

BURCOT & CLIFTON HAMPDEN NEIGHBOURHOOD DEVELOPMENT ORDER

BASIC CONDITIONS STATEMENT

December 2022

Prepared by Burcot and Clifton Hampden Parish Council

1. INTRODUCTION

1.1 This Statement has been prepared by Burcot & Clifton Hampden Parish Council to accompany its submission to the local planning authority, South Oxfordshire District Council, of a Neighbourhood Development Order (NDO) under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012.

1.2 Under Regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012, it is necessary to prepare a statement that sets out how the proposed NDO meets the basic conditions as specified in paragraph 8(2) of Schedule 4B to the 1990 Act. The Statement below addresses each of the 'basic conditions' required of the Regulations and in doing so explains how the Order meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.3 The Regulations state that the basic conditions that an NDO must meet are

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- 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);
- has special regard to the desirability of preserving any listed building or setting or any features of architectural or historic interest it possesses;
- has special regard to the desirability of preserving or enhancing the character or appearance of a conservation area; and
- does not breach, and is otherwise compatible with, retained EU obligations

2. BACKGROUND TO THE DEVELOPMENT PROPOSALS

2.1 The Parish of Burcot and Clifton Hampden is a small community of about 660 residents, 220 houses, with facilities and amenities that are truly remarkable for parish of its size: a primary school, shop and post office, GP's surgery and pharmacy, a village hall, River Thames wharf, recreation ground with a cricket pitch, pavilion, and scout hut, church, cemetery, and three pubs. In 2013, the Parish Council of Burcot and Clifton Hampden decided to write a Village Plan. A survey was conducted in 2014, and the Village Plan was published in 2015. Through the Village Plan, residents expressed a desire for the village to grow, provide opportunities for residents to downsize without having to move away, sustain its amenities, and carry out a range of improvements to the built infrastructure of the village and for other community led activities. By the end of 2016, many of the desired benefits had already been realised, e.g. faster broadband, a new children's playground, community activities, traffic calming in Burcot. However, many of the desired improvements require planning permission: a new surgery building, a 10-15% increase in housing, cycle paths, additional parking. In 2017 the Parish Council launched the Neighbourhood Plan, which will be used to inform and determine planning applications in the area in the period to 2035

2.2 It was our original intention that the Neighbourhood Plan would also set the policy framework to deliver the improvements to the built infrastructure set out in the Village Plan. However following extensive consultation with the Local Planning Authority, South Oxfordshire District Council, it became clear that, given the status of the parish as 'washed over Green Belt', there was no provision under National Planning Policy for this Neighbourhood Plan to include specific policies, such as housing targets or site allocations, that would deliver the required improvements to the built infrastructure. In 2019 the Parish Council, in consultation with SODC, decided on a twin track approach. The Neighbourhood Plan would set out general planning policies, whilst development of a new surgery, homes and additional parking would be brought forward through a Neighbourhood Development Order (NDO). An NDO is a planning application submitted by the Parish Council and is subjected to the same consultation process as the Neighbourhood Plan before being put to referendum. Of note is that the Burcot and Clifton Hampden Neighbourhood Plan has been drawn up and has been submitted in parallel.

2.3 The NDO is for a development of a new GP surgery building, 17 new houses, an extension to the village hall, additional parking, allotments and a new burial ground, located on two sites to the north and south of Abingdon Road near the centre of Clifton Hampden village. Four of the new houses will be designated Affordable Housing.

2.4 The NDO will deliver public benefit to the community, falling onto three categories.

2.4.1 Benefit directly generated through the NDO scheme

- A new, modern surgery fit for the 21st century, to replace the existing facility located in a pair of cottages which were converted in 1978. The freehold for the building and car park will pass into community ownership.
- 17 new homes to meet local demand, including 4 Affordable Homes.
- An extension to and refurbishment of the Village Hall
- A new burial ground
- New allotments
- Improved public access to community land, creation of new footpaths and a new orchard
- The building housing the village shop and post office building will pass into community ownership
- The undeveloped land on both sites will pass into community ownership, together with a £10,000 grant
- Improved village parking
- Capital Projects Grants
- Clifton Hampden Primary School (£150,000), for infrastructure improvements
- Improvement grants for amenities on the Recreation Ground (£50,000)

2.4.2 Benefit generated via enabling agreements with the landowner:

- Secured rights for residents and visitors to use the Barley Mow car park.
- Land for a new footpath and cycle path between Clifton Hampden and Long Wittenham

2.4.3 Other Benefits:

It is the Parish Council's intention to use its proportion of CIL funds generated by the development for safety improvements on the bridge improving access to the Barley Mow and the car park. The decision on this matter will take place outside of the NDO process.

2.5 The remainder of this report will be set out under the following headings, which will provide detail how the proposed NDO will:

Condition A Comply with the NPPF (2021)

Condition B: Contribute towards Sustainable Development

Condition C: Comply with Development Plan policies

Condition D: Preservation of Listed Buildings and their settings

Condition E: Preserve or enhance the Conservation Area

Condition F: Comply with EU policies.

3. CONDITION A: COMPLIANCE WITH THE NPPF (2021)

3.1 The National Planning Policy Framework (NPPF) was revised on 20 July 2021. The document sets out the Government's planning principles and policies for England and how these are expected to be applied

3.2 The NDO has been produced with appropriate regard to the guidance contained within the NPPF. The following selected paragraphs of the NPPF are considered to those most relevant to the objectives of the NDO (not meant to be an exhaustive list):

Specific Paragraphs

3.4 Those Paragraphs that are considered to be of the most relevance and substance are identified in Table A below

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant
<p>Para 8 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective; b) a social objective; and c) an environmental objective</p> <p>Narrative The NDO supports sustainable development objectives, as set out in Section 4 Condition B: Contribute towards Sustainable Development in this document.</p>
<p>Para 29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.</p> <p>Narrative</p>

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

NDO has come about following an extensive period of consultation commencing in 2012 with the community's decision to create a community led plan. The consultation process is set out in detail in the Consultation Statement, and is summarized here:

Early work (2012-2019). Pre-statutory process consisting of surveys, drop in events and public meetings, enabling the Parish Council to determine the community's priorities and outline policies for a Neighbourhood Plan, and the broadly stated requirements for development via an NDO (new surgery, housing, new burial ground, amenity improvements).

Initial Parish Consultation (2020-2021) In late 2019 and through 2020, a pre-statutory Informal Parish Consultation was carried out on draft design proposals for the NDO, namely 25 houses on two sites, a new surgery, additional parking, an extension to the village hall, a new burial ground, repositioned allotments, footpaths. Other community benefits that would flow from the NDO were presented in parallel. Overall support for the proposals was strong: 59% supported the proposals, 33% were against, 8% were neutral. Support for the need for new housing and the new surgery was even stronger, the difference accounted for by the fact that some residents, whilst they supported the need, could not support the proposed solution. There were also significant concerns raised about the impact of the development on the Green Belt and Conservation area and on some properties, and that the proposals should be rebalanced in favour of smaller houses where the principal need lay.. As a result, the proposed number of houses was reduced from 29 to 20 in favour of smaller houses, the Allotments site was radically redesigned, and the Paddock site reduced from 4 to 3 houses.

Pre-Submission Consultation (2022) The pre-submission consultation (Regulation 21) was carried out between 17 August 2022 and 29 September 2022. Comments were received from 5 statutory consultees and 36 members of the public.

The sole material challenge from statutory consultees was by SODC on Viability. SODC contended that the scheme could support a policy compliant solution of 6 Affordable Homes with the requisite ownership mix, whilst the Parish Council's view remains that a fully compliant scheme is not commercially viable. The Parish Council's position is that both NPPF (Para 35) and the Local Plan (Policy H9) include policy provision for variations, and thus the scheme meets the basic conditions, as set out in the basic conditions statement.

Comments on the scheme from members of the public fell into 26 themes. Six themes attracted comments from a significant (i.e. from 10 or more) respondents:

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

- a. Traffic and parking.
- b. Impact on Green Belt
- c. The New Surgery
- d. Impact on the Conservation Area
- e. Housing Need
- f. Community Led Development

Comments relating to planning policy have, where considered appropriate, been acted upon in the Submission version. Most comments however amounted to opinions that the NDO should be withdrawn. The Parish Council's view therefore is that it would be neither appropriate nor community led to withdraw the NDO purely on the basis of the opinions of a relatively small if vocal section of the community, and that, subject to the NDO meeting the Basic Conditions, the community should be given the opportunity to decide the NDO at Referendum.

Further detail can be found in the Consultation Statement

Para 34.

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan

Narrative

The NDO sets out the levels and types of Affordable Housing that the scheme will provide, along with other infrastructure. Fully compliant, except for AH provision.

Further detail can be found in the Viability Assessment, and the draft Section 106 Agreement

Para 52

Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant**Narrative**

The community is seeking planning permission through a Neighbourhood Development Order.

The Parish Council have engaged with, and been supported by the Local Planning Authority throughout. In his Opinion, Counsel states

"In summary, the proposal is an exemplar of what the Government intended for CRBOs and NDOs through the Localism Act 2011 (and consequent amendments to the TCPA 1990). It reflects the extensive work undertaken by the Parish Council's Steering Group and the helpful support offered by the District Council pursuant to their statutory duty under paragraph 3 of Schedule 4B TCPA 1990, and NPPF paragraph 52"

Further detail can be found:

- In the Consultation Statement which sets out how the local community has been engaged
- In the Design and Access Statement which sets out how the advice from the Local Planning Authority has been acted upon
- In Counsels Opinion

Para 60

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

Narrative

The case for new housing is set out in Section 6 of the NDO, supporting by an independent Housing Needs Analysis. The latter highlights the affordability challenge, and identifies a shortfall in the parish of 25 homes, predominantly 1,2, and 3 bedrooms. The HNA confirms a need for a few larger homes to provide balance. The Viability Assessment demonstrates that a few larger homes are needed to ensure the scheme is capable of generating financial benefit to the community, upon which an NDO is conditional.

The NDO will deliver 14 smaller homes (1-3 Bed), and 3 larger homes (4-5 bed).

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

Further details can be found in:

- NDO Section 6
- Housing Needs Analysis; Supplementary Report
- Viability Assessment

Para 70

Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites suitable for housing in their area.

Narrative

The NDO will deliver new housing on two sites. The Allotments site (14 smaller homes) is a medium sized site, the Paddock (3 larger homes) a small sized site.

Further detail can be found in:

- NDO Section 7, Site Selection
- The Design and Access Statement

Para 92

Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Narrative

NDO will deliver:

- New allotments with improved facilities on publicly accessible land owned by community, not private land as at present
- Network of new pathways through to and over undeveloped land to the north of the Paddock Site, which will transfer to community ownership

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

- Network of new pathways and a new community orchard on the Paddock Site, in community ownership

And by agreement, land for a new cyclepath between Clifton Hampden and Burcot

Further detail can be found in:

- Design and Access Statement
- Draft Section 106 Agreement

Para 93

To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;...

Narrative

The NDO will deliver:

- A new, modern surgery fit for the 21st century. The freehold for the building and car park will pass into community ownership.
- extension to and refurbishment of the Village Hall
- A new burial ground
- New allotments
- Improved public access to community land, creation of new footpaths and a new orchard
- The building housing the village shop and post office building will pass into community ownership
- The undeveloped land on both sites will pass into community ownership, together with a £10,000 grant
- Improved village parking
- Capital Projects Grants: Clifton Hampden Primary School (£150,000), for infrastructure improvements; Improvement grants for amenities on the Recreation Ground (£50,000)
- Secured rights for residents and visitors to use the Barley Mow car park.
- Land for a new footpath and cycle path between Clifton Hampden and Long Wittenham

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

- It is the Parish Council's intention to use its proportion of CIL funds generated by the development for safety improvements on the bridge improving access to the Barley Mow and the car park. The decision on this matter will take place outside of the NDO process

Further detail can be found in:

- Design and Access Statement
- Draft Section 106 Agreement

Para 110

In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

Narrative

The NDO takes full account of the policy requirements, as set out in:

- The Design and Access Statement
- The Transport Strategy

Para 126

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Narrative

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

The NDO takes full account of the policy requirements, as set out in:

- The Design and Access Statement
- The Consultation Statement

Para 147

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Narrative

The development proposed by the NDO is inappropriate development in the Green Belt as it conflicts with the purpose of the Green belt, specifically to preserve openness.

The proposed development meets the test of Very Special Circumstances under NPPF 147-148 for the purposes of paragraphs 8(2)(a), (d) and € of Schedule 4B of the Town and Country Planning Act 1990.

The Parish Council have sought Counsel's Opinion on this matter. Counsel's Opinion finds that the Very Special Circumstances test is met for at least five reasons [*Text in italics summarises the evidence and/or where the evidence can be found*]:

1 The proposal will provide new housing within the Parish to meet its housing needs, given the extent of the Green Belt Coverage.

Supporting evidence is in the Housing Needs Assessment and Supplementary Report. The need is for c36 smaller 1,2 and 3 Bed Houses, and for a few larger houses to provide balance and for viability. The scheme will provide 14 smaller houses and 3 houses. Following extensive consultation with the Local Planning Authority, this quantum is judged to be the maximum possible given Green Belt and Conservation Area considerations.

2 The proposal will deliver a much-needed new doctor's surgery, which will result in significant improvements in healthcare provision locally.

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

Supporting evidence is set out in the Surgery Evidence Paper. The need for a new purpose built building is driven by a) the provision of additional shared services at Clifton Hampden as part of the overall increase in services by the Primary Care Network, b) challenges with the current building c) lack of limited options to provide additional services particularly in Berinsfield. The new building is being built at cost on land gifted by the current landowner. The new building will be bought leasehold or leased by the Surgery partnership. The community will own the Freehold via the Community Land Trust, which will have an option to buy the building should it cease to be used as a GP Surgery at some point on the future, thereby ensuring benefit to the community above and beyond provision of healthcare.

3 There are no alternative sites available to deliver these benefits.

The parish is located entirely within the Green Belt, and so there are no sites outside the Green Belt.

Summarising the evidence and conclusions of the Green Belt Assessment:

9 sites were identified (A, A+, B to H, as per the map on Page 4 of the Green Belt Assessment).

Development of any of the potential development sites would result in loss of Greenbelt land. The assessment of each site against the Green Belt purposes and the 'visual' and 'spatial' qualities of openness demonstrates that each site currently does not fulfil the purposes equally.

Several of the sites, C to H, fulfil the purposes more effectively than A, A+ and B. Development of any of the potential development sites C to H would lead to encroachment into the countryside and intrusion into the openness of the wider Green Belt. Whereas development of Sites A, A+ or B would be less intrusive and could be visually contained reducing potential encroachment into the countryside.

Site A+, however, has a semi-rural character and is visible from a listed building. Any development of this site would need to be carefully related to the existing built-up area to safeguard the countryside and the setting of the listed building.

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

Sites A (The Allotment Site) and B (the Paddock Site) are both within the conservation area but are visually contained by the existing settlement and mature vegetation. Both experience urbanising influences from adjacent land uses and have a closer relationship to the neighbouring settlement, than the wider agricultural landscape. They have existing clearly defined boundaries and are in contrast to the more open boundaries of the other potential development sites. Sensitive design could strengthen these boundaries, reinforcing the settlement extents and help safeguard the special character of the conservation area.

Away from the settlements, the open nature of the undulating agricultural character of the landscape in the north of the Neighbourhood Area or the flat, agricultural floodplain in the south of the Area minimise opportunities to identify further development sites that would not have a major impact on the purposes and openness of the Green Belt. Consequently, only the nine sites assessed are considered to have some potential for development with sites A and B being considered to be the least successful at fulfilling the purposes of the Green Belt.

The Landscape and Visual Impact Assessment further concludes:

Based on submitted materials and normal design development processes, it is assessed that that the Allotments and Paddocks Site proposals will lead to satisfactory landscape and visual outcomes without unacceptable impacts. Further requirements to safeguard landscape and visual matters can be adequately conditioned and should not be a constraint to progression of the project through to planning approval

4 The scheme is community led and will deliver significant social and economic benefits, in line with the Localism Act 2011 and national planning policy.

The benefits to be delivered by the scheme are set out in the section on NPPF Para 93 above.

The social and economic benefits are set out in the section 2.4 of the Basic Conditions Statement

The scheme is community led as set out in the Consultation Statement, and the outcome decided at Referendum

5 The proposal has very strong community support, as demonstrated by the consultation work undertaken to date.

The consultation process is described in outline in the section on NPPF Para 29 above, and in detail in the Consultation Statement

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

Further detail can be found in:

- Counsel's Opinion
- Design and Access Statement
- Consultation Statement (which sets out how the design has been progressively iterated, in response to concerns raised and advice from the Local Planning Authority, to reduce the impact on the Green Belt)
- The Land and Visual Impact Assessment

Para 148

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations

Narrative

The case for Very Special Circumstances is set out in the section on NPPF Para 147 above.

In developing the development proposals the Parish Council has had to balance potentially conflicting requirements. For example, Green Belt policy looks to minimize the spatial impact of development, whilst the characteristics of the Conservation Area and its built form call for a more open layout, increasing the spatial impact. The design has been arrived at iteratively, balancing housing need as expressed both via consultation and the Housing Needs Assessment, (which supports the case for c25 new houses), with Green Belt and Heritage considerations which limit the scale of development, on balance, to the 17 proposed.

Further detail of the design process and how it has sought to minimize impact on the Green Belt and enhance the Conservation Area can be found in:

- The Design and Access Statement.
- The Consultation Statement (which includes a link to the short film hosted on the Parish Council website which describes the design iterations, included here for ease of reference <https://neighbourhoodplan.cliftonhampden.org.uk/>)

Para 150

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

(f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Narrative

The NDO is a permitted form of development in the Green Belt. Whilst the proposed development does not preserve its openness, and comes into conflict with the purposes of the Green Belt, this is justified by Very Special Circumstances as set out in the section on NPPF Para 147 above.

Para 152

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure

Narrative.

The environmental credentials of the new homes are set out in the Design and Access statement. They are summarized here:

All new homes will offer much greater levels of sustainability than typical existing homes, with significantly reduced 'in use' energy demands delivered by a number and variety of complementary measures including:

- Detailed design and construction to meet or exceed continually improving Building Regulations requirements.
- 'Fabric first' approach to lowering energy usage through improved levels of insulation and air-tightness.
- Air source heat pumps provide a renewable heating solution to each dwelling.
- Superfast broadband provision with integrated networking to facilitate seamless home working.
- Integrated Electric Vehicle (EV) charging points to each home.

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

The environmental credentials of the new surgery, which will meet the Net Zero standard for operational energy demands, are set out in the Design and Access Statement.

Para 174

Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Narrative

An Ecological Appraisal has been conducted which identifies potential impacts of the development, and recommendations for mitigation.

The Design and Access Statement states:

An Ecological Appraisal (EA) has been prepared and accompanies the application. The appraisal finds that the proposed development is unlikely to have any significant impact on nearby designated sites, and recommends measures to avoid or mitigate harmful impacts on local wildlife. It is anticipated those measures will be fully incorporated within the detailed design of both the developments themselves and also the surrounding landscaping proposed alongside, whilst embracing the opportunities for biodiversity enhancement through the creation of new habitats such as species-rich grassland and wetland features. Through further design iteration and application of sound landscaping principles, it is proposed to take the opportunity to positively enhance the biodiversity and natural habitat provision to the north of the Allotments site.

A planning condition is proposed to safeguard these undertakings.

A Biodiversity Net Gain Assessment has been conducted, which concludes that the NDO will deliver a 29% net biodiversity gain.

Further detail is set out in:

- Ecological Appraisal
- Design and Access Statement

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

- Biodiversity Net Gain Assessment
- Draft Planning Conditions

Para 194

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Narrative

A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

It is clear both sites can accommodate appropriate schemes of residential development that would not be harmful to the significance of the settings of any nearby listed buildings.

It is however conceivable that, given both sites are currently free of any built development, concerns might be raised about the impact that the proposals would have on the character and appearance of the Clifton Hampden Conservation Area, albeit, in my opinion, the level of heritage harm that might be caused falls very much at the lower end of 'less than substantial harm' as that term is defined and used in the NPPF and the accompanying PPG.

In such a scenario, paragraph 202 of the NPPF comes into play and, while it is for others to set out where the 'public benefits' which would directly flow from the development schemes lie, it seems to me that this is a case where the decision maker might very fairly conclude that these benefits would outweigh the degree of 'heritage harm' caused.

It is the opinion of the Parish Council, to be tested through referendum, that the benefits of the scheme as set out in para 2.4 above outweigh the degree of heritage harm caused.

This opinion is shared by the Local Planning Authority's Heritage Officer in their response to the pre-submission consultation. Historic England, a statutory consultee, offered no comment or objection to the proposals, suggesting that they too agree with the assessment.

Relevant NPPF Paragraphs and Narrative Explaining How the NDO is Compliant

The Design and Access Statement includes an extensive commentary on how the layout and design of the scheme has evolved to minimize the impact of heritage assets and enhance the Conservation Area, in response to pre-statutory consultation and pre-application advice,

Further detail can be found in:

- Design and Access Statement
- Statement of Significance and Heritage Impact Assessment
- Consultation Statement

Para 199

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Narrative

The development proposals do not impact on the significance of a designated heritage asset, as set out in the section on NPPF Para 194 above.

4. CONDITION B: CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 An Environmental Impact Assessment Report has not been required of the Neighbourhood Development Order.

The NDO seeks to help achieve sustainable development. Through the development of the NDO there will be social, economic and environmental benefits. The following summarizes how the NDO proposals relate to the three dimensions of sustainable

development:

4.1.1 Social Value

- Protect and enhance the strengths of the local community, in particular through the provision of community infrastructure.
- The building of affordable houses will contribute a social value to the village.
- The shop and post office building will be transferred into community ownership.
- The village hall will be refurbished and improved.
- There will be a new Burial Ground
- A new burial ground and allotments.
- The creation of new footpaths will improve connectivity in the village.
- Undeveloped land on the sites will be transferred into community ownership.

4.1.2 Environmental Value

- All elements of the development (both buildings and landscape) will meet the strong environmental aspirations of the local community.
- The proposals, which include significant new planting, will lead to a 29% nett increase in biodiversity.

4.1.3 Economic Value

- The new surgery will be a modern fit for purpose building.
- Grants for school and recreation ground.
- CIL will be generated to be used for safety improvements on the bridge

5. CONDITION C: GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Development Order 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 the parish of Clifton Hampden as a ‘Smaller Village’ in the settlement hierarchy of the District and it remains ‘washed over’ by the Oxford Green Belt. There are major strategic allocations and safeguarded land for strategic transport schemes adjacent to and within Clifton Hampden’s boundary. 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. The following provides a list of policies that are considered relevant to the proposals and demonstrates how the NDO is in general conformity with them (or, if there is any degree of conflict, the rationale for the approach taken).

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant
<p>STRAT1 The Overall Strategy provides an overall spatial strategy for development in the district, directing development to more sustainable locations.</p> <p>Narrative</p> <p>The proposals will deliver a small amounts of housing and a new surgery building to help secure the provision of new services and as such accords with this policy.</p>
<p>STRAT6 Green Belt seeks to ensure Green Belt serves its key functions by protecting it from harmful development. Development will be restricted to that deemed appropriate by the NPPF, unless very special circumstances can be demonstrated.</p> <p>Narrative</p> <p>The case for Very Special Circumstances is set out in the section on NPPF Para 147 above.</p> <p>In developing the development proposals the Parish Council has had to balance potentially conflicting requirements. For example, Green Belt policy looks to minimize the spatial impact of development, whilst the characteristics of the Conservation Area and its built form call for a more open layout, increasing the spatial impact. The design has been arrived at iteratively,</p>

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

balancing housing need as expressed both via consultation and the Housing Needs Assessment, (which supports the case for c36 new houses), with Green Belt and Heritage considerations which limit the scale of development, on balance, to the 17 proposed.

Further detail of the design process and how it has sought to minimize impact on the Green Belt and enhance the Conservation Area can be found in:

- The Design and Access Statement.
- The Consultation Statement (which includes a link to the short film hosted on the Parish Council website which describes the design iterations, included here for ease of reference <https://neighbourhoodplan.cliftonhampden.org.uk/>)

H1 Delivering New Homes permits the development of new homes on sites not allocated in the development plan where they are brought forward through a Community Right to Build Order, or there are other specific exemptions/circumstances defined in a Neighbourhood Development Order.

Narrative

The justification for the new development is set out in the NDO and as such accords with this policy.

H8 . The Council will support further growth where a parish council wishes to prepare a Neighbourhood Plan. Clifton Hampden is a smaller village as defined in the settlement hierarchy Those Neighbourhood Development Plans will need to demonstrate that the level of growth they are planning for is commensurate to the scale and character of their village, and this is expected to be around a 5% to 10% increase in dwellings above the number of dwellings in the village in the 2011 census (minus any completions since 1 April 2011).

Narrative

The NDO is compliant with the spirit of H8 enabling growth via the NDO rather than a Neighbourhood Plan. In Burcot and Clifton Hampton this would imply 9-22 new homes (5-10% of 255 is a range of 13-26. There have been 4 new houses complete since 2011.

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

Further detail can be found in the Housing Needs Assessment.

H9 Affordable Housing seeks 40% affordable housing on all sites with a net gain of 10 or more dwellings or where the site has an area of 0.5 hectares or more. In circumstances where it can be adequately demonstrated that the level of affordable housing being sought would be unviable, alternative tenure mixes and levels of affordable housing provision, may be considered.

Narrative

40% equates to 6.8 affordable homes. The NDO will deliver 4 (24%). The Viability Assessment demonstrates that a 40% level is unviable, and therefore offers an alternate level of provision.

In agreeing to provide land for development, the Landowner is agreeing to a price (£288,000 per hectare) that is well below the Benchmark Land Value (BLV) for land with permission for development in the Green Belt, (£741,000 per hectare, as assessed in the CIL viability Study undertaken by Aspinall Verdi June 2022).

The difference between those two positions is flowing back to the community through the Parish Council. The Parish Council recognises that the loss of two affordable homes relative to the requirement set out in policy represents a reduction in that element of the benefit arising from the scheme, but the benefits that are secured are significantly more valuable – both in terms of their absolute financial value (c£1,060,000) and the value attributed to them by the community

Further details to underpin the Parish Council's position are set out in the Viability Assessment (Stage 2).

The Parish Council consider that the NDO is compliant with Policy H9.

H11 Housing Mix requires a mix of dwelling types and sizes to meet the needs of current and future households.

Narrative

The NDO is providing a mix of dwelling types and sizes to meet current and future needs.

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant
<p>Further detail is provided in:</p> <ul style="list-style-type: none"> • Housing Needs Analysis which sets out demand • Design and Access Statement, which sets out provision. • The Viability Assessment, which sets out ownership mix.
<p>TRANS4 requires the submission of a transport assessment.</p> <p>Narrative.</p> <p>A Transport Strategy and Stage 1 Road Safety Assessment have been prepared and are included with the supporting documentation.</p>
<p>TRANS5 Consideration of Development Proposals requires proposals to provide safe and suitable access for all users.</p> <p>Narrative</p> <p>The Transport Strategy concludes that the proposals will not have an unacceptable impact on highway safety or have severe impacts on the road network</p>
<p>ENV1 protects the trees in the district from harmful development and requires high quality tree planting within new development.</p> <p>Narrative</p> <p>A Landscaping Plan has been prepared which shows how NDO complies with policy ENV1. Landscaping proposals, including the protection of trees, will be subject to a planning condition.</p> <p>Further details can be found in the Landscape Visual and Impact Assessment and Landscape Drawings.</p>
<p>ENV2 Designated Sites, Priority Habitats and Species seeks to protect ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts are likely on ecological receptors, development must meet the criteria outlined under the policy to be acceptable.</p> <p>Narrative</p>

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

An Ecological Appraisal has been conducted which identifies potential impacts of the development, and recommendations for mitigation.

The appraisal finds that the proposed development is unlikely to have any significant impact on nearby designated sites, and recommends measures to avoid or mitigate harmful impacts on local wildlife. It is anticipated those measures will be fully incorporated within the detailed design of both the developments themselves and also the surrounding landscaping proposed alongside, whilst embracing the opportunities for biodiversity enhancement through the creation of new habitats such as species-rich grassland and wetland features. Through further design iteration and application of sound landscaping principles, it is proposed to take the opportunity to positively enhance the biodiversity and natural habitat provision to the north of the Allotments site.

A planning condition is proposed to safeguard these undertakings.

Further detail is set out in:

- Ecological Appraisal
- Design and Access Statement

ENV3 seeks to secure net gains for biodiversity and requires that development proposals are supported by a biodiversity metric assessment. 4

Narrative

A Biodiversity Net Gain Assessment has been conducted, which concludes that the NDO will deliver a 29% net biodiversity gain, which is above the policy requirement of 10%

Further detail is set out in the Biodiversity Net Gain Assessment:

ENV5 requires proposals to contribute towards the provision of, or protect and enhance existing Green Infrastructure.

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant**Narrative**

The proposals will deliver a significant areas of public open space together with land for allotments. Currently in private ownership, land that will remain undeveloped within the two sites is not accessible to the public. Under the Section 106 agreement, undeveloped land will pass from private to community ownership thereby providing public access. The NDO will result in the removal of fencing, new footpaths, a new community orchard, and open spaces.

Further details can be found ins:

- Design and Access Statement
- Landscaping Drawings
- Draft S106 Agreement

ENV6 requires proposals that may affect designated and non-designated heritage assets to take account of the desirability of sustaining and enhancing the significance of those assets.

Narrative

A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

"It is clear both sites can accommodate appropriate schemes of residential development that would not be harmful to the significance of the settings of any nearby listed buildings.

It is however conceivable that, given both sites are currently free of any built development, concerns might be raised about the impact that the proposals would have on the character and appearance of the Clifton Hampden Conservation Area, albeit, in my opinion, the level of heritage harm that might be caused falls very much at the lower end of 'less than substantial harm' as that term is defined and used in the NPPF and the accompanying PPG.

In such a scenario, paragraph 202 of the NPPF comes into play and, while it is for others to set out where the 'public benefits' which would directly flow from the development schemes lie, it seems to me that this is a case where the decision maker might very fairly conclude that these benefits would outweigh the degree of 'heritage harm' caused."

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

It is the opinion of the Parish Council, to be tested through referendum, that the benefits of the scheme as set out in para 2.4 above outweigh the degree of heritage harm caused.

This opinion is shared by the Local Planning Authority's Heritage Officer in their response to the pre-submission consultation. Historic England, a statutory consultee, offered no comment or objection to the proposals, suggesting that they too agree with the assessment.

The Design and Access Statement includes an extensive commentary on how the layout and design of the scheme has evolved to minimize the impact of heritage assets and enhance the Conservation Area, in response to pre-statutory consultation and pre-application advice,

Further detail can be found in:

Design and Access Statement
Statement of Significance and Heritage Impact Assessment
Consultation Statement

ENV7 requires development proposals to conserve or enhance those elements that contribute to its setting and to demonstrate clear public benefits outweigh any harms. Consideration of key views will be important and any change assessed against the significance of the asset.

Narrative

A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

"It is clear both sites can accommodate appropriate schemes of residential development that would not be harmful to the significance of the settings of any nearby listed buildings"

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

Further detail can be found in:

Design and Access Statement
Statement of Significance and Heritage Impact Assessment

ENV8 Areas requires proposals to conserve or enhance the special interest of conservation areas, including its special interest, setting and appearance. The council also has a legislative statutory duty to preserve and enhance the special character or appearance of a Conservation Area.

Narrative

A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

“that the level of heritage harm that might be caused to the Conservation Area falls very much at the lower end of ‘less than substantial harm’. These harms are considered to be outweighed by the number of arising public benefit”

Further detail can be found in:

Design and Access Statement
Statement of Significance and Heritage Impact Assessment

ENV9 requires the consideration of archaeology in development proposals.

Narrative

An Archaeological Assessment has been prepared which concludes no archaeological remains have previously been identified within the sites. Further surveys would confirm the presence or absence and significance of any remains.

Further details can be found in the Archeological Assessment

ENV11 seeks to protect occupiers of a new development from the adverse effects of pollution.

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant
<p>Narrative</p> <p>An Air Quality Assessment and an Acoustic Survey have been conducted, and demonstrate that the proposals will meet the relevant legal requirements in relation to any potential pollution issues arising from traffic on the 415.</p>
<p>ENV12 requires proposals to be located in sustainable locations and should be designed to ensure that they will not result in significant adverse impacts on human health, the natural environment and/or the amenity of neighbouring uses.</p> <p>Narrative</p> <p>The Design and Access Statement, the Landscape and Visual Impact Assessment, Air Quality Assessment and Acoustic Survey demonstrate collectively that the NDO is compliant with this policy.</p>
<p>EP3 requires development proposals to incorporate provision for the storage and collection of waste.</p> <p>Narrative</p> <p>The NDO incorporates measures facilitate the storage and collection of waste. Further details can be found in:</p> <ul style="list-style-type: none"> • The Design and Access statement, which includes details of the sensitive design of arrangements for storage of waste and recycling bins • The Transport Strategy, Appendix I, which demonstrates how the NDO provides for access for refuse and recycling collection vehicles .
<p>EP4 seeks to direct development proposals to areas with the lowest risk of flooding. Any proposals should seek to demonstrate a suitable method of surface water drainage, including infiltration testing where necessary.</p> <p>Narrative</p>

<p>Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant</p> <p>The surface water drainage strategy for the scheme has been designed in accordance with Lead Local Flood Authority guidance. The strategy incorporates SuDS features to provide attenuation and treatment to surface water, which discharges at greenfield rate to an existing watercourse. The proposals will not lead to an increase in flood risk elsewhere.</p> <p>Further details can be found in the Flood Risk and Water Drainage Strategy.</p> <p>DES1 ..requires proposals to be design to a high quality taking account of the site context, including respecting the landscape character.</p> <p>Narrative</p> <p>The Design and Access Statement sets out how the proposed designs are of a high quality, sustainable development that has taken account of the unique features and constraints of the sites and responded positively to the local context</p> <p>DES2 requires proposals to be designed to reflect the positive features that make up the character of the local area and physically and visually enhance and complement the surroundings. Positive design features that make up the character of the local area should be included in the design of development.</p> <p>Narrative</p> <p>The Design and Access Statement sets out how development has been designed to connect to and integrate with the surrounding area and respect the location in terms of scale, form and appearance</p> <p>Further details can be found in:</p> <ul style="list-style-type: none"> • The Design and Access Statement • Land and Visual Impact Assessment • Statement of Significance and Heritage Impact Assessment <p>DES7 Efficient Use of Resources, DES8 Promoting Sustainable Design & DES9 Renewable Energy all promote environmental sustainability within development proposals.</p> <p>Narrative</p>

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

The environmental credentials of the new homes are set out in the Design and Access statement. They are summarized here:

All new homes will offer much greater levels of sustainability than typical existing homes, with significantly reduced 'in use' energy demands delivered by a number and variety of complementary measures including:

- Detailed design and construction to meet or exceed continually improving Building Regulations requirements.
- 'Fabric first' approach to lowering energy usage through improved levels of insulation and air-tightness.
- Air source heat pumps provide a renewable heating solution to each dwelling.
- Superfast broadband provision with integrated networking to facilitate seamless home working.
- Integrated Electric Vehicle (EV) charging points to each home.

The environmental credentials of the new surgery, which will meet the Net Zero standard for operational energy demands, are set out in the Design and Access Statement.

DES10 requires a 40% reduction in carbon emissions measured against a code 2013 building regulations baseline. This should be achieved through a fabric first approach to the design of the proposed new buildings.

Narrative

An Energy Statement has been prepared in accordance with Policy DES10 and submitted in support of the NDO. The new homes will be built to Local Plan standards and above for the new surgery, as set out in the narrative on DES7, DES8 and DES9.

Further details can be found in the Energy Statement and Design and Access Statement.

CF5 requires all new residential development to provide or contribute towards inclusive and accessible open space and play facilities.

Narrative

The NDO will provide new areas of public open space. Further details can be found in:

The Design and Access Statement

Relevant Local Plan Policies and Narrative Explaining How the NDO is Compliant

Land and Visual Impact Assessment Landscape Drawings Section 106 agreement
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5.20 The variation in the mix and level of affordable housing is justified on grounds of viability. The Parish Council consider that the development proposals are in general conformity with the strategic policies of the adopted development plan.

6. CONDITION D: PRESERVATION OF LISTED BUILDINGS AND THEIR SETTINGS

6.1 NDOs and CRtBOs have additional basic conditions compared to a Neighbourhood Plan, relating to listed buildings and conservation areas. For listed buildings, this will include consideration of the impact of development permitted by NDOs or of the development proposal forming the CRtBO on the setting of listed buildings.

6.2 There are no alterations to listed buildings proposed in the NDO. A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

“It is clear both sites can accommodate appropriate schemes of residential development that would not be harmful to the significance of the settings of any nearby listed buildings.”

6.3 This opinion is shared by the Local Planning Authority's Heritage Officer in their response to the pre-submission consultation. Historic England, a statutory consultee, offered no comment or objection to the proposals, suggesting that they too agree with the assessment.

6.4 The Design and Access Statement includes an extensive commentary on how the layout and design of the scheme has evolved to minimize the impact of heritage assets and enhance the Conservation Area, in response to pre-statutory consultation and pre-application advice.

6.5 Further detail can be found in:

- Design and Access Statement
- Statement of Significance and Heritage Impact Assessment
- Consultation Statement

7 CONDITION E: PRESERVE OR ENHANCE THE CONSERVATION AREA

7.1 NDOs and CRtBOs have additional basic conditions compared to a Neighbourhood Plan, relating to listed buildings and conservation areas. For listed buildings, this will include consideration of the impact of development permitted by NDOs or of the development proposal forming the CRtBO on the setting of listed buildings. For conservation areas, it will be necessary to consider the impact of development on the character or appearance of the area.

7.2 Some conservation areas will have an Article 4 Direction. Article 4 Directions remove certain permitted development rights. This is done in the interests of preventing harmful changes. When considering an NDO, it is essential to check whether there is an Article 4 Direction in place and to make sure that there is no incompatibility with the content of the proposed NDO. Discussion with the local planning authority at an early stage is recommended. It should be noted that Article 4 Directions might also be in place for other parts of an area, not just conservation areas. There are no Article 4 Directions in place for the area covered by the NDO.

7.3 A Statement of Significance and Heritage Impact Assessment has been conducted. The assessment concludes:

"It is however conceivable that, given both sites are currently free of any built development, concerns might be raised about the impact that the proposals would have on the character and appearance of the Clifton Hampden Conservation Area, albeit, in my opinion, the level of heritage harm that might be caused falls very much at the lower end of 'less than substantial harm' as that term is defined and used in the NPPF and the accompanying PPG.

In such a scenario, paragraph 202 of the NPPF comes into play and, while it is for others to set out where the 'public benefits' which would directly flow from the development schemes lie, it seems to me that this is a case where the decision maker might very fairly conclude that these benefits would outweigh the degree of 'heritage harm' caused".

7.4 It is the opinion of the Parish Council, to be tested through referendum, that the benefits of the scheme as set out in para 2.4 above outweigh the degree of heritage harm caused. This opinion is shared by the Local Planning Authority's Heritage Officer in

their response to the pre-submission consultation. Historic England, a statutory consultee, offered no comment or objection to the proposals, suggesting that they too agree with the assessment. The Design and Access Statement includes an extensive commentary on how the layout and design of the scheme has evolved to minimize the impact of heritage assets and enhance the Conservation Area, in response to pre-statutory consultation and pre-application advice,

7.5 Further detail can be found in:

- Design and Access Statement
- Statement of Significance and Heritage Impact Assessment
- Consultation Statement

8 CONDITION F: COMPATABILITY WITH EU LEGISLATION

8.1 The District Council assessed the NDO proposal in accordance with the Environmental Impact Assessment Regulations 2017. The District Council concluded that, based on the information provided and a site inspection, the preparation of an Environmental Statement is not required.

8.2 In accordance with the Conservation of Habitats and Species Regulations 2017, the Parish Council has provided the 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.

8.3 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 Development Order and considers that it complies with the Human Rights Act and the Equalities Act. The Neighbourhood Development Order has been subject to extensive engagement with the local community, in particular those that could be most affected by the proposed development. All issues raised were considered in preparing the order.