

DENHAM PARISH NEIGHBOURHOOD PLAN
2020 – 2036

SEPTEMBER 2020

BASIC CONDITIONS STATEMENT

Published by Denham Parish Council under the Neighbourhood Planning (General) Regulations 2012
(as amended)

1.INTRODUCTION

1.1 This statement has been prepared by Denham Parish Council ("the Parish Council") to accompany its submission of the Denham Parish Neighbourhood Plan ("the Neighbourhood Plan") to the local planning authority, Buckinghamshire Council ("Bucks Council"), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). Local government reorganisation in April 2020 created a new Buckinghamshire Council ("Bucks Council") which is now the Local Planning Authority. Parts of the key stages of the neighbourhood plan process were undertaken by the former South Buckinghamshire District Council ("the former District Council").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, the 'Qualifying Body', for the Neighbourhood Area ("the Area"), which coincides with the boundary of the Parish of Denham and includes all five distinct settlements in the Parish – Denham Green, Denham Village (comprising both its historic core and modern settlement adjoining the A40), New Denham (including Willowbank & King's Island), Higher Denham and Tatling End, as shown on Plan A overleaf. The former District Council designated the Area on 12 September 2017.

1.3 The policies described in the Neighbourhood Plan only relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the Neighbourhood Plan is from April 2020 to March 2036.

1.4 The statement addresses each of the four 'Basic Conditions', which are relevant to this plan, 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.

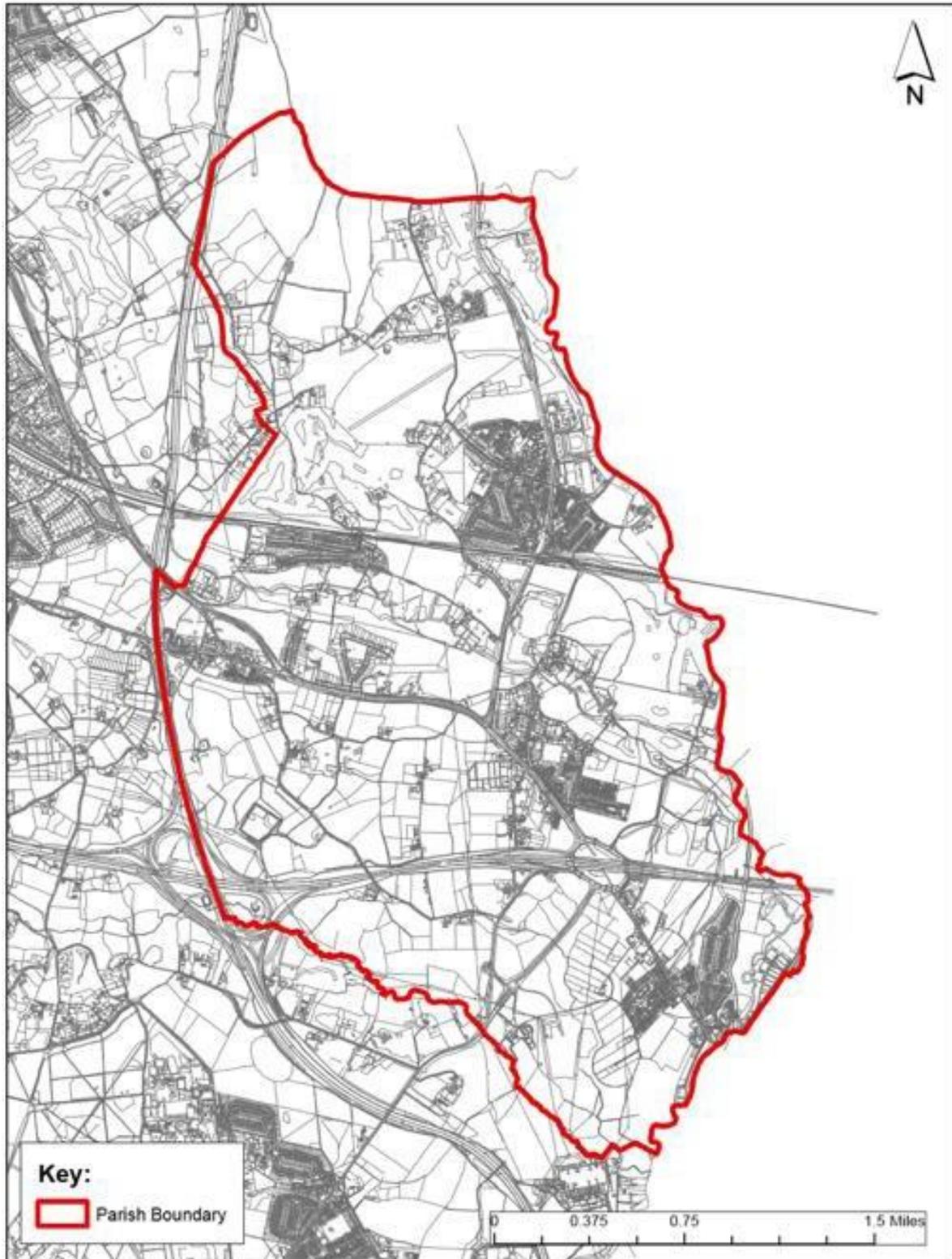
1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the Conditions if:

- a) 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,
- b) (Not relevant for this Neighbourhood Plan),
- c) (Not relevant for this Neighbourhood Plan),
- d) The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- e) 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),
- f) The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations.

1.6 The Parish Council is also mindful of the 'Planning for the Future' White Paper published by the Government in August 2020. The Paper proposes to make significant changes to both the development plan and management systems and indicates that there is a future for neighbourhood planning in that system, but the precise role it will play is not yet clear. The expectation is that the new system will be in place in late 2021 after the examination and hopefully making of this Neighbourhood Plan.

1.7 However, the new system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It will also enable communities to define local design standards, and the Neighbourhood Plan contains proposals in all of these respects. It may be that how those proposals are implemented may change and this will be taken into account in a first review of the made Neighbourhood Plan.

Denham Parish



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Plan A: Denham Designated Neighbourhood Area

2. BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2017. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish and the Parish Council considered having a Plan would improve the way in which future development proposals are managed.

2.2 The Parish Council delegated authority to a new steering group to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in June 2020 and the Submission Plan now.

2.3 The steering group was formed comprising the residents and Parish Council representatives from each of the five villages. The steering group created a 'task team' for each village, which was responsible for engaging the local community, analysing the evidence and developing policy ideas, including nominating candidate local green spaces and local heritage assets for example. This approach reflected the many differences in demographic, function and policy context of each village and worked very well. The steering group ensured the task teams worked to the same brief and co-ordinated their efforts to ensure a consistency in approach and outputs.

2.4 The Parish Council has consulted local communities extensively over the duration of the project. It has also worked closely with officers of the former District Council, and more recently Bucks Council since the start of the project to collate and examine the evidence base, to design and iterate policy proposals and to define the proper relationship between the Neighbourhood Plan and the saved policies of the adopted Local Plan 1999 and Core Strategy 2011, of more of a challenge, with the emerging Chiltern and South Bucks Local Plan. The outcome of that work is the submission version of the Neighbourhood Plan.

2.5 The Neighbourhood Plan contains eleven land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies therefore focus on development management matters that seek to refine and/or update existing policies and effectively anticipates emerging policies.

3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

General Paragraphs

3.2 The Parish Council believes the Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The Neighbourhood Plan contains no site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area.

3.4 At the Regulation 14 stage, Bucks Council questioned why the Neighbourhood Plan had not chosen to make site allocations to engage NPPF §14. It noted that its January 2020 Housing & Employment Land Availability Assessment and updated Settlement Capacity Study had determined that the NPPF §65 indicative housing target was 119 homes, including a 5% contribution (60 homes) to the District ‘windfall’ housing supply. In subsequent liaison with Bucks Council, it was agreed that that the opportunity to deliver the 60 windfall homes was very limited given the Green Belt status of the whole of the Parish, excepting the two inset villages. Those homes were likely to come forward on brownfield sites under permitted development rights and through small infill schemes and would not require the Neighbourhood Plan to make site allocations.

3.5 Similarly, only 12 of remaining homes had not already been consented in the plan period and neither the Core Strategy nor the adopted 1999 Local Plan have made strategic policy provision to enable the Neighbourhood Plan to engage NPPF §136 in respect of modifying Green Belt boundaries. Lessons from other neighbourhood plans indicate that it is not consistent with the Green Belt provisions of the NPPF for them to allocate land for development types deemed 'inappropriate' as a matter of principle. Bucks Council has accepted this position too and as a result the decision not make site allocations has been ratified by the Parish Council.

3.6 In other respects, the Plan is underpinned by a proportionate, relevant and up-to-date evidence base. This has been assembled by the steering group and village task teams from either existing sources or from their own survey work and is focused tightly on supporting and justifying the policies concerned (§31).

Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A overleaf.

Table A: Neighbourhood Plan & NPPF Conformity Summary

No.	Policy Title	NPPF Ref.	Commentary
DEN1 DEN2 DEN3 DEN4 DEN5	Design in Denham Green Design in Denham Village Design in Higher Denham Design in New Denham Design in Tatling End	125 – 127, 185	<p>Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development (§125). These design policies for each village supplement the former District Council's Townscape Character Study, which includes character analysis of each village (either in the original 2017 report or in its 2019 addendum for the proposed inset villages). The Study defines character areas and identifies common characteristics in each area. For the most part that evidence is correct and remains up to date.</p> <p>The intention of these policies is to identify specific design attributes to either add to or emphasise the Study's analysis. The policies and the Study can therefore be read together by applicants to acknowledge, understand and respond to their content. In keeping content to just those most important attributes, the approach ensures that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting whilst not preventing or discouraging appropriate innovation or change (§127c). They require applicants to show that they have understood the site context and have chosen those principles that are most relevant to ensure a successful scheme design that establishes or maintains a strong sense of place (§127d). In addition, Policy DEN2 specifically also identifies the important features that will enable preserving and enhancing the Denham Conservation Area and its setting (§185) to supplement and work alongside the design guidance and analysis of the adopted Conservation Area Appraisal.</p>
DEN6	Local Heritage Assets	197	The policy identifies non-designated heritage assets and their value to enable the effect of an application on the significance of a non-

			designated heritage asset to be taken into account in determining the application, where applicable (§197).
DEN7	Colne Valley Regional Park	91, 149, 170	The policy protects and enhances the valued landscapes, sites of biodiversity value and soils of the Colne Valley Regional Park. It recognises the wider benefits from natural capital and the ecosystem services – including their economic benefits and minimises impacts on and provides net gains for biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures. It also makes provision for the remediation and mitigation of despoiled and degraded land along river corridors (§170). The provision of safe and accessible green infrastructure will also enable and support healthy lifestyles (91c). Green Infrastructure is also a local contribution to ensure the future resilience of the local communities to climate change impacts by providing space for physical protection measures (§149).
DEN8	Local Green Spaces	99 – 101	The policy designates a small number of Local Green Spaces in each village that the community has identified as being of particular importance to them. It is consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services, as none of the spaces has been earmarked for development (§99). In each case, the green space is in reasonably close proximity to the community it serves; is demonstrably special to a local community and holds a particular local significance and is local in character and not an extensive tract of land (§100). The policy wording is consistent with those for Green Belts (§101).
DEN9	Local Community Uses and Pubs	92	The policy identifies the social, recreational and cultural facilities and services the community needs in order to guard them from unnecessary loss. In some cases, the loss of a facility will reduce the local community's ability to meet its day-to-day needs (§92c). The policy also relates these facilities and services to the Use Classes Order of September 2020 to clarify its application.

DEN10	Commercial, Businesses & Service Uses	83	The policy identifies accessible local services to enable their retention and development (§83). The policy also relates these services to the Use Class Order of September 2020 to clarify its application.
DEN11	Redeveloping Brownfield Land	84, 91, 92, 145	The partial or complete redevelopment of previously developed land is an exception to Green Belt policy (145g). The policy relates to specific previously developed land, on five separate sites, where these criteria would apply. Existing industrial uses on four of these sites are not sensitive to their surroundings (§84) and occasionally undermine the quality of life of nearby residents (§91b). Their redevelopment for residential use is considered would improve social well-being for the community (§92b). As 'other economic sites' other planning provisions will continue to apply in assessing the loss of economic land. The use of previously developed land, such as the site off Amersham Road, is encouraged as a suitable opportunity for meeting local business and community needs and the policy seeks to exploit opportunities to make the location more sustainable (§84) and develop additional open space provision (83d) to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure (§91c).

3.5 It is considered that all of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 It was agreed with the former District Council in correspondence of December 2019 that the proposals of the emerging Neighbourhood Plan did not have the potential for significant environmental effects and a Strategic Environmental Assessment (SEA) would therefore not be necessary in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 and the European Directive 2001/42/EC. Although modifications have been made to the draft policies following representations at the Regulation 14 stage, and following the revisions to the Use Class Order, but none are considered material that warrant re-screening.

4.2 As an SEA has not been required of the Neighbourhood Plan, the Statement sets out in Table B below how each of the policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to significantly positive (++) , minor positive (+), neutral (0), minor adverse (-) or significant adverse (--) effects, taking into account the proposed mitigation measures.

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environmental	Commentary
DEN1	Design in Denham Green	+	0	+	The policies will have positive environmental effects in helping to ensure that the future standards of design reflect the characteristics of each village and the Denham Conservation Area and its setting at Policy DEN2, and by encouraging the protection of a wide range of local heritage assets from unnecessary or unjustified loss at Policy DEN6. They should also lead to social benefits where development reflects those design matters which have been highlighted as important to the community.
DEN2	Design in Denham Village	+	0	+	
DEN3	Design in Higher Denham	+	0	+	
DEN4	Design in New Denham	+	0	+	
DEN5	Design in Tatling End	+	0	+	

DEN6	Local Heritage Assets	+	0	+	
DEN7	Colne Valley Regional Park	++	+	++	The policy will enable the enhancement of the multi-functional role of green infrastructure in the Parish, the entirety of which sits within the much larger Colne Valley Regional Park, in terms of recreation, ecology and climate change. Opportunities for economic development are supported which could also lead to economic benefits.
DEN8	Local Green Spaces	++	0	+	These spaces are protected from harmful development for their value to the local community. Some also have environmental value as part of the wider green infrastructure network. There are no adverse social or economic effects as there remain opportunities for development to come forward in line with strategic policy.
DEN9	Local Community Uses and Pubs	++	+	+	Encouraging the use and improvement of the local community facilities will have both community and economic benefits as some are commercial. There may also be an environmental benefit if local people can continue to use these facilities rather than have to travel outside the Parish if a facility closes.
DEN10	Commercial, Business & Service Uses	+	++	+	Encouraging the use of the local services will have community as well as economic benefits. There may also be an environmental benefit if local people can continue to use these services rather than have to travel outside the Parish to obtain goods and services if local services deteriorate.
DEN11	Redeveloping Brownfield Land	+	0	+	The implementation of more appropriate uses ought to lead to community benefits and enhance the overall quality of the built environment and in the case of the site off Amersham Road in particular an improvement in the quality of the Green Belt. The impact of the loss of employment land remains uncertain but should be taken into consideration in the various mechanisms available to potential developers.

5. CONDITION (E): 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 saved policies of the South Bucks District Local Plan adopted in March 1999 and the South Bucks Core Strategy adopted in February 2011, which Bucks Council considers to be of a strategic nature (as per Planning Practice Guidance (§41-076)).

5.2 In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of any emerging Development Plan Documents, i.e. the emerging Chiltern and South Bucks Local Plan. However, it is noted that the evidence base for emerging Development Plan Documents is important to informing the Neighbourhood Plan and anticipating emerging policies may be important for the long-term success of the Neighbourhood Plan given that in the event of any future conflict the most recent policy will take precedent.

5.3 An assessment of the general conformity of each policy, and its relationship with emerging policy where relevant, is contained in Table C below.

Table C: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
DEN1	Design in Denham Green	<p>South Bucks Local Plan Policies: GB3, C1, EP3, H9</p> <p>South Bucks Core Strategy Policy: 8</p> <p>These policies set out the key design principles which seek to shape the appropriate design of new buildings to reflect the important features which contribute to village-specific local character, the character and appearance of the Denham Conservation Area as well as the significance of non-designated heritage assets. They therefore reflect the purpose of the adopted Local Plan policies in encouraging proposals that are compatible with the character of the surrounding area and the paramount importance attached to the historic environment.</p> <p>Similarly, the policies refine emerging Local Plan policies DM DP7, DP8 and DP13 to guide proposals in responding to the character of the area in a positive manner which relate to the streets and public spaces around them. Policy DEN6 defines Local Heritage Assets and their value to which emerging Local Plan policy DM DP4 will apply.</p>
DEN2	Design in Denham Village	
DEN3	Design in Higher Denham	
DEN4	Design in New Denham	
DEN5	Design in Tatling End	
DEN6	Local Heritage Assets	

DEN7	Colne Valley Regional Park	<p>South Bucks Local Plan Policies: L10, EP4 South Bucks Core Strategy Policy: 6, 9</p> <p>The policy adopts the approach recommended by the Regional Park for Local and Neighbourhood Plans in its area and responds to the multi-functional green infrastructure features by protecting its integrity and encouraging its improvement. This is broadly in line with Local Plan Policies L10 and EP4 which focus solely on safeguarding the functions of trees and landscaping respectively as important contributions to the landscape. More specifically, it refines Core Policy 6 and 9 which protect green infrastructure and supports green infrastructure plans and initiatives in the Colne Valley Regional Park Action Plan, by being more specific as to how proposals should respond.</p> <p>The policy is also broadly in line with the intent of emerging Local Plan policies DM DP15, NP4, NP5 which supports blue and green infrastructure strategies that take account of the development site, the multi-functional green infrastructure network and its wider environmental and social context, requiring net gain in biodiversity, retaining important features such as trees and providing new planting through integration within the existing green infrastructure network or help to join up areas of existing but separated green infrastructure.</p>
DEN8	Local Green Spaces	<p>South Bucks Local Plan Policy: N/A South Bucks Core Strategy Policy: 5, 6</p> <p>There is no adopted policy provision given that the mechanism was introduced in the first iteration of the NPPF in 2012, however the policy is broadly in line with Core Policy 5 in protecting open spaces and Core Policy 6 in protecting green infrastructure. The policy therefore designates a number of Local Green Spaces and reflects the existing provisions of the NPPF by only supporting proposals for development in exceptional circumstances.</p>
DEN9	Local Community Uses and Pubs	<p>South Bucks Local Plan Policy: COM2 South Bucks Core Strategy Policies: 5, 6</p> <p>The policy identifies those facilities in the Parish and is consistent with these policies in their requirements of development proposals. It adds further provisions to protect and ensure longer term viability of those facilities to reflect the requirements of emerging Local Plan policies DM EP10 and DM HP4, but updates its provisions to align them with the new Use Class Order of September 2020.</p>

DEN10	Commercial, Business & Service Uses	<p>South Bucks Local Plan Policy: S4 South Bucks Core Strategy Policies: 11</p> <p>The policy complements Core Policy 11 of the adopted Core Strategy, which identifies Denham Green as a 'Local Centre' and seeks to protect the important local role of 'neighbourhood centres'. It also replaces saved Local Plan Policy S4 by making clear which premises in the Parish should be protected and the ways in which proposals to change their use will be assessed. The emerging Local Plan has no equivalent non-strategic policy but its Policy DM EP10 proposes a similar approach. The policy also updates its provisions to align them with the new Use Class Order of September 2020.</p>
DEN11	Redeveloping Brownfield Land	<p>South Bucks Local Plan Policy: N/A South Bucks Core Strategy Policy: Spatial Strategy, 10</p> <p>The policy supports the use of previously developed land which is in line with the overall spatial strategy for the District in focussing new development on previously developed land. It identifies specifically those sites where the site is creating residential amenity issues and would therefore benefit from housing redevelopment refining Core Policy 10 which recognises that redevelopment may be necessary in these circumstances. The provisions of Core Policy 10 with regards to the loss of employment land will continue to apply. The policy also refines emerging Policy DM PP3 by specifically identifying previously developed land in the Green Belt where redevelopment will be supported.</p>

5.4 It is considered that all of the policies are in general conformity with the strategic policies of the adopted and emerging development plan, with no incidence of two or more strategic policies being in tension, nor of the Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

6. CONDITION (F): COMPATABILITY WITH EU LEGISLATIONS

6.1 The former South Bucks District Council provided a screening opinion in December 2019 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004, is not required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately.

6.2 As set out in Section 4 the Parish Council has met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

6.3 The Parish Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). The former District Council's Habitats Regulations Screening Assessment concluded that the designated Neighbourhood Area does not include, or is in close proximity to, any Natura 2000 sites and so no habitats regulations assessment would be required (as defined in the 2017 Regulations).

6.4 The Parish Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.