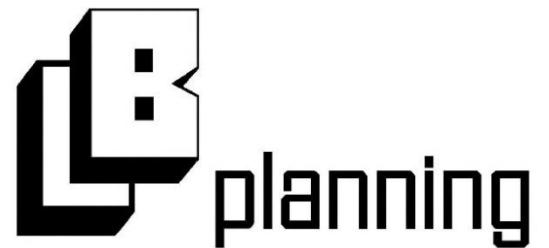


South Cerney Neighbourhood Development Plan

BASIC CONDITIONS STATEMENT

April 2021



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Abbreviations used in this Report

Cotswold District Council is abbreviated to 'Cotswold DC'

Cotswold District Local Plan 2011-31 is abbreviated to 'CDLP'

Habitats Regulations Assessment is abbreviated to 'HRA'

Local Green Space is abbreviated to 'LGS'

Strategic Environmental Assessment is abbreviated to 'SEA'

South Cerney Neighbourhood Plan is abbreviated to 'the Plan' or 'SCNP'

1. Legal Requirements

1.1 This Statement has been commissioned from LB Planning by South Cerney Parish Council, to accompany its submission of the South Cerney Neighbourhood Plan (SCNP) to Cotswold DC, the local planning authority (LPA). This Statement meets the requirements of submission of a neighbourhood plan as set out in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”). No other neighbourhood plan has been submitted for the neighbourhood area.

1.2 The Neighbourhood Plan has been prepared by a steering group on behalf of the South Cerney Parish Council, the qualifying body for the Neighbourhood Area covering the Parish of South Cerney Neighbourhood area, as designated by Cotswold DC on the 10th March 2016.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends from until the end of 2031 and it does not contain policies relating to excluded development in accordance with the Regulations. Thus the SCNP meets the general legislative requirements of paragraph 8 (1) of Schedule 4B to the Town and Country Planning Act 1990.

1.4 This Statement addresses each of the four ‘Basic Conditions’ relevant for neighbourhood plans, as defined in paragraph 8 (2) of Schedule 4B to the 1990 Town & Country Planning Act, and explains how the Neighbourhood Plan complies with these Basic Conditions. An additional proscribed Basic Condition was introduced by the Habitats and Species Regulations 2017 and is also now relevant for neighbourhood plans. Any consequences of this for the SCNP are discussed in Section 6 below. Exit from the EU has not altered the requirement to comply with EU obligations.

1.5 The legislation states that a Neighbourhood Plan will be considered to have met the basic 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.
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

2. Introduction and Background

2.1 The Parish council began working on a Neighbourhood Plan in 2016. Working with the local community, a pre-submission draft Plan was produced for the formal the six week consultation, as required by Reg14 of the Neighbourhood Plan Regulations 2012 (NP Regs 2012). This consultation ran from the 14th September to 6th November 2020, including an extra week due to the ongoing pandemic.

2.2 Responses from this consultation have been considered, and some changes made to the policies in the Neighbourhood Plan as a result: detailed in the Consultation Statement. The Plan is now ready to be submitted to Cotswold DC, the Local Planning Authority. As required by the Regulations; the submission of the Neighbourhood Plan to the Local Planning Authority is accompanied by this Basic Conditions Statement, a Consultation Statement, a plan showing the neighbourhood area and the results of the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion.

3. Conformity with National Planning Policy

3.1 The SCNP has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF 2019). It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 and updated thereafter in respect of formulating neighbourhood plans.

3.2 Set out in Table 1 below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1: Conformity of the Neighbourhood Plan (SCNP) policies to the NPPF

SCNP Policy	NPPF paragraph	Comment on conformity
Policy SC1: Design Guidelines	124, 125	The NPPF states that neighbourhood plans have an important role in identifying an area's special qualities.
Policy SC2: Areas of Separation	125, 127	Maintaining the separate setting and character of South Cerney is supported by the NPPF.
Policy SC3: Home Working	81, 83	Encouraging flexible working practices and appropriate rural tourism are the subject of these NPPF policies.
Policy SC4: Local Employment	84, 103	The NPPF promotes development that limits the need to travel and rural employment.

SCNP Policy	NPPF paragraph	Comment on conformity
Policy SC5: Employment development outside DB	83c	Employment development is required to respect the character of the countryside in rural areas.
Policy SC6: Holiday Accommodation	91, 98	The NPPF promotes improving access and rights of way networks for the health and well-being of communities. A network of paths is a sustainable tourist attraction.
Policy SC7: Non-residential Tourist Facilities	83, 100	Tourism is an important part of the South Cerney economy. However part of the attraction of many of the lakes is their tranquillity. The NPPF recognises tranquillity as a planning issue (for example as a reason for designating Local Green Space), and Policy SC7 protects where appropriate tranquillity.
Policy SC8: Open Spaces	91, 96, 97	Maintaining good recreational facilities is important for community health and social cohesion.
Policy SC9: Community Facilities	92	The NPPF states that communities should protect their facilities and guard against unnecessary loss.
Policy SC10: Local Ecology Sites	170-1, 174	The NPPF recognises the importance of local sites for biodiversity, and need to identify local sites in plans.
Policy SC11: Local Green Spaces	99 - 101	Neighbourhood plans may designate LGS.
Policy SC12: Local Heritage Assets	184-5.	The NPPF recognises the importance of local heritage assets, and Historic England provides guidance on how neighbourhood plans may designate non-listed assets.
Policy SC13: Clark's Hay Garage	124-5, 201	Good design is promoted, and identifying opportunities for improvement are encouraged, including in conservation areas.
Policy SC14: Flooding	149, 150	South Cerney is a sensitive location for flood risk, and climate change is likely to increase the risk. The NPPF recognises the need to manage risk carefully.
Policy SC15: Renewable Energy	148	Support for low carbon technologies is promoted.
Policy SC16: Sustainable Travel	91, 98, 102	The NPPF promotes improving access and rights of way networks for the health and well-being of communities. A network of paths is a sustainable tourist attraction and encourages walking and cycling as a travel mode.
Policy SC17: Light Pollution	180c	The NPPF recognises the need to limit light pollution particularly in sensitive rural locations.

4. General conformity with the strategic Policies of the development plan

4.1 Neighbourhood planning is not permitted to deal with issues to do with waste, mineral and strategic infrastructure planning, so-called excluded development. The development plan for Cotswold District, not including policy documents dealing with excluded development is the Cotswold District Local Plan 2011-31 (CDLP), adopted August 2018. The Neighbourhood Plan has therefore been prepared to ensure its general conformity with the CDLP as it relates to South Cerney.

4.2 Table 2 below sets out how each policy is in general conformity with policies in the CDLP.

Table 2: Conformity of Neighbourhood Plan policies with the strategic development plan policies

NDP Policy	CDLP policy	Comment on conformity
Policy SC1: Design Guidelines	Appendix D, EN2	The policy references the design guidance included within the CDLP and adds the requirement that attention is paid to the local Character Assessment.
Policy SC2: Area of Separation	EN4	South Cerney is an historic village, and its setting is vulnerable to gradual coalescence with Siddington and Cirencester in the north of the parish. Policy EN4 of the CDLP recognises the importance of protecting the setting of settlements.
Policy SC3: Home Working	EC1, EC3	Policy SC3 follows policy in the CDLP and adds local detail specifically for the rural areas of the Parish.
Policy SC4: Local Employment	Vision & INF3	The CDLP vision aims to create more sustainable communities and Policy SC4 aims to promote the reduction of unsustainable travel.
Policy SC5: Employment development outside DB	EC3	Policy SC5 follows policy in the CDLP and adds local detail that has particular regard to the rural environment and economic importance of the residential tourist development in the Parish.
Policy SC6: Holiday Accommodation	EC11, S8	The need for better sustainable travel routes is recognised in policy S8 as enhancing tourism opportunities as well as promoting sustainable travel in South Cerney.
Policy SC7: Tourist Facilities	SP5, EN4, EC10	Policy SC7 adds detail to the requirement in SP5 that the Water Park's 'sense of place' be reinforced. Policy EN4 in the CDLP requires development not to have a detrimental impact on the tranquillity of the countryside.
Policy SC8: Open Spaces	INF2	Policy SC8 details the open space community infrastructure in the Parish giving local detail to the CDLP policy INF2. Besides supporting the protection of the CDLP, it introduces the need to consider impact on residential amenity.
Policy SC9: Community Facilities	INF2	Policy SC9 lists the built community infrastructure, similarly providing local detail to policy INF2.

NDP Policy	CDLP policy	Comment on conformity
Policy SC10: Local Ecology Sites	EN7-9	The CDLP recognises the need to protect where possible local biodiversity and other valuable natural assets. Policy SC10 provides details of local sites requiring protection and specific mention. Sites of national and higher importance are protected adequately in the CDLP already.
Policy SC11: Local Green Spaces	EN3	The CDLP has designated two sites for LGS status; the local view is that these should be supplemented by a further two sites equally worthy of designation. They are important areas of open space within the Conservation Area and part of the historic landscape of the village.
Policy SC12: Local Heritage Assets	EN12	Policy EN12 and the linked Table 6 sets out criteria for local listing of heritage assets, and Policy SC12 sets out the buildings and features that the SCNP considers worthy of designation as locally listed heritage assets.
Policy SC13: Clark's Hay Garage	EN11a	It is considered that appropriate re-development of this site would enhance the Conservation Area, as supported by Policy EN11 of the CDLP.
Policy SC14: Flooding	EN14	Policy SC14 provides the local detail for policy EN14 with links to the evidence base detailing the particular vulnerability of South Cerney to flooding. Where appropriate, further measures and controls will be needed to alleviate flood risk in the village.
Policy SC15: Renewable Energy	INF10	Policy SC15 adds local detail to policy INF10 and has general local support.
Policy SC16: Sustainable Travel	INF3	Policy INF3 promotes active travel improvements including links to the Public Rights of Way network. Policy SC16 gives details on potential active travel projects that are priorities for the local community.
Policy SC17: Light Pollution	EN2, EN4	The Cotswold DC does not mention light pollution, but in line with the NPPF, Policy SC17 requires development to keep light pollution to a minimum. This preserves a view of the night sky and maintains the village character of South Cerney in line with Policy EN2 and EN4.

5. Contribution to Achieving Sustainable Development

5.1 A Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development.

5.2 The vision of the Neighbourhood Plan includes a commitment to enhance sustainability “by developing a stronger network of facilities and services, whilst ensuring that the character and landscape is conserved and enhanced”.

5.3 Table 3 below has assessed our plan’s policies in terms of how it will deliver sustainable development in the economic, social and environmental aspects of sustainability. It shows that the plan’s policies are normally positive or neutral in impact on all three aspects. Where they are not, a decision has been taken about the greater benefit of the proposal in terms of another aspect of sustainability.

Table 3: Assessment of sustainability of Neighbourhood Plan policies

Policy no. and title	Economic factors	Social factors	Envirnmtl factors	Comments
Policy SC1: Design Guidelines	*	*	–	Good design can boost economic attractiveness of assets
Policy SC2: Areas of Separation	x	**	**	There is a slight adverse impact on development but social and environmental gain.
Policy SC3: Home Working	**	*	–	
Policy SC4: Local Employment	–	**	*	Working locally reduces commuting traffic
Policy SC5: Employment development outside DB	x	*	**	
Policy SC6: Holiday Accommodation	–	**	*	Potential new links to the lakes is a social advantage.
Policy SC7: Tourist Facilities	*	*	–	Local visitors would benefit.
Policy SC8: Open Spaces	–	**	*	
Policy SC9: Community Facilities	–	**	–	
Policy SC10: Local Ecology Sites	–	*	**	
Policy SC11: Local Green Spaces	–	**	**	
Policy SC12: Local Heritage Assets	*	*	*	Protecting the heritage of South Cerney makes the village more attractive to tourists
Policy SC13: Clark’s Hay Garage	*	*	*	This policy encourages greater economic use of the site as well as visual improvement.
Policy SC14: Flooding	–	**	*	
Policy SC15: Renewable Energy	–	*	**	
Policy SC16: Sustainable Travel	–	**	**	Better Active travel routes are a health and social benefit as well as an environmental benefit.
Policy SC17: Light Pollution	–	**	**	

Scale used: ** very positive * positive – neutral x negative xx very negative

6. Compatibility with EU Obligations and legislation

6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 A screening decision was issued by Cotswold DC in November 2018, following consultation on a Screening Opinion with the relevant national bodies. This advised that:

“2.44 It is considered the South Cerney Neighbourhood Plan does not require a full SEA or HRA to be undertaken.”

The Plan has not significantly altered since this determination was made and so it is still current and an accurate statement of environmental impact.

6.3 The Screening Report also states:

“2.47 In accordance with Regulation 106(1) of the Habitats Regulations, Cotswold District Council, as the ‘competent authority,’ also does not consider that an ‘appropriate assessment’ under Regulation 105 is required.”

Thus the proscribed Basic Condition introduced by the Habitats and Species Regulations 2017 (as amended) has also been met.

7. References

National Planning Policy Framework 2019

National Planning Policy Guidance (2014 and updated)

Neighbourhood Planning Regulations 2012 as amended

Cotswold District Local Plan 2011-31, Adopted August 2018

South Cerney Neighbourhood Plan Submission Version dated April 2021