

**BRIGHTWELL CUM SOTWELL  
NEIGHBOURHOOD PLAN:  
MODIFIED VERSION**

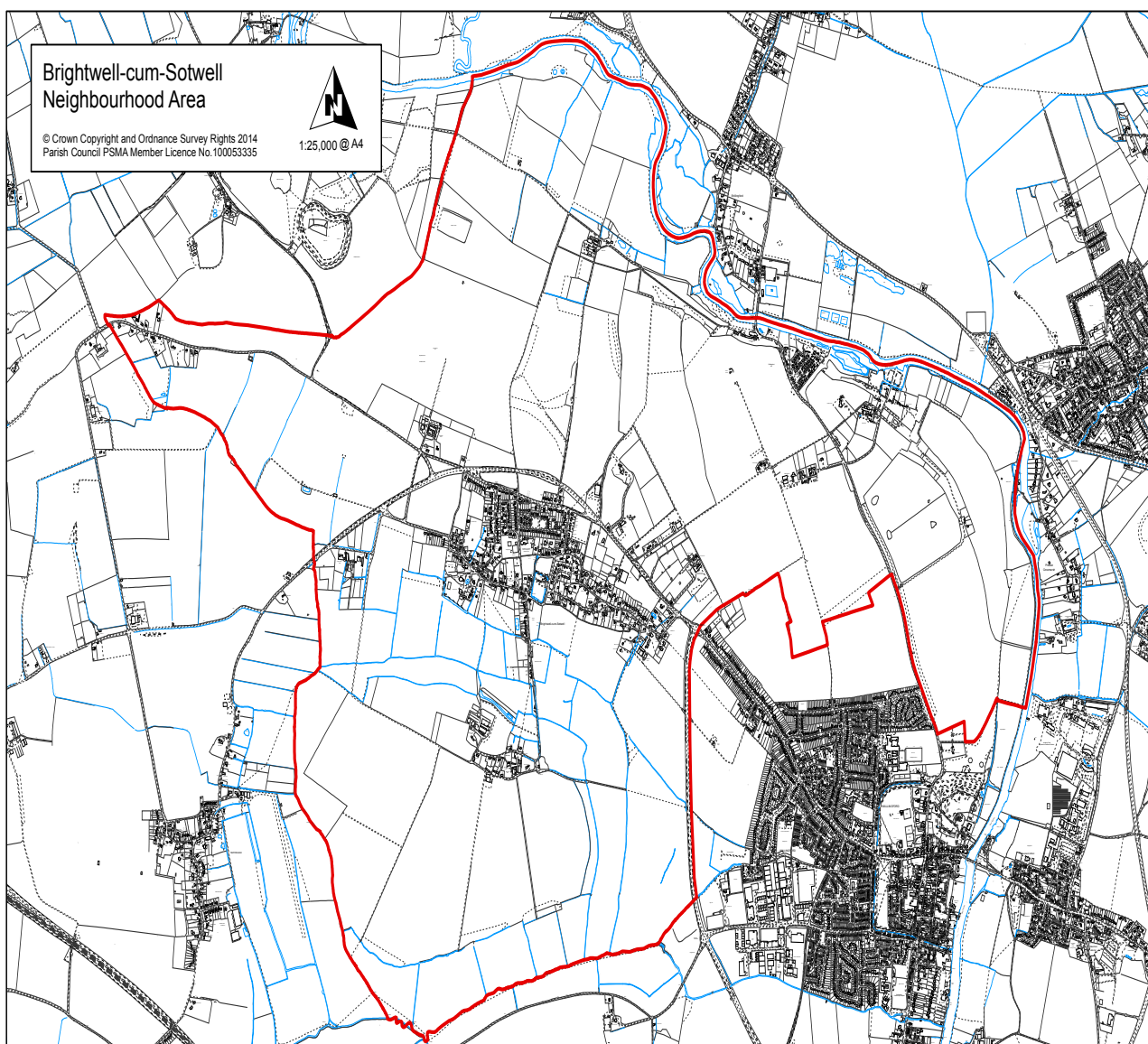
**BASIC CONDITIONS STATEMENT**

**DECEMBER 2022**

# 1.INTRODUCTION

1.1 This statement has been prepared by Brightwell-cum-Sotwell Parish Council (“the Parish Council”) to accompany its submission of the Modified Version of the Brightwell-cum-Sotwell Neighbourhood Plan (“the Modified Plan”) to the local planning authority, South Oxfordshire District Council (SODC), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

1.2 The Modified Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish and which was designated by SODC in April 2015 (see Plan A below). The Brightwell-cum-Sotwell Neighbourhood Plan (“the Made Plan”) was made by SODC in October 2017.



*Plan A: Brightwell-cum-Sotwell Designated Neighbourhood Area*

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulation 15 has been amended to require the qualifying body to publish a statement alongside the neighbourhood plan as proposed to be modified at the Submission stage thus:

*“setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.*

1.5 The Parish Council published its Modification Proposal and Modification Proposal Statement in March 2022 for the statutory minimum six-week consultation period in accordance with Regulation 14. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).

1.6 This Basic Conditions Statement, as per Regulation 15 (1)(d), sets out how the modification proposal meets the basic conditions requirements of how the neighbourhood development plan meets the requirements of paragraph 11 of Schedule A2 to the Planning & Compulsory Purchase Act 2004. Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The modification of the made 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),
- The modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with retained EU obligations.

1.7 The Made Plan contains seventeen policies BCS1 – BCS17. The Modified Plan proposes to make material modifications to 3 existing policies on Local Green Spaces, Landscape Character and Community Facilities; add 3 new policies on Housing Types and Tenures, Dark Skies, and Natural Flood Management and build on existing design policies with the introduction of a Design Code and list of Assets of Local Heritage Value. But, in making those changes, the opportunity has been taken to make minor modifications to 5 other policies, primarily to update their content. All of the proposed changes are described and explained in the separate Modification Proposal Statement.

1.8 In which case, this Statement focuses on explaining how the materially modified and new policies meet the basic conditions. The policies continue to relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations, and they will apply for the plan period up to 31 March 2035 to align itself with the plan period of the now adopted South Oxfordshire Local Plan 2035.

1.9 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Basic Conditions Statement
- A statement from SODC on the re-screening of the Modified Plan in relation to EU obligations on Strategic Environmental Assessment and Habitats Regulations
- Contributing to sustainable development report
- The Consultation Statement
- The Modification Proposal Statement

## 2.CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 The Modified Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021. The review of the Made Plan has taken into account how that version modified the 2012 version of the NPPF, against which the Made Plan was assessed. Account has also been taken of the Planning Practice Guidance (PPG) where relevant.

2.2 Set out in Table A below is the analysis of how the materially modified policies of the Modified Plan have had regard to the NPPF:

<b>Table A: Neighbourhood Plan &amp; NPPF Conformity Summary</b>			
<b>No.</b>	<b>Policy Title</b>	<b>NPPF Ref.</b>	<b>Commentary</b>
BCS5	House Types & Tenures	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 AONB. 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 this new policy reflects the spirit and intention of §72 on entry-level exception sites which the First Homes exception sites product will effectively replace.
BCS6	Design Code	126 - 130	The policy has translated the design principles of the made Policies BCS9 and BCS10 into a new design code which is consistent with the principles set out in the National Design Guide and Model Design Code. In doing so, it responds to the provisions of national policy on design expectations from new development.
BCS7	Assets of Local Heritage Value	203	The Design Code of Policy BCS6 identifies and describes a number of buildings and structures which have some local heritage value. This new policy lists these buildings and structures for the application of §203.
BCS8	Local Green Spaces	101 - 103	The policy is modified with the addition of two new local green spaces which meet the tests of §102. Both have been delivered as part of the development of a scheme allocated in the Made Plan and both are considered capable of enduring beyond the plan period. The addition of these spaces is not considered to constrain the delivery of new development, as the remaining allocations of the Made Plan and the retained settlement boundary have made more than enough provision for new development expected of a small village.
BCS10	Landscape Character and the Villages	174	The policy is modified with the addition of Key Views which have been identified and described in a new Appendix D to the Modified 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.
BCS11	Dark Skies	185	There is continued concern of night-time coalescence between Brightwell and Wallingford and Didcot. The policy therefore seeks to limit the impact of light pollution in line with the provisions of §185.
BCS14	Natural Flood Management	161	Brightwell cum Sotwell lies on a springline and thus is at the head of a small catchment that feeds the Millbrook prior to its confluence with the Thames at Wallingford. As such there are likely to be opportunities for natural flood management techniques. The policy therefore directs efforts to natural flood management techniques which are suitable for this location for new development to respond to in the design of their schemes in line with the provisions of §161.
BCS17	Community Facilities	93	This policy seeks to protect popular and cherished social, recreational and cultural facilities across the Parish whilst supporting those facilities to develop and modernise providing it does not result in the unnecessary loss of valued facilities in line with §93.

### 3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 It was determined by SODC that the Made Plan did have the potential for significant environmental effects and so a Strategic Environmental Assessment (SEA) was required. The Parish Council chose to prepare a Sustainability Appraisal (SA) incorporating an SEA. SODC has rescreened the Modified Plan and has determined that the modifications would not result in likely significant effects on the environment and that the Modified Plan did not require an SEA (see Section 6 below and the separate report).

3.2 The Parish Council chose to use the framework agreed for the Made Plan SA/SEA to demonstrate how the modifications contributed to achieving sustainable development. The report was published at Regulation 14 and a final version alongside the suite of submission documents now. It concludes:

*“4.1 The assessment indicates that the majority of the effects of the preferred modifications to the Neighbourhood Plan will be neutral, but with important positive effects in some cases. However, there remains potential for some negative effects, but such effects have been addressed through avoidance or mitigation measures.*

*4.2 It can therefore be concluded that the Modified Plan contributes to the achievement of sustainable development.”*

#### 4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Made Plan was prepared to ensure its general conformity with the development plan for South Oxfordshire, that is strategic policies of the Core Strategy of 2012 but also with some saved policies of the Local Plan of 2011. In December 2020, SODC adopted the new Local Plan ('SOLP 2035'), which has replaced both documents and has established a new strategic policy framework for the district. Table C below considers the general conformity with the relevant SOLP policies.

<b>Table C: Neighbourhood Plan &amp; SOLP Conformity Summary</b>		
<b>No.</b>	<b>Policy Title &amp; Refs</b>	<b>Commentary</b>
BCS5	House Types & Tenures	There is no development plan provision on First Homes Exception Sites however the policy reflects the spirit and intention of SOLP Policy H10 on Exception Sites and Entry Level Housing Schemes. Clause B responds to the prompt in SOLP Policy H13 to consider an appropriate location for this type of specific housing development.
BCS6	Design Code	The policy refines SOLP Policies DES1, DES2, ENV6 – ENV9 by identifying local context and specific design features of the Conservation Areas and the wider Parish.
BCS7	Assets of Local Heritage Value	SOLP Policy ENV6 supports neighbourhood plan-making in identifying non-designated heritage assets. The Assets of Local Heritage Value which this policy identifies is regarded as non-designated heritage assets to which SOLP Policy ENV6 will apply.
BCS8	Local Green Spaces	There is no development plan provision.
BCS10	Landscape Character and the Villages	The policy refines SOLP Policy ENV1 in defining important views to which the policy applies.
BCS11	Dark Skies	The policy is consistent with, and refines, SOLP 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.
BCS14	Natural Flood Management	The policy refines SOLP Policy EP4 by providing a local element to its provisions on minimising the risk and impact of flooding.
BCS17	Community Facilities	This policy refines SOLP Policies CF1 and CF4 in defining those essential facilities in the Parish to which those policies apply and on the circumstances within which the loss of an essential facility will be permitted. Finally, the policy refines SOLP Policy CF3 on the location of new facilities. In both cases the policy retains the spirit and intention of the SOLP Policies.



## 5. COMPATABILITY WITH EU LEGISLATIONS

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The 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.

5.2 A screening opinion was issued by SODC for the Made Plan, which confirmed that the Neighbourhood Plan had the potential for significant environmental effects and that an SEA would be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42. SODC also determined that no Habitats Regulation Assessment was required of the Neighbourhood Plan under the EU Habitats Regulations.

5.3 SODC has now undertaken a re-screening of the Modified Plan for submission, included in the submission documents. It concludes (in paragraph 29&30 on p4):

*“29. Based on the assessment presented in Appendices 1 & 3, the Brightwell cum Sotwell NDP Review is unlikely to have a significant effect on the environment.*

*30. The Brightwell cum Sotwell NDP Review therefore does not require a Strategic Environment Assessment.”*

5.4 In respect of the Habitats Regulations, the SODC re-screening concludes:

*“28. The Brightwell cum Sotwell NDP Review is unlikely to have significant effects on Natura 2000 sites, therefore, an Appropriate Assessment for the Brightwell cum Sotwell Neighbourhood Development Plan Review is not required.”*