

STOKE HAMMOND NEIGHBOURHOOD PLAN
BASIC CONDITIONS STATEMENT

JUNE 2024

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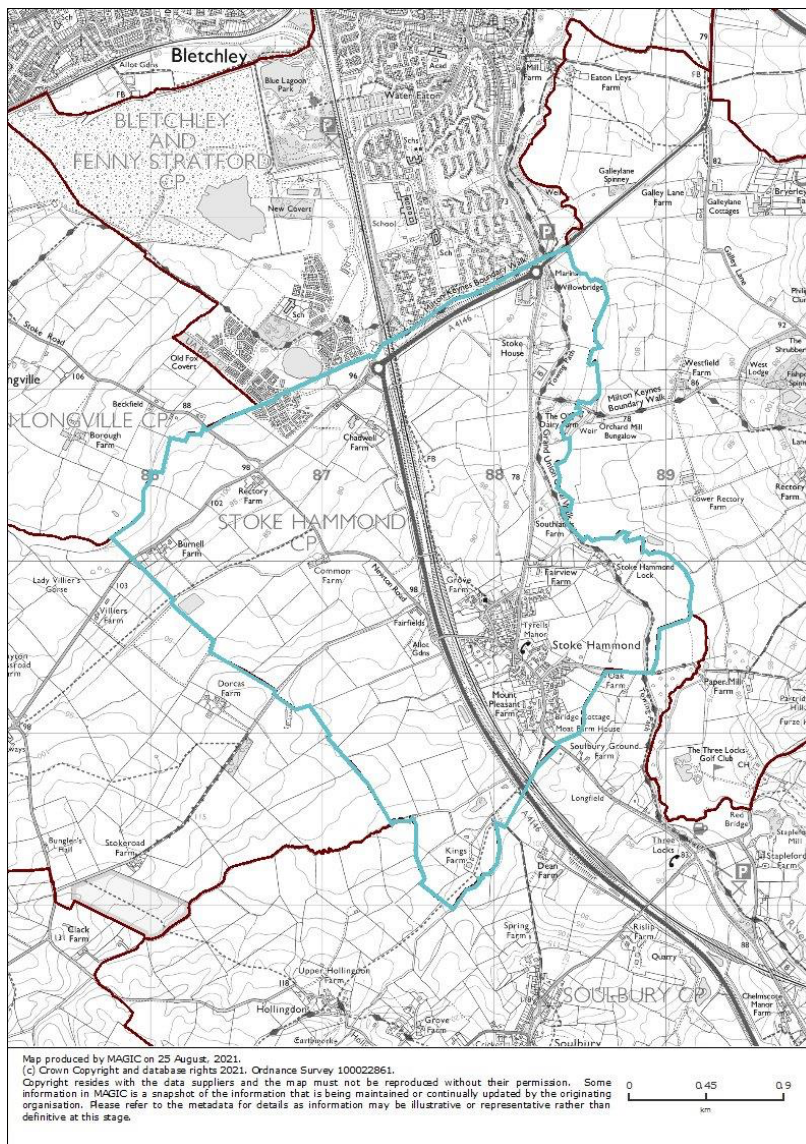
1. INTRODUCTION

The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Stoke Hammond Parish Council (“the Parish Council”) to accompany its submission of the Stoke Hammond Neighbourhood Plan (“the Neighbourhood Plan”) to the local planning authority, Buckinghamshire Council (“BC”), 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 NA”), which coincides with the boundary of the Parish of Stoke Hammond shown on Plan A below. BC designated the NA in September 2021.

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: Stoke Hammond Designated NA

1.4 The Neighbourhood Plan contains 10 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 2040, 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 2021. 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 December 2023 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 emerging Buckinghamshire Local Plan.

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 National Planning Policy Framework (NPPF) and is mindful of the PPG in respect of formulating Neighbourhood Plans. 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” (§28).

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 5 site allocations and as BC has not been able to provide an indicative housing figure for the emerging Local Plan, the Neighbourhood Plan will not result in less development than set out in the strategic policies for the area (as proposed in the emerging Local Plan) (§29). In this regard, the NPPF provisions of meeting local housing needs as per §67 is therefore 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 (§31).

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. The land interests were invited to submit relevant information for the Parish Council to gauge the capacity and suitability of each site. In each of the allocated sites, there has been no need to significantly modify the submitted information. In which case, the Parish Council expects each policy will be welcomed and supported by each land interest, thus demonstrating that the policy provisions are viable in principle at this plan-making stage (§57).

Table A: Neighbourhood Plan & NPPF Conformity Summary

Policy No.	Policy Title	Commentary
SH1	Settlement Boundaries	The policy distinguishes between the built-up area of Stoke Hammond and the surrounding countryside so it is evident how a decision maker should react to development proposals as per §16. This approach to settlement boundaries is set out and supported by the VALP.
SH2	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).
SH3	Local Heritage Assets	This policy identifies a number of local heritage assets to engage the provisions of §209. They have been derived from local history analysis and have been evaluated against the criteria advocated by Historic England.
SH4	Green Infrastructure	The policy defines the green infrastructure network as one means of ensuring the future resilience to climate change impacts and to support nature recovery (§158 and §180). 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 §180 and §185 in these respects. The policy designates one Local Green Space in accordance with §105-107, having demonstrated each space meets the criteria in §106. 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 §152, to justify why consent should be granted.
SH5	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 (§108). It also seeks to improve the use of public rights of way to encourage walking in the Parish, as per §104 and §110.
SH6	Housing Mix	The policy provides for "the size, type and tenure of housing needed for different groups in the

		community" (§63).
SH7	Building Energy Performance	This policy is a local response to a global challenge, the local community being convinced by the international evidence that ensuring zero carbon building performance through the PassivHaus standard is the most simple and cost-effective approach to take. It does not require that this standard is met but instead seeks to incentivise its use by exempting applicants using the standard from the requirement of the policy to provide a Post Occupancy Evaluation report. This provision for buildings is consistent with PINS model conditions of this type and is therefore considered in line with the use of planning conditions, as per §56. In doing so, it is consistent with the explicit climate change aims and provisions of §157, §160 and §162. It is 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 this LPA.
SH8	Traffic Management	The policy requires that new development proposals mitigate the effect of increased traffic volumes on traffic volumes through their own measures or financial contribution, in line with §108. The policy also sets parking standards (§112) which are in line with those set out in development plan policy.
SH9	Site Allocations	This policy allocates land for approximately 60 new homes at Stoke Hammond village and 80 - 90 homes at Newton Leys South. Given the early stages of the emerging Buckinghamshire Local Plan it has not been possible to establish any meaningful requirement figure for the NA, as per §67. As a 'medium village' in the settlement hierarchy (VALP Policy S3), the village is presented as a 'moderately sustainable location for development'. The sites are considered small to medium in nature and will make an important contribution to the area (§70, §71). The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§63). The evidence gathered during the preparation of the Plan indicates a need for smaller homes and the policy therefore makes provision for this. The policy seeks to deliver amenity open space (§97, §102) and ensure that 'opportunities to promote walking, cycling and public transport use are identified and pursued' (§104c).
SH10	Community Assets	This policy seeks to protect popular and cherished community facilities across the village in line with §97.

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

4.1 A screening request was submitted to BC to inform its 'screening opinion' on the need for a Strategic Environmental Assessment (SEA) under the European Directive 2001/42/EC and Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). A final screening opinion ('Determination') was issued in November 2022 by BC, following a consultation period with the statutory bodies, as per those Regulations. The Determination statement concludes that an SEA is required (see Section 6 below for further details).

4.2 A separate SEA Report sets out the environmental effects of the policies of the Neighbourhood Plan. There is no legal requirement for Neighbourhood Plans to have a sustainability appraisal, however the 'basic conditions' require a qualifying body to demonstrate how its plan will contribute to the achievements of sustainable development in a systematic way. In terms of environmental effects, the SEA Report concluded:

'Overall, no significant effects are considered likely in the implementation of the SHNP. Minor negative effects in relation to landscape are associated with greenfield development proposals (i.e., development in a previously undeveloped area) but the Plan notably places great weight on landscape considerations for future growth and provides policy mitigation. Residual broadly neutral effects are concluded for the remaining themes of biodiversity, historic environment, and flood risk. Notably, the spatial strategy avoids development in key sensitive areas relating to biodiversity and flood risk and provides policy and design mitigation that should reduce the significance of any effects in relation to the settings of designated and non-designated heritage assets.'

No recommendations are made that are necessary to reduce the significance of any impacts, but it is noted that there could be more positive contributions in relation to the historic environment if the site allocation policy were to include more guidelines around implementing greenspace / green infrastructure, which positively contributes to the setting of heritage features.'

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 for BC, that is the Vale of Aylesbury Local Plan (VALP), 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.

5.3 The VALP continues to define Stoke Hammond as a medium village in the settlement hierarchy of Aylesbury Vale and contains no strategic proposals in the vicinity of the Area.

5.4 The Neighbourhood Plan has sought to fit its policies with the vision and grain of the VALP in a complementary way.

Table C: Neighbourhood Plan & Development Plan Conformity Summary

No.	Policy Title & Refs	Commentary
SH1	Settlement Boundaries	This policy is in line with VALP Policy D3 by identifying a settlement boundary derived from the 'existing development footprint' of Stoke Hammond village to ensure that applicants, the local community and BC are all clear on when settlement or countryside policies should apply to development proposals. The policy is also consistent with the current spatial policy (S2 and S3) for 'medium villages' as a sustainable location for development.
SH2	Design Code	The policy refines VALP Policy BE2, particularly point b) which refers to 'The local distinctiveness and vernacular character of the locality, in terms of ordering, form, proportions, architectural detailing and materials'. The Stoke Hammond Design Guidelines and Codes Report is specific to the village of Stoke Hammond. The report identifies the local context and specific design features of Stoke Hammond, including the Conservation Area.
SH3	Local Heritage Assets	This policy builds upon VALP Policy BE1 which already sets requirements for development of non-designated heritage assets.
SH4	Green Infrastructure	This policy supports VALP Policy I1 by identifying the green infrastructure network on a parish-scale. The Policies Map shows the full extent of the Network, which allows applications to accurately determine if their proposals should take this policy into account. This policy seeks to refine VALP Policy NE6 for the application of national policy in relation to one Local Green Space designation.
SH5	Sustainable Travel	This policy supports VALP Policy T7 and refines it by defining Stoke Hammond's existing Sustainable Travel network on the policies map.
SH6	Housing Mix	VALP Policy H6a states that housing mix will be negotiated having regard for the most up-to-date evidence, including that provided by Neighbourhood Plans. Policy SH6 is intended to give local effect to Policy H6a by setting a specific requirement for new housing developments in the Parish. It is necessary in order to start to rebalance the current mix of homes so that it better reflects local need.
SH7	Building Energy Performance	This policy refines VALP Policy C3 by intending to deliver an improvement in the energy performance of all new developments in the Parish through the submission of a Post Occupancy Evaluation Report as a condition of planning permission for new developments.

SH8	Traffic Management	This policy supports VALP Policy T5 by seeking to improve traffic management through the village through the implementation or financing of traffic mitigation measures. The policy also acts in line with VALP Policy T6 with regards to standards of parking provision provided by new development.
SH9	Site Allocations	The scheme will make a contribution to meeting housing needs in the Buckinghamshire plan area (S2). In including the policy, the Parish Council demonstrates their commitment to planning for positive growth in the Parish (S3)
SH10	Community Assets	This policy identifies and defines community facilities in Stoke Hammond, to which the provisions of VALP Policy I3 will apply.

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

6.1 BC provided a screening opinion in November 2022 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 required, following consultation with statutory bodies as per those Regulations.

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. The Final SEA Report is published as a separate document for submission and examination.

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. BC'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).