

# **WINGRAVE WITH ROWSHAM PARISH NEIGHBOURHOOD PLAN 2013-2033**

## **BASIC CONDITIONS STATEMENT**

*Published by Wingrave with Rowsham Parish Council under the  
Neighbourhood Planning (General) Regulations 2012*

November 2015

## TABLE OF CONTENTS

	Page No.
1. <a href="#">Introduction</a>	3
2. <a href="#">Background</a>	4
3. <a href="#">Conformity with National Planning Policy</a>	6
4. <a href="#">Contribution to Sustainable Development</a>	10
5. <a href="#">General Conformity with the Development Plan</a>	13
6. <a href="#">Compatibility with EU Legislation</a>	16

## 1. Introduction

1.1 This Statement has been prepared by Wingrave with Rowsham Parish Council ("the Parish Council") to accompany its submission to the local planning authority, Aylesbury Vale District Council ("the District Council"), of the Wingrave with Rowsham Neighbourhood Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the parish of Wingrave with Rowsham, as designated by the District Council on 10 September 2012.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from 1 April 2013 to 31 March 2033 and it does not contain policies relating to excluded development in accordance with the Regulations.

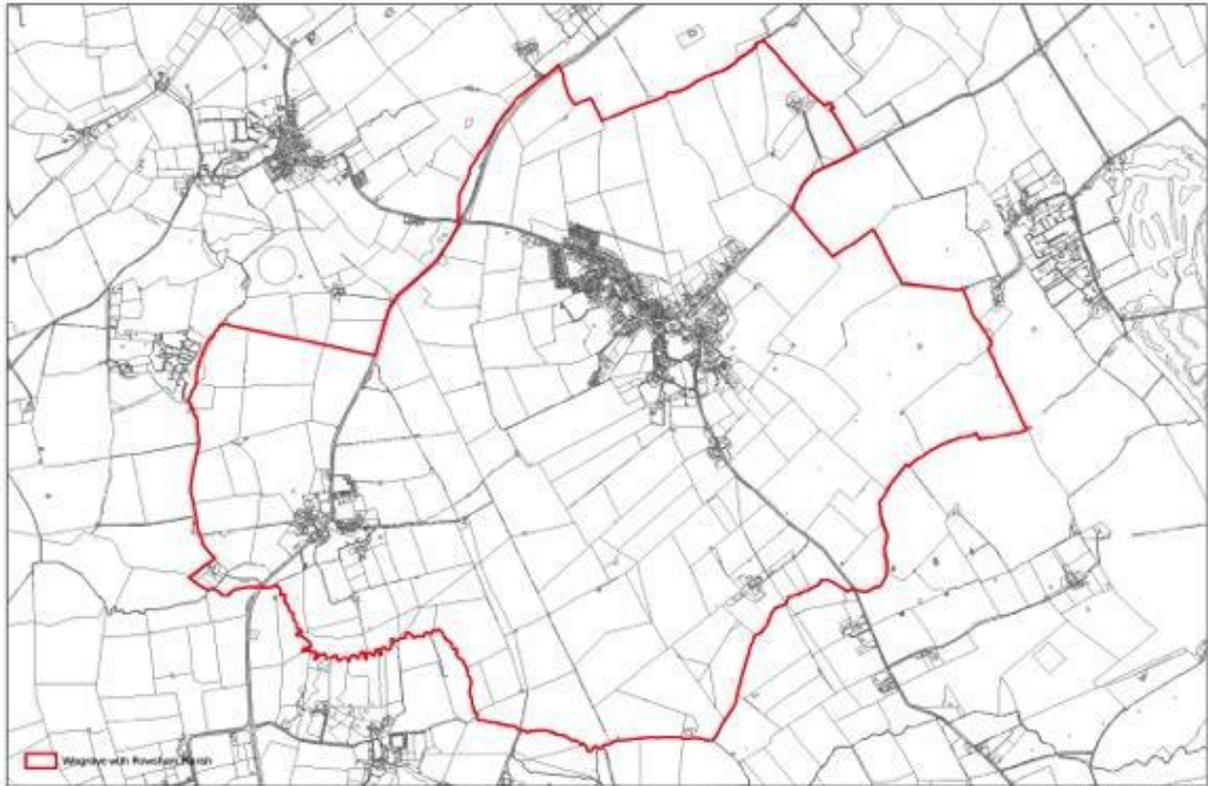
1.4 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

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

- 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,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- 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),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

## 2. Background

2.1 The plan preparation process has been led by the Parish Council, as the 'qualifying body' under the 2012 Regulations, with development of the Plan delegated to its Neighbourhood Development Plan Working Group (NDP WG). All activities of the NDP WG were regularly reported to the Parish Council for approval.



*Plan A: The Designated Wingrave with Rowsham Neighbourhood Plan*

2.2 A Working Group was formed comprising parish councillors and members of the local community and it was delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as qualifying body, the Parish Council approved the publication of:

- the Pre-Submission Neighbourhood Plan of March 2015
- the Submission Neighbourhood Plan of July 2015

2.3 The Parish Council has consulted the local community extensively since the start of 2013. There have been community surveys to obtain the fullest view of local community concerns, needs and wants from the Neighbourhood Plan. Further details on all this engagement work are contained in the Consultation Statement that is also part of the submission documentation.

2.4 The Parish Council has 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 2004 Local Plan and emerging Vale of Aylesbury Local Plan Strategy (VALP). The outcome of that work is the submission version of the Neighbourhood Plan.

2.5 The Neighbourhood Plan contains a small number of land use policies (in Section 4) that are defined on the Policies Map as being geographically specific and non-statutory proposals (in Section 5) that are included for the completeness of the Neighbourhood Plan. For the most part, the plan has deliberately avoided containing policies that may duplicate saved development plan policies that are material considerations in determining future planning applications.

2.6 In making a clear distinction between land use planning policies and non-statutory proposals relevant to land use planning, the Neighbourhood Plan allows for the examination to focus on the requirement of the policies to meet the Basic Conditions but also allows the local community to see the Neighbourhood Plan in the round. In any event, the non-statutory proposals will each have a land use effect at some later point but cannot do so as part of the Neighbourhood Plan as they fall outside its scope.

### **3. Conformity with National Planning Policy**

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the [National Planning Policy Framework 2012](#) (NPPF) and is mindful of the Planning Practice Guidance (PPG) of October 2014 in respect of formulating neighbourhood plans.

3.2 The Submission document includes a specific NPPF conformity reference for each policy and, where relevant, further reference in the supporting text.

3.3 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### Para 16

3.4 The Parish Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the district by making housing site allocations and supporting economic development in the parish, which accord with a clear spatial vision for the parish in the absence of an up-to-date Local Plan or objectively assessed housing need position.

#### Para 183

3.5 The Parish Council believes the Neighbourhood Plan establishes in its Section 4 a vision for the parish that reflect the desires of the local community for the place that Wingrave village should become. For the immediate future Rowsham should remain a Hamlet, this will be reviewed subject to residents' approval when the Neighbourhood plan is reviewed. It makes the vision real by translating it into planning policies to determine future planning applications as part of the development plan.

#### Para 184

3.6 The Parish Council believes the Neighbourhood Plan, as is highlighted below, is in general conformity with all the relevant saved policies of the development plan. It has faced the challenge of anticipating the emerging Vale of Aylesbury Local Plan, which is still some years from adoption, by established a coherent and positive housing site allocation strategy.

3.7 Most specifically, the Neighbourhood Plan makes provision for new homes that will make a positive contribution towards meeting local housing need in line with the status of Wingrave as a larger village in the District. This quantum – approximately 100 new homes – completes the development of Wingrave village's existing form and is compliant with the majority wishes of residents. The quantum is considered to be sensible, given the size of the village, and that the village will continue to benefit from windfall housing developments

over the plan period. It also reflects, on the one hand, the availability of deliverable and developable land at the present time and, on the other, the need to retain the historic rural character of the parish and not to over-burden its limited infrastructure.

3.8 Crucially, this also strikes the right balance between providing for new development and securing the support of the local community, which will vote on the Plan at its referendum. It is accepted that its housing provisions cannot be considered up-to-date unless and until the VALP is adopted and the District Council can demonstrate it has a five year housing land supply. However, even in this situation (and unless the VALP changes the strategic planning policy framework for the Parish that requires more development than currently planned for), then the provisions of the Neighbourhood Plan should be given greater weight in determining planning applications for housing than are predicated on achieving a consent solely on the basis of out-of-date strategic policies and/or the absence of a five year housing land supply position at the District level.

3.9 To be clear, no attempt has been made to determine the objectively assessed housing need for the Parish. The data is not available to make such an attempt and in any event it is for the VALP to determine how the housing needs of the District should be met in spatial terms. Rather, the Parish Council has used its planning judgement to arrive at a position where the Neighbourhood Plan can plan positively for development for years to come and carry the local community with it.

Para 185

3.10 The Neighbourhood Plan avoids duplicating development plan policies by focusing on site-specific policies that translate the general requirements of the development plan into a parish context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

3.11 Set out in Table A below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

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

No.	Policy Title	NPPF Ref.	Commentary
1	Spatial Plan for the Parish	15, 50, 55, 110	This policy establishes the key spatial strategy for directing future development proposals in the parish towards Wingrave as the main settlement. It reflects

			<p>the presumption in favour of sustainable development and will guide how development will be delivered over the plan period in line with Para 15 of the NPPF.</p> <p>Through establishing a 'Wingrave Settlement Boundary' the policy balances housing growth with the provisions of Para 110 of the NPPF in respect of preparing a plan to meet the development needs and at the same time minimising detrimental effects to the natural environment through allocating appropriate sites. The policy has been tested against the reasonable alternatives in the SEA and found to be a sustainable solution to providing for housing growth.</p> <p>The policy also contributes to delivering a choice of high quality homes as set in para 50 of the NPPF. This will enhance and maintain the vitality of the rural community and further avoid the delivery of isolated homes in the countryside. In these respects the policy is in line with para 55.</p>
2	Land South of Twelve Leys, Wingrave	50, 58, 173	This policy allocates land that accords with the spatial plan of Policy 1 and is therefore sustainable by definition. It is consistent with para 50 of the NPPF in contributing to the supply of a mix of new homes to meet local needs by allocating land for housing development within the defined settlement boundary of Wingrave. It also sets out the key development principles for the site in line with Para 58 and is supported by the site developer, thus showing that its provisions are viable.
3	Land North of Baldways Close, Wingrave	50, 58	This policy allocates land that accords with the spatial plan of Policy 1 and is therefore sustainable by definition. It is consistent with para 50 of the NPPF in contributing to the supply of a mix of new homes to meet local needs by allocating land for housing development within the defined settlement boundary of Wingrave. It also sets out the key development principles for the site in line with Para 58 and is supported by the site developer, thus showing that its provisions are viable.
4	Land South of Leighton Road, Wingrave	50, 58, 126	This policy allocates land that accords with the spatial plan of Policy 1 and is therefore sustainable by definition. It is consistent with para 50 of the NPPF in contributing to the supply of a mix of new homes to meet local needs by allocating land for housing development within the defined settlement boundary of Wingrave. It also sets out the key development principles for the site in line with Para 58 and is supported by the site developer, this showing that its provisions are viable. Further, the site may be regarded as falling within the setting of the Wingrave Conservation Area and so the policy

			requires that regard is had to that circumstance in line with Para 126.
5	Design	58, 115	This policy accords with paras 58 and 115 of the NPPF in requiring the design of all development proposals to reflect the local historic character and countryside of the Parish.
6	Local Employment	28, 110	This policy resists the loss of any existing employment use and it encourages increased activities at four specific employment sites. It acknowledges that these sites occupy prominent locations in the countryside and therefore requires that proper regard is had to the design of future proposals. This is in conformity with paras 28 and 110 of the NPPF.
7	Wingrave Community Facilities	70	This policy accords with para 70 of the NPPF by encouraging and enabling the continued community use of a variety of existing facilities in the parish by supporting development proposals that further this objective, including the extension or partial redevelopment of existing buildings.
8	Local Green Spaces	76, 77	This policy proposes a number of important green spaces in the parish to be protected from development by the designation as Local Green Spaces in accordance with paras 76-77 of the NPPF.

## 4. Contribution to Sustainable Development

4.1 A Strategic Environmental Assessment (SEA) has been undertaken and it demonstrates that the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development in terms of how its policies will have environmental benefits and will avoid negative environmental effects.

4.2 The Report concludes:

*Not surprisingly, there is a strong, positive correlation between the environmental objective of the Plan and the environmental protection objective of the SEA. The Plan is explicit in wishing to plan for growth that avoids harming the rural character of the parish and especially its heritage assets.*

*In all other respects, the relationship between the Neighbourhood Plan objectives and the key environmental measures is neutral. Although housing development and proposals to enhance the local economy will inevitably have some degree of environmental impact, the SEA objectives anticipate this and allow for Plan objectives that direct growth to types and locations that avoid the most sensitive environments and that successfully mitigate impacts. Given the national planning policy context, it was not a reasonable alternative to seek to avoid growth at all. (Para. 7.2 and 7.3)*

4.3 However, the basic condition of 'contributing to the achievement of sustainable development' requires a broader scope of assessment to embrace social and economic, as well as environment, objectives. For completeness, therefore, the SEA is supplemented by the analysis in Table B below, which summarises the economic, social and environmental attributes of each policy.

**Table B: Neighbourhood Plan & Sustainable Development Summary**

No.	Policy Title	Social	Econ.	Envt.	Commentary
1	Spatial Plan for the Parish	*	-	-	<p>The SEA report shows that this policy has mostly neutral and some positive environmental effects. In seeking to grow the village in small increments around its edge, the policy will continue to protect land of special heritage and landscape value that surrounds the village.</p> <p>The policy makes provision for 100 new homes to grow the village by over 15% over the plan period, which will have social benefits in meeting local housing need.</p>

2	Land South of Twelve Leys, Wingrave	*	-	-	The SEA report assesses the policy has having no significant environmental effects as the policy include a series of key development principles that will avoid or mitigate any negative environmental impacts.
3	Land North of Baldways Close, Wingrave	*	-	-	The SEA report assesses the policy has having no significant environmental effects as the allocation policies include a series of key development principles that will avoid or mitigate any negative environmental impacts.
4	Land South of Leighton Road, Wingrave	*	-	-	The SEA report assesses the policy has having no significant environmental effects as the allocation policies include a series of key development principles that will avoid or mitigate any negative environmental impacts.
5	Design	*	-	-	The SEA report assesses the policy as having no significant environmental effects.  The policy will have a social benefit by retaining the identity of the village, which is appreciated by the community.
6	Local Employment	*	*	-	The policy will have considerable economic benefits in encouraging existing employment sites to develop and create new jobs. However, the SEA assessment has indicated that the policy contains sufficient mitigation measures to avoid any significant environmental effects.
7	Wingrave Community Facilities	*	-	-	The SEA report assesses the policy as having no significant environmental effects although there is a clear social benefit of this policy to the parish community.
8	Local Green Spaces	*	-	*	The SEA report assesses the policy has having no significant environmental effects. The long term protection of these sites can be seen as a positive environmental effect. The importance of these Local Green Spaces to the community shows that this policy has a positive social effect.
<b>Key: * positive - neutral x negative</b>					

4.4 This outcome may be inevitable for Neighbourhood Plans prepared in similar planning policy circumstances. If local communities are to back development in this type of location, to the extent they will turn out to vote at a referendum, then there often have to be clear and realisable social

benefits they can accrue. But this will rarely be at an environmental or economic cost as local communities will resist such impacts and they will not be in conformity with either the NPPF or development plan.

## 5. General Conformity with the Development Plan

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the saved policies of the 2004 Aylesbury Vale District Local Plan (AVDLP). The forthcoming Vale of Aylesbury Local Plan (VALP) will replace the saved policies once adopted, but this has not yet reached a stage where it can inform the basic condition of the Neighbourhood Plan being in general conformity with its strategic policies.

5.2 The withdrawn Vale of Aylesbury Plan can, to a minor extent, be referenced to inform the reasoning and evidence of the Neighbourhood Plan. It defined Wingrave village as a 'large village' in the settlement hierarchy of the District (as evidenced in the 2012 Settlement Hierarchy Assessment) and made no other provisions that indicated the village or parish would be part of any strategic-scale development proposals in the plan period. Though this cannot be regarded as definitive, as it is possible that the VALP may come to a different spatial view, it is considered unlikely, given the relative isolated location of the village from the strategic highway network and given the existing capacity constraints of its social infrastructure. Similarly, it is not anticipated that the VALP will consider changing the status of Rowsham, which was an unclassified settlement in the 2012 report.

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

No.	Policy Title	Commentary
1	Spatial Plan for the Parish	<p>This policy establishes and defines the Wingrave Settlement Boundary (WSB) to distinguish the consideration of planning applications within the village settlement from those outside the boundary. In doing so, it replaces saved AVDLP policies RA13 and RA14 relating to development within and adjoining rural settlements in so far as they are applied in the designated neighbourhood area.</p> <p>The policy provides for development proposals outside the WSB in the remainder of the parish in line with saved policy RA2 of the Local Plan that states "new development in the countryside should avoid reducing open land that contributes to the form and character of rural settlements".</p>
2	Land South of Twelve Leys, Wingrave	<p>The policy accords with the provisions of Policy 1 in being located within the Wingrave Settlement Boundary.</p> <p>The policy accords with Policy GP35 in establishing key design principles that reflect the distinct physical characteristics and natural qualities of the site and its surrounding landscape. It takes into account public views from Twelve Leys out to the countryside and the importance of a high quality scheme in this location more generally. The policy is also consistent with GP53 in respect of requiring a future scheme to have regard to</p>

		<p>the setting of the nearby Listed Building on Nup End Lane, within which it may be considered to lay.</p> <p>The policy replaces with the provisions of saved policy GP2 by requiring 35% of total new homes to be provided as affordable. The saved policy was replaced by the adopted Aylesbury Vale Affordable Housing SPD in 2007 and then by the South East Plan. Although the South East Plan has since been revoked, the District Council has continued to successfully apply its 35% proportion in its development management decisions. Further, a viability assessment of affordable housing policy for the District of 2012 (see the 'VAP &amp; Community Infrastructure Levy Viability Study' in the evidence base) concluded that viability would not be an issue arising from affordable housing requirements at this level in this type of location in the District.</p>
3	Land North of Baldways Close, Wingrave	<p>The policy accords with the provisions of Policy 1 in being located within the Wingrave Settlement Boundary.</p> <p>The policy accords with Policy GP35 in establishing key design principles that reflect the distinct physical characteristics and natural qualities of the site and its surrounding landscape. It takes into account the desire to provide a line from Leighton Road to the countryside beyond and to protect the amenities of local residents, in line with GP8.</p> <p>The policy replaces with the provisions of saved policy GP2 by requiring 35% of total new homes to be provided as affordable. The saved policy was replaced by the adopted Aylesbury Vale Affordable Housing SPD in 2007 and then by the South East Plan. Although the South East Plan has since been revoked, the District Council has continued to successfully apply its 35% proportion in its development management decisions. Further, a viability assessment of affordable housing policy for the District of 2012 (see the 'VAP &amp; Community Infrastructure Levy Viability Study' in the evidence base) concluded that viability would not be an issue arising from affordable housing requirements at this level in this type of location in the District.</p>
4	Land South of Leighton Road, Wingrave	<p>The policy accords with the provisions of Policy 1 in being located within the Wingrave Settlement Boundary.</p> <p>The policy accords with Policy GP35 in establishing key design principles that reflect the distinct physical characteristics and natural qualities of the site and its surrounding landscape. It takes into account public views from Leighton Road out of the village to the countryside beyond by requiring larger detached buildings and a layout that retains glimpse views. Although green field, the site forms a natural extension of existing development on the southern side of the road and stops well short of continuing along the road as far as development on the northern side of the road.</p> <p>The policy is also consistent with GP53 in respect of requiring a future scheme to have regard to the setting of the Wingrave Conservation Area, within which it may be considered to lay. And it is consistent with GP39 in respect of requiring a scheme</p>

		<p>to minimise the loss of the existing trees (which in any event are subject to a TPO) to secure a site access.</p> <p>The policy replaces with the provisions of saved policy GP2 by requiring 35% of total new homes to be provided as affordable. The saved policy was replaced by the adopted Aylesbury Vale Affordable Housing SPD in 2007 and then by the South East Plan. Although the South East Plan has since been revoked, the District Council has continued to successfully apply its 35% proportion in its development management decisions. Further, a viability assessment of affordable housing policy for the District of 2012 (see the 'VAP &amp; Community Infrastructure Levy Viability Study' in the evidence base) concluded that viability would not be an issue arising from affordable housing requirements at this level in this type of location in the District.</p>
5	Design	<p>The policy seeks to shape all development proposals in terms of appropriate design of new buildings but also of their surrounding spaces and landscape schemes and therefore adheres to saved policies GP35 and GP38 of the 2004 AVDLP.</p>
6	Local Employment	<p>This policy has a number of purposes relating to employment uses in the parish. Firstly, it resists the unnecessary loss of an existing employment use, as the current uses in the parish offer a range of job opportunities. Secondly, it encourages proposals at the four main employment sites to intensify and/or extend their employment uses, provided any environmental impacts can be satisfactorily mitigated. It is therefore consistent with the AVDC's saved policy GP17 in safeguarding sites for employment use and in continuing to play an important role in accommodating Buckinghamshire's business activity.</p>
7	Wingrave Community Facilities	<p>The policy complements AVDLP Policy GP93 by identifying those community facilities that the local community strongly favours are retained. They comprise buildings and associated land, which may be capable of being extended or redeveloped in ways that are suitable to this rural location.</p> <p>It is further in line with saved policy GP32 of the AVDLP in that it supports the retention of existing community facilities if their viability can be demonstrated.</p>
8	Local Green Spaces	<p>This policy proposes a number of important green spaces in the parish to be protected from development by the designation as Local Green Spaces. Although this type of designation was established by the NPPF and post dates the 2004 AVDLP, it remains in line with its policies GP86, GP87 and GP92, which have a similar intent. Once designated, the policy will resist all proposals for development unless it can be clearly demonstrated they are minor, they are ancillary to a public recreation use or they are required utilities development.</p>

## **6. Compatibility with EU Legislation**

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 A screening opinion was issued by AVDC in July 2014, which confirmed that the Neighbourhood Plan should be prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA).

6.3 A SEA Scoping Report was published by the Parish Council for consultation with the statutory authorities to complete Stage A of the SEA process. The comments received were then taken into account in Stages B and C of drafting the SEA alongside the Pre-Submission Neighbourhood Plan, both of which were published for consultation with the statutory authorities as well as the general public. A Draft SEA was incorporated into the latter and the final SEA is incorporated into the Submission document.

6.4 The AVDC SEA screening opinion considered that the Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations.