

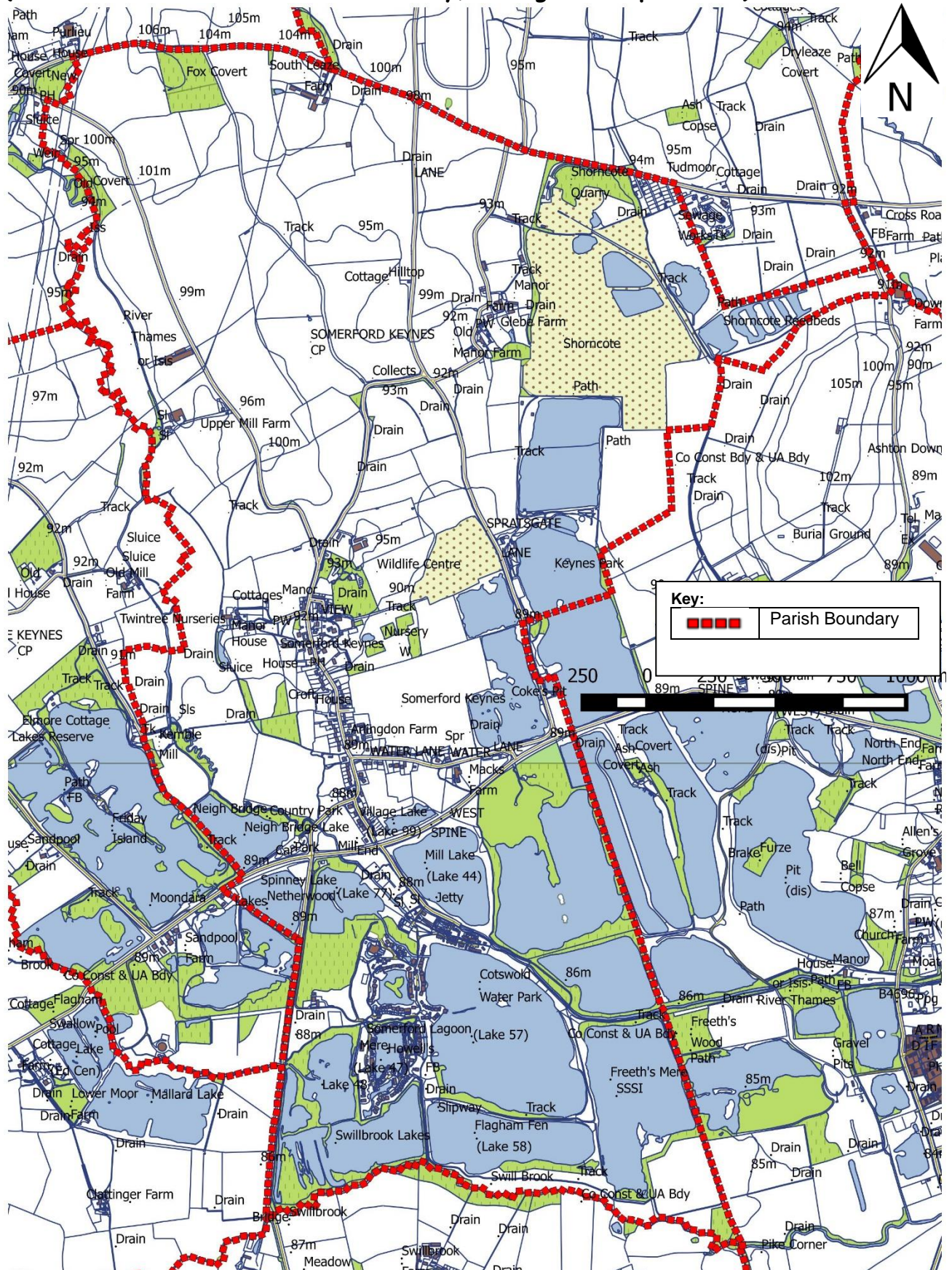
Somerford Keynes Neighbourhood Development Plan

BASIC CONDITIONS STATEMENT

1. This Basic Conditions Statement has been produced to explain how the proposed Somerford Keynes Neighbourhood Development Plan has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 (as amended). It also explains how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 are considered to have been met. This Statement of Conformity document outlines how the Somerford Keynes Neighbourhood Plan meets all these requirements.
2. The relevant local planning authority is Cotswold District Council (CDC).
3. The Neighbourhood Plan has been prepared and is submitted by Somerford Keynes Parish Council, a qualifying body, (Section 38A(12) of the Planning and Compulsory Purchase Act 2004) for the Neighbourhood Area covering the Parish of Somerford Keynes, as designated by Cotswold District Council on 18 July 2014 and as demonstrated in the map (overleaf) within the Neighbourhood Development Plan
4. The name of the neighbourhood area is the 'Somerford Keynes Neighbourhood Area'. It does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.
5. The decision to develop a Neighbourhood Plan was taken by the Parish Council after consultation with the local community and the consultation continued throughout the process of Plan development. The agreed purpose of the Plan was "To maintain and enhance a vibrant community which is an attractive location to live, work and visit." Thus, from the outset, the importance of securing local sustainability was at the heart of the process. The Policies detailed in the Plan take forward and provide local context and application to the Policies in the CDC Local Plan.

6. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. It is intended to cover the period 2015 to 2031, ensuring that its end-date is co-terminous with the CDC Local Plan.

Map of Area Designated for Somerford Keynes and Shorncote NDP (Land Contained Within Parish Boundary, Dating from April 2015)



7. 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 and amendments.
8. In order to conform with the basic conditions contained in the Regulations, the Neighbourhood Plan:-
 - Has regard to national policies and advice issued by the Secretary of State, including the National Planning Policy Framework 2018
 - Contributes to the achievement of sustainable development
 - Is in general conformity with the Local Plan for Cotswold District Council, the local planning authority.
 - Meets the requirement that neighbourhood development plans are compatible with EU obligations
9. The requirements for sustainable development in UK planning are set out in the NPPF 2018. This identifies the three dimensions to achieve sustainable development as economic, social and environmental. This Neighbourhood Plan contributes to sustainable development, reflecting the relevant aspects of the NPPF through its Policies and its purpose, as stated in Paragraph 5 above.
10. Thus, the social, economic and environmental aspects of planning have been addressed throughout the Plan, and should be viewed as contributing to the achievement of those objectives, in support of the CDC Local Plan. It is recognised that the direction and Policies within the Local Plan establish the general direction of land use, whilst it is the Neighbourhood Plan that interprets, evaluates and implements them within the local community. A Table showing the impact of proposed Policies on the three aspects of planning is included as an Annex to this Statement.
11. A fundamental requirement of the neighbourhood planning process is to determine the need for a Strategic Environmental Assessment. CDC completed the screening assessment in June 2016

and advised that an SEA was not required for this Plan. The relevant document is attached as Appendix 1 to this Statement.

12. A further requirement is determination of the need for a Habitats Regulations Screening Report. CDC completed the screening assessment in November 2018 and confirmed that an assessment under Regulation 105 of the Habitats Regulations 2012 is not required. This Report is attached as Appendix 2 to this Statement.

13. The CDC Local Plan 2011-2031 was in preparation during the development of this Neighbourhood Plan and was made on 3rd August 2018. Therefore, initial guidance was taken from the Emerging Local Plan and other interim documents, including "saved" Policies from the preceding Local Plan, until the new Local Plan was in place. This Neighbourhood Plan is consistent with the "strategic policies" of the Local Plan. It supports the delivery of those policies by ensuring the compatibility with them of local Policies tailored to the needs and aspirations of the local community.

14. Additionally, part of the Parish falls within the boundaries of the Cotswold Water Park. The Neighbourhood Plan is consistent with the Cotswold Water Park Master Plan in its recognition of the importance of maintaining habitats for rare and endangered species through specific Policies.

15. The Neighbourhood Plan is compatible with obligations and legislation resulting from the UK membership of the EU:-

- It has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.
- Confirmation has been sought from the local planning authority (Cotswold District Council) that the Somerford Keynes Neighbourhood Development Plan will not trigger a Strategic Environmental assessment. This was confirmed by CDC's screening assessment in June 2016. The confirmatory report is included as Appendix 1 to this Statement.

- Confirmation has been sought from the local planning authority (Cotswold District Council) that the Somerford Keynes Neighbourhood Development Plan does not require a Habitats Regulation Assessment Screening. CDC confirmed that this is not required as there is no European site within or close to the Plan area.

16. In light of this assessment of the Somerford Keynes Neighbourhood Plan, the Parish Council concludes that the Plan complies with the requirements of Schedule 4B para 8 the Town and Country Planning Act 1990.

ANNEX

The relationship between Policies in this Plan and the economic, social and environmental dimensions of sustainable development highlighted in NPPF para 7ff

Impact of Policies in the Somerford Keynes NDP on Sustainable Development

SKPOL	Economic	Social	Env'tal	Comment
1	✓	✓ ✓ ✓	✓ ✓	The Policy lies at the heart of supporting a sustainable community within the Parish, improving the population balance and the mix of housing, whilst retaining the essential character of the community.
2	✓	✓ ✓ ✓		Affords the opportunity for continuity of residents through the housing market, in face of evidence that existing residents would like the opportunity to downsize whilst remaining in the community. This would free up larger properties for families.
3	✓ ✓	✓ ✓	✓ ✓	Has a major impact on protecting over-exploitation of environmentally significant areas, whilst recognising the benefits to the local community of the holiday home development.
4	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓	By encouraging re-development of these sites in appropriate and sensitive ways, benefits accrue in all dimensions.
5	✓ ✓	✓	✓ ✓	Supporting development, within constraints, of a major local recreational facility should balance the economic benefits and negative impact on the locality.
6	✓	✓ ✓	✓ ✓	To improve communication links, encourage healthy activity and, potentially, reduce car usage for both work and recreation.
7		✓ ✓ ✓	✓ ✓ ✓	Communities and the environment should be as secure as possible from the risk of flooding, which potentially damages human and wildlife habitation.
8	✓ ✓ ✓	✓ ✓	✓	Improvements to the telecommunications infrastructure will be a major enhancement for the numerous homeworkers and small businesses, as well as improving general facilities.

9		✓✓✓		Maintenance of the limited existing facilities is essential to maintain and improve population balance.
10		✓✓✓	✓✓✓	The designated areas are important local amenities and this opportunity is taken to afford them further protection in the interests of the local community and the flora and fauna there.
11	✓	✓		Encourages the potential development of additional facilities for the benefit and well-being of the community.
12	✓✓	✓	✓	Reflects a community view that signage should be compatible with the local environment, whilst recognizing commercial imperatives.
13	✓	✓✓✓	✓✓✓	Emphasises the importance of visual context of the community, contributing to its well-being and the need to maintain its essential physical characteristics. This is what attracts visitors to the area.
14		✓	✓✓✓	Not only important in their own right, but also a key element of the local environment.
15			✓✓✓	The ecology survey facilitates the identification of all of the major sites that it should be protected.
16	✓	✓✓	✓✓	Acknowledges the special place of certain sites, which contribute to local well-being and attract visitor numbers. Development should not diminish their significance.

KEY

- ✓✓✓ = major contribution
- ✓✓ = significant contribution
- ✓ = minor contribution

APPENDIX 1

EXTRACT FROM THE STRATEGIC ENVIRONMENTAL ASSESSMENT ON THE SOMERFORD KEYNES PLAN - JUNE 2016

Conclusions

This determination has considered whether the Somerford Keynes Neighbourhood Plan is likely to lead to significant environmental effects as defined by Directive 2001/42/EC, the 'SEA Directive' and the transposing regulations. In particular, the review has considered environmental sensitivities located in the vicinity of the Neighbourhood Area and the potential environmental effects on these sensitivities that may arise as a result of the Neighbourhood Plan. This includes relating to potential negative effects on the North Meadow and Clattinger Farm SAC, the Cotswold Water Park SSSI, the groundwater SPZs underlying the Neighbourhood Area, the significant flood risk present in the area and the numerous historic environment designations present locally.

Whilst environmental effects (both positive and negative) have the potential to take place as a result of the Neighbourhood Plan, including in relation to the majority of the SEA 'topics', it is considered that these are unlikely to be significant in the context of the SEA Directive. In this context the significance of potential effects will be limited by 1) the SKNP not directly proposing employment or housing allocations 2) the provisions of the NPPF and the emerging Cotswold Local Plan and 3) the objectives and draft policy approaches proposed by the latest version of the SKNP.

For these reasons, it is considered that the Somerford Keynes Neighbourhood Plan is not subject to the requirements of Directive 2001/42/EC, the 'SEA Directive' and accompanying regulations.

Should the scope or nature of the SKNP change substantially through further revisions of the draft plan then this opinion should be revisited, but at present it is considered (to our best available knowledge, and on the basis of the evidence and draft document provided to us) that SEA is not necessary.

The full Strategic Environmental Assessment Screening Opinion can be found at:

http://www.somerfordkeynes.org.uk/index_htm_files/Somerford%20Keynes%20NP_SEA%20screening%20opinion_VO.1_060616.pdf

APPENDIX 2

EXTRACT FROM A HABITATS REGULATIONS ASSESSMENT SCREENING REPORT ON THE SOMERFORD KEYNES PLAN - NOVEMBER 2018

Conclusion

1.22 The table below is taken from the flow diagram of the 'Application of SEA Directive to plans and programmes' (A practical Guide to the SEA Directive, ODPM Sept 2005). Stage 4 (below) of this process formally questions the requirement for a HRA.

4 Will the PP, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.2(b)) - No

A District wide HRA Report for Cotswold District was prepared for the Local Plan process. The HRA Screening conclusions for the Local Plan were that a number of policies may result in significant effects on European Sites. These were considered further in Appropriate Assessment in 2017. This concluded that adverse effects on the integrity of any of the sites could be ruled out in relation to physical loss, damage to habitat, air pollution, increased recreation pressure, or in-combination effects with other development plans. It is not considered that the NDP proposals will affect a European site over and above the impacts identified in the HRA for the Local Plan.

Of the 8 Natura Sites looked at in the HRA Report, North Meadow and Clattinger Farm SAC (one of two areas) are the closest to Somerford Keynes Neighbourhood area, lying adjacent to both the Neighbourhood Plan area and Cotswold District boundary to the southwest.

In light of a recent ECJ³ ruling proximity or presence to a European site may trigger SEA if there is a potential impact, where mitigation measures *cannot* be used to conclude there is 'no significant effect'.

As the NDP does not allocate sites for development and in any case no mitigation policies are included in the Plan proximity (within 15km buffer⁴) of the SAC it is unlikely to have a significant effect and require Appropriate Assessment.

It is considered that the NDP will not affect the specified Natura 2000 site over and above the impacts identified in the HRA Report carried out for the Local Plan. Therefore a full Appropriate Assessment is not considered to be required for the NDP.

The HRA submitted alongside the Local Plan to Examination can be found here: <https://www.cotswold.gov.uk/media/1500069/Updated-HRA-Report-for-Local-Plan-Focussed-Changes.pdf>

1.23 As a result of the above assessment it is considered unlikely that there

will be any significant environmental effects arising from Somerford Keynes draft Neighbourhood Plan as submitted at the date of this assessment, that were not covered in the Appropriate Assessment of the Local Plan.

1.24 In addition there are no direct allocations proposed in the NDP and the impact of any potential development (in general conformity with the Local Plan) is expected to be localised and minimal and therefore not significant. A lack of activities that could have a potential impact, and therefore have minimal effects, is considered unlikely to lead to additional pressures on the SAC.

1.25 The Screening Report was provided to Natural England for their opinion. The 5 week consultation period ended on 16th November 2018, with no comments being raised. (See their response Appendix 3).

1.26 Based on the Screening Report and taking into account the response from Natural England, it is **determined** in accordance with Regulation 106(1) of the Habitats Regulations by Cotswold District Council as the 'competent authority,' that an 'appropriate assessment' under Regulation 105 is not required.

1.27 If issues and proposals in the Neighbourhood Plan should change then a new screening may need to be undertaken. New development proposals in Somerford Keynes will be determined in line with the Local and Neighbourhood Plans, and may individually require screening for Environmental Impact Assessment (EIA) based on their type, scale and location.

The full Habitats Regulations Assessment Screening Report can be found at:

http://www.somerfordkeynes.org.uk/index_htm_files/Habitats%20Regulations%20Assessment%20Screening%20Report%20SK%20v3%20Determination.pdf