

GARSINGTON NEIGHBOURHOOD PLAN
2022 - 2035

NOVEMBER 2022

BASIC CONDITIONS STATEMENT

Published by Garsington Parish Council under the Neighbourhood Planning (General) Regulations 2012
(as amended)

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1.INTRODUCTION

1.1 This statement has been prepared by Garsington Parish Council ("the Parish Council") to accompany its submission of the Garsington 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 ("the Regulations").

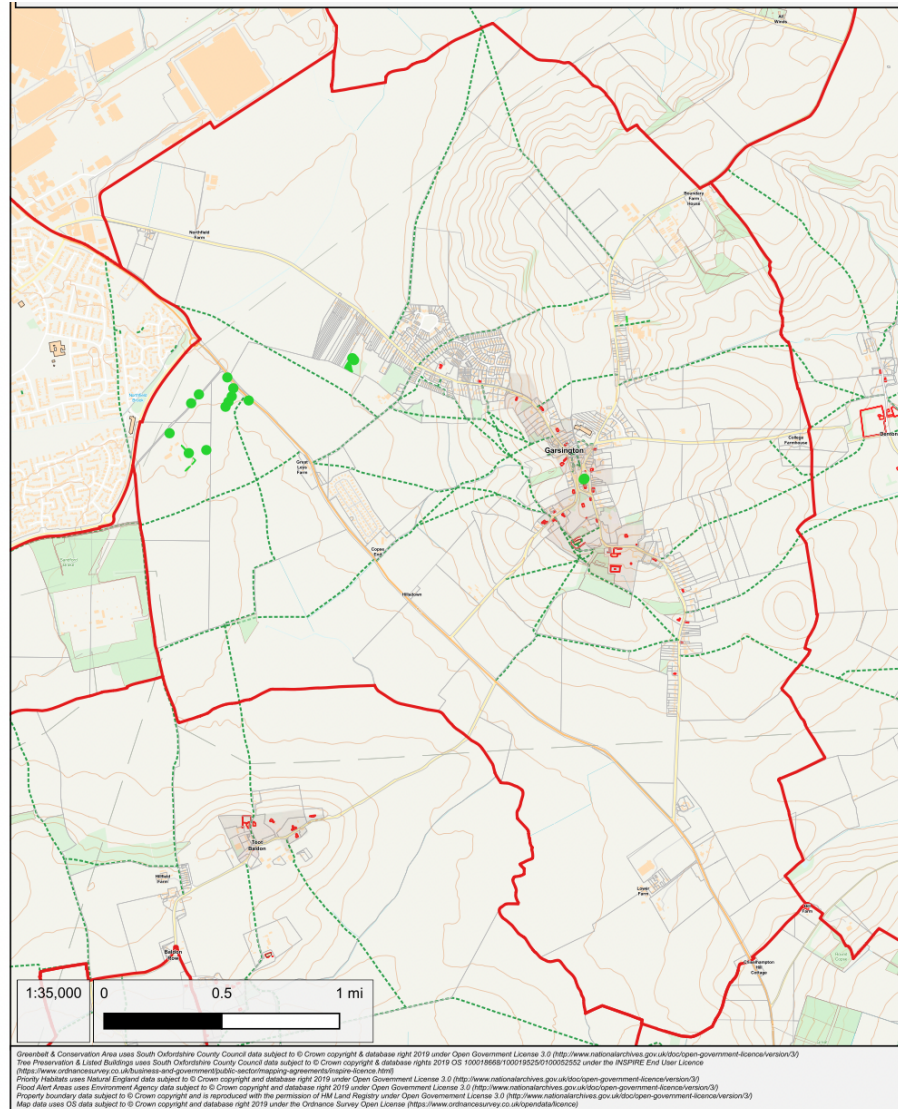
1.2 The Neighbourhood Plan has been prepared by the Garsington Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Garsington as shown on Plan A below. The District Council designated the Neighbourhood Area on 27 February 2017.

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 2022 - 2035, which corresponds with the plan period of the adopted South Oxfordshire Local Plan ("the Local Plan").

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: Garsington 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.”

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 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 as exercised its judgement in a reasonable way.

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2016. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, with the encouragement of the District Council to local communities to prepare Neighbourhood Plans. Although all of the Parish lies within the designated Oxford Green Belt – including the village which is ‘washed over’ – it still considered the Plan to present an opportunity to shape planning decisions.

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 April 2022 and the Submission Plan now.

2.3 The Parish Council has consulted the local community 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 Parish Council has considered the representations made on the Pre-Submission Plan and has made some modifications to its submitted version with the hope that they will have resolved the small number of objections and concerns raised.

2.4 The one main modification has been the deletion of a proposed housing site allocation on a brownfield site on the northern edge of the village (in former Policy 2 ‘New Houses’). The Parish Council worked extensively with the land interest and District Council to bring forward a small development proposal, but the land interest confirmed after the Pre-Submission consultation period that the site would no longer be made available for the type of scheme proposed.

2.5 The Neighbourhood Plan contains 8 land use policies (GARS1 – GARS8), 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 saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore covering development management matters that seek to refine and/or update existing policies.

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, as set out in Table A. 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 (the) local plan ... 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 now contains no site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area (§29). In this regard, the location of the Parish in the Green Belt – with neighbourhood plans not being able to allocate land for ‘inappropriate development’ (§148) – led to the District Council confirming that the ‘indicative housing figure’ for the Parish is zero, per the NPPF provisions of meeting local housing needs (§65/§66). As explained in §2.4 above, it did seek to plan for a development scheme to deliver affordable homes but it has not been possible to see this through to the Submission Plan. 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
GARS1	Community Assets	93	The policy seeks to protect valued local community facilities in accordance with §93.
GARS2	Footpaths, Bridleways and Cycleways	100, 104	The policy requires that transport issues are considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued (§104c). It also seeks to improve the use of public rights of way to encourage walking in the Parish, as per §100.
GARS3	Important Views	145, 174	§145 specifies that the visual amenity of Green Belt land should be enhanced and retained. As the parish is wholly located on Green Belt land, the policy defines views that are intrinsic to the character and beauty of the countryside in the Parish (§174b). The policy does not seek to prevent any development as a principle, but rather requires development proposals to avoid unnecessary harm to these views by way of their location, scale, height, massing, or obstructive location.
GARS4	Local Gaps	174	The policy contributes to conserving the natural and local environment by defining a specific type of valued landscape 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 the special sensitivity of the gap between the village and Oxford, which is planned to expand towards the village in the plan period (via a strategic allocation in the Local Plan). It also highlights another, smaller gap on the southern edge of the village where this same essential purpose applies.

GARS5	Housing Types & 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. It has benefited from a Housing Needs Assessment report produced for this project.
GARS6	New Housing	60, 70, 149	The policy encourages suitable infill housing schemes that would be defined as 'appropriate development' in the 'washed over' village (§149e). This will support the goals to boost housing supply (§60), to the extent that is relevant for a small village like Garsington, and to support the SME housing developer sector (§70).
GARS7	Design Guidance	127 - 129	'Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development' (§127). The policy seeks to bring 'clarity about design expectations' within the Garsington village and the wider Parish (§128). The specific matters included in the policy 'provide a framework for creating distinctive places' to deliver a 'consistent and high quality standard of design' (§128).
GARS8	Biodiversity	153, 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.

3.5 It is considered that all of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

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

4.1 Given the intended scope of the Neighbourhood Plan, the Parish and District Councils agreed that an Strategic Environmental Assessment (SEA) would be necessary as a matter of principle. The District Council provided formal screening opinion confirming the need for an SEA in January 2021. The Parish Council proceeded to appoint AECOM to prepare first a scoping report for an SEA in April 2021 for consultation with the statutory bodies and then draft and final SA/SEA reports during the Pre-Submission stage (October 2021 and March 2022) and Submission stage.

4.2 The separate SA/SEA Report sets out the sustainability effects of the policies of the Neighbourhood Plan. The Report concludes:

“Overall, the only effects of significance anticipated to emerge in implementation of the plan are considered likely to be positive. This predominantly relates to the delivery of affordable housing and smaller homes to meet locally identified needs. Minor positive effects are also anticipated in relation to health and wellbeing, given the policy emphasis placed on active travel connections in new development.

Broadly neutral effects are concluded in relation to biodiversity, climate change, land, soil and water resources, landscape, the historic environment and transportation, reflecting the overall conclusion that there will be no significant deviation from the baseline for these SEA themes.”

4.3 As noted in Section 6 of this Statement, the policy trigger in the screening opinion requiring an SEA was the proposal to allocate a housing site in former Policy 2 of the Pre Submission Plan. With the deletion of that policy it would have been expected that a rescreening would have concluded that no SEA was necessary. However, as the SEA process was almost complete it was considered appropriate to finish it with the final SEA report as it would enable the Parish Council to show how it has met this basic condition.

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 Local Plan and the Oxfordshire Minerals and Waste Local Plan, taken as a whole. An emerging Joint Local Plan to 2041 (covering South Oxfordshire and the Vale of White Horse) 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 Garsington as a 'Smaller Village' in the settlement hierarchy of the District and it remains 'washed over' by the Oxford Green Belt. 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
GARS1	Community Assets	This policy refines Policies CF1 and CF4 in defining those facilities in the Parish to which those policies apply.
GARS2	Footpaths, Bridleways and Cycleways	The policy refines Local Plan Policy TRANS2 by providing a local element to its provisions.
GARS3	Important Views	The policies regard the defined important 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.
GARS4	Local Gaps	
GARS5	Housing Mix	The policy refines Policy H11 through encouraging an emphasis on smaller and affordable homes as the evidence shows that there is a lack of smaller and affordable 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.

GARS6	New Housing	<p>The policy is consistent with the overall spatial Policy STRAT1 for smaller 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.</p> <p>Development outside the village boundary will be supported provided that they do not undermine rural character of the landscape or undermine the essential openness of the Green Belt of the Parish.</p>
GARS7	Design Guidance	<p>The policy refines policies DES1, DES2 and ENV6 –ENV9 by identifying local context and specific design features of the Garsington village and the wider Parish.</p>
GARS8	Biodiversity	<p>This policy refines Local Plan Policies ENV1 – ENV5 in relating its broad natural environment principles to this Parish.</p>

5.5 It is considered that all of the policies are in general conformity with the strategic policies of the development plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

6. CONDITION (F): COMPATABILITY WITH EU-DERIVED UK LEGISLATION

6.1 The District Council provided an initial screening opinion in January 2021 that determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), is required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately.

6.2 As set out in Section 4 the Parish Council has met its obligations to the Regulations in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan. The Final SEA Report is published as a separate document for submission and examination.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of the 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. The District Council's Habitats Regulations Screening Assessment (see Appendix 2 of the SEA Screening Opinion of January 2021) concludes (in its §43) 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.

6.4 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.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.