

Basic Conditions Statement

Bury Neighbourhood Plan Steering Group
March 2017

1. INTRODUCTION

- 1.1. This Basic Conditions Statement has been produced by Enplan for Bury Parish Council. It accompanies the Bury Neighbourhood Development Plan (hereafter referred to as the Neighbourhood Plan) that has been submitted to the South Downs National Park Authority.
- 1.2. The Neighbourhood Plan's plan area is the parish of Bury which is situated within both Chichester District and South Downs National Park. The South Downs National Park Authority is the primary authority.
- 1.3. The Neighbourhood Plan is to have effect from its point of being made in 2017 for a period of 15 years to 2032, it does not include provision about development that is excluded development¹, and only relates to the neighbourhood area of Bury.
- 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:
 - 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. CONFORMITY WITH NATIONAL POLICIES AND GUIDANCE

2.1. 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 Group's efforts and it sets out how communities should seek to prepare neighbourhood plans; it states that neighbourhoods should:

1) develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and

2) plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

2.2. 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.

- 2.3. 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:

Bury Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
BNDP Policy 1	Settlement Boundaries	NPPF para 17	Seeks to promote sustainable development in rural areas. Seeks to ensure sense of place is retained within parish.
BNDP Policy 2	Built Character	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.
BNDP Policy 3	Allocation for new housing	NPPF para 7, 17, 47, 50, 101	Policy seeks to positively plan for the housing needs of the parish. Most appropriate site has been selected from those identified.
BNDP Policy 4	Unallocated residential development	NPPF para 7, 17, 47, 50, 53, 54	Policy seeks to positively plan for the housing needs of the parish by allowing some residential development on unallocated sites to come forward. This is expected to be minimal considering the relatively unsustainable nature of the locality.
BNDP Policy 5	Sunken Lanes	126, 132, 135, 137, 141	Sunken Lanes are local historic feature that once lost would be irreplaceable. They also contribute to the intrinsic character of the parish.
BNDP Policy 6	Historic Walls	126, 132, 135, 137, 141	Historic walls form many of the oldest boundaries in the parish. They also provide much of the character in our historic areas and should be preserved.
BNDP Policy 7	Historic Orchards	126, 132, 135, 137, 141	Policy seeks to preserve the few historic orchards present for their historical significance. They also provide an important habitat.
BNDP	Parish Heritage Assets	126, 132, 135, 137,	Policy provides importance to a

Bury Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
Policy 8		141	number of currently non-designated heritage assets within the parish.
BNDP Policy 9	Recreational & Community facilities	NPPF para 7, 73, 74	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.
BNDP Policy 10	Local Green Space	NPPF para 7, 76, 77, 78	Protects spaces that comply with NPPF criteria and provide a social role within the community.
BNDP Policy 11	A strong local economy	NPPF para 7, 20, 28	Supports the retention of local employment sites within the parish that provide local character and services. Seeks to ensure that local economic activity preserves and enhances the character of the Parish.
BNDP Policy 12	The small business economy	NPPF para 7, 20, 28	Encourages development that will support the local economy.
BNDP Policy 13	South Downs National Park	NPPF para 115	Seeks to conserve landscape and scenic beauty of the National Park.
BNDP Policy 14	Landscape & 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.
BNDP Policy 15	Tranquillity	NPPF para 123	The whole parish sits within the SDNPA which is relatively undisturbed by noise and its outdoor spaces are prized by local residents for its recreational and amenity value.
BNDP Policy 16	Dark Night Skies	NPPF para 125	Seeks to limit the impact of light pollution from artificial light.
BNDP Policy 17	Woodlands & Trees	NPPF para 118	Woodland and trees play an important historic and ecological role within the parish. The loss of these should be avoided.
BNDP Policy 18	Local habitats	NPPF para 118	A number of special habitats are present in the parish, some of which are locally important and not considered to be afforded appropriate weight in the local/national context. Development within the Parish should seek to conserve and enhance its biodiversity.

Bury Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
BNDP Policy 19	Permissive & Public Rights of Way	NPPF para 7	Footpaths help to maintain a strong and vibrant community and are a key recreational and exercise resource. In addition they ensure that people are able to get close to our natural resources and environment. Their protection is therefore considered key.
BNDP Policy 20	Parking	NPPF para 39	Parking on roads should be limited – ensuring adequate provision off road is key to a sustainable local highway network.
BNDP Policy 21	Creating a safer public realm	NPPF para 69	Ensuring public space is of high quality will ensure these spaces are safer for future generations.

3. CONTRIBUTION TO SUSTAINABLE DEVELOPMENT

3.1. Sustainable development is defined as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own need’. 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.

3.2. 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.

3.3. There is no specific legal requirement within the Regulations² for Neighbourhood Development Plans to undertake their own Sustainability Appraisal (SA) and in this instance one has not been prepared following a screening opinion from the South Downs National Park Authority.

3.4. That said, the plan has been prepared with the sustainability issues affecting the village being a central consideration. Whilst decisions were made by the Steering Group appropriate thought was given to a range of options and ways of mitigating against any negative impacts where possible considered. Through this informal process it is considered that Submission Neighbourhood Development Plan sets out a sustainable framework for future development within the Parish. How the plan contributes to sustainable development is set out below:

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

- 3.5. In terms of the economic role, a number of options were considered by the Steering Group. These included having no policies directly related to the economy and relying on local and national level policy; having policies to encourage the tourism economy and having policies aimed at reinforcing the current economic trend whilst seeking to ensure employment opportunities do not dwindle. The Pre-Submission plan did not include policies relating to the economy but following the consultation the Steering Group chose the latter option and has included policies relating to the local economy.
- 3.6. The plan sets out two policies to ensure that it positively contributes towards the economic role of sustainable development. These are:
- BNDP Policy 11 – A strong local economy
 - BNDP Policy 12 – The small business economy
- 3.7. Space for economic activity is limited within the parish due to its environmental and historical constraints. BNDP Policy 11 seeks to ensure that existing employment space is not lost – the policy will not stifle the changing nature of the local economy but aims to preserve the space for jobs (whatever they may be). That said, the relatively poor transport links and the constraints mentioned above make the parish unsuitable for large scale economic enterprises and this is also highlighted in this policy. This policy seeks to address the balance required locally between need for a vibrant economy, the constraints present and the quality of local lives.
- 3.8. The plan also accepts that new development will be required to support the local economy which primarily consists of small businesses. Appropriate development to facilitate the continued small business economy is supported by BNDP Policy 12
- 3.9. The social role of sustainable development focusses on the people that live and work within the parish and they have been central to the plan as it has developed – many policies within the plan seek to encourage a strong, vibrant and healthy community by providing an appropriate supply of housing (number set by SDNPA) and seeking to protect the local character and environment which binds the community together.
- 3.10. Section 7 (Our Community) includes BNDP Policy 9 – Recreational & Community facilities that seeks to prevent the loss of publically used resources and BNDP Policy 10 – Local Green Space which provides protection for a number of open spaces that achieve the criteria as set out in the NPPF. These policies are aimed at protecting local assets that contribute towards healthy living, both mentally through improving social interaction and keeping parishioners active. Other policies contribute towards this by ensuring our local environment remains a pleasant place to be, which should help to entice our parishioners out of their houses and into the community.
- 3.11. Section 6 (Our Heritage) seeks to maintain local heritage which is contributes towards the cultural well-being of the community. BNDP Policy 5 – Sunken Lanes, BNDP Policy 6 – Historic Walls, BNDP Policy 7 – Historic Orchards, and BNDP Policy 8 – Parish Heritage Assets all contribute towards this.

3.12. Other policies that contribute are identified in the matrix set out below.

3.13. Due to its location the environmental aspect of sustainable development could arguably be considered to be particularly important. This is not only a result of the National Park designation but also because the environment is treasured by the local community. Policies that duplicate those included in local or national policies (such as those relating to Listed Buildings, Conservation Areas or national environmental designations) have been avoided ensuring that policies remain relevant locally. Protecting and enhancing the natural, built and historic environment has formed the backbone of the plan following the support for this approach from the local community. For more details on this please refer to the matrix below.

Sustainable Development Matrix

3.14. To summarise, the below matrix identifies which roles of sustainable development each policy contributes towards or detracts from.

Strong positive contribution	++
Possible positive contribution	+
Neutral contribution	/
Possible negative contribution	-
Strong negative contribution	--

Policy No.	Policy Title	Economic	Social	Environmental
BNDP Policy 1	Settlement Boundaries	-	+	+
BNDP Policy 2	Built Character	-	++	++
BNDP Policy 3	Allocation for new housing	+	+	+
BNDP Policy 4	Unallocated residential development	+	+	/
BNDP Policy 5	Sunken Lanes	-	+	++
BNDP Policy 6	Historic Walls	-	+	++
BNDP Policy 7	Historic Orchards	-	+	++
BNDP Policy 8	Parish Heritage Assets	-	+	++
BNDP Policy 9	Recreational & Community facilities	/	+	+
BNDP Policy 10	Local Green Space	-	+	+
BNDP Policy 11	A strong local economy	++	+	/
BNDP Policy 12	The small business economy	++	+	/
BNDP Policy 13	South Downs National Park	-	++	++
BNDP Policy 14	Landscape & Views	-	++	++

Policy No.	Policy Title	Economic	Social	Environmental
BNDP Policy 15	Tranquillity	-	++	++
BNDP Policy 16	Dark Night Skies	-	++	++
BNDP Policy 17	Woodlands & Trees	-	+	++
BNDP Policy 18	Local habitats	/	+	++
BNDP Policy 19	Permissive & Public Rights of Way	/	++	/
BNDP Policy 20	Parking	-	+	+
BNDP Policy 21	Creating a safer public realm	+	+	+

4. GENERAL CONFORMITY WITH STRATEGIC POLICIES IN THE DEVELOPMENT PLAN

4.1. The Neighbourhood Plan needs to be in general conformity with both the strategic policies of in the development plan. As the Parish is located within the South Downs National Park the development plan consists of:

- 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.*

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

4.3. 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.

4.4. 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.

4.5. 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:

Bury Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
BNDP Policy 1	Settlement Boundaries	CDLP policy BE1, RE1	BNDP policy updates the settlement boundary for use in all policies.
BNDP Policy 2	Built Character	CNDP policy BE11, BE13	BNDP policy provides locally specific detail to relevant policies.
BNDP Policy 3	Allocation for new housing	CNDP policy BE11, H4, H6	BNDP policy provides required housing need. CDNP is out of date in this regard so conformity is considered to be achieved.
BNDP Policy 4	Unallocated residential development	CNDP policy BE11, H8, H9	BNDP policy adds locally specific criteria to CDLP policy.
BNDP Policy 5	Sunken Lanes	CNDP policy BE14	BNDP policy seeks to protect undesignated heritage assets.
BNDP Policy 6	Historic Walls	CNDP policy BE14	BNDP policy seeks to protect undesignated heritage assets.
BNDP Policy 7	Historic Orchards	CNDP policy BE14	BNDP policy seeks to protect undesignated heritage assets.
BNDP Policy 8	Parish Heritage Assets	CNDP policy BE14	BNDP policy seeks to protect undesignated heritage assets.
BNDP Policy 9	Recreational & Community facilities	CNDP policy BE2, R2, R3, RE17	Policy seeks to protect and enhance local facilities to ensure a vibrant community.
BNDP Policy 10	Local Green Space	CNDP policy R3	Development plan pre-dates NPPF and this designation.

Bury Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
BNDP Policy 11	A strong local economy	CNDP policy B6	Both BNDP & CNDP policy supports maintaining existing sites for employment uses.
BNDP Policy 12	The small business economy	CNDP policy B1, B6	Both encourage the provision of appropriate economic activity.
BNDP Policy 13	South Downs National Park	CNDP policy RE4	Both seek to protect the environment.
BNDP Policy 14	Landscape & Views	CNDP policy BE11	Both seek to protect the environment.
BNDP Policy 15	Tranquillity	CNDP policy RE4	Both seek to protect the environment.
BNDP Policy 16	Dark Night Skies	CNDP policy RE4	Both seek to protect the environment.
BNDP Policy 17	Woodlands & Trees	CNDP policy BE14, RE8	Both seek to protect the environment.
BNDP Policy 18	Local habitats	CNDP policy BE14, RE8	Both seek to protect the environment.
BNDP Policy 19	Permissive & Public Rights of Way	CNDP policy R4	Both seek to preserve public footpaths.
BNDP Policy 20	Parking	CNDP policy R4	Local Plan policy is no longer saved – BNDP policy will introduce locally appropriate standards.
BNDP Policy 21	Creating a safer public realm	CNDP policy RTR6, TR8	N.Plan policy will ensure that the aspirations set out in the CDLP policies are achieved.

5. COMPATIBILITY WITH EU LEGISLATION

Directive 2001/42/EC

- 5.1. 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.
- 5.2. A Scoping Opinion was sought as to whether a Sustainability Appraisal / Strategic Environmental Assessment was required from South Downs National Park Authority and it was confirmed that it was not.

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

- 5.3. 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.
- 5.4. 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).
- 5.5. 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).
- 5.6. 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.
- 5.7. 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 upon the integrity of the site can be ruled out. Where such

an adverse effect upon 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 overriding public interest and if the necessary compensatory measures can be secured.

- 5.8. This HRA process must be applied before a plan or project which may affect a European Site(s) can be lawfully undertaken or authorised.
- 5.9. Natural England have been consulted on the neighbourhood plan and whether there would be Likely Significant Effects. To date they have not confirmed whether a HRA is required.

Other

- 5.10. 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 Bury Neighbourhood Development Plan.