

# DAWS HILL NEIGHBOURHOOD PLAN

2018-2033

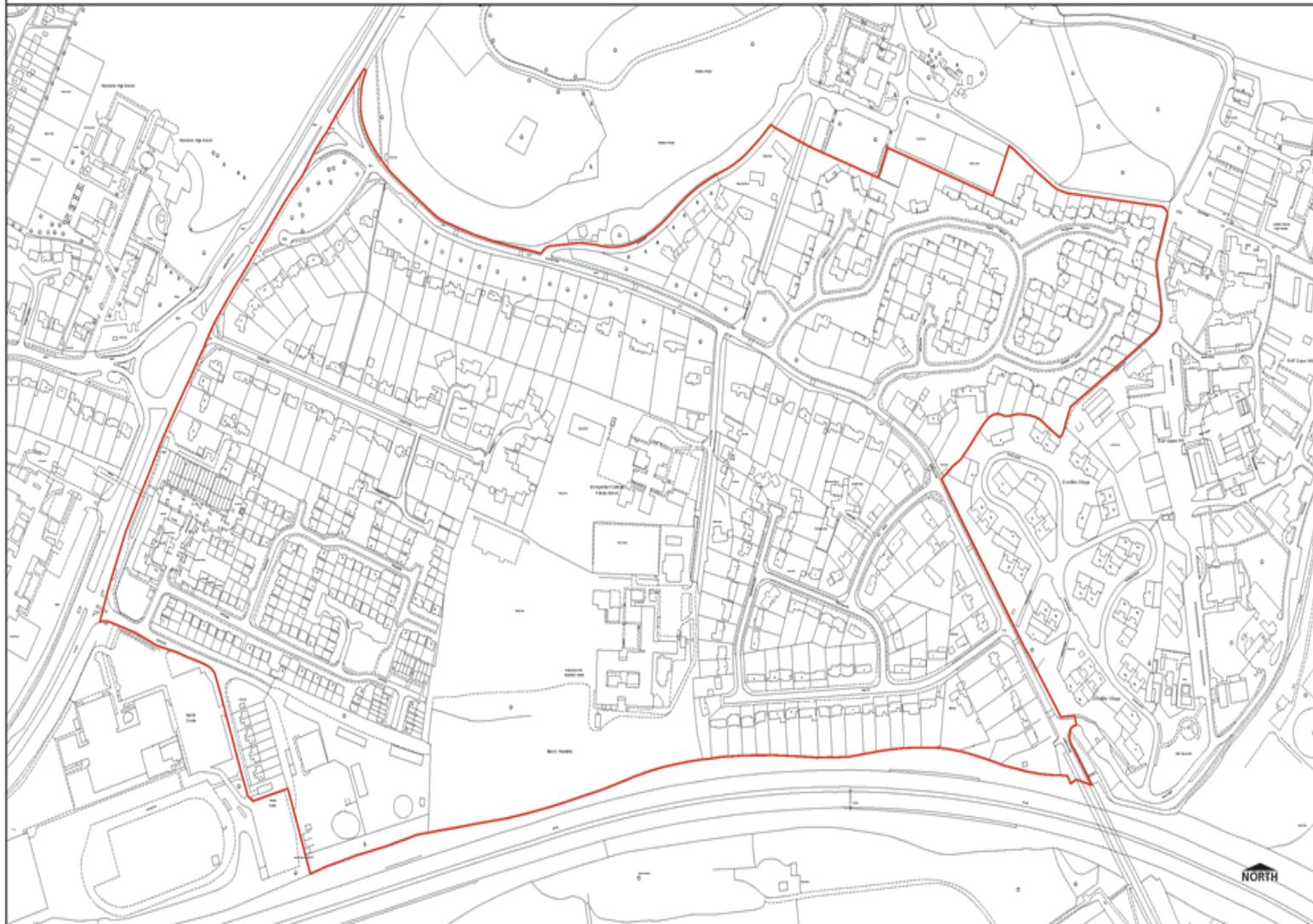
## BASIC CONDITIONS STATEMENT

Published by The Daws Hill Neighbourhood Forum under the Neighbourhood Planning (General) Regulations 2012 (as amended)

November 2018

## 1. INTRODUCTION

- 1.1 This statement has been prepared by Daws Hill Neighbourhood Forum ("the Forum") to accompany its submission of the Daws Hill Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Wycombe District Council ("the District Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012) (as amended) ("the Regulations").
- 1.2 The Neighbourhood Plan has been prepared by the Forum, a qualifying body, for the Neighbourhood Area, which was designated by the District Council on 10 September 2012. The Forum was originally designated as the Qualifying Body in September 2012 and remained operational for five years up until its re-designation by the District Council on 12 February 2018.
- 1.3 The original area application included two key strategic sites (RAF Daws Hill and Wycombe Sports Centre) which were excluded from the approved Neighbourhood Area. The final approved Neighbourhood Area is shown overleaf on Plan A.
- 1.4 The nine policies proposed in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from 2018 – 2033, which matches that of the emerging Wycombe Local Plan (see §5.2).
- 1.5 The statement addresses each of the four 'Basic Conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.6 The Regulations state that a Neighbourhood Plan will be considered to have met the 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



*Plan A: Designated Neighbourhood Area*

## 2. BACKGROUND

- 2.1 The decision to proceed with a Neighbourhood Plan was made by the Forum in 2012. The key driver of this decision was a sense of wanting to preserve and enhance the existing nature and character of the Neighbourhood Area and improve the social, economic and environmental well-being for people living and working in the neighbourhood.
- 2.2 Members of the Daws Hill and Abbey Park Residents' Association, School Close Road Association Limited, and Fair Ridge, The Spinney and Foxleigh Residents' Association, comprising forum members from the local community, made day-to-day decisions on the Neighbourhood Plan, however the Forum, as the qualifying body, approved the publication of the Pre-Submission plan in June 2018 and the Submission Plan in November 2018.
- 2.3 The Forum has consulted the local community extensively over the duration of the project. This is laid out in detail in the separate Consultation Statement, which is published by the Forum as part of the submission documentation. It has also worked closely with officers of the District Council to ensure the relationship between the Neighbourhood Plan and the various Wycombe development plan policies and the policies, reasoning and evidence of the emerging Wycombe District Local Plan 2033.
- 2.4 The Neighbourhood Plan contains nine land use policies, some of which are defined on maps included in the Plan. The overall goal of the Plan is to draw applicants' specific attention to those policy matters that are most important to the local community of Daws Hill. The policies therefore seek to refine existing Local Plan and national planning policies to apply to the Neighbourhood Area, rather than to establish entirely new policy requirements or to replace existing non-strategic allocations or development management policies.

### 3. CONFORMITY WITH NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the 2012 National Planning Policy Framework (NPPF 2012) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The Forum is also mindful that the Government published an updated Framework in July 2018 (NPPF 2018), which also sets out the transitional arrangements for Neighbourhood Plan examinations. Plans that are submitted to the Local Planning Authority prior to 24 January 2019 will be examined under the old Framework. This does not render the policies out of date once a Neighbourhood Plan has been made. Instead, an assessment of their degree of consistency with the 2018 Framework should be made. In this section, the footnotes therefore include references to the most relevant policy in the 2018 NPPF.

3.2 In overall terms, there are four NPPF 2012 paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

#### Para 16 and 183<sup>1</sup>

3.3 The Forum believes although the Neighbourhood Plan makes no development site allocations, its policies are intended to shape positively decisions made on planning applications in the area. The Plan represents a vision, objectives and policies for the Neighbourhood Area that reflect the desires of the majority of the local community for the kind of place that the Neighbourhood Area should remain and how it may change for the better in coming years.

#### Para 184 and 185<sup>2</sup>

3.4 The Forum believes the policies of the Neighbourhood Plan are in general conformity with the relevant policies of the development plan and effectively anticipate the policies of the emerging Wycombe Local Plan 2033. It is considered to strike a positive balance between the physical and policy constraints of the Neighbourhood Area and the desire to steer development of the right type to the right locations. It is noted that, beyond the existing development proposals on the edge of the Neighbourhood Area (i.e. Pine Trees, Abbey Barn and the Handy Cross Hub), the adopted and emerging strategic policies of the development plan contain no specific proposals within the Area.

---

<sup>1</sup> Paragraph 13 and 15 of the NPPF 2018 set out general guidance on neighbourhood planning, to which this Neighbourhood Plan has directly responded.

<sup>2</sup> Paragraph 28 – 30 of the NPPF 2018 set out general guidance on neighbourhood planning, to which this Neighbourhood Plan has directly responded.

3.5 Table A below demonstrates the relationship between each policy and other relevant parts of the NPPF:

<b>Table A: Neighbourhood Plan &amp; NPPF Conformity Summary</b>		
<b>No.</b>	<b>Policy Title</b>	<b>Commentary</b>
1	Protection and Improvement of the Natural Environment	The policy requires planning applications to demonstrate that proposals will conserve and enhance existing biodiversity assets in line with the general principles of §109 <sup>3</sup> and with the specific biodiversity provisions of §118 <sup>4</sup> . As such, the requirements are compatible with the principles of sustainable development and need not prevent schemes coming forward, provided they have been well informed of their biodiversity effects and have proposals to address such impacts.
2	Trees, Hedgerows and Woodlands	The policy requires future development proposals to avoid unnecessary loss of existing trees, hedgerows and woodland, all of which play an important role in defining the essential sylvan and arcadian character of the neighbourhood area. This policy objective is very much in line with §58 <sup>5</sup> and is therefore a reasonable design objective for the Plan to pursue. Again, given the provisions for mitigation, well informed and designed schemes will be able to meet the requirements of the policy without undermining their practical delivery or viability. It also promotes the biodiversity value of these features, in line with §118 <sup>3</sup> , and benefits to other environmental factors.
3	Local Green Spaces	The policy identifies six important spaces to be protected from harmful development through their designation as Local Green Spaces, in line with §76 <sup>6</sup> . The separate Local Green Spaces Assessment contains the evidence to demonstrate that each proposed space meets the tests set out in §77 <sup>7</sup> .
4	Recreation and Open Spaces	The policy accords with §70 <sup>8</sup> by resisting the unnecessary loss of existing recreational facilities in the neighbourhood area. Daws Hill is generally a dense suburban area with a premium on access to recreation land and open spaces. The supporting text explains the importance of these facilities.

<sup>3</sup> §170 replaces §109 on conserving and enhancing the natural environment

<sup>4</sup> §175 replaces §118 on the principles of conserving and enhancing biodiversity assets

<sup>5</sup> §127 replaces §58 on design principles

<sup>6</sup> §99 replaces §76 on Local Green Spaces

<sup>7</sup> §100 replaces §77 on Local Green Spaces tests

<sup>8</sup> §92 replaces §70 on recreational facilities

5	Backland Development	The policy accords with §58 <sup>4</sup> in requiring design of all development proposals to reflect the local character of the area and avoid harm through inappropriate design, as well as conserving important biodiversity assets in line with §118 <sup>3</sup> . The separate Character Assessment explains how the policy provisions reflect the dominant characteristics of Daws Hill. The policy does not rule out opportunities for sensitive infill development in the Area but does ensure that future infill or redevelopment schemes will be consistent with its essential character.
6	Flooding and Drainage	The policy accords with §99 <sup>9</sup> in highlighting the vulnerabilities of the local area in contributing to the rainwater absorption in the area due to its elevated position in relation to High Wycombe, heavily-wooded nature and location on chalk. The policy draws attention to existing guidance documents and requiring development to consider the net increase in water and waste water to avoid increasing flood risk elsewhere in line with §100 <sup>10</sup> .
7	Quality Design	This policy accords with §58 <sup>4</sup> in seeking to ensure high quality design solutions by identifying common design features derived from an analysis of the essential character of Daws Hill neighbourhood area as detailed in the Character Assessment. The Assessment identifies seven Character Zones with common features and characteristics and requires applicants to demonstrate that they understand the local context of their site in relation to the Character Zone and the specific characteristics. In line with §60 <sup>11</sup> , it does not seek to preclude design innovation but seeks to promote the local distinctiveness of each Character Zone and requires applicants to demonstrate how they have made provision for them in modern architectural solutions. The policy also accords with §43 <sup>12</sup> in recognising the importance of high-quality communications infrastructure that is essential for economic growth.

<sup>9</sup> §149 replaces §99 on climate change

<sup>10</sup> §155 replaces §100 on flood risk

<sup>11</sup> §127 replaces §60 on design innovation

<sup>12</sup> §112/113 replaces §43 on broadband provision

8	New Shops	This policy is consistent with §23 <sup>13</sup> and §26 <sup>14</sup> in allowing for new shops of a small scale to serve the local community that will not harm the primary role of High Wycombe town centre. It accords with §58 <sup>4</sup> and §126 <sup>15</sup> in requiring the design of shop-fronts and signs to reflect the local character and preserve the historic and architectural merit of these buildings. The policy also requires proposals to demonstrate that they have had regard to the use of sustainable transport modes in line with §35 <sup>16</sup> .
9	Scale of Local Non-Residential and Houses of Multiple Occupation Development	This policy reflects local concerns regarding traffic and starts to address this with major encouragement to provide the use of alternative means of transport in line with §35 <sup>13</sup> . The policy also seeks to ensure that commercial and business uses, and HMOs are of a small scale to ensure that these uses will function well in the local area and does not adversely affect the local character and residential amenity in line with §58 <sup>4</sup> .

---

<sup>13</sup> §85 replaces §23 on town centre development

<sup>14</sup> §89 replaces §26 on out of town retail development

<sup>15</sup> §184 and §185 replaces §126 on the historic environment

<sup>16</sup> §110 replaces §35 on development principles for transport

## 4. CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

- 4.1 The District Council issued a Screening Opinion that concluded there would be no need for the Plan to be accompanied by a Strategic Environmental Assessment under the EU Directives 42/2001 and the 2004 Environmental Assessment of Plans and Programmes Regulations (see Section 6).
- 4.2 As the Forum did not consider that a formal Sustainability Appraisal would be necessary to demonstrate that the Plan will contribute to the achievement of sustainable development, this basic condition is addressed in Table B below. The potential of the Plan to have social, economic and environmental effects – positive (+), neutral (0) and adverse (-) – is assessed for each of its policies, together with a summary commentary.

<b>Table B: Neighbourhood Plan &amp; Sustainable Development</b>					
<b>Policy</b>		<b>Social</b>	<b>Economic</b>	<b>Environment</b>	<b>Commentary</b>
1	Protection and Improvement of the Natural Environment	0	0	+	The policy has a positive environmental effect as it resists the loss of habitats or biodiversity assets and encourages a biodiversity net gain to continue to enhance the biodiversity assets of the area. The policy does not resist development that may have a social and/or economic value but requires that it makes provision for improving the natural environment. There are therefore no adverse effects.
2	Trees, Hedgerows and Woodlands	+	0	+	The policy will have positive environmental effect as the presence of trees, hedgerows and woodlands is a defining characteristic of the neighbourhood area and they contribute to maintaining the biodiversity of the area. In allowing for some replacement of lost trees where unavoidable, the policy will avoid a negative social effect that would result from too many protected trees making unviable regeneration schemes. Indeed, as the mature vegetation of the Area is such an important and valued characteristic, the policy will have a positive social effect in maintaining the enjoyment of the local community in living in the Area.

3	Local Green Spaces	+	0	+	The policy will have positive social and environmental effects in protecting key open spaces for the continued enjoyment of the local community and which also contribute to the biodiversity assets of the area. Only a very small proportion of the Area is designated as such, so there will be no adverse social or economic effects of the policy preventing development in the Area.
4	Recreation and Open Spaces	+	0	+	The policy will have a positive social effect in encouraging the protection of recreation and open spaces from unnecessary loss. In turn, the continuance of these recreational facilities should result in the community not having to travel outside of the area for these uses, resulting in a positive environmental effect.
5	Backland Development	+	0	+	The policy will have a positive environmental effect in guiding development to reflect the specific characteristics of the local area by discouraging backland development that does not seek to preserve or enhance its local character and biodiversity assets. The potential for an adverse social effect in preventing any additional housing development will not be realised, as this and other Plan policies provide for sensitive infill or redevelopment schemes.
6	Flooding and Drainage	+	0	+	The policy will have positive environmental and social effects by requiring development to avoid the net increase in water and waste water to avoid increasing flood risk elsewhere and by drawing attention to the local situation and existing guidance documents.
7	Quality Design	+	+	+	This policy will have positive economic, environmental and social effects in seeking to control the design of new proposals to suit their location in each Character Zone of the neighbourhood area. In doing so, it will maintain the strong local community identity of the neighbourhood area. To support homeworking, promoting the improvement of high-quality communications infrastructure, will lead to positive economic effects.
8	New Shops	0	+	+	The policy will have positive environmental and economic effects by requiring the design of shopfronts and design to reflect the local character and encouraging the protection of historical and architectural assets. This may improve the appeal of local shops and therefore their economic prospects.

9	Scale of Local Non-Residential and Houses of Multiple Occupation Development	+	+	+	The policy will have a positive economic, environmental and social effects in seeking to minimise the effects of traffic and larger scale development, which would not function well in the area.
---	--	---	---	---	---

## **5. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

- 5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the Wycombe Local Plan policies (as saved and extended in 2007), the adopted Core Strategy of July 2008 and the Delivery & Site Allocations Plan of July 2013. The emerging Wycombe Local Plan 2033 will replace all of the policies of these plans, with the exception of a small number of policies of the Delivery & Site Allocations Plan in due course, but it is expected that the Neighbourhood Plan will be examined before that plan is adopted.
- 5.2 However, its policies, reasoning and evidence base have been analysed during the preparation of the Neighbourhood Plan to ensure its strategic direction could be anticipated and planned for effectively. In the event that the examination of the Plan does not precede the new Local Plan, then this Statement can continue to be used to judge its general conformity. In addition, it seems sensible for the Neighbourhood Plan to adopt the same plan period (to 2033) so that future reviews of both plans may coincide.
- 5.3 An assessment of the general conformity of each policy, and its relationship with emerging Wycombe Local Plan policy where relevant, is contained in Table C below. For ease of reference, the following abbreviations have been used in referring to the four different Local Plan/Core Strategy documents:
- LP - Wycombe Local Plan 2007
  - CS – Wycombe Core Strategy 2008
  - DSAP – Delivery & Site Allocations Plan 2013
  - ELP – Emerging Local Plan

**Table C: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
1	Protection and Improvement of the Natural Environment	<p>The policy accords with CS Policy CS17 (Environmental Assets) and the DSAP Policy DM14 (Biodiversity in Development) as it also seeks to conserve and enhance biodiversity. It also refines Local Plan (LP) Policy G10 (Landscaping) as it requires that development should not significantly affect biodiversity assets and encourages a biodiversity net gain.</p> <p>The policy is also in accordance with the ELP Policy DM34 (Delivering green infrastructure and biodiversity in development).</p>
2	Trees, Hedgerows and Woodlands	<p>The policy refines LP Policy G11 (Trees and Hedgerows) and L6 (Woodlands) as it requires development to retain existing trees, hedgerows and woodland where possible and accords with CS Policies CS3 (High Wycombe Principles), CS17 (Environmental Assets) and CS19 (Place-Shaping) in identifying the contribution of existing trees and hedgerows in maintaining the woodland character of the area. The Neighbourhood Plan Character Assessment fits very well with that document, both in terms of its process for delivering good design and of its emphasis on understanding site context and characteristics in relation to the role played by trees and other landscape features.</p> <p>LP Policies G11 and L6 will be deleted following the adoption of the ELP and the policy will not be specifically replaced. Instead the protection of trees, hedgerows and woodlands is included as part of placemaking and design quality in various general place-making and design policies in the ELP. The policy therefore seeks to retain the specific protection of these elements as part of its local character.</p>
3	Local Green Spaces	<p>The policy identifies and designates six Local Green Spaces complementing LP Policy L4 (Important Open Space), CS Policy CS17 and the DSAP Policy DM12 (Green Spaces) that seeks to protect open space that contribute to the character and appearance of the area.</p> <p>The policy is also in accordance with ELP Policy CP10 (Green Infrastructure and the Natural Environment).</p>

4	Recreation and Open Spaces	<p>The policy seeks to resist the loss of open spaces and recreational facilities in line with LP Policy L4. It allows for the replacement of such spaces to avoid deficiency in accordance with CS Policy CS17 and DSAP Policy DM12 which includes areas of recreational amenity.</p> <p>The policy is also in accordance with ELP Policy CP10 (Green Infrastructure and the Natural Environment).</p>
5	Backland Development	<p>The policy seeks to ensure a high standard of design and layout that respects and reflects its context in the local character and is therefore in accordance with LP Policies G3 (General Design Policy) and G8 (Detailed Design Guidance) and with CS Policy CS19 (Raising the quality of Place-Shaping and Design). The implementation of these policies is managed by the Housing Intensification Supplementary Planning Document (Update 2011). The Neighbourhood Plan Character Assessment fits very well with that document, both in terms of its process for delivering good design and of its emphasis on understanding site context and characteristics.</p> <p>The policy is also in accordance with ELP Policy DM35.</p>
6	Flooding and Drainage	<p>The policy draws attention to existing guidance documents to avoid increasing surface water run-off or sewer flooding and seeks to avoid increasing flood risk elsewhere in line with CS Policy CS18 (Waste/Natural Resources and Pollution).</p> <p>The policy is also in accordance with ELP Policies CP12 on Climate Change and DM39 on Managing Flood Risk and Sustainable Drainage.</p>
7	Quality Design	<p>This policy refines LP Policies G3 and G8 in providing specific design guidance for the seven Character Zones. Similarly, it refines saved CS Policy C19 in requiring schemes to reflect local distinctive qualities of each Character Zone. The policy accords with LP Policy G28 on Telecommunications but acknowledges the role high-quality communication plays in facilitating home-working.</p> <p>The policy is also in accordance with ELP Policy DM35. LP Policy G28 will be deleted following the adoption of the ELP and the policy will not be specifically replaced. Instead the way a place functions is included as part of placemaking and design quality in various general place-making and design policies in the ELP and the provision of infrastructure to support planned growth. The policy therefore seeks to retain the specific provision of high-quality communication infrastructure contributing to facilitating home-working, which in turn contributes to how the Area functions.</p>

8	New Shops	<p>The policy is not necessarily inconsistent with Policy DM10 in that any proposal seeking the support of Policy 8 will have to demonstrate that it also accords with DM10 in respect of showing it would not have an adverse impact on the vitality or viability of any local centre in this part of the town. In restricting new shops to less than 250 sq.m. of gross floorspace it is very unlikely that any such harm would arise.</p> <p>The policy requires the design of any new shop to complement its setting in accordance with LP Policy S8 (Shop Front Design). It also seeks to ensure proposals have regard to impact of the movements resulting from the use of the facility in line with LP Policy T13 (Traffic Management and Traffic Calming) and Policy CS20 (Transport and Infrastructure).</p> <p>The policy is also in accordance with ELP Policy CP3 (Settlement Strategy), which promotes change in the existing built-up area of High Wycombe, including the redevelopment of suitable previously developed sites for both housing and employment purposes. And it accords with Policy DM37 (Small Scale Non-residential Development) in requiring development to be of a high quality design that respects the character of the local area and preserves the amenities of neighbouring properties.</p>
9	Scale of Local Non-Residential and Houses of Multiple Occupation Development	<p>The policy encourages the management of traffic through the provision of a variety of transport modes in line with LP Policy T13 and Policy CS20 and seeks to ensure that small scale non-residential uses and Houses of Multiple Occupation (HMO) do not detract from the local area or adversely affects residential amenity in accordance with LP Policy H15 (Houses in Multiple Occupation) and CS Policy C3 seeking positive place-making.</p> <p>The policy is also in accordance with ELP Policies DM23 on Other Residential Uses, DM36 on Extension and alterations to existing dwellings (which includes HMOs) and DM 37 on Small Scale Non-Residential Development. Policies T13 and CS20 will be deleted following the adoption of the emerging Local Plan and these policies will not be specifically replaced. The policy therefore seeks to retain the encouragement of providing a variety of transport modes with a view to reflect local concerns regarding traffic arising from non-residential uses in the Area.</p>

## 6.COMPATABILITY WITH EU LEGISLATIONS

- 6.1 The District Council provided a screening opinion that did not require a Strategic Environmental Assessment (in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004) in November 2016. The opinion is published separately in the evidence base, but concludes:

*“As a result of the Screening Assessment, it is concluded that there is no potential for significant environmental effects to arise as a result of the proposed Plan. As such, the DHNP does not require a full SEA to be undertaken. It is important to remember that this screening opinion is a ‘snapshot in time’ and that if the issues addressed in the Neighbourhood Plan should change then a new screening process will need to be undertaken to determine whether an SEA will be required.”*  
(§7, p10)

- 6.2 The scope and nature of the policies of the Plan have not changed since November 2016, and therefore the screening opinion remains the same.
- 6.3 The Screening Opinion also screened for effects in relation to the Habitats Directive but concluded that the Plan would not require any further assessment, as a Habitats Regulation Assessment of the Local Plan had already been produced and was considered relevant in the assessment of the environmental effects of the Daws Hill Neighbourhood Plan. Natural England confirmed in October 2018 that due to the distance of the Daws Hill Neighbourhood Plan area from any European designated sites, and also due to the fact that a HRA will have been submitted for the Wycombe Local Plan, there is no need for a HRA screening for the Daws Hill Neighbourhood Plan.
- 6.4 The Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.