

Cheddington Neighbourhood Plan 2014-2033

Basic Conditions Statement

**Published by Cheddington Parish Council under the Neighbourhood
Planning (General) Regulations 2012**

March 2015

Cheddington Neighbourhood Plan

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1. Introduction

1.1 This Statement has been prepared by Cheddington Parish Council ("the Parish Council") to accompany its submission to the local planning authority, Aylesbury Vale District Council (AVDC), of the Cheddington Neighbourhood Plan (CNP) ("the Neighbourhood Plan") under Regulations 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 Cheddington, as designated by Aylesbury Vale District Council on 1 October 2013.

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 2015 to 31 March 2033 and it does not contain policies relating to excluded development in accordance with the Regulations.

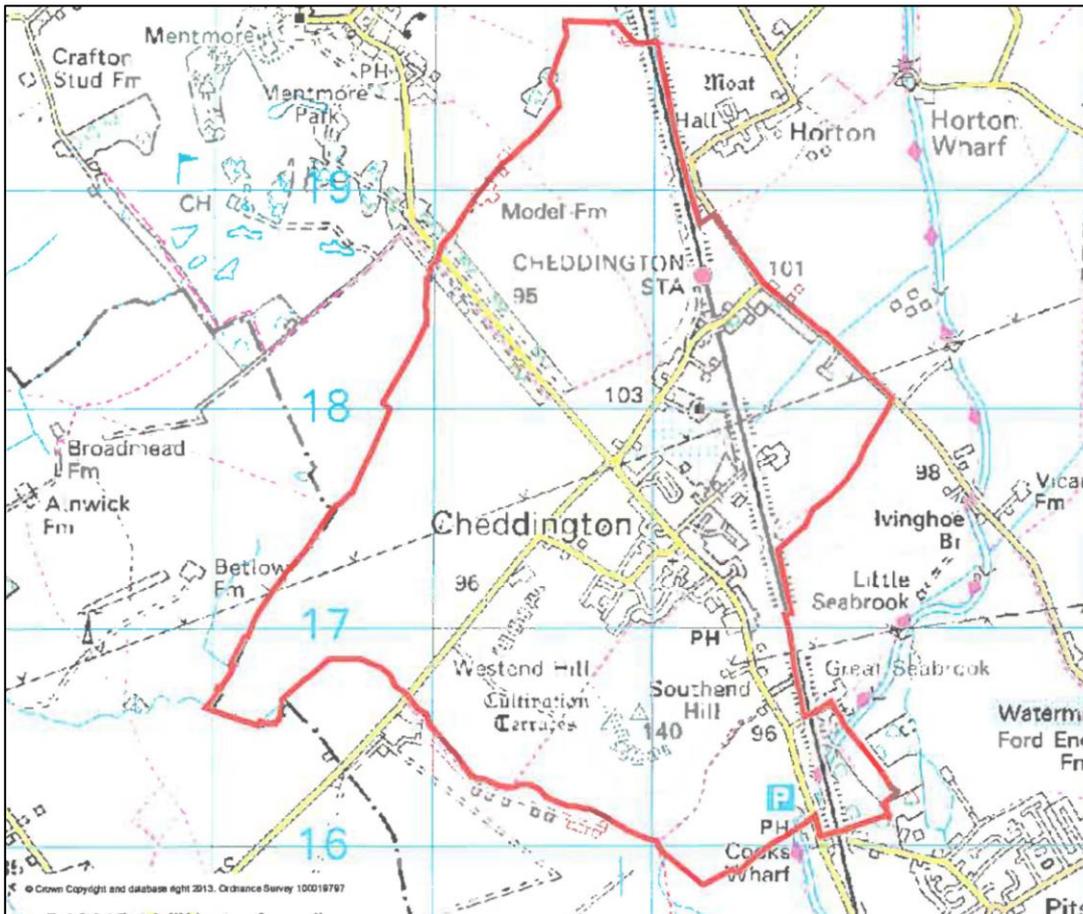
1.4 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

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 Cheddington Parish Council, as a 'relevant body' under the 2012 Regulations, with decisions delegated to its 'Neighbourhood Plan Steering Group'.



Plan A: The Designated Cheddington Neighbourhood Plan

2.2 The Steering Group was formed comprising parish councillors and members of the local community. However, as qualifying body, the Parish Council itself approved the publication of the following documents prepared by the Steering Group:

- the State of the Parish report of October 2014
- the SEA Scoping Report of October 2014
- the Pre-Submission Neighbourhood Plan (and Draft SEA) of January 2014
- the Submission Neighbourhood Plan (and Final SEA) of March 2015

2.3 The Parish Council has consulted the local community extensively since the start of 2012. Groups of local residents have been established to review and agree which issues should be addressed by the plan. There have also been community surveys to obtain the fullest view of local community concerns, needs and wants from the CNP.

2.4 The Parish Council has worked closely with officers of AVDC 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 the then Vale of Aylesbury Plan (VAP) and since the withdrawal of that plan, the emerging Vale of Aylesbury Local Plan (VALP). The outcome of that work is the submission

version of the Neighbourhood Plan. Further details of all the consultation activities are provided in the separate Consultation Statement published for submission.

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 some 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 policies that are already material considerations in determining future planning applications.

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 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

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

Para 183

3.4 The Parish Council believes the Neighbourhood Plan establishes in its Section 4 a vision for the parish that reflects the desires of the local community for the place that Cheddington can and should become. It makes the outputs of these activities real by translating them into planning policies to determine future planning applications as part of the development plan.

Para 184

3.5 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.

3.6 More specifically, the Neighbourhood Plan makes provision for new homes that is double the quantum of development required by the withdrawn Local Plan. This quantum – approximately 100 new homes – completes the 'infilling'

of the village's existing form and is considered realistic in respect of the capacity of the local housing market to absorb this level supply. 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 pressure that housing growth over the plan period will place on the economic, social and environmental infrastructure of the parish.

3.7 Crucially, this 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 AVDC 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 Cheddington 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 that 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.

Para 185

3.8 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 Cheddington context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

3.9 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.

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. It reflects 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>This policy is proposing to establish the key spatial priority for the Neighbourhood Plan. It sets the strategic direction for all its other policies by steering new development into Cheddington Village and by continuing to exert strong control over development</p>

			<p>proposals elsewhere in the countryside of the parish. Through establishing a 'Cheddington 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. In doing so, it does not place a cap on development as it allows for infill development proposals.</p> <p>The policy contributes to delivering a wide 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. The location of the allocated sites have been chosen to contribute to the NPPF's commitment to halt the overall decline in biodiversity and to enhance the natural and local landscape.</p>
2	Housing Site Allocations	50, 58	This policy 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 Cheddington. The policy sets out the key development principles for the site in line with Para 58.
3	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.
4	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 character and countryside of Cheddington Parish and especially of the landscape and historic land use and archaeological qualities of the village.
5	Southend Hill & Westend Hill Heritage Asset &	109, 110, 126, 129, 132	This policy accords with the natural and historic environmental provisions of the NPPF, especially relating to protecting valued landscapes (109) and designated

	Special Landscape		<p>heritage assets and their settings (126) from harmful development. Having directed future growth to the village in Policy 1, this policy acknowledges the need to protect the Southend and Westend Hills from any development, as their open character is a vital feature in providing the setting to the Scheduled Ancient Monument hill fort on the crown of Southend Hill and to the village itself. In avoiding development in this location, the policy accords with para 110.</p> <p>Further, the policy takes forward (and replaces) the saved AVDLP Policy RA8, which itself was evidenced by Landscape Character Assessments and there has been no change in the area that has led to any diminution of this character in relation to the heritage asset setting (para 129). As a Scheduled Ancient Monument of the highest significance (as identified by para 132), planning policy has a duty to protect the asset under the 1979 Ancient Monuments Act.</p>
6	Green Infrastructure & Biodiversity	114, 117	This policy accords with Paras 114 and 177 of the NPPF in supporting development that contributes to the protection and enhancement of the key features of the Parish landscape and to minimise the impact on biodiversity.
7	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.

Table A: Neighbourhood Plan & NPPF Conformity Summary

4. Contribution to Sustainable Development

4.1 A Strategic Environmental Assessment (SEA) has been undertaken and demonstrates that the policies of the Neighbourhood Plan will have no significant environmental effects, as defined by the Environmental Assessment of Plans and Programmes Regulations 2004.

4.2 Specifically, the Report concludes:

“that there are no significant adverse effects resulting from the policies of the Neighbourhood Plan. The policies have been specifically chosen and formulated to adhere to the principles of sustainable development as defined by the NPPF. The policy options chosen in the Neighbourhood Plan have been assessed as those, where genuine,

plausible options were available, that achieved an appropriate balance between avoiding any significant environmental impact and meeting the strategic objectives of the Neighbourhood Plan” (para 8.17)

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.

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 on its northern edge, the policy will continue to protect land of special heritage and landscape value to the southwest of the village and land of biodiversity beyond its northern edge.</p> <p>The policy makes provision for 100 new homes to grow the village by 15% over the plan period, which will have social benefits in meeting local housing need.</p>
2	Housing Site Allocations	*	-	-	<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. This is especially the case in respect of the proximity of the Mentmore Road and Barkham Close sites to the Cheddington Manor House heritage asset and its setting.</p> <p>In meeting specific local housing needs – for new and older households in the area - the policy will have a social benefit.</p>

3	Community Facilities	*	-	-	<p>The SEA report assesses the policy as having no significant environmental effects.</p> <p>It will have a clear social benefit in retaining important facilities for the use and enjoyment of the local community.</p>
4	Design	*	-	-	<p>The SEA report assesses the policy as having no significant environmental effects. Although the shift to minimum levels of car parking could be regarded as having a negative impact, the social benefits of avoiding poorly managed on-street car parking outweigh that impact.</p> <p>The policy will have a social benefit by retaining the identity of the village, which is appreciated by the community.</p>
5	Southend Hill & Westend Hill Heritage Asset & Special Landscape	*	-	*	<p>The SEA report assesses the policy as having positive environment effects of protecting from harm a special landscape and a nationally important heritage asset.</p> <p>The policy will have a social benefit by retaining a landscape feature, the scale of which plays a significant role in shaping the character of the village, which is appreciated by the community.</p>
6	Green Infrastructure & Biodiversity	*	-	*	<p>The SEA report assesses the policy as having no significant environmental effects and some positive impacts in respect of protecting the important heritage and landscape area to the south west of the village from development. The importance of these landscape and heritage assets to the community leads to the policy having a positive social effect.</p>
7	Local Green Spaces	*	-	*	<p>The SEA report assesses the policy as having no significant environmental effects. The long term protection of these sites</p>

					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.
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Key: * positive - neutral x negative

Table B: Neighbourhood Plan & Sustainable Development Summary

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 AVDC, that is the saved policies of the AVDLP. The forthcoming Vale of Aylesbury Local Plan (VALP) will replace the saved policies once adopted, but this will not have 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 continued to define Cheddington 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.

No.	Policy Title	AVLP Policy Yes/No	Commentary
1	Spatial Plan for the Parish	Y	This policy establishes and defines the Cheddington Settlement Boundary (CSB) 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>The policy provides for development proposals outside the CSB 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>Saved policy GP58 and GP60 in resisting resist development that affects sites of Scheduled Ancient Monument and Park or Garden of Historic Interest.</p>
2	Housing Site Allocations	Y	<p>The policy replaces with the provisions of adopted 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>The policy conforms to saved policy GP8 in respecting the amenity of local residents, saved policy GP24 in respect of conforming to parking standards and saved policy GP27 in seeking to improve cycle access and facilities.</p> <p>The policy further adheres to saved policies GP35 and GP38 through conditioning the development to provide a design, layout and landscaping scheme and saved policy GP91 through incorporating the existing pond and stream within the scheme layout and landscape design of one of the proposed sites.</p>
3	Community Facilities	Y	<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>
4	Design	Y	<p>The policy seeks to shape not just the appropriate design of new buildings but also of their surrounding spaces and landscape schemes and therefore adheres to saved policies GP35 and GP38 through conditioning the development to provide a design,</p>

			layout and landscaping scheme
5	Southend Hill & Westend Hill Heritage Asset & Special Landscape	Y	The policy is informed by but replaces RA8, which designated the identical area as a Local Landscape Area for much the same purpose. It also continues to conform with GP58 in respect of protecting the Southend Hill Scheduled Ancient Monument.
6	Green Infrastructure & Biodiversity		The policy requires development to protect and enhance existing footpath links and to realise opportunities to create new links with conforms to Policy GP20.
7	Local Green Spaces	N	There is no saved policy relating to this policy.

Table C: Neighbourhood Plan & Development Plan Conformity Summary

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. The final SEA is published alongside the Submission document.

6.4 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.