

East Preston Neighbourhood Plan 2014- 2029

Basic Conditions Statement

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1. Introduction

1.1 This Statement has been prepared by East Preston Parish Council ("the Parish Council") to accompany its submission to the local planning authority, Arun District Council (ADC), of the East Preston Neighbourhood Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of East Preston, as designated by the Local Plan Sub-Committee of ADC on 24 November 2012 (see Plan A).

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from 1 April 2014 to 31 March 2029 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 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. Background

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2012. The key drivers of that decision were the encouragement of ADC to towns and parishes in its district to prepare Neighbourhood Plans and a keenness of the Parish Council to manage local development and to promote the sustainable development in the parish.

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

- the State of the Parish report
- the Pre-Submission Neighbourhood Plan
- the Submission Neighbourhood Plan

2.3 The Parish Council has worked with officers of ADC during the preparation of the Neighbourhood Plan. The positioning of the Neighbourhood Plan in respect of the emerging development plan, which proposes to establish a clear policy framework for neighbourhood plans, has been challenging. Progress on the new Arun Local Plan was delayed in May 2013 when ADC did not approve the submission of the Plan for examination. A Publication Version of the Local Plan was published in part by ADC in February 2014. It excludes the crucial chapter on Housing, and will not be formally completed for examination until later in 2014. It has not therefore set the policy framework of the Neighbourhood Plan but the policy contents and evidence published to date are broadly in line with those of May 2013.

2.4 In which case, a number of saved policies of the 2003 Local Plan continue to provide a valid policy framework for the Neighbourhood Plan. Although the proposed requirement of 30 homes for East Preston Parish in the plan period in the emerging Local Plan cannot be a formal target for the Neighbourhood Plan, it has reflected on the reasoning and evidence supporting that policy in supporting housing development. This follows the National Planning Practice Guidance (NPPG) of March 2014, which establishes the principles for how neighbourhood plans may come forward before up-to-date Local Plans (see IP41-008 especially).

2.5 The Parish Council wishes to do this by supporting windfall schemes (in Policies 1 to 5). The parish does not have any land outside of a built up area boundary to assess for a potential extension to the boundary in any event.

2.6 The Neighbourhood Plan therefore contains a small number of policies and proposals that are defined on the Proposals Map as being geographically specific. For the most part, the plan has deliberately avoided containing policies that may duplicate the many saved and emerging development policies that are, and will be, material considerations in determining future planning applications.

2.7 The Neighbourhood Plan has also made a clear distinction between land use planning policies and non-statutory proposals relevant to land use planning. This allows for the examination to focus on the requirement of the policies to meet the Basic Conditions but also allows the local community to see the Neighbourhood Plan in the round. In any event, the non-statutory proposals will each have a land use effect at some later point but cannot do so as part of the Neighbourhood Plan as they fall outside its scope.

3. Conformity with National Planning Policy

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the National Planning Practice Guidance (NPPG) in respect of formulating neighbourhood plans.

3.2 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

3.3 The Parish Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the district by supporting new housing and employment development, using criteria-based policies. It also seeks to protect open spaces, community facilities and retail and employment uses that benefit the parish.

Para 183

3.4 The Parish Council believes the Neighbourhood Plan establishes in its Section 3 a vision for the parish that reflects the view of the majority of the local community. It has sought to translate them into planning policies to determine future planning applications as part of the development plan.

Para 184

3.5 The Parish Council believes the Neighbourhood Plan, as is highlighted below, is in general conformity with all the relevant saved policies of the development plan but also anticipates the emerging Arun Local Plan. The Neighbourhood Plan is supportive of new housing development in the form of windfall sites. It is considered to strike a positive balance between the physical and policy constraints of the Parish and the desire to meet local housing demand.

Para 185

3.6 The Neighbourhood Plan avoids duplicating development plan policies by focusing on policies that translate the general requirements of the development plan into an East Preston context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

3.7 Set out in Table A below, 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.

| No. | Policy Title | NPPF Ref. | Commentary |
|------------|------------------------------|------------------|--|
| 1 | Housing Design | 58, 59 | The policy requires housing development proposals to meet a series of general design principles. In doing so, it accords with para 50 in balancing the need for a consistent and relevant design framework with the need to provide applicants with sufficient flexibility to propose innovative design proposals. It therefore focuses on guiding the overall scale, density, massing, height and other key principles like car parking and changes of use of dwellings to commercial lets, that reflect the issues of most concern to local people, with their experience of significant windfall development over the last few years. |
| 2 | Design in Character Area One | 58, 60 | The policy requires development proposals to accord with the design principles of the Character Area, as defined in the up-to-date Village Design Statement endorsed by Arun. In doing so, it accords with para 50 in balancing the need for a consistent and relevant design framework with |

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| | | | the need to provide applicants with sufficient flexibility to propose innovative design proposals. Rather, it focuses on promoting local distinctiveness (60). |
| 3 | Design in Character Area Two | 58, 60 | The policy requires development proposals to accord with the design principles of the Character Area, as defined in the up-to-date Village Design Statement endorsed by Arun. In doing so, it accords with para 50 in balancing the need for a consistent and relevant design framework with the need to provide applicants with sufficient flexibility to propose innovative design proposals. Rather, it focuses on promoting local distinctiveness (60). |
| 4 | Design in Character Area Three | 58, 60 | The policy requires development proposals to accord with the design principles of the Character Area, as defined in the up-to-date Village Design Statement endorsed by Arun. In doing so, it accords with para 50 in balancing the need for a consistent and relevant design framework with the need to provide applicants with sufficient flexibility to propose innovative design proposals. Rather, it focuses on promoting local distinctiveness (60). |
| 5 | Design in Character Area Four | 58, 60 | The policy requires development proposals to accord with the design principles of the Character Area, as defined in the up-to-date Village Design Statement endorsed by Arun. In doing so, it accords with para 50 in balancing the need for a consistent and relevant design framework with the need to provide applicants with sufficient flexibility to propose innovative design proposals. Rather, it focuses on promoting local distinctiveness (60). |
| 6 | Open Spaces | 76 & 77 | This policy proposes the designation of two Local Green Spaces in the parish to be protected from development in accordance with the NPPF. These green spaces are all in close proximity to, and are highly valued by, the local community, in what is one of the more densely-populated parishes in the district. The policy also identifies a further eight local amenity spaces for similar protection, as they do not meet all the NPPF criteria. |
| 7 | Allotments | 70 | This policy seeks to prevent the loss of a small number of (non-statutory) allotment plots. It therefore accords with para 70 in guarding against the unnecessary loss of valued facilities. |
| 8 | Sustainable Drainage | 99 | This policy will support development proposals in the parish provided they are able to demonstrate that the proposals include one or more of certain sustainable drainage design features stated, to manage the risk of surface water flooding within their boundary and elsewhere in the parish. It |

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| | | | therefore accords with para 99 in respect of planning for climate change in an area that is known to have flooding problems. |
| 9 | Access to the Beach | 73, 75 | This policy seeks to improve access to the beach in one of the few locations in the parish where this is possible, especially for those with disability needs. In doing so, it will make an important contribution to the health and well-being of the local community (para 73) and will enable a better access facility to the beach (75). |
| 10 | Local Shops & Employment | 19, 70 | This policy seeks to encourage the improvement and extension of existing local shops and businesses to encourage their retention. There are relatively few shops and businesses in the parish, so that are there provide valuable retail and similar services for the benefit of the local community in line with para 70. The policy therefore acts to encourage sustainable economic growth for the benefit of the many local people that also work in the parish rather than commute to other towns (19). |
| 11 | Community Facilities | 70 | This policy seeks the retention and encourages the improvement of the existing community facilities in the parish. The unnecessary loss of these valued facilities will not be acceptable and therefore the policy accords with para 70. |

Table A: Neighbourhood Plan & NPPF Conformity Summary

4. Contribution to Sustainable Development

4.1 The Neighbourhood Plan was not required by the District Council to undertake a Strategic Environmental Assessment (SEA) of its environmental effects and neighbourhood plans are not required to undertake a Sustainability Appraisal. However, the Neighbourhood Plan can clearly demonstrate that it has taken account of the need to contribute to the achievement of sustainable development in terms of how its policies will deliver a blend of economic, social and environmental benefits for East Preston.

4.2 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals. The local community desires that the best aspects of the village – its high quality local environment, its village shops, local employers and community facilities – are supported and enhanced in the coming years through effective development management.

4.3 The chosen policies are therefore intended to accurately translate these strategic objectives into viable and effective development management policies and deliverable infrastructure proposals. Collectively, the policies demonstrate that the Neighbourhood Plan will deliver strong social impacts though both economic and environmental impacts score well too. Indeed, every policy will deliver a positive social outcome – the provision of new homes, the retention of valued spaces and facilities – and none will have a negative impact.

4.4 This outcome may be characteristic of Neighbourhood Plans prepared in similar planning policy circumstances. If local communities are to back development in this type of location, to the extent they will turn out to vote at a referendum, then there may have to be clear and realisable social benefits they can accrue. But this will rarely be at an environmental or economic cost as local communities will resist such impacts and they will not be in conformity with either the NPPF or development plan.

4.5 The sustainability attributes of each policy are summarised in Table B below.

| No. | Policy Title | Soc. | Eco. | Env. | Commentary |
|-----|------------------------------|------|------|------|--|
| 1 | Housing – General Principles | * | 0 | 0 | The policy seeks to ensure high design standards in all new housing development in the parish. In doing so, it will deliver a social benefit in maintaining the distinctiveness of the village. |
| 2 | Design in Character Area One | * | 0 | * | The policy establishes the key design principles for development in Character Area One. In doing so, it will deliver a social and environmental benefit by seeking to maintain its distinct character for the continued enjoyment of local people. |
| 3 | Design in Character Area Two | * | 0 | * | The policy establishes the key design principles for development in Character Area Two. In doing so, it will deliver a social and environmental benefit by seeking to maintain its distinct character for the continued enjoyment of local people. |
| 4 | Design in | * | 0 | * | The policy establishes the key design principles for development in Character Area |

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| | Character Area Three | | | | Three. In doing so, it will deliver a social and environmental benefit by seeking to maintain its distinct character for the continued enjoyment of local people. |
| 5 | Design in Character Area Four | * | 0 | * | The policy establishes the key design principles for development in Character Area Four. In doing so, it will deliver a social and environmental benefit by seeking to maintain its distinct character for the continued enjoyment of local people. |
| 6 | Open Spaces | * | 0 | ** | The policy designates two Local Green Spaces and restates the protection of other local amenity areas, all of which are valued in an area that is comparatively densely populated with few open spaces. It will therefore deliver a social benefit and a strong environmental benefit. |
| 7 | Allotments | * | 0 | * | The policy seeks to protect this small but important area of non-statutory allotment plots from unnecessary loss. In doing so, it will deliver social and environmental benefits by retaining a valued community facility and green infrastructure asset. |
| 8 | Sustainable Drainage | * | * | * | The policy refines saved and NPPF policy by requiring specific measures for mitigating flood risk in the village. It will therefore have a social and economic benefit in reducing the financial losses of households and businesses from flooding events to which the parish is especially vulnerable. |
| 9 | Access to the Beach | * | 0 | 0 | The policy encourages the improvement of one of the few means of accessing the beach. In doing so, it will deliver a social benefit, especially in widening access for disabled people. |
| 10 | Local Shops & Employment | ** | ** | 0 | The policy encourages the improvement and extension of existing local shops and businesses as they provide a valuable service and source of employment to local people. It will therefore have strong economic and social benefits, by maintaining local jobs and meeting the community's retail and service needs. |
| 11 | Community Facilities | ** | 0 | 0 | The policy encourages the retention and improvement of existing community facilities. It will therefore deliver a strong social benefit. |

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Key: ** very positive * positive 0 neutral - negative

Table B: Neighbourhood Plan & Sustainable Development Summary

5. General Conformity with the Development Plan

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for Arun.

5.2 As described above, the current status of the development plan – the adopted 2003 Arun Local Plan – and the delays in its replacement during the preparation of the Neighbourhood Plan, has made judging this matter challenging. At the outset, the Parish Council considered the alternative of awaiting the adoption of the new Arun Local Plan as creating an unacceptable risk of uncontrolled development.

5.3 The 2003 Local Plan could not, of course, have anticipated the existence of the Localism Act almost a decade later and so made no provision for translating generic planning policy into a distinct parish-based plan. However, the Neighbourhood Plan policies are intended to be in general conformity with the strategic intent of that Plan and its specific policies, as set out in Table C below.

| No. | Policy Title | Commentary |
|-----|------------------------------|--|
| 1 | Housing – General Principles | The policy seeks to translate the general development principles of saved Policy GEN7 into a parish-specific context by requiring all development proposals to adhere to a number of key design principles. It restates the importance of adhering to adopted car parking standards, in line with saved Policy GEN12, as almost all new housing schemes will be redeveloping existing housing and other sites with limited on street parking space. The policy therefore expects there to be few exceptions to those standards that meet the provisions of parts (i) to (vii) of the saved policy, whereby lower standards may be acceptable. In seeking to control the change of use of dwellings to commercial lets, the policy accords with saved Policy DEV35 in respect of resisting such proposals (that require planning consent) that may be defined as tourism development but that detract from the character of their surroundings. |
| 2 | Design in | The policy translates the general development principles of saved Policy GEN7 into specific requirements |

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| | Character Area One | that reflect the characteristics of Character Area One, as defined by the Village Design Statement endorsed by Arun. In some cases this may mean proposals will be acceptable at a density below the 30 dwellings per hectare requirement of the policy, a measure on which the NPPF now requires greater flexibility. |
| 3 | Design in Character Area Two | The policy translates the general development principles of saved Policy GEN7 into specific requirements that reflect the characteristics of Character Area Two, as defined by the Village Design Statement endorsed by Arun. In some cases this may mean proposals will be acceptable at a density below the 30 dwellings per hectare requirement of the policy, a measure on which the NPPF now requires greater flexibility. |
| 4 | Design in Character Area Three | The policy translates the general development principles of saved Policy GEN7 into specific requirements that reflect the characteristics of Character Area Three, as defined by the Village Design Statement endorsed by Arun. In some cases this may mean proposals will be acceptable at a density below the 30 dwellings per hectare requirement of the policy, a measure on which the NPPF now requires greater flexibility. |
| 5 | Design in Character Area Four | The policy translates the general development principles of saved Policy GEN7 into specific requirements that reflect the characteristics of Character Area Four, as defined by the Village Design Statement endorsed by Arun. In some cases this may mean proposals will be acceptable at a density below the 30 dwellings per hectare requirement of the policy, a measure on which the NPPF now requires greater flexibility. |
| 6 | Local Green Spaces | This policy will enable important green spaces in the parish to be protected from development in accordance with the NPPF. These green spaces are all in close proximity to, and are highly valued by, the local community, in what is one of the most densely-populated parishes in the district. The policy is therefore consistent with saved Policy AREA5 in respect of protecting public and private open spaces from harmful development. |
| 7 | Allotments | The policy accords with saved Policy AREA6 that protects existing allotments from unnecessary loss by identifying a specific site for that protection. Although not a statutory allotment it serves the same purpose and provides the same community benefit. |

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| 8 | Sustainable Drainage systems | The policy refines saved Policy GEN9 in respect of requiring all relevant development proposals in the parish to manage the risk of surface water flooding through specific measures that are appropriate to the parish. |
| 9 | Access to the Beach | The policy accords with saved Policy GEN13 which seeks to encourage greater public access to the coast by identifying one of the few places where this is possible. An improvement scheme will likely require planning consent, or be delivered through an adjoining development scheme, and this policy encourages that outcome. |
| 10 | Local Shops & Employment | The policy aligns with the intent of saved Policies DEV26 and DEV27 in encouraging retail development that is appropriate to the settlement hierarchy. There is no saved Local Plan policy that protects or supports economic development policy. However, the policy is in line with emerging Local Plan, which does contain draft policies with the same intent. |
| 11 | Community Facilities | There is no policy saved policy with this same intent. |

Table C: Neighbourhood Plan & Development Plan Conformity Summary

5.4 The Neighbourhood Plan has been mindful of the publication of parts of the Pre Submission Arun Local Plan by ADC, during its completion. The NPPG (ID 41-009) allows for neighbourhood plans coming forward before the Local Plan to reflect the reasoning and evidence of the emerging plan as appropriate.

5.5 The strategic policies of the emerging Arun Local Plan do not differ greatly from those of the 2003 plan although they do provide an up-to-date, albeit untested, housing strategy for the district. In general, the policies continue to deploy the Built Up Area Boundary mechanism to distinguish established settlements from their surrounding countryside. They also restate the importance of protecting designated and non-designated heritage assets and promoting sustainable communities.

5.6 More specifically, the plan does not identify land in East Preston for a strategic housing or any other similar allocation. It does require towns and parishes in the district to contribute to meeting housing supply and encourages those preparing neighbourhood plans to make such provision. Although not approved at the time of this Statement, a previous version of the plan indicated that East Preston would be required to make provision for 30 homes in the plan period 2014 – 2029, though its 2012 SHLAA had identified no land in the parish that was available for development.

5.7. East Preston (and its neighbour, Rustington) is unusual in the District in having no land within the parish boundary that is outside a built up area boundary. To the west its parish boundary merges with the urban area of Rustington. To the south is the sea and to the north and east the parish and settlement boundaries coincide. There is therefore no land outside the built up area boundary to consider for allocation, only developed land within the boundary, for which there is a presumption in favour of sustainable development in any event.

5.8 However, in being positive in its support of windfall development that reflects the distinctive characteristics of the parish, the Neighbourhood Plan is consistent with the strategic intent of the emerging Local Plan. The policies propose development criteria that align with the respective visions and spatial strategies and make provisions that are also consistent with the key development management principles of that Plan. Should opportunities arise in the future to allocate sites for development, then they may be considered as part of a review of the Neighbourhood Plan; or the District Council may consider them through the preparation of other development plan documents, whichever is the most timely and appropriate.

6. Compatibility with EU Legislation

6.1 The Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

6.2 A screening opinion was issued by ADC in April 2014, which advised that the Neighbourhood Plan would not need to be prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA) as it would not contain policies that would have any significant environmental effects. This decision has not been contested by any statutory consultee or other party.

6.3 The Neighbourhood Area is not in close proximity to any European designated nature sites and so does not require a Habitats Regulation Assessment under the EU Habitats Regulations.