

# Basic Conditions Statement

## Chinnor Parish Council

1. This Statement has been prepared by Chinnor Parish Council (the Parish Council) to accompany its submission to the local planning authority, South Oxfordshire District Council (SODC) of the Chinnor Neighbourhood Development Plan Review 2011 - 2035 (the Neighbourhood Plan) under Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.
2. The Neighbourhood Plan must meet the following requirements:

### **Legal matters**

- a) The examiner must consider the following: -
  - (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
  - (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,
  - (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
  - (d) such other matters as may be prescribed.

### **The Basic Conditions**

- b) A draft neighbourhood development plan meets the basic 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) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
  - (c) 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),
  - (d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
  - (e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

3. This Statement addresses these two related matters in turn.

## Background to the review of the plan

4. The Chinnor Neighbourhood Plan 2011-2035 is a review of the made Chinnor Neighbourhood Plan (May 2021). In 2023, the Neighbourhood Plan steering group decided that it would be prudent and necessary to update the made plan to take account of recent planning appeals and decisions that have allowed significant new housing developments to be built in Chinnor.
5. The most recent version of the Chinnor Neighbourhood Plan was formally 'made' by South Oxfordshire District Council on 20th May 2021, and subsequently has formed an integral part of that Council's Development Plan.
6. Chinnor Parish Council and its Neighbourhood Plan Steering Group have prepared an update to the Plan. Changes to the Plan have been made in the following areas:
  - a) **Vision:** The vision has been reworded – while the overall themes are consistent, some clarity and context has been added.
  - b) **Objectives:**
    - Objectives 2, 4, 5 and 6 have been reworded to give greater clarity and strength to the message being put across.
    - Objectives 3 and 7 have had very minor changes.
    - There is a new Objective – Objective 8. Covering points already existing in other objectives, it centralises these around the natural environment and protecting it for the benefit of both people and the environment itself.
  - c) **Policies:** Most policies are unchanged. Those that have been changed/updated are:
    - CH H1 – Infill Residential Development. Updated an Appendix reference (not material)
    - CH H2 – Affordable housing. Updated to include “or where a site has an area of 0.5 hectares or more” to better align with South Oxfordshire Policy H9.
    - CH H6 – Updated to show yet to be completed allocated sites since 2021. Allocated sites that have been completed are now shown in a separate table outside of the policy itself.
    - CH H8 – Sustainable homes. Renamed from CH GP4 previously.
    - CH C1 – Design. Updated an Appendix reference (not material).
    - CH C3 – Heritage Assets. Replaced the wording “The demolition or partial demolition of a listed building or other character buildings worthy of consideration as non-designated heritage assets above or below ground” with “Any proposals that will result in harm to a listed building or non-designated heritage asset”. This is to be more closely aligned with national and local policy and does not change the purpose of the policy.
    - CH GP1 – Local Green Spaces. Added Mill Lane Community Garden as a new local green space and amended the area of local green space 14, due to the smaller section of the space no longer meeting the NPPF local green space criteria
    - CH GP2 – Protection of Habitats of Significance. Refined/clarified the biodiversity gain target (net 10%).

- CH CF1 – The Protection of Community Facilities. Updated the list of community/retail buildings.
- CH E1 – Education Facilities - New Policy. Similar to the medical facilities policy (CH CF2), stating that Chinnor would look favourably upon plans for a new school/pre-school or a plan to expand what is already present.

**d) Chinnor Parish Council Action Points:** Minor changes to:

- Action Point 3 – clarifying speed reduced network and noting the addition of pinch-points on entrances to the village.
- Action Point 4 – clarifying the changes with the 20mph speed limit.
- Action Point 7 – adding a couple of organisations and mentioning climate change.

Major changes to:

- Action Point 6 – adding in other projects that the Council could ask for funding for through CIL and removal of burial ground project.

Finally, facts were updated as appropriate to cover the intervening time from May 2021.

**Statement on nature of modifications**

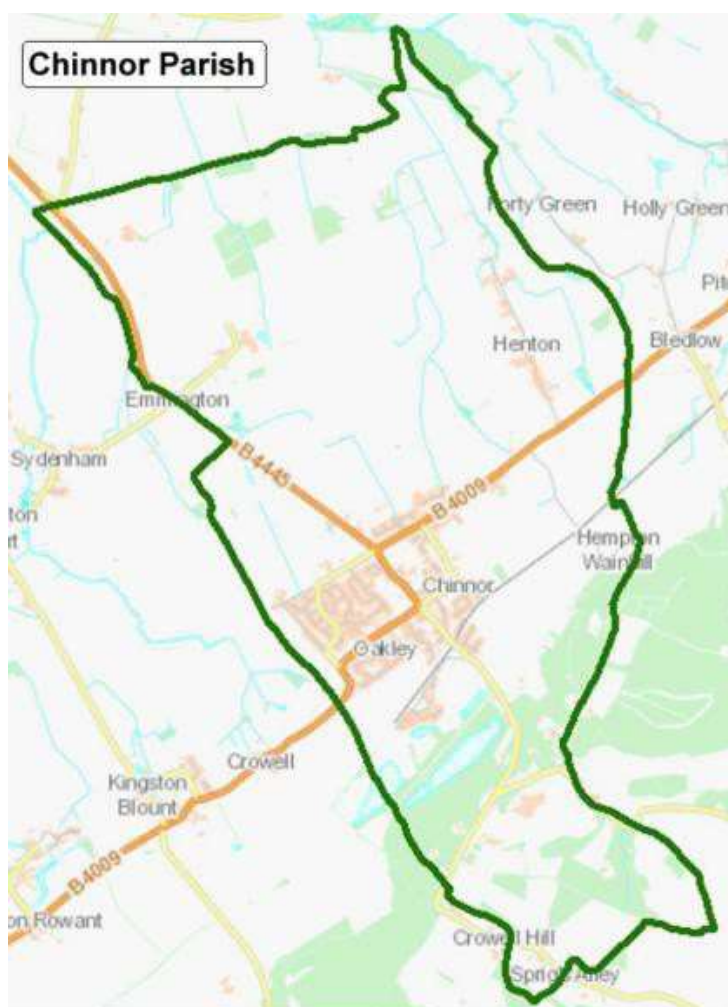
7. South Oxfordshire District Council require as part of this submission ‘a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal (review) are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal (review) would modify, giving reasons for why the qualifying body is of this opinion’.
8. The Parish Council, as the qualifying body, considers that the proposed amendments and additions to the Review do not change the nature of the Neighbourhood Plan - the Vision, Objectives and the Policies remain broadly the same. The changes to the above do not aim to change their previous meanings or intentions – instead the changes aim to define their aim and context more clearly. The changes are either factual updates, additions (i.e., the new green space and new community facilities) or aim to capture a previously implied policy in a defined manner (i.e., CH E1 New Education Facilities). Updates to Section 10, Chinnor Parish Council Action Points, aim to keep this section in line with progress and changes in the village since the last Neighbourhood Plan update only. The Parish Council therefore considers that the changes proposed constitute material modifications which do not change the nature of the NP and would require examination but not a referendum.

**Legal Requirements**

9. The Plan is submitted by Chinnor Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Review Plan has been prepared by the Chinnor Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.

10. The whole parish of Chinnor has been formally designated as a Neighbourhood Area under the Neighbourhood Planning Regulations 2012 (part2 S6) and was formally approved by South Oxfordshire District Council on 17 June 2015. **Figure 1** shows the extent of the designated neighbourhood area.
11. The Review Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
12. The Review Plan identifies the period to which it relates as 2011 to 2035.
13. The Review Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
14. The Plan relates only to the parish of Chinnor. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

**Figure 1: Map of Plan Area (Chinnor Parish)**



## The Basic Conditions

*Having regard to national policies and advice contained in guidance issued by the Secretary of State*

15. The Neighbourhood Plan Review has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the core Planning Principles at the heart of the NPPF.
16. **Table 1** provides a summary of how policies in the neighbourhood plan conform to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

<b>Table 1</b>		
<b>CNP Policy Number</b>	<b>NPPF Reference</b>	<b>Commentary</b>
<b>CH H1</b>	104, 105, 110, 127	The policy clarifies how infill development should be designed in order to preserve local amenity, character and access.
<b>CH H2</b>	20, 63, def major development page 68	The policy amplifies the strategic policy on affordable housing and is in accordance with provision for major development.
<b>CH H3</b>	60, 62	The policy seeks to ensure that new development provides the type of housing needed.
<b>CH H4</b>	60, 62	The policy seeks to ensure that local people are able to access affordable housing.
<b>CH H5</b>	62	The policy identifies a specific need for housing for older people.
<b>CH H6</b>	28-29, 68a, 69	The plan allocates sites to meet the identified housing need in the area.
<b>CH H7</b>	28-29, 78, 79	The development boundary around Chinnor village is a method for setting out development management principles appropriate in urban and rural areas.
<b>CH H8</b>	155, 157, 158	The policy identifies how energy efficiency and generation can be included in design of development.
<b>CH C1</b>	28-29, 126-136	The policy seeks to encourage high quality design.
<b>CH C2</b>	206	The policy seeks to make a positive contribution to the conservation areas.
<b>CH C3</b>	195, 197, 203	The policy sets out how the importance of a heritage (including a non-designated) asset can be assessed so that proper mitigation can be considered.
<b>CH GP1</b>	101-102	The policy identifies suitable land for designation as local green spaces.
<b>CH GP2</b>	174, 179	The policy seeks to protect protected sites and species, trees, hedgerows and to secure net biodiversity gain. Annex 4 identifies local species of importance.
<b>CH GP3</b>	100	The policy seeks to protect existing PROW and specify how alternative provision should be made.
<b>CH CF1</b>	28-9, 93	The policy seeks to preserve existing community facilities and guards against their loss.
<b>CH CF2</b>	28-9, 93	The policy clarifies how new healthcare facilities should be planned for the benefit of the community.

<b>CH R1</b>	28-9, 93	The policy provides a local test to resist the unnecessary loss of local retail services.
<b>CH B1</b>	123	The policy provides local clarification how loss of employment land should be assessed and mitigated.
<b>CH B2</b>	82, 84	The policy sets out how proposals for new employment should be designed to achieve maximum benefits for the local community.
<b>CH T1</b>	84	The policy sets out how proposals for new tourism businesses should be designed to achieve maximum benefits for the local community.
<b>CH E1</b>	28, 93, 95	The policy clarifies how new education facilities should be planned for the benefit of the community.

*Contributes to the achievement of sustainable development*

17. The following sustainability assessment has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development. The plan will serve an economic, social and environmental objective and seeks to balance them. **Table 2** summarises the various sustainability outcomes of each policy in the neighbourhood plan.

<b>Table 2</b>				
<b>CNP Policy Number</b>	<b>Economic Objective</b>	<b>Social Objective</b>	<b>Environmental Objective</b>	<b>Commentary</b>
<b>CH H1</b>	Neutral	Positive	Positive	The policy sets out how unplanned development will avoid negative amenity, character and environmental impacts.
<b>CH H2</b>	Neutral	Positive	Neutral	The policy seeks to secure necessary affordable housing.
<b>CH H3</b>	Neutral	Positive	Neutral	The policy seeks to secure necessary types of housing.
<b>CH H4</b>	Neutral	Positive	Neutral	The policy seeks to secure affordable housing to meet local need.
<b>CH4 H5</b>	Neutral	Positive	Neutral	The policy seeks to secure housing for older people to meet local need.
<b>CH H6</b>	Positive	Positive	Negative	The housing allocations have provided necessary dwellings to meet the needs of SO. CIL and S106 funding has been used to increase social infrastructure such as school places. The sites were previously greenfield sites.
<b>CH H7</b>	Positive	Positive	Positive	The development boundary provides a flexible approach to new development in the most sustainable location whilst protecting smaller settlements and the countryside from unsustainable development.
<b>CH H8</b>	Positive	Positive	Positive	New development is encouraged to be more energy efficient, therefore increased in value and with lower running costs and reduced environmental impact.
<b>CH C1</b>	Positive	Positive	Positive	The policy will secure high quality design which will benefit the parish overall.
<b>CH C2</b>	Neutral	Positive	Positive	Local character is protected including landscape and trees.
<b>CH C3</b>	Neutral	Positive	Positive	The historic environment is protected.
<b>CH GP1</b>	Neutral	Positive	Positive	Existing sites where the community can access green space is protected from development.
<b>CH GP2</b>	Neutral	Neutral	Positive	The policy protects habitats and seeks to increase biodiversity.
<b>CH GP3</b>	Neutral	Positive	Positive	The PROW network is protected and the policy will probably lead to net biodiversity gain or at least prevent loss.



<b>CH CF1</b>	Positive	Positive	Neutral	Community facilities are protected and their loss due to economic circumstances resisted; new provision allowed in some circumstances.
<b>CH CF2</b>	Neutral	Positive	Neutral	New healthcare facilities will be provided to avoid harm to amenity and traffic congestion, whilst being well designed.
<b>CH R1</b>	Positive	Positive	Neutral	Economic circumstances can be taken into account where change of use is proposed – the tests allow for best community outcome.
<b>CH B1</b>	Positive	Positive	Neutral	Economic circumstances can be taken into account where change of use is proposed – the tests allow for best community outcome.
<b>CH B2</b>	Positive	Positive	Neutral	New businesses are supported whilst protecting amenity and character and providing adequate access and avoidance of traffic impacts related to parking.
<b>CH T1</b>	Positive	Positive	Neutral	The policy encourages new tourism facilities whilst protecting amenity and traffic impacts.
<b>CH E1</b>	Neutral	Positive	Neutral	New education facilities will be provided to avoid harm to amenity and traffic congestion, whilst being well designed.

*General conformity with the strategic policies in the development plan*

18. The Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the area. Currently, the Development Plan in South Oxfordshire consists of: South Oxfordshire Local Plan 2035 (2020) and the Minerals and Waste Development Planning Documents (produced by Oxfordshire County Council). Policies in this Neighbourhood Plan Review have therefore been assessed for general conformity with the adopted Local Plan. This analysis is shown in **Table 3**.

<b>Table 3</b>		
<b>CNP Policy Number</b>	<b>SODC Local Plan 2035 Policy</b>	<b>Commentary</b>
<b>CH H1</b>	TC2	Chinnor is a local centre.
	H16	Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.
	TRANS1b TRANS2	The policy seeks to avoid traffic congestion and promote sustainable transport and accessibility.
	DES1	The policy provides local context for this design policy.
<b>CH H2</b>	H9	The policy is aligned to this policy and uses the same threshold of 40% affordable housing for developments that result in a net gain of 10 or more dwellings, or where a site has an area of 0.5 hectares or more.
<b>CH H3</b>	H11, H13	The policy is in conformity with these policies which also seek a mix of dwelling types to meet identified needs.
<b>CH H4</b>	H11	This policy adds detail to H11 by providing a local test and is in conformity with this policy.
<b>CH H5</b>	H11, H13	The policy is in conformity with these policies which allows specialist accommodation for older people on greenfield and other locations. The policy seeks to meet an identified need.
<b>CH H6</b>	STRAT1	The policy is consistent with the overall strategy for the local plan; it allocates a housing development site.
	H4/H8	
	H1	
<b>CH H7</b>	STRAT1	The plan sets out a clear definition of the village boundary so that there is a separation of village and the “outside”.

<b>CH H8</b>	DES8	This policy conforms with Promoting Sustainable Design
<b>CH C1</b>	DES1 DES2	This policy adds local detail to DES1 and DES2 and is in conformity.
<b>CH C2</b>	ENV8	This policy conforms with ENV8, regarding conserving or enhancing local character.
<b>CH C3</b>	EMP11 ENV6	This policy conforms with these policies in relation to heritage assets.
<b>CH GP1</b>	ENV1 ENV5	This policy is general conformity with these policies by designating local green space to features that make an important contribution to local nature, landscape, tranquillity and green infrastructure.
<b>CH GP2</b>	ENV2, ENV3  DES1	The policy is in conformity with these policies and adds local detail such as the protection of trees and hedgerows and the type of local planting that would be appropriate as well as local targets (enhancing the minimum target, rather than not conforming)  The policy is in conformity with DES1 in that it sets out local detail to how links and green infrastructure should be provided.
<b>CH GP3</b>	ENV5	PROW are a form of green infrastructure and this policy is therefore in conformity with ENV5 where a net loss of green infrastructure should be avoided.
<b>CH CF1</b>	CF1	The policy adds local detail about the protection of community facilities.
<b>CH CF2</b>	CF2	The policy adds local detail regarding what infrastructure is important in Chinnor.
<b>CH R1</b>	TC2	The policy is in conformity with TC2; it seeks to resist changes of use to maintain the role of local centre/village centres.
<b>CH B1</b>	EMP3 TC2	The policy is in conformity with EMP3 and TC2; it supports the protection of employment premises and seeks to resist changes of use to maintain the role of local centres.

<b>CH B2</b>	EMP2	This policy is in conformity with EMP2; it supports new employment opportunities.
<b>CH T1</b>	EMP11	This policy is in conformity with EMP11 which seeks to support tourism-based employment.
<b>CH E1</b>	CF2 INF1	The policy adds more detail than is available in the local plan policies and adds local detail to what facilities/infrastructure is important in Chinnor.

*Does not breach and is otherwise compatible with EU Obligations*

#### *Environmental*

As part of the process of developing this Plan Review, South Oxfordshire District Council produced a Strategic Environmental Assessment Screening Statement which concluded that the Chinnor Neighbourhood Plan Review is unlikely to have a significant effect on the environment and therefore a **Strategic Environmental Assessment (SEA) is not required**.

Regarding Habitats Regulations, Chinnor 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) is not required**. The Parish Council has met its obligations in accordance with the Conservation of Habitats and Species Regulations 2017.

The Strategic Environmental Assessment Screening Statement produced by South Oxfordshire District Council as part of the current, 'made' Neighbourhood Plan, is also available on the [SODC website](#).

#### *Human Rights*

The Chinnor Neighbourhood Plan Review 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.

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.