

March 2019



BASIC CONDITIONS STATEMENT

SOUTHWATER PARISH COUNCIL
BEESON HOUSE, 26 LINTOT SQUARE, RH13 9LA

1. INTRODUCTION

- 1.1. This Basic Conditions Statement has been produced by Enplan for Southwater Parish Council. It accompanies the Southwater Neighbourhood Development Plan (hereafter referred to as the SNP) at Submission.
- 1.2. The SNP's Plan Area is the Parish of Southwater as it was before the Parish was extended to include new development to the south (Centenary Road) on 5th February 2019. The Plan Area has an irregular shape and covers 5.41 square miles. It is bounded by the Parishes of Itchingfield to the west, Shipley (and part of Southwater Parish) to the south, Nuthurst to the east and Broadbridge Heath to the northwest. To the northeast lies the town of Horsham and the former urban district of Horsham which remains unParished.
- 1.3. The Parish contains the medium sized settlement of Southwater, a large area of agricultural land and is severed by the A24 which runs north-south.
- 1.4. The Plan Area is wholly located within Horsham District and Horsham District Council is the Local Planning Authority.
- 1.5. The Neighbourhood Plan is to take effect from its point of being made in 2019 for a period of 12 years to 2031, it does not include provision about development that is excluded development¹, and only relates to the designated Plan Area.
- 1.6. 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:
 - (a) *having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
 - (d) *the making of the order contributes to the achievement of sustainable development,*
 - (e) *the making of the order 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),*
 - (f) *the making of the order does not breach, and is otherwise compatible with, EU obligations.*
- 1.7. This document considers each in turn.

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. The Neighbourhood Plan has been prepared in conformity with national policies and guidance as set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 2.2. Achieving sustainable development is at the heart of the NPPF, this is concisely set out in paragraphs 7 and 8 which state:
7. *The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.*
 8. *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 2.3. In addition, paragraph 11 sets out the presumption in favour of sustainable development and how this applies to plan making. This is set out below for clarity:
11. *Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*
 - a) *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
 - b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 2.4. Particular reference is brought to the following NPPF paragraphs:
13. *The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic*

policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

18. *Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.*
29. *Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*
30. *Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.*
37. *Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.*
65. *Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Once the strategic policies have been adopted, these figures should not need retesting at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.*

2.5. 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:

Southwater Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
SNP1	Core principles	NPPF para 8, 16, 28, 29, 30	NPPF confirms that NP’s should set out more detailed policies for specific areas. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
SNP2	Allocation for residential development	NPPF para 8, 16, 34, 65, 98, 108 175, 181, 193, 203	Policy has been positively prepared and contributes towards sustainable development whilst taking into account a wide range of

Southwater Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
			considerations and policy requirements. Some comments have been made to suggest that the size of the allocation makes it 'strategic' however this is not the case.
SNP3	Safeguarding of land for secondary school	NPPF para 8, 34	Policy sets out the infrastructure as a result of the development proposed in the plan. N.B. Land is Safeguarded for a school should the LPA and WSCC wish to bring one forward. Allocation and delivery in a school is a strategic matter.
SNP4	Keeping our roads moving	NPPF para 8, 102, 108, 109	Policy promotes the delivery of required infrastructure alongside development to ensure impact on the local community and highway network is minimised.
SNP5	Local green space	NPPF para 8, 99, 100, 101	Policy allocated spaces as Local Green Space having been assessed against the criteria contained in para 100.
SNP6	Local community space	NPPF para 8, 96	Policy ensures that the community will have access to open spaces and the outdoors.
SNP7	Formal/informal sports areas	NPPF para 8, 96, 97	Policy builds on para 97 and provides protection to spaces used formally and informally for sports.
SNP8	Southwater country park	NPPF para 8, 96, 97	Policy supports the provision of appropriate development to support recreation.
SNP9	Lifetime home standards	NPPF par 8, 61, 127, 130	Given the locally ageing population this policy ensures housing is fit for all users.
SNP10	Residential space standards	NPPF par 8, 61, 127, 130	Again in light of the ageing population and concern of the local community with regard to inappropriate new housing this policy ensures housing will be fit for all users.
SNP11	Specialist accommodation & care	NPPF par 8, 61	Policy reinforces the need to ensure adequate accommodation for older people.
SNP12	Outdoor play space	NPPF par 8, 92	Policy seeks to ensure that the social and recreational facilities required by new development is provided.

Southwater Neighbourhood Plan		National policies and guidance	
Policy No.	Policy Title	References	Comments on conformity
SNP13	Enhancing our non-motorised transport network	NPPF par 8, 98, 102(c)	Policy seeks to enhance accessibility for all, protect the joy people have when spending time outdoors and decrease reliance on motorised vehicles.
SNP14	Adequate provision of car parking	NPPF para 8, 105, 124, 125, 127	Policy ensures that developments can accommodate required car parking in a suitable way and responds to local levels of car ownership.
SNP15	Driving in the 21st century	NPPF para 8, 102(b)	Policy actively supports changing transport needs and the emergence of electric vehicles.
SNP16	Design	NPPF para 8, 125, 130	Policy provides local design guidance so that development respects the heritage and character of the plan area.
SNP17	Site levels	NPPF para 8, 125, 130	Policy seeks to ensure well designed places are created/.
SNP18	A treed landscape	NPPF para 8, 9, 149, 150, 181	Ensuring development respects the character of the area whilst promoting the retention, and creation, of new Green Infrastructure.
SNP19	Parish heritage assets	NPPF para 8, 185	Policy identifies locally important and currently undesignated heritage assets so that their significance can be protected whilst allowing development to occur.
SNP20	Retention of assets of community value	NPPF para 8, 28 and 83, 92	Policy seeks to protect facilities considered important for their community value.
SNP21	A growing economy	NPPF para 8, 80, 81	Policy provides a clear vision and strategy for economic growth within the Plan Area whilst building in flexibility where needed.
SNP22	Telecommunications	NPPF para 8, 80, 81	Policy provides a clear vision and strategy for economic growth within the Plan Area whilst building in flexibility where needed.
SNP23	Use of community infrastructure levy funds	NPPF para 8	Policy provided for clarity and to ensure policy support for CIL projects.

2.6. Having considered the above it is considered that the SNP has regard to national policies and advice contained in guidance issued by the Secretary of State.

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 needs”. 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 at paragraph 8 what sustainable development means in the UK planning system by way of three overarching objectives, it says:
8. *Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 3.3. Whilst there is no specific legal requirement within the Regulations² for Neighbourhood Development Plans to undertake their own Sustainability Appraisal (SA), it provides a useful tool to the development and consideration of the policies and overall strategy of the Neighbourhood Development Plan. It enables the Parish Council to give full consideration to sustainability issues affecting the village and provides the means for assessing the options and mitigating against any negative impacts where possible. Undertaking this process can improve the overall sustainability of the Neighbourhood Development Plan.
- 3.4. A Sustainability Appraisal (incorporating a Strategic Environmental Assessment – SEA) has been prepared and is included within the submission documents that considers the plan’s environmental, economic and social impacts.
- 3.5. The SA/SEA demonstrates that the plan will positively contribute towards sustainable development through the approach and policies it contains.

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

4. GENERAL CONFORMITY WITH STRATEGIC POLICIES IN THE DEVELOPMENT PLAN

- 4.1. The Development Plan consists of:
- i) Horsham District Planning Framework 2015
 - ii) West Sussex Joint Minerals Local Plan 2018

HORSHAM DISTRICT PLANNING FRAMEWORK

- 4.2. The Horsham District Planning Framework was adopted in November 2015 and *'is the overarching planning document for Horsham district outside the South Downs National Park'*. The current plan period runs until 2031 however Horsham District Council are currently preparing a new Local Plan for the district.
- 4.3. Para 3.22 of the HDPF confirms that the *'strategy seeks to retain the existing settlement pattern and ensure that development takes place in the most sustainable locations as possible, including through the re-use of previously-developed land (brownfield land). The policies seek to give priority to locating new homes, jobs, facilities and services within Horsham town, but also ensure that the investment which has and is taking place in smaller towns and villages, such as Storrington or at Southwater can continue, allowing these settlements to evolve to meet their needs.'* The policies within the HDPF support this approach.
- 4.4. The SNP has sought to be in conformity with all policies contained within the HDPF. However, for the purposes of this document and the requirements of the basic condition it is noted that the SNP only needs to be in 'general conformity' with those policies in the HDPF which are considered strategic.
- 4.5. The following strategic policies are considered to be particularly relevant to this plan:
- i) **HDPF Policy 1 Strategic Policy: Sustainable Development**
This policy provides general support and outlines the presumption in favour of sustainable development.
 - ii) **HDPF Policy 2 - Strategic Policy: Strategic Development**
This provides the overarching strategy for development across the district in 14 criterion. Importantly, it confirms that development should be focussed in and around the key settlement of Horsham, and allow for growth in the rest of the district in accordance with the identified settlement hierarchy (set out in Policy 3). It also identified a strategic site of 600 dwellings west of Southwater, which at the time of preparing this plan is under construction.
 - iii) **HDPF Policy 3 - Strategic Policy: Development Hierarchy**
This policy seeks to classify existing settlements into 5 bands ranging from 'Main Town', which is Horsham, to 'Unclassified settlements' which encompasses everywhere not included in the preceding classes. The policy requires development to be within towns and villages which have defined built-up areas and to be of an appropriate nature and scale to maintain characteristics

and function of the settlement in accordance with the settlement hierarchy. Southwater falls in the second tier of the hierarchy just below Horsham called 'Small Towns and Larger Villages' whilst Christ's Hospital is classed as a 'Smaller Village', tier four out of five. 'Small town and larger villages' are considered by Horsham District Council to be the district's most sustainable settlements which can accommodate new development of an appropriate scale and location.

iv) HDPF Policy 4 - Strategic Policy: Settlement Expansion

This policy sets out that the growth of settlements across the District will continue to be supported in order to meet identified local housing, employment and community needs. Outside built-up area boundaries, the expansion of settlements will be supported where they meet five criteria, one of which is that the site is allocated in the Local Plan or in a Neighbourhood Plan and adjoins an existing settlement edge. The SNP has followed this criteria in choosing its site allocation.

v) HDPF Policy 7 - Strategic Policy: Economic Growth

This policy provides support for the retention of Employment land including the allocation of Key Employment Areas (one in the Plan Area) whilst encouraging sustainable local employment growth through Neighbourhood Development Plans. It also seeks to redevelop, regenerate, intensify and grow existing employment sites. The SNP seeks to achieve this by allocating a Parish Employment Site.

vi) HDPF Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

This policy seeks to protect and promote the existing shopping hierarchy throughout the District. In particular it encourages settlements like Southwater Village to sustain their roles in meeting needs and acting as a focus for a range of activities, including retail, leisure, and recreation appropriate to the scale and character of the centre. The SNP seeks to achieve this through the single centre approach with new development reinforcing the existing service centre at Lintot Square.

vii) HDPF Policy 15 - Strategic Policy: Housing Provision

This makes provision for the development of at least 16,000 homes and associated infrastructure within the period 2011-2031. It confirms that this figure will be achieved by:

1. *Housing completions for the period 2011 – 2015;*
2. *Homes that are already permitted or agreed for release;*
3. *Strategic Sites:*
 - a. *At least 2,500 homes at Land North of Horsham*
 - b. *Around 600 homes at Land West of Southwater*
 - c. *Around 150 homes at Land South of Billingshurst*
4. *The provision of at least 1500 homes throughout the district in accordance with the settlement hierarchy, allocated through Neighbourhood Planning.*
5. *750 windfall units*

viii) HDPF Policy 16 - Strategic Policy: Meeting Local Housing Needs

Provides requirements to achieve the correct mix of development in terms of housing sizes,

types and tenures. The SNP does not seek to add to, impact or influence this policy and leaves these matters to Horsham District Council.

ix) HDPF Policy SD10 - Strategic Policy: Southwater Strategic site

This policy allocated land west of Southwater for development. The SNP does not impact this allocation made at the strategic level.

x) HDPF Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy seeking to protect the environment and maintain and enhance Green Infrastructure among other things. The SNP seeks to promote new Green Infrastructure and retain the rural feel of the parish through a number of proposed policies.

xi) HDPF Policy 26 - Strategic Policy: Countryside Protection

Provides protection for area considered to be Countryside (outside of the Built Up Area Boundary). SNP seeks to reinforce and increase the value of this policy by refining the BUAB so that it aligns with recent development.

xii) HDPF Policy 27 - Strategic Policy: Settlement Coalescence

Seeks to protect areas from development which would result in the coalescence of settlements. The SNP includes no policies that would conflict with or otherwise impact this strategic policy.

xiii) HDPF Policy 32 - Strategic Policy: The Quality of New Development

Requires development to have high quality and inclusive design for all development. Policies in the SNP seek to reinforce this policy, providing locally specific detail where relevant.

xiv) HDPF Policy 35 - Strategic Policy: Climate Change

Requires adaptation and mitigation of climate change in new development. SNP builds on this policy, adding local weight to it and introducing viable requirements to assist with the strategic policies objectives.

xv) HDPF Policy 39 - Strategic Policy: Infrastructure Provision

Requires sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided. SNP has undertaken considerable work to establish what would be required to facilitate the development included within the plan and is considered to be in absolute conformity with this policy.

xvi) HDPF Policy 42 - Strategic Policy: Inclusive Communities

Requires positive measures which help create a socially inclusive and adaptable environment for a range of occupiers and users to meet their long term needs. SNP has identified a pressing need for accommodation for older people and has included a range of measures in its policies which have been viability tested. SNP is considered to be in absolute conformity with this policy.

4.6. Set out below are the policies contained within the SNP cross referenced to the HDPF 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:

Southwater Neighbourhood Plan		Horsham District Planning Framework	
Policy No.	Policy Title	Strategic Policy No.	Comments on conformity
SNP1	Core principles	1, 2, 7, 12, 16, 39, 42	General conformity achieved.
SNP2	Allocation for residential development	1, 2, 3, 4, 12, 13, 15, 16, 18, 32, 39, 42	Complete conformity with strategic policies achieved.
SNP3	Safeguarding of land for secondary school	1, 39	General conformity achieved.
SNP4	Keeping our roads moving	1, 39	General conformity achieved.
SNP5	Local green space	1, 25	General conformity achieved.
SNP6	Local community space	1, 25	General conformity achieved.
SNP7	Formal/informal sports areas	1, 25	General conformity achieved.
SNP8	Southwater country park	1, 25	General conformity achieved.
SNP9	Lifetime home standards	1, 16, 32, 42	General conformity achieved.
SNP10	Residential space standards	1, 16, 32, 42	General conformity achieved.
SNP11	Specialist accommodation & care	1, 16, 32, 42	General conformity achieved.
SNP12	Outdoor play space	1, 25,	General conformity achieved.
SNP13	Enhancing our non-motorised transport network	1, 35, 32, 1	General conformity achieved.
SNP14	Adequate provision of car parking	1, 12, 21	General conformity achieved although it is considered that strategic policies comment little on the matter considered by the SNP14.
SNP15	Driving in the 21st century	1, 35	General conformity achieved although it is considered that strategic policies comment little on the matter considered by the SNP14.
SNP16	Design	1, 25, 32, 42	General conformity achieved.
SNP17	Site levels	32	General conformity achieved.
SNP18	A treed landscape	35, 32	General conformity achieved.
SNP19	Parish heritage assets	1	General conformity achieved.

Southwater Neighbourhood Plan		Horsham District Planning Framework	
Policy No.	Policy Title	Strategic Policy No.	Comments on conformity
SNP20	Retention of assets of community value	1	General conformity achieved.
SNP21	A growing economy	1, 7, 12	General conformity achieved.
SNP22	Telecommunications	1, 42	General conformity achieved.
SNP23	Use of community infrastructure levy funds		n/a – not addressed in HDPF

4.7. Having considered the above policies it is considered that the SNP is in general conformity with the Development Plan.

5. COMPATIBILITY WITH EU LEGISLATION

5.1. The compatibility with EU obligations is set out below:

ENVIRONMENTAL IMPACT AND HABITAT REGULATIONS

5.2. With respect to EU relevant directives the following applies:

- i)** With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). A SEA has been prepared and this accompanies the Submission SNP.
- ii)** With regard to Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). No neighbourhood development orders are proposed by the qualifying body, so the directive does not apply.
- iii)** With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively), the conclusion of the HRA screening statement confirms that *‘it is not considered that an Appropriate Assessment of the Southwater Neighbourhood Plan is required.’*
- iv)** With regard to the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC). There are no policies contained in the SNP that are within the scope of the directives.

HUMAN RIGHTS

5.3. An equalities impact assessment has not been undertaken, as no longer required under the Equalities Act 2010, and it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.