

FITTLEWORTH **NEIGHBOURHOOD DEVELOPMENT PLAN** 2018-2033

**Basic Conditions Statement
(including compliance statement)**

FITTLEWORTH NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2033

Published by Fittleworth Parish Council under the
Neighbourhood Planning (General) Regulations 2012

Date: January 2019

1 Introduction

1.1 This Basic Conditions Statement has been prepared by Fittleworth Parish Council ("the Parish Council") to accompany the submission version of the Fittleworth Neighbourhood Development Plan ("the Neighbourhood Plan") under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012.

1.2 The Neighbourhood Plan has been prepared by Fittleworth Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Fittleworth, as designated by SDNPA Planning Committee on 13 November 2014.

1.3 The Neighbourhood Plan is to have effect from its point of being made in 2018 for a period of 15 years to 2033, it does not include provision about development that is excluded development, and only relates to the neighbourhood area of Fittleworth.

1.4 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

- 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 Background

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2014. 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 Fittleworth for the next 15 years
- To influence the allocation of housing to meet the needs of the local community

2.2 A Steering Group was formed comprising local residents and parish councillors and it was delegated authority by Fittleworth Parish Council to make day-to-day decisions on the Neighbourhood Plan. However, as qualifying body, the Fittleworth Parish Council approved the publication of:

- the Pre-Submission Neighbourhood Plan, a Draft Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)
- the Submission Neighbourhood Plan, including the SEA and HRA
- All supporting documentation

2.3 The Fittleworth NDP contains nine policies which address issues from design to surface water management. The plan sets the local detailed approach for housing development in the area. Policy FITT9 allocates two sites for housing which would provide 18 new homes. Policy FITT 9 also identifies one small site which the group consider to be appropriate to come forward as a windfall site. The plan indicates that this site has the potential to deliver a number of affordable homes. The Fittleworth NDP also allocates a site for a new community shop.

3 Conformity with National Planning Policy

3.1 The Fittleworth Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) and has considered National Planning Practice Guidance (NPPG) in respect of formulating neighbourhood plans and plan-making more generally. It is expected that the Fittleworth NDP will be submitted to the South Downs National Park Authority before 24th January 2019. Therefore the policies in the NPPF dated March 2012 will continue to apply to the Fittleworth NDP in accordance with paragraph 214 and footnote 69 of the revised NPPF dated July 2018.

3.2 Compliance with the key objectives of the NPPF ensures that the Neighbourhood Plan promotes Sustainable Development.

3.3 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

Para 16, Para 183, Para 184, Para 185

3.4 Set out in the table overleaf, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Fittleworth NDP – Conformity with National Policy and Guidance			
Policy No.	Policy Title	NPPF ref	Supporting comments
POLICY FITT1	Landscape Character	NPPF para 7 113, 115, 118, 123, 125	<p>The Fittleworth NDP sets out a landscape policy to conserve and enhance the natural beauty, wildlife and cultural heritage aspects of the Parish. In general the Fittleworth NDP conforms to the NPPF policy of sustainable development (para 7).</p> <p>In general conformity with para 113, 115 and for the latter FITT1 seeks to conserve and enhance the landscape character of the Parish in line with the first purpose of the National Park.</p> <p>A number of special habitats are present in the parish, some of which are locally important. The NDP is broadly in conformity with para 118 and the aim of conserving and enhancing biodiversity.</p> <p>The NDP aims to protect areas of tranquillity and reduce/mitigate noise within new development in conformity with para 123. The NDP also aims to limit the impact of light pollution on dark night skies in conformity with para 125.</p>
POLICY FITT2	Biodiversity	para 109, 113,115, 118	Contributing to and enhancing national and local environment. Policies set to distinguish between local protected sites and highlight the need for their protection. Aims to conserve irreplaceable habitats.
POLICY FITT3	Water Management	Para 103,	<p>Giving priority to use of Sustainable drainage systems and protection of the River Rother.</p> <p>Conformity with para 103 and general aim to minimise and manage flood risk.</p>
POLICY FITT4	Built Heritage	Para 126, 131,132	To recognise that heritage assets are an irreplaceable resource and conserve them
POLICY FITT5	Design Of New Development	Para 56, 57, 58, 59, 61, 75	<p>The policy seeks to ensure new development is of high quality design and respects the local landscape and the built environment.</p> <p>Connections between people and place. Protecting and enhancing links to rights of way.</p> <p>Conformity with NPPF in having detailed policy to meet a clear objective.</p>
POLICY FITT6	New Community Shop	Para 70	Delivering community facilities and a central hub to the village. Clear objective of planning positively for a sustainable community through a new facility.
POLICY FITT7	Extensions To Existing Dwellings	Para 56, 59	General conformity with NPPF good design policy enabling sustainable development to meet local needs.
POLICY FITT8 NEW	New housing development	Para 35, 50,55	Plans protecting and exploiting opportunities for sustainable transport modes. Delivering a wide choice of high quality homes. Promoting sustainable development in rural areas.
POLICY FITT9	Sites Allocated For Housing Development	NPPF para 7, 17, 47, 50, 54	<p>Policy seeks to positively plan for the housing needs of the parish in conformity with para 17. The most appropriate sites have been selected from those identified in conformity with the principle of sustainable development.</p> <p>Broad conformity with para 50, including on the issue of affordability.</p>

4 Contribution to Sustainable Development

4.1 The following sections outline how the Fittleworth Neighbourhood Plan contributes to the achievement of sustainable development within the Neighbourhood Plan area as defined by the NPPF. The Fittleworth Neighbourhood Plan has been subject to a Sustainability Appraisal (SA) that incorporates a 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 Fittleworth Neighbourhood Plan Sustainability Appraisal which provides further detail on how the Fittleworth NDP contributes to the achievement of sustainable development

4.2 The outcomes of the SA/SEA show that the Fittleworth Neighbourhood Plan key principles and policies could have significant negative environmental effects on The Mens and Ebernoe Common (both SACs), however the plan ensures that any potential for negative impacts are 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 Fittleworth Neighbourhood Plan, the Saved Policies of the Chichester Local Plan 1999; the emerging policies of the South Downs National Park Local Plan; or the National Planning Policy Framework adequately alleviated the impacts, particularly over the medium to longer term.

4.4 In conclusion the Fittleworth NDP seeks to address the main social, economic and environmental issues that are facing the parish. The SA has shown that it will make a positive contribution to one of the most pressing issues; the lack of affordable housing, without having a significant impact on the high quality environment of the area.

4.5 The Fittleworth NDP has been subject to a Habitats Regulation Assessment (HRA). The first step of the HRA, the Likely Significant Effects test, identified the potential for likely significant effects and therefore a requirement for appropriate assessment. Through appropriate assessment, the HRA Report recommended amendments to the wording of policies FITT2 and FITT9 of the Neighbourhood Plan to avoid and/or mitigate impacts to ensure no adverse effects on the integrity of the European sites. The amendments require appropriate design, protection of key features for barbastelle and Bechstein's bats, and limiting light spill. The HRA Report concludes that, with these recommendations incorporated, the Neighbourhood Plan would have a sufficient policy framework in place to ensure that it would not result in adverse effects, alone or 'in combination' with other plans and projects

5 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 Fittleworth Neighbourhood Plan are in conformity with the strategic intent of the 1999 plan and its specific policies. The emerging SDNP Local Plan has also been taken into consideration.

5.2 The table overleaf, sets out all the policies included in the Fittleworth Neighbourhood Plan demonstrating how they are in general conformity with the Saved policies of the Chichester District Local Plan (adopted 1999) and the emerging South Downs National Park Local Plan.

Fittleworth NDP – Conformity with National Policy and Guidance				
Policy No.	Policy Title	Development Plan Policy	Emerging SDNPA plan policy	Commentary or description of how the plan conforms with policy
POLICY FITT1	Landscape Character	RE4: Areas of Outstanding Natural Beauty – Chichester Harbour and Sussex Downs: Protection of Landscape and Character Para 52: trees and Hedges	Strategic Policy SD4: Landscape Character SD6: Safeguarding Views Strategic Policy SD7: Relative Tranquillity Strategic Policy SD8: Dark Night Skies	Conforms with Countryside policy RE4 but identifies specific local views not protected in the CDC Local Plan 1999. Conforms in general with listed SDLP policies including those relating to tranquillity and Dark Night Skies.
POLICY FITT2	Biodiversity Development	BE14: Wildlife Habitat, Trees Hedges and other landscape features RE7: Nature Conservation – Designated Sites RE8: Nature Conservation – Non-Designated Sites	Strategic Policy SD9- Biodiversity and Geodiversity Development Management Policy SD11: Trees, Woodland and Hedgerows Strategic Policy SD10: International Sites Strategic Policy SD45: Green Infrastructure	Conforms in general with aims of CDC Local Plan 1999 and SDLP policy and seeks to develop Fittleworth's Green Infrastructure and biodiversity. Policy Fitt 2 specifically seeks to conserve and enhance biodiversity
POLICY FITT3	Water Management		SD17: Protection of the Water Environment Strategic Policy SD49: Flood Risk Management Development Management Policy SD50: Sustainable Drainage Systems	General conformity to SD49 through seeking to minimise and manage flood risk and improve drainage function. In general conformity with the other SDLP policies.
POLICY FITT4	Built Heritage	BE4 Buildings of Architectural or historic Interest	Strategic Policy SD12: Historic Environment Development Management Policy SD13: Listed Buildings	Conforms in general with CDC Local Plan 1999 and SDLP Heritage policy.
POLICY FITT5	Design Of New Development	BE11: New Development BE12 Alterations, Extensions and Conversions BE16: Energy conservation H4 Size and density of Dwellings	Strategic Policy SD5: Design Development Management Policy SD15: Conservation Areas Development Management Policy SD22: Parking Provision Strategic Policy SD19: Transport and Accessibility Strategic Policy SD20: Walking, Cycling and Equestrian Routes Strategic Policy SD48: Climate Change and Sustainable Use of Resources	In general conformity with CDC Local Plan policies BE11, 12, 16 and H4. In general conformity with specific SDLP policies including seeking to improve connectivity to facilities by foot and public transport.
POLICY FITT6	New Community Shop		Strategic Policy SD36: Town and Village Centres	Conforms to the policy for village centres.
POLICY FITT7	Extensions To Existing Dwellings	BE12: alterations, extensions and conversions	Development Management Policy SD31: Extensions to existing dwellings, and provision of annexes and outbuildings	Conforms to the policy aim of seeking to ensure extensions are in keeping with the area.

POLICY FITT8	New housing development	BE1: Settlement Policy Areas BE11: New Development RE1: Development in the Rural Area generally H4: Size and Density of Dwellings	Strategic Policy SD25: Development Strategy Strategic Policy SD26: Supply of Homes Strategic Policy SD27: Mix of homes Strategic Policy SD28: Affordable Homes Core Policy SD1: Sustainable Development	Conforms to the policy to ensure that new housing meets the needs of local people. Specifically in conformity when seeking to ensure occupation in perpetuity by people with a local connection.
POLICY FITT9	Sites Allocated For Housing Development	H8 Social and low cost housing in settlement policy area	Strategic Policy SD25: Development Strategy Strategic Policy SD26: Supply of Homes Strategic Policy SD28: Affordable Homes	Conforms to policy SD25, as although sites are currently outside settlement boundary they are allocations proposed as part of the Development Plan and following the making of the FNDP the Settlement Boundary will be amended to include the proposed housing site allocations. Conformity with policy SD26, even though proposing more new dwellings, as meeting local housing need and broadly in conformity with rest of emerging SDLP.

5.4 The neighbourhood plan has been mindful of the preparation of the emerging South Downs National Park Local Plan

6 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 principal EU obligations affecting the neighbourhood development plan are requirements under Directive 2001/42/EC relating to Strategic Environment Assessments (SEA), translated into national law by the Environment Assessment of Plans and Programmes Regulations 2004, and under Council Directive 92/43/EEC relating to Habitats Regulations Assessment (HRA) translated into national law by the Conservation of Habitats and Species Regulations 2010.

6.3 The requirement for these documents to be prepared is dependent on circumstances. The South Downs National Park Authority published screening opinions on the need for the SEA and the HRA for the Fittleworth Neighbourhood Development Plan on 11 March 2016. These concluded there was a need for both assessments to be undertaken, partly reflecting the sensitivity of development within a national park, but particularly the presence of the European environmental designation of the Mens SAC which is in close proximity to the Neighbourhood Plan designated area. A HRA was prepared by Aecom and published alongside the Pre Submission consultation on the Fittleworth NDP. An Environmental Report for the SEA, prepared by Horsham District Council was published with the pre-submission draft of the neighbourhood development plan.

6.4 The Environmental Report for the SEA assessed each individual policy against a number of sustainability objectives. The report also tested a number of reasonable alternatives to the preferred option which was proposed by the Fittleworth NDP. The Environmental Report concluded that although the FNP seeks to allocate more houses than indicated in the plan that is being prepared for the South Downs National Park, this would not have a significantly harmful effect. The potential impacts are on the views at the entrance to the village, views from Fittleworth Common, flooding at one of the sites and impact on biodiversity. There are measures that can be taken to ensure that these effects would not be significant. The FNP would, therefore, deliver much needed affordable homes that would contribute to the vitality of the community of the parish without causing significant impacts on the high quality environment of the area

6.5 In conclusion the HRA screened in two policies which required further assessment (Policy FITT6: New Community Shop and Policy FITT9: Sites Allocated for Housing Development). Through appropriate assessment, the HRA Report recommended amendments to the wording of policies FITT6 and FITT9 of the Neighbourhood Plan to avoid and/or mitigate impacts to ensure no adverse effects on the integrity of the European sites. The amendments require appropriate design, protection of key features for barbastelle and Bechstein's bats, and limiting light spill. The HRA Report concludes that, with these recommendations incorporated, the Neighbourhood Plan would have a sufficient policy framework in place to ensure that it would not result in adverse effects, alone or 'in combination' with other plans and projects.

7 Compliance Statement

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. Fittleworth Parish 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 Fittleworth Parish Neighbourhood Plan sets out policies in relation to "the development and use of land" within the designated Neighbourhood Area.

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 Fittleworth Neighbourhood Development Plan is 15 years.
- 1b) The Fittleworth Neighbourhood Development Plan does not make any provisions for excluded development as defined by the Act.
- 1c) The Fittleworth Neighbourhood Development Plan does not relate to more than one Neighbourhood Area. It is submitted for the Fittleworth Neighbourhood Area which was designated by South Downs National Park Authority on 5 March 2015 (a copy of the decision notice can be found at Appendix 1).
- 2) There are no other Neighbourhood Plans submitted for or in place within the designated Neighbourhood Area to which the Fittleworth Neighbourhood Development 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 FNDP Consultation Statement.

The remaining paragraphs of this section (5 and 6) are not relevant to this statement as they relate to the LPA's duty to publish a NDP and clarification of what constitutes excluded development.

8 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 Fittleworth Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

