

TOWERSEY NEIGHBOURHOOD PLAN
2022 - 2035

DECEMBER 2022

BASIC CONDITIONS STATEMENT

Published by Towersey 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 Towersey Parish Council ("the Parish Council") to accompany its submission of the Towersey 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 Parish Council the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Towersey, shown on Plan A below. The District Council designated the Area in August 2016.

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 South Oxfordshire Local Plan.

1.4 The statement addresses each of the '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 retained EU obligations.

1.6 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner

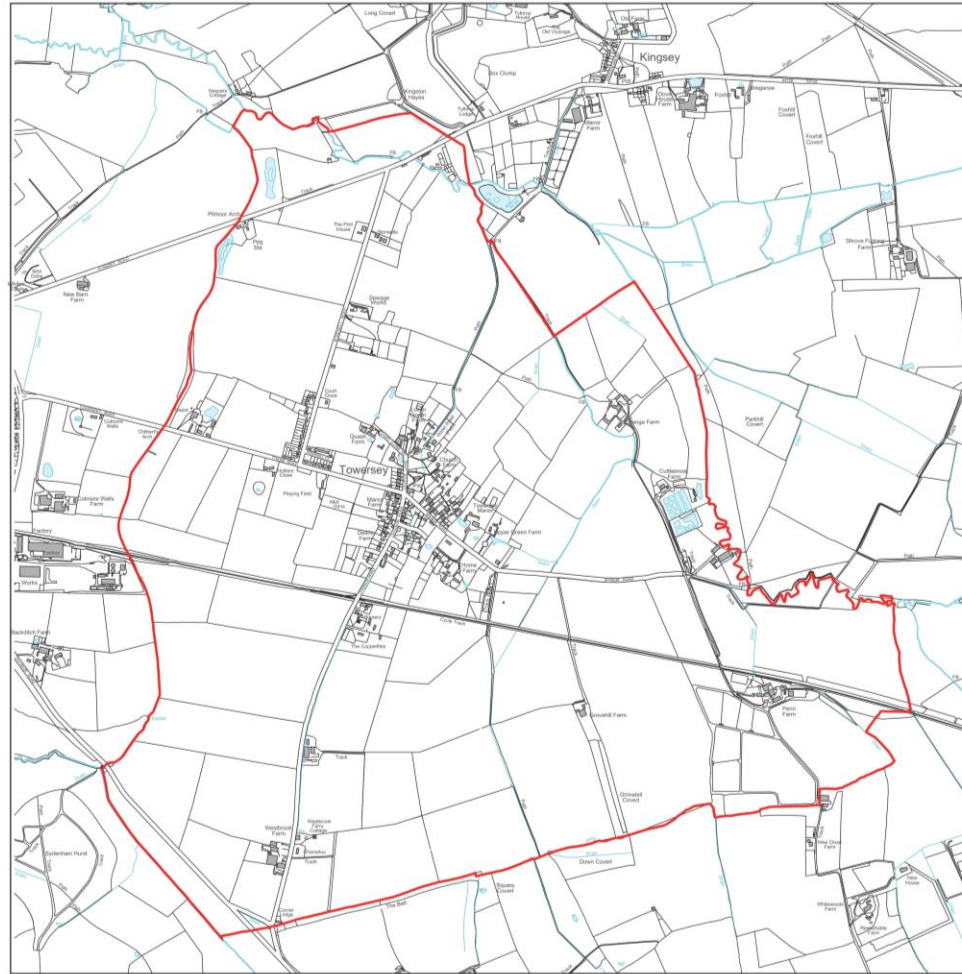
(Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

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

1.7 The case acknowledged that there will often be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. It sensibly concluded that such tensions can only be resolved by the qualifying body using its planning judgement to strike an appropriate balance across the plan as a whole. The examination tests the extent to which the qualifying body has exercised its judgement in a reasonable way.

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

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



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Towersey Neighbourhood Plan Parish Map

Plan A: The Towersey Designated Neighbourhood Area

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 a small village with few services and relatively remote to the major centres of population in and around the District, the Parish Council considered having a Plan would improve the way in which future development proposals, however modest, are managed.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in June 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 nature and outcome of these various publicity and consultation exercises are set out in the separate Consultation Statement.

2.6 The Neighbourhood Plan contains 11 land use policies, 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 a combination of site-specific allocations or other proposals and of 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 local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area (§29). In this regard, the NPPF provisions of meeting local housing needs (as per §65/§66) are not relevant to this Neighbourhood Plan.

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
TOW1	Village boundaries and infill development	16, 21	The policy distinguishes between the built-up area of Towersey and the surrounding countryside so it is evident how a decision maker should react to development proposals as per §16. Although boundaries are not provided for in the strategic policies of the development plan, the District Council has accepted that this approach is consistent with its own approach to development management.
TOW2	Housing mix	61	This policy seeks to influence housing mix for housing developments to deliver a wide choice of homes that reflects local demand and to create a demographically balanced community (§61).
TOW3	Climate change mitigation – zero carbon buildings	56, 152, 155, 157	This policy is a local response to a global challenge, the local community being convinced by the international evidence that ensuring zero carbon building performance through the PassivHaus standard is the most simple and cost-effective approach to take. It does not require that this standard is met but incentivises its use by requiring applicants to show that it has been properly considered before ruling it out, and by requiring a post-occupancy evaluation test of completed and occupied schemes if it is not used. In doing so, it is consistent with the aims and provisions of §152, §155 and §157. It is inspired by innovative development plan making work in other parts of the country that has demonstrated this type of provision is necessary and possible in managing development proposals until national policy provisions are implemented. Its provision for post-occupancy evaluation of buildings constructed outside of the standard is consistent with PINS model conditions of this type and is therefore considered in line with the use of planning conditions, as per §56.
TOW4	Design	127, 128	'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 Towersey 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).
TOW5	Local heritage assets	203	This policy identifies a number of local heritage assets to engage the provisions of §203. They have been derived through the Neighbourhood Plan Character Appraisal.
TOW6	Designation of Local Green Spaces	102	This policy designates Local Green Spaces having taken into the criteria in §102. The owners of the land proposed for designation have been notified of this intention and given the opportunity to make representations in line with the advice set out in the Planning Practice Guidance.
TOW7	Green infrastructure and biodiversity	153, 174, 179	The policy defines the green infrastructure network as one means of ensuring the future resilience to climate change impacts and to support nature recovery (§153 and §174). 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
TOW8	Community facilities	93	This policy seeks to protect valued local community facilities in accordance with §93.
TOW9	Managing Traffic	104, 112	This policy seeks to reduce the harmful impact of traffic in the Parish and to encourage walking, cycling and horse riding in accordance with §104. The policy also sets out that traffic calming measures should be carefully designed and reflect the rural character of the village in line with §112 which states that applications for development should








			'create places that are safe, secure, and attractive – which minimises the scope for conflict between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter, and respond to local character and design standards'.
TOW10	Supporting water infrastructure	159, 161	This policy seeks to ensure that development will not increase the risk of flooding by requiring proposals to undertake rigorous analysis of sewage capacity and site-specific flood risk assessment in accordance with §159 and §161.
TOW11	Local gap	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 two parts of the village of Towersey, which is plays an important role in forming a separate setting within which each part can be appreciated and enjoyed.

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 As neither a Sustainability Appraisal nor Strategic Environmental Assessment Report have been required of the Neighbourhood Plan, the Statement sets out in Table B below how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to significantly positive (++) , minor positive (+), neutral (0), minor adverse (-) or significant adverse (--) effects, taking into account the proposed mitigation measures.

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environmental	Commentary
TOW1	Village boundaries and infill development				The policy will have minor positive social and environmental effects by containing and managing the sustainable infill growth of the Parish settlements. The containment of the villages will ensure that their historic rural character, and the surrounding landscape will be protected. Its economic effect is neutral.
TOW2	Housing mix				The policy will have a minor positive social effect by addressing a current imbalance in the range of housing types in the village, that may result in a more balanced demographic profile of the Parish in the longer term. Its economic and environmental effect is neutral.
TOW3	Climate change mitigation – zero carbon buildings				The policy will have a significant positive environmental effect in maximising the zero-carbon performance of all new buildings. It will have increasingly positive social and economic effects in the ongoing financial savings to the building (residential and commercial) occupiers in very low energy costs.
TOW4	Design				The policy will have significantly positive environmental effect and a minor positive social effect in conserving the essential character of the village and the Conservation Area. Its economic effect is neutral

TOW5	Local heritage assets		The policy will have a significant positive environmental effect and a minor social effect in ensuring that features of local historic and/or architectural value are understood and kept as far as possible in new development proposals as part of retaining the character of the Parish, for the enjoyment of the local community. Its economic effect is neutral.
TOW6	Designation of Local Green Spaces		The policy will have a significant positive social effect in protecting a range of publicly accessible open spaces within the town from inappropriate development. The policy will have a minor positive environmental effect in as some but not all the spaces have some environmental (e.g. biodiversity, heritage) value. Its economic effect is neutral.
TOW7	Green infrastructure and biodiversity		The policy is likely to have a significantly positive environmental and social effect as the Network provides important biodiversity value, promotes sustainable transport measures, and provides recreational space for the local community. The policy will have a neutral economic effect.
TOW8	Community facilities		The policy will have a significant positive social effect in protecting the range of community facilities that are well used and cherished by the village communities. Its economic and environmental effects are neutral.
TOW9	Managing Traffic		The policy will result in a minor positive environmental effect in ensuring that new developments continue to promote sustainable methods of transport. Its economic and social effects are neutral.
TOW10	Supporting water infrastructure		The policy will have minor positive environmental effect as it will ensure that new development does not increase flood risk in the parish. Its social and economic effects are neutral.
TOW11	Local Gap		The policy will have a significant positive environmental effect and a minor positive social effect in maintaining the landscape character and the separate setting of Towersey village. Its economic impact will be neutral.

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

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for the District, that is the 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 Towersey as a 'Smaller Village' in the settlement hierarchy of the District. 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
TOW1	Village boundaries and infill development	<p>The policy is consistent with the overall spatial Policy STRAT1 for smaller and other villages. The District Council accepts the use of settlement boundaries on Policies Maps to articulate its definition of 'built up areas' in Policy H16. The boundaries are drawn following the conventions for doing so and are considered to provide opportunities for infill development schemes.</p> <p>There is no obligation for the boundaries to accommodate new housing site allocations. Policy H8 does not oblige neighbourhood plans to allocate land for housing in smaller villages and the District Council has confirmed the 'indicative housing figure' (see NPPF above) for the Parish is zero. The policy does not attempt to revise the ways in which development plan policies apply to the built up or countryside areas, e.g., employment.</p>
TOW2	Housing mix	<p>The policy refines Policy H11 through encouraging an emphasis on one, two and/or three-bedroom homes as the evidence shows that there is a lack of smaller dwellings in the parish. The policy does not exclude the provision of larger dwellings and therefore continues to seek a mix of dwelling types and size.</p>
TOW3	Climate change mitigation – zero carbon buildings	<p>The policy framework is consistent with the criteria outlined in Policy DES8 and DES10 of the Local Plan. As per PPG ID: 41-074-20140306, the Parish Council considers that the policy upholds the general principle of Local Plan Policies which was adopted in 2020; that the degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Local Plan policies; and that there is a strong rationale and evidence base to justify this approach.</p>
TOW4	Design	<p>The policy refines policies DES1, DES2 and ENV6 –ENV9 by identifying local context and specific design features of the Towersey village and the wider Parish.</p>
TOW5	Local heritage assets	<p>This policy identifies a number of buildings in the Parish that play an important role in defining the special character and appearance of the Conservation area as local heritage assets in accordance with Local Plan policy ENV6.</p>
TOW6	Designation of Local Green	<p>There are no strategic policies relating to Local Green Spaces. However, the policy is consistent</p>

	Spaces	with the aims of Policy CF4 in seeking to protect existing open to ensure their continued contribution to the health and well-being of visitors and residents.
TOW7	Green infrastructure and biodiversity	This policy identifies a Green Infrastructure network in the Parish, supporting Local Plan policies ENV1 – ENV5 by providing environmental support for the community and wildlife.
TOW8	Community facilities	This policy refines Policies CF1 and CF4 in defining those facilities in the Parish to which those policies apply.
TOW9	Managing Traffic	This policy refines Policy TRANS5 to address specific traffic concerns in the Parish.
TOW10	Supporting water infrastructure	This policy has two parts. Firstly, it requires proposals to demonstrate where appropriate that the sewer network can accommodate the additional demand and that any necessary improvements are made in advance of the construction of the development. This is outlined in Local Plan policy INF1 and due to the sensitive nature of the village which is susceptible to flooding TOW10 seeks to bring added attention to this important issue. Secondly, it requires proposals to ensure that the risk of flooding does not increase as a result of the development in accordance with Local Plan policy EP4.
TOW11	Local gap	The policies regard the defined 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.

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

6. CONDITION (F): COMPATABILITY WITH EU LEGISLATIONS

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

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

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