

## BURNHAM NEIGHBOURHOOD PLAN

### BASIC CONDITIONS STATEMENT

FEBRUARY 2025

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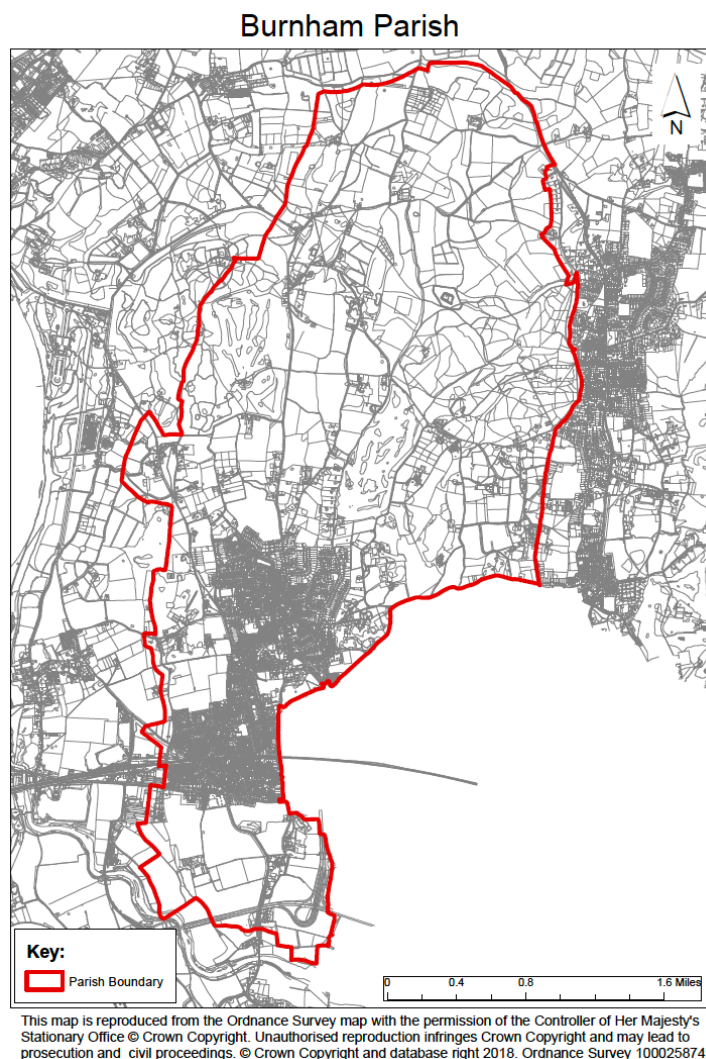
# 1.INTRODUCTION

## The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Burnham Parish Council Neighbourhood Forum ("the Parish Council") to accompany its submission of the Burnham Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Buckinghamshire Council ("BC") (previously South Buckinghamshire District Council), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Burnham, shown on Plan A below. BC designated the Area in May 2018.

1.3 ONH has provided the professional planning advice and support to the Parish Council throughout the project, alongside occasional help from officers of BC.



Plan A: Burnham Designated Neighbourhood Area

1.4 The Neighbourhood Plan contains 8 land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is to 2045, which corresponds with the plan period of the emerging Buckinghamshire Local Plan.

1.5 The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

### **The Basic Conditions**

1.6 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, 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.

1.7 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- A. 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;
- D. The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- E. 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); and
- F. The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations.

1.8 It is noted that the Levelling Up & Regeneration Act 2023 has made provision for Condition E to be amended by replacing the current requirement with a narrower condition in respect of not undermining the housing site allocation provisions in an adopted Local Plan. However, at the time of the expected examination of the Neighbourhood Plan, the regulations enabling that part of the Act have not been made.

## 2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2018. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish, with the encouragement of BC to local communities to prepare Neighbourhood Plans.

2.2 A steering group was formed comprising the residents and Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in October 2024 and the Submission Plan now.

2.3 The Parish Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of BC 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 strategic policies of the relevant development plan(s). The nature and outcome of these various publicity and consultation exercises are set out in the separate Consultation Statement.

### 3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the December 2023 National Planning Policy Framework (NPPF) and is mindful of the PPG in respect of formulating Neighbourhood Plans. A new NPPF was published in December 2024, but sets out transitional arrangements in its §239 that Neighbourhood Plans submitted for Regulation 15 before 12 March 2025 will use the previous Framework. As demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### General Paragraphs

3.2 The Parish Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§29).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area (§30). In this regard, the NPPF provisions of meeting local housing needs (as per §69/§70) are therefore not relevant to this Neighbourhood Plan. The Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§32).

#### Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.

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

Policy No.	Policy Title	Commentary
BUR1	Burnham Design Code	'Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development' (§132). The policy seeks to 'set out a clear design vision and expectations' (§132) and uses the model approach recommended by the National Model Design Code (§134).
BUR2	Green and Blue Infrastructure	This policy accords with §96 c) and §89 NPPF in providing a planning policy which aims to achieve healthy, inclusive and safe places through the identification of and promotion of "safe and accessible green infrastructure" that enable Burnham to meet community needs. By identifying the Burnham Beeches SAC and associated woodland areas, the policy seeks to provide "access to a network of high quality open spaces" (§103) and identifies open space for the application of §104. The policy contributes to and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures through identifying, mapping, and safeguarding these components. It is therefore consistent with the aims of §187 and §192 in these respects.
BUR3	Local Green Spaces	The policy designates Local Green Spaces in accordance with §106-108, having demonstrated each space meets the criteria in §107. The policy resists all development proposals that will undermine the essential character of designated areas, unless there are very special circumstances as set out in §153, to justify why consent should be granted.
BUR4	Urban Greening	This policy ensures that future developments meet the Burnham Urban Greening Factor of 0.4, inspired by the London Plan which encourages more and better urban greening as the prime means of increasing climate resilience, this is consistent with the aims of §164.
BUR5	Sustainable Travel	The policy requires that transport issues are considered from the earliest stages of development proposals so that opportunities to promote walking, cycling and public transport use are identified and pursued (§109). It also seeks to improve the use of public rights of way to encourage walking in the Parish, as per §105 and §111.
BUR6	Local Community Uses	This policy seeks to protect popular and cherished community uses and facilities across the parish in

		line with §98.
BUR7	Burnham Village Centre	This policy seeks to promote the retention and development of Burnham Village Centre to secure its vitality and viability in line with §88 and §98.
BUR8	Addressing the Sustainability Performance Gap	<p>§131 of the NPPF recognises that clarity on design expectations, and how these will be tested, is essential. The policy, in its Clause A, provides a means by which design expectations can be tested. To support the transition to a low carbon future in a changing climate, as per §161, the policy, in its Clause B, also encourages the use of PassivHaus, or equivalent, standard which is the most simply and cost-effective approach. To do so it is recognised that this kind of standard sometimes requires a trade-off with local design policy, mainly in terms of prevalent building orientation and density. The policy, in its Clause B, therefore recognises this tension and provides a means by which this tension can be balanced “so that it is evident how a decision maker should react to development proposals” bringing forward Passivhaus schemes, as per §16d. The policy in its Clauses C and D, uses the encouragement of the National Model Design Code to consider Resources and the provisions of §162 to guide future applicants to an open source guide, and require major development, to ensure such opportunities are not lost and are considered at the very initial design stages of schemes. The policy provisions overall are inspired by innovative development plan making work in other parts of the country that has demonstrated this type of provision is necessary and possible in managing development proposals until national policy provisions are implemented. Other neighbourhood plans that have included this identical provision have been successfully examined and made elsewhere, including by BC.</p>



## 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 As neither a Sustainability Appraisal nor Strategic Environmental Assessment Report have been required of the Neighbourhood Plan, the Statement sets out in Table B below how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to positive (green), neutral (amber), or adverse (red) effects, considering the proposed mitigation measures.

Table B: Neighbourhood Plan & Sustainable Development				
Policy	Social	Economic	Environmental	Commentary
BUR1: Burnham Design Code	Green	Amber	Green	The policy will have a significant positive environmental effect and a minor positive social effect in conserving the essential character of the parish, and some of its history, which local people care about. Its economic effect is neutral.
BUR2: Green and Blue Infrastructure	Green	Amber	Green	This policy will have a significantly positive environmental and social effects in protecting the defined Green Infrastructure Network which consists of a range of assets of biodiversity value in the Parish. Its economic effect is neutral.
BUR3: Local Green Spaces	Green	Amber	Green	The policy will have a significant positive social effect in protecting a range of publicly accessible open spaces within the parish from inappropriate development. Research is clear that poor green space provision leads particularly to families seeking other places to live with green space for relaxation, recreation and sport. The policy will have a moderate environmental effect as some, but not all the spaces have some environmental (e.g. biodiversity, heritage) value. Its economic effect is neutral.
BUR4: Urban Greening	Green	Amber	Green	The social impact of this policy is positive, as it strives to improve residents' wellbeing through enhanced green spaces and urban greening features. The environmental impact is also positive, as the policy demonstrates guidelines for enhancing biodiversity, reducing urban heat and contributing to climate change mitigation through increased green infrastructure. The economic effect is neutral.

BUR5: Sustainable Travel				The policy will have significant positive environmental and social effects in reducing traffic to improve air quality and in encouraging healthier lifestyles by walking and cycling. The economic effects of walking and cycling should be positive - the parish would be a more attractive as place to live with less congestion, better air quality and ease of getting around. This could impact house prices and retail/ office attractiveness.
BUR6: Local Community Uses				The policy will have significantly positive social and economic effects in seeking to protect community uses in the parish. It will have a minor positive effect on reducing car usage for shorter journeys and therefore positive environmental effects.
BUR7: Burnham Village Centre				The policy will have significant positive social and economic effects in seeking to resist changes to ground floor uses which result in the loss of a commercial, business or service use. It will have a minor positive effect on reducing car usage for shorter journeys and therefore positive environmental effects.
BUR8: Addressing the Sustainability Performance Gap				The policy will have a significant positive environmental effect in maximising the zero-carbon performance of all new buildings. It will have increasingly positive social and economic effects in the ongoing financial savings to the building (residential and commercial) occupiers in very low energy costs.

## 5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan(s) for BC, that is the South Bucks District Council Local Plan adopted in March 1999 and the South Bucks Core Strategy adopted in February 2011, which BC considers to be of a strategic nature (as per Planning Practice Guidance (§41-076).

5.2 In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of any emerging Development Plan Documents i.e. the emerging Buckinghamshire Local Plan. However, it is noted that the evidence base for emerging Development Plan Documents is important to informing the Neighbourhood Plan and conformity with emerging policies is crucial for the long-term success of the Neighbourhood Plan given that in the event of any future conflict the most recent policy will take precedent. At this stage, the emerging Buckinghamshire Local Plan is at the very early stages of preparation.

5.3 The Core Strategy defines Burnham as a 'principal settlement'. The Parish currently lies entirely within the Green Belt, but the built-up area of Burnham is 'inset' from the Green Belt. The Local Plan allocated two sites at Gore Road and Lent Rise Road, both have now been completed. There are also a number of development management policies in both documents that cover a wide range of matters affecting the parish, including its Local Shopping Centre, Conservation Areas, Listed Buildings, priority habitats, SSSIs, and Ancient Woodland.

5.4 The Neighbourhood Plan has sought to fit its policies with the vision and grain of the strategic policies of the South Bucks District Local Plan and Core Strategy in a complementary way. An assessment of the general conformity of each policy, and its relationship with emerging policy where relevant, is contained in Table C below.

Table C: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
BUR1	Burnham Design Code	This policy is in general conformity with Core Strategy Policy 8 and South Bucks District Local Plan Policy EP3 and Policy H9 in providing a framework of consistent, high quality design fitting with the existing design patterns in Burnham.
BUR2	Green and Blue Infrastructure	This policy is in general conformity with Core Strategy Policy 6 and Policy 7 in protecting existing important physical, social, blue and green infrastructure and improving accessibility to services for the community.
BUR3	Local Green Spaces	There are no strategic policy provision for Local Green Spaces. However, these policies are in general conformity with the aims of Core Strategy Policy 5 in seeking to protect the most important open spaces and green infrastructure within the settlement from harmful development. While ensuring future development incorporates urban greening as a mitigation measure for climate change, this is in line with Core Strategy Policy 8.
BUR4	Urban Greening	
BUR5	Sustainable Travel	This policy is in general conformity with Core Strategy Policy 7 by providing a local element to its provisions through the identification of this network within the parish.
BUR6	Local Community Uses	This policy refines South Bucks District Local Plan Policy COM2 in defining those facilities in the Parish to which that policy applies. Regarding the identification of the school, whilst it is acknowledged that the Neighbourhood Plan cannot directly deliver the re-opening of Burnham Park Academy, it is seeking to retain the existing use of the site to reflect the wishes of the community. Even if current evidence shows insufficient demand for a new secondary school in Burnham at this time, which is disputed particularly given such a school would draw from surrounding council areas as well as Buckinghamshire, the Parish Council maintains the position that its location is so significant that, should it be required within the plan period (2045), the site ought to be safeguarded for the future. There is no alternative suitable site that would be equally integrated into the community and sustainable, especially from a transport perspective. This is particularly pertinent looking into the future, given the recent increase in Buckinghamshire Council's updated housing requirement figure; and that the current figures for school demand consider only births taken place and therefore do not go beyond the mid 2030s in terms of demand. In policy terms, the BURNP can continue to be safeguarded as a

		school (the last established use was F1) and there have been no applications to change the use since its closure.
BUR7	Burnham Village Centre	This policy updates the South Bucks District Local Plan Policies S2 to S4 by focusing on managing ground floor frontages of existing commercial, business and service uses in Burnham Village Centre, in so far as proposals require planning permission. It is consistent with the aims of those policies and of Core Strategy Policy 11 in seeking to maintain a critical mass of viable and vital services.
BUR8	Addressing the Sustainability Performance Gap	This policy is in general conformity with Core Strategy Policy 12 and Policy 13 in promoting and encouraging energy efficiency and best practice in sustainable design and construction.

## 6. CONDITION (F): COMPATABILITY WITH EU-DERIVED OBLIGATIONS

6.1 BC provided a screening opinion in July 2024 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), is not required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately.

6.2 As set out in Section 4 the Parish Council has met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Parish Council provided BC with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. Bucks Council's Habitats Regulations Screening Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

6.4 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

## 7. SUMMARY

7.1 In Section 3 it is considered that each of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

7.2 In Section 4 it is considered that each of the policies either contributes to the achievement of sustainable development or is neutral in its impact on one of more of the three sustainability themes. As a result, the Neighbourhood Plan, as a whole, meets Condition (d).

7.3 In Section 5 it is considered that all of the policies are in general conformity with the strategic policies of the adopted and emerging development plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

7.4 In Section 6 it is considered the making of the Neighbourhood Plan accords with all EU-derived environmental and other obligations. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).