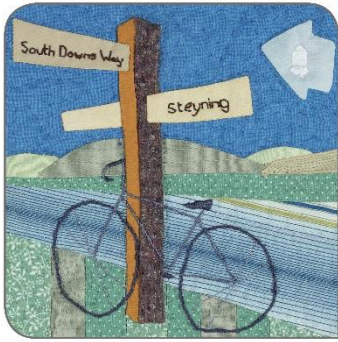




Steyning Neighbourhood Development Plan

Basic Conditions Statement

Published on: 22 November 2019

Prepared to inform and support the Steyning Neighbourhood Plan

More information available at www.steyningcommunityplan.co.uk

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1. Introduction

What is the purpose of this document?

- 1.1. A neighbourhood plan can only be put to a referendum and be made if it meets each of the 'basic conditions'. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions relevant to neighbourhood plans are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.2. This Basic Conditions Statement demonstrates how the submission neighbourhood plan meets the basic conditions as required by regulation 15(1)(d) and regulation 22(1)(e) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

When have the basic conditions been taken into account?

- 1.3. The Steering Group and Steyning Parish Council (who are the qualifying body) have considered how the neighbourhood plan meets the basic conditions throughout the process of developing this neighbourhood plan.

2. Regard to national policies and advice

- 2.1. A neighbourhood plan or Order must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the government's planning policies for England and how these are expected to be applied.
- 2.2. Paragraph 13 of the National Planning Policy Framework is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies.
- 2.3. Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
- 2.4. Set out below are the policies contained within the submission neighbourhood plan cross referenced to national policies and advice. It should be noted that the table below is not exhaustive and there may be other NPPF references that are not included in the table below:

Steyning Neighbourhood Plan		National policies and advice	
Policy No.	Policy Title	References	Comments on conformity
SNDP1	Green infrastructure & biodiversity	NPPF paras 8, 32, 127, 149, 170, 174, 175	Steyning N.Plan seeks to provide locally specific detail to reinforce policy contained throughout the NPPF. Particularly with regard to providing a net gain in terms of environmental sustainability. It has not been possible to map the important landscape features from his policy as it would have been impractical and potentially result in currently unidentified features not benefitting from policy support – to confirm it is not considered that that this conflicts in any way with national policy. SNDP1 is therefore considered to positively support many aspects of national policy as set out in the paragraphs referenced.
SNDP2	Responsible environmental design	NPPF paras 8, 32, 105, 110, 127, 148-154, 163, 170, 174, 175	SNDP2 seeks to introduce measures which are considered respond to growing local environmental pressures both to ensure the parish retains its rural feel and to combat climate change. The overall ambitions and principles set out in the policy are considered to be in conformity with national policy.
SNDP3	Contribution to character	NPPF paras 8, 85, 110, 112, 124-132, 170, 186, 192	National policy asks that new development makes a positive contribution to local character and distinctiveness. SNDP3 sets out how this can be achieved within Steyning by

			guiding those preparing applications and then those assessing applications to the latest Character Assessment for the area. Doing so is in absolute conformity with national policy.
SNDP4	Improving our facilities	NPPF paras 8, 28, 91, 92, 98, 104, 127	National policy asks that among other things that efforts are made to provide necessary infrastructure. This policy provides policy support for a wide range of facilities which meet the criteria set out (such as recreational facilities or transport infrastructure). The policy falls short of identifying specific existing infrastructure as the intention is to provide flexibility and policy support future projects that may not yet have been identified.
SNDP5	New community infrastructure	NPPF paras 8, 28, 91, 92, 98, 104, 127	National policy asks that among other things that efforts are made to identify and coordinate the provision of necessary infrastructure. This policy provides a framework within which infrastructure will come forward in the community and provides policy support for such
SNDP6	Local green space	NPPF paras 8, 99-101	The policy in the Neighbourhood plan relating to the Local Green Space has been directly informed by paras 99-101 of the NPPF. The methodology utilised, assessments undertaken and conclusions reached are all in absolute conformity with national policy. Concerns have been raised with regard to conformity with the PPG and we would refer you to the Consultation Statement which accompanies the Submission Neighbourhood Plan for full commentary on this.

3. The plan contributes to the achievement of sustainable development.

3.1. The National Planning Policy Framework confirms that:

7. *The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
8. *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
 - a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) **an environmental objective** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
9. *These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

3.2. It is noted that a Sustainability Appraisal has not been prepared to support this plan as one is not required by legislation.

3.3. A vision statement has been prepared which fully considers the three overarching objectives of sustainable development and all policies within the plan positively contribute towards at least one of the objectives. A very brief summary of how each policy within the Submission Neighbourhood Plan contributes towards each objective is set out below:

Policy	Economic	Social	Environmental
SNDP1	n/a	Providing a well-designed built environment promoting social and cultural wellbeing.	Providing protection for biodiversity and biodiversity net gain whilst seeking to mitigate/combat climate

Policy	Economic	Social	Environmental
			change, moving to a low carbon economy.
SNDP2	n/a	Providing a well-designed built environment promoting social and cultural wellbeing.	Providing protection for biodiversity and biodiversity net gain whilst seeking to mitigate/combat climate change, moving to a low carbon economy.
SNDP3	n/a	Providing a well-designed built environment promoting social and cultural wellbeing.	Ensuring development comes forward in a way that enhances our natural, built and historic environment.
SNDP4	Promoting infrastructure which may be required to serve our community, part of which is our business community.	Promotes the provision of accessible facilities that reflect current, future and potentially changing needs. Also supports communities' health, social and cultural well-being.	n/a
SNDP5	Identifying how CIL funds will be spend and providing policy support for the provision of infrastructure which could support the local economy.	Promotes the provision of infrastructure to meet current, future and potentially changing needs. Also has the potential to support communities' health, social and cultural well-being.	Could provide policy support for projects to improve biodiversity, minimising waste and pollution, mitigating and adapting to climate change, moving to a low carbon economy, or many other environmental projects.
SNDP6	n/a	Protects spaces considered to be demonstrably special to the local community, sometimes ensuring recreational space is protected but more importantly protecting the community's social and cultural well-being.	Protects spaces considered to be demonstrably special to the local community, most of the proposed designations will support an environmental role by protecting the landscape and/or biodiversity on the site.

- 3.4. Representations have been made at the Regulation 14 stage which question whether the plan contributes to the achievement of sustainable development, most notably because the neighbourhood plan does not allocate land for development. There is no requirement for the plan to do so to meet the basic conditions. National Planning Guidance confirms that:

"The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have

already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area.

Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.

Paragraph: 104 Reference ID: 41-104-20190509

Revision date: 09 05 2019

The HDC Local Plan has the strategic policies which comply with this Guidance.

- 3.5. The representations are particularly orientated around the designation of Local Green Space and the assertion that by doing this without also allocating sites the plan is preventing sustainable development. LGS are part of what makes development sustainable in accordance with the overarching objectives set out at para 3.1 above. With regard to housing allocations, Horsham District Council (HDC) is preparing a new Local Plan for the District and Steyning Parish Council have agreed with HDC that any housing allocations required to meet the identified housing need will come forward in that plan.
- 3.6. With regard to housing it should also be noted that the parish falls within two separate Local Planning Authorities.
- 3.7. In the area where Horsham District Council is the Local Planning Authority the identified housing need has been confirmed at of 14 dwellings (rounded) per annum, or 165 dwellings over the remainder of the Neighbourhood plan period. One Local Green Space is identified in this area which is a central area of open space within Steyning, this space was not submitted under the call for sites as a potential development site. By designating this space as Local Green Space we do not consider we are preventing sustainable development from taking place.
- 3.8. In the area within the South Downs National Park the identified housing need is zero. The designation of Local Green Space in this area cannot be seen to conflict with an identified development need as there is none.
- 3.9. The designation of Local Green Space as proposed within the plan will therefore not hinder any efforts for plans to meet identified development needs locally and therefore cannot be seen to stifle or prevent the achievement of sustainable development within the parish.
- 3.10. Overall therefore, the qualifying body consider that this plan contributes to the achievement of sustainable development.

4. General conformity with strategic policies in the development plan

4.1. The Development Plan consists of:

- Horsham District Planning Framework 2015 (*for the area not in the National Park*)
- South Downs Local Plan (*for the area in the National Park*)
- The West Sussex Waste Local Plan 2014 (WLP)
- West Sussex Joint Minerals Local Plan 2018 (JMLP)

4.2. The strategic policies contained within these documents and whether the plan is in general conformity with them is considered below. Overall, it is considered that the plan is in general conformity with the strategic policies in the development plan.

Horsham District Planning Framework 2015

4.3. This document is relevant for the part of the plan area not in the National Park. It contains a number of strategic policies, of which a few are relevant to this plan. The relevant strategic policies are considered below:

HDPF Policy 1 Strategic Policy: Sustainable Development

4.4. This policy provides general support and outlines the presumption in favour of sustainable development. As outlined earlier in this document the Submission Neighbourhood Plan positively contributes towards achieving sustainable development.

HDPF Policy 2 - Strategic Policy: Strategic Development

4.5. This provides the overarching strategy for development across the district in 14 criterion. Importantly, it confirms that development should be focussed in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the identified settlement hierarchy (set out in Policy 3). Having reviewed the criteria the Submission Neighbourhood Plan does not conflict with any of the criterion.

HDPF Policy 15 - Strategic Policy: Housing Provision

4.6. This makes provision for the development of at least 16,000 homes and associated infrastructure within the period 2011-2031. It confirms that this figure will be achieved by:

1. *Housing completions for the period 2011 – 2015;*
2. *Homes that are already permitted or agreed for release;*
3. *Strategic Sites:*
 - a. *At least 2,500 homes at Land North of Horsham*
 - b. *Around 600 homes at Land West of Southwater*
 - c. *Around 150 homes at Land South of Billingshurst*
4. *The provision of at least 1500 homes throughout the district in accordance with the settlement hierarchy, allocated through Neighbourhood Planning.*

5. 750 windfall units.

- 4.7. The Submission Neighbourhood Plan does not seek to allocate land for housing development and whilst initial work was undertaken to see how the plan could deliver some of the 1500 homes specified in the policy the policy does not require every plan to allocate land for housing. In addition the policy has been somewhat superseded by events with Horsham District Council undertaking a review of this document and looking to allocate housing themselves. With this in mind HDC has been liaising with the qualifying body and it has been agreed that HDC will allocate land to meet identified housing need as required through their new Local Plan.

HDPF Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

- 4.8. Policy seeking to protect the environment and maintain and enhance Green Infrastructure among other things. The neighbourhood plan seeks to promote a biodiversity net gain and ensure a range of environmental benefits are provided by development.

HDPF Policy 32 - Strategic Policy: The Quality of New Development

- 4.9. Requires development to have high quality and inclusive design for all development. The Submission Neighbourhood Plan reinforce this policy by providing locally specific considerations with particular reference to the recently prepared Character Appraisal.

HDPF Policy 35 - Strategic Policy: Climate Change

- 4.10. Requires adaptation and mitigation of climate change in new development. The Submission Neighbourhood Plan builds on this policy by asking for consideration of additional measures.

South Downs Local Plan 2019

- 4.11. This document is relevant for the part of the plan area in the National Park. The South Downs Local Plan (SDLP) contains a number of policies labelled as being 'Strategic' although it is noted that the name in itself does not necessarily make a policy a strategic one.
- 4.12. The strategic policies cover a wide number of policy areas including biodiversity, heritage, landscape character, infrastructure, the supply of homes and overall development strategy. Again, much like the relationship between the HDPF and the Submission Neighbourhood Plan, the Submission Neighbourhood Plan adds locally specific guidance for development on top of these policies contained in the SDLP.
- 4.13. It is noted that part of Strategic Policy SD25: Development Strategy states '*outside settlement boundaries within rural estates and large farms, positive regard will be had to the following: a) The development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority;*' and that this has been referenced to those stating the Submission Neighbourhood Plan is not in general conformity with strategic policy. To confirm, the neighbourhood plan is not in conflict with any development proposals contained within Whole Estate Plans applicable within the plan area.
- 4.14. Overall the policies contained within the Submission Neighbourhood are considered to be in General Conformity the SDLP.

The West Sussex Waste Local Plan 2014 (WLP)

- 4.15. There are no strategic policies within the WLP which relate to the neighbourhood plan proposals.

West Sussex Joint Minerals Local Plan 2018 (JMLP)

- 4.16. Parts of the Parish contain areas of mineral resource safeguarded under Policy M9 of the JMLP. The plan does not propose any development on these areas and is therefore not considered to conflict with them. General conformity with this plan has therefore been achieved.

5. Compatibility with EU obligations

- 5.1. With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). Horsham District Council have confirmed that a SEA is not required.
- 5.2. With regard to Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). No neighbourhood development orders are proposed by the qualifying body, so the directive does not apply.
- 5.3. With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively), the conclusion of the HRA screening statement confirms that an Appropriate Assessment of the Steyning Neighbourhood Plan is required.
- 5.4. With regard to the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC). There are no policies contained in the SNP that are within the scope of the directives.

6. Prescribed conditions are met

6.1. Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development.

6.2. The qualifying body considers that both of these conditions are met.