

Basic Conditions Statement

Preston Neighbourhood Development Plan,

Submission Draft, August 2020

Purpose

1. NPPF (37) states: Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements as set out in para. 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
2. This Basic Conditions Statement has been prepared in support of the Preston Parish Council NDP as part of its submission to Cotswold District Council under Regulation 15 of the Town and Country Planning, England, The Neighbourhood Planning (General) Regulations 2012.
3. This Statement and the Neighbourhood Development Plan (NDP) has been prepared by the Preston Steering Group, acting on behalf of the Preston Parish Council (“the qualifying body”). The Preston Neighbourhood Development Plan is referred to in this document as the PNDP.
4. Regulation 15 is set out here:

Plan proposals

15.—(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- (b) a consultation statement;
- (c) the proposed neighbourhood development plan; and
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

5. This Consultation Statement addresses Regulation 15 (1)(a)(d).

6. Neighbourhood Development Plans must meet each of a set of basic conditions before it can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.:

(2)A draft order meets the basic 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**, and

(g)**prescribed conditions** are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

(3)Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.

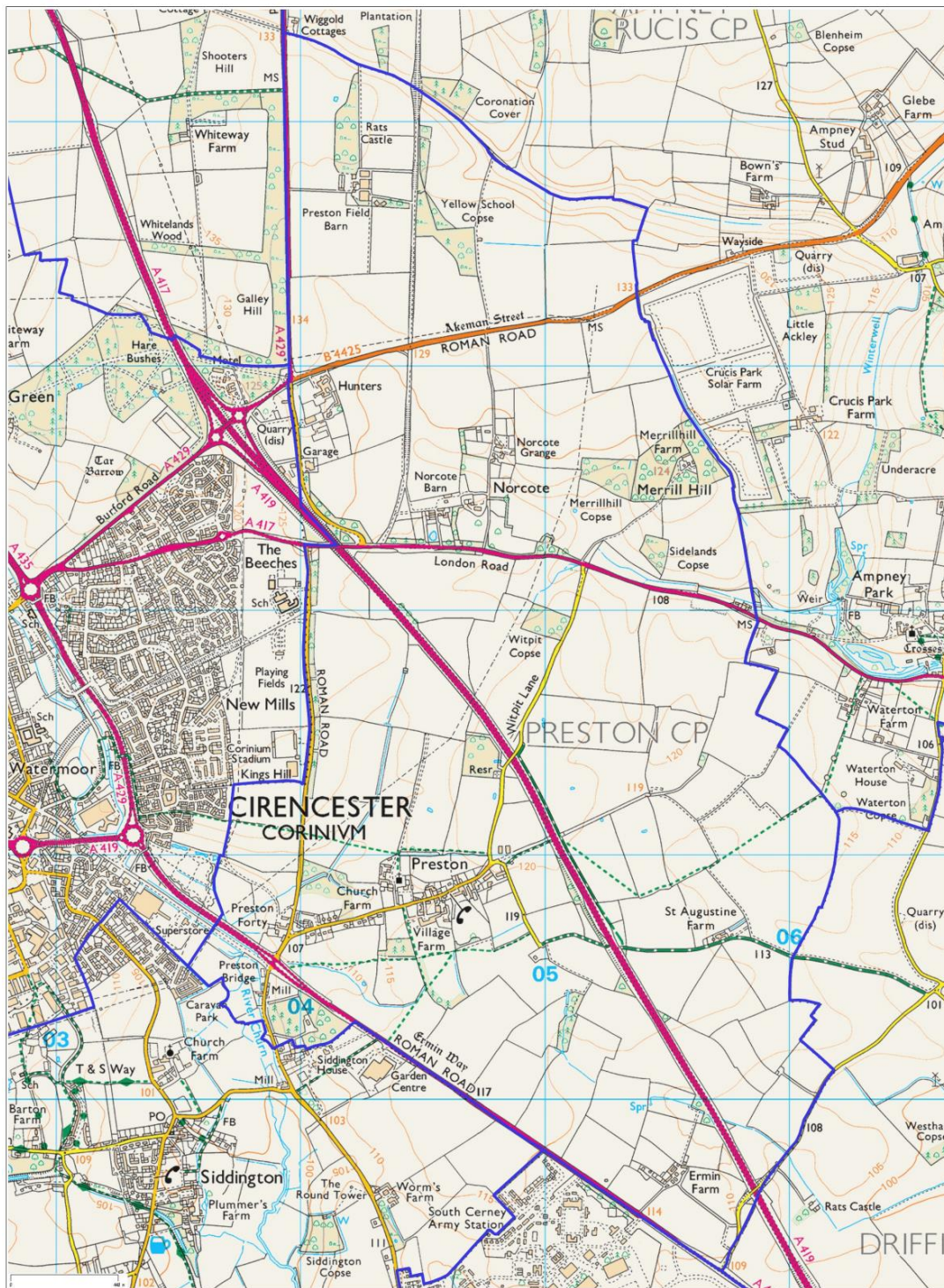
(4)Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.

(5)In this paragraph “ listed building ” has the same meaning as in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Legal Requirements

7. The Plan is submitted by Preston Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Preston Neighbourhood Development Plan Steering Group, which is overseen by the Parish Council.
8. The whole parish of Preston has been formally designated as a Neighbourhood Area. Cotswold District Council approved Preston parish as the NDP area under the Neighbourhood Planning Regulations 2012 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 on 17 May 2017.
9. **Figure 1** shows the extent of the designated neighbourhood area.
10. The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
11. The Plan identifies the period to which it relates as 2020 to 2036.
12. The Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
13. The Plan relates only to the parish of Preston. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

Figure 1: Map of Plan Area (Preston Parish)



The Basic Conditions

Having regard to national policies and advice contained in guidance issued by the Secretary of State

14. The Neighbourhood Plan has been prepared having regard to national policies, in particular those set out in the National Planning Policy Framework (NPPF - 2019) and the National Planning Practice Guidance (NPPG) suite. It is contended that the neighbourhood plan accords with the core Planning Principles at the heart of the NPPF.
15. **Table 1** provides a summary of how policies in the neighbourhood plan conform to the NPPF. The NPPF paragraphs set out are those considered most relevant. The table is not intended to be an exhaustive list of all NPPF policies.

Table 1		
PNDP Policy Number	NPPF Reference	Commentary
1: Preston Countryside and Landscape	13	This NDP supports delivery of strategic policies on development boundaries and development in the countryside, and with regard to landscape, design and heritage.
	17	The NDP identifies strategic policies DS1, DS2, DS3, EN5 and EN6 and works within their provisions
	18	The Policies in the NDP work within strategic policies and address non-strategic matters within the context of the Development Plan.
	28	This policy sets out detailed landscape and character provisions including conserving and enhancing the natural and historic environment.
	29	Strategic policies DS1, DS2 and DS3 restrict development outside development boundaries (where Preston lies) and therefore, this policy does not promote less development than set out in the strategic policies and does not undermine those policies.
	127c	The Character Assessment enables applicants to prepare proposals that are sympathetic to local character and history including the surrounding built environment and effective landscape setting.
	151a	The Character Assessment makes recommendations how renewable energy can be delivered in the parish.
	170a,b	The Character Assessment sets out clearly how the Preston landscape can be protected and enhanced and fully describes the character of the countryside including trees and woodland.
	180b	The Character Assessment considers existing noise and sets out protections regarding the feeling of tranquillity which forms an important part of local amenity.
2: Design	28	This policy sets out a locally defined design style and character for the village and seeks their protection in development decisions.
	124	Good design is a key aspect of sustainable development. This policy seeks to be clear about design expectations for development in the village and in the open countryside, taking account of the Cotswold Design Code.
	125	These are detailed considerations appropriate for the neighbourhood plan level of policy and have been developed by the local community.
	127c	“Design in Preston” defines local character and history to assist applicants to prepare good schemes.
	129	This policy and “Design in Preston” is a design tool for applicants.
3: Local Green Spaces	99-101	The local green spaces identified have met the provisions of this policy in their designation as demonstrated in the supporting text of the NDP.

4: Employment Land	80	This policy seeks to provide further protection (in addition to Development Plan policies) for this locally important employment area and to encourage small businesses in the countryside.
	83a	The policy seeks to retain rural businesses where possible and allow new businesses to become established in existing buildings.
5: Footpaths and cycle ways	102a,c	This policy considers existing deficiencies in the local walking and cycling network and provides clear advice on how this may be improved as part of future development.
	104d	This policy gives clear guidance on where sustainable transport improvements are required so that there is a clear understanding of how developer contributions will be sought where necessary.
6: Community Infrastructure	28	This is a non-strategic policy that considers the protection and provision of community infrastructure based on a detailed assessment of current provision.
	83d	This policy addresses the need for accessible local community facilities.
	92cd	This policy seeks to guard against the loss of community facilities and will allow them to develop and modernise.
7: Transport and Village amenity	108c	The policy addresses perceptions of highway safety.
	110c	This policy seeks to provide applicants with the ability to identify where conflicts with all road users may occur and provides a baseline for scheme proposals.
	127e	The policy seeks to provide a high standard of amenity.
	180a	The policy seeks to avoid additional noise caused by increased traffic levels resulting from new development.

Contributes to the achievement of sustainable development

16. The following sustainability assessment has been carried out to assess how the policies in the neighbourhood plan contribute positively to delivering sustainable development.
17. The definition of “sustainable development” is set out in NPPF para. 8 which describes its three overarching objectives: economic, social and environmental.
18. The plan will serve and balance all three economic, social and environmental objectives.
19. **Table 2** summarises the various sustainability outcomes of each policy in the neighbourhood plan.

Table 2 Sustainability outcomes: <ul style="list-style-type: none"> • Negative • Neutral • Positive 				
PNDP Policy Number	Economic Objective	Social Objective	Environmental Objective	Commentary
1: Preston Countryside and Landscape	Neutral	Positive	Positive	The policy seeks to protect and improve the countryside landscape and protect views. It supports the desire of the community to preserve its countryside and protects the unique character of Cirencester which is the District's principle settlement.
2: Design	Neutral	Positive	Positive	This policy will help provide a safe and well-designed environment and improvements to countryside management.
3: Local Green Spaces	Neutral	Positive	Positive	This policy ensures that important community assets are preserved to support a strong, vibrant and healthy community, and puts in place protections for valued green infrastructure.
4: Employment Land	Positive	Positive	Positive	This policy seeks to ensure that there remains employment for local people, thus reducing road miles.
5: Footpaths and cycle ways	Neutral	Positive	Positive	This policy seeks to encourage improvements to the walking and cycling network, reducing the village's carbon footprint and providing a recreational resource.
6: Community Infrastructure	Neutral	Positive	Positive	The village has limited community infrastructure, but some of this is green infrastructure so this policy supports both the provision of necessary space for social activities and healthy lifestyles, particularly for children.
7: Transport and Village amenity	Neutral	Positive	Positive	This policy seeks to foster a well-designed and safe built environment.

General conformity with the strategic policies in the development plan

20. The development plan for the Preston neighbourhood plan is the Cotswold District Local Plan (Adopted 3 August 2018). The NDP does not deal with any policies regarding minerals and waste and this analysis of the development plan will therefore not consider those policy areas.
21. Conformity with the Local Plan is shown in **Table 3** .

Table 3		
PNDP Policy Number	Local Plan policy	Commentary
1: Preston Countryside and Landscape	DS1	The development strategy does not consider Preston Parish. The NDP is therefore not in conflict with this policy.
	DS2	The Development Boundary excludes Preston Parish in its entirety.
	DS3	This policy would allow small-scale residential development in accordance with the policy provided that it respected the local landscape character. The provision of the NDP policy assists in considering clauses 1 a-d.
	DS4	This policy would allow small scale development in the village which would not be prevented by this NDP policy.
	H3/H5	It may be possible to allow rural exception sites or housing for rural workers in Preston Parish provided that the proposal respected its landscape character.
	EC5	Farm diversification can be done while adapting to and enhancing the local landscape character and there is no conflict between these policies.
	EC10	Provided that tourist facilities are sensitively designed, there is no obvious reason why they would not preserve and enhance the local countryside character, and if they were to become established, they would probably seek such enhancements as part of their business model.
	EC11	These are large scale developments and would probably not be suitable in Preston Parish under the strategic policies DS1-4, though it may be possible to provide conversions of existing buildings without causing any harm to the landscape character. Static Caravan and Holiday Parks would probably not be supported under this policy because their visual intrusion into the landscape would probably not be acceptable.
	EN1	This NDP policy sets out local considerations for EN1 and there is therefore no conflict.
	EN2	This NDP policy sets out local considerations for EN2 and there is therefore no conflict.
	EN4	This NDP policy sets out local considerations for EN4 and there is therefore no conflict.
	EN5	The Cotswolds AONB is fully supported in the Character Assessment.
	EN6	This policy is discussed in the Character Assessment but it not actually a designation in Preston Parish and therefore not directly relevant.

	EN7	The Character Assessment identifies and describes locally important trees, hedgerows and woodlands and sets out proposals how they may be enhanced.
	EN10	The Character Assessment considers the importance of local heritage assets, especially how the landscape informs their setting and vice versa.
	EN11	The Conservation Area is shown in the NDP and Character Assessment discussed in other NDP policies, and considers how the landscape informs its setting and vice versa.
	INF10	The Character Assessment considers the landscape impacts of renewable energy (solar) in the Parish and makes recommendations. Therefore, the policies are complementary.
2: Design	EC6	There exist rural buildings that may be suitable for conversion and this policy provides evidence on local design matters.
	EN1	This NDP policy sets out local considerations for EN1 and there is therefore no conflict.
	EN2	This NDP policy sets out local considerations for EN2 and there is therefore no conflict.
	EN4	This NDP policy sets out local considerations for EN4 and there is therefore no conflict.
	EN10	“Design in Preston” and the Character Assessment, and NDP supporting text discusses the conservation area and listed buildings. There is no conflict between these policies.
	EN11	“Design in Preston” and the Character Assessment, and NDP supporting text discusses the conservation area and listed buildings. There is no conflict between these policies.
3: Local Green Spaces	EN3	The Local Plan does not designate Local Green Spaces in Preston but under provision in the NPPF it is possible for the NDP to allocate them. There is therefore no conflict between the policies because they are complementary and provision 2 would apply to the spaces identified in the NDP.
	EC1	This policy is fully supported.
	EC2	This policy seeks to provide further support for the allocated employment sites in EC2. The wording of this policy has been discussed with the local planning authority to ensure that there is no conflict.
	EC3 (2)	EC3 (2) provides a strategic context for the local Policy 4 but it does not conflict with that policy.
	EC5	Rural diversification would be supported by this policy.

4: Employment Land	EC6	There may be rural buildings in the allocated Village Farm employment area that might be able to be converted under permitted development rights. The policy seeks to find a balance between permitted development rights and the need to protect existing local employment land and future residential amenity.
5: Footpaths and cycle ways	INF3	The NDP policy provides very local evidence of the sustainable transport improvements that will be required in Preston to encourage modal shift away from motorised travel.
6: Community Infrastructure	INF2	This NDP policy sets out local provision and requirement for the local plan policy and will aid in decision-making. There is no conflict between the policies.
7: Transport and Village amenity	EN15	This local plan policy specifically addresses the matters of noise, vibration and odour which in the policy is related to traffic impacts in the village. The policies are therefore complementary.
	INF4	This NDP policy provides local evidence how INF4 can be delivered and the two policies are complementary.

Does not breach and is otherwise compatible with EU Obligations

22. Preston Parish Council has provided Cotswold District Council with all the necessary information they reasonably require for the purposes of determining whether a Strategic Environmental Assessment (SEA) or an Appropriate Assessment is required.
23. Cotswold District Council issued a Screening Assessment in 2018 that concluded that a Strategic Environmental Assessment was not required in support of the NDP. The Screening Opinion is attached as a separate document.
24. The neighbourhood area is not in close proximity to any European site. As such a Habitats Regulation Assessment screening opinion was deemed unnecessary.
25. The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The main issues for planning in the context of human rights are: protection of property, right to respect for private and family life and prohibition of discrimination. The Plan complies with the requirements of the Human Rights Act 1998. All local landowners and businesses were specifically consulted in the preparation of the NDP and its policies.