

East Hagbourne

NEIGHBOURHOOD DEVELOPMENT PLAN - 2018 to 2033

Plan Made - April 2019 - Draft 2023 Update

Basic Conditions Statement

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1. Introduction

- 1.1 This Basic Conditions Statement has been prepared by East Hagbourne Parish Council to accompany its submission to South Oxfordshire District Council of the 2023 update to the East Hagbourne Neighbourhood Development Plan (EHNP) to demonstrate how the Plan meets the statutory requirements set out within the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 1.2 The core basic conditions for Neighbourhood Plans are as follows:
 - Having regard to national policies and advice contained in the National Planning Practice Guidance
 - The making of the neighbourhood plan contributes to the achievement of sustainable development
 - The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority
 - The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations
 - Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan
- 1.3 The regulations require that a Neighbourhood Plan deals with planning matters (i.e. the use and development of land), is submitted by a qualifying body, covers a stated Plan period and identifies a designated Neighbourhood Area.
- 1.4 The remaining sections of this document set out how EHNP complies with the basic conditions:
 - Section 2 sets out how the EHNP has regard to national policies set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Town and Country Planning Act and the Localism Act.
 - Section 3 sets out how EHNP contributes to sustainable development.
 - Section 4 sets out how the EHNP is in general conformity with strategic policies of the Local Plan.
 - Section 5 sets out conformity with European Union obligations.

Table 1.1 Basic conditions and DCLG explanatory guidance¹

Neighbourhood development plan 'basic conditions' according to Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

Basic condition	DCLG guidance
 a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan. 	The National Planning Policy Framework is the main document setting out the Government's planning policies for England and how these are expected to be applied.
 d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. 	A qualifying body must demonstrate how its plan will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).
e) the making of the order (or neighbourhood 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).	When considering whether a policy is in general conformity a qualifying body should consider: whether the neighbourhood plan policy supports and upholds strategic policy; the degree, if any, of conflict between the draft neighbourhood plan policy and the strategic policy; whether the draft neighbourhood plan policy provides an additional level of detail without undermining that policy; the rationale in the draft neighbourhood plan and the evidence to justify that approach. Strategic policies are Local Plan policies that deliver: homes and jobs; retail, leisure and other commercial development; infrastructure, minerals and energy; the provision of health, security, community and cultural infrastructure and other local facilities; climate change mitigation and adaptation; conservation and enhancement of the natural and historic environment, including landscape.
f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.	 A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are four directives that may be of particular relevance to neighbourhood planning: Directive 2001/42/EC Strategic Environmental Assessment (SEA) Directive; Directive 2011/92/EU Environmental Impact Assessment (EIA) Directive. (Only relevant to Orders); Directive 92/43/EEC and Directive 2009/147/EC the Habitats and Wild Birds Directives respectively;

¹ Note: basic conditions b) and c) are omitted from this table as they relate to Neighbourhood Development Orders only and are not relevant for the EHNP.

Basic condition	DCLG guidance
	 Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.
g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).	Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) adds a basic condition for neighbourhood plans in addition to those set out in the primary legislation: the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

2. National policies and guidance

- 2.1 The East Hagbourne Neighbourhood Plan has been prepared having regard to national policies set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance, the Town and Country Planning Act and the Localism Act.
- 2.2 The original Plan, prepared in 2018, was reviewed against the provisions of both the 2012 and 2018 NPPF Frameworks.
- 2.3 This Basic Conditions Statement for the 2023 update to the East Hagbourne Neighbourhood Plan has been prepared having regard to national policies set out in the 2021 NPPF Framework (Table 2.1).
- 2.4 Table 2.2 then sets out compliance of the EHNP with specific legal requirements.

Policy Number	Policy Title	NPPF Reference (paragraph)	Commentary
SD1	Sustainable Development	7, 10, 13, 16, 28, 126, 127, 159, 174, 190, 199, 200	 This policy sets out a series of points relevant to the particular planning and development context of East Hagbourne to positively guide the delivery of the three overarching objectives (economic, social and environmental) of sustainable development within the neighbourhood plan area. Therefore, the policy has regard to the following NPPF paragraphs: 7- by contributing to the achievement of sustainable development. 10 – by presuming in favour of sustainable development. 13- by supporting the delivery of strategic policies contained in local plans or spatial development strategies. 16- by being prepared with the objective of contributing to the achievement of sustainable development; by being prepared positively. In addition, the policy has regard to the following NPPF paragraphs: 28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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. 126- by creating high quality buildings; by creating better places [through good design] in which to live and work and helps make development acceptable to communities.

Table 2.1 East Hagbourne NP Policies having regard to the 2021 National Planning Policy Framework (NPPF)

			159- by directing development away from areas at highest risk (whether existing or future).
			174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services
			190- by setting out a positive strategy for the conservation and enjoyment of the historic environment.
			199- by considering the impact of a proposed development on the significance of a designated heritage asset; by giving great weight to the asset's conservation.
			200- by requiring clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset.
VC1a-d	Preserving local green	174, 179	This policy has regard to the following NPPF paragraphs:
	gaps		174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
			179 – by protecting and enhancing biodiversity and geodiversity; by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; by identifying and pursuing opportunities for securing measurable net gains for biodiversity.
			Two specialist studies set out the local East Hagbourne context with regard to local character and historical setting, biodiversity and landscape: <i>East Hagbourne Green Buffer Assessment</i> and <i>East Hagbourne Village Character Assessment and Landscape Study</i> .

VC2	Conserving and enhancing key views	2, 28, 130, 174	This policy has regard to the following NPPF paragraphs:
	emancing key views		2- by making sufficient provision for conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure.
			28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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.
			130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place.
			174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside.
			Two specialist studies set out the local East Hagbourne context with regard to local character and historical setting, biodiversity and landscape: <i>East Hagbourne Green Buffer Assessment</i> and <i>East Hagbourne Village Character Assessment and Landscape Study</i> . Local knowledge has been used to create a <i>Strategy for People and Nature</i> , recognising biodiversity assets in East Hagbourne.
VC3	Retaining small village character and promoting	28, 126, 127, 130, 174	This policy has regard to the following NPPF paragraphs:
	good design	130, 174	28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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.
			126- by creating high quality buildings; by creating better places [through good design] in which to live and work and helps make development acceptable to communities.

			 127- by identifying the special qualities of each area and explaining how this should be reflected in development. 130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place. 174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside. Two specialist studies set out the local East Hagbourne context with regard to local character and historical setting, biodiversity and landscape: <i>East Hagbourne Green Buffer Assessment</i> and <i>East Hagbourne Village Character Assessment and Landscape Study</i>. An <i>East Hagbourne Design Guide including Design Codes</i> has been prepared to respond to the special qualities of each area within East Hagbourne.
VC4	Assets of Local Distinctiveness	130, 170, 190, 203	 This policy has regard to the following NPPF paragraphs: 130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place. 174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the conservation and enjoyment of the historic environment by taking into account b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; d) and opportunities to draw on the contribution made by the historic environment to the character of a place.

			203- by taking into account in determining the application the effect of an application on the significance of a non-designated heritage asset.
VC5	Conserving and enhancing heritage	130, 174, 190, 194, 195, 197,	This policy has regard to the following NPPF paragraphs:
	assets	200, 201, 204, 206	130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place.
			174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside.
			190- by setting out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats; by taking into account a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; d) and opportunities to draw on the contribution made by the historic environment to the character of a place.
			194- by requiring an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
			195- by identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset.
			197- by taking account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

			 200- by requiring clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting. 201- by refusing consent where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that
			harm or loss.
			204- by not permitting the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
			206- by looking for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.
VC6	Lighting	130, 185	This policy has regard to the following NPPF paragraphs:
			130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place.
			185 – by limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
			The East Hagbourne Design Guide including Design Codes includes a design code on lighting.
H1	Housing provision	7, 8, 10, 13, 16, 28, 130, 174	The allocation of a housing development site has regard to para 7 of the NPPF, whereby the purpose of the planning system is to contribute to the achievement of sustainable development.
		1/4	The allocation of the most sustainable site for housing development (a process documented in <i>Methodology and Conclusions for Site Allocation</i> (Neighbourhood Plan Appendix 8) and the <i>Strategic Environmental Assessment of the EHNP- Environmental Report</i>) has regard to para 8: the

	interdependent pursuit of the three overarching objectives of achieving sustainable development- economic, social and environmental.
	East Hagbourne is classified in the South Oxfordshire Local Plan 2011-2035 as a smaller village. Paragraph 4.37 states that smaller villages have no defined requirement to contribute towards delivering housing beyond windfall and infill development. However, Policy H8 states that SODC will support those Neighbourhood Development Plans which make housing allocations which are commensurate to the scale and character of the village.
	Therefore, this policy has regard to the following NPPF paragraph:
	13- by supporting the delivery of strategic policies contained in local plans or spatial development strategies.
	In addition, this policy has regard to the following NPPF paragraphs:
	8- by supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
	10 – by presuming in favour of sustainable development.
	16- by being prepared with the objective of contributing to the achievement of sustainable development; by being prepared positively.
	28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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.
	130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place.

			174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) recognising the intrinsic character and beauty of the countryside.
H2	Meeting housing needs	8, 62, 63	A Housing Needs Assessment (Appendix 9) has been completed as part of the EHNP evidence base. Therefore, this policy has regard to the following NPPF paragraph:
			62- by assessing and reflecting the size, type and tenure of housing needed for different groups in the community.
			In addition, this policy has regard to the following NPPF paragraphs:
			8- by supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
			63- by contributing to the objective of creating mixed and balanced communities.
H3	Housing allocation	7, 8, 13, 28, 63, 92, 104, 110, 130, 174, 180, 195	The allocation of a housing development site has regard to para 7 of the NPPF, whereby the purpose of the planning system is to contribute to the achievement of sustainable development. The allocation of the most sustainable site for housing development (a process documented in <i>Methodology and Conclusions for Site Allocation</i> (Neighbourhood Plan Appendix 8), <i>Site Assessment</i> <i>and Evaluation- consolidated report</i> (Appendix 8a) and the <i>Strategic Environmental Assessment of</i> <i>the EHNP- Environmental Report</i>) has regard to para 8: the interdependent pursuit of the three overarching objectives of achieving sustainable development- economic, social and environmental. East Hagbourne is classified in the South Oxfordshire Local Plan 2011-2035 as a smaller village. Paragraph 4.37 states that smaller villages have no defined requirement to contribute towards delivering housing beyond windfall and infill development. However, Policy H8 states that SODC will support those Neighbourhood Development Plans which make housing allocations which are commensurate to the scale and character of the village.
			Therefore, this policy has regard to the following NPPF paragraph:

13- by supporting the delivery of strategic policies contained in local plans or spatial development
strategies.
This policy has regard to the following NPPF paragraphs:
8- by supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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.
63- by contributing to the objective of creating mixed and balanced communities.
92- by aiming to achieve healthy, inclusive and safe places which promote social interaction through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods [and] are safe and accessible for example through the use of clear and legible pedestrian routes.
104- by considered transport issues so that d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
110- by ensuring that safe and suitable access to the site can be achieved for all users.
130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place.

			 174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. 180 – by supporting development whose primary objective is to conserve or enhance biodiversity; by encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity. 195- by identifying and assessing the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset.
CF1	Infrastructure- utilities	8, 28, 34	 This policy has regard to the following NPPF paragraphs: 8- by identifying and coordinating the provision of infrastructure. 28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, 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. This should include other infrastructure [required] (such as that needed for education, health, transport, flood and water management, green and digital infrastructure.
CF2	Infrastructure- community facilities	8, 28, 84, 92, 93, 130, 187	 This policy has regard to the following NPPF paragraphs: 8- by identifying and coordinating the provision of infrastructure. 28- by setting out more detailed policies for specific areas, neighbourhoods or types of development. This can include the provision of infrastructure and community facilities at a local level

84 – by enabling the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
92- by aiming to achieve healthy, inclusive and safe places which: a) promote social interaction; b) are safe and accessible c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs
93- by providing the social, recreational and cultural facilities and services the community needs, planning policies and decisions by:
 a) planning 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) taking into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 c) guarding against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensuring that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
e) ensuring an integrated approach to considering the location of housing, economic uses and community facilities and services.
130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place; by optimising the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.
187- by ensuring that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs).

TA1	Road safety	92, 104, 110, 112, 130, 185	 This policy has regard to the following NPPF paragraphs: 92- by aiming to achieve healthy, inclusive and safe places which promote social interaction through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods [and] are safe and accessible for example through the use of clear and legible pedestrian routes. 104- by considered transport issues so that d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. 110- by ensuring that safe and suitable access to the site can be achieved for all users. 112 – by giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; by creating places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards. 130 – by ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting; by establishing or maintaining a strong sense of place. 185- by mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development.
TA2	Footpaths and pavements	92, 100, 104, 106, 110, 112, 130	This policy has regard to the following NPPF paragraphs: 92- by aiming to achieve healthy, inclusive and safe places which promote social interaction through street layouts that allow for easy pedestrian and cycle connections within and between

neighbourhoods [and] are safe and accessible for example through the use of clear and legible pedestrian routes.
100- by protecting and enhancing public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
104- by considered transport issues so that d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
106- by a) supporting an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities; b) by being prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned; by c) identifying and protecting, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development; d) by providing for high quality walking and cycling networks
110- by ensuring that safe and suitable access to the site can be achieved for all users.
112 – by giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; by creating places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
130 – by ensuring that developments c) are sympathetic to local character and history, including the surrounding built environment and landscape setting; d) by establishing or maintaining a strong sense of place; e) by optimising the potential of the site to support transport networks.

TA3	Parking	104, 127, 130	This policy has regard to the following NPPF paragraphs:
			104- by considering transport issues so that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.
			127- by identifying the special qualities of each area and explaining how this should be reflected in development.
			130 –by ensuring that developments c) are sympathetic to local character and history, including the surrounding built environment and landscape setting; d) by establishing or maintaining a strong sense of place.
E1	Designation of Local	99, 100	By allocating 5 Local Green Spaces this policy has regard to the following NPPF paragraph:
	Green Spaces		99- by identifying and protecting green areas of particular importance; by being consistent with the local planning of sustainable development.
			The spaces are each considered to meet the criteria for Local Green Space designation set out in para 100: each is located in reasonably close proximity to the local community, each is demonstrably special to the local community and holds a particular local significance, and each is local in its character and not an extensive tract of land. Further details are provided in the <i>Evaluation of Green Spaces</i> report (Appendix 3 of the EHNP).
			Two specialist studies set out the local East Hagbourne context with regard to local character and historical setting, biodiversity and landscape: <i>East Hagbourne Green Buffer Assessment</i> and <i>East Hagbourne Village Character Assessment and Landscape Study</i> .
E2	Protect and enhance	127, 167, 174,	This policy has regard to the following NPPF paragraphs:
	biodiversity and the natural environment	179, 180	127- by identifying the special qualities of each area and explaining how this should be reflected in development.

			 167- by incorporating sustainable drainage systems, unless there is clear evidence that this would be inappropriate. 174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. 179 – by protecting and enhancing biodiversity and geodiversity; by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; by identifying and pursuing opportunities for securing measurable net gains for biodiversity. 180 – by supporting development whose primary objective is to conserve or enhance biodiversity; by encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity. Two specialist studies set out the local East Hagbourne context with regard to local character and historical setting, biodiversity and landscape: <i>East Hagbourne Green Buffer Assessment</i> and <i>East Hagbourne Village Character Assessment and Landscape Study</i>.
E2a	Wildlife Buffers	127, 174, 179,	A Strategy for People and Nature has been prepared to Identify and map local wildlife-rich habitats, recognising the biodiversity assets in East Hagbourne. By providing more specific requirements to complement Policy E2, this policy has regard to the
		180	following NPPF paragraphs: 127 - by setting out clear expectations for the protection and enhancement of wildlife assets. 174 - by requiring development proposals to protect and enhance valued sites of biodiversity to produce ecological networks that are more resilient to current and future pressures; by encouraging
			 development to avoid water pollution. 179 - by requiring development to safeguard the wildlife assets that have been identified and mapped in the <i>Strategy for People and Nature</i>.

			180 - by supporting development whose primary objective is to conserve or enhance biodiversity; by encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.
E2b	Enhance Wildlife Habitat	127, 174, 179, 180	This policy has regard to the following NPPF paragraphs:
			127 - by setting out a clear vision and guidance for development proposals to contribute towards the protection and enhancement of wildlife and biodiversity,
			174 - by protecting and enhancing valued sites of biodiversity179 - by promoting the conservation and enhancement of biodiversity assets and wildlife corridors.
			180 - by supporting development whose primary objective is to conserve or enhance biodiversity; by encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.
E3	Water environment and flooding	167, 174	This policy has regard to the following NPPF paragraphs: 167- by ensuring that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate e) by helping to improve local environmental conditions such as air and water quality.
			174- by contributing to and enhancing the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; b) by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services

Table 2.2 East Hagbourne Neighbourhood Plan: conformity with legal requirements to fulfil the Basic Conditions

Requirements	Basis in law/regs	How the requirements are met in the NP	Reference
The policies relate to the	Section 38A of the 2004 PCPA,	The EHNP policies relate to the development and use of	EHNP policies SD1; VC1a-
development and use of land for a	Para 8(1) of Schedule 4B TCPA	land within the designated Neighbourhood Plan area.	c; VC2-VC6; H1-H3; CF1-
designated neighbourhood area	1990		CF2; TA1-TA3; and E1-E3,
			E2a-b
			EHNP section 2.2
The Plan specifies the period to which it has effect	Section 38B of the 2004 PCPA, Para 8(1) of Schedule 4B TCPA 1990	The Plan specifies the period 2018 to 2033, which is broadly in line with the South Oxfordshire Local Plan 2011-2035.	EHNP title page
The Plan does not include excluded	Section 38B of the 2004 PCPA,	The Plan does not relate to minerals and waste related	Basic Conditions
development	Para 8(1) of Schedule 4B TCPA 1990	development, to any major development that requires an Environmental Impact Assessment, or to any nationally	Statement Section 2
	1550	significant infrastructure project.	EHNP policies SD1; VC1a-
			c; VC2-VC6; H1-H3; CF1-
			CF2; TA1-TA3; and E1-E3,
			E2a-b
The Plan does not relate to more	Section 38B of the 2004 PCPA,	The Plan relates to only one neighbourhood area.	Basic Conditions
than one neighbourhood area	Para 8(1) of Schedule 4B TCPA 1990		Statement Appendix 1
			EHNP section 2.2

Requirements	Basis in law/regs	How the requirements are met in the NP	Reference
The Plan has been prepared for an area that has been designated	Section 61G of the Localism Act, Para 8(1) of Schedule 4B TCPA 1990	The area designation was approved by South Oxfordshire District Council on 31 March 2016	Basic Conditions Statement Appendix 1
The Plan has been developed and submitted for examination by a qualifying body	Para 8(1) of Schedule 4B TCPA 1990	The Plan has been developed and submitted by East Hagbourne Parish Council.	EHNP introduction Basic Conditions Statement Section 1
The Plan has regard to national policies and advice contained in guidance issued by the Secretary of State	Para 8(2) of Schedule 4B TCPA 1990	The Plan is in general conformity with the NPPF and Planning Practice Guidance.	Basic Conditions Statement Table 2.1
The Plan contributes to the achievement of sustainable development.	Para 8(2) of Schedule 4B TCPA 1990	Sustainability assessment was integral to the Plan's development and its policies contribute to sustainable development.	Basic Conditions Statement Table 3.1
The Plan is in general conformity with the strategic policies of the development plan for the area	Para 8(2) of Schedule 4B TCPA 1990	The Plan is in conformity with the South Oxfordshire Local Plan 2011-2035.	Basic Conditions Statement Table 4.1
The Plan is compatible with EU obligations and human rights requirements.	Para 8(2) of Schedule 4B TCPA 1990, European Convention on Human Rights (ECHR), Para 8(2) TCPA 1993	The Plan does not impact on any of the rights enshrined in the ECHR	Basic Conditions Statement Table 2.2 EHNP policies SD1; VC1a- c; VC2-VC6; H1-H3; CF1- CF2; TA1-TA3; and E1-E3, E2a-b

3. Sustainable development

- 3.1 Paragraphs 10-14 of the 2021 NPPF set out the presumption in favour of sustainable development which is at the heart of national policy. For Neighbourhood Planning, this means that neighbourhoods should plan positively to support local development while at the same time respecting the local environment by seeking to protect valued green spaces and historic assets.
- 3.2 Sustainable development has been integral to the East Hagbourne Neighbourhood Plan process, with assessment against sustainability leading to refinement of the Plan as described in the *Strategic Environmental Assessment of the EHNP- Environmental Report*. The elements of sustainable development specified in the 2021 NPPF are listed in Table 3.1 below with an explanation of how East Hagbourne's Neighbourhood Plan contributes to each element.

Sustainable development	How the Plan contributes to this element of
(NPPF definition)	sustainable development
2021 NPPF Economic: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.	 Policy SD1 sets out positive, locally contextualised support for the delivery of the inter-dependent economic, social and environmental dimensions of sustainable development. The EHNP makes provision for new housing in a sustainable location (Policies H1 and H3). The EHNP supports the protection and enhancement of community utilities, facilities and infrastructure (Policies CF1 and CF2). These will support the continued vitality of the village.
2021 NPPF Social: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being	The EHNP makes provision for new housing of the right size and mix to meet the needs to present and future generations (Policy H2). Policies H1, H2 and H3 are positive policies encouraging sustainable growth within the strategy outlined in the emerging South Oxfordshire Local Plan 2033. The parking requirements in Policy H3 and Policy TA3 will meet needs while helping facilitate a high-quality built environment. The policies that support the retention and enhancement of community utilities and facilities (Policies CF1 and CF2) will contribute to ensuring a vibrant community. The road safety, cycle and pedestrian route requirements of Policies TA1 and TA2 will help facilitate well-being and help achieve a healthy environment.

Table 3.1 How the Plan contributes to sustainable development.

Sustainable development	How the Plan contributes to this element of
(NPPF definition)	sustainable development
	Policies VC4 and VC5 support the cultural well-being of the community by enhancing and protecting the historical environment and heritage assets.
2021 NPPF Environmental: to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.	 The EHNP emphasises the importance of good design that is in keeping with village character and landscape setting and encourages Eco-Design provisions to be incorporated (Policy VC3). Policy SD1 strongly encourages development to be net zero carbon, to include provision of charging for electric vehicles and to be designed to reduce water consumption. The designation of 5 areas as Local Green Spaces (Policy E1) and the preservation of important local green gaps (Policies VC1a-1d) protect and enhance distinct natural environments. Policy VC2 conserves and enhances important views, while H3 supports opportunities to protect and enhance biodiversity in the allocated housing site. Policy E2 respects the natural environment and protects and enhances biodiversity. Policies E2a and E2b give specific guidance on how biodiversity should be improved. Policy E3 will contribute to minimisation of flood risk in a key local risk area, while Policy V6 will contribute to maintaining the rural setting by keeping lighting appropriate to the historic and rural environment.

3.2 In summary, the EHNP contributes to the achievement of sustainable development by:

- positively supporting housing development of appropriate mix, scale, design, layout that will meet current and future needs.
- protecting and enhancing community facilities to meet the needs of residents and fostering a well-designed and safe built environment that contributes to community well-being.
- protecting and enhancing the built and historic environment by encouraging development that responds to the distinctive rural character and landscape setting of East Hagbourne.
- Protecting and enhancing the natural assets of the parish, biodiversity, the natural environment, views and green infrastructure.

4. Strategic policies of the Local Plan

- 4.1 At the time of writing the original East Hagbourne Neighbourhood Plan in 2018, the Development Plan for South Oxfordshire consisted of the adopted South Oxfordshire Core Strategy (2012) and saved policies from South Oxfordshire Local Plan 2011. As the EHNP was being drafted, the South Oxfordshire Local Plan 2033 was still in development.
- 4.2 The EHNP as updated in 2023 is in general conformity with strategic policies of the Development Plan which at the time of writing consists of:
 - South Oxfordshire Local Plan 1022-2035 (2020)
 - Minerals and Waste Development Planning Documents (produced by Oxfordshire County Council)
- 4.3 As noted in Table 2.2 The Plan does not relate to minerals and waste related development.
- 4.4 Table 4.1 below summarises an analysis of how each policy the EHNP is in general conformity with relevant policies in the South Oxfordshire Local Plan 1022-2035.

EHNP Policy	South Oxfordshire Local Plan 2011 - 2035
SD1 – Sustainable development	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Protects the countryside, supports the historic environment and contributes towards tackling climate change. (STRAT1: The Overall Strategy). b) Blends with the existing Village character. (DES1: Delivering High Quality Development). c) Protects or enhances the landscape and views. (ENV1: Landscape and Countryside).
	 d) Does not increase the risk of flooding over the foreseeable future. (EP4: Flood Risk). e) Conserves the historic environment of the Village. (ENV6: Historic Environment). f) Achieves a net biodiversity gain. (ENV3: Biodiversity). g) Provides ready access to local facilities by sustainable transport. (TRANS2: Promoting Sustainable Transport and Accessibility). h) Includes the provision of facilities for high-speed broadband. (INF2: Electronic Communications). i) Can be demonstrated to minimise carbon impact during construction and occupation. (DES9: Renewable and Low Carbon Energy). j) Will use water resources efficiently. (INF4: Water Resources).
VC1a – 1c Preserving local green gaps	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Protects the Green Infrastructure, which in the Village's case includes the Green Gaps identified in the policy. (ENV5: Green Infrastructure in New Developments).
Policy VC2 - Conserving and Enhancing Important Views	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Protects or enhances the landscape and views. (ENV1: Landscape and Countryside).
Policy VC3 - Retaining smaller village character and promoting good design	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Follows the provision of the East Hagbourne Design Guide. (DES1: Delivering High Quality Development).

 Table 4.1 – General Conformity with the Development Plan

EHNP Policy	South Oxfordshire Local Plan 2011 - 2035
	 b) Conserves or enhances the local Character Areas. (DES2: Enhancing Local Character). c) Where, if the proposal is for infill development, it is appropriate for the site. (H16: Backland and Infill Development and Redevelopment).
Policy VC4 - Assets of local distinctiveness	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	a) Conserves or enhances the local Character Areas. (DES2: Enhancing Local Character).
Policy VC5 - Conserving and Enhancing Heritage Assets: Designated Heritage Assets and Non-Designated Heritage Assets	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 Follows the provision of the East Hagbourne Design Guide. (DES1: Delivering High Quality Development).
Policy VC6 - Lighting	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 Proposals for artificial lighting are appropriate for the purpose and do not adversely affect others, nor wildlife. (DES6: Residential Amenity).
Policy H1 Housing Provision	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Where, if the proposal is for infill development, it is appropriate for the site. (H16: Backland and Infill Development and Redevelopment). b) Where, if it is to lie outside the existing built-up area of the Village, it is consistent with the policies of the Development Plan for the district. (STRAT1: The Overall Strategy), (H1: Delivering New Homes).
Policy H2 - Meeting Housing Needs	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Includes provision for satisfying the needs of first- time buyers and older people. (H9: Affordable Housing).
Policy H3 - Housing Allocation	This policy is in general conformity with the following Local Plan Policies since it supports an existing development proposal that:

EHNP Policy	South Oxfordshire Local Plan 2011 - 2035
	 a) Satisfies the requirement of the Development Plan for the district. (STRAT1: The Overall Strategy b) Blends with the existing Village character. (DES1: Delivering High Quality Development) c) A satisfactory proportion is Affordable. (H9: Affordable Housing). d) Protects or enhances the landscape and views. (ENV1: Landscape and Countryside) e) Conforms with Policy H8 for Housing in Smaller Villages.
Policy CF1 – Infrastructure – utilities	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Provides measures for mitigating the impact of increased sewage and the effect of surface water run-off. (INF1: Infrastructure Provision).
Policy CF2 – Infrastructure - community facilities	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Protects existing community facilities. (CF1: Safeguarding Community Facilities).
Policy TA1 – Road Safety	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Does not compromise the safety of road users. (TRANS4: Transport Assessments, Transport Statements and Travel Plans).
Policy TA2 – Footpaths and Pavements	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Protects existing rights of way, encourages sustainable means of transport and reduces the reliance on private cars. (TRANS2: Promoting Sustainable Transport and Accessibility).
Policy TA3 – Parking	 This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that: a) Provides adequate car parking within the development, for both present and future needs. (TRANS5: Consideration of Development Proposals).

EHNP Policy	South Oxfordshire Local Plan 2011 - 2035
Policy E1 – Local Green Spaces	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Although it may affect a designated Green Space, has been clearly proven to be an exceptional case. (ENV1: Landscape and Countryside).
Policy E2 – Protect and enhance biodiversity and the natural environment	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Respects the natural environment and enhances biodiversity. (ENV3: Biodiversity). b) Where appropriate, provides land corridor(s) for public footpaths or bridleways. (TRANS2: Promoting Sustainable Transport and Accessibility). c) Utilises a sustainable solution for managing water run-off. (EP4: Flood Risk).
Policy E2a – Wildlife Buffers	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Where appropriate, enhance or create new wildlife assets. (ENV3: Biodiversity). b) Do not degrade the quality of watercourses. (ENV4: Watercourses).
Policy E2b - Enhance Wildlife Habitat	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Protects and enhances wildlife and biodiversity. (ENV3: Biodiversity).
Policy E3 – Flooding	This policy is in general conformity with the following Local Plan Policies since it allows a development proposal to be submitted for consideration that:
	 a) Properly considers any change to the risk of flooding, and uses sustainable methods to mitigate that risk. (EP4: Flood Risk).

5. EU obligations

Environmental

- 5.1 As part of the process of developing this Plan Review, South Oxfordshire District Council produced a Strategic Environmental Assessment Screening Statement which concluded that a Strategic Environmental Assessment (SEA) is not required for the East Hagbourne Neighbourhood Plan Review (or 'EHNPR'): it is unlikely to have a significant effect on the environment.
- 5.2 Regarding Habitats Regulations, East Hagbourne Parish Council provided South Oxfordshire District Council with all necessary information for the purpose of determining whether an Appropriate Assessment was required. The District Council's Habitats Regulations Assessment Screening Opinion concluded that the making of the Plan Review is unlikely to have significant effects on Natura 2000 sites, either alone or in-combination with other plans or projects, and therefore that **an Appropriate Assessment (HRA) was not required.** The Parish Council has met its obligations in accordance with the Conservation of Habitats and Species Regulations 2017.
- 5.3 The Strategic Environmental Assessment (SEA) of the EHNP 'Environmental Report' commissioned by East Hagbourne Parish Council, as part of the original Neighbourhood Plan submission, is available in the Supporting Documents to the EHNP.

Human Rights

- 5.4 The EHNPR has regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are protection of property, right to respect for private and family life and prohibition of discrimination. The Plan Review complies with the requirements of the Human Rights Act 1998.
- 5.5 The Plan is fully compatible with Convention rights contained in the Human Rights Act 1988. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known.

Appendix 1: Area designation letter

The original letter is on South Oxfordshire District Council website: <u>https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2019/06/2016-03-31-East-Hagbourne-Designated-Area-letter.pdf</u>

Planning Services

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31 March 2016

DECISION REGARDING DESIGNATION OF EAST HAGBOURNE AS A NEIGHBOURHOOD AREA UNDER SECTION 61G OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

This letter confirms that on 31 March 2016, the Head of Planning at South Oxfordshire District Council, designated the area shown on Map 1 below as the 'East Hagbourne Neighbourhood Area'. This designation has been made for the purposes of preparing a Neighbourhood Development Plan by East Hagbourne Parish Council under section 61G(1) of the Town and Country Planning Act 1990 as amended. It was decided not to designate the area as a business area under section 61H(1) of the Act as it is not primarily or wholly business in nature. The relevant designation information is set out below:

- a) Name of neighbourhood area: East Hagbourne
- b) Map of neighbourhood area included below
- c) Relevant body: East Hagbourne Parish Council

Yours sincerely,

Adrian D-fried

Adrian Duffield Head of Planning

