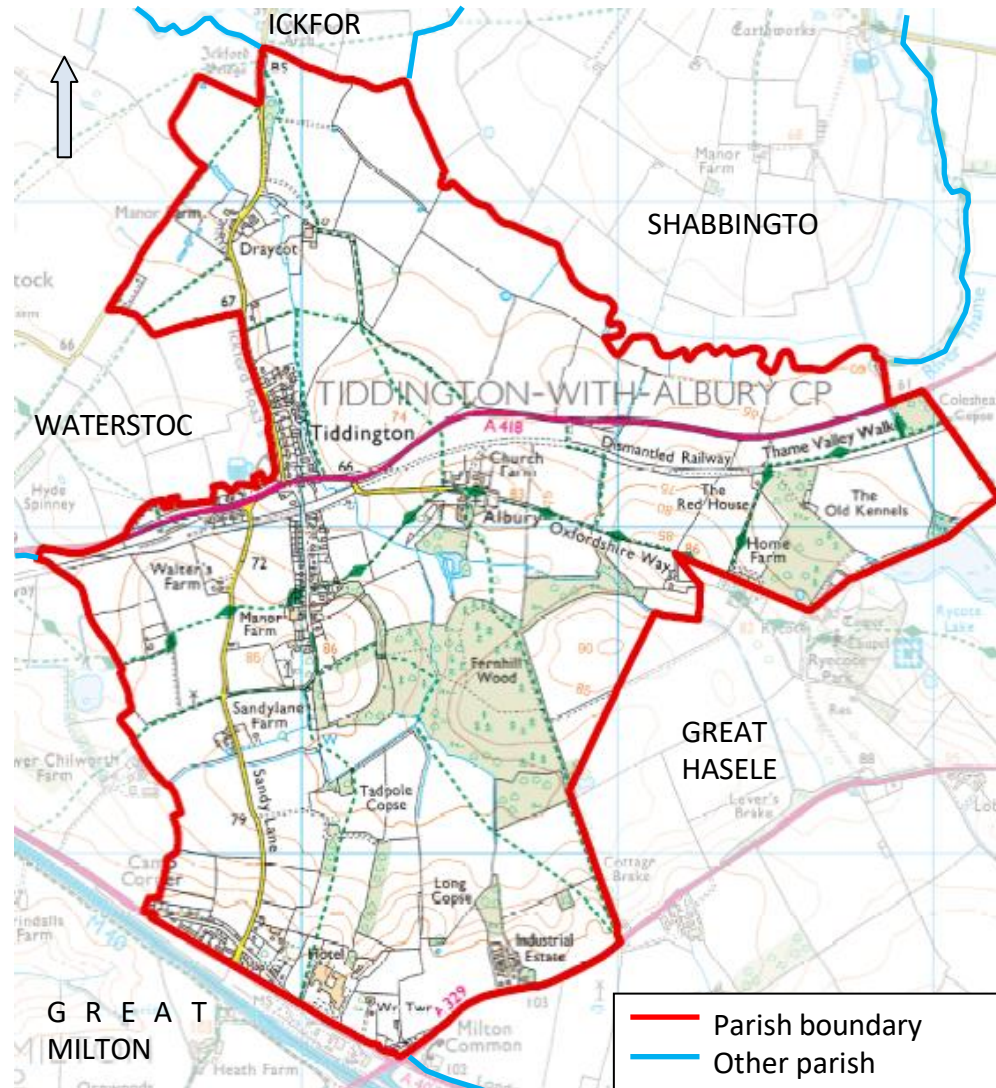
1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Tiddington-with-Albury and which was designated by the District Council on 21 December 2016 (see Plan A below). The Parish Council has consulted the local community, the statutory bodies and other stakeholders throughout the preparation of the Neighbourhood Plan, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2016 to 2035, the end date of which corresponds with the plan period of the adopted South Oxfordshire Local Plan ("the Local Plan"). This will enable the two plans to neatly operate alongside each other and to be monitored and reviewed on a similar timeframe.

1.4 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood 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.



Plan A: The Tiddington-with-Albury Designated Neighbourhood Area

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

“... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan as a whole ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine.” (our emphasis)

1.7 The case acknowledged that there will often be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. It sensibly concluded that such tensions can only be resolved by the qualifying body using its planning judgement to strike an appropriate balance across the plan as a whole. The examination tests the extent to which the qualifying body has exercised its judgement in a reasonable way. The fact that the local planning authority, in its representations on the plan, indicates that it would strike the balance differently, does not disable the qualifying body from doing so.

1.8 It is noted that the case law has not yet explicitly established the same principle for Condition (a) in respect of the regard to national policy, but it seems reasonable to expect the Courts would reach the same conclusion, given there will also be a range of national policies influencing plan making, and that some of those policies may also be in tension. It is therefore expected that the examination of this Condition will take the same approach as Condition (e).

1.9 For these reasons, sections 3 and 5 of this Basic Conditions Statement highlight how policies of the Neighbourhood Plan are considered to meet Conditions (a) and/or (e), explaining how the qualifying body has exercised its judgement in those cases “where different parts of national policy need to be balanced” (§070) and how it has taken into account the criteria of §074 on general conformity. Finally, it explains how the Neighbourhood Plan as a whole meets Conditions (a) and (e).

1.10 The Parish Council is also mindful of the Levelling Up and Generation Bill placed before Parliament in May 2022. The Bill proposes to make changes to both the development plan and management system. It indicates that there is a future for neighbourhood planning in that system. Once the Bill has received Royal Assent and the associated regulations and changes to national policy are in place, necessary amendments to the proposed policy provisions will be considered in a first review of the made Neighbourhood Plan.

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2016. With the encouragement of the District Council to local communities across the District to prepare Neighbourhood Plans, the key driver of this decision was a sense of wanting to plan positively for the future of the Parish. Although a small rural Parish with few services and relatively remote to the major centres of population in and around the District, the Parish Council considered having a Plan would improve the way in which future development proposals, however modest, are managed.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in February 2022 and the Submission Plan now.

2.3 The Parish Council has consulted local communities extensively over the duration of the project. It has also sought to work closely with officers of the District Council to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the Local Plan. The outcome of that work is the submission version of the Neighbourhood Plan.

2.4 The Neighbourhood Plan contains 11 land use policies (TwA1 – TwA11), which are defined on the Policies Map where they apply to a specific part of the Area. The Plan has deliberately avoided containing policies that duplicate adopted development plan policies or national policies that are already used to determine planning applications in the Area. The policies are therefore a combination of site-specific or other proposals and of development management matters that seek to refine and/or update existing policies to secure their specific application to this Parish.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

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

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

Specific Paragraphs

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

Table A: Neighbourhood Plan & NPPF Conformity Summary

No.	Policy Title	NPPF Ref.	Commentary
TwA1	Nature Recovery	174, 179	The policy contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures through identifying, mapping and safeguarding these components. It is therefore consistent with the aims of § 174 and § 179 in these respects.
TwA2	Village Boundaries and Infill Development	16, 21	The policy distinguishes between the built-up area of Tiddington and Milton Common and the surrounding countryside so it is evident how a decision maker should react to development proposals as per § 16. Although boundaries are not provided for in the strategic policies of the development plan, the District Council has accepted that this approach is consistent with its own approach to development management.
TwA3	Local Green Spaces	101	This policy designates Local Green Spaces having taken into the criteria in § 102. It is consistent with planning for sustainable development as Policy TwA1 makes provision for infill development of a scale that is in line with strategic policy. The owners of the land proposed for designation have been notified of this intention and given the opportunity to make representations in line with the advice set out in the Planning Practice Guidance.
TwA4	First Homes	72	Planning Practice Guidance allows for First Homes Exception Sites to come forward on unallocated land outside of a development plan but only within those parts of the Parish which do not lie in the Oxford Green Belt. Planning Practice Guidance also makes provisions for neighbourhood plans to define the meaning and application of 'proportionate in size' which the policy does, and the supporting text of the policy details the approach taken. In essence the policy reflects the spirit and intention of § 72 on entry-level exception sites which the First Homes exception sites product will effectively replace.
TwA5	Housing Mix	61	This policy seeks to influence housing mix for housing developments to deliver a wide choice of homes that reflects local demand and to create a demographically balanced community.
TwA6	Protection of Key Views	170	The Parish does not lie within a designated landscape, but, as shown in Appendix 4 of the Plan, there are some demonstrable physical attributes within the surrounding landscape that are special

			in framing views between, from and to the settlements that are above the norm in defining its rural character. In recognising the local status of the policy, it does not seek to prevent any development as a matter of principle, but rather requires development proposals to avoid unnecessary harm by way of their height, massing or obstructive location. Further, the policy does not unduly constrain the delivery of new development, as Policy TwA1 makes provision for infill development of a scale that is in line with strategic policy.
TwA7	Local Gap	174	The policy contributes to conserving the natural and local environment by protecting a specific type of valued landscapes in a manner that is commensurate with their identified quality in the evidence base (§174). The goal of preventing the visual or physical coalescence of settlements is a long-established principle in development plan making. The evidence base identifies a local gap that serves this essential purpose and is valued by the local community for that reason.
TwA8	Community Facilities	93	This policy seeks to protect popular and cherished community facilities across the settlements in line with §93.
TwA9	Commercial, Business and Service Uses	84	This policy seeks to encourage the retention and enhancement of the commercial, business and service uses across the settlements in line with §84.
TwA10	Traffic Management and Transport	104	Walking, cycling and riding are very popular in the Parish, but its lanes are increasingly busy with through traffic, which also creates safety concerns. Although only small infill (or a rural exception site or first homes outside of the Green Belt) schemes will be appropriate in the Parish, there may still be opportunities for those proposals to contribute to the goal of managing traffic speeds in the settlements, depending on their location.
TwA11	Dark Skies	185	Most of the Parish has relatively dark skies and the policy therefore seeks to limit the impact of light pollution in line with the provisions of §185.

3.5 It is considered that all the policies have had full regard to national policy. None of the policies of the Neighbourhood Plan have required a balancing exercise to be undertaken in having regard to national policy as none are considered to be inconsistent with national policy. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

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

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environmental	Commentary
TwA1	Nature Recovery	Light Green	Yellow	Dark Green	The policy will have a significant positive environmental effect in ensuring that development proposals contribute to the multi-functional roles of green infrastructure assets including their recreational, ecological and climate change roles. It will have moderate social effect as the network comprises a range of publicly accessible spaces that will benefit from the policy provisions. Its economic effect is neutral.
TwA2	Village Boundaries and Infill Development	Light Green	Yellow	Light Green	The policy will have positive social effect by containing and managing the sustainable infill growth of the Parish settlements. The containment of the villages will ensure that their historic rural character, and the surrounding landscape, will be protected to avoid causing a negative environmental effect. Its economic effect is neutral.
TwA3	Local Green Spaces	Dark Green	Yellow	Light Green	The policy will have a significant positive social effect in protecting a range of publicly accessible open spaces within the villages from inappropriate development. The policy will have a moderate environmental effect as some but not all the spaces have some environmental value. Its economic effect is neutral.

TwA4	First Homes		The policy will avoid a negative environmental effect by directing future such schemes to those parts of the defined settlement boundaries where development may be appropriate. The provision of new homes will result in a moderate positive social effect. Its economic effect is neutral.
TwA5	Housing Mix		The policy will have a moderate positive social effect by addressing a current imbalance in the range of housing types in the village, that may result in a more balanced demographic profile of the Parish in the longer term. Its economic and environmental effect is neutral.
TwA6	Protection of Key Views		The identified views play a part in defining the character of the Parish for the enjoyment of the local community. There are no adverse social or economic effects as the policy does not prevent development but seeks to ensure its design does not harm the character of a view.
TwA7	Local Gap		The policy will have a significant positive environmental effect and a moderate social effect in maintaining the separate identities of the settlements of Tiddington and Albury by preventing their visual coalescence. Its economic effect is neutral.
TwA8	Community Facilities		The policy will have a significant positive social effect in protecting the range of community facilities that are well used and cherished by the village communities. Its economic and environmental effects are neutral.
TwA9	Commercial, Business and Service Uses		The policy will have a moderate positive economic effect in retaining and supporting local businesses that contribute to the local economy. Its social and environmental effects are neutral.
TwA10	Traffic Management and Transport		The policy will result in moderate positive environmental effects ensuring that new developments continue to promote sustainable methods of transport. Its economic and social effects are neutral.
TwA11	Dark Skies		This policy has moderate positive social and environmental benefits by improving enjoyment of the night skies while at the same time reducing the impact of artificial light on wildlife although the extent of its application is limited to development within the parish. Its economic effect is neutral.

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

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

5.2 The Local Plan defines Tiddington as a ‘Smaller Village’ and Milton Common as an ‘Other Village’ in the settlement hierarchy of the District and contains no strategic proposal in the vicinity of the Parish. It encourages the preparation of Neighbourhood Plans at such villages but does not require any further growth to be planned for, other than infill and conversions. An assessment of the general conformity of each policy is contained in Table C below.

Table C: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
TwA1	Nature Recovery	This policy refines Local Plan Policies ENV1 – ENV5 in relating its broad natural environment principles to this Parish.
TwA2	Village Boundaries and Infill Development	<p>The policy is consistent with the overall spatial Policy STRAT1 for smaller and other villages. The District Council accepts the use of settlement boundaries on Policies Maps to articulate its definition of ‘built up areas’ in Policy H16. The boundaries are drawn following the conventions for doing so and are considered to provide opportunities for infill development schemes.</p> <p>There is no obligation for the boundaries to accommodate new housing site allocations. Policy H8 does not oblige neighbourhood plans to allocate land for housing in smaller villages and the District Council has confirmed the ‘indicative housing figure’ (see NPPF above) for the Parish is zero. The policy does not attempt to revise the ways in which development plan policies apply to the built up or countryside areas, e.g. employment.</p>

TwA3	Local Green Spaces	There are no strategic policies relating to Local Green Spaces. However, the policy is consistent with the aims of Policy CP4 in seeking to protect existing open to ensure their continued contribution to the health and well-being of visitors and residents.
TwA4	First Homes	There are no strategic policies relating to defining what 'proportionate in size' means for First Homes Exception Sites, nor is it defined or referenced in the District Council's First Homes Guidance Note. However, the policy is considered to reflect the spirit and intention of Policy H10 on Exception Sites.
TwA5	Housing Mix	The policy refines Policy H11 through encouraging an emphasis on two or three-bedroom homes as the evidence shows that there is a lack of smaller dwellings in the parish. The policy does not exclude the provision of larger dwellings and therefore continues to seek a mix of dwelling types and size.
TwA6	Protection of Key Views	The policies regard the defined key views and local gap as 'valued landscape' features in respect of the NPPF. It is therefore consistent with, and refines in specific detail, Policy ENV1 on valued landscapes and on the landscape setting to settlements.
TwA7	Local Gap	
TwA8	Community Facilities	This policy refines Policies CF1 and CF4 in defining those facilities in the Parish to which those policies apply.
TwA9	Commercial, Business and Service Uses	This policy refines Policy EMP3 in defining existing employment land in the Parish to which that policy applies.
TwA10	Traffic Management and Transport	This policy refines Policy TRANS5 to address specific traffic concerns in the Parish.
TwA11	Dark Skies	The policy is consistent with, and refines, Policies ENV11 and ENV12 in identifying the existing status of dark skies in the Parish that form an essential part of the distinctive rural character of the area.

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

6. CONDITION (F): COMPATABILITY WITH EU LEGISLATION

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

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

6.3 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.