Petworth Neighbourhood Plan: Submission Draft

Basic Conditions Statement (including compliance statement)

July 2017



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Appendix 1: Petworth Neighbourhood Plan Area

1.0 Introduction

- 1.1 This Statement has been prepared by Petworth Town Council ("the Town Council") to accompany its submission to the local planning authority, South Downs National Park, the Petworth Neighbourhood Development Plan ("the Neighbourhood Plan") under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").
- 1.2 The Neighbourhood Plan has been prepared by Petworth Town Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Petworth, as designated by South Downs National Park Authority on 16th January 2014.
- 1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Petworth Neighbourhood Plan Area. The plan period of the Neighbourhood Plan is from 2015 to 2033 and it does not contain policies relating to excluded development in accordance with the Regulations.
- 1.4 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Petworth 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 basic conditions if:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
 - the making of the neighbourhood development plan contributes to the achievement of sustainable development,
 - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
 - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

2.0 Background

- 2.1 The Town Council commenced preparation of the Neighbourhood Plan in 2012. The key drivers of that decision were:
 - the encouragement of South Downs National Park Authority to towns and parishes in the National Park to prepare Neighbourhood Plans;
 - to set out a vision and objectives for the future of Petworth for the next 15 years.
- 2.2 A Neighbourhood Plan Steering Group was formed comprising residents and Councillors who took town planning advice from Nexus Planning Ltd. The Steering Group was delegated authority by Petworth Town Council to make day-to-day decisions on the Neighbourhood Plan. Additionally, five further Working Groups were formed to gather evidence and develop planning policy options for the Neighbourhood Plan. These include:
 - Housing
 - Working and Shopping
 - Leisure and Wellbeing
 - Getting Around and Environment
 - Sustainability and Design.
- 2.3 As the qualifying body, Petworth Town Council approved the publication of:
 - the Draft Neighbourhood Plan
 - the Draft Sustainability Appraisal
 - the Submission Neighbourhood Plan; and
 - Sustainability Appraisal.
- 2.4 The National Planning Practice Guidance (PPG) establishes the principle that Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan. The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan in force at the time and for this reason in order to meet the basic conditions a draft neighbourhood plan is not tested against the policies of an emerging Local Plan (See ID:41-009-20160211).
- 2.5 The Town Council have worked closely with officers of SDNPA during the preparation of the Neighbourhood plan. The Development Plan for Petworth currently comprises the Saved policies of the Chichester District Local Plan First Review, 1999. These strategic policies have been used to guide development for the area of Petworth. The SDNPA is currently in the process of preparing the emerging South Downs National Park Local Plan. The Presubmission Local Plan consultation expected in September / October 2017. The emerging SDNP Local Plan has been taken into consideration throughout the preparation of the Petworth Neighbourhood Plan.
- 2.6 The Neighbourhood Plan has sought to avoid containing policies that may duplicate the Saved policies of the Chichester District Local Plan First Review, 1999 as this will continue to be a material consideration in determination future planning application until such a time as the emerging South Downs National Park Local Plan is adopted. The Neighbourhood Plan has focused on policies relevant to Petworth.

2.7 The Neighbourhood Plan contains both land use policies and non-statutory proposals. The Plan has made a clear distinction between land use planning policies and non-statutory proposals relevant to land use planning. This allows the examination and the Sustainability Appraisal (incorporating Strategic Environmental Assessment (SEA)) to focus on the requirement of the policies to meet the Basic Conditions but also allows the local community to see the Neighbourhood Plan as a whole.

3.0 Conformity with National Planning Policy

- 3.1 The Petworth Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) and guidance within the PPG in respect of formulating neighbourhood plans and plan-making more generally.
- 3.2 Compliance with key objectives of the NPPF ensures that the Petworth Neighbourhood Plan promotes sustainable development in accordance with paragraph 14 of the NPPF, which identifies sustainable development as the golden thread running through both plan making and decision taking.
- 3.3 The Plan has regard to relevant policies within the NPPF in relation to:
 - Planning Principles
 - Delivering a wide choice of high quality homes
 - Requiring good design
 - Promoting healthy communities
 - Conserving and enhancing the natural environment
 - Ensuring the vitality of town centres
 - Promoting sustainable transport
 - Building a strong, competitive economy
 - Promoting healthy communities
 - Using a proportionate evidence base.
- 3.4 Set out in the table 1 to 9 is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the tables are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Planning Principles

3.5 Petworth Neighbourhood Plan sets out the following policies that aim to support the planning principles underpinning the NPPF.

Table 1: Policy PP2 conformity with the NPPF			
Policy No.	Policy Title		
PP2	Core Planning Principles		

3.6 As identified in the table above Policy PP2 meet the NPPF's aim by according with paragraph 17 of the NPPF and providing the clear principles for Petworth Neighbourhood Plan.

Delivering a wide choice of high quality homes

3.7 Petworth Neighbourhood Plan sets out the following policies that aim to support the delivery of a wide choice of high quality homes.

Table 2: Policy H1-H7 conformity with the NPPF				
Policy No.	Policy Title			
H1	Allocate land for approximately 150 new homes			
H2	Integrate windfall sites			
H3	Housing type and mix			
H4	Affordable housing provision			
H5	Rotherlea			
H6	The Square Field			
H7	Petworth South			

- 3.8 The policies identified above are in accordance with the Framework in particularly paragraph 50, which identifies that local planning authorities should '*deliver a wide choice of high quality homes, widen opportunities for home ownership for home ownership and create sustainable, inclusive, mixed communities*'.
- 3.9 By identifying a range of sites to deliver approximately 150 units Petworth Neighbourhood Plan policy provide for a wide choice of high quality homes.

Requiring Good Design

3.10 Petworth Neighbourhood Plan sets out the following policies that aim to support the delivery of a wide choice of high quality homes.

Table 3: Policy ESD1, ESD2, ESD3 and ESD6 conformity with the NPPF				
Policy No.	Policy Title			
ESD1	Character and Design			
ESD2	Housing Density			
ESD3	Requirements for a Design and Access Statement			
ESD6	Landscape and Visual Impact			
ESD8	Sustainable Design			
GA1	Parking Requirements			

- 3.11 The NPPF places great importance on the design of the built environment and states in paragraph 56 that 'Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people'.
- 3.12 The NPPF at paragraph 60 states that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms of styles'.
- 3.13 The policies outlined above all meet the aims of the NPPF, primarily, by seeking to ensure that new development promotes sustainable development and responds to the local character of Petworth.

Promoting healthy communities

3.14 Petworth Neighbourhood Plan sets out the following policies that aim to support the promotion of healthy communities.

Table 4: Policy ESD4, ESD5, LW1-LW4 conformity with the NPPF			
Policy No.	Policy Title		
ESD4	Preserving Local Green Spaces		
ESD5	Public Open Spaces		
LW1	Community and Leisure Facilities		
LW2	Playing fields and sports facilities		
LW3	Assets of Community Value		
LW4	Retention of Assets of Community Value		

- 3.15 The NPPF at paragraph 76 identifies that '*neighbourhood plans should be able to identify for special protection green areas of particular importance to them*'. In accordance with the NPPF, Petworth Neighbourhood Plan protects a number of Green Spaces and requires Open Space to be provided on the allocated sites.
- 3.16 For this reason, the policies outlines above meet the aims of the NPPF and recognised the need to protect open space.

Preserving and enhancing the natural environment

3.17 Petworth Neighbourhood Plan sets out the following policy that aims to support the natural environment.

Table 5: Policy ESD7 conformity with the NPPF			
Policy No.	Policy Title		
ESD7	Biodiversity and Trees		

3.18 The NPPF seeks to contribute to and enhance the natural and local environment. This has been taken into consideration throughout the preparation of Petworth Neighbourhood Plan and as such Policy ESD7 seeks to protect species and / or designations. Therefore these policies meet the aims of the NPPF by recognising the need to provide protection to the natural environment.

Ensuring the vitality of town centres

3.19 Petworth Neighbourhood Plan sets out the following policies, which aim to support the vitality of Petworth Town Centre.

Table 6: Policy WS1 and WS2 conformity with the NPPF			
Policy No.	Policy Title		
WS1	Petworth Town Centre		
WS2	Economy		

- 3.20 The NPPF at paragraph 23 states that "*Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period*".
- 3.21 The policies identified above, are in accordance with the NPPF in particularly paragraph 23 and aim to ensure the vitality of the town centre.

Promoting Sustainable Transport

3.22 Petworth Neighbourhood Plan sets out the following policy, which aim to promote sustainable transport.

Table 7: Policy GA2 and GA3 conformity with the NPPF			
Policy No.	Policy Title		
GA2	Pedestrian and Cycle movement		
GA3	To protect and increase car parking capacity at Pound Street Car Park		

3.23 Paragraph 29 of the NPPF states 'transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives'. The NPPF, including paragraph 29 have been considered throughout the preparation of the Neighbourhood Plan. Therefore these policies meet the aims of the NPPF.

Building a strong, competitive economy

3.24 Petworth Neighbourhood Plan sets out the following policy in relation to a completive economy. It should further be noted that policies WS1 and WS2 would also contribute to a strong and competitive economy.

Table 8: Policy WS3 and WS4 conformity with the NPPF				
Policy No.	o. Policy Title			
WS3	Hampers Common Industrial Estate			
WS4 Land east of Hampers Common Industrial Estate				

3.25 Paragraph 19 of the NPPF states '*The Government is committed to ensuring that the planning system everything it can to support sustainable economic growth*'. The NPPF has been taken into consideration throughout the preparation of the Petworth Neighbourhood and therefore the policies identified above are in accordance with the NPPF.

Using a proportionate evidence base

Ensuring viability and deliverability

3.26 Petworth Neighbourhood Plan sets out the following policies in relation to infrastructure delivery.

Table 9: Policy D1 conformity with the NPPF			
Policy No.	Policy Title		
D1	Infrastructure Delivery		

3.27 Paragraph 173-177 of the NPPF sets out how development should ensure viability and deliverability. In particular, paragraph 177 outlines the importance of planned infrastructure being delivered in a timely manner. The NPPF has been taken into consideration and therefore the policies identified above are in accordance with the NPPF.

4.0 Contribution to Sustainable Development

- 4.1 The following sections outline how the Petworth Neighbourhood Plan contributes to the achievement of sustainable development within the Neighbourhood Plan area as defined by the NPPF. In addition the Petworth Neighbourhood Plan has been subject to a Sustainability Appraisal (SA) that incorporates an Strategic Environmental Assessment. As an iterative process the SA has ensured that the principles of sustainable development have been considered throughout the plan-making process. For further information, please refer to the Regulation 16 Submission Draft Petworth Neighbourhood Plan Sustainability Appraisal
- 4.2 The outcomes of the SA show that the Petworth Neighbourhood Plan key principles and policies will have no significant negative environmental effects and will promote sustainable development. A number of key principles and policies provide significant benefits as shown through the schedules within Chapter 4 and 6 of the SA. In meeting the level growth prescribed by the emerging South Downs National Park Local Plan a number of site allocations were necessary on greenfield land outside the currently defined settlement boundary. The principle reason being, due to the limited availability of deliverable and developable previously developed land within the existing settlement boundary. The policies have been clearly selected and drafted to ensure that any potential for negative impacts is minimised through site selection and effective policy wording.
- 4.3 Where any potential and negative sustainability effects were identified, the SA concluded that the policies in the Petworth Neighbourhood Plan, the Saved Policies of the Chichester Local Plan 1999; the emerging polices of the South Downs National Park Local Plan; or the National Planning Policy Framework adequately alleviated or mitigated the impacts, particularly over the medium to longer term.
- 4.4 The NPPF states in paragraph 14 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 planmaking and decision taking'.
- 4.5 The NPPF outlines there are three dimensions to sustainable development: economic, social and environmental. This has been considered throughout the preparation of Petworth Neighbourhood Plan:
- 4.6 The objectives of the Petworth Neighbourhood Plan contributes to economic sustainability by:
 - Provide the numbers of new homes as required by the emerging South Downs National Park Local Plan
 - Deliver open market housing that reflects local needs
 - Ensuring that new housing development are adequately supported by necessary infrastructure;
 - Making the best use of land through densities of between 25 and 35 dwellings per hectare
 - Preserve and enhance Petworth town centre as a retail and leisure destination;
 - Revive the market function of the Market Square;
 - Increase capacity for visitor accommodation within the Town Centre;
 - Protect existing and seek to increase car parking capacity within the Town Centre;

- Support existing local businesses and support the growth of the local economy by expanding commercial and industrial areas.
- 4.7 The objectives of the Petworth Neighbourhood Plan contributes to social sustainability by:
 - Delivering affordable housing to meet local need;
 - to keep housing development within or as close as possible to the existing settlement boundary;
 - create a sustainable, inclusive and mixed community by ensuring new homes meet the needs of all residents;
 - development will be landscape design-led and sensitively respond to the scale and character of existing neighbouring buildings and wider setting of the town;
 - protect and enhance people's experience of the special qualities of the National Park and Petworth through protecting and enhancing Local Green Space;
 - ensuring that future development supports adequate level of parking
 - clarify signposting and unnecessary 'street furniture';
 - maintaining and enhancing existing recreational and leisure facilities;
 - establishing a community hub;
 - broaden provision of health facilities;
 - ensure all future development considers the wellbeing of the residents.
- 4.8 The objectives of the Petworth Neighbourhood Plan contributes to environmental sustainability by:
 - ensuring developments respect the town's setting within the South Downs National Park from a visual, biodiversity and historical perspective;
 - developments will provide public and private green space that help to create wildlife corridors, encourage biodiversity and contribute to public health and well-being;
 - development to maintain visual connection with the countryside and seek to minimise any visual impact to the surrounding countryside;
 - encourage the delivery of energy efficient and sustainable homes using, where possible, local materials and innovative low cost techniques;
 - providing safe and pleasant pedestrian experience within Petworth
 - reducing traffic speeds within the town and at the town's gateway using well-tested visual signals such as changes in road surfaces;
 - implement measures to enforce the prevention of heavy goods vehicles passing illegally through the town centre.

5.0 General conformity with the Development Plan

- 5.1 The 'Saved' policies of the Chichester District Local Plan First Review, 1999 could not, of course, have anticipated the existence of the Localism Act brought into place in 2012 and so rightly made no provision for local led neighbourhood plans. However, the policies of the Petworth Neighbourhood Plan are in conformity with the strategic intent of the 1999 plan and its specific policies. We have also taken into consideration the policies in the emerging SDNP Local Plan.
- 5.2 Table 11 below, sets out all the policies included in the Petworth Neighbourhood Plan demonstrating how they are in general conformity with the Saved policies of the Chichester District Local Plan first review (adopted 1999) and the emerging South Downs National Park emerging Local Plan.

Neighbourhood Plan Policy No.	Neighbourhood Plan Policy Title	Chichester District Local Plan First Review adopted April 1999 saved policies	Emerging SDNP Local Plan	Commentary or description of how the plan conforms with policy
PP1	Settlement Boundary	-	-	
PP2	Core Planning Principles	-	-	
H1	Allocate land for approximately 150 new homes	-	Strategic Policy SD23: Housing	The Emerging allocation outlines that Petworth should accommodate 150 units.
H2	Integrate windfall sites	-	-	
H3	Housing Type and Mix	-	-	
H4	Affordable Housing Provision	H8 Social and low cost housing in settlement policy area	Strategic Policy SD24	The Emerging allocation outlines that a target of at least 40% of all net dwellings should be provided as affordable housing.
H5	Rotherlea	-	-	
H6	The Square Field	-	-	
H7	Petworth South	-	-	
ESD1	Character and Design	BE11 New Development	Strategic Policy SD6:Design	
ESD2	Housing Density	H4 Size and	-	

Table 10: Petworth Neighbourhood Plan compliance with the Development Plan

Neighbourhood Plan Policy No.	Neighbourhood Plan Policy Title	Chichester District Local Plan First Review adopted April 1999 saved policies	Emerging SDNP Local Plan	Commentary or description of how the plan conforms with policy
		Density of Dwellings		
ESD3	Requirements for a Design and Access Statement	-	-	
ESD4	Preserving Local Green Space	R3 Existing and Allocated Open Space.	Development Management Policy SD36: Local Green Space	The emerging SDNP advises that development proposals that protect or enhance Local Green Space and which comply with other policies shall be permitted.
ESD5	Public Open Spaces	H5 Open Space Requirements	Development Management Policy: SD35: Provision and Protection of Open Space	The emerging SDNP outlines that all new residential development should create new open space.
ESD6	Landscape and Visual Impact	-	Strategic Policy SD5: Landscape Character	
ESD7	Biodiversity and Trees	BE14 Wildlife Habitat, Trees, Hedges and Other landscape features.	Strategic Policy SD12- Biodiversity and Geodiversity Development Management Policy SD37: Trees, Woodland and Hedgerows	
ESD8	Sustainable Design	-	-	
WS1	Petworth Town Centre	S6 East Wittering, Midhurst, Petworth and Selsey Shopping	Strategic Policy SD29: Town and Village Centre	The emerging SDNP outlines that development proposals will be support where they

Neighbourhood Plan Policy No.	Neighbourhood Plan Policy Title	Chichester District Local Plan First Review adopted April 1999 saved policies	Emerging SDNP Local Plan	Commentary or description of how the plan conforms with policy
WS2	Visitor Economy	Centres T1 Accommodation and facilities	Strategic Policy SD20: Sustainable	are compatible with the town centres. The emerging SDNP supports the inclusion
			Tourism and Visitor Economy.	development proposals for visitor accommodation providing they are policy compliant.
WS3	Hampers Common Industrial Estate	B1 Floorspace Provision	Strategic Policy SD28: Employment Land	The emerging SDNP seeks to Safeguard all existing employment sites and allocations that are fit for purpose.
WS4	Land east of Hampers Common Industrial Estate	-	Strategic Policy SD28: Employment Land	The emerging SDNP seeks to accommodate land for new employment.
GA1	Parking Requirements	-	Development Management Policy SD44: Car and Cycle Parking	The emerging SDNP advises that development proposals will be permitted where they provide an appropriate level of vehicle parking.
GA2	Pedestrian and Cycle movement	TR8 Catering for Cyclists and Pedestrians.	Strategic Policy SD18: Transport and Accessibility Strategic Policy SD19: Walking, Cycling and Equestrian Routes.	The emerging SDNP outlines that development should be located to reduce the need to travel.
GA3	To protect and increase car parking capacity	TR5 Other Existing Car Parks	-	The saved policies of the Chichester Local Plan outlines

Neighbourhood Plan Policy No.	Neighbourhood Plan Policy Title	Chichester District Local Plan First Review adopted April 1999 saved policies	Emerging SDNP Local Plan	Commentary or description of how the plan conforms with policy
	at Pound Street Car Park			that the loss of parking spaces at Pound Street will be refused.
LW1	Community and leisure facilities	-	Development Management Policy SD53: New and Existing Community Infrastructure	The emerging SDNP advises that in Petworth planning permission will be granted for new and expanded community infrastructure that comply with other relevant policies.
LW2	Playing fields and sports facilities	-	-	
LW3	Assets of Community Value	-	-	
LW4	Retention of Assets of Community Value		-	
D1	Infrastructure Delivery	-	Development Management Policy SD54: Supporting Infrastructure for New Development	The emerging SDNP outlines that new development will contribute towards new infrastructure or improve the capacity of existing infrastructure as appropriate.

6.0 Compatibility with EU legislation

- 6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 6.2 The Petworth Neighbourhood Plan Steering Group submitting a screening opinion, to the South Downs National Park Authority to assess whether the Petworth Neighbourhood Plan required a Strategic Environmental Assessment under the European Union Directive 2001/41/EC. The South Downs National Park Authority confirmed on 7 October 2015 that a Strategic Environmental Assessment and a Habitats Regulation Assessment would be required.
- 6.3 The Habitats Regulation Assessment, undertaken by the South Downs National Park Authority has confirmed that there would be no adverse impacts on sites of European habitats or species as defined under the European Union's Habitat Directive 92/43/EED as a result the level of development proposed within the Petworth Neighbourhood Plan area over the period up to 2033.
- 6.4 In accordance with Environmental Assessment Regulations 2004 (which seeks to implement European Union Directive 2001/41/EC) a Sustainability Appraisal (incorporating a Strategic Environmental Assessment) was produced and updated throughout the plan-making process. The Sustainability Appraisal was the subject of public consultation throughout the plan-making process. As previously referred within Section 4 above, the Submission Draft Neighbourhood Plan Sustainability Appraisal has been published alongside the Regulation 16 Submission Draft Petworth Neighbourhood Plan.

7.0 Compliance Statement

7.1 Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

Section 38A Compliance

- 1. Petworh Town Council is a Qualifying Body for the purposes of Neighbourhood Planning and as such is entitled to submit a NDP for its designated Neighbourhood Area.
- 2. The Petworth Neighbourhood Plan sets out policies in relation to "the development and use of land" within the designated Neighbourhood Area.
- 7.2 It should be noted that the remaining paragraphs within this section of the Act refer to post Examination issues and as such are not relevant to this statement.

Section 38B Compliance

- 1a) The period set for the Petworth Neighbourhood Plan is 15 years
- 1b) The Petworth Neighbourhood Plan does not make any provisions for excluded development as defined by the Act.
- 1c) The Petworth Neighbourhood Plan does not relate to more than one Neighbourhood Area. It is submitted for the Petworth Neighbourhood Area, which was designated by South Downs National Park Authority on 26 January 2014. A copy of the designated Neighbourhood Plan area is included at Appendix 1.
- 2) There are no other Neighbourhood Plans submitted for or in place within the designated Neighbourhood Area to which the Petworth Neighbourhood Plan relates.
- 3) This paragraph is not relevant to this statement.
- 4) This paragraph refers to Regulations that may be made by the Secretary of State, namely the Neighbourhood Planning (General) Regulations 2012. This statement can confirm that these provisions were followed including the pre submission six week consultation (including relevant statutory consultees) as documented in the Petworth Neighbourhood Plan Consultation Statement.
- 7.3 The remaining paragraphs of this section (5 and 6) are not relevant to this statement as they relate to the Local Planning Authorities duty to publish a Neighbourhood Development Plan and clarification of what constitutes excluded development.

8.0 Conclusion

8.1 The Basic Conditions as set out in Schedule 4B of the Town and County Planning Act 1990 are considered to be met. It is therefore considered that the Petworth Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

Appendix 1

Petworth Neighbourhood Plan Area

