

**WINGRAVE WITH ROWSHAM
NEIGHBOURHOOD PLAN 2013 – 2033:
MODIFIED VERSION**

BASIC CONDITIONS STATEMENT

January 2019

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

1.INTRODUCTION

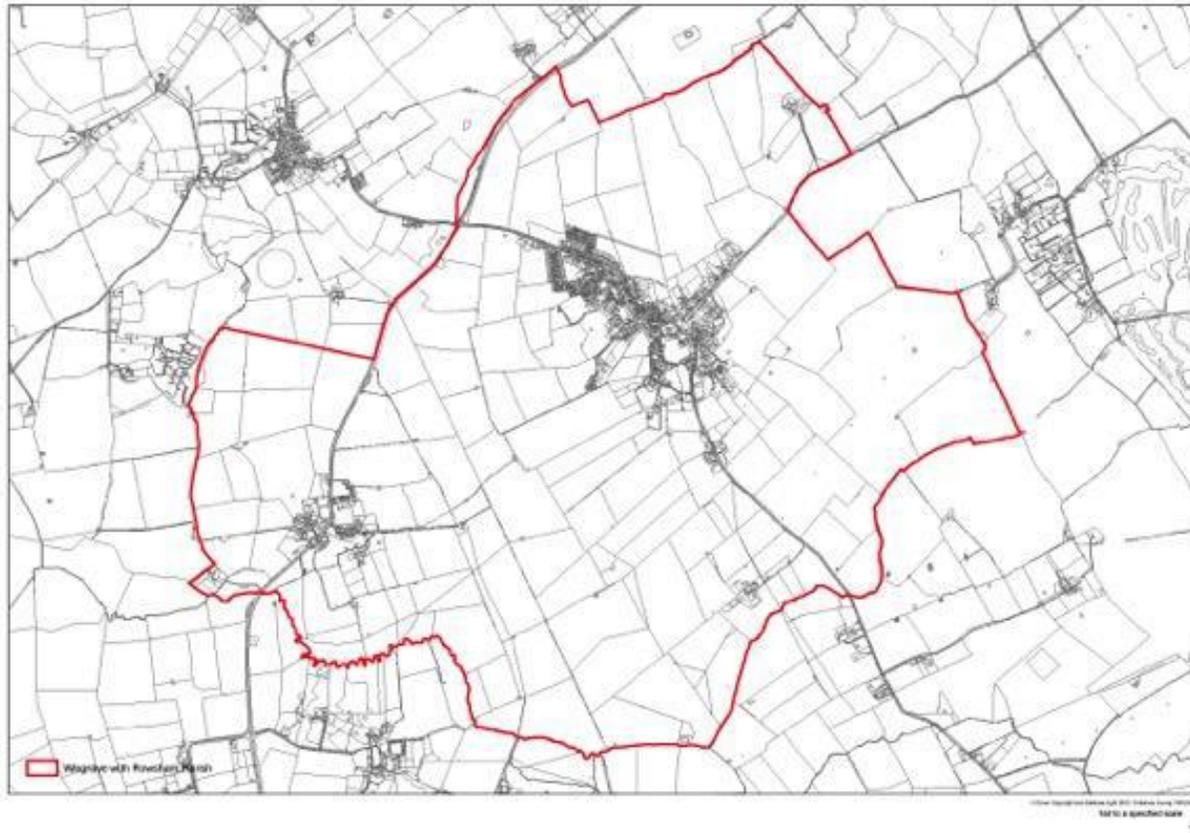
1.1 This statement has been prepared by Wingrave with Rowsham Parish Council ("the Parish Council") to accompany its submission of the Modified Version of the Wingrave with Rowsham Parish Neighbourhood Plan ("the Modified Plan") to the local planning authority, Aylesbury Vale District Council ("the District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

1.2 The Modified Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish and which was designated by the District Council on 10 September 2012 (see Plan A below). The Wingrave with Rowsham Parish Neighbourhood Plan ("the Made Plan") was made by the District Council on 30 September 2016.

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulations 14 and 15 are amended to require the qualifying body to publish a statement alongside the modification proposal at the Pre-Submission stage and alongside the modification proposal and neighbourhood development plan as proposed to be modified at the Submission stage respectively:

"setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".



Plan A: Wingrave with Rowsham Parish Designated Neighbourhood Area

1.5 The Parish Council published its Modification Proposal and Modification Proposal Statement on 8 December 2018 for the statutory minimum six-week consultation period in accordance with Regulation 14 as amended. That period ended on 21 December 2018. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (as amended).

1.6 This Basic Conditions Statement, also as per Regulation 15 (as amended), sets out how the modification proposal meets the basic conditions requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act (as amended). Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The modification of the made 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 modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations

1.7 Although the Modified Plan is submitted in full, this Statement focuses solely on how the two modified policies – Policy 1 and Policy 4 – meet those tests, rather than revisit any other policies of the made Plan. The modified policies described in the Neighbourhood Plan continue to 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, and they will continue to apply for the period of the Made Plan to 31 March 2033.

1.8 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Basic Conditions Statement (including a statement from the District Council on the re-screening of the Modified Plan in relation to EU obligations on Strategic Environmental Assessment)
- The Consultation Statement
- The Modification Proposal Statement

2.BACKGROUND

2.1 The reason for the Modified Plan is to correct and revise Policy 4 of the Made Plan in respect of the allocation of Land South of Leighton Road for a residential scheme, and to amend the Settlement Boundary defined in its Policy 1, as shown on the Policies Map.

2.2 The land for development in Policy 4 is designated as 1.4 Hectares in the text of the Made Plan and for approximately 30 dwellings. Due to an error in the preparation of the Made Plan Policies Map, Policy Map No.4 only encloses approximately 1 Hectare. Subsequently, a developer – Rectory Homes Ltd – has submitted a planning application (17/04425/APP) that seeks consent for a scheme of 29 dwellings on the site but on land of 1.4 Hectares that extends beyond the allocation site boundary and the defined Settlement Boundary, as shown in Figure 1 below.



Fig. 1: Development Concept Plan (Planning Application 17/04425/APP, Rectory Homes Ltd)

2.3 When the error was first discovered, the Parish Council sought advice from the District Council as to how to proceed and were advised that provided both councils agreed that the Rectory Homes proposal, which was then at the pre-application stage, was acceptable then the proposal could proceed to planning application. The Parish Council supported the Rectory Homes proposal as being in general conformity with the development plan and did not object to the subsequent planning application.

2.4 However, in considering the planning application, the District Council came to the view that the scheme was not sufficiently in accordance with the relevant provisions of the development plan – the Made Plan – to justify approval and advised the Parish Council that it must make a modification proposal in order to correct the Made Plan.

2.5 The Consultation Statement explains in detail the process by which the Modification Proposal has been determined and amended in response to representations made in the consultation period. Essentially, the Parish Council has liaised with local residents and Rectory Homes during 2018 to seek to agree a new site boundary for Policy 4 and to amend some of the policy wording, but without changing the nature of the Made Plan. This process included an investigation on the options available for securing a successful scheme of the type envisaged and provided for by the Made Plan.

2.6 The result of that work is a Modification Proposal that extends the site allocation boundary to a total of 2.2 Ha of land, with a developable area of 1.4 Ha and 0.8 Ha of amenity land, including the provision of a car park for shared use with residents of Leighton Road. The Policies Map will be amended accordingly (see Figs 2 and 3 below) and the new Policy 4 will read:

“Policy 4: Land South of Leighton Road, Wingrave

On land south of Leighton Road, Wingrave, as shown on Policy Map 4, the Neighbourhood Plan allocates 1.4 Ha for housing development of approximately 30 dwellings and 0.8Ha of public open space.

Development proposals will be supported, provided they accord with the following principles:

- i. 35% of the total homes provided on site shall be affordable homes located throughout the scheme, unless it can be demonstrated that a smaller percentage is required to deliver a viable scheme;**
- ii. the emphasis of open market and affordable dwelling types should be on providing larger detached homes;**
- iii. The vehicular access shall be off Leighton Road in a manner that minimises the loss of the protected trees on the road frontage;**
- iv. The scheme layout shall provide for buildings with their principal elevation facing towards, but with no vehicular access, to Leighton Road to provide a positive street edge;**
- v. Parking for houses in the scheme shall be integrated with the open space and buildings to create a safe and attractive pedestrian environment and to avoid parking problems on local roads;**
- vi. The landscape scheme shall create a strong, attractive and distinct long-term settlement edge on its three boundaries to the open countryside beyond;**
- vii. The detailed design of the scheme should make provision for any bat habitats on the site; and**
- viii. The layout and landscape scheme shall provide public open space within the site scheme that contributes to the achievement of the Aylesbury Vale Green Infrastructure Strategy and specifically shall:
 - a. Allow for glimpse views through the site from existing properties on Leighton Road to the open countryside to the south and east of the site;**
 - b. Create an attractive setting and amenity for the development;**
 - c. Have special regard to sustaining and enhancing the significance of proximate heritage assets and their settings including the listed buildings at Nos. 22 – 28 (odd) Leighton Road and the gates, walls and railings to Mount Tabour House;**
 - d. Improve the quality and management of the landscape area to the Leighton Road frontage; and**
 - e. On land within the site and fronting Leighton Road offer to provide a specific community benefit in the form of a private car park for the use of residents of Leighton Road.”****

2.7 Furthermore, §4.24 and §4.25 of the supporting text to Policy 4 will read:

“4.24 It specifically requires that in creating a site access and visibility splay the loss of protected trees along Leighton Road is kept to a minimum. The land provides an opportunity to provide a specific community benefit in the form of a private car park for the use of residents of Leighton Road to address the lack of off-street spaces in that part of the village. This is not necessary to make the housing scheme itself acceptable in planning terms and so the policy seeks the offer of the developer rather than a planning obligation to secure that benefit, given the land is in single land control. The site developer has confirmed that the offer will be made, and provision will be made in the planning application.

4.25 The site is well suited to delivering larger detached homes that will enable the Plan to provide for a mix of housing types in the village and that will enable glimpse views through the site. The policy requires 0.8 Ha of land to be set out and maintained as a new public open space and this should done in accordance with Local Plan policy on green infrastructure (i.e. Policy GP86 of the 2004 Local Plan and proposed Policy I1 of the VALP), especially in relation to securing a mechanism to manage the space in perpetuity. The landowner has confirmed that these principles are an acceptable means of guiding a future planning application.”

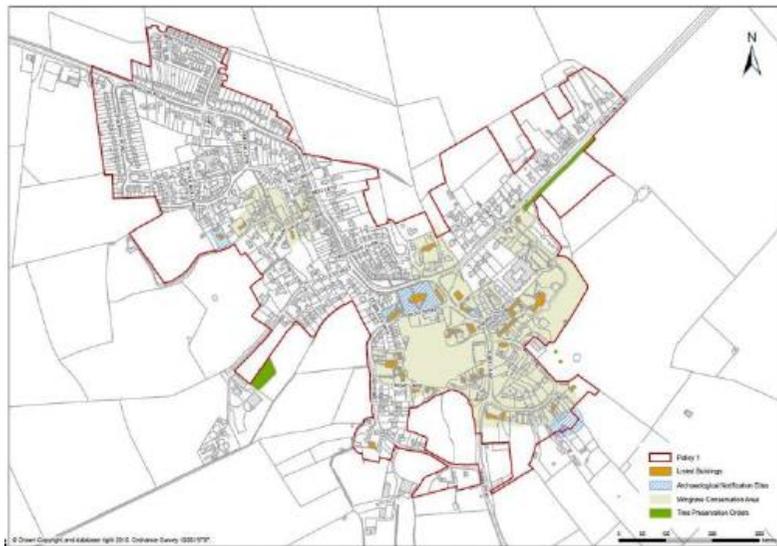


Fig 2. Made Plan Policy 1 Settlement Boundary Policy Map

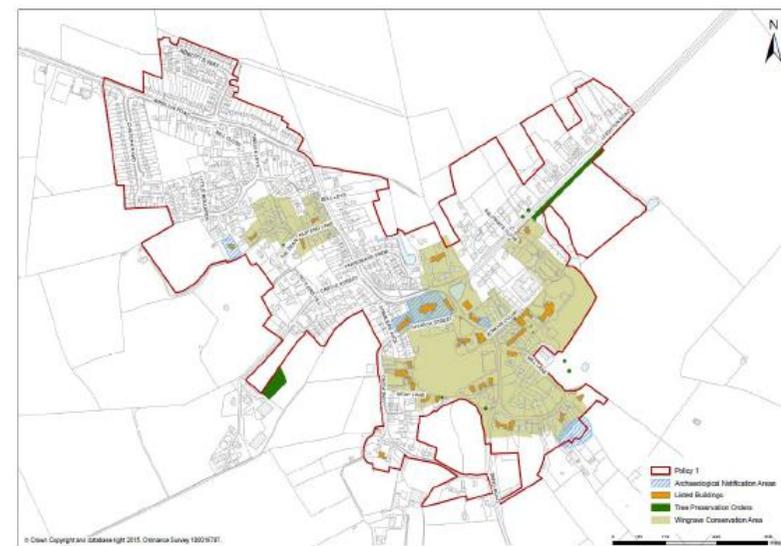


Fig 3. Modified Plan Policy 1 Settlement Boundary Policy Map

2.8 The representations made by the District Council and Rectory Homes Ltd confirmed their respective support for the Modification Proposal. This is especially important in respect of part (viii)e of Policy 4 that requires the provision of a new private car park. The examiner of the Made Plan recommended the deletion of a similar provision from the referendum version, which was accepted by the District Council that at that time did not support the requirement. In his report of 20 June 2016, the examiner, Christopher Collison, agreed with the District Council that the requirement was not necessary to make the development acceptable in planning terms and therefore was not in accordance with §204 of the NPPF 2012 in respect of securing S106 obligations.

2.9 This is a misunderstanding of the rationale for the requirement and the policy wording has been amended to clarify this matter. In allocating land for development and changes of land use, a development plan is able to establish a benefit or need for which land should be made available. In this case, adjacent sites off Leighton Road in the control of the same landowner were identified and assessed as being suitable for two distinct purposes: the delivery of new homes and of a new car park to address the problems of on-street parking in that vicinity. In order to secure the delivery of both, and, knowing that the land was under the same control, the Parish Council wished to encourage the developer of the housing scheme to offer to deliver the car park. Importantly, in the negotiations with the landowner and developer in finalising the Parish Council's preferred option for housing site allocations, this offer was committed to and this was a factor in the Parish Council prioritising the land for allocation in the Neighbourhood Plan. It was never intended to engage §204 and it is noted that Rectory Homes Ltd has reaffirmed its intention to deliver this requirement.

3.CONFORMITY WITH 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) of 2012, which at the time of the submission of the Modified Plan remains in force for the examination of neighbourhood plans. Account has also been taken of the Planning Practice Guidance (PPG) where relevant. 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 and 183

3.2 The Parish Council believes the Modified Plan continues to plan positively to support the strategic development needs of the District by seeking to resolve an unintended error and conflict between the Made Plan and a planning application for the site. The Modification Proposal is consistent with the vision, objectives and other policies of the Made Plan and the Parish Council is confident from its consultations that it reflects the preference of the majority of the local community.

Para 184

3.3 The Parish Council believes the Modification Proposal remains in general conformity with the relevant, saved policies of the development plan and effectively anticipates the policies of the forthcoming Vale of Aylesbury Local Plan.

Table A: Neighbourhood Plan & NPPF Conformity Summary

No.	Policy Title	NPPF Ref.	Commentary
1	Spatial Plan for the Parish	15, 50, 55, 110	<p>This policy establishes the key spatial strategy for directing future development proposals in the parish towards Wingrave as the main settlement. It reflects the presumption in favour of sustainable development and will guide how development will be delivered over the plan period in line with §15 of the NPPF.</p> <p>Through establishing a 'Wingrave Settlement Boundary' the policy balances housing growth with the provisions of §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 §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 §55.</p> <p>The Modification Proposal makes an insignificant amendment to the defined Policy 1 boundary on the eastern edge of the village to accommodate the amended housing site allocation of Policy 4. It is therefore considered to remain consistent with these NPPF policy principles.</p>
4	Land South of Leighton Road, Wingrave	50, 58, 126, 173, 204	<p>The Modification Proposal makes an insignificant amendment to the site boundary and to the policy wording. It therefore remains consistent with §50 of the NPPF in contributing to the supply of a mix of</p>

			<p>new homes to meet local needs by allocating land for housing development within the defined settlement boundary of Wingrave. The site lies within the setting of the Wingrave Conservation Area and so the policy requires that regard is had to that circumstance in line with §126. Its key development principles for the site remain in line with §58 and is supported by the site developer, clearly showing that its provisions are viable and will lead to a deliverable scheme, as per §173. In this respect, and as described in Section 2 above, §204 is not engaged as the policy does not make the delivery of the car park a requirement for a planning obligation. Rather, it encourages the offer to deliver that benefit, given the opportunity provide by the land in this location and its single control.</p>
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4.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 The separate Strategic Environmental Assessment Report sets out how the policies of the Neighbourhood Plan contribute to the achievements of sustainable development in a systematic way. The report concludes thus:

“10.1 The assessment indicates that the proposals of the Submission Plan will have only one minor negative effect and may have a small number of positive effects. The potential for negative effects has been mostly avoided through site selection and policy wording and the utilisation of other development plan policies when the details of a planning application are being considered.

10.2 A number of reasonable alternatives to the policies have been assessed but none appear to have any better effects, marginal though the differences are in most cases. This has allowed the local community preferences, as expressed through the consultations undertaken so far, to take precedence in site and policy selections.”

4.2 A wider view of the sustainability performance of the two policies that are the subject of the Modification Proposal is set out in Table B below:

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environ	Commentary
1	Spatial Plan for the Parish	+	0	+/0	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. The policy makes provision for 100 new homes to grow the village by over 15% over the plan period, which will have a positive social effect in meeting local housing need. The Modification Proposal will allow the delivery of 29 of these homes within the next five years to secure that positive effect.

4	Land South of Leighton Road, Wingrave	+	0	0/-	<p>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. The extension of the site boundary to cover 2.2 Ha in total will not materially change this assessment and will make an acceptable scheme more deliverable within the environmental constraints. The amended policy makes provision for approx. one third of the 100 new homes provided for in the Modified Plan. The Modification Proposal will allow the delivery of these homes and of a new car park and amenity area for this side of the village within the next five years that will secure significant positive social effects.</p>
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5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Made Plan was 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). However, appeal cases over the last few years have shown some of them to be out-of-date for the purposes of development management, notably policies RA13 and RA14 that sought to manage development in settlements outside the Green Belt like Wingrave. The village is defined as a settlement in Appendix 4 of the AVDLP. In which case, there is a small number of saved development management policies that are relevant to the Made Plan and the Modification Proposal.

5.2 The Vale of Aylesbury Local Plan (VALP) is at its examination stage and will replace the saved policies in due course, but the Modified Plan will be examined before that plan is adopted. However, the evolving reasoning and evidence base of the VALP have been reviewed during the preparation of the Modification Proposal. The VALP defines Wingrave village as a 'large village' in the settlement hierarchy of the District and its Table 2 (p38) shows that its housing supply calculations (to inform its Policies S2 and S3) have counted all of the homes allocated in the Made Plan as commitments to deliver a total of 109 homes in the village over the plan period. As a result, no further housing development is required outside of the defined settlement boundary in the plan period.

5.3 An assessment of the general conformity of the two policies that are the subject of the Modification Proposal, and their relationship with emerging VALP policy where relevant, is contained in Table B below.

Table C: Neighbourhood Plan & Development Plan Conformity Summary

No.	Policy Title & Refs	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. 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> <p>Like the AVDLP, the VALP does not use settlement boundaries as a policy mechanism but continues to distinguish ‘built up areas’ from the countryside in policies like S3 ‘Cohesive Development’ and D2 ‘Proposals for non-allocated sites at strategic settlements, larger villages and medium Villages’. However, with the majority of neighbourhood plans in the district, like the Made and Modified Plans, using the mechanism, the District Council has accepted that such policies are consistent with, and aid the implementation of, policies S3 and D2.</p> <p>The Modification Proposal makes an insignificant amendment to the defined Policy 1 boundary on the eastern edge of the village to accommodate the amended housing site allocation of Policy 4. It is therefore considered to remain consistent with these emerging strategic policy principles.</p>
4	Land South of Leighton Road, Wingrave	<p>The policy accords with saved 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</p>

		<p>consistent with GP39 in respect of requiring a scheme 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 & 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> <p>These policy provisions have been updated to reflect the NPPF and taken forward in various policies in the VALP, notably policies BE1 'Heritage Assets', BE2 'Design of New Development', BE4 'Density of New Development' and NE9 'Trees'. None significantly alter the purpose or application of the AVDLP policies.</p> <p>The Modification Proposal makes an insignificant amendment to the site boundary and to the policy wording. The extension of the boundary does not as a matter of principle compromise the ability of a scheme to fit within the heritage, trees and landscape constraints, all of which are addressed in the policy requirements.</p>
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6.COMPATABILITY WITH EU LEGISLATIONS

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 strategic environmental assessment (SEA) was undertaken for the Made Plan, as per EU Directive 2001/42 and the Environmental Assessment of Plans & Programmes Regulations 2004. It has therefore been necessary to review the SEA in the light of the Modification Proposal. 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.

6.3 Prior to the Regulation 14 stage, the District Council provided the following statement on 6 November 2018:

“Aylesbury Vale District Council has reviewed the proposed modifications outlined for the Wingrave with Rowsham neighbourhood plan as set out in the modification proposal and consider that the proposed modifications materially affect the policies in the plan but would not be so significant or substantial as to change the nature of a plan. It is therefore our conclusion that the proposals do not alter the plan in such a way that would require a revised strategic environmental assessment to be undertaken.

The council will however be re-screening the plan before submission to an independent examiner in accordance with the regulations. It is ultimately the responsibility of the LPA (and not the Examiner) to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The LPA must decide whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the SEA Directive):

- (1) When it takes the decision on whether the neighbourhood plan should proceed to referendum; and*
- (2) When it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).*

The likelihood is that this screening will come to the same conclusion as the original as the number of houses in the allocation has not changed.

6.4 The District Council has now undertaken a re-screening of the Modified Plan for submission, which is appended to this report.

APPENDIX A

STRATEGIC ENVIRONMENTAL ASSESSMENT

AVDC has considered the Pre Submission neighbourhood plan Modified Version in November 2018 and concluded that the whilst the proposals do materially affect the policies in the made neighbourhood plan they are not so significant to change the nature of the plan – that which was made on 30 September 2016.

The made neighbourhood plan has had an SEA screening opinion (of January 2015) endorsed by Historic England, Natural England and the Environment Agency and a full Sustainability Appraisal was completed by the qualifying body (the parish council) for the submitted plan. As the nature of the made neighbourhood plan has not changed, in AVDC's view, there is no need to carry out a full revised SEA screening assessment of the modifications themselves as the screening opinion of January 2015 remains valid for the neighbourhood plan.

AVDC carried out a screening opinion for the Wingrave with Rowsham neighbourhood plan in January 2015 confirming that as the plan was allocating sites for housing a sustainability appraisal was required. The three consultees Natural England, Historic England and the Environment Agency were all consulted and all replied giving a view on the Council's recommended screening opinion. The qualifying body then carried out a sustainability appraisal and this formed part of the submitted documents for examination. AVDC then considered if there was any need to update the screening assessment before the referendum and upon making the plan, but the plan hadn't changed in nature and so its sustainability appraisal was still valid therefore no revised screening was needed.

AVDC has again assessed if there is a need to update the screening assessment for the modifications proposed and considers no update is needed to the 2015 screening opinion for which a sustainability appraisal has already been carried out for the made neighbourhood plan. AVDC will reassess the neighbourhood plan once examined to see if there is any change to the plan resulting in a need to update the SEA screening assessment before taking the plan to referendum (if the examiner says a referendum is required) and upon taking the decision to make the modified plan.