

SHILTON PARISH  
NEIGHBOURHOOD PLAN

2018-2031

BASIC CONDITIONS STATEMENT

## 1.INTRODUCTION

1.1 This statement has been prepared by Shilton Parish Council ("the Parish Council") to accompany its submission of the Shilton Parish Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, West Oxfordshire District Council ("the 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, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish of Shilton and which was designated by the District Council on 5 October 2016.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2018 – 2031, which reflects the end of the plan period of the adopted West Oxfordshire Local Plan 2011 – 2031.

1.4 The statement addresses each of the four '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 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



*Plan A: Shilton Designated Neighbourhood Area*

## **2.BACKGROUND**

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2016. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish. Although a small and picturesque village with few services, the Parish Council wanted to explore how to tackle the consequences of an aging village population and to improve the quality of design in the Conservation Area. Mindful that the Parish also covers Bradwell Village on its western edge (a former hospital site), it was also keen to ensure the community there had an opportunity to raise planning issues for potential inclusion in the Plan.

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. Early in the discussions, it became clear there was an opportunity to bring forward an affordable housing scheme in Shilton village as a means of addressing access to such housing and changing its demographic profile. The possibility of making that proposal as a Community Right to Build Order (CRTBO) was identified and that was added to the remit of the group to progress.

2.3 Following a series of consultation activities in 2017, the Parish Council, as the qualifying body, approved the publication of the Pre-Submission Plan and the Draft CRTBO in February 2018. It has now approved the final version of the Plan and other submission documentation for examination. The Order is published separately but alongside the Plan, as it is the intention that the Plan and Order are examined together, and if they are both considered to meet the basic conditions, then they will go to the same referendum for community approval.

2.4 The steering group has benefited from regular liaison with officers of the District Council, although the Parish Council had appointed its own professional planning consultants to assist in the preparation of the Plan and Order. This has been helpful in ensuring that the Plan and Order will properly take into account the new Local Plan, which has been at its examination since 2015. Its adoption immediately prior to the examination of the Plan and Order means that both can be assessed in relation to that new strategic planning framework.

2.5 The Neighbourhood Plan contains seven land use policies. The Plan has deliberately avoided containing policies that duplicate 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 deliver national planning objectives and complement and refine Local Plan policies.

### **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 National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The Parish Council is also mindful that shortly before the completion of the Plan the Government published its draft revisions to the NPPF for consultation. As it is not expected that the final NPPF will be published before the examination of the Plan, that document has not been taken into account in this Statement. However, it is noted that there are no significant changes in policy in respect of the proposals contained in this Plan.

3.2 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### Para 16 and 183

3.3 The Parish Council considers the Neighbourhood Plan is planning positively to support the strategic development needs of the District, as framed by the Local Plan, albeit at the very small scale expected of a small village. By making a housing allocation for affordable housing and by seeking to secure the long term viability of a precious community asset, the Plan shapes the future of village life. It represents a vision, objectives and policies for the Parish that reflect the desires of the majority of the local community for the kind of place that the villages and the wider Parish should remain and how they may change for the better in coming years.

#### Para 184 and 185

3.4 The Parish Council believes the policies of the Neighbourhood Plan are in general conformity with the policies of the new Local Plan. It is considered to strike a positive balance between the physical and policy constraints of being a smaller village and the desire to steer development of the right type to the right locations. It focusses primarily on site-specific policies that translate the general requirements of the Local Plan into a local context for the Parish.

3.5 Table A below demonstrates the relationship between each policy and other relevant parts of the NPPF:

**Table A: Neighbourhood Plan & the NPPF**

No.	Policy Title	Commentary
SH1	Village Boundaries	<p>This policy establishes the key spatial strategy for directing future development proposals in the parish towards the two settlements of sufficient status in the Parish. Its other settlements – Stonelands and Sturt – are no more than remote hamlets with no services and are therefore not sustainable locations for any significant housing development. The policy provides for new homes, in the form of small scale infill development, and is therefore positive about planning for new homes (§50). In bringing clarity to the definition of settlement and countryside, the policy will help apply the relevant NPPF policies to proposals.</p>
SH2	Allotment Field	<p>This policy allocates land for an affordable housing scheme and a new village green. The housing scheme will enable yopunger people and families to live in the village and the policy allows for some market housing to ensure a viable scheme can be delivered (§54). The village green will provide a much needed gathering space for events (§70).</p> <p>It is similar to a Rural Exception Site but is not promoted as such and does not therefore depend on a housing needs survey evidence base. Rather, to improve the vitality of the village that is being lost as its population ages (as per §55), the policy is intended to improve the vitality of village life. They may be newly formed households from the local area or existing households in other affordable accommodation and they may be key workers in local public services. However, as planning policy has its limitations in securing and maintaining housing occupation for this outcome, the policy will be implemented by an Order (that includes a leaseholder enfranchisement exemption) and the scheme will be delivered and management by a new Community Land Trust.</p> <p>To secure the land for this purpose required land for which there was no 'hope value' in respect of its future development potential. The policy must therefore be an exception to Policy SH1 by being not just outside the defined village boundary but also being a little removed from it (by some 80m). To mitigate the potential for negative landscape and access effects as a result, the policy sets out the key development principles for the site (§58). The site is located on the western edge of the village and the village centre is accessible by foot with a bus stop located immediately adjacent</p>

		to the site. The policy makes provisions for the construction of a new public footpath to be delivered as part of the scheme (§35).
SH3	Rose & Crown P.H.	<p>The policy seeks to ensure that this valuable facility continues to remain viable and seeks to enable its development to remain as such (§70). The criteria guiding the development seek a balance to protect the designated heritage assets in and around the site (§126) while ensuring the facility remains viable (§173) and lowers the planning risk for the landowner to pursue proposals, who has confirmed that the policy does just this. In doing so, the policy addresses each of the tests of §131 – the desirability of preserving the listed pub and its garden, its contribution to the historic streetscene as part of its future commercial appeal and the importance of new buildings making a positive contribution to the character of the village.</p> <p>Having established the key land use principles based on an initial understanding of the significance of the listed buildings and Conservation Area (using the pre-application advice provided by the District Council to the owner), it will be for a future planning application to demonstrate how the detailed proposals meet the tests of §129. The advice indicates that it will be uneconomic to conserve the rear barn structure given its condition, though the policy requires this to be demonstrated in due course. As the rear barn is listed only by its functional association with the pub (and does not appear in the listing description itself), its significance as a heritage asset is lower than may otherwise be the case. Similarly, its dilapidated state has detracted from the character of the historic pub for many years, with no prospect of returning to an economic, beneficial use. It is therefore argued that the loss of the barn is less than substantial (both in terms of its intrinsic significance and of its effect on the character of the listed pub) and so the tests of §133 are not engaged.</p> <p>However, §134 is engaged and it is argued that the less than substantial harm to the listed pub by way of the loss and replacement of the rear barn, of the enabling accommodation development to the rear and side of the pub and of alterations to the pub itself to improve its operations is outweighed by the public benefits of retaining the pub as the most important social asset in the village. In this sense, any minor residual conflict with conserving the heritage assets in their current state is also outweighed by the enabling development, as per §140.</p>

SH4	Design in Shilton Village	This policy sets out robust and comprehensive criteria for the quality of development that will be expected in the defined settlement of Shilton village (§58). The policy is not intended to prescribe design outcomes (as per §60), but it does require applicants to demonstrate how the guidance has informed their proposals.
SH5	The Shilton – Carterton Local Gap	The policy defines the Shilton – Carterton gap that functions to prevent the visual coalescence of the two settlements through inappropriate development of the land between them. As a demonstrable physical attribute of the land that serves a purpose that is beyond the ordinary appreciation of the countryside, it therefore qualifies as a ‘valued landscape’ as per §109, which requires protection and enhancement as a starting point for managing development rather than a planning judgement.
SH6	Local Green Spaces	This policy identifies three open spaces (§ 76) to be protected from development by their designation as Local Green Spaces that meets the requirements necessary to be designated as such (§77).
SH7	Green Infrastructure	This policy defines a Green Infrastructure Network for the whole Parish and seeks to protect, enhance and manage this Network of green infrastructure and biodiversity (§117).



## 4.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 The separate Strategic Environmental Assessment Report sets out how the policies of the Neighbourhood Plan contribute to the achievements of sustainable development in a systematic way. The report concludes thus:

*"8.1 The assessment of the final objectives and policies of the Neighbourhood Plan indicates that the potential for significant environmental effects has either been avoided or successfully mitigated through careful site selection and policy wording. For the most part, the policies offer a supplementary level of guidance to those of national or development plan policy so that those policies can be applied to this Parish.*

*8.2 Given the very modest scale of change planned for by the policies, there should be no in-combination or cumulative effects when taken together with other provisions in the imminent Local Plan for this part of the District. Further, the policies do not conflict with those of the Minerals & Waste Core Strategy that effect other parts of the Parish."*

4.2 A wider view of the sustainability performance of the policies is set out in Table B below:

<b>Table B: Neighbourhood Plan &amp; Sustainable Development</b>					
<b>Policy</b>		<b>Social</b>	<b>Economic</b>	<b>Environ</b>	<b>Commentary</b>
SH1	Village Boundaries	0	0	+	The policy will have a positive environmental effect by containing and managing the appropriate growth of the defined village settlements that reflects the importance of the landscape and local heritage in a rural location.
SH2	Allotment Field	+	0	0/-	The policy will have a positive social effect in providing for a small number of new affordable homes over the plan period and the creation of a new village green. As the land is open countryside on the western edge of the Shilton Village, there is a minor negative environmental effect, though the policy requirements will mitigate much of that effect.

SH3	Rose & Crown P.H.	+	+	0/-	The policy will have a positive social effect by ensuring that the facility is able to remain viable through allowing for its development to secure this. It will also have a positive economic effect by allowing a local business to survive and grow. The policy minor negative environmental effect as the harm to the heritage assets will be less than substantial as part of the proposal will improve the character of the setting to the pub.
SH4	Design in Shilton Village	0	0	+	The policy will have a positive environmental effect in helping to ensure that the future standards of design reflect the specific characteristics of the Shilton village.
SH5	The Shilton – Carterton Local Gap	0	0	+	The policy will have a positive environmental effect in helping to ensure that the Shilton – Carterton gap continues to operate as a clear visual and physical break in the built environment contributing to the local landscape character.
SH6	Local Green Spaces	+	0	+	The policy designates three Local Green Spaces to rule out development unless in exceptional circumstances. The spaces offer recreational value, as well as intrinsic value as open space and therefore has a positive environmental and social effect.
SH7	Green Infrastructure	0	0	+	The policy has a positive environmental effect as it sets out the requirements for sustaining and improving important environmental assets of the Parish to encourage better habitat and walking/bridlepath connectivity.

## **5. 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 strategic policies of the development plan for the District, that is West Oxfordshire Local Plan 2011 – 2031. At the time of the preparation of this Statement, the Local Plan has yet to be adopted, but it will be before the Neighbourhood Plan is examined. For this purpose, the composite version of the West Oxfordshire Local Plan of February 2018 that includes further modifications as a result of its examination has been used to identify the relevant strategic policies against which to test conformity.

5.2 The Local Plan defines the two villages, Shilton and Bradwell villages, as 'small villages' in the settlement hierarchy, but allows Neighbourhood Plans to allocate housing development in Policy H2.

5.3 An assessment of the general conformity of each policy, and its relationship with Local Plan policy where relevant, is contained in Table C below:

**Table C: Neighbourhood Plan & Emerging Development Plan Conformity Summary**

<b>No.</b>	<b>Policy Title &amp; Refs</b>	<b>Commentary</b>
SH1	Village Boundaries	<p>This policy establishes and defines the village boundaries to distinguish the consideration of planning applications within the Shilton and Bradwell villages from those in the countryside outside these boundaries. It makes no site allocations within the defined boundaries as Policy OS2 defines both settlements as 'small villages' in the settlement hierarchy, where new development is constrained. It is noted that the Local Plan does not define settlement boundaries in this way, but it does make a clear distinction between small villages and the open countryside in Policy OS2. That policy states that "development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area".</p> <p>The policy will operate alongside Policy H2 which in itself does not prescribe a maximum quantum of development but provides circumstances where infill development may be appropriate. It confines schemes supported by Policy H2 to two dwellings to contain the scale of change in the village at any one location to maintain the character of the village.</p>
SH2	Allotment Field	<p>This policy is proposed as an exception to Policy SH1 and therefore to Local Plan Policy H2 in order to secure the specific type of housing and green infrastructure benefit desired by the local community. Policy H2 allows the allocation of housing land in small villages through Neighbourhood Plans. Although the land does not lie within the village it lies alongside a small cluster of existing homes that are considered to form part of the village community and are only some 80m from the western edge of the village in any event. It is only Policy SH1 that defines the village boundary and not Policy H2 and so Policy SH2 is regarded as being in line with Policy H2.</p> <p>The development proposals are consistent with the location principles of Policy OS2. They are appropriate to the context of the location being part of a small cluster of houses at that end of the village) and therefore form a logical complement to the existing scale and pattern of development. There is no risk of coalescence with other settlements and the design requirements of the policy will ensure its landscape effects are minimised.</p>

		<p>It is consistent with the high design standards expected in Policy OS4 and will protect the local landscape character, as per Policy EH1. In respect of Policy T3, the policy requires the investigation of the creation of a new footpath link between the site and village and its implementation as part of the scheme if deliverable (the provision for which has been made in the Order). It is acknowledged that Shilton is not well suited to any major development in respect of Policy T1 as it has few local services and its public transport connections are weak. Hence, the scheme provides only a small number of new homes, but which will be of sufficient number overall to begin to address the demographic profile of the village.</p> <p>The approach accords with the affordable housing provisions of Policy H3 in respect of its proposals to deliver suitable rural sites for small scale affordable housing schemes and its allowance for a small number of open market homes to ensure viability. It is noted that although meeting the housing needs of young people is referenced in the Local Plan (§5.94/5.95), it relies on policies H3 and H5 (self-build) to meet those needs rather than make specific policy provision. It is therefore possible that this policy device (coming through a Neighbourhood Plan) combined with an Order and delivered by the Community Land Trust may provide a model by which the District Council's aims may be achieved here and elsewhere in the District. The Order proposes a planning condition to ensure that a viability appraisal is agreed between the CLT and District Council, once the CLT has determined its business model and optimum tenure mix and need for cross-subsidy from open market homes.</p>
SH3	Rose & Crown P.H.	<p>The policy balances Local Plan Policy E5 which supports the retention of local services and community facilities with its policies EH7-EH9 that manage the effects of development on Conservation Areas and Listed Buildings. There is a danger that the pub may be lost if it cannot secure a wider range of revenues than bar and food sales. The local community does not wish to be in a circumstance where proposals to change the use of the pub to another use are made in accordance with the criteria of the policy.</p> <p>The pre-application advice offered by the District Council to the owner indicates that it ought to be possible for this balance to be struck in a way that meets the essence of both the community asset and heritage asset objectives. The policy is an important next step in enshrining these key principles for the local community to understand and have an opinion on so that, when made, it will provide the owner with the confidence to invest in making a detailed planning application. The costs of making that application to satisfy the requirements of the policy and of Local Plan policies EH7-EH9 will be considerable.</p>

		The policy also allows for the scheme to include provision for car parking beyond the defined Village Boundary and in the countryside. However, its requirements for that part of the scheme to be confined to providing a permeable surface and no other structures will ensure that it is consistent with Policy EH1 on conserving the essential landscape character of this edge of the village.
SH4	Design in Shilton Village	The policy gives local effect to Policy OS4, Policy EH7 (as most of the village lies within a designated Conservation Area) and the West Oxfordshire Design Guidance and refines it in identifying a set of design attributes that define the special character of the Shilton village. It identifies 'local heritage assets' as playing a role in defining the character of the streetscene that should be considered as 'non-designated heritage assets', as per Policy EH14.
SH5	The Shilton – Carterton Local Gap	The policy is consistent with Policy OS2 which seeks to “avoid the coalescence and loss of identity of separate settlements”. It identifies the specific potential risk of the visual coalescence of Shilton and Carterton and defines the minimum land area required to prevent it. It is not seeking to assert any other landscape character value beyond the normal value of the open countryside that helps define the character of the village and so Policy EH1 is not engaged.
SH6	Local Green Spaces	The policy identifies and designates three Local Green Spaces complementing Policy EH3 of the Local Plan that seeks to protect green infrastructure and the public realm.
SH7	Green Infrastructure	The policy identifies a Green Infrastructure Network to be protected and enhanced complimenting Policies EH2 and EH3 of the Local Plan and giving them local effect.

## 6. COMPATABILITY WITH EU LEGISLATIONS

6.1 The local planning authority, West Oxfordshire District Council, issued its formal screening opinion on the requirement for a Strategic Environmental Assessment (SEA) after the publication of the Pre-Submission Plan (see separate report). It concluded:

*“5.1 Any new development proposals which fall within the parish of Shilton will ultimately be determined in line with the policies of the West Oxfordshire Local Plan and Neighbourhood Plan (once made).*

*5.2. The emerging West Oxfordshire Local Plan has been subject to extensive sustainability appraisal in conformity with the European Directive on Strategic Environmental Assessment (SEA Directive) and the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations). The most recent Sustainability Appraisal was completed in October 2017.*

*5.3. Where the neighbourhood plan is in conformity with the emerging West Oxfordshire Local Plan, it is highly likely to comply with the SEA Directive; however where this diverts from this, it will need to be demonstrated that it conforms to the Directive and to National Planning Policy.*

*5.4. Based on the information provided, it is considered unlikely that the Neighbourhood Plan will have significant environmental effects having regard to the characteristics, location and the types and characteristics of the potential impacts and therefore an SEA is not required. However, this is subject to the comments received from the statutory consultees.*

6.2 The statutory consultees have since confirmed their agreement with this opinion. But, the Parish Council was not able to wait until these conclusions could be reached (as the District Council was only willing to carry out the screening once the policies had been drafted). It therefore prepared a Draft SEA as part of the consultation on the Pre-Submission Neighbourhood Plan (having already consulted on the scope of the assessment) to ensure that the Plan could meet this basic condition if the opinion reached a different conclusion. In the event that it has not, the Parish Council has decided to complete the SEA process and to publish a final report (also published separately).

6.3 The SEA report concludes:

*“8.1 The assessment of the final objectives and policies of the Neighbourhood Plan indicates that the potential for significant environmental effects has either been avoided or successfully mitigated through careful site selection and policy wording. For the most part, the policies offer a supplementary level of guidance to those of national or development plan policy so that those policies can be applied to this Parish.*

*8.2 Given the very modest scale of change planned for by the policies, there should be no in-combination or cumulative effects when taken together with other provisions in the imminent Local Plan for this part of the District. Further, the policies do not conflict with those of the Minerals & Waste Core Strategy that effect other parts of the Parish."*

6.4 The Parish Council has not been made aware by the District Council or by Natural England that there is any need to screen for the effects of the Plan in relation to the Habitats Directive. The Plan 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.