

Findon Neighbourhood Development Plan

Update 1

2019-2035

Submission Version

June 2019

Basic Conditions Statement

1. INTRODUCTION

- 1.1 This Basic Conditions Statement has been prepared by the updated Findon Neighbourhood Plan Working Group (WG) on behalf of Findon Parish Council (FPC), the 'Qualifying Body' to support the Reg 16 Submission version of the Findon Neighbourhood Development Plan, **FNP Update 1** (2019 - 2035).
- 1.2 The 'made' Findon Neighbourhood Development Plan (2016 - 2035) did not take the opportunity, at that time, to include housing site allocations to meet the housing provision. The **FNP Update 1** has been prepared to include housing site allocations to meet the housing provision for Findon as set out in the first South Downs National Park Local Plan which is currently at Inspection. The SDNPA hope to be able to formally adopt the Local Plan in late summer 2019.
- 1.3 This update is a likely to be considered as major modification to the 'made' FNP and therefore the requirements and processes of preparing the update should follow the same requirements and processes required for the preparation on a NP.
- 1.4 There is a therefore a requirement for the 'Qualifying Body' to illustrate how the **FNP Update 1** complies with the 'Basic Conditions' which are set out in the Town & Country Planning Act 1990, as amended.
- 1.5 It is considered that the **FNP Update 1** complies with the requirements of the 'Basic Conditions' as set out in Paragraph 8 (1) (a) of Schedule 4B of the Act.

2. LEGISLATIVE REQUIREMENTS

- 2.1 Findon Parish Council is the 'Qualifying Body' and is entitled to submit an Updated Neighbourhood Plan for the Parish.
- 2.2 FNP Update 1 sets out policies that relate to the development and use of land within the neighbourhood plan area.
- 2.3 FNP Update 1 covers the period 2019 - 2035. This is for a period of 16 years from the date of submission, the end date being that also of the 'made' FNP and 2 years beyond the end date of new South Downs National Park Local Plan, which the SDNPA anticipate will be adopted in late summer 2019.
- 2.4 FNP Update 1 does not include provision for excluded development.
- 2.5 FNP Update 1 does not relate to more than one neighbourhood plan area. It relates solely to Neighbourhood Plan Area as ratified by the South Downs National Park Authority (SDNPA) in 2014.

- 2.6 There is currently a 'made' Findon Neighbourhood Development Plan in place for this neighbourhood area, FNP Update 1 is an update to that NDP.
- 2.7 There are no conflicts within the FNP Update 1, although it does include fundamentally different housing site allocation policies to the two housing site allocation policies for Findon included in the Submission version of the SDNP Local Plan.
- 2.8 FNP Update 1 has been subject to a 'scoping review' by the SDNPA who have confirmed that neither a Strategic Environmental Assessment (SEA) nor a Habitat Regulations Assessment are required to be undertaken. FNP Update 1 is clear that the housing site allocation policies are fundamentally different to Submission SDNP LP housing site allocation policies for Findon and are not additional policies to allocate more housing in Findon beyond the provision included for Findon in the Submission SDNP LP.
- 2.9 FNP Update 1 relates solely to land that falls within the Parish of Findon.
- 2.10 There are no other 'prescribed matters'.

3. COMPLIANCE WITH THE BASIC CONDITIONS

- 3.1 Paragraph 8 (2) of Schedule B (T&CP Act), subsections (a), (d), (e), (f) and (g) are relevant to this 'Basic Conditions' statement. The following sections set out an assessment and justification of how FNP Update 1 complies with each of these 'basic conditions' tests.

4. 4B 8 (2) (a) NATIONAL POLICIES

- 4.1 The National Planning Policy Framework (NPPF) provides national planning guidance. Paragraphs 13, 29 and 30 of the 2019 NPPF state that a NP must have regard to the policies contained within the NPPF and must be in general conformity with the strategic policies of the Local Plan.
- 4.2 There is a presumption in favour of sustainable development in the NPPF, the three strands being economic, social and environmental development. There is a requirement for development plans, which include NPs to comply with the aims of sustainable development through policies which seek to deliver all three strands.
- 4.3 FNP Update 1 is an update to the 'made' FNP to include housing site allocation policies to meet the Submission LP housing requirement. The made FNP was assessed at Reg 16 Submission and found to meet all the aims of sustainable development. FNP Update 1 retains all the 'made' FNP policies which meet the aims of achieving

sustainable development and the new housing site allocation policies and new Local Gap policy meet in full the housing provision in the Submission LP.

FNP Update 1 is therefore considered to meet the aims of sustainable development.

- 4.4 The following chapters of the 2019 NPPF are considered relevant to the 4B 8 (2)(a) assessment:

Chapter 6 Building a strong and competitive economy

- 4.5 FNP Update 1 does not propose any modifications to the 'made' FNP employment policies.

Paragraphs 83 and 84 Supporting a prosperous rural economy

- 4.6 FNP Update 1 does not propose any modifications to the 'made' NP policies which support a prosperous rural economy.

- 4.7 Housing site allocations in FNP Update 1 have also been robustly assessed to ensure that paddocks which are vital to the continuity of the racehorse training and associated equine business and activities, which have been and are still the main contributor to local employment, are not lost through new housing development or adversely threatened by the impact of new housing development.

Chapter 9 Promoting Sustainable Transport

- 4.8 FNP Update 1 does not propose any modifications to the 'made' FNP policies which promote sustainable transport. The locations of the housing site allocations in FNP Update 1 increase the opportunities for residents to travel by more sustainable and non car modes of transport and facilitate more social connectivity between the different parts of the Findon by allocation policy requirements to provide new and enhanced footpaths, cycle and horse riding routes.

Chapter 10 Supporting high quality communication infrastructure

- 4.9 FNP Update 1 does not propose any modifications to the 'made' FNP 'Community Aspirations' to promote superfast broadband. The locations of the housing site allocations are either close to the existing BT exchange or the main network distribution routes in Findon (not at more distant locations).

Chapter 5 Delivering a sufficient supply of homes

- 4.10 FNP Update 1 positively responds to both local and National Park housing need for new more modest sized and genuinely affordable homes. Allocation policies seek to

deliver up to 36 new homes which meets the SDNP Local Plan housing provision for Findon in full, with a reasonable buffer deriving from the capacity assessment of the allocated sites.

- 4.11 The FNP Update 1 minor modification to the 'made' FNP 'Community Aspirations' Spatial Plan aspiration HD1 does not change the 'made' FNP housing objectives, which are retained, but merely seeks to clarify that the inclusion of housing site allocations meets those housing objectives:

to enable local people to stay in the parish throughout their lifetime and as their needs change;

to ensure a good supply of affordable homes to meet the needs of the parish and the National Park;

to maintain a strong community by ensuring a mix of housing types with an emphasis on more modest sized homes and good integration between different types of new and existing types and tenures within the parish.

- 4.12 FNP Update 1 also includes a masterplan for the three allocation sites at the south west end of Findon to guide the coherent integration of different housing types, associated community benefits (restored allotments and retained garden centre), connectivity and landscape enhancements.

Chapter 12 Achieving well designed places

- 4.13 FNP Update 1 does not propose any modifications of 'made' FNP objectives and policies that require good quality design. FNP Update 1 housing site allocation policies include further site specific requirements to deliver good quality design standards and to demonstrate sustainable design approaches to meet site specific mitigation measures.

Chapter 8 Promoting healthy and safe communities

- 4.14 FNP Update 1 does not propose any modifications to made FNP objectives, policies and aims which seek to promote healthy communities. The housing site allocation locations and policies ensure existing public rights of way are protected; facilitate the provision of a new public right of way and cycle route along a 'desire line' enhancing connectivity with the southern end of the High Street; and facilitate the restoration of some former private allotments to meet a local waiting list.

Chapter 14 Meeting the challenge of climate change, flooding and coastal change

- 4.15 FNP Update 1 does not propose any modifications to made FNP objectives, policies and aims to meet the challenge of climate change and flooding. The housing site allocation locations are not in areas at significant risk of flooding nor are likely to cause flooding elsewhere. West Sussex County Council, the Lead Flood Authority have given supportive guidance on housing layout for one of the allocated housing site locations HD11 where a 'slight' risk has been identified on one part of the site.

Chapter 15 Conserving and enhancing the natural environment

- 4.16 FNP Update 1 does not propose any modifications to made FNP objectives, policies and aims to conserve and enhance the natural environment which is of great significance to a parish which lies entirely within the South Downs National Park.
- 4.17 Housing allocation sites in FNP Update 1 have been robustly assessed for landscape sensitivity and landscape value and are located at the lower parts of the dry valley to ensure the characteristic open downland which surrounds Findon on the mid and higher valley sides is not threatened or harmed by new development, and distinctive views and visual connectivity with surrounding open downland from public roads, historic rural roads, public footpaths and bridleways are maintained and not further harmed.
- 4.18 Housing allocation sites in FNP Update 1 have also been located to prevent coalescence with Findon Valley, a suburban settlement to the south.. The 'made' FNP 'Community Aspiration' to retain a Local Gap has been introduced as a new Local Gap policy in FNP Update 1 following a review of the primary purposes, of preventing coalescence and maintaining distinctiveness of settlements. The review has modified the land area of the Local Gap to ensure the area of land included is only that which is necessary to accord with the primary purposes of local gaps. The new 'policy' status further strengthens the conservation and enhancement of the natural environment.
- 4.19 FNP Update 1 housing site allocation policies and Local Gap policy meets the aims and one of core objectives of the 'made' FNP to conserve and enhance the natural environment.

Chapter 16 Conserving and enhancing the historic environment

- 4.20 FNP Update 1 does not propose any modifications to made FNP objectives, policies and aims to conserve and enhance the historic environment.

4.21 Housing site allocations have been robustly assessed for local historic environment and local culture and heritage sensitivity and value. The locations are not within, or near, the setting of the Conservation Area, the listed Wattle House on Nepcote Green, the 'made' FNDP aspiration for the designation of a Nepcote Green and associated open downland Conservation Area, or the wider historic environment setting of Findon as a unique, almost hidden settlement on the slopes of open downland.

4.22 Housing site allocations have also been robustly assessed to ensure that paddocks which are vital to the continuity of the racehorse training and associated equine business and activities which have high local cultural heritage sensitivity and value to Findon are not lost through new housing development or adversely threatened by the impact of new housing development.

5. 4B 8 (2)(d) SUSTAINABLE DEVELOPMENT

5.1 FNP Update 1 does not propose any modifications to made FNP objectives, policies and aims which contribute to the achievement of sustainable development and seeks only to further advance the achievement of all three strands of sustainable development by the inclusion of housing site allocation policies to meet local need and the housing provision in the Submission LP.

5.2 FNP Update 1 achieves a sound balance of economic, social and environmental goals by ensuring that housing site allocations:

do not threaten downland grazing vital to local equine based businesses and encourage the local garden centre business to prosper,

plan positively for housing growth to meet the current and future needs for more modest sized and affordable homes in the Parish up to 2035,

facilitate through housing site allocation policies the provision of community social benefits,

promote safer, better connected and more sustainable journeys around the settlement, parish and beyond,

protect and enhance the rural character, designated and non designated heritage assets and biodiversity of the settlement and the parish,

protect and enhance the unique identity of Findon and prevent the coalescence with Findon Valley (Worthing),

maintain the unique, almost hidden landscape setting of Findon at predominantly dry valley bottom contours, by avoiding new development on the rising valley sides of predominantly open downland and preserving the distinctive views and visual connectivity with the natural open downland landscape.

5.3 FNP Update 1 therefore complies with and positively contributes to the achievement of three strands of sustainable development.

6. 4B 8 (2)(e) GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN

6.1 The relevant Development Plan for the 'made' FNP was mainly the Arun 2003 Local Plan as the new SDNP Local Plan was still emerging and had not reached the pre submission stage. The 'made' FNP did however seek to be in general conformity with objectives and strategic policies that were emerging in the SDNP Local Plan.

6.2 The SDNP Local Plan is now at Inspection, the Major Modifications consultation ended in March 2019. As there are no published MMs that will significantly affect Findon parish, the relevant Development Plan for consideration of general conformity for FNP Update 1 is the Submission SDNP Local Plan and Major Modifications.

6.3 FNP Update 1 retains almost all the policies from the 'made' FNP with the inclusion of housing site allocation policies and a new Local Gap policy. Some minor modifications to supporting text are included to ensure alignment and conformity between the 'made' FNP and FNP Update 1. As the 'made' FNP is by implication in general conformity with the strategic policies in the Pre Submission SDNP LP and these have not been significantly modified in the Submission version, FNP Update 1, can also be considered to be in general conformity with the relevant Development Plan, other than the new housing site allocation policies and new Local Gap policy which need to be assessed for general conformity.

6.4 The Submission SDNP LP sets out the planning strategy and objectives for the National Park up to 2033 and identifies strategic policies. It is with these strategic policies with which FNP Update 1 needs to be assessed for 'general conformity'.

6.5 The Submission SDNP LP does include two housing site allocation policies for Findon, which are fundamentally different to the housing site allocations in FNP Update 1, however these LP policies are not strategic policies. FNP Update 1 housing site allocations policies do not therefore need to show 'general conformity' with the Submission SDNP LP housing allocation policies for Findon, to meet the 'Basic Conditions' test and are indeed in conflict with the Submission SDNP LP housing site allocation policies for Findon.

6.6 FNP Update 1 housing site allocation policies and the new Local Gap policy however need to be shown to be in general conformity with the strategic policies in the Submission SDNP Local Plan.

6.7 The following strategic policies are considered to be particularly relevant:

- SD4 Landscape Character: sets out how development proposals will be expected to conserve and enhance landscape character in the National Park.
- SD5 Design: seeks high quality design.
- SD6 Safeguarding Views: seeks to conserve and enhance key views and views of key landmarks within the National Park.
- SD12 Historic Environment: seeks to conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.
- SD20 Walking, Cycling and Equestrian Routes: safeguards and encourages enhancement of network routes.
- SD23 Sustainable Tourism: seeks to encourage tourism and recreation development.
- SD25 Development Strategy: seeks to direct development to settlements.
- SD26 Supply of Homes: sets out the housing provision for settlements.
- SD27 Mix of Homes: sets out size mix of affordable and market housing.
- SD28 Affordable Homes: sets out provision for affordable homes.
- SD34 Sustaining the Local Economy: seeks to promote and protect businesses.
- SD43 New and existing community facilities: supports new and/or expanded community facility infrastructure.
- SD45 Green Infrastructure: seeks to protect and enhance green infrastructure

6.7 The following table identifies where the FNP Update 1 housing site allocation policies, and the new Local Gap policy are in 'general conformity' with the relevant strategic policies of the Submission SDNP Local Plan and where relevant with NPPF February 2019 paragraphs.

<i>FNP Update 1 Policy</i>	<i>NPPF</i>	<i>General conformity SDNP LP Strategic Policy</i>
HD1 Spatial Plan		SD25 SD26
HD9 Masterplan	para 28, 69, 110	SD4 SD5 SD20 SD34 SD43
HD10a Housing Allocation	para 69,110	SD4 SD5 SD27 SD28 SD34
HD10b Housing Allocation	para 69,110	SD4 SD5 SD27
HD11 Housing Allocation	para 69,110	SD4 SD5 SD20 SD27 SD43
HD12 Housing Allocation	para 69	SD4 SD5 SD27 SD28 SD43
HD13 Housing Allocation	para 69	SD4 SD5 SD27
HD14 Extension of Settlement Boundary	para 28,172	SD4 SD6 SD12 SD26 SD34
ES1 Local Gap	para 28,172	SD4 SD6 SD12 SD23 SD45 5.16
Apdx 2 Local Green Spaces	para 100	SD4 SD12 SD20 SD45

7. 4B 8 (2)(f) COMPATIBLE WITH EU OBLIGATIONS

7.1 A scoping review was carried out by the SDNPA, involving Historic England, the Environment Agency and Natural England which concluded that an SEA was not required to support the FNP Update 1 which included replacement housing site allocations only to meet the housing provision for Findon in the new Local Plan.

7.2 In discussions with the SDNPA it was confirmed that there were no European sites, in or near the FNP Update 1 area that would require a Habitat Regulation Assessment.

7.3 FNP Update 1 does not breach any EU obligations and would be otherwise compatible with all EU obligations.

8. 4B 8 (2)(g) COMPLIANCE WITH PRESCRIBED CONDITIONS AND MATTERS
 - 8.1 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and the prescribed conditions and matters are considered to be met by FNP Update 1. It is therefore is considered to comply with Paragraph 8(1)(a) of Schedule 4B of the Act.
9. 4B (6) COMPATIBILITY WITH CONVENTION RIGHTS
 - 9.1 FNP Update 1 has regard to the fundament rights and freedoms guaranteed under the EU Convention on Human Rights. It has particular regard to Article 1 Respecting Rights, Article 8 Privacy, Article 14 Discrimination. The FUNDP complies with the Human Rights Act 1988.