



eynsham futures
creating a Neighbourhood Plan for Eynsham



Eynsham Neighbourhood Development Plan 2018 - 2031

Statement of Conformity or Basic Conditions Statement

This Statement of Conformity outlines how the Eynsham Neighbourhood Plan meets Neighbourhood Planning (General) Regulations 2012 and, in particular, how it meets the requirements of Paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act which relates to the 'basic conditions' to which a Neighbourhood Plan must conform.

| Version | no. | date | Nature of change | Editor | Reviewers |
|----------------|------------|-------------|-----------------------------------|---------------|------------------|
| Draft | 0.1 | 21/10/16 | First formal release | RA | |
| | 0.2 | 11/12/16 | Pre-submission consultation. | RA | |
| | 0.3 | 15/03/17 | To WODC for comment | RA | |
| Subm'n | 1.0 | 11/07/17 | Changes after 'Health Check' | RA | |
| | 2.1 | 15/08/18 | Redrafting to match v3.07 | RA | |
| | 3 | 30/09/18 | Finalise for Reg. 14 Consultation | RA | |
| | 3.12 | 30/12/18 | Final version to match ENPv3.12 | RA | |

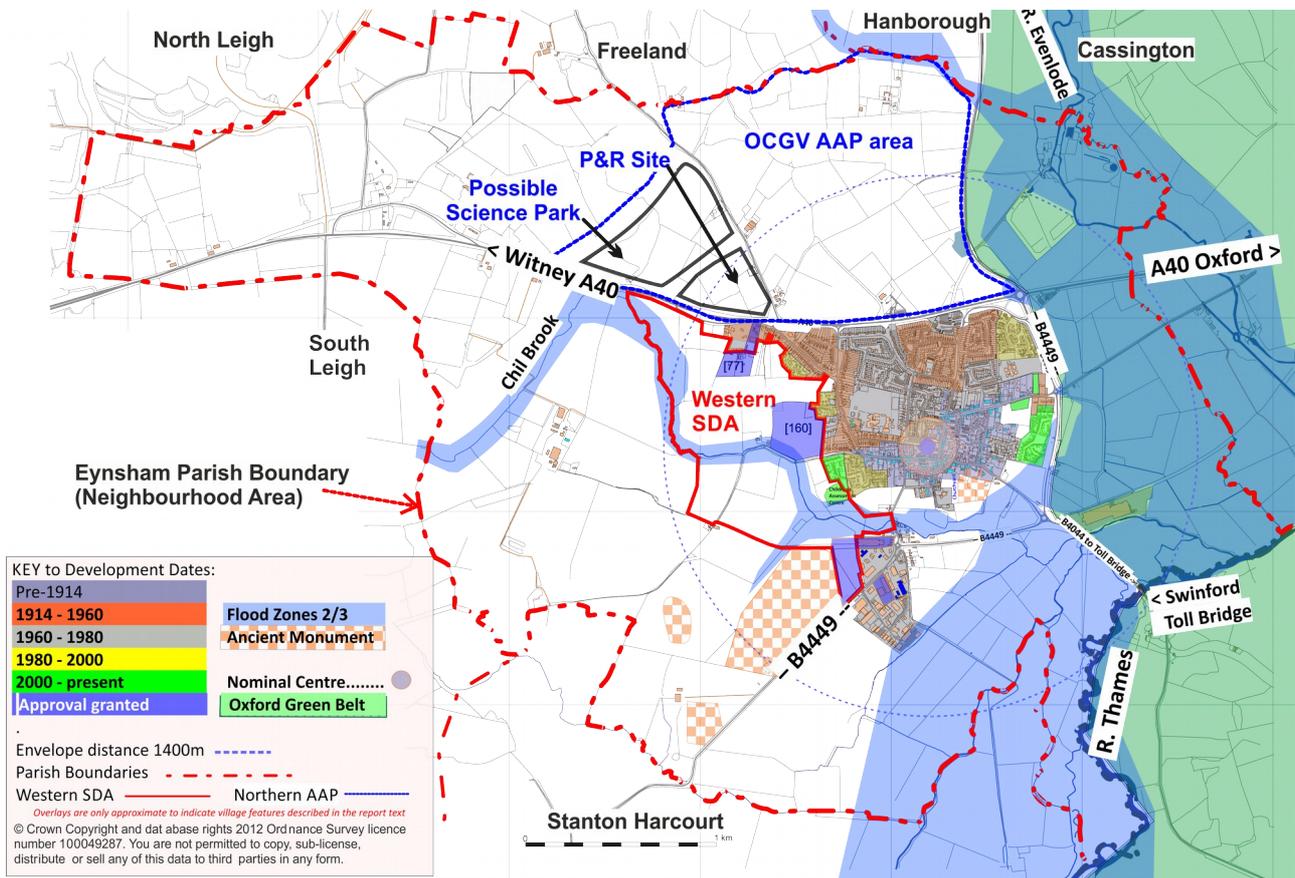
The Eynsham Neighbourhood Plan 2031

has been prepared by Eynsham Futures Steering Group
on behalf of Eynsham Parish Council

in accordance with

Town and Country Planning Act 1990
(as amended by the Localism Act 2011)
and the Neighbourhood Planning Regulations 2012

covering the Parish of Eynsham as outlined on the map below which also notes the areas within the Parish currently identified for development in the emerging West Oxfordshire Local Plan 2031



1. Legal Compliance.

- a) The draft Plan is submitted by Eynsham Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for the parish. The Plan has been prepared by the Eynsham Futures Steering Group, which has been asked to prepare the Plan by Eynsham Parish Council.
- b) The whole parish of Eynsham has been formally designated as a Neighbourhood Area through an application made following a resolution at the October 2014 Parish Council meeting, under the Neighbourhood Planning Regulations 2012 (part2 S6) and approved by West Oxfordshire District Council on December 2nd, 2014.
- c) The draft 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.
- d) The draft Plan identifies the period to which it relates as 2018 to 2031. The period has been chosen to align with the dates of the West Oxfordshire Local Plan 2011-2031.
- e) The draft 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.
- f) The draft Plan relates only to the Parish of Eynsham. It does not relate to any other Neighbourhood Area and there are no other neighbourhood development plans in place within the Neighbourhood Area.
- g) The Eynsham Neighbourhood Plan covers the period up to 2031 to conform to the West Oxfordshire Local Plan, adopted Sept. 27th, 2018.

Eynsham Parish Council is satisfied that the draft Plan complies with the following legislation -

- Basic Conditions set out in Paragraph 8 (2) of Schedule 4B to the *Town & Country Planning Act (as amended)* (1990)
- European Convention on Human Rights (1998) and European Union (EU) Obligations
- Sections 38A and 38B of the *Planning and Compulsory Purchase Act 2004* concerning Neighbourhood Development Plans

2. Sustainability Assessment.

The Eynsham Neighbourhood Plan (ENP) relies on the SEA / HRA assessment presented in support of the West Oxfordshire adopted Local Development Plan 2031 (WODC LDP 2031).

Natural England have [supported this opinion](#) but WODC will make a final decision on the need or otherwise for additional HRA work.

3. Plan Context – a history.

The planning context of Eynsham has changed dramatically over the time that the ENP has been in preparation.

Work on the ENP began at a time when the West Oxfordshire Local Plan 2031 (WOLP) was in progress

towards its Examination with Eynsham allocated 250 homes. Our thinking was that 750 new homes could be accommodated to the west of the village having considered a development to the north of the A40 but rejected it primarily because it would be cut off from Eynsham by an unchanged A40.

Our opinion did not change when the WOLP was referred back as the Examiner considered it had too few houses allocated in total; consideration of Oxford City's unmet need was also expected to be made in the new version of WOLP.

It came as a complete shock when WODC submitted an Expression of Interest in a Garden Village north of the A40 and then allocated all 2750 of their contribution to Oxford City's unmet need to Eynsham with 1000 homes to the west (550 unmet need, 450 local need in a Strategic Development Area) and 2200 in the Garden Village. There was no prior consultation by WODC and no assistance to help with the ENP which was at an advanced state and required a major re-write to cope with the new context.

Eynsham Parish Council have serious concerns over the increase in numbers (from 750 to 1000) to the west as too many for a well-designed new neighbourhood on that site but have not opposed the Garden Village, simply pointed out the difficulties that the proposal presents in reality.

There was much resentment within the village over the way in which the large increase in numbers appeared to have been dumped entirely in Eynsham which has to a considerable degree harmed the relationship with WODC who have been seen as unsupportive of Neighbourhood Planning.

4. Plan Context – how the plan evolved.

A Neighbourhood Plan is required to make a choice between site options and present only agreed sites for allocation. We had started to do this with the [ENP Site Assessments](#) which include an assessment of each site based on the database built up and recorded in the [ENP Sustainability Assessment Scoping Report](#) but when the draft WODC Local Plan 2031 was published in September 2017, it was clear that every possible site of any significance was inside either the Western SDA or the OCGV site. We therefore abandoned any attempt to allocate sites and prepared the ENP to include policies applicable to all development within the Neighbourhood Area.

Instead, we included two policies which applied to the particular conditions of the two sites, one an integrated extension, the other supposedly an entirely separate community but so close to Eynsham that there was obvious potential for conflict as well as for mutual benefit. These policies would have been included anyway in support of the site allocation if we had done this ourselves so there was less re-writing than we first feared.

A further complication was the unsolicited proposal for another Garden Village on the western fringe of Eynsham but mostly in neighbouring South Leigh parish. There was now the prospect of the new settlement elsewhere leaving a distinct possibility that the landowners north of the A40 would propose a northern extension of Eynsham instead of the full Garden Village. Our Spatial Policy for north of the A40 was therefore adapted to include this possibility.

We had also included an assessment of the various sites put forward by landowners as part of the WOLP process; this was included as an appendix to the ENP although it had been submitted as EPC response to the WOLP consultation.

When the ENP was presented for examination, the examiner made it clear that she found Spatial Policies completely unacceptable as we were not allocating the land, compounded by the either/or element in the northern policy which made allowance for either an integrated extension or a separate settlement.

These Spatial Policies have been rewritten to cover the situation posed by

1. A large but integrated expansion of the village.

2. Creation of a New Settlement in close proximity to the village

These are considered to be so significant in scale and impact that they necessitate additional policies which augment the general development policies but would be inappropriate for all sites. These policies are generic and would apply anywhere in the Neighbourhood Area where developments of such scale are proposed.

The Examiner also made it clear that we had missed an opportunity to explain the rationale behind the Neighbourhood Plan within this document. We are therefore including the following explanation for the content and format of the plan.

The Eynsham Neighbourhood Plan therefore comprises the following primary documents

[Eynsham Neighbourhood Plan](#) supported by

[ENP Site Assessments](#).

[ENP Sustainability Assessment Scoping Report](#).

[ENP Consultation Statement](#).

together with documents referenced from them

5. Plan context – emerging planning proposals.

As well as the adopted Local Plan (WOLP 2031), WODC have already started to consult on documents in support of that plan, even before final approval from the Examiner, namely

- an Area Action Plan for the Garden Village north of the A40.
- an Supplementary Planning Document for the western Strategic Development Area.

Both consultations are on 'Issues Papers' which draw heavily on the Neighbourhood Plan but it is not clear what the relationship should be between these documents and the Neighbourhood Plan.

6. Plan content – legal framework

A Neighbourhood Plan (NP) is required to be in accord with the Local Development Plan (LDP) of the Local Planning Authority (LPA) within whose jurisdiction the Neighbourhood Area is located. There are also national policies and guidance, such as the NPPF, environmental policies and the like which must be adhered to and which the NP must comply with. There are specific rules that determine what can and cannot be included in Neighbourhood Plans.

Our understanding of the role of Neighbourhood Plan is that it fills in the details of the framework set by the LDP, elaborating them to a degree considered necessary and appropriate by the local community while remaining within all applicable policies and guidelines

At the same time, a Neighbourhood Plan is a legally enforceable document and must be usable as such by the LPA when they determine a planning application.

7. Plan content – balancing local aspirations with planning policy.

The task in assembling the ENP has been to

- balance local aspiration with what is permissible within the legal framework.
- present it in a form which is meaningful to the local residents.

- be clear enough to unambiguously guide anyone preparing development plans and the LPA in determining them for approval.

There will therefore be occasions where

- matters obvious to a planner will be included in the supporting text for the benefit of lay readers.
- more duplication and detail will be included than would be expected in an LDP, particularly in explanatory supporting text.

8. Plan presentation

An over-riding principle is preparing the plan has been to avoid both conflict with and duplication of national and local policies and guidelines. Of course, local residents do not always understand the policy and regulatory context and will either ask for this which are not permitted in a NP or are already enshrined in national or local policy.

In these circumstances, reference may be made to the external policy. This would not be necessary for a planner who would already know the policy context and appears to make the text unnecessary long but is included to help the lay reader.

Occasionally there is actual duplication in policy where there is strong local support for a particular issue; in this case inclusion is entirely for the local readership.

9. Plan presentation – policy and supporting text.

Policies are identified by a blue background. Supporting text provides a mixture of reasoning and example for the policies. No supporting text should extend policy beyond that set out in the policy itself although it may define the scope of the policies which, by their nature, are not drawn too prescriptively.

Policy is presented in a form which allows a degree of discretion by the LPA as it isn't possible to allow for every eventuality and too tightly defining policies may preclude the best outcome. This may risk the accusation that it lacks clarity such that it may not be possible to determine what is or isn't acceptable when preparing a plan for submission.

Therefore some policies, and particularly their supporting text, express that balance in a way which some people may interpret as a lack of clarity or as 'options' which may be considered to be prohibited in Neighbourhood Plans - although the guidance appears only to prohibit the inclusion of development site options in the final submitted plan.

Supporting text attempts to fill in the gap by explaining the reasons for policies and giving examples while not being overly prescriptive in the policy itself. In the final event, developers are always encouraged to engage with both the Parish Council and the LPA before submitting plans so it is considered wiser to err away from too much detail in policies even if that risks a lack of clarity in the details.

This matter is also addressed in the Q&A section of Appendix B, primarily to explain to residents why rigid rules are not necessarily practical in a Neighbourhood Plan.

10. Plan presentation – aspirations, intentions and supporting text.

There are some local aspirations which a NP cannot satisfy as they fall outside the scope of a NP although clearly related in some way to planning in its wider sense. In such a case, recommendations from the steering group were included in the ENP with a green background.

The Parish Council has agreed to accept these recommendations and that it will seek to work with

relevant bodies to achieve specific ends that the local community raised during the preparation of the ENP. To that end the 'recommendations' are now presented as 'Eynsham Parish Council Intentions'.

These intentions are often presented in a very similar format to policies – this is perhaps to be expected as they would be policies if the scope of a NP permitted it. It is expected that the Parish Council will take these recommendations as seriously as policy and seek to achieve the outcomes recommended but always aware that the decision will be made by a higher authority who neither the NP or the Parish Council can compel in any way.

In the specific case of ENP5 the whole 'aspiration' of the Parish Council is presented as if it were policy. There is a strong local aspiration to be doing our bit to achieve the targets of the Climate Change Act and Paris Climate Change Treaty which is currently prohibited by the Ministerial Statement preventing 'Addition Technical Requirements'. Should the prohibition on such technical requirements be withdrawn or superseded it is expected that the ENP will be amended to convert from aspiration to policy.

11. Plan implementation and monitoring.

Having engaged local residents in the preparation of the Neighbourhood Plan it seems entirely reasonable that they should be kept informed about the success or otherwise of the plan in achieving the aims and aspirations which brought the Plan into being.

To achieve this:

ENP REC14 K recommends that Eynsham Parish Council produce a report for local residents at the Annual Parish Meeting to report on progress in implementing the plan.

ENP REC14 L recommends that the Plan be revised if there is a significant change in circumstances – this would certainly be the case if monitoring noted that the objectives of the ENP were no longer being met.

At a more formal level, government guidance advises that existing monitoring arrangements should be used where possible in order to avoid duplication.

Government requires local planning authorities to produce Monitoring Reports (MR). The West Oxfordshire Local Plan Monitoring Report (produced annually), is considered sufficient to ensure appropriate formal monitoring takes place.

12. APPENDIX – additional requirements of Neighbourhood Plans

There are a number of 'additional requirements' which we understand are currently being enforced by the Planning Inspectorate which we have considered in relation to our plan:

- “All development is sustainable development” - this statement is true for Eynsham in the sense that all the necessary services to sustain new properties and new residents can be delivered in this locality. Indeed the ENP aims to ensure this will be the case.
- “No additional technical requirements” are permitted¹ to be applied to houses which are allocated to meet the requirements of the Local Development Plan – which we consider a temporary measure imposed as secondary legislation. The Climate Change Act 2008 is primary legislation, currently on the statute books, and the government has ratified the international Paris Climate Change Treaty. The NPPF still requires us to facilitate a 'transition to a low carbon future'. Therefore, although these are currently only aspirations, the ENP recommends standards (using those currently in force in Scotland as a basis) beyond those currently enforceable in England to ensure that the ENP has appropriate standards to facilitate the low carbon transition in place against the time when the secondary legislation is withdrawn. It is fully understandable that development should not be prevented by standards which make building unviable although this is not a likely outcome with the high house prices of Eynsham. Aware that the ENP endeavours to ensure compliance with CCA 2008 and NPPF obligations, developers are asked to present the costed case to the LPA where they consider features to ensure compatibility with a low carbon future would make development unviable, to ensure that unscrupulous developers do not undercut those who take seriously their responsibilities towards creating that low carbon future.
- “Plans must include reserve sites in case some proposed sites cannot be delivered” - Eynsham Parish Council is very concerned that WODC has not included any reserve sites within its LDP for our sub-area. The Eynsham Neighbourhood Plan strongly advocates, as the Parish Council did in its submission to the WODC LDP 2031 consultation, an approach that would ensure a significant reserve is available within the Eynsham Neighbourhood Plan area to properly cover for this eventuality.

We have endeavoured to comply with all the above requirements.

¹ These derive from a [Written Ministerial Statement dated 25 March 2015](#)