



# Cuddington Neighbourhood Plan

**2017 to 2033**

**REGULATION 15 SUBMISSION**

**JUNE 2021**

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## **BASIC CONDITIONS STATEMENT**



# **CUDDINGTON NEIGHBOURHOOD PLAN**

## **Reg 15 SUBMISSION**

### **BASIC CONDITIONS STATEMENT**

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The Cuddington Neighbourhood Plan (CNP) consists of a main document (The Plan), a Basic Conditions Statement, a Consultation Statement, and the following appendices:

Appendix A: Cuddington Neighbourhood Plan: General Evidence base

Appendix B: Cuddington Neighbourhood Plan: Landscape Report

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# 1. INTRODUCTION

1.1 This statement has been prepared by Cuddington Parish Council (“the Parish Council”) to accompany its submission to the local planning authority, Buckinghamshire Council, of the Cuddington Parish Neighbourhood Plan (CNP) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as Amended) (“the Regulations”).

1.2 The CNP has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Cuddington, as designated by the District Council on 5<sup>th</sup> April 2018.

1.3 The policies described in the CNP relate to the development and use of land in the designated Neighbourhood Area. The plan period of the CNP is from 1 April 2013 to 31 March 2033, which corresponds with the plan period of the emerging Vale of Aylesbury Local Plan (VALP (modified)).

1.4 This 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 Town & Country Planning Act 1990 (as amended) (see para 37 of the NPPF).

1.5 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 order,
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- (d) the making of the order contributes to the achievement of sustainable development,
- (e) the making of the order 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),
- (f) the making of the order does not breach, and is otherwise compatible with, EU obligations

1.6 The current development plan for Cuddington is the Aylesbury Vale District Local Plan (AVDLP) saved policies. The replacement Local Plan is the Vale of Aylesbury Local Plan (VALP (modified)) for 2013 to 2033. This Plan has been through the Examination Stage but has subsequently been modified and it is anticipated that it will be adopted later in 2021.

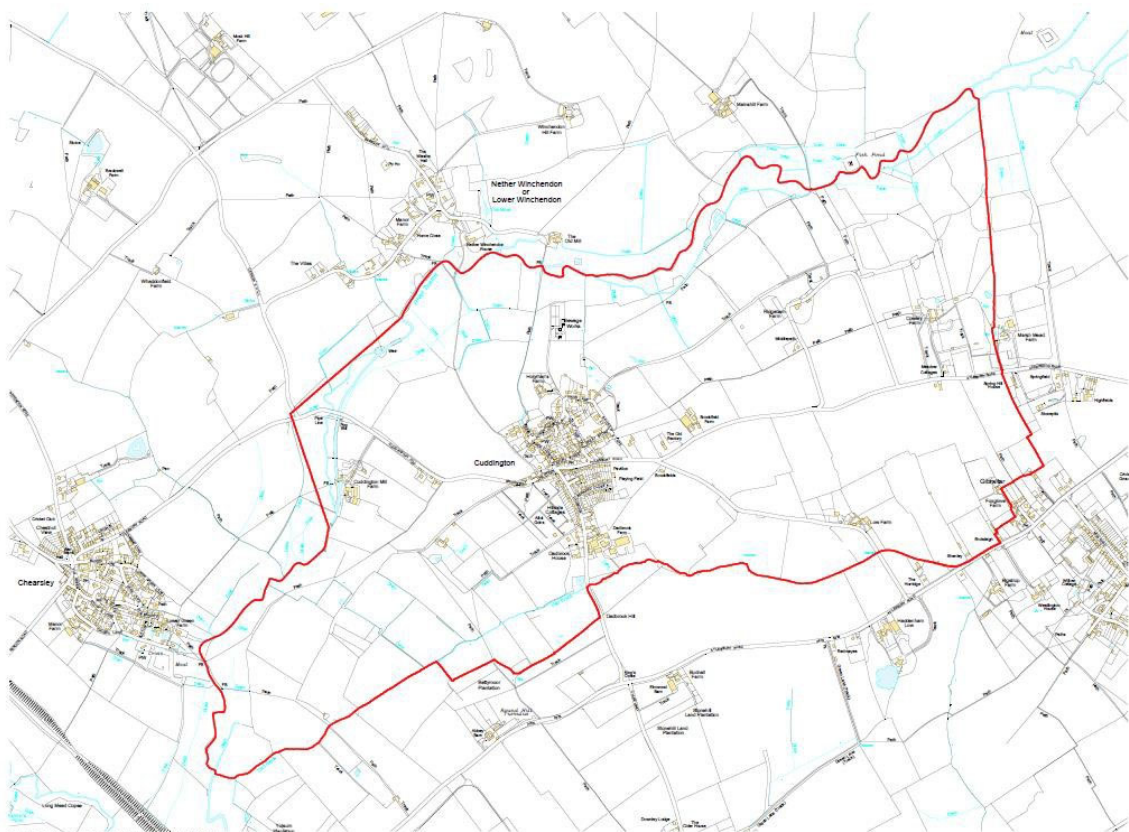
Appendix F of VALP (modified) includes a Schedule of Saved Policies Replaced by VALP.

The Basic Conditions Statement addresses both AVDLP and VALP (modified) strategic policies. The CNP has also had regard to policies in made Neighbourhood Plans in the area as

an indicator of policies that have been through independent examination and found to be acceptable.

- 1.7 The Local Planning Authority (LPA) for Cuddington changed in April 2020 from Aylesbury Vale District Council to Buckinghamshire Council. The new Council are committed to producing a new Local Plan for Buckinghamshire by 2025 that will replace AVDLP and VALP (modified) .

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**Fig 1 : CNP and Parish Boundary**

## 2. BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in early 2018. The key driver of that decision was a sense of wishing to plan positively for the future of the Parish on a range of issues and to involve the community in the planning process.

2.2 The Steering 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 Reg 14 Pre-Submission Neighbourhood Plan in October 2020.

2.3 The Parish Council has consulted the local community extensively over the duration of the project. It has also worked closely with officers of the Aylesbury Vale District Council and Buckinghamshire Council since the start of the project. The outcome of that work is the Reg 15 Submission version of the CNP. Further details on the governance and management of the project are contained in the separate Consultation Statement (appendix G of the CNP).

2.4 The CNP contains five land use policies, most of which are defined on the Policies Map where they are geographically specific. The Plan has deliberately avoided containing policies that may duplicate development plan policies that are already 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 proposed VALP (modified) policies.

### 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 (NPPF) Feb 2019 and is mindful of the Planning Practice Guidance (PPG) in respect of formulating neighbourhood plans. In overall terms, there are paragraphs in the NPPF that are particularly relevant to Cuddington and to which the Neighbourhood Plan has directly responded:

#### Paras 15 and 16

The Parish Council believes the CNP provides a positive vision for the future of the village by protecting its unique identity for future generations and planning for the level of housing growth identified in the emerging VALP (modified) .

The Neighbourhood Plan avoids duplicating Development Plan policies by focusing on policies that translate the general requirements of the development plan into a Cuddington Parish context. Once made, the CNP should be easily considered alongside the Local Plan and any other material considerations in determining planning applications. In respect of the extent to which the CNP has had regard to national policy in the NPPF, Table A below reviews each Plan policy in turn and identifies those NPPF paragraphs that are considered to be the most relevant.

#### Para 63

The CNP supports a % of affordable housing in small and medium sized rural sites subject to viability

#### Paras 68 and 69

Public consultation has established that residents of Cuddington prefer small-to medium sized sites as being easier to integrate with the village both physically and socially.  
*(Small to medium sized sites are considered to be no more than 1 hectare in size)*

#### Para 91

Cuddington values its reputation as a safe and accessible place to live with good community facilities and a wide range of clubs and social events. Where appropriate , the Parish Council has protected these assets through the registration of Community Assets .

#### Paras 124 and 125

The CNP recognizes the importance of design in creating better places to live and reflecting the special qualities of the village.

#### Paras 170 and 171

The CNP seeks to conserve the natural environment that provides the setting to the village and the protect important views that visually link Cuddington to the surrounding countryside. The Parish Council agrees with the principle that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the NPPF.

#### Paras 184 and 185

The CNP is particularly mindful of the abundant heritage assets (Conservation Area and Listed buildings) in the village and their settings. These help to create the unique character of the village and it is important to protect them for future generations.

#### Para 197

The CNP identifies non-designated heritage assets within the village

## Table A: CNP & NPPF Conformity Summary

<b>CNP Policy</b>	<b>CNP Policy Title</b>	<b>NPPF ref</b>	<b>Commentary</b>
<b>CDN 01</b>	Settlement Boundary	<b>Section 2. Achieving sustainable development</b>	The settlement boundary defines areas where development is restricted and shapes the location of development not included in the Local Plan (ref NPPF para 13.). The policy seeks to accommodate certain types of development in small and medium rural sites without adverse effects on the environment and social infrastructure.
<b>CDN 02</b>	Important Local Views	<b>Section 15. Conserving and enhancing the natural environment</b> <b>Section 16. Conserving and enhancing the historic environment</b>	The CNP policy complements the NPPF guidance on protecting and enhancing the character of the Area of Attractive Landscape and the Conservation Area . It provides information about how views to and from the countryside around Cuddington contribute to the appreciation of the close relationship between the village and its rural setting. Important views towards heritage assets are identified.
<b>CDN03</b>	Local Heritage Assets	<b>Section 16. Conserving and enhancing the historic environment</b>	The policy protects features of local heritage importance that are not already covered by policies for designated assets ie Listed buildings and the Conservation Area
<b>CDN 04</b>	Design of new development within the Conservation Area	<b>Section 12. Achieving well-designed places</b> <b>Section 16. Conserving and enhancing the historic environment</b>	The policy provides guidance on identifying local features specific to the Cuddington conservation area and to protect and enhance its distinctive character . It aims to encourage a high standard of architectural and urban design
<b>CDN 05</b>	Design of new development outside the Conservation Area	<b>Section 12. Achieving well-designed places</b>	The policy provides guidance on identifying local features specific to the Cuddington and to achieve high standard of architectural and urban design.



## 4. PRESERVING LISTED BUILDINGS

4.1 Cuddington has 38 Grade II Listed buildings and two Grade II\* buildings. Three Listed buildings are located outside the Conservation Area and the remaining 35 are inside it.

4.2 The Listed buildings and their settings are protected under AVDLP saved policy GP53 and VALP (modified) Policies BE1 Heritage Assets and BE2 Design of new development. The CNP seeks to support and enhance the level of protection for Listed Buildings by including policies that provide detailed information about the local architectural features and styles. This will guide proposals for change and ensure that new built development will respect the special qualities of the Listed buildings within the village.

## 5. PRESERVING CONSERVATION AREAS

5.1 The Cuddington Conservation Area was designated in 1976 and the Conservation Area statement was published in 2008.

5.2 The Conservation Area and its setting is protected under saved policy AVDLP GP53 and VALP (modified) Policies BE1 Heritage Assets and BE2 Design of new development. The CNP seeks to preserve or enhance the character or appearance of the Conservation Area by including policies that provide detailed information about the local architecture. This will guide proposals for change and ensure that new built development will respect the special qualities of Conservation Area.

5.3 The CNP also includes a policy to protect the Important Views around Cuddington, many of which define the setting to the Conservation Area and the close visual relationship between the village and the surrounding countryside.

## 6. CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

6.1 The CNP refers to allocations defined in VALP(modified) and makes no additional allocations.

6.2 The CNP contributes to achieving sustainable development by :-

- Defining a settlement boundary
- Setting criteria for affordable housing by reference to Local Plan policies
- Protecting important local views
- Protecting non-designated heritage assets
- Defining high design standards and materials for areas within and outside the Conservation Area

6.3 In rural villages such as Cuddington there is a fragile balance between the need to provide homes and support local community facilities and the protection of the natural and built environment.

6.4 This is both a spatial issue and also one of timing to ensure that sustainable development is delivered at a scale and pace where it can be satisfactorily integrated into the community. The village has accepted that it can and should accommodate a modest level of incremental growth, but this needs to be carefully monitored and managed to avoid damage to the physical and social infrastructure of the village.

6.5 The principal instrument to manage this process is the settlement boundary. This defines the location and circumstances where sustainable development can, and cannot, be accommodated within the Plan period. The regular review of the CNP allows the situation to be monitored and, where appropriate, reviewed to take account of progress and changing circumstances.

## 7. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

### AVDLP saved policies

The current Local Plan is the Aylesbury Vale District Local Plan (AVDLP) saved policies, September 2007. It is anticipated that these will be replaced shortly by VALP(modified) once it is adopted. However, for completeness, the CNP policies have been assessed against the AVDLP saved policies – see Table B

### VALP (modified)

7.1 The CNP has been prepared to ensure its general conformity with the emerging Development Plan for the District, VALP (as modified) – see Table C

7.2 The VALP defines Cuddington as a ‘medium village’ in the settlement hierarchy of the District. This is described at para 3.20 of VALP (modified) :-

*‘.. The proposed settlement hierarchy is set out in Table 2, along with the amount of housing to be accommodated at each settlement. The allocations for each settlement are based on the capacity of the settlement to accommodate housing growth, rather than a blanket percentage increase on existing housing stock as was previously proposed in the draft Plan’*

Table 2 of VALP includes 28 homes, consisting of 13 completions/commitments and an allocation of at least 15 homes at Dadbrook Farm (Policy D-CDN003).

7.3 The Parish Council has consistently questioned the deliverability of D-CDN003 and, despite assurances from the landowner’s agent given to AVDC, there remains doubts about its future. This is because the proposed access to the housing area (on the northern part of the allocation) is located through the existing farmyard with highway access from Dadbrook. Therefore, the housing access would potentially conflict with movements by large farm vehicles and deliveries by HGVs. The southern part of the allocation site also includes a number of large agricultural buildings that may need to be relocated.

It is likely that the active operations and structure of the farm would need to be adapted to deliver the proposed houses and this would have associated costs that may be difficult to cover from an allocation of 15 homes.

A larger proposal, for 30 homes, was submitted as part of the CNP process but consultation revealed that this scale of development was felt by many villagers to be too big for the village and unwelcome. It also conflicts with the objective to accommodate housing in small to medium sized sites.

7.4 The CNP proposes a settlement boundary policy in conformity with VALP policy D3: Proposals for non-allocated sites at strategic settlements, larger villages and medium villages. In accordance with VALP (modified) policy D3, areas within the settlement boundary may be appropriate for small-scale infilling and consolidation, subject to other policies in the Plan. Larger scale development would not be accepted outside the built-up footprint where there is a defined settlement boundary within a made NP.

7.5 The proposed allocation D-CDN003 sits outside the existing development footprint of the village. It is often customary to include allocations within the settlement boundary on the basis that the Local Plan has determined, in principle, to extend the settlement boundary to include the proposed houses. However, in the case of D-CDN003 (Dadbrook Farm) the site requirements in the VALP allocation confirm that only the northern part of the site is to include housing.

*'d. The development will limit built form to the north of the site, with no built form extending south and south-east of the fence line'*

The remaining part of the site consists of farmyard and agricultural buildings and is outside the boundary of the housing defined in the specific site requirements for the allocation.

7.6 It is not appropriate to include the land south and south-east of the fence line within the settlement boundary as this would conflict with VALP (modified) by endorsing the principle of development within the settlement boundary against the terms of the allocation.

Therefore, given the uncertainty of delivery for allocation D-CDN 003 and the restrictions placed on the location of development by VALP, the settlement boundary will continue to be drawn along the line of existing development (excluding allocation D-CDN003) until such time as a planning application has been submitted and approved. The settlement boundary would then be adjusted at the next review of the Plan to accurately reflect the scale and location of the consented built development.

7.7 An assessment of the general conformity of each policy, and its relationship with emerging VALP (modified) policy where relevant, is contained in Table C below.

7.8 In summary, the policies are in general conformity with the AVDLP saved policies and anticipate the provisions of the VALP (as modified) insofar as this is possible.

**Table B: Neighbourhood Plan & Development Plan (AVDLP Saved Policies) Conformity Summary**

<b>CNP Policy</b>	<b>CNP Policy Title</b>	<b>AVDLP ( saved policies) ref</b>	<b>Commentary</b>
<b>CDN 01</b>	Settlement Boundary	RA2 Coalescence RA8 Development in Areas of Attractive Landscape RA13 Development within settlements listed in Appendix 4 RA14 Development at the edge of Appendix 4 settlement	<p>The settlement boundary seeks to protect the compact nature of the village and maintain separation from Haddenham that is expanding northwards towards Cuddington</p> <p>The settlement boundary defines areas where development is restricted and shapes the location of development not included in the Local Plan (ref NPPF para 13.). The policy seeks to accommodate certain types of development in small and medium rural sites without adverse effects on the environment and social infrastructure.</p>
<b>CDN 02</b>	Important Local Views	GP84 Public Rights of Way GP35 Design of new development  GP53 New development in and adjacent to Conservation Areas	<p>Includes protection of the amenity of public rights of way and the settings of heritage assets and the Conservation Area.</p> <p>Development should respect important public views and skylines</p>
<b>CDN 03</b>	Local Heritage Assets	GP53 New development in and adjacent to Conservation Areas	Protection of non-designated heritage assets within the Conservation Area
<b>CDN 04</b>	Design of new development in the Conservation Area	GP25 Car parking guidelines GP35 Design of new development GP38 Landscape proposals GP53 New development affecting Conservation Areas	Protection of the character and appearance of the Conservation Area and aims to deliver a high standard of design

CNP Policy	CNP Policy Title	AVDLP ( saved policies) ref	Commentary
		RA8 Development in the Areas of Attractive Landscape and Local Landscape Areas	
<b>CDN 05</b>	Design of new development outside Conservation Area	GP25 Car parking guidelines GP35 Design of new development GP38 Landscape proposals  RA8 Development in the Areas of Attractive Landscape and Local Landscape Areas	Delivers a high standard of design that seeks to respect its setting and local context

Table C: Neighbourhood Plan & Emerging Development Plan (VALP (Modified)) Conformity Summary

CNP Policy	CNP Policy Title	VALP ( modified) ref	Commentary
CDN 01	Settlement Boundary	<p><b>S2 (h)</b> Spatial strategy for growth (in medium villages)</p> <p><b>D3</b> Proposals for non-allocated sites at strategic settlements, larger villages and medium villages.</p> <p><b>D- CDN003</b> Dadbrook farm</p>	<p>No new housing allocations are proposed as VALP (as modified) establish that the housing requirements are met through completions and allocations.</p> <p>The settlement boundary defines areas where development is restricted and shapes the location of development not included in the Local Plan (ref NPPF para 13.). The policy seeks to accommodate certain types of development in small and medium rural sites without adverse effects on the environment and social infrastructure.</p> <p>The settlement boundary excludes Dadbrook Farm as the emerging VALP (modified) has not yet been adopted and there remains uncertainty about deliverability.</p>
CDN 02	Important Local Views	<p><b>BE1</b> <b>Heritage Assets</b></p> <p><b>BE2</b> <b>Design of new development</b></p>	<p>Policy BE2 states that <i>All new development proposals shall respect and complement the following criteria:</i> <i>d. The effect on important public views and skylines.</i></p> <p>The CNP policy defines important public views into and from Cuddington</p>
CDN 03	Local Heritage Assets	<p><b>BE1</b> <b>Heritage Assets</b></p> <p><b>BE2</b> <b>Design of new development</b></p>	<p>Policy BE1 includes the protection of non-designated heritage assets in line with the NPPF.</p> <p>The CNP policy identifies non-designated heritage assets within the village.</p>
CDN 04	Design of new development in the Conservation Area	<p><b>BE1</b> <b>Heritage Assets</b></p> <p><b>BE2</b> <b>Design of new development</b></p>	<p>Policy BE1 seeks to conserve heritage assets and their settings , and to achieve a high standard of design</p> <p>Policy BE2 states that <i>All new development proposals shall respect and complement the following criteria:</i> <i>a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting</i> <i>b. The local distinctiveness and vernacular character of the locality, in terms of ordering,</i></p>



CNP Policy	CNP Policy Title	VALP ( modified) ref	Commentary
			<p><i>form, proportions, architectural detailing and materials</i></p> <p><i>c. The natural qualities and features of the area,</i></p> <p>The CNP policy defines the local distinctiveness and vernacular character of Cuddington, within the Conservation Area. It also provides guidance on the design of new development in order to achieve a high standard of design and materials.</p>
<b>CDN 05</b>	Design of new development outside Conservation Area	<b>BE1 Heritage Assets BE2 Design of new development</b>	<p>Policy BE1 seeks to conserve heritage assets and their settings , and to achieve ahigh standard of design</p> <p>Policy BE2 states that <i>All new development proposals shall respect and complement the following criteria:</i></p> <p><i>a. The physical characteristics of the site and its surroundings including the scale and context of the site and its setting</i></p> <p><i>b. The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials</i></p> <p><i>c. The natural qualities and features of the area,</i></p> <p>The CNP policy defines the local distinctiveness and vernacular character of Cuddington, outside the Conservation Area. It also provides guidance on the design of new development in order to achieve a high standard of design and materials.</p>

## 8. COMPATIBILITY WITH EU LEGISLATIONS

8.1 In December 2018 the District Council (AVDC) provided a screening opinion on whether or not a Strategic Environmental Assessment (SEA) was required of the Neighbourhood Plan in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004. It concluded that :-

*5.1 Having reviewed the criteria Aylesbury Vale District Council concludes that the Cuddington Neighbourhood Plan has some potential to have significant environmental effects beyond those expected by 'strategic' district-wide policies of the Local Plan, although the magnitude and location of these effects is difficult to ascertain at this stage of the plan making process. Therefore, the best course of action is to produce a Strategic Environmental Assessment, particularly as this is a process that needs to be started in the early stages of the plan making process and cannot be retrofitted at a later stage. Although not a requirement, we would recommend this incorporates a Sustainability Appraisal to consider more widely the balance of sustainability and to help ensure the plan meets the basic conditions.*

8.2 This screening opinion was in the context of the potential for housing allocations in the CNP on the basis that the Dadbrook Farm allocation within VALP was to be omitted. A draft Strategic Environmental Assessment of alternative sites was prepared to accompany the second Village Survey in Spring 2019. However, as explained in Section 7 above, the Dadbrook Farm allocation was confirmed in VALP, and the Parish Council subsequently decided not to allocate any additional housing sites in the CNP. The impact of the Dadbrook Farm allocation has been assessed through the Local Plan.

8.3 It is assumed that, with the omission of any local housing allocations, the residual policies within the Regulation 15 submission of the CNP would not give rise to significant environmental effects. However, if necessary, the CNP could be re-screened to confirm this.

8.4 The Neighbourhood Area does not lie within the proximity of a European nature site and there has therefore been no need for a Habitats Regulations Assessment.

8.5 The CNP has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.