

Annex 8  
CROWMARSH PARISH NEIGHBOURHOOD PLAN

2011 – 2035

BASIC CONDITIONS STATEMENT

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

NOVEMBER 2020

# 1.INTRODUCTION

1.1 This statement has been prepared by Crowmarsh Parish Council ("the Parish Council") to accompany its submission of the Crowmarsh 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 (as amended) ("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 Crowmarsh shown on Plan A overleaf. The District Council designated the Area on 1 June 2017.

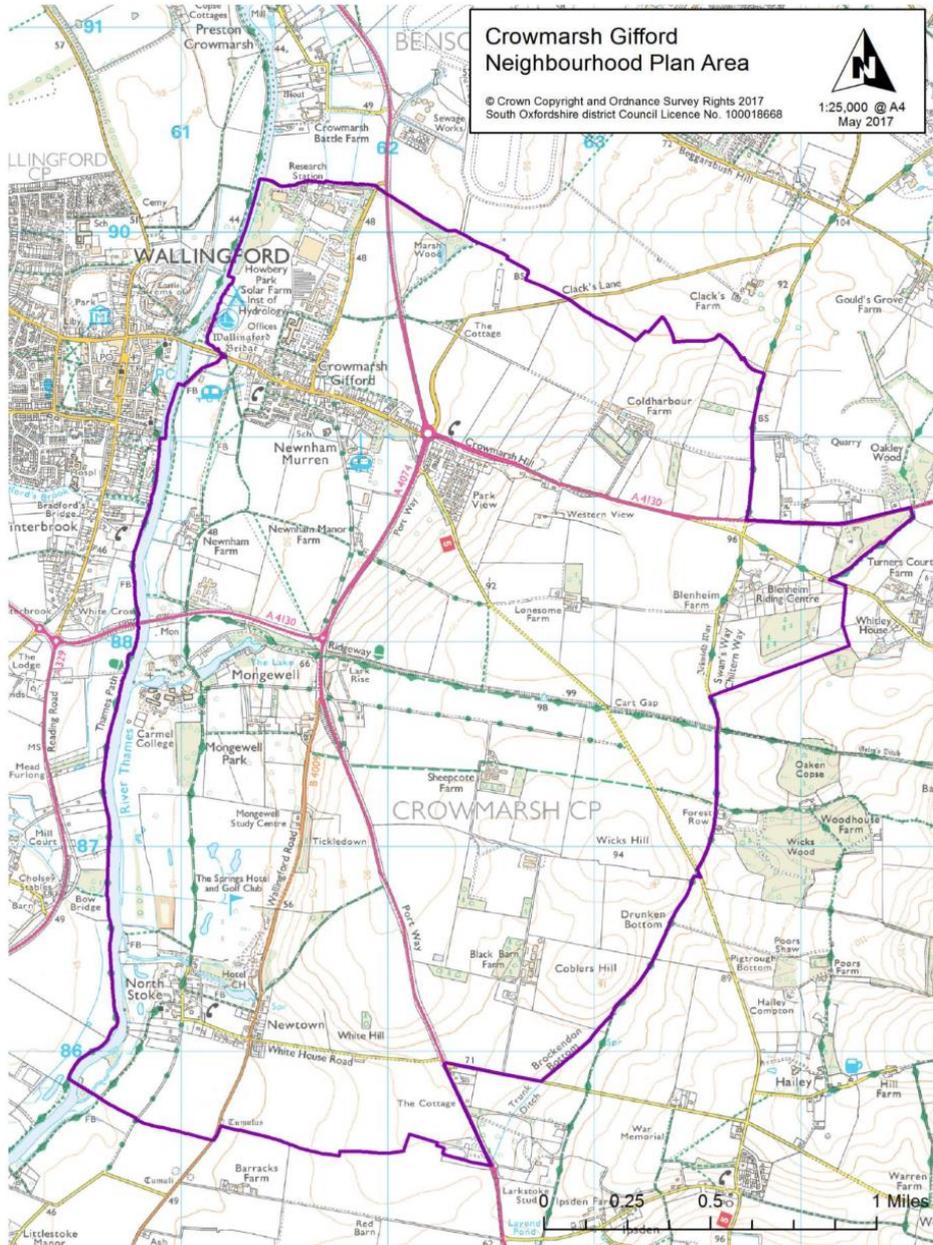
1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2011 – 31 March 2035, which corresponds with the plan period of the examined South Oxfordshire Local Plan.

1.4 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the conditions if:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- f) The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations.

# Map 1 Crowmarsh Neighbourhood Plan Area



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Plan A: Crowmarsh Designated Neighbourhood Area

1.6 The responsibility for determining if a Neighbourhood Plan rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). Case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, makes clear that:

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

1.7 There will occasionally be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. Such tensions are best 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.

1.9 For these reasons, sections 3 and 5 of this Basic Conditions Statement highlight which policies of the Neighbourhood Plan are considered to meet Conditions (a) and/or (e) and, if any, those that do not. Where they do not, the Statement explains how the qualifying body has reached a view 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).

1.10 The Parish Council is also mindful of the ‘Planning for the Future’ White Paper published by the Government in August 2020. The Paper proposes to make significant changes to both the development plan and management systems and indicates that there is a future for neighbourhood planning in that system, but the precise role that plans will play is not yet clear. However, any new system will take some time to introduce, long after the examination and making of this Neighbourhood Plan.

1.11 In any event, the new system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It will also enable communities to define local design standards, and the Neighbourhood Plan contains proposals in most of these respects. It may be that how those proposals are implemented may change and this will be taken into account in a first review of the made Neighbourhood Plan.

## **2.BACKGROUND**

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2017. With the encouragement of the District Council to local communities across the District to prepare Neighbourhood Plans, the key driver of this decision was a sense of wanting to plan positively for the future of the Parish, in anticipation of the emerging South Oxfordshire Local Plan.

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 March 2020 and the Submission Plan now.

2.3 The Parish Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of the District Council since the start of the project 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 emerging Local Plan 2011 – 2035 ("the new Local Plan") given that it is anticipated that this new Local Plan will be adopted before the examination of the Neighbourhood Plan. The outcome of that work is the submission version of the Neighbourhood Plan.

2.4 The Neighbourhood Plan contains six land use policies, some of which are defined on the Policies Map. The Plan has deliberately avoided containing policies that duplicate 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 deliver national planning objectives and complement and refine new Local Plan 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 demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). 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 by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no housing site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area (as proposed in the new Local Plan) (§29). In this regard, the NPPF provisions of meeting local housing needs (as per §65/§66) are therefore not relevant to this Neighbourhood Plan. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

#### Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

**Table A: Neighbourhood Plan & NPPF Conformity Summary**

No.	Policy Title	Commentary
CRP1	Village boundaries and infill development	The policy defines boundaries around each settlement to distinguish between the built up areas and the surrounding countryside to bring clarity and remove ambiguity, so it is evident how a decision maker should react to development proposals (§16d). Although the convention is not provided for in the strategic policies of the development plan (§21), the District Council has accepted that the use of settlement boundaries is consistent with its approach to development management, although it operates this tool differently to that proposed at Policy CRP1.
CRP2	Housing mix and tenure	The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§61). The evidence gathered during the preparation of the Plan indicates that there is an imbalance in the Parish's housing stock. The policy requires that a special emphasis is given to delivering 1 and 2 bed apartment style homes that are suitable for first time buyers, those looking to rent their first homes, or downsizers. The policy gives effect to the direction of §61 in seeking to define the housing needs of different groups; in this case younger people and 'downsizers'. In practice, the allocation is broadly in line with the Government's intent in introducing the new 'Entry-Level' homes product (§71).
CRP3	Land at Howbery Park, Benson Lane, Crowmarsh Gifford	<p>"Planning policies should: a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration..." (§81). "Planning policies and decisions should recognise and address the specific locational requirements of different sectors..." (§82). The site lies within the Howbery Park which is an established industrial area devoted to mostly scientifically focussed employment use. The allocation meets the employment land required set out in strategic policy EMP8 which requires 0.28 Ha of employment land to be delivered at Crowmarsh Gifford and reflects the amendments to the Use Classes Order introduced in September 2020.</p> <p>The site lies within the setting of Grade II listed buildings in close proximity to the site. Policies should therefore consider that heritage assets are 'an irreplaceable resource and should be conserved in a manner appropriate to their significance...' (§184). 'Planning</p>

		<p>policies and decisions should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity...' (§170d). 'Transport issues should be considered from the earliest stages of plan-making so that ... the potential impacts of development on transport networks can be addressed' (§102). 'Planning policies should ... provide for high quality walking and cycling networks' (§104). 'All plans should...manage residual (flood) risk, by... using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques) ...' (§157c).</p> <p>The policy includes a number of mitigating measures in accordance with these NPPF measures and it is therefore considered that the policy has had proper regard to national policy.</p> <p>It is noted that no formal submission had been received from the land interests. The Parish Council has therefore invited those interests for the site to make a formal representations at the Regulation 16 consultation and expects that the policy will be welcomed and supported, thus demonstrating that the policy provisions are viable in principle at this plan-making stage (§57).</p>
CRP4	Conservation of the environment	<p>The North Stoke Conservation Area and listed buildings, including those in the wider Parish, and other heritage assets are 'an irreplaceable resource and should be conserved in a manner appropriate to their significance...' (§184). A large part of the parish lies within the Chilterns AONB and the northern part of the parish lies in close proximity to the adjacent North Wessex AONB. 'Planning policies...should contribute to and enhance the natural environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)...' (§170a). 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.' (§172). Planning policies should 'minimise impacts on and provide net gains for biodiversity' (§170d). Plans should 'safeguard components of local wildlife-rich habitats and wider ecological networks' (§174).</p> <p>Although the policy provisions repeat those of national and strategic policy, it is intended to draw attention to these special designations and is not therefore an unnecessary duplication (§16).</p>

CRP5	Protection and enhancement of ecology and biodiversity	<p>Planning policies should 'minimise impacts on and provide net gains for biodiversity' (§170d). Plans should 'safeguard components of local wildlife-rich habitats and wider ecological networks' (§174).</p> <p>Although the policy provisions repeat those of national and strategic policy, it is intended to draw attention to these special designations and is not therefore an unnecessary duplication (§16).</p>
CRP6	Green spaces	<p>'The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them' (§99). 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on ...' (§97)</p> <p>The policy serves two purposes. It firstly seeks to designate one space – Riverside Meadows – as a Local Green Space, as it is considered to meet the tests of §100, as shown in the Plan. Further, the policy does not unduly constrain the delivery of new development, as Policy CRP1 makes provision for infill development of a scale that is in line with strategic policy.</p> <p>Secondly, it identifies three other public open spaces that, whilst not considered to warrant designation as Local Green Spaces, are important to the parish as functional spaces that encourage walking and recreation. The policy provisions accord with the principles of §97 in allowing for exceptional circumstances to justify the loss of such land.</p>

3.5 It is considered that all of the policies have had full regard to national policy, with only one incidence (CRP3) of two or more national policies being in tension, where the Parish Council have struck an appropriate 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 A draft version of the Pre-Submission Plan was submitted to the District Council to inform its 'screening opinion' on the need for a Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004. A final screening opinion ('Determination') was issued in March 2018 by the District Council, following a consultation period with the statutory bodies, as per those Regulations. The determination statement concluded that an SEA is required (see Section 6 below for further details).

4.2 A separate SEA Report sets out the environmental effects of the policies of the Neighbourhood Plan. There is no legal requirement for Neighbourhood Plans to have a sustainability appraisal, however the 'basic conditions' require a qualifying body to demonstrate how its plan will contribute to the achievements of sustainable development in a systematic way. In terms of environmental effects, the SEA Report concludes that the impact of the proposed and preferred policies mainly has a positive or neutral impact on the SEA Objectives. Where a potential negative impact has been identified, mitigation measures have been incorporated into the final policies.

4.3 A wider view of the sustainability performance of the policies is set out in Table B below 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
CRP1	Village boundaries and infill development	++	0	0	The policy will have positive social effect by encouraging infill housing development, which will enable containing and managing the sustainable infill growth of the settlements. The physical containment of the villages will ensure that its historic and rural character, and the surrounding landscape, will be protected to avoid causing a negative environmental effect.
CRP2	Housing mix and tenure	+	0	0	The policy will have a positive social effect in its efforts to redress the present imbalance in the housing stock and affordability issues to create a more sustainable community.
CRP3	Land at Howbery Park, Benson Lane	0	++	-	The policy will fulfil the contribution required of employment land within the parish. The site is well screened and mitigation measures ensures that its environmental effects are reduced.
CRP4	Conservation of the environment	+	0	+	The policy will have positive environmental and social effects by seeking to safeguard the scenic beauty of the AONBs and heritage assets as well as ecology and biodiversity. The scenic beauty of the AONB and heritage assets also have social value.
CRP5	Protection and enhancement of ecology and biodiversity	0	0	++	The policy will have positive environmental effects by seeking to enhance ecology and biodiversity in the parish. There are no adverse social or economic effects as the policy does not prevent development but seeks to ensure assets which are important to ecology and biodiversity are taken into consideration.
CRP6	Green spaces	++	0	+	The policy protects the character of spaces that are special to the local community. The spaces also have environmental value as part of the wider green infrastructure network of biodiversity assets. The policy works in parallel with Policy CRP1, which provides for appropriate infill development, and so there is no adverse social or economic effect arising from its constraint on development.

## **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 development plan for the District, which during its preparation has comprised the Core Strategy adopted in 2012 (covering the period to 2027) and a number of saved policies from the Local Plan adopted in 2006. However, the new Local Plan, which replaces both the Core Strategy and 2011 Local Plan and will cover the period to 2035, will be adopted before the examination of the Neighbourhood Plan.

5.2 This statement therefore seeks to demonstrate general conformity with the policies of the new Local Plan 2035. It is expected that the Neighbourhood Plan will be examined against the policies of the new Local Plan and any remaining saved policies of the Local Plan 2011. The 'reasoning and evidence' of the 2035 Local Plan has therefore informed the preparation of the Neighbourhood Plan as this is crucial for the long-term success of the Neighbourhood Plan given that in the event of any future conflict the most recent policy will take precedent.

5.2 Notably, the track change Local Plan in line with schedule of proposed modifications (of September 2020) continues to define the settlement of Crowmarsh Gifford as a 'Larger Village', with Mongewell and North Stoke as 'Other villages' in the settlement hierarchy of the District. It does not make any strategic allocations but expects Crowmarsh Gifford to contribute to the provision of employment land in the district. The Neighbourhood Plan has sought to fit its policies with the vision and grain of this strategy in a complementary way.

5.3 An assessment of the general conformity of each policy with the new Local Plan ('2020 LP') policy, is contained in Table C below.

**Table C: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
CRP1	Village boundaries and infill development	<p>2020 LP: STRAT1, H1, H4, H16, Table 5f, §5.41</p> <p>The policy is consistent with the emerging spatial policy for 'larger' 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. There is no obligation for the boundaries to accommodate new housing site allocations as Crowmarsh Gifford's requirement has been delivered through existing completions and commitments which the boundary accommodates and no significant source of housing supply is expected from 'other villages'. The policy does not attempt to revise the ways in which development plan policies apply to the built up or countryside areas.</p>
CRP2	Housing mix and tenure	<p>2020 LP: H11</p> <p>The policy appears to be in conflict with CSH4 by encouraging smaller homes, but in practice this does not exclude schemes providing larger homes. Policy H11 is somewhat contradictory by encouraging smaller homes on the one hand then allowing neighbourhood plans to determine the mix of housing based on evidence on the other. In practice this does not exclude schemes providing larger homes.</p> <p>As per PPG §074, the Parish Council considers that the policy upholds the general principle of Policy H11; that the degree of conflict is minor; that the policy offers a distinct local approach that does not undermine Policy H11; and that there is a strong rationale and evidence base to justify this approach.</p>
CRP3	Land at Howbery Park, Benson Lane, Crowmarsh Gifford	<p>2020 LP: EMP1, EMP8, ENV2, ENV3, ENV5, ENV6, TRANS 5, EP4</p> <p>The policy adopts the approach of Policies EMP1 and EMP8. The policy also accords with each of the environmental and heritage policies and in some cases supplements them to draw specific attention to key mitigation measures. None of the policies has had to be compromised in any significant way.</p>

CRP4	Conservation of the environment	2020 LP: ENV1 – ENV3, ENV6 – ENV10  The policy repeats the provisions of new policies in seeking to conserve and enhance the natural landscape and historic environment to draw attention to those specific constraints in the parish.
CRP5	Protection and enhancement of ecology and biodiversity	2020 LP: ENV2 – ENV3  The policy repeats the provisions of new policies in seeking to conserve, restore and enhance biodiversity to draw attention to those specific constraints in the parish.
CRP6	Green spaces	2020 LP: ENV5  The policy identifies a Local Green Space and other amenity spaces which falls within the definition of 'green infrastructure' and is consistent with new policies.

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

## **6.COMPATABILITY WITH EU LEGISLATIONS**

6.1 The District Council provided a screening opinion in March 2018 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004, is required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately.

6.2 As set out in Section 4 the Parish Council has met its obligations 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. The Final SEA Report is published as a separate document for submission and examination.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of 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.

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

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