



LAVANT NEIGHBOURHOOD DEVELOPMENT PLAN 2016 - 2031

Basic Conditions Statement

Lavant Parish Council

December 2016

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1.0 INTRODUCTION

- 1.01 This Basic Conditions Statement has been produced by Enplan for Lavant Parish Council. It accompanies the Lavant Neighbourhood Development Plan (hereafter referred to as the Neighbourhood Plan) that has been submitted to the South Downs National Park Authority.
- 1.02 The Neighbourhood Plan's plan area is the parish of Lavant which is situated across the Planning Authority boundaries of Chichester District and South Downs National Park. The South Downs National Park Authority is the primary authority.
- 1.03 The Neighbourhood Plan is to have effect from its point of being made in 2017 for a period of 15 years to 2031, it does not include provision about development that is excluded development¹, and only relates to the neighbourhood area of Lavant.
- 1.04 This statement sets out how the Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and meets the basic conditions in paragraph 8(2) of Schedule 4B to the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. These conditions are:
- i. 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,*
 - ii. the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
 - iii. 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),*
 - iv. the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.*

¹ Excluded development is defined at para 61K of the Localism Act 2011 as (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1, (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description, (c) development that falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time), (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008), (e) prescribed development or development of a prescribed description, and (f) development in a prescribed area or an area of a prescribed description.

2.0 Conformity with national policies and guidance

2.01 This neighbourhood plan has been prepared with the policies and guidance contained within the National Planning Policy Framework (NPPF) at its core. Paragraph 16 has been at the core of the Steering Groups efforts and it sets out how communities should seek to prepare neighbourhood plans, it states that neighborhood's should:

- (i) develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and
- (ii) plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

2.02 The NPPF contains a section on neighbourhood plans at paragraphs 183-185. These paragraphs set out what neighbourhood plans should set out to achieve and where they sit within the UK planning system. These paragraphs are set out below for reference:

183. Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:

- *set planning policies through neighbourhood plans to determine decisions on planning applications; and*
- *grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.*

184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation.

2.03 Set out below are the policies contained within the submission neighbourhood plan cross referenced to national policies and guidance to demonstrate conformity. It should be noted that the table below is not exhaustive and there may be other cross-references that are not included in the table below:

Lavant Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
LNDP1	Spatial Strategy and Settlement Boundaries	NPPF para 55, 58	Seeks to promote sustainable development in rural areas. Seeks to ensure sense of place is retained within parish.
LNDP2	South Downs National Park	NPPF para 115	Seeks to conserve landscape and scenic beauty of National Park.
LNDP3	Local Gaps	NPPF para 55	Seeks to promote sustainable development in rural areas. Policy seeks to prevent the coalescence of settlements that is not referred to in the NPPF.
LNDP4	Delivering New Homes	NPPF para 7, 16, 17, 47	Policy seeks to positively plan for the future and provide a quantum of new dwellings to reflect the identified local need.
LNDP5	High Quality Design	NPPF para 7, 9, 17, 50, 55, 57, 61, 62	Policy seeks to ensure new development is of high quality design and respects the local landscape and built environment.
LNDP6	Development Principles	NPPF para 17, 59, 120, 123	The policy reinforces those set out in the NPPF highlighting those which are of particular relevance locally.
LNDP7	New Dwelling Size & Tenure	NPPF para 47, 50	Supports the NPPF in terms of affordable housing provision and a mix of dwelling sizes.
LNDP8	Dark Night Skies	NPPF para 125	Seeks to limit the impact of light pollution from artificial light.
LNDP9	Local Economy, Business and Employment	NPPF para 17, 22, 28, 123	Seeks to ensure that employment uses are retained wherever possible and development does not conflict with adjacent uses.
LNDP10	Local Green Space	NPPF para 7, 76, 77, 78	Protects spaces that comply with NPPF criteria and provide a social role within the community.
LNDP11	Local Community Space	NPPF para 7, 73, 74	Protects open space that is important to the local community, providing a social and environmental role towards local sustainability.
LNDP12	Retention of assets of community value	NPPF para 7	Assets of Community Value are not referred to in the NPPF but are considered to provide a key social role to the sustainability of the area.
LNDP13	Local Biodiversity Opportunity Areas	NPPF para 7, 99, 109	Seeks to preserve and enhance our rich biodiversity, part of the

Lavant Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
			environmental (and social) role of sustainability.
LNDP14	Landscape Character and Key Views	NPPF para 7, 99, 109, 115	Protection for the National Park and our landscape. Central to both the social and environmental role of sustainable development.
LNDP15	Floodplain & Reducing Flood Risk	NPPF para 100	Other paras also relevant but mainly para 100. Development is directed away from areas known to flood ensuring the long term sustainability of any future development. Only essential development, or community facilities (that would contribute to sustainability) may be located in areas known to flood.
LNDP16	Microgeneration and Renewable Energy	NPPF para 17	Support the transition to a low carbon future.
LNDP17	Conserving and enhancing local heritage assets	NPPF para 17 & section 12	Identified and protects local heritage assets are that not identified / designated in other planning policy. The NPPF does not preclude this.
LNDP18	New Public Rights of Way	NPPF para 75	Policy looks to protect / enhance public rights of way and add new links to the existing rights of way network.
LNDP19	Residential Off-Road Parking	NPPF para 40	Seeks to improve the quality of car parking in the parish.
LNDP20	Effective Traffic Management	NPPF para 29, 69	Policy supports the ambition to create sustainable transport and high quality public space.
LNDP21	Land adjacent Pook Lane	NPPF para 7, 17, 47, 55, 74	Policy provides housing whilst respecting the sites heritage constraints and mitigates the loss of open space.
LNDP22	Church Farm Barns	NPPF para 7, 17, 47, 55	Policy provides housing whilst respecting the sites heritage constraints.
LNDP23	Eastmead Industrial Estate	NPPF para 7, 17, 28, 47	Policy provides housing whilst respecting the need for employment space and sites constraints.
LNDP24	Maddoxwood House	NPPF para 7, 17, 47	Policy provides housing whilst respecting the sites constraints.
LNDP25	Small Scale Housing Sites	NPPF para 7, 17, 47, 48	Policy provides for windfall sites to provide adequate supply of housing over the plan period.

3.0 Contribution to Sustainable Development

3.01 Sustainable development is defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. It is about ensuring better quality of life for everyone, now and for generations to come. In doing so, social, environmental and economic issues and challenges should be considered in an integrated and balanced way.

3.02 The NPPF states the Government’s intentions with regards to sustainable development, in particular the need for the planning system to perform a number of roles:

ECONOMIC ROLE – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land and the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

SOCIAL ROLE – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

ENVIRONMENTAL ROLE – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

3.03 Whilst there is no specific legal requirement within the Regulations² for Neighbourhood Development Plans to undertake their own Sustainability Appraisal (SA), it provides a useful tool to the development and consideration of the policies and overall strategy of the Neighbourhood Development Plan. It enables the Parish Council to give full consideration to sustainability issues affecting the village and provides the means for assessing the options and mitigating against any negative impacts where possible. Undertaking this process can improve the overall sustainability of the Neighbourhood Development Plan.

3.04 A Sustainability Appraisal (incorporating a Strategic Environmental Assessment – SEA) has been prepared and is included within the submission documents that considers the plan’s environmental, economic and social impacts. This document illustrates:

- How the plans objectives reflect the three roles that create sustainable development.
- A review of the key issues considered, such as where should new housing be located.
- An appraisal of the Neighbourhood Plan policies.

3.05 The Sustainability Appraisal demonstrates that the plan will deliver sustainable development through the policies it contains. Moreover, it demonstrates that approach taken is the most sustainable one when compared to the other options that were available to the Steering Group.

3.06 The full Sustainability Statement is included within the submission documents.

² Neighbourhood Development Planning Regulations 2012 <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

4.0 General conformity with strategic policies in the Development Plan

4.01 As the Parish is located across the boundaries of two Local Planning Authorities, the LNDP needs to be in general conformity with both the policies of CDC and SDNPA, the key documents are:

Within the National Park:

- The saved policies of the Chichester District Local Plan 1999 (CDLP)
- Interim Statement on planning for Affordable Housing adopted September 2007 (ISAH)
- The emerging South Downs National Park Local Plan: Preferred Options 2015 (SDNPLP) – *this document does not yet form part of the development plan and so has been omitted from the assessment below. That said, in practice the plan has been prepared to ensure general conformity with the policies in the emerging plan anticipating its progression to submission and subsequent adoption.*

Outside the National Park:

- The Chichester Local Plan 2014-2029

4.02 Other documents that form part of the development plan are the West Sussex Waste Local Plan (2014).

4.03 The Neighbourhood Plan needs to be in general conformity with the development plan. When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.
- the degree, if any, of conflict between the draft neighbourhood plan policy and the strategic policy.
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
- the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.

4.04 Paragraph 156 of the National Planning Policy Framework sets out the strategic matters about which local planning authorities are expected to include policies in their Local Plans. The basic condition addresses strategic policies no matter where they appear in the development plan. It does not presume that every policy in a Local Plan is strategic or that the only policies that are strategic are labelled as such. Strategic policies aim to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.05 Set out below are the policies contained within the submission neighbourhood plan cross referenced to the Development Plan and where general conformity has been established. It should be noted that the table below is not exhaustive and there may be other cross-references that are not included in the table below:

Lavant Neighbourhood Plan		Development Plan outside South Downs National Park		Development Plan within South Downs National Park	
Policy No.	Policy Title	References	Comments on conformity	References	Comments on conformity
LNDP1	Spatial Strategy and Settlement Boundaries	Policy 2 Policy 6 Policy 45	General conformity achieved.	CDLP - RE1, RE6, BE1	General conformity achieved.
LNDP2	South Downs National Park	Policy 7	General conformity achieved.		No conflict with development plan.
LNDP3	Local Gaps	Policy 52	General conformity achieved.	CDLP - RE6, R2, R3	General conformity achieved.
LNDP4	Delivering New Homes	Policy 4, Policy 6, Policy 25	General conformity achieved.	CDLP - H1,	General conformity achieved.
LNDP5	High Quality Design	Policy 33	General conformity achieved.	CDLP - BE11, BE13	General conformity achieved.
LNDP6	Development Principles	Policy 33	General conformity achieved.	CDLP - BE11	General conformity achieved.
LNDP7	New Dwelling Size & Tenure	Policy 6, Policy 34	General conformity achieved.	CDLP - H4, H8 / H9 ISAH	General conformity achieved.
LNDP8	Dark Night Skies	Policy 48	General conformity achieved.		No conflict with development plan.
LNDP9	Local Economy, Business and Employment	Policy 3, Policy 6, Policy 25	General conformity achieved.	CDLP - B5	General conformity achieved.
LNDP10	Local Green Space	Policy 38 Policy 52 Policy 54	General conformity achieved.	CDLP - R3	General conformity achieved.
LNDP11	Local Community Space	Policy 6, Policy 38 Policy 52 Policy 54	General conformity achieved.	CDLP - R2, R3	General conformity achieved.

Lavant Neighbourhood Plan		Development Plan outside South Downs National Park		Development Plan within South Downs National Park	
Policy No.	Policy Title	References	Comments on conformity	References	Comments on conformity
LNDP12	Retention of assets of community value	Policy 38 Policy 54	General conformity achieved.	CDLP - BE2	General conformity achieved.
LNDP13	Local Biodiversity Opportunity Areas	Policy 48 Policy 49 Policy 52	General conformity achieved.	CDLP - RE8	General conformity achieved.
LNDP14	Landscape Character and Key Views	Policy 45 Policy 48	General conformity achieved.	CDLP - BE11	General conformity achieved.
LNDP15	Floodplain & Reducing Flood Risk	Policy 42 Policy 52	NP policy utilises local knowledge to ensure new development is not at risk from flooding which is in general conformity with the aspirations of the development plan.		No conflict with development plan.
LNDP16	Microgeneration and Renewable Energy	Policy 41	General conformity achieved.		No conflict with development plan.
LNDP17	Conserving and enhancing local heritage assets	Policy 47	NP policy builds on the ambitions of the development plan. General conformity achieved.	CDLP - BE4, TR12	General conformity achieved.
LNDP18	New Public Rights of Way	Policy 8	General conformity achieved.	CDLP - R4	General conformity achieved.
LNDP19	Residential Off-Road Parking	Policy 8, Policy 39	Reference is made to the current WSCC guidance. This is out of date and not locally specific, whilst this LNDP19 is not in absolute conformity, general conformity is achieved.		Note that previous policy in 1999 Plan (TR1) setting parking standards is not saved. No conflict.
LNDP20	Effective Traffic Management	Policy 8, Policy 39	General conformity achieved.	CDLP - TR6, TR8	General conformity achieved.
LNDP21	Land adjacent Pook Lane	<i>n/a</i>	<i>n/a</i>		Whilst this allocation results in the loss of open space this is mitigated through provision of new area. Other impacts are also capable of

Lavant Neighbourhood Plan		Development Plan outside South Downs National Park		Development Plan within South Downs National Park	
Policy No.	Policy Title	References	Comments on conformity	References	Comments on conformity
					being mitigated / made acceptable. No conflict with development plan.
LNDP22	Church Farm Barns	Policy 4, Policy 25 Policy 46	General conformity achieved.	<i>n/a</i>	<i>n/a</i>
LNDP23	Eastmead Industrial Estate	<i>n/a</i>	<i>n/a</i>	CDLP - BE13	Whilst it is noted that this policy would not preserve all employment floorspace it is considered that general conformity is achieved. The existing floorspace is in need of being updated but this is not viable if it remains a 100% employment site.
LNDP24	Maddoxwood House	Policy 4, Policy 25	General conformity achieved.	<i>n/a</i>	<i>n/a</i>
LNDP25	Small Scale Housing Sites	Policy 4, Policy 25 Policy 46	General conformity achieved.	CDLP - RE14, BE13	General conformity achieved.

5.0 Compatibility with EU Legislation

- 5.01 The plan has been prepared in a way that is compatible with its European Union obligations, as incorporated into UK law and is therefore legally compliant. Set out below are the key directives that have been considered.

Directive 2001/42/EC

- 5.02 This considers the assessment of the effects of certain plans and programmes on the environment and is often referred to as the Strategic Environmental Assessment (SEA) Directive. It seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.
- 5.03 A Sustainability Appraisal / Strategic Environmental Assessment has been prepared alongside the Lavant Neighbourhood Development Plan and is enclosed within the submission documents.

Directive 92/43/EEC & Directive 2009/147/EC

- 5.04 This considered the conservation of natural habitats and of wild fauna and flora and the conservation of wild birds and are often referred to as the Habitats and Wild Birds Directives. These aim to protect and improve Europe's most important habitats and species.
- 5.05 The above directives have been transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (as amended), hereafter referred to as the Habitat Regulations. The Habitats Regulations require Natural England to 'secure compliance' with the requirements of the Directives when specifically discharging its nature conservation functions and to have regard to the Directives when exercising all of its other functions (Regulation 9).
- 5.06 Natural England is the 'competent authority' under the Regulations when the exercise of its functions will or may affect European Sites (for example classified SPAs and designated SACs1).
- 5.07 In accordance with the Habitats Regulations, all English competent authorities, including Natural England, must undertake a formal assessment of the implications of any new plans or projects which are capable of affecting the designated interest features of European Sites before deciding whether to undertake, permit or authorise such a plan or project.
- 5.08 This assessment comprises several distinct stages which are conveniently and collectively described as a 'Habitats Regulations Assessment' (or HRA). For all plans and projects which are not wholly directly connected with or necessary to the conservation management of the site's qualifying features, this will include formal screening for any Likely Significant Effects (either alone or in combination with other plans or projects). Where these effects cannot be excluded, assessing them in more detail through an appropriate assessment (AA) is required to ascertain whether an adverse effect on the integrity of the site can be ruled out. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only then proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

- 5.09 This HRA process must be applied before a plan or project which may affect a European Site(s) can be lawfully undertaken or authorised.
- 5.10 Natural England have been consulted on the neighbourhood plan several times and have at no stage stated that there would be Likely Significant Effects. A HRA has therefore not been prepared.

Other

- 5.11 Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) confirms that the making of a neighbourhood plan should not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012). No such sites will be effected by the proposed Lavant Neighbourhood Development Plan.