

## **Down Ampney Neighbourhood Development Plan**

### **Basic Conditions Statement**

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

June 2023

## **Contents**

<b>1.0</b>	<b>Introduction</b>	<b>page 3</b>
<b>2.0</b>	<b>Legal Requirements</b>	<b>page 4</b>
<b>3.0</b>	<b>Basic Conditions</b>	<b>page 5</b>

## 1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions 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. The basic conditions are:

*a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*

*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. This applies only to Orders.*

*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. This applies only to Orders.*

*d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*

*e. the making of the order (or neighbourhood 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). <https://www.gov.uk/guidance/neighbourhood-planning--2 - General-conformity-with-strategic-policies>*

*f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

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

1.2 This Basic Conditions Statement sets out how the Down Ampney Neighbourhood Development Plan (DANDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the DANDP independent Examiner.

---

<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **2.0 Legal Requirements**

### **2.1 The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Down Ampney Parish Council. In October 2018, Down Ampney Parish Council submitted an application for the parish boundaries to be designated as a neighbourhood area. Under the Neighbourhood Planning Regulations 2016, this area was automatically approved, without need for consultation or decision (<https://www.cotswold.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/neighbourhood-plans-in-development/>).

### **2.2 What is being proposed is a neighbourhood development plan**

The plan being proposed relates to planning matters (the use and development of land) and has 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 subsequent amendments.

### **2.3 The proposed neighbourhood plan states the period for which it is to have effect**

The DANDP states the period for which it is to have effect. That period is from 2022-2031 (the end date for the plan period being the same as the Cotswold District Local Plan ([Local Plan \(https://www.cotswold.gov.uk/planning-and-building/planning-policy/local-plan-2011-to-2031/\)](https://www.cotswold.gov.uk/planning-and-building/planning-policy/local-plan-2011-to-2031/))).

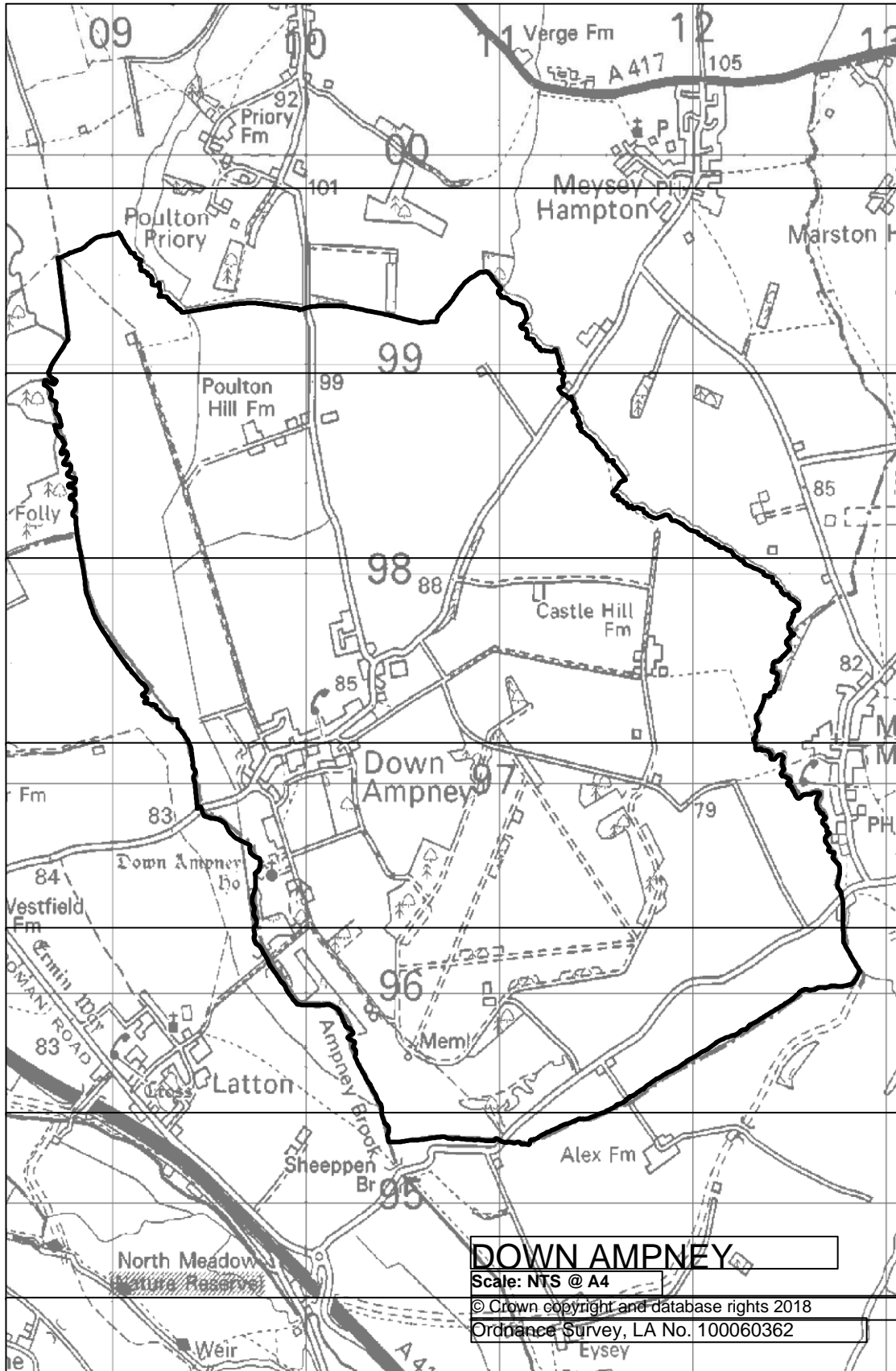
### **2.4 The policies do not relate to excluded development**

The DANDP 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.

### **2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

The DANDP relates to the designated Down Ampney neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Town Council at the time of the designation and is shown on Map 1.

**Map 1. Designated Neighbourhood Area** (Source: Cotswold District Council ([link](#)))



### 3.0 Basic Conditions

**Basic Condition a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan**

3.1 The DANDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, July 2021)<sup>2</sup>.

**Achieving Sustainable Development (NPPF, section 2)**

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has three overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the DANDP delivers the 3 overarching Objectives in the NPPF:

**Table 1 Delivering Sustainable Development**

NPPF Overarching Objectives	DANDP Policies and Proposals
<p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p>	<p>The DANDP supports this overarching objective of the NPPF in the following ways:</p> <ul style="list-style-type: none"> <li>• Policy CP1 seeks to protect the area’s community facilities. These include the village shop and the Village’s Post Office.</li> <li>• The DANDP includes a suite of housing policies these support housing growth of suitable scale and design and seek affordable housing. Housing development secures economic benefits through the construction process.</li> </ul>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	DANDP Policies and Proposals
	<ul style="list-style-type: none"> <li>• The DANDP also includes a number of non-planning recommendations. These recommendations have an economic dimension:                             <ul style="list-style-type: none"> <li>▪ IR2 seeks improvements to public transport. If secured such improvements, particularly for those without access to a private car, will allow people to travel to work;</li> <li>▪ ER1 identifies the potential for the Parish Council open dialogue with The Wellcome Trust about the potential for developing Castle Hill Farm into a small business centre;</li> <li>▪ ER2 identifies the need to improve public information about the area’s tourist attractions, increased visitor numbers could help underpin the local economy; and</li> <li>▪ HR1 sets out the need to improve dialogue between all actors in the planning process to improve development management.</li> </ul> </li> </ul>
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>The DANDP includes the following policies that support the NPPF’s overarching social objective:</p> <ul style="list-style-type: none"> <li>• Policy CP1 of the DANDP seeks to protect the area’s existing community facilities, these include:                             <ul style="list-style-type: none"> <li>▪ Village Hall</li> <li>▪ Village Shop</li> <li>▪ Post Office</li> <li>▪ All Saints’ Church</li> <li>▪ Multi-use Games Area</li> <li>▪ Children’s playground</li> <li>▪ Football Club and pitch</li> </ul> </li> </ul>

NPPF Overarching Objectives	DANDP Policies and Proposals
	<ul style="list-style-type: none"> <li>▪ Community garden</li> <li>▪ Tennis courts</li> <li>• The DANDP includes a suite of housing policies these support housing growth of suitable scale and design (Policies HP1 to HP3).</li> <li>• DANDP Policy HP4 seeks to protect and enhance the area’s green infrastructure (GI) network – one of the benefits of GI is the access it provides to the local countryside for informal recreation.</li> <li>• The DANDP also includes a number of non-planning recommendations. These recommendations have a social dimension: <ul style="list-style-type: none"> <li>▪ Recommendations IR1 And IR2 seek to improve road safety and public transport respectively;</li> <li>▪ Recommendation CR1 seeks to create more permissive footpaths and bridleways and to encourage landowners to improve maintenance of existing and new routes. Such action would support Policy HP4 of the DANDP; and</li> <li>▪ Recommendation HR1 sets out the need to improve dialogue between all actors in the planning process to improve development management.</li> </ul> </li> </ul>
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The DANDP meets the overarching national policy environmental objective through:</p> <ul style="list-style-type: none"> <li>• Protecting Notable Vistas (Policy LP1).</li> <li>• Designating a Local Green Space in the centre of the village (Policy LP2).</li> </ul>



NPPF Overarching Objectives	DANDP Policies and Proposals
	<ul style="list-style-type: none"> <li>• Through Policy IP1 and IP2 seeking to ensure drainage is adequate and waste water disposal sufficient to support future needs.</li> <li>• Policy HP1 and Policy HP3 will help to support good design.</li> <li>• Policy HP4 protects the area’s GI.</li> <li>• The DANDP also includes a number of non-planning recommendations. These recommendations have an environmental dimension:                         <ul style="list-style-type: none"> <li>▪ Recommendation IR3 seeks to ensure that owners and responsible authorities carry out their maintenance of the ditches and pipes and thereby help with drainage issues.</li> <li>▪ Recommendation CR1 seeks to create more permissive footpaths and bridleways and to encourage landowners to improve maintenance of existing and new routes. Such action would support Policy HP4 of the DANDP.</li> <li>▪</li> </ul> </li> </ul>

**Plan Making (NPPF, section 3)**

3.4 In Section 3 Plan Making, the NPPF sets out that six principles that plans should address. Table 2 sets out how the DANDP addresses each of these in turn.

**Table 2 Plan Making**

NPPF Plan Making	DANDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	How the DANDP meets this principle of NPPF is set out in Table 1 of this document.

NPPF Plan Making	DANDP
<p>b) be prepared positively, in a way that is aspirational but deliverable;</p>	<p>The DANDP has been prepared positively and is aspirational and deliverable. This is clear from the DANDP Vision:</p> <p style="padding-left: 40px;">“Down Ampney will retain a balance of historical buildings and features alongside sympathetic newer developments. The rural roots of the village will be recognised by ensuring that any development respects the vernacular and maintains its close connection with the surrounding countryside. The vibrant community spirit of the parish will remain an important attribute. Sustainability will be improved by developing a stronger network of facilities and services, whilst ensuring that the character and landscape is conserved and enhanced.”</p> <p>The DANDP will sit alongside the Cotswold District Local Plan and provides local, non-strategic planning policies that will help deliver this Vision.</p> <p>The DANDP includes 9 planning policies that are thoroughly evidenced and are deliverable. This suite of policies will help to achieve the DANDP Vision by:</p> <ul style="list-style-type: none"> <li>• Protecting key environmental assets (vistas, a local green space, green infrastructure);</li> <li>• Improving drainage and waste water management;</li> <li>• Protecting key community facilities; and</li> <li>• Promoting better design and affordable housing;</li> </ul>

NPPF Plan Making	DANDP
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	The DANDP is underpinned by a significant amount of community engagement. This has been early, proportionate and has included local residents, businesses, local organisations, the District Council and key agencies. The submitted Consultation Statement includes a full summary of the work undertaken.
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The DANDP's policies are clearly written and unambiguous and the policy and supporting text sets out how decision makers should use the policies.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	Throughout the DANDP's preparation, digital tools have been used. These include the Parish Council website; social media; Zoom meetings (during the Covid-19 pandemic); subsequent hybrid (in-person/Zoom) meetings; facility to make email responses and representations with electronic attachments.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The DANDP policies serve a clear purpose. This is set out in the supporting text accompanying each policy in the DANDP. The DANDP avoids duplication of policies at a national level and at the strategic level as contained in the Cotswold Local Plan.

**The Plan Making Framework (NPPF, section 3)**

- 3.5 Paragraph 18 of the NPPF sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The DANDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Cotswold District Local Plan.

**Non-strategic policies (NPPF, Section 3)**

- 3.6 Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. The DANDP does not undermine the strategic planning policies for Cotswold District. The DANDP seeks to set more local non-strategic policies to tackle local issues to help retain the area's local identity and distinctiveness, through both policies in the DANDP and the accompanying Down Ampney Design Guidance and Codes document.
- 3.7 Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

**Delivering a sufficient supply of homes (NPPF, section 5)**

- 3.8 Paragraph 66 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The Cotswold District Local Plan Policy DS1 Development Strategy sets a minimum housing requirement of 8,400 dwellings for the period 2011-2031. To meet this requirement sufficient land will be allocated in identified Principal Settlements, including Down Ampney. The Local Plan allocates 3 development sites in Down Ampney to help meet the DS1 policy requirement, there is no need and the DANDP does not seek to modify strategic planning policy.

**Promoting healthy and safe communities (NPPF, section 8)**

- 3.9 Paragraph 92 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The DANDP meets this section of national planning policy in a number of ways: by designating a Local Green Space (Policy LP2); green infrastructure (Policy HP4); protecting vital community facilities (Policy CP1); and by promoting good design (Policy HP3).

**Promoting sustainable transport (NPPF, section 9)**

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 104). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 106d of NPPF sets out that planning policies should provide for attractive and well-designed walking and cycling networks and supporting facilities such as cycle parking.

The DANDP does not include a planning policy on transport issues but does include supporting non-planning recommendations on road safety and public transport.

**Achieving well-designed places (NPPF, section 12)**

- 3.11 Paragraph 126 explains that creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 goes on to say that design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

The DANDP will help to achieve well-designed places through the design aspects of the policies it contains and through the plan-wide design policy (Policy HP3) and the accompanying Design Guidance and Codes.

**Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)**

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 152).

The DANDP supports this aspect of national planning policy by supporting good design (Policy HP3) and policies on drainage (Policy IP1) and waste water (Policy IP2).

**Conserving and enhancing the natural environment (NPPF, section 15)**

- 3.13 Paragraph 174 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside.

The DANDP meets this aspect of national planning policy by seeking to protect notable vistas (Policy LP1) designating a Local Green Spaces (Policy LP2) and by protecting green infrastructure (Policy HP4).

**Conserving and enhancing the historic environment (NPPF, section 16)**

- 3.14 Paragraph 189 advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

The DANDP has had full regard to the area's historic environment (including listed buildings (section 8.5 of the DANDP) and Conservation Area (Figure 4.2 of the DANDP)). The plan's design policy (Policy HP3) and accompanying Design Guidance and Code will help to conserve the historic environment.

**Basic condition b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest**

- 3.15 The DANDP took account of designated heritage assets during its preparation, including those assets listed on the National Heritage List for England.  
*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area**

- 3.16 The neighbourhood area includes a Conservation Area (Figure 4.2 of the DANDP). This was taken account of in the preparation of the DANDP.  
*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition d. Contributes to the achievement of sustainable development**

- 3.17 The Submission DANDP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

**Basic condition e. In general conformity with strategic local planning policy**

3.18 The Submission DANDP is in general conformity with strategic Local Plan policies contained in the Core Strategy and those policies still of relevance in the Cotswold District Local Plan 2011-2031 (CDLP). Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the development plan.

**Table 3 General Conformity with Strategic Planning Policies in the development plan for Cotswold District**

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p><b>Policy LP1 Notable Vistas</b></p> <p>The notable vistas (identified on Figure 4.6) should be conserved.</p> <p>Development affecting the notable vistas should be designed in such a way so as not to have a significant adverse impact on their visual quality and amenity.</p> <p>Where such an impact is identified, applicants may have to demonstrate, through a Landscape Visual Impact Assessment, how these impacts have been identified, the degree of impact and how negative impacts can be avoided or mitigated.</p>	<p><b>Policy EN1 BUILT, NATURAL AND HISTORIC ENVIRONMENT</b></p> <p>New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:</p> <ul style="list-style-type: none"> <li>a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;</li> <li>b. contributing to the provision and enhancement of multi-functional green infrastructure;</li> <li>c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;</li> <li>d. seeking to improve air, soil and water quality where feasible; and</li> <li>e. ensuring design standards that complement the character of the area and the sustainable use of the development.</li> </ul>	<p>Policy LP1 is a non-strategic policy that seeks to protect identified notable vistas in general conformity with the CDLP natural environment (Policy EN1) and landscape (Policy EN4) policies. Policy EN1 seeks to protect and enhance natural environment assets, the identified vistas are natural assets of Down Ampney. Policy LP1 is also in general conformity with the CDLP's wider natural and historic landscape policy that supports development that does not have a detrimental impact on the District's natural and historic lands, including the landscape's visual quality. Policy LP1 identifies notable vistas in the Down Ampney neighbourhood area and will sit alongside strategic planning policy and assist in the development management process through the identification of the notable vistas and how they should be treated in decision-making.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p><b>Policy EN4 THE WIDER NATURAL AND HISTORIC LANDSCAPE</b></p> <p>1. Development will be permitted where it does not have a significant detrimental impact on the natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas.</p> <p>2. Proposals will take account of landscape and historic landscape character, visual quality and local distinctiveness. They will be expected to enhance, restore and better manage the natural and historic landscape, and any significant landscape features and elements, including key views, the setting of settlements, settlement patterns and heritage assets.</p>	
<p><b>Policy LP2: Local Green Space</b></p> <p>The area (area 1) shown on Figure 4.7 is designated as Local Green Space.</p> <p>In accordance with policy EN3 in Cotswold District Local Plan 2011-2031, development will only be permitted within a Local Green Space where there are very special circumstances, which outweigh the harm to the Local Green Space. Particular attention will be paid to the evidence presented by the local community when assessing development proposals that are likely to affect a designated Local Green Space.</p>	<p><b>Policy EN1 BUILT, NATURAL AND HISTORIC ENVIRONMENT</b></p> <p>New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:</p> <p>a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;</p> <p>b. contributing to the provision and enhancement of multi-functional green infrastructure;</p>	<p>Policy LP2 is in general conformity with Policy EN1 of the CDLP that seeks to protect, conserve and enhance the natural environment, including existing natural environmental assets and multi-functional green infrastructure.</p> <p>The CDLP includes Policy EN3 Local Green Spaces, whilst such a space is not identified in Down Ampney the CDLP acknowledges that “Local Green Spaces can be designated through the local plan or through neighbourhood plans.” (CDLP, paragraph 10.3.1).</p>



DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p>c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;</p> <p>d. seeking to improve air, soil and water quality where feasible; and</p> <p>e. ensuring design standards that complement the character of the area and the sustainable use of the development.</p> <p><b>Policy EN3 LOCAL GREEN SPACES (extract)</b></p> <p>1. The following areas are designated as Local Green Spaces...</p> <p>...2. Development will only be permitted within a Local Green Space where there are very special circumstances, which outweigh the harm to the Local Green Space. Particular attention will be paid to the evidence presented by the local community when assessing development proposals that are likely to affect a designated Local Green Space.</p> <p><b>Policy EN11 HISTORIC ENVIRONMENT: DESIGNATED HERITAGE ASSETS - CONSERVATION AREAS</b></p> <p>Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:</p>	<p>The designation of the Local Green Space (area 1) is also in general conformity with the CDLP policy for Conservation Areas (Policy EN11). This policy seeks to “<i>preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features</i>”; and where development “<i>will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area</i>”.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p>a. preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;</p> <p>b. include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;</p> <p>c. will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area;</p> <p>d. have regard to the relevant Conservation Area appraisal (where available); and</p> <p>e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.</p>	
<p><b>Policy IP1 Drainage</b></p> <p>For developments of more than 5 dwellings, developers shall demonstrate that the existing drainage serving the site is sufficient to take additional site run-off or, if this cannot be demonstrated, the proposal shall include drainage measures to deal with the identified site run-off. In showing that existing and future site run-off can be adequately dealt with applicants will be expected to demonstrate that</p>	<p><b>Policy EN14 MANAGING FLOOD RISK</b></p> <p>1. Development proposals must avoid areas at risk of flooding, in accordance with a risk-based sequential approach that takes account of all potential sources of flooding. Proposals should not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment as a result of flooding.</p>	<p>Policy IP1 is general conformity with Policy EN14 of the CDLP that provides the strategic policy framework for managing flood risk. Policy IP1 of the DANDP provides more detailed non-strategic planning policy for identifying and managing site run-off. This approach is in general conformity with criterion 3 and 4 of CDLP Policy EN14.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p>extreme events related to climate change have been taken into account.</p>	<p>2. Minimising flood risk and providing resilience to flooding will be achieved by:</p> <ul style="list-style-type: none"> <li>a. applying the sequential test for assessment of applications for development in Flood Zones 2 or 3, applying the exception test where necessary and in that event requiring developers to demonstrate that both limbs of the exception test can be satisfied;</li> <li>b. requiring a site specific flood risk assessment for:                             <ul style="list-style-type: none"> <li>i. proposals of one hectare or greater in Flood Zone 1;</li> <li>ii. all proposals in Flood Zones 2 and 3; or</li> <li>iii. proposals in an area in Flood Zone 1 that has critical drainage problems.</li> </ul> </li> </ul> <p>3. The design and layout of development proposals will take account of flood risk management and climate change and will include, unless demonstrably inappropriate, a Sustainable Drainage System (SuDS).</p> <p>4. Developers will, where required, fund flood management and/or mitigation measures for the expected lifetime of the development including adequate provision for on-going maintenance.</p>	

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p><b>Policy IP2 Waste Water</b></p> <p>Development that may result in the capacity of the public sewerage network and/or the Ampney St Peter wastewater treatment works becoming overloaded will not be supported. In either of these instances, development will need to be phased or delayed until capacity becomes available, either through regulatory investment or, in advance of this, through the developer funding the improvements themselves via the provisions of the Water Industry Act (1991) and/or section 106 of the Town and Country Planning Act (1990).</p>	<p><b>Policy INF8 WATER MANAGEMENT INFRASTRUCTURE</b></p> <p>1. Proposals will be permitted that:</p> <ul style="list-style-type: none"> <li>a. take into account the capacity of existing off-site water and wastewater infrastructure and the impact of development on it, and make satisfactory provision for improvement where a need is identified that is related to the proposal. In addition, proposals should not result in                     <ul style="list-style-type: none"> <li>a deterioration in water quality. Where a need for improvement or a risk of deterioration in water quality is identified, the Council will require satisfactory improvement or mitigation measures to be implemented in full prior to occupation of the development;</li> </ul> </li> <li>b. address sustainable water supply through the implementation of demand management measures, particularly to reduce the use of water and to prevent leakages, and are complimented by management initiatives that make efficient use of water, for example, through rainwater harvesting and grey water collection;</li> <li>c. incorporate suitable Sustainable Drainage Systems (SuDS) where appropriate; and</li> <li>d. do not result in pollution of groundwater sources.</li> </ul>	<p>Policy IP2 is general conformity with Policy INF8 of the CDLP that provides the strategic policy framework for water management infrastructure. Policy IP2 of the DANDP provides more detailed non-strategic planning policy relating to the local area water infrastructure, particularly the Ampney St Peter wastewater treatment works.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p>2. Development proposals within Source Protection Zone 1 (SPZ1) will be designed to allow for contamination being encountered and for restrictions on deep penetrative foundation methods, together with avoidance of:</p> <ul style="list-style-type: none"> <li>a. deep borehole soakaways;</li> <li>b. foul sewage discharge to groundwater;</li> <li>c. direct discharge of hazardous substances to groundwater;</li> <li>d. discharge of trade effluent to ground water;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>e. underground oil storage tanks.</li> </ul> <p>3. Development proposals that encroach upon existing wastewater treatment works will be subject to special scrutiny to avoid unacceptable impacts on future users or occupiers of the development and/or upon the operation of the treatment facility. Proposals may be required to provide an odour impact assessment.</p>	

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p><b>Policy CP1 Protection of Existing Community Facilities.</b></p> <p>The facilities listed below and shown on the Policies Map (see Figure 6.1) shall be protected for community and recreational use.</p> <p>Village Hall                      Village Shop                      Post Office                      All Saints' Church                      Multi-use Games Area                      Children's playground                      Football Club and pitch                      Community garden                      Tennis courts</p>	<p><b>Policy INF2 SOCIAL AND COMMUNITY INFRASTRUCTURE</b></p> <p>1. Proposals for community facilities, including open spaces, either in their own right or as a consequential requirement of development in the area will be permitted where, as appropriate, it is demonstrated that:</p> <p>a. Where associated with another development, provision is synchronised with the scale, timing/phasing and needs of the associated development;</p> <p>b. account has been taken of existing facilities and services in the area, including the quantity and quality of provision;</p> <p>c. the proposal is economically viable in terms of its ongoing maintenance, and there is demonstrable local need for it;</p> <p>d. the facility or service is well-linked and accessible to the local community by foot, bicycle or public transport both at present and having regard to development proposals of the Local Plan;</p> <p>e. the feasibility of multi-purpose use of the facility or service has been rigorously explored and, where possible, implemented in the proposal; and</p> <p>f. provision is made for the on-going management/maintenance of the facility or service.</p>	<p>Policy CP1 is in general conformity with Policy INF2 of the CDLP. Policy CP1 identifies the community facilities in Down Ampney parish that will be protected and enhanced by strategic and DANDP policy.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p>2. Planning permission for development which results in the loss of a local community facility or service, including an open space, will be permitted provided:</p> <p>a. it is demonstrated that there is no local demand for the facility or service, or demand for an appropriate, alternative local community use for the facility; or</p> <p>b. replacement facilities or services are provided in an appropriate alternative location having regard to the requirements of Clause 1 above.</p>	
<p><b>Policy HP1: Village Character and Housing Density</b></p> <p>To maintain the village’s prevailing character and setting new developments should achieve an overall density of not more than 12.5 dwellings per hectare. Exceptions to this will only be supported on small infill sites within the village development boundary; and on other sites where the applicant can demonstrate a clear need for higher densities when house type, housing need, site constraints and available infrastructure and services indicate such densities can be accommodated without significantly having a detrimental impact on village character.</p>	<p>No relevant policy.</p>	<p>Policy HP1 is a non-strategic local policy for village character and housing density. There is no policy in the CDLP that deals with these two matters. It is noted that the Cotswold Design Code paragraph D.14 states: “In designing new development, close attention to the site and its setting should work at all levels, from the overall principle, <u>density</u> and grain, to the scale, form, roofscapes, elevations and detailed features of the buildings, and then to the landscaping surrounding them.”</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p><b>Policy HP2: House Types</b></p> <p>New developments shall have types of dwellings that follow the general trend of support. That is more affordable houses for those with a local connection and smaller market houses (some 60% in total) and larger houses and bungalows for most of the remainder</p>	<p><b>Policy H1 HOUSING MIX AND TENURE TO MEET LOCAL NEEDS</b></p> <ol style="list-style-type: none"> <li>1. All housing developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable housing sectors, subject to viability. Developers will be required to comply with the Nationally Described Space Standard.</li> <li>2. Any affordable accommodation with two or more bedrooms will be expected to be houses or bungalows unless there is a need for flats or specialist accommodation.</li> <li>3. Proposals of more than 20 dwellings will be expected to provide 5% of dwelling plots for sale as serviced self or custom build plots unless demand identified on the Local Planning Authority's Self-Build and Custom Register, or other relevant evidence, demonstrates that there is a higher or lower level of demand for plots.</li> <li>4. Starter Homes will be provided by developers in accordance with Regulations and National Policy and Guidance.</li> <li>5. Exception sites on land that has been in commercial or industrial use, and which has not currently been identified for residential development, will be considered for Starter Homes.</li> </ol>	<p>Policy HP2 is in general conformity with CDLP Policy H1 that expects new housing development to reflect local housing need and demand. Policy HP2 sets more detailed neighbourhood level policy on house types to meet local need and demand, particularly that for smaller homes and bungalows.</p>



DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p><b>Policy HP3: Design of New Development in Down Ampney</b></p> <p>Development and dwelling design proposals shall be designed to be compatible with the CDC Design Code<sup>1</sup> and the Down Ampney Design Guidance and Codes<sup>2</sup> and future revisions or replacements of these documents.</p> <p>Development should be designed in such a way that the applicant can demonstrate how climate change impacts have been minimised or mitigated against.</p> <p>Matters such as, for example, materials, development layout, dwelling mix and landscaping and green infrastructure shall be considered as a quality matter, confirmed at planning application stage, and shall not be materially diminished after planning permission is granted.</p> <p>1 Cotswold District Local Plan 2011-2031 (adopted 3 August 2018) – Appendix D 2 Referenced in Appendix 1 to this document</p>	<p><b>Policy EN2 DESIGN OF THE BUILT AND NATURAL ENVIRONMENT</b></p> <p>Development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.</p>	<p>Policy HP3 is in general conformity with CDLP Policy EN2. Policy HP3 adds reference to the Down Ampney Design Guide to the development plan. The wording “future revisions or replacements of these documents” is included in the policy to account for any changes to the Cotswold Design Code or the production of a Down Ampney Design Code.</p> <p>The policy also makes reference to climate change impacts.</p>
<p><b>Policy HP4: Green Infrastructure</b></p> <p>The network of Green Infrastructure (GI) within the neighbourhood plan area will be protected for its recreation, open space and wildlife value.</p> <p>New GI, particularly where it creates links to the existing GI network and improves access to the countryside for informal recreation and net gains</p>	<p><b>Policy EN1 BUILT, NATURAL AND HISTORIC ENVIRONMENT</b></p> <p>New development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:</p>	<p>Policy HP4 is in general conformity with the strategic approach to GI. More specifically CDLP Policy EN1’s seeking of “provision and enhancement of multi-functional green infrastructure” within new development; and Policy INF3’s approach in seeking “links with green infrastructure including Public Rights</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
<p>in biodiversity will be supported. Development will only be permitted where it retains/protects/enhances the recreational, biodiversity, water management and other functions of the GI network.</p> <p>New development should enhance linkages to the wider existing GI network and improve access to the countryside for informal recreation, where appropriate.</p>	<p>a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;</p> <p>b. contributing to the provision and enhancement of multi-functional green infrastructure;</p> <p>c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;</p> <p>d. seeking to improve air, soil and water quality where feasible; and</p> <p>e. ensuring design standards that complement the character of the area and the sustainable use of the development.</p> <p><b>Policy INF3 SUSTAINABLE TRANSPORT</b></p> <p>1. Development will be permitted that assists in delivery of the objectives of the Local Transport Plan and in particular:</p> <p>a. actively supports travel choice through provision, enhancement and promotion of safe and recognisable connections to existing walking, cycling and public transport networks (including, where appropriate, the rail network);</p> <p>b. gives priority to pedestrians and cyclists and provides access to public transport facilities</p>	<p>of Way and, where feasible, wider cycle networks”.</p> <p>Policy HP4 is also in general conformity with the principles in CDLP Policy INF7 on linkages to the existing GI network.</p>

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	<p>taking account of the travel and transport needs of all people;</p> <p>c. does not have a detrimental effect on the environment by reason of unacceptable levels of noise, vibration or atmospheric pollution;</p> <p>d. ensures links with green infrastructure including Public Rights of Way and, where feasible, wider cycle networks;</p> <p>e. makes a positive contribution, where appropriate, to the restoration of former railway lines by retaining existing embankments, cuttings, bridges and related features;</p> <p>f. incorporates, where feasible, facilities for secure bicycle parking and for charging plug-in and other ultra-low emission vehicles;</p> <p>g. accommodates, where appropriate, the efficient delivery of goods and supplies; and</p> <p>h. considers the needs of people with disabilities by all modes of travel.</p> <p><b>Policy INF7 GREEN INFRASTRUCTURE</b></p> <p>1. Development proposals must contribute, depending on their scale, use and location, to the protection and enhancement of existing Green Infrastructure and/or the delivery of new Green Infrastructure.</p> <p>2. New Green Infrastructure provision will be expected to link to the wider Green</p>	

DANDP Policy	Cotswold District Local Plan 2011-2031 (CDLP)	Statement of General Conformity
	Infrastructure network of the District and beyond. 3. Green Infrastructure will be designed in accordance with principles set out in the Cotswold Design Code (Appendix D).	

**Basic condition f. Be compatible with EU obligations**

- 3.19 The Submission DANDP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

**Strategic Environmental Assessment (SEA)**

- 3.21 To meet the ‘basic conditions’ which are specified by law, a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9<sup>th</sup> February 2015, Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening was undertaken by Cotswold District Council this concluded that:
- “1.70 Based on the Screening Report and responses from consultation it is determined that the Down Ampney Neighbourhood Plan is unlikely to have significant environmental effects and is therefore ‘screened out’ i.e. that no accompanying Appropriate Assessment (HRA) or Strategic Environmental Assessment report is required.”

**Requirement for Habitats Regulations Assessment (HRA)**

- 3.23 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan’s implementation.
- 3.24 A Strategic Environmental Assessment Screening was undertaken by Cotswold District Council this concluded that and Appropriate Assessment was not required:
- 3.25 The screening report is submitted alongside the DANDP.

### **European Convention on Human Rights**

- 3.26 The Submission DANDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The DANDP has been produced in full consultation with the local community. The DANDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.27 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.28 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.29 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission PNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 3.30 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.31 Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Town Council has developed the policies and proposals within the DANDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

**Basic condition g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

- 3.33 The prescribed conditions have therefore been met in relation to the Submission DANDP and prescribed matters have been complied with in connection with the proposal for the Plan.



[www.kirkwells.co.uk](http://www.kirkwells.co.uk)

and Down Ampney Parish Council

June 2023