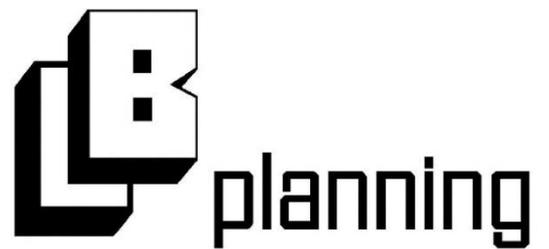


# Oldbury Neighbourhood Development Plan

## BASIC CONDITIONS STATEMENT

October 2020



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## 1. Legal Requirements

1.1 This Statement has been prepared by LB Planning on behalf of Oldbury Parish Council to accompany its submission to the local planning authority (LPA), South Gloucestershire District Council, of the Oldbury Neighbourhood Development Plan (“the Neighbourhood Plan” or “ONDP”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”). No other neighbourhood plan has been submitted for the neighbourhood area.

1.2 The Neighbourhood Plan has been prepared by a steering group authorised to act by Oldbury Parish Council the qualifying body for the Neighbourhood Area covering Oldbury Parish, as designated by the LPA on the 27<sup>th</sup> October 2016.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2036 and it does not contain policies relating to excluded development in accordance with the Regulations.

1.4 This Statement deals with the ONDP and policies in the Reg15 Submission Version v5 (08-10-2020). It addresses each of the four ‘Basic Conditions’ and, as required by the Regulations, explains how the Neighbourhood Plan complies with them and meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act. The Submission documents also include a screening opinion that states there are no likely significant effects on Habitats and therefore a Habitats Regulations Assessment will not be required. Thus the proscribed Basic Condition introduced by the Habitats and Species Regulations 2017 (as amended) has also been met.

1.5 The legislation states 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 (including the proscribed Habitats Basic Condition).

## **2. Introduction and Background**

2.1 Oldbury Parish Council has a long track record of practical projects in the parish, and decided to undertake a neighbourhood plan in order to allocate a limited amount of smaller, affordable, housing to address the current above average size of dwellings in Oldbury and inaccessibility of housing for young families. The parish is severely constrained by flood risk and to a certain degree by heritage concerns, and the process of providing sites for this housing has been a long one, with an evidence base more than usually robust required.

2.2 The parish council began working on a Neighbourhood Plan at the end of 2016, and after considerable consultation with local residents, statutory bodies and the local authority, were finally able to present a draft plan for the six week formal consultation, as required by Reg14 of the Neighbourhood Plan Regulations 2012 (NP Regs 2012), in March 2020. The Pandemic impacted on this consultation in that face to face meetings and open days had to be cancelled, but the plan has been subject to earlier consultation with the community, and regular updates for residents, as detailed in the Consultation Statement.

2.3 Responses from the Reg14 consultation have been considered, and some changes made to the policies in the Neighbourhood Plan as a result, detailed in the Consultation Statement. The Plan is now ready to be submitted to South Gloucestershire District Council, the LPA. As required by the Regulations; the submission of the Neighbourhood Plan to the Local Planning Authority is accompanied by this Basic Conditions Statement, a Consultation Statement, a plan showing the neighbourhood area and the results of the Strategic Environmental Assessment and Habitats Regulations Assessment screening opinion.

### 3. Conformity with National Planning Policy

3.1 The ONDP has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF), 2019 version. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 and updated thereafter in respect of formulating neighbourhood plans.

3.2 Set out in Table 1 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 1: Conformity of the Neighbourhood Plan (NDP) policies to the NPPF**

<b>NDP Policy</b>	<b>NPPF para.</b>	<b>Comment on conformity</b>
<b>1. Housing Sites</b>	<b>59; 61; 69; 71</b>	Neighbourhood plans are encouraged to designate small sites that address specific housing needs. Exception sites are encouraged with the type of affordable housing specified.
<b>2. Housing Mix</b>	<b>8b; 61</b>	The NPPF states that policies should specify the size, type and tenure of housing needed in a locality. Policies should also encourage strong and vibrant communities.
<b>3. Local Occupancy</b>	<b>8b; 77;</b>	Catering for local need is encouraged in rural areas.
<b>4. Westmarsh Lane</b>	<b>69; 124 136, 145</b>	Design code for this small site meets the NPPF requirement for good design. Para 136 allows neighbourhood plans to make detailed changes to Green Belt boundaries when the LPA is reviewing them. The new local plan is doing this, and the proposed site has LPA support. Para 145 allows limited development of affordable housing in the Green Belt subject to other Green Belt restrictions.
<b>5. Westend Lane N and S</b>	<b>69; 124</b>	Design code for this small site meets the NPPF requirement for good design.
<b>6. Village Character</b>	<b>125</b>	The NPPF encourages the development of design guides with local people in neighbourhood planning.
<b>7. Ecology and Wildlife</b>	<b>170; 171</b>	This policy designates sites of local ecological importance, in line with the NPPF hierarchy.
<b>8. Heritage and Archaeology</b>	<b>184</b>	The neighbourhood plan is identifying designated local heritage assets and adding to them after survey.
<b>9. Flood Risk</b>	<b>155</b>	Inappropriate development in areas of flood risk such as Oldbury is discouraged, so careful planning and research is needed prior to permission being granted.
<b>10. Traffic and Travel</b>	<b>104; 105</b>	Sustainable and active travel is to be encouraged, and parking standards should be locally responsive.
<b>11. Community Facilities</b>	<b>92</b>	The NPPF supports positive planning for community facilities and shared space.

<b>NDP Policy</b>	<b>NPPF para.</b>	<b>Comment on conformity</b>
<b>12. Home Working</b>	<b>83</b>	Appropriate economic development in rural areas is encouraged.
<b>13. New Nuclear Build</b>	<b>34; 92</b>	Plans are encouraged to set out contributions expected from development, and given the scale and impact of the new nuclear power station these are felt to be modest.

#### **4. General conformity with the strategic Policies of the development plan**

4.1 The development plan for South Gloucestershire District Council, not including plans dealing with excluded development, is the Core Strategy (CS2013), adopted in 2013 and the Policies, Sites and Places Plan (PSP2017), adopted in 2017. A new Local Plan is in development, but as this is not yet an adopted plan, the ONDP is not required to comply with its policies although advice is to have regard to developing policy, and the ONDP has done so.

4.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for South Gloucestershire. Strategic policies have been taken to include all of the policies in the Core Strategy and general development management policies of the Policies, Sites and Places Plan. Through close working with the LPA we have ensured that the neighbourhood plan policies are in general conformity with policies that impact the ONDP area in the adopted local plan documents. Table 2 below sets out how each policy is in general conformity with the strategic policies.

**Table 2: Conformity of Neighbourhood Plan policies with the strategic development plan policies**

<b>NDP Policy</b>	<b>CS2013</b>	<b>PSP2017</b>	<b>Comment on conformity</b>
<b>1. Housing Sites</b>	<b>CS19 CS18</b>	<b>PSP40</b>	Policy CS18 looks to neighbourhood plans to consider affordable housing for their area.
<b>2. Housing Mix</b>	<b>CS17 CS19</b>		The CS2013 requires a mix of housing in line with a local housing assessment.
<b>3. Local Occupancy</b>	<b>CS19</b>		Exception sites are for local needs housing.
<b>4. Westmarsh Lane</b>	<b>CS1 CS5 &amp; CS34</b>	<b>PSP1 &amp; 19</b>	Locally responsive design with the retention of existing natural features is required in CS1. Limited alteration of the Green Belt is allowed in the Core Strategy in these circumstances.
<b>5. Westend Lane N and S</b>	<b>CS1</b>	<b>PSP1 &amp; 19</b>	Locally responsive design with the retention of existing natural features is required in CS1.
<b>6. Village Character</b>	<b>CS1</b>	<b>PSP1</b>	Locally responsive design is encouraged in both plans.
<b>7. Ecology and Wildlife</b>	<b>CS9</b>	<b>PSP19</b>	The natural environment is to be conserved and enhanced in CS9, and PSP19 requires local wildlife sites to be conserved if possible. The ONDP identifies local wildlife sites.
<b>8. Heritage and Archaeology</b>	<b>CS9</b>	<b>PSP17</b>	PSP17 requires archaeological assets to be preserved if possible, or exceptionally to be recorded. Local listed and other non-designated heritage assets are to be conserved.
<b>9. Flood Risk</b>	<b>CS1</b>	<b>PSP20</b>	PSP20 gives detail on what is required for development proposals. Policy 9 in the ONDP makes it clear that given Oldbury's vulnerability to flooding an FRA will be required.
<b>10. Traffic and Travel</b>	<b>CS8</b>	<b>PSP16</b>	CS8 encourages the provision of infrastructure that widens travel choice beyond private cars, and Policy 10 aims to reduce speeds and thus promote walking and cycling. Parking standards are in line with PSP16, while taking into account the rural location of Oldbury.
<b>11. Community Facilities</b>	<b>CS23</b>		The Core Strategy promotes enhancing community infrastructure and encouraging participation in cultural activity.
<b>12. Home Working</b>		<b>PSP28</b>	As part of the Rural Economy Policy PSP28, economic development of a scale and impact sympathetic to its surroundings is encouraged.
<b>13. New Nuclear Build</b>	<b>CS6 CS37</b>	<b>PSP46</b>	The Core Strategy states that the council will work with developers to provide community facilities to improve their sustainability. Development needs also to mitigate adverse impact on communities. PSP46 states that the Council will look to maximise positive outcomes from this development. Policy 13 sets out the local communities ideas on what is needed.

## **5. Contribution to Achieving Sustainable Development**

5.1 A Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development.

5.2 The strategic objectives of the Neighbourhood Plan have sustainability at their heart. The vision is for a vibrant neighbourhood that is a pleasure to move around in using sustainable transport. The vision further states that the Neighbourhood Development Plan seeks to ensure the creation of a mixed, well-balanced community with high-quality, energy-efficient, affordable accommodation.

5.3 Table 3 below has assessed our plan's policies in terms of how it will deliver sustainable development in the economic, social and environmental aspects of sustainability. It shows that the plan's policies are normally positive in impact on all three aspects, and where they are not, a decision has been taken about the greater benefit of the proposal in terms of another aspect of sustainability.

**Table 3: Assessment of sustainability of Neighbourhood Plan policies**

Policy no. and title	Economic factors	Social factors	Envirnmtl factors	Comments
<b>1. Housing Sites</b>	*	**	–	New housing contributes to a decent living environment for all, promotes a vibrant community and provides employment.
<b>2. Housing Mix</b>	*	**	–	Requiring smaller homes helps re-balance the social mix of Oldbury.
<b>3. Local Occupancy</b>	*	**	–	Preferring local households in need for new homes aids community cohesiveness.
<b>4. Westmarsh Lane</b>	–	*	*	Design guidance of this policy looks to benefit design of dwellings and local ecology. Self-build is encouraged to widen housing options.
<b>5. Westend Lane N and S</b>	–	*	*	As for Policy 4.
<b>6. Village Character</b>	–	*	*	Design Guidance promotes and maintains the traditional features of the village and setting of heritage assets. It helps create a settlement that is good to live in.
<b>7. Ecology and Wildlife</b>	–	*	**	Primarily about protecting environmental assets, but also offers a richer experience for residents.
<b>8. Heritage and Archaeology</b>	–	*	**	Primarily about protecting heritage assets, but also offers a richer experience for residents.
<b>9. Flood Risk</b>	x	–	**	Prevents development being liable to flooding risk. Some economic cost.
<b>10. Traffic and Travel</b>	–	*	*	Promotes a quieter and safer traffic environment with social and environmental benefits.
<b>11. Community Facilities</b>	–	**	–	Mainly a social benefit for the parish.
<b>12. Home Working</b>	**	*	*	Economic benefit is greatest, but also a social benefit and environmental with reduction in commuting.
<b>13. New Nuclear Build</b>	–	*	*	Mainly a social benefit with new facilities for the community, but also working for a better traffic environment.

Scale used: \*\* very positive \* positive – neutral x negative xx very negative

## **6. Compatibility with EU Obligations and 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 decision was issued by the LPA on the 13<sup>th</sup> December 2019 following consultation on a Screening Opinion with the relevant national bodies. This advised that the Neighbourhood Plan did not require a Strategic Environmental Assessment or an Appropriate Assessment under the EU Habitats Regulations. Some negotiation with the Statutory Bodies was required before they agreed with this determination. The Determination stated that:

From the analysis of likely effects South Gloucestershire Council considers (the ONDP) :

1. Unlikely to have any significant environmental effects. Therefore Strategic Environmental Assessment of the Oldbury on Severn Neighbourhood Development Plan is not required.
2. It is also determined that no significant negative or uncertain effects on the Severn Estuary SPA/SAC/ Ramsar site arise as a result of this Neighbourhood Plan. Therefore the OSNDP can be screened out from further consideration under the Habitat Regulations.

6.3 The Plan has not significantly altered since this determination was made and so it is still current and an accurate statement of environmental impact.

## **7. References**

National Planning Policy Framework 2019

National Planning Policy Guidance (2014 and updated)

South Gloucestershire Local Plan Core Strategy 2006-2027: Adopted 2013

South Gloucestershire Local Plan Policies, Sites and Places Plan: Adopted November 2017

Neighbourhood Planning Regulations 2012 as amended

Oldbury Neighbourhood Development Plan – Submission Version September 2020