

# Datchet Neighbourhood Plan 2022-2033

## Basic Conditions Statement

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## 1. Introduction

- 1.1 This Basic Conditions Statement has been produced to accompany the Datchet Neighbourhood Development Plan (DNDP).
- 1.2 The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
- Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
  - Planning and Compulsory Purchase Act 2004: ss 38A-C
  - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (as amended)
- 1.3 Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five<sup>1</sup> basic conditions before it can proceed to a referendum. These are:
1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  4. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
  5. 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);
  6. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
  7. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.4 This document sets out how the Plan meets the Basic Conditions.

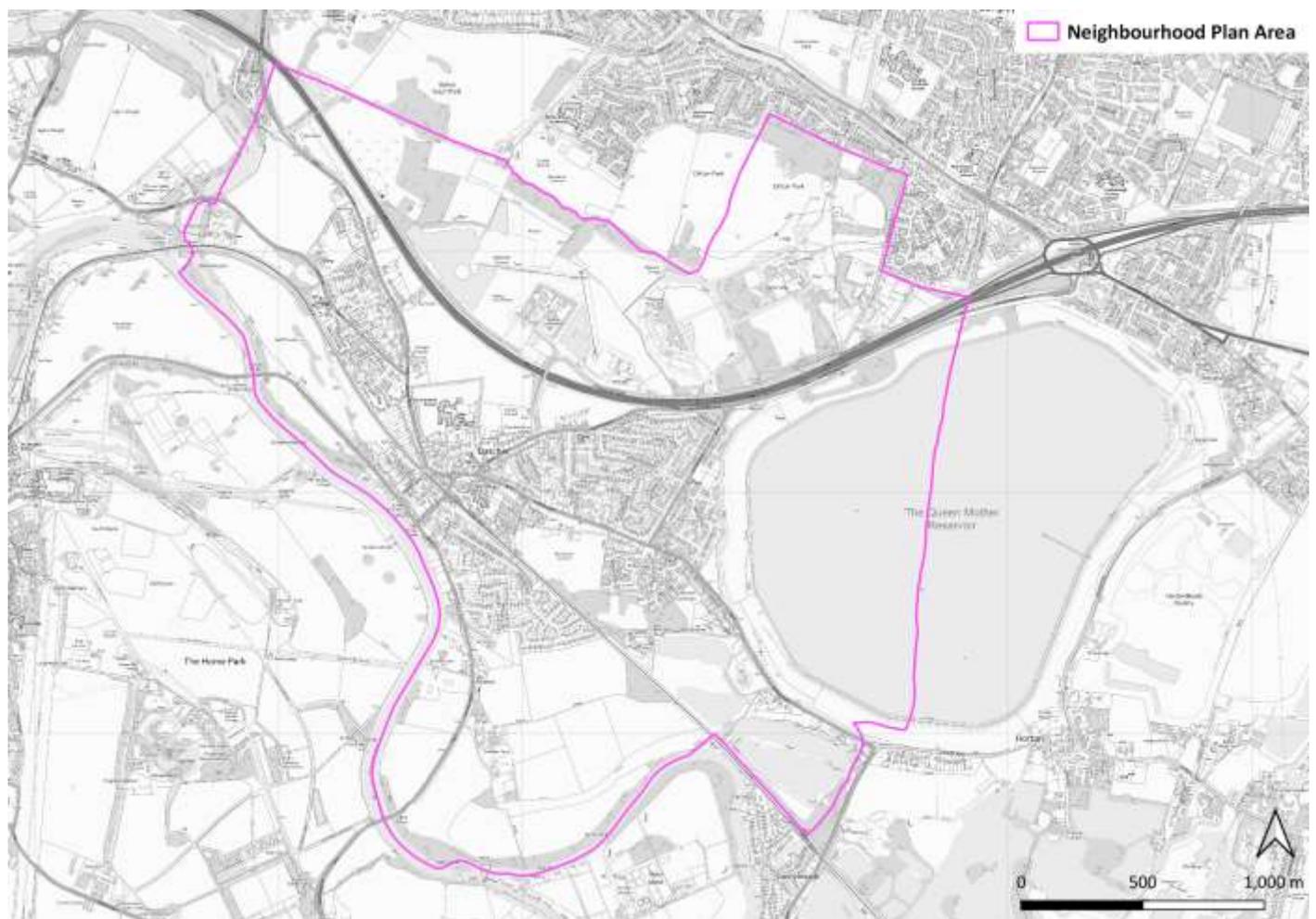
### Key statements

- 1.5 Royal Borough of Windsor and Maidenhead (RBWM), as the local planning authority, designated the Datchet Neighbourhood Area in 2013. This enabled the DNDP Steering Group to prepare the Datchet Neighbourhood Plan.
- 1.6 The DNDP sets out policies that relate to the development and use of land within only the Datchet Neighbourhood Area. This area is shown in Figure 1.

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<sup>1</sup> There are two further basic conditions (2 and 3), which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

Figure 1: Datchet Neighbourhood Area



## Supporting documents and evidence

- 1.7 The DNDP is supported by a Consultation Statement, a Strategic Environment Assessment screening opinion, a Habitats Regulations Assessment screening opinion, this Basic Conditions Statement and an extensive evidence base.

## 2. Basic Condition (i) – Conformity with National Planning Policy

2.1 To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

### National Planning Policy Framework

2.2 The NPPF has 13 key objectives which are:

1. Delivering a sufficient supply of homes
2. Building a strong, competitive economy
3. Ensuring the vitality of town centres
4. Promoting healthy and safe communities
5. Promoting sustainable transport
6. Supporting high quality communications
7. Making effective use of land
8. Achieving well-designed places
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

2.3 This statement explains how the Plan contributes to meeting these objectives. It also explains how the policies within the Neighbourhood Plan intend to meet, support and supplement specific national policies.

2.4 The Plan has six objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

**Table 2.1: Assessment of the DNDP objectives against NPPF goals**

Objective	Relevant NPPF goal
Objective 1: To preserve and protect the character of the village, its attractive historic centre and village greens (collectively known as The Green), public riverside, heritage assets (including non-designated heritage assets) and special views.	<ul style="list-style-type: none"> <li>• Conserving and enhancing the historic environment</li> <li>• Conserving and enhancing the natural environment</li> <li>• Achieving well-designed places</li> </ul>
Objective 2: To maintain, protect and enhance green spaces of value to the community to promote biodiversity and ensure local people have access to nature.	<ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment</li> <li>• Promoting healthy and safe communities</li> </ul>
Objective 3: To ensure new housing reflects the high quality local vernacular in the parish in terms of building style, materials and density, and responds to the housing needs of the community with suitable housing for people of all ages, abilities and means, providing the opportunity for existing and future generations to remain in the community.	<ul style="list-style-type: none"> <li>• Achieving well-designed places</li> <li>• Delivering a sufficient supply of homes</li> </ul>
Objective 4: To ensure that development is sustainable and sensitively designed to be attractive, to minimise flood risk, mitigate climate change, promote biodiversity, reduce our carbon footprint, and enhance the existing community's wellbeing.	<ul style="list-style-type: none"> <li>• Achieving well-designed places</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> <li>• Promoting healthy and safe communities</li> </ul>
Objective 5: To enhance the facilities currently available to the existing community and to ensure that new development is supported by adequate additional infrastructure, facilities and services, keeping Datchet an attractive, well-planned and safe place for existing and future residents.	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> <li>• Ensuring the vitality of town centres</li> <li>• Building a strong, competitive economy</li> </ul>
Objective 6: To improve transport and movement, in particular through non-car modes, ensuring there is a safe environment for pedestrians and cyclists.	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> </ul>

2.5 Table 2.2 sets out each policy of the DNDP alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

**Table 2.2: Assessment of how each policy in the DNDP conforms to the NPPF**

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
Policy DAT1: Housing suitable for the needs of older people	60, 62, 65, 130	This policy contributes to the NPPF requirement of delivering a sufficient supply of homes. It identifies the specific types and sizes of housing that are required to meet the housing needs of the local community along with the types of design considerations that will enhance their ability to provide for the needs of intended occupiers.
Policy DAT2: High quality design and character	126, 127, 129, 130, 179	This policy contributes to the NPPF requirements of achieving well-designed places. It identifies the different character areas within the parish and for each, the specific issues of particular importance that should be taken into consideration by applicants when preparing planning applications. It also identifies common issues that need to be considered in the design and layout of buildings, including matters related to minimising surface water flooding and maximising net biodiversity gain.
Policy DAT3: Shopfront design	126, 127, 130, 136	This policy contributes to the NPPF requirements of achieving well-designed places by ensuring that shopfronts reflect the prevailing high quality of those in Datchet village and do not detract from its appeal as a retail centre.
Policy DAT4: Non-designated heritage assets	190	A key objective of the NPPF is to conserve and enhance the historic environment. This policy seeks to conserve and enhance heritage assets of local importance in Datchet.
Policy DAT5: Views	126, 127, 130, 174	This policy contributes to the NPPF objectives of achieving well designed places and conserving and enhancing the natural environment. It seeks to preserve the setting of Datchet in a rural landscape, specifically in relation to important views.
Policy DAT6: Waterside activities	92, 93, 174, 179	This policy contributes to the NPPF requirements of promoting healthy and safe communities and conserving and enhancing the natural environment. The policy seeks to ensure that some of Datchet's key environmental and social assets (the River Thames, Datchet Common and Gravel Pits and Queen Mother Reservoir) are protected from inappropriate leisure activity.
Policy DAT7: Local green spaces	101, 102, 103	National policy enables local communities to identify, for special protection, green areas of importance to them known as Local Green Spaces. This policy designates 5 areas, identified by the local community as important, as Local Green Spaces which will be protected.
Policy DAT8: Provision for	174, 179	A key objective of the NPPF is to conserve and enhance the natural environment and this policy ensures that

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
wildlife in new development		development proposals meet this objective by having the provision for local wildlife to thrive.
Policy DAT9: Roadway verges	174, 179	As part of the NPPF requirement to preserve and enhance the natural environment, this policy seeks to protect the biodiversity habitat created by roadside verges
Policy DAT10: Flooding drainage and appropriate drainage solutions	153, 154	As part of the NPPF requirement to meet the challenge of climate change, flooding and coastal change, this policy seeks to ensure that new development provides the most appropriate and effective mitigation against all types of flooding and manages drainage appropriately.
Policy DAT11: Provision of community infrastructure	92, 93, 98, 99	This policy meets the NPPF requirement to promote healthy communities. It identifies specific community and leisure facilities that will help to enhance the quality of provision in Datchet.
Policy DAT12: Key movement routes	92, 104, 105, 106	This policy contributes to the NPPF objective of promoting sustainable transport. The policy seeks to enhance the main routes where walking and cycling can be significantly increased if appropriate infrastructure is provided.
Policy DAT13: Provision for cycle storage and parking	108	This policy contributes to the NPPF objective of promoting sustainable transport. The policy seeks to enhance the range and quality of bicycle parking.

### 3. Basic Condition (iv) – Contribution to Sustainable Development

- 3.1 The NPPF states in paragraph 11 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking’.
- 3.2 For the DNDP, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan...guides development to sustainable solutions’.
- 3.3 Table 3.1 summarises how the objectives and policies in the DNDP contribute towards sustainable development, as defined in the NPPF. As this demonstrates, many of the objectives of the DNDP overlap the three strands of sustainability.

**Table 3.1: Assessment of DNDP objectives and policies against sustainable development**

Deliver economic sustainability	
NPPF definition – ‘Contribute to building a strong, responsive economy’	
DNDP Objectives	<p>Objective 1: To preserve and protect the character of the village, its attractive historic centre and village greens (collectively known as The Green), public riverside, heritage assets (including non-designated heritage assets) and special views.</p> <p>Objective 5: To enhance the facilities currently available to the existing community and to ensure that new development is supported by adequate additional infrastructure, facilities and services, keeping Datchet an attractive, well-planned and safe place for existing and future residents.</p> <p>Objective 6: To improve transport and movement, in particular through non-car modes, ensuring there is a safe environment for pedestrians and cyclists.</p>
DNDP Policies	<p>Policy DAT2: High quality design and character</p> <p>Policy DAT3: Shopfront design</p> <p>Policy DAT11: Provision of community infrastructure</p> <p>Policy DAT12: Key movement routes</p>
Commentary	<p>Datchet has a small economic centre with limited opportunities for commercial growth. Therefore, it is important that it protects and enhances its economic assets. These include its attractive village centre. Policy DAT2 seeks to protect its character by ensuring development here is in keeping with its surroundings. Similarly, Policy DAT3 seeks to preserve the high quality shopfront design which is part of the appeal of Datchet as a shopping centre. Improved community infrastructure (Policy DAT11) will help to engage the community more with its locality (thereby increasing the potential for local investment) and Policy DAT12 seeks to make local movement better for walking and cycling which in turn will enhance the local centre as a place to shop and use services.</p>

Deliver social sustainability	
NPPF definition: ‘Supporting strong, vibrant and healthy communities’ and ‘support its health, social and cultural well-being’	
DNDP Objectives	<p>Objective 1: To preserve and protect the character of the village, its attractive historic centre and village greens (collectively known as The Green), public riverside, heritage assets (including non-designated heritage assets) and special views.</p> <p>Objective 3: To ensure new housing reflects the high-quality local vernacular in the parish in terms of building style, materials and density, and responds to the housing needs of the community with suitable housing for people of all ages, abilities and means, providing the opportunity for existing and future generations to remain in the community.</p> <p>Objective 5: To enhance the facilities currently available to the existing community and to ensure that new development is supported by adequate additional infrastructure, facilities and services, keeping Datchet an attractive, well-planned and safe place for existing and future residents.</p> <p>Objective 6: To improve transport and movement, in particular through non-car modes, ensuring there is a safe environment for pedestrians and cyclists.</p>
DNDP Policies	<p>Policy DAT1: Housing suitable for the needs of older people</p> <p>Policy DAT2: High quality design and character</p> <p>Policy DAT4: Non-designated heritage assets</p> <p>Policy DAT5: Views</p> <p>Policy DAT11: Provision of community infrastructure</p> <p>Policy DAT12: Key movement routes</p> <p>Policy DAT13: Provision for cycle storage and parking</p>
Commentary	<p>High quality development is important to the community of Datchet, both in terms of what development looks like and how it is laid out. Datchet is a parish with variations in its character. Policy DAT2 identifies the different character areas and their main characteristics and presents the Datchet Design Guide to help inform high quality development that is in keeping with the existing character of the parish. As part of this, Policy DAT5 seeks to protect a small number of high quality views that typify Datchet’s character. Related to this is Datchet’s heritage, with Policy DAT4 seeking to protect heritage assets of local value.</p> <p>Efficient transport is essential for people to access services - education, healthcare, shopping, jobs and leisure. Enabling people to access these services as easily as possible, and preferably, as close as possible to where they live, minimises cost, time and use of resources. However, there is a heavy reliance on travel by car in the area, which could be reduced by encouraging the use of sustainable transport through cycleways, footpaths, buses and trains. Policies DAT12 and DAT13 address this.</p> <p>Alongside this, community facilities and spaces are important to the community of Datchet. Policy DAT11 identifies specific community and leisure facilities that are needed in Datchet.</p> <p>Addressing the residential needs of the community is key to the DNDP, including ensuring a suitable housing mix and that supply meets demand</p>

	specifically through the increased provision of homes that meet the needs of older people (Policy DAT1).
<b>Deliver environmental sustainability</b>	
<b>NPPF definition: ‘Contributing to protecting and enhancing our natural, built and historic environment’</b>	
DNDP Objectives	<p>Objective 1: To preserve and protect the character of the village, its attractive historic centre and village greens (collectively known as The Green), public riverside, heritage assets (including non-designated heritage assets) and special views.</p> <p>Objective 2: To maintain, protect and enhance green spaces of value to the community to promote biodiversity and ensure local people have access to nature.</p> <p>Objective 4: To ensure that development is sustainable and sensitively designed to be attractive, to minimise flood risk, mitigate climate change, promote biodiversity, reduce our carbon footprint, and enhance the existing community’s wellbeing.</p>
DNDP Policies	<p>Policy DAT2: High quality design and character</p> <p>Policy DAT6: Waterside activities</p> <p>Policy DAT7: Local green spaces</p> <p>Policy DAT8: Provision for wildlife in new development</p> <p>Policy DAT9: Roadway verges</p> <p>Policy DAT10: Flooding drainage and appropriate drainage solutions</p>
Commentary	<p>Enhancing the green infrastructure in the area is important to integrate physical resources and natural systems with Datchet’s ecological assets. This ensures high environmental quality and ensures aesthetic, ecological and recreational benefits. Policy DAT2 provides the framework for high quality design and specifically addresses net biodiversity gain and green spaces outside residential properties with respect to surface water flooding. Similarly, Policy DAT8 supports the provision for wildlife in development and Policy DAT9 seeks to maximise the opportunities for roadside verges to be biodiversity havens. Within the village there are important green spaces that are protected by Policy DAT7. Policies DAT6 and DAT10 address water with respect to protecting the rich biodiversity of Datchet’s blue infrastructure from inappropriate activity (Policy DAT6) and ensuring that flooding is minimised and adequately mitigated (Policy DAT10).</p>

## 4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

- 4.1 The development plan currently consists of:
- **The RBWM Borough Local Plan 2022**
  - **The South East Plan Policy NRM6: Thames Basin Heaths Special Protection Area**
  - **The RBWM Replacement Minerals Local Plan** (incorporating alterations adopted in December 1997 and May 2001)
  - **The RBWM Waste Local Plan 1998.**
- 4.2 The DNDP does not address minerals or waste matters, therefore is considered to be in general conformity with the strategic policies of the minerals and waste local plans. The Datchet Neighbourhood Area is outside the buffer zone of the Thames Basin Heaths Special Protection Area therefore the DNDP is in general conformity with this policy as well.
- 4.3 Table 4.1 details the DNDP policies alongside a consideration of how they are in general conformity with each strategic policy in the development plan. Where a policy is not identified in Table 4.1, it is considered that the DNDP does not contain any policies that directly relate to it.

**Table 4.1: Assessment of conformity with strategic policies in the development plan**

DNDP Policy	RBWM Borough Local Plan 2022	Commentary
Policy DAT1: Housing suitable for the needs of older people	Policy HO2: Housing mix and type Policy QP3: Character and design of new development	Policy DAT1 seeks to ensure a suitable housing mix is provided and that specifically the housing needs of older people are met. Policy HO2 requires a housing mix that is adaptable to changing life circumstances and that is capable of adaptation. Policy QP3 requires development to be accessible to all and capable of adaptation to meet future needs.
Policy DAT2: High quality design and character	Policy SP2: Climate change Policy QP3: Character and design of new development Policy NR2: Nature conservation and biodiversity Policy IF2: Sustainable transport	Policy DAT2 provides the framework for high quality design and specifically addresses net biodiversity gain and green spaces outside residential properties with respect to surface water flooding, bicycle parking and waste storage. Policy SP2 requires all development to minimise surface water runoff. Policy QP3 requires development to contribute towards achieving high quality design, protect trees and vegetation, provide high quality landscaping and sufficient levels of private green space and to provide adequate measures for waste storage. Policy NR2 seeks to ensure that development recognises the importance of urban wildlife and biodiversity networks. Policy IF2 seeks to ensure development provides sufficient bicycle parking.
Policy DAT3: Shopfront design	Policy QP3: Character and design of new development	Policy DAT3 seeks to preserve the high quality shopfront design in Datchet village. Policy QP3 states that development must respect local character with regard to materials.
Policy DAT4: Non-designated heritage assets	Policy HE1: Historic environment	Policy DAT4 seeks to protect heritage assets of local value to Datchet. Policy HE1 provides appropriate policy requirements in respect of how heritage assets should be addressed by development. Paragraph 11.1.3 states that non-designated heritage assets can be identified in neighbourhood plans.
Policy DAT5: Views	Policy QP3: Character and design of new development Policy QP4: River Thames corridor.	Policy DAT5 seeks to protect a small number of high quality views that typify Datchet's character, including along the River Thames. Policy QP3 requires development to retain important local views of features, including landmarks such as the River Thames. Policy QP4 says that development should protect and, where possible enhance, views to and from the river.
Policy DAT6: Waterside activities	Policy QP2: Green and blue infrastructure Policy QP4: River Thames corridor	Policy DAT6 seeks to protect the rich biodiversity of Datchet's blue infrastructure from inappropriate activity; some of the identified water courses are Local Wildlife Sites. Policy QP2 requires development to contribute to the enhancement in quality of blue infrastructure. Policy QP4 supports appropriate sport, leisure and river-related employment where they do not harm access or ecological value. Policy NR2 protects Local Wildlife Sites from detrimental impacts.

DNDP Policy	RBWM Borough Local Plan 2022	Commentary
	Policy NR2: Nature conservation and biodiversity	
Policy DAT7: Local green spaces	Policy IF4: Open space	Policy DAT7 protects a number of important green spaces. Policy IF4 protects existing open spaces where appropriate.
Policy DAT8: Provision for wildlife in new development	Policy NR2: Nature conservation and biodiversity	Policy DAT8 supports the provision for wildlife in development. Policy NR2 requires development to maintain, protect and enhance biodiversity.
Policy DAT9: Roadway verges	Policy NR2: Nature conservation and biodiversity	Policy DAT9 seeks to maximise the opportunities for roadside verges to be biodiversity havens. Policy NR2 requires development to maintain, protect and enhance biodiversity. This includes along green corridors such as grass verges.
Policy DAT10: Flooding drainage and appropriate drainage solutions	Policy NR1: Managing flood risk and waterways Policy QP2: Green and blue infrastructure	Policy DAT10 seeks to ensure that flooding – fluvial and surface water - is minimised and adequately mitigated, including through the use of Sustainable Drainage Systems (SUDS). It also supports the retention of the existing bunds. Policy NR1 provides the framework for assessing flood risk sequentially and ensuring appropriate mitigation and requires the use of SUDS (which are also encouraged by Policy QP2).
Policy DAT11: Provision of community infrastructure	Policy QP1: Sustainability and Placemaking	Policy DAT11 identifies specific community and leisure facilities that are needed in Datchet including play equipment and allotments. Policy QP1 states that all new development should contribute to the places they are located, with larger developments required to contribute to the provision of social infrastructure which supports communities. This should create places that foster active, healthy lifestyles.
Policy DAT12: Key movement routes	Policy QP3: Character and design of new development Policy IF2: Sustainable transport	Policy DAT12 seeks to increase provision for safe walking and cycling. Policies QP3 and IF2 both require development to deliver easy and safe access and movement for pedestrians and cyclists, including through effective layouts.
Policy DAT13: Provision for cycle storage and parking	Policy IF2: Sustainable transport	Policy DAT13 seeks to increase cycling through effective provision of cycle storage and parking. Policy IF2 requires appropriate levels of cycle parking to be provided.

## 5. Basic Condition (vi) – Conformity with EU Obligations

- 5.1 The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In April 2022, a screening report prepared by Royal Borough of Windsor and Maidenhead was published. This was consulted on with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the DNDP would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 5.2 The Screening Report concluded that the Plan was unlikely to have any significant environmental effects. None of the statutory bodies disagreed with this view.
- 5.3 The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.4 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

## 6. Basic Condition (vii) – Conformity with the Prescribed Conditions

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive<sup>2</sup>, it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments (HRA). An Appropriate Assessment is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 An HRA Screening was undertaken by Royal Borough of Windsor and Maidenhead in April 2022. Royal Borough of Windsor and Maidenhead was of the opinion that significant effects were unlikely to occur with regards to the integrity of the European sites within and around Royal Borough of Windsor and Maidenhead, due to the implementation of the DNNDP. Consultation with Natural England identified that they agreed with this opinion.
- 6.3 The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

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<sup>2</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

## 7. Conclusion

- 7.1 The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Datchet Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Datchet Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.



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