

Birdham Parish BASIC CONDITIONS STATEMENT

November 2014

1. Legal Requirements

- 1.1 This Statement has been prepared by Birdham Parish Council Neighbourhood Plan Steering Group to accompany its submission to the local planning authority Chichester District Council of the Birdham Neighbourhood Development 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 Birdham Parish, as designated by Chichester District Council on 4th December 2012.
- 1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends to the end of 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 by the Regulations and explains how the 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. Introduction and Background

Work on the plan started in September 2012 as councillors and residents recognised the potential value of a legally recognised document which would address local concerns. These include surface water run-off, the position of the majority of the village in the Chichester Harbour Area of Outstanding Natural Beauty and the desire to direct any residential development away from the most sensitive areas of the Parish, both for the benefit of residents and to maintain the value of the Manhood Peninsula as an ecological site and as a tourist destination.

The Parish Council delegated responsibility for creating the plan to a Steering Group, comprising councillors and residents. Focus groups were also formed. In order to determine the areas of concern to residents an Open Day was held in November 2012, with a follow up Water Day in March 2013. Questionnaires for residents and businesses were delivered in June 2013. From this and other data gathered by the focus groups a Vision, Objectives and policies were drafted and presented at a third Open Day in November 2013. Working with Planning Aid England, the policies were refined and supporting evidence collated to produce a pre-submission plan, which went to consultation 9th June to 21st July 2014. In all cases residents were informed through a combination of leaflets, the quarterly Parish Council newsletters and posters.

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) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating neighbourhood plans. Within the plan document supporting text for 22 of the 24 policies directly references specific NPPF paragraphs. Of the two that do not contain direct references Policy 16 relates to paragraph 56 and policy 19 relates to paragraphs 93 and 99 of the NPPF.
- 3.2 The plan has been written with the basic concepts of the NPPF in mind, particularly the need to develop a plan that supports the strategic development plans set out in the Chichester Local Plan for housing and economic development, and to plan positively (para 16) taking into account local challenges. The plan comprises policies intended to enable the Local Planning authority to determine the suitability of planning applications (para 183), has revised the settlement boundary to accommodate new housing in line with the Local Plan (para 184) and details considerations which are specific to place (para 185).

4. General conformity with the strategic Policies of the development plan

4.1 The development plan for Chichester District Council is the Local Plan 1999 and our Neighbourhood Plan has also considered and aimed to be in general conformity with the emerging Local Plan 2014 (submission document currently being considered)

4.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the saved policies of the development plan for Chichester District Council and the emerging Local Plan.

4.3 Table 1 sets out how each policy is in general conformity with these plans.

Table 1: Conformity of Neighbourhood Plan policies with the strategic development plan policies

NP Policy Number	NP Policy Title	Relevant local plan 1999 policy	Relevant local plan 2014 policy	Comment on conformity where relevant
1	Heritage Assets & Their Setting	BE4, BE6	7 (item 15), 47	
2	Archaeological Sites	BE3	47	Complies and adds local detail
3	Habitat Sites	BE14, RE7, RE8	49, 52	Complies and adds local detail
4	Landscape Character & Important Views	BE14, RE4	40 (item 8), 47 (items 3 & 4),	Complies and adds local detail
5	Light Pollution	-	40.11	Promotes Local uniqueness
6	Biodiversity	BE14, RE7, RE8	40 (item 9), 49, 50	Complies and adds local detail
7	Integration & Sense of Community	TR8, H6	38	
8	Retention of Assets of Community Value	BE2, H6	38, 54	
9	Traffic Impact	TR6	7 (item 8), 39	
10	Footpaths & Cycle Paths	TR8	7 (item 6), 39 (items 1 & 4)	
11	Village Severance	TR6, TR8	-	
12	Housing Allocation & Site Development	-	2, 5	
13	Settlement Boundary	BE1	-	Has been reviewed to meet need for new housing.
14	Windfall Sites	BE11, BE13	47	
15	Rural Area Policy	RE1, B5	45	
16	Housing Density & Design	BE11, BE13	33	
17	Housing Need	H4, H8	34	Complies and adds local detail
18	Flood Risk Assessment	-	7 (item 13), 42	Complies and adds local detail due to high risk
19	SUDS Design & Management	-	42	Complies and adds local detail due to high risk
20	Surface Water Run-off	-	22, 42	Complies and adds local detail due to high risk
21	Wastewater Disposal	-	7 (item 9)	Complies and adds local detail due to high risk
22	Development for Business Use	B5, B6	3, 22	
23	Retention of Businesses	B8	-	
24	Broadband & Telecommunications	-	39 (item 7)	

5. Contribution to Achieving Sustainable Development

- 5.1 A Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable development.
- 5.2 The strategic objectives of the Neighbourhood Plan are to ensure the sustainable development of Birdham Parish for the next 15 years in line with NPPF, the Chichester District Local Plan and the Integrated Coastal Zone Management strategy for the area. The NP aims to provide for housing, including affordable housing, while also recognising the importance of the local environment and economy. The social, economic and environment elements of the NP need to be very carefully balanced due to the parish's location between three international areas of habitat protection by the harbour and the coast, and its economic reliance on environmental tourism, agriculture and horticulture and the marine industry.
- 5.3 Table 2 below has assessed our plan's policies in terms of how it will deliver sustainable development in the economic, social and environmental aspects of sustainability. It shows that the plan's policies are balanced across the three aspects. All policies include positive elements for at least one aspect and only one policy also includes a negative (development of windfall sites for residential use is considered likely to reduce biodiversity by increasing density and hence numbers of people and vehicle movements). An important aspect of the local economy is tourism based on the environment and therefore any policy that enhances the environment is also likely to have a positive impact on the economy. The balance between these is essential in order to maintain both.

Table 2: Assessment of sustainability of Neighbourhood Plan policies

NP Policy Number	NP Policy Title	Economic factors	Social factors	Environmental factors	Comments
1	Heritage Assets & Their Setting	*	*	**	
2	Archaeological Sites	*	*	**	
3	Habitat Sites	*	*	**	
4	Landscape Character & Important Views	*	*	**	
5	Light Pollution	-	*	**	
6	Biodiversity	*	*	**	
7	Integration & Sense of Community	*	**	*	
8	Retention of Assets of Community Value	*	**	-	
9	Traffic Impact	*	**	**	
10	Footpaths & Cycle Paths	**	**	**	Promotes a sustainable Tourist economy
11	Village Severance	-	**	*	
12	Housing Allocation & Site Development	-	**	-	
13	Settlement Boundary	-	*	*	
14	Windfall Sites	-	*	x	Will increase housing density
15	Rural Area Policy	-	-	*	Visual impact - tourism
16	Housing Density & Design	-	**	*	
17	Housing Need	-	**	-	
18	Flood Risk Assessment	*	**	*	
19	SUDS Design & Management	*	**	*	
20	Surface Water Run-off	*	**	*	
21	Wastewater Disposal	*	**	*	
22	Development for Business Use	**	*	-	
23	Retention of Businesses	*	**	-	
24	Broadband & Telecommunications	**	**	*	Supports working from home

** very positive * positive - neutral x negative xx very negative

6. Compatibility with EU Obligations and legislation

6.1 The Neighbourhood Plan has 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 determination has been issued by Chichester District Council which advises that a Strategic Environmental Assessment (SEA) of the Birdham Neighbourhood Plan is not required. There have been no adverse comments from the Statutory Bodies and the reasons for this opinion are set out in the Criteria and response of screening (ref Strategic Environmental Assessment (SEA) Opinion Screening Determination).

6.3 It is similarly understood that the Neighbourhood Area is not threatening change to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations.