



**2013**

**Kirdford Parish  
Neighbourhood Development Plan  
Basic Conditions Statement 2013**

**Kirdford Parish Council**

**Submission Version**

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## **1.0 Introduction**

This statement introduces the Kirdford Neighbourhood Plan Proposal and sets out how the Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, here after referred to as ‘the Regulations’, and how the plan meets the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8 of schedule 4B to the Town and Country Planning Act 1990 as amended, hereafter referred to as the 1990 Act. The statement has been prepared by the Kirdford Parish Neighbourhood Plan Steering Group (KPNPSG) on behalf of Kirdford Parish Council, the qualifying body for the designated neighbourhood plan area set out in Figure 1.

Chichester District Council (CDC) the prime Local Planning Authority confirmed they were satisfied with the Basic Conditions Statement on 9<sup>th</sup> April 2013. South Downs National Park (SDNP) advised on 13<sup>th</sup> April 2013 that they were also satisfied, subject to some minor additions, which have been incorporated.

Below is a brief introduction to Kirdford and why the Neighbourhood Plan has been prepared. This is followed by a summary of compliance statement indicating how the Neighbourhood Plan has been prepared in line with the Regulations and the 1990 Act. The remaining sections of the document provide evidence as to how the Neighbourhood Plan meets the basic conditions.

## **2.0 Why Kirdford Parish needs a Neighbourhood Plan**

Kirdford Parish is the most remote of four parishes that lie in the North East of Chichester District Local Planning Authority. With the establishment of the South Downs National Park in 2011 as a separate Planning Authority, the four North East parishes in Chichester District now form a distinct and different rural landscape typical of the rural Low Weald, separated from the other areas in the Chichester District Council (CDC) LPA. They rely on the CDC Local Plan 1999 for the planning management of their development. The parish has always had a stable rural based resident community until the turn of the century when there were a number of housing developments, mostly affordable housing, (30% of the village housing stock) introducing a more transient population, whose needs the village is still adapting to. This concurred with a loss of local facilities including the local doctor, school, shop and its major employer ‘Kirdford Growers’ and more recently a significant reduction in local public bus services and deterioration in the local roads and other infrastructure maintenance.

Notably, this sudden expansion of the village and the pressure this placed on infrastructure and resources is an opportunity for the village to utilise a neighbourhood plan, to take greater control over development so that Kirdford enjoys, in the words of the NPPF, “a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

Today Kirdford is subject to a number of challenges and constraints of a social, economic and environmental nature which require a cohesive approach in the management of its sustainable growth.

- Socially the community needs to strengthen its community spirit and integrate recent newcomers, develop or replace a range of lost local facilities and economically create a range of local employment opportunities.

- The main village settlement's historic built environment is vital to Kirdford's sense of place and needs to be preserved. It will need to utilise new development to create a series of hubs, historic, social and commercial to provide a heart to the village and integrate its residential areas.
- The parish lies in the centre of the West Weald Landscape, an internationally important area which is one of the most wooded in Britain and a rare example of a more natural forest ecosystem. It is home to rare wildlife species within a living historic landscape which dates back to before medieval times and remains an island of tranquillity in the built-up South East. Approximately one third of the Parish lies within the South Downs National Park.

The community has acknowledged the import of the above and realised that it needs to address the opportunities, challenges and constraints by planning locally for its future sustainable growth. Having started the process by commencing its Community led Plan in 2009 it has embraced the opportunity provided by the Localism Act 2011 and NPPF 2012. Whilst public funding to bring forward investment in the area is currently limited, new funding streams, such as the Community Infrastructure Levy and the New Homes Bonus, together with existing funding streams accessible to Community Land Trusts (Kirdford Parish established its KPCLT in 2012) raises the prospect that communities that have a well-developed, supported and achievable plans to improve their neighbourhoods could secure monies or support for delivery.

In this context the objective of the Neighbourhood Plan is:

- To clearly describe the full range of social, economic and environmental influences in Kirdford Parish and set out the issues that these raise for the future of the area.
- To set out a clear vision and strategic plan for sustainable growth of Kirdford parish which reflects the views of the whole community;
- To provide a planning framework to guide future regeneration, environmental enhancement, community investment and development decisions in the neighbourhood. This planning framework will support the strategic development needs in the existing and emerging local plans.

2011, September revised this 2016 (with

*Footnote: National Planning Policy Framework 2012 and the Chichester District 'saved policies' of its Local Plan 1999 (updated 2012 to conform to the NPPF2012). , Facilitating Appropriate Development Policy the 'saved policies' of the West Sussex Minerals Local Plan. Chichester District's new Local Plan is working to a programme of adoption in Dec. 2014. The secondary Local Planning Authority is the South Downs National park (SDNP) established in April 2011. The SDNP Local Development Scheme sets out in 2011 a three year programme to deliver its Development Plan. The National Park Authority project plan in February 2013 and now seeks to submit the National Park Local Plan by June adoption anticipated around a year later).*

- To set out prioritised projects which reflect the aspirations of the community and which, when implemented, will help to deliver the vision for the area;
- To set out policies which can be taken into account when Chichester district Council is making planning decisions, negotiating developer contributions or deciding how to allocate funding derived from other sources such as the Community Infrastructure Levy (CIL) and the new Homes Bonus.

## 3.0 Summary of Compliance Statement

The Neighbourhood Plan has been prepared by a qualifying body as designated by Chichester District Council (CDC) in accordance with the Neighbourhood Planning (General) regulations 2012, here after referred to as 'the Regulations' (please see Designation of Neighbourhood Area application and CDC & SDNPA Decision Notice – Appendix 1)

The policies described in the Neighbourhood Plan relate to the development and use of land in a Neighbourhood Area designated by CDC and SDNPA in accordance with the Regulations (please see Designation of Neighbourhood Area application and CDC and SDNPA Decision Notices – Appendix 1). The Neighbourhood Plan will apply for 15 years and does not contain policies relating to excluded development in accordance with the regulations.

All the documents required by part 5, paragraph 15 of the Regulations are included in the submission package for the Neighbourhood Plan. The requirements include provision of the following;

- a) *A map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) *A consultation statement;*
- c) *The proposed neighbourhood development plan; and*
- d) *Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of schedule 4B to the 1990 Act.*

Points (a)-(c) are referred to later in this statement and are provided as appendices or stand alone documents. 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, and
- Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The details and evidence documenting compliance with these conditions is provided in sections 4-7.

A screening process was carried out by the local planning authority to determine whether a Strategic Environment assessment or Habitat regulations assessment would be required in support of the plan. In both cases it was determined that the KP Neighbourhood Plan will not have significant environmental effects and that no European sites will be affected by the policies described in the Neighbourhood Plan.

As such neither SEA nor HRA are required for this Neighbourhood Plan. Therefore, basic conditions concerning Habitats and Environmental Impact assessment as described in schedules 2 and 3 of the regulations have been accounted for. Schedule 3 does not apply to

development plans only development, of a type caught by the EIA Directive, and is the subject of a proposal for a neighbourhood development order.

The basic Condition in Schedule 4B is whether the making of the plan does not breach, and is otherwise compatible with, EU obligations. The key EU obligations are the Strategic Environmental Assessment Directive (2001/42/EC). An SEA is mandatory for plans/programmes except where no significant impacts can be demonstrated. Schedule 2 of the Neighbourhood Planning Regulations makes provisions in relation to the Habitats Directive. This requires a qualifying body to submit sufficient information to allow the Local Planning Authority to make assessment under the Conservation of Habitats and Species Regulations 2010 that the plan will not have any significant effect on a site protected under European law.

SDNPA supports Chichester District Council's assessments relating to this matter.

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European convention on Human rights and comply with the Human Rights Act 1998.

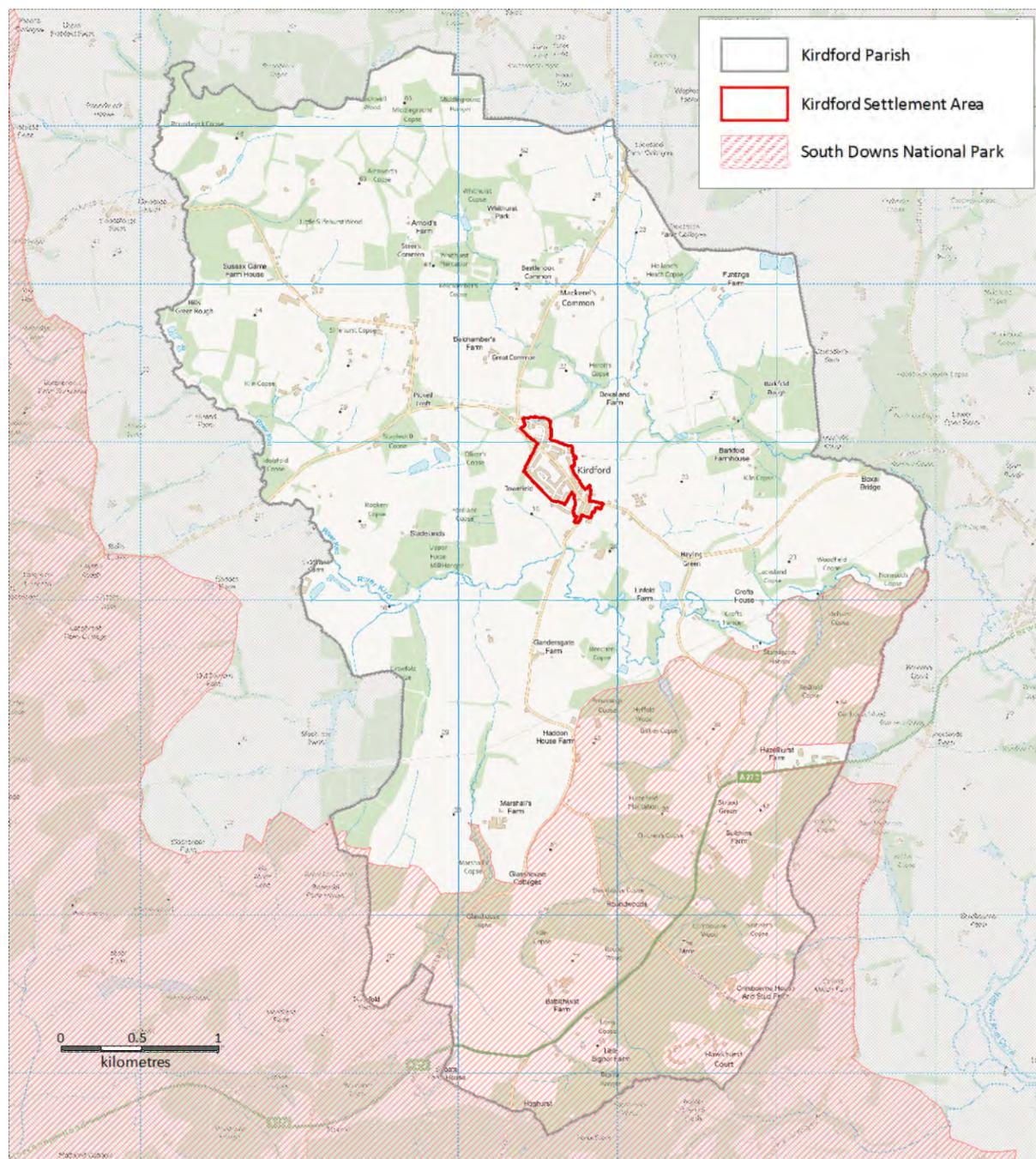
The draft Neighbourhood Plan was submitted to the statutory environmental bodies (English Heritage, Natural England and the Environment Agency) whose comments were accommodated in the final NDP. The draft Neighbourhood Plan was submitted to the appropriate environmental body (Chichester District Council) who agreed that that no further detailed assessments were required to comply with the SEA Directive or HRA, therefore the plan is considered to be compatible with EU obligations.

## **4.0 Neighbourhood Planning Area & Kirdford Parish Neighbourhood Plan Steering Group**

The Kirdford Parish Neighbourhood Plan has been prepared in the true spirit of the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. The plan was initiated, led and prepared by people in the community. Professional input by government sponsored organisations or charities such as Glasshouse, Prince's Foundation, CPRE/NALC and Planning Aid was limited and restricted to drafting and technical support. Evidence was compiled by the people of Kirdford Parish and the projects and policies set out in the plan genuinely reflect the views of those who contributed to the process of preparing it. CDC and the SDNP were consulted on a regular basis, assisted in the provision of evidence; commenting on drafts to assist in establishing that the plan is in general conformity

The Neighbourhood Area has been formally designated as required under the 2012 Neighbourhood Planning regulations. Kirdford Parish Council submitted an application for designation of a neighbourhood area on, 13th June 2012. Kirdford Parish Council publicised the application on its website, at public meetings and by posters in the parish, and in the parish magazine. Notice of the application was made by CDC on 14th June 2012. There were 25 supporting votes and no objections received during the 6 week consultation period which ended on 26th July 2012. The application was subsequently designated on the 9th October 2012. The application was advertised separately by SDNPA for the minimum statutory period. No objections were received. The SDNPA Planning Committee also approved the part of the proposed area within the National Park on 13<sup>th</sup> September 2012. The Neighbourhood Planning area is shown by Figure 1.

Figure 1 – Map of Parish



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Kirdford Parish Council (NPSG) was recognised as the qualifying body to prepare the Neighbourhood Plan following the successful designation of Kirdford Parish Neighbourhood Area. The result was published on the website, in the parish magazine a regular KPNP email update and press release.

The neighbourhood planning process brought together a diverse collection of people from all over the parish. It helped the community recognise its assets and also see how to address the issues it faces in a positive way. The process is making the community stronger and strengthened its sense of identity and has given it a voice. Local people have engaged with the

planning process and as a result better understand the issues that must be balanced when planning decisions are made.

It is hoped that a successful referendum and the bringing into legal force of the Neighbourhood Development Plan will be the start of a process for local people to work together to realise their aspirations for Kirdford Parish. The future growth of the community is envisaged in the plan as delivering a sustainable, socially cohesive, economically more locally serviced and environmentally enhanced neighbourhood which would be an even better place to live.

## **5.0 The Content of the Neighbourhood Plan Proposal**

A number of documents have been produced in order to support the plan and meet the Basic Conditions. These include:

- The Kirdford Parish Neighbourhood Development Plan: This document which includes projects and policies developed by the community.
- The Kirdford Parish Neighbourhood Plan Evidence Base: This is a body of information prepared by the community to ensure due consideration of social, economic and environmental issues within the ward including its early work on its Community Led Plan, its draft Neighbourhood Development Plan and supporting core documents.
- The Kirdford Parish Village Design Statement adopted by Chichester district Planning Authority in July 2011.
- The Sustainability Appraisal: An appraisal of how well the Neighbourhood Development Plan proposals and policies contribute to achieving sustainable development objectives.
- The Consultation Statement: This is a statement setting out how the community and stakeholders have been involved in the preparation of the Neighbourhood Development Plan.

## **6.0 The Basic Conditions**

### **6.1 Involvement of the Local community and Stakeholders**

The Neighbourhood Plan has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement (CS) (please see appendix 3). The draft Neighbourhood Plan has been consulted on as required by the Neighbourhood Planning Regulations 2011 and the responses have been recorded and changes have been made as per the schedule set out in Summary of Consultee Responses (CD-0013) and the CS. The CS has been prepared by an independent consultant with input from members of the Kirdford Parish Council (NPSG) and meets the requirements set out in Paragraph 15 (2) of the Regulations.

## 6.2 Conformity with National Policy

Neighbourhood Development Plans (NDPs) must demonstrate that they comply with the 'Basic Conditions' as outlined within Paragraph 8 of Schedule 4b to the 1990 Act (see below).

*(2) A draft neighbourhood development plan meets the basic conditions if:-*

*(a) 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,*

*(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*

*(e) 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),*

*(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*

*(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

Each of the above and their relevance to the KPNP is discussed in detail in the subsequent section of this statement.

In addition to the Basic Conditions outlined above an Examiner will also have to assess the plans compliance with the provisions made under sections 61E(2), 61J and 61L of the 1990 Act (for NDPs this is compliance with S38A and 38B of the 2004 Act). This statement will deal with both of these elements below.

### Section 38A Compliance

1. Kirdford Parish Council is a Qualifying Body for the purposes of Neighbourhood Planning and as such is entitled to submit a NDP for its designated Neighbourhood Area.
2. The Kirdford Parish Neighbourhood Plan sets out policies in relation to "the development and use of land" within the designated Neighbourhood Area.

It should be noted that the remaining paragraphs within this section of the Act refer to post Examination issues and as such are not relevant to this statement.

### Section 38B Compliance

- 1a) The period set for the KPNP is fifteen years
- 1b) The KPNP does not make any provisions for excluded development as defined by the Act.
- 1c) The KPNP does not relate to more than one Neighbourhood Area. It is submitted for the Kirdford Neighbourhood Area which was designated by Chichester on 2<sup>nd</sup> October 2012 (a copy of the decision notice can be found at Appendix 1). The part of the Kirdford Neighbourhood Area located within the South Downs National Park was approved on 13<sup>th</sup> September 2012 (a copy of the decision notice can be found at Appendix i).
- 2) There are no other Neighbourhood Plans submitted for or in place within the designated Neighbourhood Area to which the KPNP relates.

- 3) This paragraph is not relevant to this statement.
- 4) This paragraph refers to Regulations that may be made by the Secretary of State, namely the Neighbourhood Planning (General) Regulations 2012. This statement can confirm that these provisions were followed including the pre submission six week consultation (including relevant statutory consultees) as documented in the KPNP Consultation Statement.

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

### **COMPLIANCE WITH THE BASIC CONDITIONS**

This section will outline each of the basic conditions in more detail and their relevance to the KPNP before dealing with each of the policies in more detail.

### **NATIONAL POLICIES AND ADVICE**

The reference to national policies and advice refers to the National Planning Policy Framework (NPPF) which the KPNP must have appropriate regard to when expressing its policies.

It should be noted that not all sections of the NPPF will be relevant to the KPNP as there is no legal requirement for a Neighbourhood Plan to provide policies covering all of the provisions within the NPPF. However, where a Neighbourhood Plan expresses a policy it must have appropriate regard to the relevant parts of the NPPF.

A key theme that runs throughout the NPPF is the promotion of sustainable development. A full assessment of the KPNP policies against sustainable development has been covered within the Sustainability Appraisal which has been submitted in support of the KPNP.

This statement will cover how the KPNP has had appropriate regard to the NPPF in relation to the following relevant elements:

- Building a strong competitive economy
- Supporting a prosperous rural economy
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

### **General Policy**

The first policy contained within the KPNP is **Policy SD.1**: the presumption in favour of sustainable development. The policy simply states that within the neighbourhood area there will be a presumption in favour of sustainable development. The policy has been developed in accordance with paragraphs 11-16 of the NPPF which deals specifically with sustainable development (a theme that runs through the whole of the NPPF).

### **Building a Strong Competitive Economy**

The KPNP sets out the following policies to help build a strong competitive economy:

- Policy H.4: Work/Live Units
- Policy CP.3: The Village Hub

**Policy H.4** places a presumption in favour of live/work units (provided they do not give rise to unacceptable loss of residential amenity) both as new build development and the extension of existing residential units. It is considered that this policy is reflective of the provisions detailed within paragraph 21 of the NPPF which states that planning policies should “*facilitate flexible working practices such as the integration of residential and commercial uses in the same unit*”. The requirement for such a policy is supported by the demand that has been identified for such accommodation within CD-007 Business Analysis Report and Prince’s Foundation (PF) workshops report. The policy has been drafted to ensure that residential amenity is protected and that planning permission will be refused for any development that would have an unacceptable impact upon the wider area.

**Policy CP.3** identifies a ‘Village Hub’ for Kirdford where commercial (A1, A2 and B1) development will be encouraged to serve the wider area and encourage job creation. The policy only allows for development however that will not have an adverse impact upon the surrounding area in terms of design, residential amenity, congestion and overall scale. The policy is supported by paragraph 28 of the NPPF which supports economic growth in rural areas which is precisely what this policy is trying to achieve. The NPPF requires planning policy to “promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”.

#### **Supporting a Prosperous Rural Economy**

Paragraph 28 of the NPPF states that “*planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development*”. It then goes on to state that in order to promote a prosperous rural economy neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
- Promote the development and diversification of agricultural and other land-based rural businesses
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centre
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

A number of policies have been produced within the KPNP that are relevant, namely:

- CP.1: The use of S106 and CIL to support community development
- CP.2: Retention of assets of community value
- CP.3: The village hub
- H.4: Live work units
- R.5: Tourist accommodation and facilities
- R.6: Equestrian facilities

**Policy CP.1** seeks developer contributions from development (either through S106, CIL or direct provision) in order to meet the community objectives set out within the KPNP and detailed within this policy. Any contributions sought must be in accordance with the provisions as outlined within paragraphs 203-205 of the NPPF.

**Policy CP.2** nominates and seeks to protect buildings and services that are considered to be of benefit to the community and as such should be considered as community facilities. This is supported by paragraph 28 of the NPPF which seeks to “promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.” The policy also relates to paragraph 69 of the NPPF which seeks to “create a shared vision” for Kirdford by protecting buildings and services that are benefit to the wider community.

**Policy CP.3** deals with the creation of a “village hub” where small scale commercial development will be supported. This is in conformity with the NPPF requirement of promoting the “retention and development of local services”. The policy has been developed to ensure that any development that comes forward under this policy will be in keeping with the character of the area whilst minimising any impact upon residential amenity and highway congestion.

**Policy H.4** deals specifically with the promotion of live/work units. It is considered that it meets the provisions of the NPPF by simultaneously supporting rural diversification whilst supporting the sustainable growth and expansion business both through the conversion of existing buildings as well as the provision of new. By providing live/work units the policy meets provisions set out in paragraph 21 of the NPPF by facilitating “flexible working practices such as the integration of residential and commercial uses within the same unit”. It also accords with paragraph 28 that encourages “economic growth in rural areas”.

**Policy R.5** deals with the provision of tourist accommodation and facilities. Tourism is a key contributor to the rural economy and this has been recognised by Kirdford who are keen to promote such development provided they are directed to appropriate locations where there is an identified need. The policy has been framed in direct accordance with Paragraph 28 of the NPPF and as such is considered to have had appropriate regard.

**Policy R.6** deals with equestrian facilities and supports them in principle provided their provision will not conflict with other policies within the plan. This policy is supported by paragraph 28 of the NPPF which seeks to “support economic growth in rural areas”

### **Promoting Sustainable Transport**

Given the rural nature of Kirdford transport is an important aspect of life with access to public transport being severely limited which means there is a reliance on private car usage. The NPPF is very clear that policies in relation to parking standards must reflect the nature of the area. Nevertheless the KPNP is keen to promote sustainable forms of transport and this is reflected within its planning policies. It is considered that the policies relevant to this section of the NPPF are as follows:

- R.4: Catering for cyclists and pedestrians
- DS.3: Provision of off road parking
- H.4: Live work units

The NPPF seeks to facilitate transport options that will ultimately result in a reduction of the emission of greenhouse gasses i.e. reduction in reliance on private cars and a reduction in the number of trips.

**Policy R.4** has been developed in order to promote the inclusive use of other forms of transport other than the private car; namely walking and cycling. The policy ensures that all new development within the defined neighbourhood area must demonstrate that safe access for pedestrians and cyclists are included as well as accommodating linkages into the cycle/footpath network.

**Policy DS.3** deals with the provision of off road parking in order to facilitate unimpeded road access for other road users (including pedestrians and cyclists). The policy does recognise that this will not always be possible; particularly where doing so would give rise to highway safety issues or impede access from others such as emergency services.

**Policy H.4** promotes live/work units and is considered relevant to this section of the NPPF. The promotion of sustainable development is not just about providing a variety of transport options. Reducing the need to travel and the numbers of trips that development gives rise to is relevant to the promotion of sustainable transport. This policy promotes live/work units which will reduce the number of car trips for occupiers by removing the requirement to travel to work from home.

The sites allocated for development provide direct access to the local road and footpath network with close access to local facilities. The allocated sites are available, deliverable and viable with landowners and/or their agents having participated and contributed in the PF Workshops wherein the site sketch layout proposals were developed.

#### **Delivering a Wide Choice of High Quality Homes**

Paragraph 50 of the NPPF requires planning policy to “*deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities*” and the housing policies of the KPNP have been produced with this in mind. A number of sites have been allocated for development within the KPNP and these will be dealt with later in this report. The more general housing policies that are relevant to this section of the NPPF are as follows:

- H.1: Local occupancy condition
- H.2: Housing for older people
- H.3: Agricultural occupancy condition
- H.4: Live/work units
- H.5: Replacement and extension of rural dwellings

**Policy H.1** responds to the growing pressures placed upon the delivery of housing within Kirdford due to high second/holiday home ownership within Kirdford making it difficult for local people to secure housing (whether affordable or market). As such the policy seeks to secure a local occupancy clause to ensure housing needs are met. The policy has provided a definition of ‘local’ which should be applied when assessing planning applications against this policy.

**Policy H.2** deals with housing for older people and follows the approach recommended by the Examiner at Upper Eden in terms of policy application and wording. The policy is mindful of paragraph 173 of the NPPF which deals with the viability of development. It should also be noted that the policy seeks to provide for mixed and inclusive communities as highlighted through the NPPF.

**Policy H.3** relates to agricultural occupancy conditions and sets out the criteria against which such conditions will be removed. The policy has been developed as it is accepted that farming practices are changing and as such the need for such dwellings is being reduced. The NPPF encourages policy to ensure that vacant residential properties are brought back into use and

this policy recognises this point. Notwithstanding this however it is also recognised that applicants need to demonstrate that there is no longer the need for the unit to be retained for agricultural occupancy. The policy directly responds to paragraph 51 of the NPPF which encourages planning policy to “identify and bring back into residential use empty housing and buildings”.

**Policy H.4** deals with the promotion of live/work units for which there is an identified need within Kirdford. The policy responds to the NPPF requirement to provide a mixture of housing types appropriate to the local area.

**Policy H.5** responds to the NPPF requirement to ensure that there is a “wide choice of high quality homes” and to ensure that future development “reflects local needs”. The policy tries to ensure that extensions to dwellings are not only assessed in terms of their impact upon the wider setting of the area/residential amenity but also to ensure that their extension does not further erode the stock of smaller dwellings thus exacerbating the imbalance of housing mix within the plan area.

### **Requiring Good Design**

The subject of good design is a major thrust of the NPPF and is attributed significant importance within the document stating that *“good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people”*.

KPNP also recognises the importance that should be attributed to good design and as such have a policy that is to be applied to all development within the neighbourhood area; namely **Policy DS.2**: Encouraging quality design.

The NPPF states in paragraph 60 that *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development form or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*.

**Policy DS.2** responds to local character and setting and also allows for modern/contemporary design solutions provided they accord with the overall aim of the policy and as such is considered to have had appropriate regard to the NPPF.

### **Promoting Healthy Communities**

Before dealing with the relevant policies that relate to the promotion of healthy communities it should be pointed out that paragraph 69 of the NPPF states that LPAs should create a “shared vision with communities” in terms of what they wish to see in their areas. The KPNP has been produced with this at the forefront of its thinking and this can be evidenced within the accompanying Consultation Statement.

In relation to policy this element of the NPPF mainly deals with the provision and retention of social, recreational and community facilities as well as an integrated approach to planning (such as the location of housing, economic and commercial uses).

Those KPNP policies that are considered relevant to this section of the NPPF are:

- CP.1: The use of S106 agreement and CIL
- CP.3: The village hub
- R.1: Local Green Space
- R.2: Existing and allocated open space
- R.3: Public rights of way

- R.4: Catering for cyclists and pedestrians

**Policy CP.1** sets out a list of community development projects that contributions will be sought for on planning applications submitted within the neighbourhood area. The list of projects were identified through extensive community consultation during the production of the plan. Paragraph 28 of the NPPF supports this approach where it encourages the “retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship”. The policy is further supported by paragraph 69 by creating a “shared vision with communities of the residential environment and facilities they wish to see”. The policy is to be applied in accordance with paragraphs 203-206 of the NPPF.

**Policy CP.3** designates a ‘Village Hub’ where it is envisaged much of the commercial development within the neighbourhood area will be directed. This policy is following the principle of an integrated approach as promoted by this section of the NPPF by directing the majority of commercial development to this part of Kirdford.

**Policy R.1** specifically allocates land as Local Green Space the provision for which is contained within paragraphs 76-78 of the NPPF. A total of seven sites have been designated as Local Green Space within the KPNP. The NPPF sets specific criteria for land proposed to be designated as such. Land should only be designated as Local Green Space in the following circumstances:

- Where the green space is in reasonably close proximity to the community it serves
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field)’ tranquillity or richness of its wildlife; and
- Where the green area concerned is local in character and is not an extensive tract of land.

All the green space allocated are within or abutting the main village area, four are currently owned or managed by the Parish Council for recreational use, one is owned by a local Housing Provider and designated for recreational use and tranquillity (central green area to housing), one is partly allocated for future provision of sporting and recreational use and partly for preservation of its wildlife, the land is part of a whole parcel, currently in private ownership, designated for green space and development in this plan. One allocated for use as allotments and community orchard, currently agriculture – pasture in private ownership with limited access for motor vehicles and unsuitable for development, recently removed from the CDC SHLAA March 2013 and is not an extensive tract of land.

**Policy R.2** seeks to protect existing open space and areas of recreational value. The KPNP acknowledges that a blanket protection of all undeveloped land would not be in accordance with the provisions of the NPPF. Therefore the policy seeks to protect land that has a community recreation value attributed to it unless it can be demonstrated that:

- An assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location; or

- The development is for alternative community recreational provision, the needs of which clearly outweigh the loss.

This is in accordance with the provisions of paragraph 74 of the NPPF which states that such land should not be built upon unless the above criteria (lifted directly from the NPPF) is met.

**Policy R.3** deals with public rights of way and seeks to ensure that any public rights of way that are affected by development proposals are maintained or diverted (although not to the detriment of residential amenity or public safety). This policy responds directly to paragraph 75 of the NPPF which states “policies should protect and enhance public rights of way and access”.

**Policy R.4** places a requirement upon new developments to ensure that safe access for both pedestrians and cyclists are provided for. Additionally it also seeks to provide linkages to local cycle/pedestrian networks where doing so would result in a reduction in the use of private cars. This policy, as with Policy R.3, directly responds to paragraph 75 of the NPPF by “adding links to existing rights of way networks”. It also responds to paragraph 69 by creating “safe and accessible developments, containing clear and legible pedestrian routes”.

Meeting the challenge of climate change, flooding and coastal change

A number of policies have been identified that are considered relevant to this part of the NPPF; namely:

- EM.1: Management of the water environment
- DS.5: CFSH standards in the plan area
- E.1: Renewable energy

**Policy EM.1** has been developed to ensure that new development does not give rise to flooding and places a requirement upon applicants to demonstrate that their schemes will minimise the risk of flooding (unless it is considered unreasonable or unviable to do so). This is supported by paragraph 94 of the NPPF which requires planning policy to provide “proactive strategies to mitigate and adapt to climate change taking full account of flood risk...”. This policy is further supported by paragraphs 103-104 of the NPPF which places a requirement upon policies to “ensure flood risk is not increased elsewhere” through development.

**Policy DS.5** sets certain standards for residential properties and is trying to secure development that is both sustainable and viable by placing a minimum requirement to achieve Code 5 for Sustainable Homes.

**Policy E.1** promotes small scale/residential renewable energy proposals and responds to the NPPF requirement to “have a positive strategy to promote energy from renewable and low carbon sources”. The policy recognises that this should not be to the detriment to the wider area in terms of impact upon the environment, landscape and residential amenity.

Conserving and Enhancing the Natural Environment

The policies within the KPNP that are relevant to this part of the NPPF are considered to be as follows:

- SDNP.1: Development that lies within the South Downs National Park
- SDNP.2: Setting of the South Downs National Park
- EM.2: Nature conservation sites

**Policy SDNP. 1** deals with development that falls within the South Downs National Park element of the approved neighbourhood area. The policy seeks to resist any development that would conflict with the national parks function; which are:

- Conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park
- Promote opportunities for the understanding and enjoyment of the National Park's special qualities by the public.

**Policy SDNP.2** seeks to resist development that would have an adverse impact upon the setting of the national park by virtue of either location or and/or design. Both this policy and Policy SDNP.1 are supported by the NPPF (paragraph 115) which states that "great weight should be given to conserving landscape and scenic beauty in National Parks... which have the highest status of protection in relation to landscape and scenic beauty".

**Policy EM.2** deals with nature conservation sites and seeks to secure their protection within the defined neighbourhood area. The protection of assets of nature conservation are supported by the NPPF at Section 11 (Conserving and Enhancing the Natural Environment)..

### **Conserving and Enhancing the Historic Environment**

A single policy has been prepared as part of the KPNP that is relevant to this section of the NPPF; namely **Policy EM.3**. The policy seeks to ensure the conservation and enhancement of heritage assets as well as encouraging the "re-use, maintenance and repair" of assets deemed to be at risk in order to secure their long term upkeep. This policy is considered to be in accordance with paragraphs 126-141 of the NPPF that deals specifically with the historic environment. For example paragraph 128 requires applicants to "describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance". This approach has been incorporated into the KPNP policy.

### **STRATEGIC POLICIES CONTAINED WITHIN THE DEVELOPMENT PLAN**

The KPNP is a cross boundary neighbourhood plan in so far that the designated neighbourhood area covers part of both Chichester and the South Downs. As such there are two relevant development plans to be taken into consideration when assessing the KPNP's general conformity with the strategic elements of the development plan.

In relation to the development plan for Chichester this comprises solely of the 'saved policies' from the Chichester District Local Plan First Review (April) 1999. It should be noted that there is no legal requirement under the basic conditions to assess a neighbourhood plan against emerging strategic planning policies and as such this statement does not deal with those.

In relation to the development plan for the South Downs National Park this is an emerging policy document and as such is not relevant to this statement or the Examiner's assessment of the KPNP against the basic conditions.

### **Chichester District Local Plan First Review (April) 1999**

Although out of date there are a number of 'saved' policies that form part of the development plan for the area and as such are relevant to this statement and the assessment of the KPNP against the basic conditions. However, these policies are all detailed in nature with the strategic policies (which informed the saved policies) historically coming from the West Sussex Structure Plan which is no longer in place.

Given the above it is considered that although there are 'saved' policies for the area contained within the Chichester Local Plan there are no 'strategic' policies against which the KPNP should be assessed for general conformity.

### **6.3 ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT**

A Sustainability Appraisal was undertaken in support of the KPNP by Terrafiniti LLP and is submitted in support of this statement (as well as the overall evidence base for the KPNP). As such the Terrafiniti LLP document should be considered in support of this basic condition.

### **6.4 EU OBLIGATIONS**

Confirmation has been sought from the LPA that the KPNP will not trigger the need for a full Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA). Written confirmation of this can be found at Appendix ii.

## **7.0 Evidence**

Kirdford Parish Council (NPSG) has prepared a comprehensive Evidence Base to support the Neighbourhood Plan. The Evidence Base was prepared by collecting information about the Parish and adjoining areas covering social, economic and environmental themes; "sense of place, sense of community and sense of countryside". The information gathered under the three themes was summarised and developed into "a framework plan for the future" with recommendations in response to the evidence collected and an action plan.

The "framework plan for the future", including its issues and options, were then reviewed by the community, stakeholders and other interested parties, to validate and/or enhance the work done by the community on the development of its Neighbourhood Plan and consolidate a shared vision on how local people would like to see the village and parish improved, developed and managed for the next 15 years.

The output of the review was consulted upon and summarised as a sustainable Neighbourhood Development Plan, to guide residents, local authorities and developers as to how the community wishes to manage future development in the Plan Area.

The Evidence Base provides data and draws conclusions which will help to ensure that the Neighbourhood Development Plan meets the basic conditions. The Evidence base consists of:

1. Kirdford Parish 'a sense of place'
2. Kirdford Parish 'a sense of community'
3. Kirdford Parish 'a sense of the countryside'
4. Kirdford 'a framework plan for the future'
5. Kirdford Village 'village design statement'
6. Maps
7. Core Documents 'These documents set out evidence base to support this Neighbourhood Plan'

CD-001 Survey Questionnaire 2010

CD-002 Survey Analysis & Report 2010

CD-003 The Glasshouse Report – Independent Facilitator & Process 2011

CD-004 Schedule of Community's Events & Workshops 2010-11

## *Basic Conditions Statement*

CD-005	“Yes” Publication ‘The case for including Kirdford in the South Downs National Park’ 2008.
CD-006	KNP Business Survey 2012
CD-007	KNP Business Survey Analysis & Report 2012
CD-008	Chichester District ‘Local Housing Need Summary 2012
CD-009	Chichester District LPA – Saved policies, Local Plan 1999.
CD-0010	South Downs National Park – Statement of Objectives & Development Plan information.
CD-0011	WSSC Biodiversity Report 2012
CD-0012	Consultations
CD-0013	Consultee Responses
CD-0014	Prince’s Foundation Workshop report – Vision & Master planning 2012
CD-0015	CDC Housing Allocation Consultation Response 2012
CD-0016	West Weald Landscape Project
CD-0017	KPNP Sustainability Assessment 2012
CD-0018	Glossary and Abbreviations
CD-0019	NE Parishes SHMA
CD-0020	Requirement to conform to LPA’s Local Plan – Report
CD-0021	Site Appraisals
CD-0022	Consultation statement
CD-0023	KPNP Area Designation.
CD-0024	KPNP Statement on New Housing Numbers & Allocations.
CD-025	CPRE-NALC Report
CD-026	Consultation Letter
CD-027	Princess Foundation Advisory Report Kirdford NDP March 2013
CD-028	Kirdford Parish Housing Need June 2013
CD-029	Kirdford Parish Loss of Small Dwellings.

Appendix 1 - Designation of Neighbourhood Area application and CDC & SDNPA Decision  
Notice

**KIRDFORD PARISH COUNCIL**  
**c/o 8 Saville Gardens, Billingshurst, West Sussex, RH14 9RR.**  
Clerk: Mrs. I. Marshall, BA(Hons), FILCM.  
Tel: 01403 783477 E-mail: [kirdfordpc@gmail.com](mailto:kirdfordpc@gmail.com)

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Our ref: IM

13th June, 2012

Chichester District Council,  
East Pallant House,  
1, East Pallant,  
Chichester,  
West Sussex,  
PO19 1TY.

Dear Sirs,

re: **Application for Designation of a Neighbourhood Area**

Kirdford Parish Council hereby formally applies for designation of the Neighbourhood Area in respect of Kirdford Parish. This is required by Part 2, paragraph 5, of the Neighbourhood Planning (General) Regulations 2012. The Council provides a map showing the area to which this area application relates. This follows the Parish Council boundary, including the section of the parish that is within the South Downs National Park. This area is solely within the jurisdiction of Kirdford Parish Council and is considered to be appropriate. Kirdford Parish Council is the relevant body authorized to act in relation to this proposed Neighbourhood Area, as defined by Schedule 9, Part 1 (paragraph 61G, sub-section 2(a)) of the Localism Act 2011.

Yours sincerely,

I.Marshall (Mrs.) BA(Hons), FILCM,  
Clerk to the Council.

CD -0023 – Neighbourhood Plan Area Designation

Sue Payne  
01243 534722

NP/SP/LG

19/06/2013

[spayne@chichester.gov.uk](mailto:spayne@chichester.gov.uk)

Dear Mrs Marshall

**Decision regarding the application for designation of Neighbourhood Area**

Please accept this letter as formal notification of the Designation of the Kirdford Neighbourhood Area.

It was resolved by Cabinet on the 2<sup>nd</sup> October that the Kirdford Parish Neighbourhood Plan Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

A copy of this letter will be placed on the Council's website and a statement that the area has been agreed will be included in a notice that will appear in the County Times 18<sup>th</sup> October 2012.

This information will also be sent to you electronically.

If you have any further queries or require more information, please do not hesitate to contact me.

Yours sincerely,

Sue Payne  
Planning Policy Officer

Mrs I Marshall  
Clerk to Kirdford Parish Council  
c/o 8 Saville Gardens  
Billingshurst  
RH14 9RR

The map and designation details can be seen on the CDC Website  
<http://www.chichester.gov.uk/index.cfm?articleid=20264>



Mrs I Marshall  
Clerk  
Kirdford Parish Council  
c/o 8 Saville Gardens  
Billingshurst, West Sussex  
West Sussex RH14 9RR

12 October 2012

Dear Mrs Marshall

**Designation of neighbourhood area**

I am writing to inform you that the South Downs National Park Authority has agreed to designate your proposed neighbourhood area. This decision was made at a meeting of our Planning Committee on Thursday 13<sup>th</sup> September 2012. The Committee item can be viewed by going to:  
<http://www.southdowns.gov.uk/about-us/committees/planning-committee>

The SDNPA received no representations on your neighbourhood area during the consultation period from 15 June to 3 August 2012. We are publicising the designation on our website (in accordance with Part 2 of the Neighbourhood Planning (General) Regulations 2012). You will find there a map showing all of the designated neighbourhood areas in the National Park.  
<http://www.southdowns.gov.uk/planning/neighbourhood-planning/neighbourhood-area-designations2>

I would like to take this opportunity to thank you for your application and welcome the continuing progress of National Park parishes in developing neighbourhood plans. My team will continue to make you aware of any training and support opportunities for neighbourhood planning during the coming months.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tim Richings".

Tim Richings  
Planning Policy Lead  
South Downs National Park Authority

Midhurst Office  
Rosemary's Parlour North Street  
Midhurst West Sussex GU29 9SB

T: 0300 303 1053  
E: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)  
[www.southdowns.gov.uk](http://www.southdowns.gov.uk)

Chief Executive: Trevor Bazzle

**Appendix 2 – CDC Response to Strategic Environmental Assessment (SEA) or Habitat Regulations Assessment (HRA).**

Chichester District Council



If calling please ask for:  
Sue Payne  
01243 534722  
[spayne@chichester.gov.uk](mailto:spayne@chichester.gov.uk)

Our ref:  
SP/LG/KNP

Your ref:  
29<sup>th</sup> May 2013

Mrs Marshall

**Kirdford Parish Neighbourhood Development Plan**

Thank you for your letter dated 21st May 2013, which has been passed to me.

A Strategic Environmental Assessment (SEA) or Sustainability Appraisal (SA) should be undertaken if:

- The plan incorporates proposals that diverge from the inherited development plan;
- The plan is determined to be likely to cause significant environmental effects.

For neighbourhood plans in general, the Council does not see their range of options adding significantly to the range or degree of sustainability impacts already set by the higher level Local Plan policies. So an SA should not be required as it would either repeat the Local Plan SA, or challenge it (which guidance says it should not do) or look at options whose effects are so localised that, however interesting they are to that community, are not significantly different in SA terms.

With regard to Habitats Regulations, the situation for Kirdford and the North East of the District is clearer, as the level of housing in these parishes is not likely to have a significant effect on the Mens SAC or the Ebernoe Common SAC. The scoping reports from consultants for HRA of previous LDF(s) and the present Local Plan make that clear and have had Natural England's agreement.

This letter should ensure you meet one of the requirements in the Basic Condition Statement.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Sue Payne'.

Sue Payne  
Planning Policy Officer

Mrs I Marshall  
Clerk to Kirdford Parish Council  
8 Saville Gardens  
Billingshurst  
RH14 9RR

East Pallant House, 1 East Pallant, Chichester, West Sussex PO19 1TY  
Telephone: (01243) 785166 Fax: (01243) 776766 [www.chichester.gov.uk](http://www.chichester.gov.uk)  
Office opening hours at East Pallant House are: Monday - Thursday 8.45am - 5.10pm, Friday 8.45am - 5pm