Basic Conditions Statement
Plan period 2013-2029
Published December 2013
Neighbourhood Plan Designated Area

Felpham Parish
Neighbourhood Area

Key:
- [Legend]

Map of Felpham Parish Neighbourhood Area.
1. Introduction

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

1.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Felpham, as designated by the Local Plan Sub-Committee of Arun District Council on 29 November 2012.

1.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from the 1st January 2014 to 31st March 2029 and it does not contain policies relating to excluded development in accordance with the Regulations.

1.4 The Statement addresses each of the four ‘basic conditions’ required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

• having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,

• the making of the neighbourhood development plan contributes to the achievement of sustainable development,

• the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),

• the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

2. Background

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in November 2011. The key drivers of that decision were:

• the encouragement of ADC to towns and parishes in its district to prepare Neighbourhood Plans
• a keenness of the Parish Council to manage local development in the light of the strategic housing development at Felpham

• local community concern of threats to the future of important local community assets in the town.

2.2 The Parish Council formed a Neighbourhood Plan Committee (“the Committee”) comprising a number of Councillors in 2011 and from May 2012 included lay members.

2.3 The Committee was delegated authority by the Parish Council to make decisions on the Neighbourhood Plan as the project reached specific approval milestones, i.e. publishing:

• the Draft Neighbourhood Plan

• the Pre-Submission Neighbourhood Plan (and its Regulation 14 Schedule), and

• the Submission Neighbourhood Plan

2.4 The Parish Council has worked with officers of ADC during the preparation of the Neighbourhood Plan. The positioning of the Neighbourhood Plan in respect of the emerging development plan, which proposes to establish a clear policy framework for neighbourhood plans, has been difficult. Progress on the new Arun Local Plan was delayed in May 2013 when ADC did not approve the submission of the Plan for examination. A timetable for amendments to the Plan and for further consultations has not yet been finalised.

2.5 A number of saved policies of the 2003 Local Plan continue to provide a valid policy framework for the Neighbourhood Plan and these have been referenced alongside each proposed policy.

For the most, the plan has deliberately avoided containing policies that may duplicate the many saved and emerging development policies that are, and will be, material considerations in determining future planning applications. This has allowed the Neighbourhood Plan to focus on a relatively small number of policies.

3. **Conformity with National Planning Policy**

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

3.2 Compliance with the key objectives of the NPPF ensures that the Neighbourhood Plan promotes Sustainable Development.

3.3 The Felpham NDP has regard to relevant policies within the NPPF in relation to:

• Building a strong, competitive economy

• Ensuring the vitality of town centres
• 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

Building a strong, competitive economy

3.4 The Felpham NDP sets out the following policies that aim to build a strong, competitive economy:

   BT1: Support business expansion
   BT2: Retain existing employment land in employment use
   BT3: Encourage a diverse range of uses in the village by supporting new office, workshop and light industrial uses.
   BT7: New development to provide high quality communications infrastructure

3.5 These policies meet the NPPF’s aims by supporting and seeking to promote existing businesses and allowing for additional new services.

Ensuring the vitality of town centres

3.6 The Felpham NDP sets out the following policies that aim to ensure the vitality of the village centre.

   BT4: Retain primary retail frontages
   BT5: Retain Car Parking
   BT6: Support and promote recreation and tourism activities

3.7 These policies meet the aims of the NPPF by seeking to retain the primary retail areas so important to this village community and by recognising the importance that tourism plays in that vitality.

Promoting sustainable transport

3.8 The Felpham NDP sets out the following policies that aim to promote sustainable transport.

   GA1: Create a strategy for improving the network of pedestrian and cycle connections.
   GA2: Developer contributions and CIL monies required to support provision of new and improved footpaths, footways and cycleways
GA3: Encourage better planning of public transport and improved signage
GA4: Traffic calming and shared space features

3.9 These policies meet the aims of the NPPF by seeking to ensure that the transport system is balanced in favour of sustainable transport modes giving people a choice about how they travel.

Delivering a wide choice of high quality homes

3.10 As Felpham does not have a housing allocation it has not allocated land for housing purposes. However it has policies that support redevelopment on windfall sites.

Requiring good design

3.11 The Felpham NDP sets out the following policies that aim to ensure that design is of a high quality:

ESD1: New development must contribute to local character by creating a sense of place appropriate to its location
ESD7: Retain buildings and structures of character
ESD8: Conservation Area will be promoted
ESD9: Building style must be appropriate to the historic context
ESD12: Design in the ‘forgotten’ elements from the start of the design process

3.12 These policies meet the aims of the NPPF by seeking to ensure that new development responds to the local character of the built and natural environment.

Promoting healthy communities

3.13 The Felpham NDP sets out the following policies that promote a healthy community:

CLW1: Support independent living
CLW2: Protect existing and increase leisure opportunities
CLW3: Maintain allotment provision
CLW4: Applications for new healthcare facilities will be supported and developer contributions may be sought
CLW6: Protect Local Green Spaces
CLW7: Protect Local Open Space

3.14 These policies meet the aims of the NPPF by recognising the challenges posed by an ageing population and providing opportunities to increase health care and leisure opportunities for all.

Meeting the challenge of climate change, flooding and coastal change
The Felpham NDP sets out the following policies that seek to meet the challenge of climate change, flooding and coastal change:

- **ESD2**: Applications for new development must provide a drainage strategy
- **ESD3**: Support coast protection and sea defence works
- **ESD4**: New dwellings - Code for Sustainable Homes
- **ESD5**: New development must comply with the Surface Water Management Plan
- **ESD13**: Increasing the energy efficiency of our buildings
- **ESD14**: Support for renewable energy schemes

These policies meet the aims of the NPPF by recognising the need to deal with flooding both from the land and sea and also the need to improve the energy and water efficiency of buildings.

**Conserving and enhancing the natural environment**

The Felpham NDP sets out the following policies that seek to conserve and enhance the natural environment:

- **ESD10**: Trees will be protected
- **CLW6**: Protect Local Green Spaces
- **CLW7**: Protect Local Open Space
- **ESD6**: No development of the Strategic Gap/Green Infrastructure Corridor

These policies meet the aims of the NPPF by recognising the importance of green and open spaces to the wellbeing and vitality of the parish and the important role such places have in the biodiversity of the area.

**Conserving and enhancing the historic environment**

The Felpham NDP sets out the following policies that seek to conserve and enhance the historic environment:

- **ESD7**: Retain buildings and structures of character
- **ESD8**: Conservation Area will be promoted
- **ESD9**: Building style must be appropriate to the historic context

These policies meet the aims of the NPPF by recognising that heritage assets are an irreplaceable resource. Felpham has a Conservation Area and a number of Listed Buildings. Part of the vision for Felpham is to “...value, protect and promote the unique parish of Felpham by respecting its heritage.”

The policies set out in this plan aim to achieve this.

**4. General conformity with the strategic policies of the adopted development plan for the area.**

The 2003 Local Plan (‘2003 AALP’ in Table C below) could not, of course, have anticipated the existence of the Localism Act almost a decade later and so made no provision for translating generic planning policy into a distinct parish-based plan. However, the Neighbourhood Plan policies are in general conformity with the
strategic intent of the 2003 Plan and its specific policies. We have also taken into consideration the policies of the emerging ADC Local Plan Summer 2013.

Sustainability Attributes Key: S = Social ; E = Economic ; Env = Environmental ; 1 = very positive ; 2 = positive ; 3 = neutral ; 4 = negative ; 5 = very negative

<table>
<thead>
<tr>
<th>POLICY TITLE</th>
<th>Conformity</th>
<th>2003 ADC POLICY REFERENCE</th>
<th>S</th>
<th>E</th>
<th>Env</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Presumption in Favour of Sustainable Development</td>
<td></td>
<td>ASLP Sustainable Development</td>
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<tr>
<td></td>
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<td>The policy accords with the intent of the emerging development plan policies to promote sustainable development</td>
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<tr>
<td>BT1: Support business expansion</td>
<td>Yes</td>
<td>DM1</td>
<td>2</td>
<td>1</td>
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<td>BT2: Retain existing employment land in employment use</td>
<td>Yes</td>
<td>DM1</td>
<td>2</td>
<td>1</td>
<td>3</td>
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<td>BT3: Encourage a diverse range of uses in the village by supporting new office, workshop and light industrial uses.</td>
<td>Yes</td>
<td>DM1</td>
<td>2</td>
<td>1</td>
<td>3</td>
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<td>BT4: Retain primary retail frontages</td>
<td>Yes</td>
<td>SP6, DM6</td>
<td>2</td>
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<td>2</td>
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<td>BT5: Retain Car Parking</td>
<td>Yes</td>
<td>DM23</td>
<td>1</td>
<td>1</td>
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<tr>
<td>BT6: Support and promote recreation and tourism activities</td>
<td>Yes</td>
<td>SP7, DM7</td>
<td>2</td>
<td>1</td>
<td>3</td>
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<tr>
<td>BT7: New development to provide high quality communications infrastructure</td>
<td>Yes</td>
<td>SP5</td>
<td>2</td>
<td>1</td>
<td>2</td>
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<td>ESD1: New development must contribute to local character by creating a sense of place appropriate to its location</td>
<td>Yes</td>
<td>SP13, DM13, DM17, DM27</td>
<td>1</td>
<td>3</td>
<td>1</td>
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<tr>
<td>POLICY TITLE</td>
<td>Conformity</td>
<td>2003 ADC POLICY REFERENCE</td>
<td>S</td>
<td>E</td>
<td>Env</td>
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<td>ESD2: Applications for new development must provide a drainage strategy</td>
<td>Yes</td>
<td>SP14, DM40</td>
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<td>1</td>
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<td>ESD3: Support coast protection and sea defence works</td>
<td>Yes</td>
<td>SP14, DM42</td>
<td>1</td>
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<td>1</td>
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<td>ESD4: New dwellings - Code for Sustainable Homes</td>
<td>Yes</td>
<td>SP14, DM40</td>
<td>2</td>
<td>2</td>
<td>1</td>
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<td>ESD5: New development must comply with the Surface Water Management Plan</td>
<td>Yes</td>
<td>SP14, SP24, DM39, DM40</td>
<td>1</td>
<td>2</td>
<td>1</td>
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<tr>
<td>ESD6: No development of the Strategic Gap/Green Infrastructure Corridor</td>
<td>See note A</td>
<td>SP21, DM25</td>
<td>2</td>
<td>2</td>
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<td>ESD7: Retain buildings and structures of character</td>
<td>Yes</td>
<td>SP22, DM29, DM30, DM32</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<td>ESD8: Conservation Area will be promoted</td>
<td>Yes</td>
<td>SP22, DM31</td>
<td>3</td>
<td>3</td>
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<tr>
<td>ESD9: Building style must be appropriate to the historic context</td>
<td>Yes</td>
<td>SP13</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<tr>
<td>ESD10: Trees will be protected</td>
<td>Yes</td>
<td>DM38</td>
<td>2</td>
<td>3</td>
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<td>ESD11: Northern relief road link supported</td>
<td>Yes</td>
<td>DEV15</td>
<td>1</td>
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<td>ESD12: Design in the ‘forgotten’ elements from the start of the design process</td>
<td>Yes</td>
<td>SP13, DM13</td>
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<td>ESD13: Increasing the energy efficiency of our buildings</td>
<td>Yes</td>
<td>SP14, SP15</td>
<td>3</td>
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<td>ESD14: Support for renewable energy schemes</td>
<td>Yes</td>
<td>SP14, SP15, DM19</td>
<td>3</td>
<td>3</td>
<td>1</td>
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<tr>
<td>ESD15: Provide new burial space</td>
<td>No. Local need</td>
<td>None</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<tr>
<td>GA1: Create a strategy for improving the network of pedestrian and cycle connections.</td>
<td>Yes</td>
<td>SP16, DM21</td>
<td>2</td>
<td>3</td>
<td>1</td>
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<tr>
<td>GA2: Developer contributions and CIL monies required to support provision of new and improved footpaths, footways and cycleways</td>
<td>Yes</td>
<td>SP16, DM21</td>
<td>2</td>
<td>3</td>
<td>1</td>
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</tbody>
</table>
Note A: the Strategic Gap policy generally allows highway development within a strategic Gap. However, the FP gap is already extremely narrow and of crucial importance to the visual separation of Felpham and Bognor Regis. Therefore in our opinion, to remain in general conformity with the main thrust of that policy, in this instance this Gap should see no development including road development.

Compatibility with EU Legislation

5.1 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.

5.2 A screening opinion was issued by ADC on the 12th July 2013 (copy attached below) which advised that the Neighbourhood Plan did not require a strategic environmental assessment (SEA) however the sustainability attributes of each policy have been identified.
5.3 The Neighbourhood Plan area is not in close proximity to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations.

Felpham Neighbourhood Development Plan

Arun District Council (ADC) screening
Of the need for an environmental assessment of the Felpham Neighbourhood Plan

The Council fully supports the community’s initiative to produce a Neighbourhood Development Plan. Neighbourhood planning aims to give people greater ownership of plans and policies that affect their area. The government is clear that the intention of Neighbourhood Development Plans should be to set out policies on the development and use of land in a neighbourhood area and that the local planning authority has a duty to support production of the plan.

Our duty in respect to this aspect is to screen the expected contents of the Plan and environmental information outlined, to determine whether a Strategic Environmental Assessment (SEA) is required. As such we will also be determining at the same time, or later if one is required, if it satisfies the basic condition of being compatible with EU law. This will allow the Examiner at a forthcoming examination to see that this condition has been met and recommend that the proposed Plan goes ahead to referendum.

These comments only relate to the need for either a Strategic Environmental Assessment (2001/42/EC) or an assessment under the Birds Directive (92/43/EEC). They are based solely on the information submitted and/or provided to this authority with respect to satisfying this basic condition specifically.

ADC comments

As part of good planning practice, ADC have highlighted and provided guidance in terms of addressing this aspect and these comments follow in that vein.

An environmental assessment of the Felpham Neighbourhood Development Plan (FNDP) is not required on the basis that:

- There are no sites being allocated for development within the proposed Neighbourhood Plan.
Though not directly required the following omission was noticed and should be incorporated into any further versions of the Neighbourhood Plan:

1. There is no mention within the Character Assessment of the Felpham Site of Special Scientific Interest. This should be covered to underline the fact that there will be no significant environmental impact on it.

Conclusion

The information provided within the State of the Parish/Town Report and the submitted Opinion Request Form is sufficient to determine that:

- There environmental characteristics of the Parish/Town have been recognised;
- There will be no significant environmental effects to result from the proposals in the Plan; and
- That it does not breach, and is otherwise compatible with, EU and Human Rights obligations.

In our opinion this plan meets the basic condition of not breaching, and otherwise being compatible with EU and Human Rights obligations.

We have made the suggestions in this document in the spirit of easing the draft plan’s progress to adoption, and they should not be taken as the District Council requiring or requesting changes to the document, as ultimately any decisions over the eventual contents and whether to take comments on board rest with the Felpham Neighbourhood Plan Group.

The Council fully supports the community’s initiative to produce the neighbourhood Development Plan and welcome any further discussions on the comments made.