

# **Bierton, Broughton & Kingsbrook Neighbourhood Plan**

## **Basic Conditions Statement**

**2022–2033**

## 1. Introduction

1.1 This Statement has been prepared by Bierton, Broughton and Kingsbrook Parishes to accompany their submission to the local planning authority, Buckinghamshire Council of the Bierton, Broughton and Kingsbrook Neighbourhood Plan (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

1.2 The Neighbourhood Plan has been prepared by the Parish Councils, as qualifying bodies, for the Neighbourhood Area covering the Parishes of Bierton, Broughton and Kingsbrook. The policies described in Part Two of the Neighbourhood Plan all relate to the development and use of land in the designated Neighbourhood Area. It does not contain policies relating to “excluded development” as defined by, and in accordance with, the Regulations. The plan period of the Neighbourhood Plan is from 2022 to 2033.

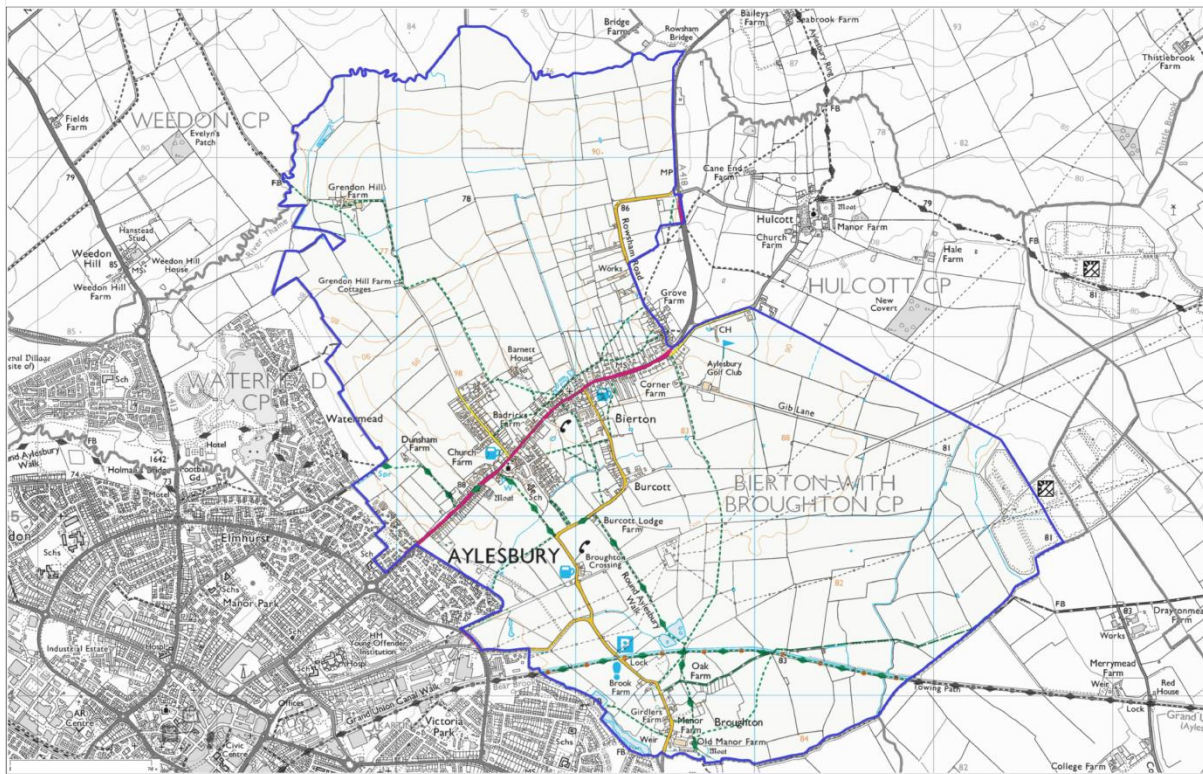
1.3 The document also contains in Part 3 several non-statutory proposals that relate to the aspirations of the local community that were brought to the attention of the Parish Councils through the consultation process. They do not form part of the examined “neighbourhood development plan” but provide the local community with additional views of issues that the Parish Councils have considered during the preparation of the document.

1.4 The Statement addresses each of the “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;*
- *meet prescribed conditions and comply with prescribed matters.*

1.6 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017. This came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (various amendments) England and Wales Regulations 2018.



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**Figure 1: Designated Neighbourhood Area for Bierton, Broughton and Kingsbrook NP**

## **2. Background**

2.1 The decision to proceed with a Neighbourhood Plan was made by the Bierton with Broughton Parish Council in 2016 (as the qualifying body for the whole of the Neighbourhood area at that time) and the Bierton with Broughton Neighbourhood Plan (as it was named at that time) was designated by Aylesbury Vale District Council on 8 September 2016. (as it was called at that time)

2.2 A Neighbourhood Plan Steering Group was formed by the Bierton with Broughton Parish Council, comprising parish councillors and members of the local community, and it was delegated authority to make day-to-day decisions on the Neighbourhood Plan. However, as a qualifying body, the Bierton Parish Council itself approved the publication of the Pre-Submission (regulation 14) Neighbourhood Plan for consultation from 2<sup>nd</sup> November 2020 and the Regulation 16 submission Neighbourhood Plan in March 2022.

2.3 There has been very considerable community engagement activity on the Plan. This is laid out in detail in the separate Consultation Statement, which is published by the Parish Councils as part of the submission documentation.

2.4 The Bierton, Broughton and Kingsbrook Neighbourhood Plan contains 15 land use policies and relevant policies maps, which identify where some of the policies will apply in the Neighbourhood Area. The Parish Councils have deliberately sought to focus policies on the key issues that matter to the local community and to avoid proposing policies that may duplicate national planning guidance and/or development plan 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 full regard to national policies as set out in the 2012 National Planning Policy Framework (NPPF 2012) and the revised framework of July 2018 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating neighbourhood plans.

3.2 The Parish Councils are also mindful that the Government published an updated National Planning Policy Framework in February 2019 and more recently in July 2021 and this document now replaces that previous advice. Guidance on neighbourhood planning is located in the following paragraphs of the revised NPPF.

3.3 Presumption in favour of sustainable development:

Paragraph 12: the development plan is the starting point for decision making and this includes any neighbourhood plan.

Paragraph 13: neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.

Paragraph 14: reminds us that the adverse impact of allowing housing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided four criteria apply referring to timing and identified housing need.

3.4 The Parish Councils believe that the neighbourhood plan is planning positively for future development in the Neighbourhood Area and supports the delivery of the strategic policies of the adopted Local Plan as advised in the above paragraphs of the NPPF.

3.5 Paragraph 18 and 21 indicate that policies to address non-strategic matters and detailed matters should be included within neighbourhood plans, and the Bierton, Broughton and Kingsbrook Neighbourhood Plan contains such policies.

3.6 Advice on non-strategic policies and the role of neighbourhood plans is identified in paragraphs 29 and 30. The Bierton, Broughton and Kingsbrook Neighbourhood Plan establishes a shared vision for the area and its policies shape, direct and help deliver sustainable development. It has sought to translate objectives into several meaningful planning policies to complement other development plan policies for managing development.

3.7 Under paragraph 70, neighbourhood planning groups are encouraged to consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, consistent with the advice in paragraph 69a relating to sites no larger than one hectare. The neighbourhood plan identifies policies that support this provision.

3.8 The neighbourhood plan strikes a positive balance between the policy constraints of the Neighbourhood Area and the need to support the general requirements of the development plan as set out in Section 5 below.

3.9 Set out in Table A below is a brief summary of how each policy has had proper regard to the NPPF February 2021. 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 and NPPF Conformity Summary**

No.	Policy Title	Commentary
P1	Bierton, Broughton and Kingsbrook Development Boundaries	<p>This policy designates a Development Boundary for each of nine areas described within the Neighbourhood Plan for Bierton, Broughton and Kingsbrook. These areas are detailed in <a href="#">Appendices 5–14</a> of the plan. Policy P1 directs the physical growth of the settlements over the plan period to locations within these defined Development Boundaries and reflects the presumption in favour of sustainable development. This is in line with the advice at para 11 of NPPF.</p> <p>It directs development to within the identified Development Boundaries and this would be in accordance with paras 69,70 and 79 of NPPF.</p> <p>Development proposals outside the identified Development Boundaries should accord with para 80 of NPPF.</p>
HO1	Development within Development Boundaries	<p>This policy supports development provided it meets two criteria relating to no more than four houses, which are to be in keeping with the existing buildings in the vicinity. This would accord with the advice in paras 8, 70,79,121,124,130 and 174 of NPPF.</p>
HO2	Development outside the Development Boundaries	<p>Housing development proposals on land outside the development boundaries will only be supported if they meet one or more specific exception criteria that are listed in that policy. These details accord with the advice provided in para 80 of the NPPF.</p>
HO3	Development Design in the Neighbourhood Area	<p>This policy provides details of the support for development provided the details meet seven criteria relating to scale, density, design, layout and materials, single dwellings, retains and enhances natural boundaries, retains distinctiveness of special and attractive areas of open space, prevents coalescence, does not adversely affect neighbours, uses new and innovative architecture, meets or exceeds minimum statutory requirements for energy efficiency. This accords with advice at paras 8, 130,135,155 and 174 of NPPF.</p>

B1	Encouragement and growth of small businesses	This policy supports the expansion and/or alteration of existing retail or employment use provided they respect heritage and local character. This accords with paras 8a) and 8c), 82,84 and 85 of NPPF.
B2	New employment opportunities	This policy promotes the development and growth of small business and accords with the advice in paras 8a),82,84 and 85 of NPPF.
F1	Enhancement of community facilities	The policy encourages development proposals that contribute to the enhancement of existing community facilities provided they are of an appropriate design and do not harm the amenities of adjoining residents. This is in line with paras 8b), 92 and 93 of NPPF.
F2	Maintain footpaths within the NA	This policy supports the creation, preservation, enhancement and maintenance of public footpaths and is in accord with paras 92, 106 and 112 of NPPF.
G1	Local Green Space designation	Areas of Green Infrastructure are shown in <a href="#">Appendix 1 of the Environment Evidence Paper</a> and identified in the Local Green Space Report supporting this NP to be designated as Green Space. This reflects the guidance of paras 101 and 102 of NPPF.
G2	Protection of key views and vistas	The key views and vistas as identified in <a href="#">Appendix 1 of the Landscape Study</a> should be retained. Any proposals should show how any visual impact will be mitigated and how any defined views are protected. This approach reflects the guidance of paras 174 and 195 of NPPF.
HE1	Support for healthy lifestyles	Proposals that would enable and encourage access and usage of the Aylesbury Arm of the Grand Union Canal would be supported. This reflects guidance from paras 8b), 92c), 93a) and 98 of NPPF.
HH1	Promotion of History and Heritage	This relates to improvements to footpaths linking historic buildings and places of interest, allowing accessibility for all. This reflects the advice in paras 106 and 190 of NPPF.
HH2	Protection of Heritage Assets	This policy aims to protect the heritage assets of the neighbourhood area through a conservation plan. This advice reflects paragraphs 189 to 193 inclusive of the NPPF
I1	Communication network equipment	This policy supports the installation of masts and associated equipment for the latest communication networks provided that due care is taken over siting and design. This reflects the advice at paras 114–118 of NPPF.
T1	Pedestrian safety	This policy aims to protect pedestrian safety on the A418 by supporting improvements that can provide traffic calming measures, including the provision of

		additional pedestrian crossings. This reflects the guidance provided in paras 104, 106 and 112 of NPPF.
T2	Parking	This policy encourages and supports additional car parking areas as identified in the text. This accords with paras 107, 108 and 112 of NPPF.

## 4. Contribution to Achieving Sustainable Development

4.1 Aylesbury Vale District Council has determined that a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) was not required for the Neighbourhood Plan as it considered the policies were unlikely to have a significant environmental effect, as defined by the Environmental Assessment of Plans and Programmes Regulations 2004. The reports are dated January 2020 (SEA) and August 2020 (HRA).

4.2 Specifically the SEA report concludes: “The Bierton, Broughton and Kingsbrook Neighbourhood Development Plan is not intending to allocate any sites for development, is not intended to include a housing or development target to be met and is also likely to contain a number of policies to control environmental effects including restricting development to within development boundaries. Enhanced employment growth and community facilities would be small scale. When taken together (as is required by law) with relevant policies from the Local Plan policy and national planning policy, it is not considered that the plan would be likely to give rise to significant environmental effects. On this basis, a Sustainability Appraisal to meet the requirements for Strategic Environmental Assessment is not considered to be needed.”

The HRA report concludes: “The draft Bierton, Broughton and Kingsbrook neighbourhood plan, which does not propose to allocate any land for development, is not anticipated to have a significant effect on any European Sites, in this case the Chiltern Beechwoods SAC. The plan intends to restrict future housing growth contiguous with existing or committed housing through development boundaries. Vulnerabilities of the SAC are not likely to be exacerbated by an increase in population (e.g. air quality, visitor disturbance, recreation), there are no anticipated likely significant effects of the draft Neighbourhood Plan policies or areas for development on Chilterns Beechwoods SAC. The Neighbourhood Plan is not likely to lead to adverse effects on any European sites alone or in-combination. There is no requirement to prepare an appropriate assessment.

Natural England have been consulted on a draft of this screening opinion and endorse the screening outcome.”

Both the SEA and the HRA reports are available online:

<https://www.bwbnplan.co.uk/supporting-evidence>



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 environmental, objectives. For completeness, therefore, Table B summarises the economic, social and environmental attributes of each policy.

4.4 The vision and objectives of the Neighbourhood Plan comprise a mixture of social, economic and environmental goals.

The social goals are to provide a distinctive and well-connected community with the provision of appropriate new facilities, including healthcare and homes to meet the desires and needs of the community.

The economic goals are to maintain and support the growth of existing local business, while attracting new opportunities for working in the Neighbourhood Plan Area and to ensure that the area has the latest and fastest communication network.

The environmental goals reflect the desire to ensure that there is no coalescence between Aylesbury and each settlement within the Neighbourhood Plan Area and that they remain as discrete communities within an essentially rural environment. The scale of any new development is to be balanced to preserve the rural identity and to protect and conserve the historic environment.

4.5 The chosen policies translate the objectives into viable and effective development management policies that provide sustainable solutions.

**Table B: Neighbourhood Plan and Sustainable Development Summary  
(+ positive, 0 neutral, - adverse effects)**

<b>No.</b>	<b>Policy Title</b>	<b>Soc.</b>	<b>Eco.</b>	<b>Env.</b>	<b>Commentary</b>
P1	Bierton, Broughton and Kingsbrook Development Boundaries	+	0	+	New development is guided to locations within the nine areas of Development Boundaries and therefore delivers a positive impact by protecting the open countryside.
HO1	Development within the Development Boundaries	+	0	+	Proposals for housing development within the defined boundaries will be supported provided it meets two criteria. Such development therefore provides a positive environmental impact by protecting the open countryside and will provide a positive social benefit.
HO2	Development outside the	+	0	+	This policy has a very focused and restrictive aim that allows

	Development Boundaries				development only if it relates to the needs of a rural worker or meets the strict criteria provided by para 80 of the NPPF, including for a truly outstanding or innovative dwelling. It will have very positive social and environmental impacts.
HO3	Development Design in the Neighbourhood Area	+	+	+	This will encourage high-quality developments that do not adversely affect neighbouring properties and will have positive social, economic and environmental effects.
B1	Encouragement and growth of small businesses	+	+	+	Any new business or growth of an existing business contributes positively to the social, economic and environmental well-being of the area.
B2	Employment areas	+	+	+	This policy promotes the development and growth of businesses that will contribute positively to the social, economic and environmental well-being of the area.
F1	Enhancement of community facilities	+	0	0	This policy will have a positive social effect in retaining and supporting the viability of existing facilities and the encouragement of new provision.
F2	Maintain footpaths in the NA	+	0	+	This will have a positive impact both on social well-being and the environment.
G1	Local Green Space Designation	+	0	+	In economic terms, this is a neutral policy, but it is positive in social and environmental terms.
G2	Protection of key views and vistas	+	0	+	This policy maintains and enhances the rural character of the Parish and will have a positive impact on both social well-being and the environment.

HE1	Support for healthy lifestyles	+	+	+	This encourages access to and usage of a recreational facility and is positive in social, economic and environmental terms.
HH1	Promotion of History and Heritage	+	0	+	This relates to the improvement of linkages and footpaths and other forms of accesses to places of historic interest. This brings positive impacts socially and environmentally.
HH2	Protection of Heritage assets	+	0	+	This policy aims to protect the heritage assets of the neighbourhood area through a conservation plan, bringing positive impacts both socially and environmentally
I1	Communication network equipment	+	+	-	This supports new installations of masts and equipment provided due care is taken over siting and design. This has a minor negative environmental effect, but is counterbalanced by the positives of social and economic effects.
T1	Pedestrian safety	+	0	+	This policy aims to protect pedestrian safety by supporting improvements to the main highway such as traffic calming and pedestrian crossings. This will result in social and environmental positives.
T2	Parking	+	0	-	This policy encourages and supports additional car parking areas. This will have a positive impact on social well-being, but a minor negative impact on the environment.

## 5. General Conformity with the Development Plan

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the Vale of Aylesbury Local Plan (VALP) 2013–2033 and some saved policies of the Aylesbury Vale District Local Plan (AVDLP) 2001–2011. The new Local Plan has now replaced the saved policies and established a new strategic framework for the Neighbourhood Area.

5.2 This Basic Conditions Statement has been updated from the initial draft to now exclude the previously saved policies of AVDLP 2001 to 2011. The Vale of Aylesbury Local Plan 2013 - 2033 was adopted by Buckinghamshire Council as a Development Plan Document on 15<sup>th</sup> September 2021. Therefore, Table C below only considers those adopted policies of the VALP 2013–2033.

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

Key:

VALP: Policies from Vale of Aylesbury Local Plan 2013–2033

No.	Policy Title	Commentary
P1	Bierton, Broughton and Kingsbrook Development Boundaries	<b>VALP:</b> Policies S2 and S3 identify Bierton (including Kingsbrook) within the category of a medium village, which has some provision for key services and facilities, making it a moderately sustainable location for development. Policy D3 supports development of small-scale sites within the built-up areas of settlements, which includes medium villages. Policy P1 of the NP supports the above approach of the VALP to encourage development to sustainable locations and within settlement boundaries.
HO1	Development within the Development Boundaries	<b>VALP:</b> Policies S2 and S3 identify Bierton (including Broughton) as a medium village, which is capable to have some housing provision. Policy HO1 of the NP will be in conformity with these policies.
HO2	Development outside the Development Boundaries	<b>VALP:</b> Policies S2 and S3 support the restrictions for medium villages, and Policy D3 confirms that development in medium villages will be restricted to small-scale areas of land within the built-up areas of settlements unless

		<p>further evidence comes forward to establish a specific need.</p> <p>Policy HO2 of the NP supports this approach of the VALP.</p>
HO3	Neighbourhood Area development design	<p><b>VALP:</b></p> <p>Policies BE1 Heritage assets, BE2 design of new development, BE3 protection of the amenity of residents and BE4 density of new development provide guidance for the design of any new proposals. Policy HO3 of the NP provides details of the criteria that support the acceptable forms of development and will be in conformity with the advice provided in the VALP as identified above.</p>
B1	Encouragement and growth of small businesses	<p><b>VALP:</b></p> <p>Policy S7 encourages us to make the most efficient and effective use of previously developed land and Policy D6 supports the provision of employment land through the intensification or extension of existing premises and appropriate reuse or replacement of existing buildings. It also supports working from home and the development of live work units.</p> <p>Policies E1 and E2 support continued use and redevelopment of employment sites.</p> <p>Policy B1 of the NP is in conformity with these VALP policies.</p>
B2	New employment areas	<p><b>VALP:</b></p> <p>Policy D6 supports employment development in sustainable locations. Policy E1 gives advice on the protection of key employment sites and E2 supports redevelopment and reuse of employment sites subject to three criteria.</p> <p>Policy B2 of the NP will be in conformity with these policies.</p>
F1	Enhancement of community facilities	<p><b>VALP:</b></p> <p>Policy 12 the council will encourage partnership working to deliver facilities for sport and recreation. Policy 13 community facilities and assets of community value, this policy is aimed at protecting such assets and facilities.</p> <p>Policy F1 of the NP is in conformity with the above policies of the VALP.</p>
F2	Maintain footpaths within the NA	<p><b>VALP:</b></p> <p>Policy T7 seeks to protect and improve footpath and cycle routes and lists four criteria aimed at improving the delivery of new routes and the maintenance of existing routes.</p> <p>Policy C4 seeks protection of public rights of way.</p>

		Policy F2 of the NP is in conformity with the above policies of the VALP.
G1	Local Green Space designation	<b>VALP:</b> Policy NE6 refers to local Green Space that is drawn up in response to the definition in the NPPF and to protect the land that has this designation. Policy I1 also refers to Green Infrastructure. Policy G1 of the NP identifies sites where this designation is to be applied and is in conformity with the advice in the VALP as stated above.
G2	Protection of key views and vistas	<b>VALP:</b> Policy BE1 Heritage assets seeks to conserve heritage assets which includes key views and vistas which protects and contributes to local distinctiveness. Policy BE2 advises on the design of new development that includes respecting the local distinctiveness and the effect on important public views and skylines. Policy G2 of the NP is in conformity with the VALP Policies BE1 and BE2.
HE1	Support for healthy lifestyles	<b>VALP:</b> Policy S7 encourages the use of previously developed land, Policy D3 provides guidance for small-scale development in medium villages, Policy BE1 encourages development that will contribute to heritage values and local distinctiveness, supported by advice on design in Policy BE2. Policy HE1 of the NP is in conformity with these policies of the VALP.
HH1	Promotion of history and heritage	<b>VALP:</b> Policy BE1 relates to Heritage assets and the need to conserve and protect those assets. Policy BE2 advises in the design of new development. Policy HH1 of the NP is in conformity with those policies.
HH2	Protection of Heritage assets	<b>VALP:</b> Policy BE1 relates to Heritage assets and the need to conserve and protect those assets. Policy BE2 advises in the design of new development. Policy HH2 of the NP is in conformity with those policies.
I1	Communication network equipment	<b>VALP:</b> Policy S5 encourages the development of infrastructure with all new development and this includes telecommunication systems. Policy I6 is a specific policy for the provision of telecommunication

		developments and gives a set of criteria against which proposals will be assessed. Policy I1 of the NP is in conformity with those policies.
T1	Pedestrian safety	<b>VALP:</b> Policy T7 provides advice regarding the provision of footpaths and cycle routes, encouraging sustainable modes of transport, and lists four criteria to be applied to the consideration of any development. Policy T1 of the NP is in conformity with this policy.
T2	Parking	<b>VALP:</b> Policy T6 refers to vehicle parking and that developments must provide an appropriate level of parking. Policy T2 of the NP is in conformity with that policy.

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

6.1 As set out in Section 4 above, a screening opinion has been obtained from Aylesbury Vale District Council, which confirmed that the Neighbourhood Plan would not have any significant environmental effects and that an SEA would not be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42.

6.2 Further, Aylesbury Vale District Council stated at paragraph 4.2 section 4 of the SEA Screening Report, January 2020:in terms of Natura 2000 sites, however, there would not be any impact on the Natura 2000 sites given the distance to the nearest SAC. This impact can be subject to re-screening at the Pre-Submission, Submission and Referendum stages of the plan.

## **7. Meet prescribed conditions and comply with prescribed matters**

There are no other prescribed conditions or prescribed matters that have to be considered.

## **8. Compatibility with the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

The proposed Neighbourhood Plan does not breach any of the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species and Planning (various amendments) England and Wales Regulations 2018.