

# Loxwood Neighbourhood Plan Basic Conditions Statement

October 2014

## 1. Introduction and Legislation

Neighbourhood Plans are required to meet certain Basic Conditions. These are laid down in the Neighbourhood Planning (General) Regulations 2012 paragraph 15 (d) which states that *“a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B of the 1990 Town and Country Planning Act”* must be submitted to the local planning authority at the same time as the Neighbourhood Plan proposal.

Schedule 4B was included in schedule 10 of the Localism act and is appended to this report in appendix 1. Paragraph 8 of Schedule 4B has two sub paragraphs (1) and (2). Sub paragraph (1) details what legislation the examiner must consider when reviewing the neighbourhood plan and sub paragraph (2) defines the basic conditions that the Neighbourhood Plan must comply with.

Since the Neighbourhood Planning (General) Regulations 2012 require a statement addressing the whole of paragraph 8 of Schedule 4B to the 1990 Act, in order to aid the examiner, this Statement will address both sub paragraphs (1) and (2).

## 2. Compliance Statements

### a. 1990 Town and Country Planning Act Schedule 4B Paragraph 8(1)

This paragraph has 5 sub paragraphs (a) to (e) as follows:

(a) *“the examiner must consider whether the draft neighbourhood development order meets the basic conditions”*

This will be dealt with in Paragraph 2 (b) of this statement.

(b) *“the examiner must consider whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L”.*

Note: Schedule 9 part 2 of the Localism Act 2011 modifies the above sections and replaces them with paragraphs 38A and 38B of part 2 of Schedule 9 of the Localism Act. The relevant sections applicable to the submission of a Neighbourhood Plan are 38(A) paragraphs (1), (2), (11) , 38B paragraphs (1) (a),(b),(c) and 38B paragraphs (2), (3)

Section 38A paragraph (1) states that *“any qualifying body is entitled to initiate a process for the purposes of requiring a local planning authority in England to make a neighbourhood development plan”.*

In this instance the qualifying body is Loxwood Parish Council which has appointed a Neighbourhood Plan Steering Group to carry put the process of developing the Loxwood Neighbourhood Plan (Loxwood NP).

Section 38A paragraph (2) states *“A ‘neighbourhood development plan’ is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan”*.

This is a self-explanatory paragraph which defines what a neighbourhood development plan is.

Section 38A paragraph (11) states that *“if a neighbourhood plan is in force in relation to a neighbourhood area, the qualifying body may make a proposal for the existing plan to be replaced by a new one and the process for the making of the replacement plan is the same as the process for the making of the existing plan”*.

In this instance, the parish of Loxwood does not have an existing plan.

38B paragraph (1) (a), (b) and (c) states that *“a neighbourhood development plan:*

*(a) must specify the period for which to have effect*

*(b) may not include provision about development that is excluded development and*

*(c) may not relate to more than one neighbourhood area.*

The Loxwood NP will be in effect from 2013 to 2029 (15 years), the neighbourhood plan development area does not include any excluded development and only relates to one neighbourhood area.

Section 38B paragraph (2) states *“Only one neighbourhood development plan may be made for each neighbourhood area”*

Only one neighbourhood development plan will be completed.

Section 38B paragraph (3) states *“If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy”*

Care has been taken to ensure that no conflict exists between statements given in the body of the neighbourhood development plan and the policies.

#### **b. 1990 Town and Country Planning Act Schedule 4B Paragraph 8(2)**

This paragraph has 7 sub paragraphs (a) to (g) as follows:

*“A draft order 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 order,*

The national policies and guidance issued by the Secretary of State in this instance is the National Planning Policy Framework (NPPF).

Paragraphs 183 to 185 of the NPPF address Neighbourhood Plans and the Loxwood NP has been formulated based on the objectives of the paragraphs.

The Neighbourhood Plan consists of a set of “local” planning policies through which it will be possible to determine decisions on planning applications which are relevant to the parish of Loxwood.

The Loxwood NP will enable the residents of the parish to benefit from appropriate sustainable development whilst maintaining the semi-rural character of the parish.

The Loxwood NP where applicable, complies with the strategic policies of the Chichester District saved Local Plan and the emerging new Local Plan. Throughout the development process of the Loxwood NP, the Steering Group have strived to support the existing and emerging Local Plans in a proactive manor.

Each of the Loxwood NP policies will be reviewed to show how it complies with the NPPF, the saved and emerging Local Plans. More detail is given in paragraph (e) below.

*(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*

The Loxwood NP policy 10 seeks to protect the setting, form and character of the listed buildings in the parish thus protecting any special architectural and/or historic interest that the building may have

*(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*

The parish of Loxwood does not feature any conservation areas.

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

The National Planning Policy Framework (NPPF) defines sustainable development as:-

**an economic role** - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure

**a social role** - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services, that reflect the community's needs and supports its health, social and cultural well-being

**an environmental role** - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy

It is very difficult for small parishes like Loxwood to dramatically promote all aspects of the sustainability equation. For instance, 68% of those residents of the parish who work travel by car, while 16% work from home. Loxwood has virtually no bus service and is 8 miles from the nearest train station. It is not within the remit of the parish council to change this paradox. However, where it is possible to promote sustainability, this has been incorporated into the policies of the Loxwood NP.

Taking each of the NPPF tenets of sustainability in turn, the Loxwood NP has promoted sustainability as follows:

**An economic role-** 11 sites around the village of Loxwood were assessed according to the sustainability of each site and its ability to accommodate housing over the Loxwood NP period of 15 years. The two primary sites chosen were those that had the lowest score. (The lower the score the more sustainable the site). Criteria included the proximity of the site to the village shops, infrastructure provisions, flood risk etc. The assessment is part of the Loxwood NP evidence base and is available on the parish council web site [www.loxwoodpc.uk](http://www.loxwoodpc.uk) under the Neighbourhood Plan tab

In order to promote the concept of a Service Village as defined by the emerging CDC Local Plan, the **Loxwood NP Policy 5** (allocation of the Nursery site for 43 houses) promotes the provision of a small number of shops, car parking and business units. The policy requires that a viability study be carried to ensure that retail and business capacity be available prior to planning consent being granted.

In order to support local employment, **Loxwood NP Policy 14** promotes new retail/business start-ups or the expansion of existing business within the parish.

In order to stimulate the rural economy, **Loxwood NP Policy 12 Rural Area** specifically promotes new agricultural or business development in the rural area. Re use of existing farm and rural buildings for agricultural/business use or for agricultural workers dwellings is also addressed.

The expansion of the Wey and Arun canal will stimulate tourism within the parish and **Loxwood NP Policy 11** specifically supports the expansion of the Wey and Arun canal.

**A social role-** The Loxwood NP allocates 60 houses on two sites over the plan period. The Settlement Boundary has been redrawn to accommodate these sites and allow for windfall provision. The Loxwood NP also seeks to promote affordable housing for families with a defined local connection to the parish and paragraph 17.7 Affordable Housing sets an objective such that Loxwood parish Council will seek to apply the CDC Local Lettings Policy appendix B for all new affordable housing designated as 100% rental.

**Policy 9 Built Environment- Housing Density** and **policy 10 Built Environment- Vernacular** seeks to ensure that building design is of the highest standard whilst seeking to protect the established built vernacular of the parish.

**An environmental role-** Where possible the Loxwood NP strives to protect the environment of the parish. **Policies 8 and 18** address **Foul Water** and **Flood Risk** respectively. In order to minimise light pollution and reduce future energy consumption, **Policy 7** limits the use of Street Lighting in new developments to locations which necessitate street lights for safety reasons.

Energy consumption and the low carbon economy are addressed in **Policy 17 Environmental Characteristics** which introduces a requirement to meet the Code for Sustainable Homes Level 4 and 5 by specific dates.

In order to protect and enhance the natural, built and historic environment of the parish, **Policy 10 Built Environment Vernacular** and **Policy 13 Housing extension Style and Vernacular** were based upon the Village Design Statement (VDS). The VDS defines the vernacular and built heritage of the parish and the policies reflect broadly the VDS. They provide a vernacular guide such that future developments continue to reflect the character and historic context of the parish.

*(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),*

Section 38 of the Planning and Compulsory Purchase Act 2004 defines 'development plan' as the development plan documents adopted for the area and schedule 8 extends this to include saved local plans.

Chichester District Council is responsible for the Development Plan for the area. The Chichester District Local Plan First Review was adopted in April 1999. Following the commencement of the Planning and Compulsory Purchase Act 2004, policies were saved for three years in 2004, but after the replacement Core Strategy was found unsound, the Secretary of State agreed to save certain policies beyond 2007 in a direction dated 24 September 2007.

The emerging Local Plan has completed the consultation phases and is currently undergoing public examination. Accordingly, in order to demonstrate that Loxwood NP is in general conformity with the development plan for the area, the Vision and each of the policies of the Loxwood NP will be reviewed against the Saved CDC and emerging CDC Local Plan Policies and as stated above, where applicable, the NPPF. Where no policy provision has been included in the Loxwood NP, it is an accepted principle that policy direction is taken from Local or national legislation.

**Loxwood NP Vision:** *To maintain Loxwood as a semi-rural parish, yet one which welcomes incremental change that will sustain and enhance its facilities and character and contribute to a greater sense of community and neighbourliness."*

The saved local plan has a policy RE5 which states :

*"Due to its distinctive historic character and the special quality of the landscape and settlement patterns, the north eastern area of Chichester District, outside the Sussex Downs Area of Outstanding Natural Beauty is considered to warrant and will be given special protection. Development will only be permitted where the siting and design of buildings and additional traffic generated or off-site highway improvements required would not be detrimental to the area's landscape character or historic features'*

The Vision, together with the policies has the same policy objective as Policy RE5 as they both recognise the need for development and change whilst respecting the landscape setting and character as a semi-rural Parish. The Vision is supported by the objectives and policies of the Loxwood NP.

The Vision, together with the policies also supports the NPPF paragraph 28 which encourages support for economic growth in rural areas in order to *“create jobs and prosperity by taking a positive approach to sustainable new development.”*

The Vision, together with the policies also supports the emerging Local Plan Policy 6 Neighbourhood Development Plans which requires that Plans should show how they contribute to the strategic objectives of the Local Plan, promote sustainable development to the same level as defined in the Local Plan and have regard to the local need for new homes, jobs and facilities

### **Loxwood NP Objectives:**

Each objective in the Loxwood NP is linked to one or more policies of the Loxwood NP thus providing traceability and direction to the neighbourhood plan.

### **Policy 1: Housing Allocation**

*The Loxwood parish Neighbourhood Plan will allocate a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary defined in accordance with policy two of this Plan.*

The saved Local Plan housing allocation expired in 2006 and did not allocate specific housing allocations to the parish of Loxwood.

The NPPF paragraph 16 requires that neighbourhoods should *“develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development.”*

The Loxwood NP allocates a minimum of 60 houses on allocated sites which meets the strategic objective of the emerging Local Plan policy 5 for parish housing sites.

### **Policy 2: Settlement Boundary**

*Within the Settlement Boundary, there is a presumption in favour of sustainable development as defined in this Neighbourhood Plan, the Chichester District Local Plan and the National Planning Policy Framework.*

*Any land within the parish of Loxwood which is outside the Settlement Boundary of Loxwood village is deemed to be rural and development will be permitted where it complies with Policy 12 of this Plan.*

The saved Local Plan policy H2 defined parish Settlement Policy Areas (SPAs), now defined as Settlement Boundaries (SBs), in inset maps and the SB area has been expanded in the Loxwood NP to reflect the allocated sites defined in the Loxwood NP.

The NPPF paragraph 184 requires that Neighbourhood plans should reflect Local Plan policies and should not promote less development than set out in the Local Plan or undermine its strategic policies.

The emerging Local Plan policy 2 states that there will be a presumption of sustainable development within Settlement Boundaries in service villages like Loxwood. It also relies on Neighbourhood Plans to define Settlement Boundaries provided they respect the setting, form and character of the settlement, avoid actual or perceived coalescence of settlements; and ensure good accessibility to local services and facilities. It is considered that the **Loxwood NP policy 2** meets this objective.

### **Policy 3: Site Assessments and Allocation of Sites**

*The provision of allocated sites for the parish of Loxwood over the Plan period will be in accordance with policies 4 and 5 of the Neighbourhood Plan.*

*All developments on allocated and windfall sites should conform to the following policies as detailed below.*

*Policy 7 - Street Lighting*

*Policy 8 - Infrastructure Foul Water*

*Policy 9 - Built Environment - Housing Density*

*Policy 10 - Built Environment - Vernacular*

*Policy 15 - Telecommunications and Connectivity*

*Policy 16 - Traffic Calming*

*Policy 17 - Environmental Characteristics*

*Policy 18 - Flood Risk*

*Planning applications for allocated site development must contain evidence of compliance with the above policies and contain plans for any changes to existing and/or new infrastructure required by the said policies.*

This policy is an over-arching policy to allocate sites within the Settlement Boundary of the parish. It is in accordance the NPPF in that it provides Plan led development in a sustainable manner, subject to compliance with specific environmental and built vernacular policies which ensures that development is sustainable and enhances the built heritage of the parish,

It also meets the objectives of the emerging Local Plan policy 5 in that the Loxwood NP allocates specific sites to meet the housing allocation to 2029.

**Policy 4: Land at Farm Close SHLAA No. LX0860**

***This land is allocated for a mixed development of affordable and market houses with community facilities as follows:***

- a) *A residential development with a minimum of seventeen houses consisting of affordable and open market houses is recommended taking into consideration desirable densities in accordance with policy 9 of the Plan. The proportion and tenure mix to be in line with the current Chichester District Council requirements and allocation policies..*
- b) *Community benefits as shown on the plan in appendix 2 and to be finalised with the developer are:-*
  - *Donation to the parish of an area of land to the south and east of the housing development area for use as a Community Park Land.*
  - *8 additional car parking spaces for the doctor's surgery.*
  - *Central community green.*
  - *Contribution towards village traffic calming.*

*The community benefits to be subject to meeting the tests in paragraph 204 of the NPPF and subject to viability and deliverability in accordance with paragraph 173 of the NPPF*

This site has planning consent and the S106 was agreed and signed in September 2014. The planning application is 13/02025/FUL which is available on the CDC planning portal.

The developer has written a comprehensive planning statement which demonstrates that the development meets local and national planning legislation and the Loxwood NP Steering Group concur with the analysis given in the planning statement. Loxwood Parish Council confirmed their support for the application as recorded in the minutes of the December 2013 meeting.

**Policy 5: Land at Nursery Site SHLAA No. LX0855**

***A proportion of this area of land equivalent to approximately 2.1 hectares is allocated for a mixed development of affordable and market housing and community facilities as follows:***

- a) ***Mixed Residential development*** of market and affordable housing. *An indicative number of a minimum of forty three dwellings is recommended located towards the front of the site, taking into consideration densities in accordance with policy 9 of the*



*Neighbourhood Plan. The proportion and tenure mix of affordable housing to be in line with the applicable Chichester District Council requirements and allocations policies. Space should be reserved for a small retail development and small business premises should they prove viable.*

*b) Community Benefits comprising:-*

- A small retail development*
- Car parking for shoppers*
- Village green*
- Business Units*
- Plan designs to incorporate village traffic calming*

*The community benefits to be subject to meeting the tests in paragraph 204 in the NPPF and subject to viability and deliverability in accordance with paragraph 173 in the NPPF.*

*The above community benefits are subject to a viability study to ensure acceptable take up of retail and small business premises. If proven to be viable, Loxwood Parish Council would support the inclusion of a small number of shops and business units - the type, size and scope to be established by consultation with Loxwood Parish Council, Chichester District Council and the developers.*

*The remaining land to rear of the site of approximately 2.3 hectares is excluded from development as shown by the Settlement Boundary defined in Policy 2 of the Neighbourhood Plan.*

This policy complies with the NPPF paragraphs 7 and 28 in that it seeks to provide a sustainable development of mixed housing and retail and business premises in a semi-rural environment, thus meeting the needs of the local community and providing retail and business facilities thus reducing the need to travel by car to neighbouring facilities. It also complies with the NPPF paragraph 55 in that it housing should be located where it will enhance or maintain the vitality of rural communities. The Nursery site is located in the centre of Loxwood village.

The Policy also complies with the emerging Local Plan policy 2 for development in Service Villages as it seeks to provide local community facilities where a proven need can be demonstrated.

It also complies with the emerging Local Plan policy 34 as it seeks to provide affordable housing to a mix reflected in the Local Plan policy 34.

## **Policy 6: Local Green Space**

*In accordance with the NPPF paragraphs 76, 77 and 78, this Neighbourhood Plan designates the Land at North Hall, the Jubilee Gardens and the Loxwood Sports*

*Association playing fields as Local Green Spaces. The specific designation of the land is shown in appendix 4.*

The NPPF paragraph 76 specifically advises that Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them.

The Local green Spaces which have been allocated in the Loxwood NP meet the designation criteria of the NPPF paragraph 77, the details of which are given in the preambles of the policy in the Loxwood NP.

Paragraph 78 of the NPPF is not applicable as the parish of Loxwood is not in the Green Belt.

The CDC saved Local Plan does not have any policies on Local Green Spaces and the Loxwood NP policy is in general conformance with the emerging Local Plan policy 54 .

### **Policy 7: Street Lighting**

*Unless it is required to mitigate a potential road safety hazard or other requirement of the highway authority, all new roads built as part of a housing development should not feature street lighting.*

This policy follows the thrust of the NPPF paragraphs 95 and 97 to support a low carbon future by reducing unnecessary energy consumption by restricting the use of street lighting in new developments unless it is needed to address a road safety concern. The majority of the parish roads do not feature street lighting and those that do, cause excessive light pollution. This policy therefore also seeks to limit the light pollution that any new development may introduce.

### **Policy 8: Infrastructure- Foul Water policy**

*Any new direct connection to the Loxwood primary sewer network of new developments and/or expansion to existing developments not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that the new connection will not increase the risk of system back up/flooding. Where capacity is insufficient in the local sewerage system, the development will need to provide a connection to the nearest point of adequate capacity as advised by Southern Water. New development will be permitted only if the network can accommodate the additional demand for sewerage disposal either in its existing form or through planned improvements to the system or can be provided in time to serve it in advance of the construction of the development.*

This Policy is supported by Southern Water in its response to the pre-consultation draft of the Loxwood NP. It is also in line with the NPPF paragraph 157 which requires positive

planning for the development and infrastructure required in an area to meet the objectives and policies of the NPPF.

Paragraph 162 of the NPPF also advises that an assessment should be made of the quality and capacity of infrastructure for water supply and wastewater and its ability to meet forecast demands.

The emerging CDC Local Plan and the saved Local Plan does not have a policy on foul water nor does the Saved Local Plan. Southern Water is responsible for the surface and foul water network and treatment plants.

### **Policy 9; Built Environment- Housing Density Policy**

*The density of any new development must be in character with the local surrounding area, respect the semi-rural nature of the parish and be designed to give an impression of spaciousness with uniform houses and plots being avoided.*

This policy is in conformance with the NPPF paragraph 47 which states that local planning authorities should set out their own policies on housing density to reflect local circumstances. Paragraph 59 also states that local planning authorities should guide density with relation to neighbouring buildings and the local area more generally.

The CDC emerging Local Plan Policy 33 paragraph 5 reflects the NPPF in not being overly prescriptive with respect to density and states that density will be determined by the developments immediate context and on site constraints.

The saved Local Plan does not have a policy on housing density.

### **Policy 10; Built Environment- Vernacular Policy**

*The Built Environment – Vernacular Policy will apply to all new developments of one or more houses.*

*The following policy will be supported which provides a housing vernacular guide for new developments to ensure that such developments continue to reflect the character and historic context of existing developments within the parish.*

- a. Materials in any new development should be of clay-based products in red or brown hues with limited use of white paint on brick or wood that could be used to provide interest. Light hues should be avoided.*
- b. Where brick elevations are used, half clay tile hanging will help break up the visual effect of the elevation and maintain the continuity of design throughout the village.*
- c. Where possible house height should be restricted to 2 storeys.*
- d. Apparent excessive bulk of houses should be avoided by careful design of roof elevations, particularly on rising ground. In general, clay or concrete roof tiles should be used.*

- e. *Flat roof dormer windows should be avoided.*
- f. *Where enclosure of plots is planned, hedges of indigenous plants or post and rail fences are preferable giving a sense of open space from plot to plot.*
- g. *Developments should be enhanced by landscaping and planting with existing trees and hedges preserved whenever possible.*
- h. *Any new development adjacent to a listed building or building of historic interest and/or open space as defined in appendix 3 should be sensitively designed to conserve the setting, form and character of the building and or space.*
- i. *The design of any new development should recognise the distinctive local character and sensitively contribute to creating places of a high architectural quality.*
- j. *All new buildings and/or developments should be designed with the security of the building and its occupants at the forefront in terms of personal safety, crime prevention and environmental efficiency.*

This policy is primarily taken from the Village Design Statement which was written in 2003 and forms supplementary planning guidance for CDC.

The policy complies with the NPPF paragraph 58 which states that Local and Neighbourhood Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Further on in the same paragraph it states that planning policies should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The Loxwood NP seeks to define the vernacular of the parish which has evolved over 400 years without trying to be overly prescriptive.

It complies with the CDC emerging Local Plan policies 33 and 47 as it seeks to provide developments which are in keeping with the character of the surrounding area and its setting in the landscape. The built heritage of the parish is protected by means of sub paragraphs (h) and (i) of the Loxwood NP policy which identifies the built heritage and requires that any new development respect the setting, form and character of the building.

### **Policy 11- Wey and Arun Canal**

*The Wey and Arun Canal Trust long-term vision of a through navigable route from the Wey to the Arun Rivers will be supported.*

*This policy will:-*

- a) *Protect the green corridor and to avoid boats lining the edge of the canal, support will be given for canal moorings located away from but connected to the canal. Tree and hedgerow planting should be used to soften the visual impact of the moorings.*
- b) *Support the expansion of the Wey and Arun Canal Trust tourism activities where it can be demonstrated that such expansion benefits the parish by means of increased tourism, business and leisure activity.*

*c) Maintain and protect the heritage assets adjacent to the canal*

This policy complies with the NPPF paragraph 28 by supporting sustainable rural tourism. The Wey and Arun Canal Trust (WACT) vision of a through navigable route from the river Wey to the river Arun is fully supported. WACT have their headquarters in Loxwood and run regular boat cruises from the Onslow public house, which is located adjacent to the canal. Visitors for the canal trips and to the recently constructed visitor centre provide a much needed economic boost to the pub and village store.

The policy also meets the objectives of the CDC emerging Local Plan policy 53.

**Policy 12- The Rural Area**

*Development within the rural area will be in accordance with the NPPF paragraph 55, the CDC Emerging Local Plan and the General Permitted Development Order. The re-use of farm and rural buildings outside the Settlement Boundary for agricultural/ business purposes or to provide dwellings for agricultural workers will be supported subject to the following criteria:*

- a) The proposed re-use would not have significant harmful impacts on the surrounding rural landscape and is sensitive to its setting by means of size, bulk and location.*
- b) The proposed re-use would not have any unacceptable impact on the local road network.*
- c) The proposed re-use would not cause any unacceptable conflict with agriculture and other land-based activities.*
- d) The proposals would not have any significant harmful impact on the amenities of neighbouring residents and other users.*
- e) The buildings concerned would not require substantial rebuilding or extension.*

*New agricultural or business development on land already in agricultural or commercial use outside the Settlement Boundary will be supported subject to the following criteria:-*

- i) The scale and nature of any proposal would enhance the overall site setting and its design will be such as to minimize the overall impact of the proposed development on the surrounding rural landscape and be sensitive to its setting by means of size, bulk and location.*
- ii) The proposals would not have an unacceptable impact on the local road network*
- iii) The proposals would not cause unacceptable conflicts with agriculture and other land-based activities*
- iv) The proposals would not have any significant harmful impact on the amenities of neighbouring residents and other users.*

The parish is predominantly rural and this policy seeks to support and enhance the rural economy from the standpoint of agriculture and commercial business.

It fully supports the thrust of the NPPF paragraph 28 by supporting economic growth in the rural area. It also meets the objective of the CDC emerging Local Plan policy 45 by seeking to ensure that any new development is sensitive to the rural setting.

### **Policy 13-Housing Extensions- Style and vernacular**

*All house extensions should follow the style and vernacular of the original building paying particular attention to details e.g. size and shape of windows, roof shapes and pitch angles, tiling materials, brickwork colour and texture etc.*

*In assessing the suitability of dwelling extensions, the following are typical criteria that will be applied (this is not an exhaustive list and other criteria may be applied dependent on the style of the existing property):-*

- a) Where possible the same type of materials should be used but where uPVC is to be used it should respect as far as practicable the original design.*
- b) The combined building of the original and the extension should not significantly change the form, bulk and general design of the original building or harm its landscape character or setting.*
- c) The permitted increase in ground foot print of the extension should not be more than prescribed in CDC Design Guidelines for Alterations to Dwellings and Extensions*
- c). Any new development adjacent to a listed building or building of historic interest and/or open space as defined in appendix 3 should be sensitively designed to conserve the setting, form and character of the building and or space.*

This policy is primarily taken from the Village Design Statement which was written in 2003 and forms supplementary planning guidance for CDC.

This policy does not seek to change the permitted development rights but to provide a vernacular guide for those extensions which fall outside the permitted development rights and thus require planning permission.

It applies both within the settlement boundary and in the rural area. It complies with the NPPF paragraph 58 and the CDC emerging Local Plan policies 37 and 46. See narrative for policy 11 of this document.

### **Policy 14-Economy and Business**

*New retail/business start-ups or the expansion of existing businesses will be supported, provided they can be shown to be viable, sustainable and benefit the local*

*economy and the wellbeing of the parish. They should be sensitive to the local setting and not have a detrimental impact on the surrounding environment.*

*The provision of viable small business premises or retail properties within new developments will also be supported where economically sustainable and in accordance with this policy.*

*Such development should:-*

- a) Give broad, positive support for the development and growth of the local economy through flexible and responsive planning and encourage local economic innovation.*
- b) Meet the needs of existing and future local businesses, including quality workspace and storage.*

This policy complies with the NPPF paragraphs 17 20 and 28 by seeking to promote sustainable economic and business growth in a semi-rural parish where employment opportunities are sparse. It works in tandem with the **Loxwood NP policies 5 and 13**.

The policy also meets the objectives of the CDC emerging Local Plan policies 3 and 26 which also support economic expansion.

### **Policy 15- Telecommunications and Connectivity**

*New developments should demonstrate how they will contribute to and be compatible with existing local fibre or internet connectivity. This could be through a 'Connectivity Statement' provided with relevant planning applications. Such statements could consider such aspects as:-*

- a. The intended land use and the anticipated connectivity requirements of the development.*
- b. Existing or proposed data networks and their anticipated speed (fixed copper, 3G, 4G, fibre etc.).*
- c. Realistic assessments of connection potential or contribution to any such networks.*

*This policy aims to see that new developments have the capability to connect to the internet with the best available speed and with realistic future proof upgrade capability. Subject to NPPF 173, suitable ducting that can accept fibre should be provided either to:-*

- the nearest access point to existing internet providers; or*
- a local access network; or*
- another location that can be justified through the connectivity statement.*

*Major infrastructure development should provide ducting that is available for community owned local access network or fibre optic cable deployment.*

This policy seeks to ensure that all new housing within the parish is built with internet connectivity at its heart by making sure that the development provides fibre optic connectivity from the street cabinet to the house as well as within the house. It meets the overall objective of the NPPF paragraphs 42 and 43 whilst not seeking to overburden the developer in accordance with the NPPF paragraph 173.

### **Policy 16-Traffic Calming and Speed through the Parish**

*Traffic calming along the B2133 and Station Road in the parish of Loxwood will be progressively introduced during the period of the Plan by means of developer contributions on any open market development greater than one house in size.*

*The objective of the traffic calming will be to introduce a safer environment for pedestrians and road users by establishing the following:*

- *decrease in the average speed of traffic on the B2133 in the village of Loxwood*
- *provide safe crossing points at the Nicholsfield/Station Road junction and on the B2133 at the Post Office/Stores, North Hall, and St John the Baptist Church.*
- *facilitate safer and more efficient parking for those shoppers using the shops along the B2133*
- *Negotiate with developers funding for the introduction of traffic calming measures as part of the design of road access requirements on all allocated sites.*

This policy is seeking to provide a safe and secure environment for pedestrians in Loxwood thus meeting, retrospectively the goal of the NPPF paragraph 35 third bullet. The policy is also reflected in the Loxwood NP policy 5(b) last bullet in seeking to ensure that the developer takes into account the traffic and speeding issues of the B2133 when designing, in conjunction with the agreement of West Sussex County Council, the entrance to the Nursery development. It also meets the strategic objective of the CDC emerging Local plan policy 8.

### **Policy 17-Environmental Characteristics**

*All new developments or extensions to existing developments/dwellings should conform to the latest recommended building standards/procedures. New developments shall meet a minimum of Level 4 (from 2013 to 2016) and Level 5 (from 2016) in the Code for Sustainable Homes.*

*Developers should embrace within their design new technologies from the conceptual phase through to implementation and should ensure energy conservation assessments are conducted to demonstrate compliance with this policy.*

This policy is supporting the government's drive to a low carbon future by seeking to ensure that both extensions to existing buildings and new development's meet the



highest level of energy efficiency practicable. This policy reflects the NPPF paragraph 95 second bullet and the CDC emerging Local plan policy 40.

### **Policy 19- Flood Risk**

*Development in areas of flood risk zones 2 & 3 as identified by the environment agency flood risk maps will only be permitted in accordance with NPPF .*

*New development outside flood risk zones 2 and 3 should be subject to a site specific flood risk assessment, where relevant, in accordance with the NPPF.*

*Surface water mitigation techniques should be employed to ensure that there is no net increase in surface water run-off.*

This policy is compliant with the NPPF paragraph 100 and the CDC emerging Local Plan policy 42 in that it does not preclude development in area of high flood risk but defers to the NPPF which requires a sequential risk based approach to development in areas of flood risk.

For development outside the flood risk area ( zone 1) an assessment is required to determine the impact the development would have on the water table and to adopt measures to mitigate against flooding caused by both a rise in the water table and surface water run-off. Because of its location in the low weald and the high clay content of the soil, recent developments in Loxwood have caused a net increase in the height of the water table. This has caused gardens to be flooded during winter periods of high rainfall which hitherto, did not suffer flooding to the same extent. This policy therefore, seeks to extend the NPPF Technical Guidance for developments on sites comprising one hectare or above in flood risk zone 1 to all developments, irrespective of size.

*(f) the making of the order does not breach, and is otherwise compatible with, EU obligations.*

The EU obligations in this instance are the Strategic Environment Assessment (SEA) Directive and the Habitats Regulations Assessment (HRA).

The Loxwood NP has been subjected to a screening determination in accordance with regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

Regulation 9 requires the responsible authority, in this instance Chichester District Council (CDC) to determine whether or not a plan or programme, as defined, by the regulation, is likely to have a significant environmental effect.

The responsible authority, before making the determination, has to take into account:

- a) the criteria specified in Schedule 1 of the regulation
- b) consult the consultation bodies defined in regulation 4

Where the responsible authority determines that a plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it is required to prepare a statement of its reasons for the determination.

CDC have carried out the screening determination as defined by regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 and established that the Loxwood NP is unlikely to have any significant environmental effects.

The screening determination is included in appendix 1 of the Statement and was published on the Loxwood Parish Council web site for 6 weeks commencing the 17 October 2014.

Equally, the number of houses expected to be built in the parish of Loxwood is not likely to impact the protected habitats of the Mens SAC or the Ebinoe Common SAC.

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

There are no prescribed matters other than those addressed in this document.

Document compiled by:  
Loxwood Neighbourhood Plan Steering Group  
October 2014

## Appendix 1

Mr T Colling  
Chair Neighbourhood Plan Steering Group  
Gilwood  
10 Farm Close  
Loxwood  
W Sussex  
RH14 0SU

If calling please ask for: Andrew Frost  
01243 534892  
afrost@chichester.gov.uk

Our ref:

Your ref:

14 October 2014

Dear Mr Colling

### Loxwood Neighbourhood Development Plan

#### Strategic Environmental Assessment (SEA) Opinion Screening Determination under Regulation 9 and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

This letter addresses whether an environmental assessment of the Loxwood Neighbourhood Plan is required and as such whether it meets one of the basic conditions that a neighbourhood plan must meet in order to proceed to referendum: that it does not breach, and is otherwise compatible with, EU obligations.

On the basis of the contents of the neighbourhood plan that was the subject of a previous referendum and subsequent consultation with the relevant statutory agencies in accordance with Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004, the following determination can be made.

The screening determination is that **an environmental assessment of the Loxwood Neighbourhood Plan is not required** due there being no adverse comments from the Statutory Consultees and for the reasons set out in the Criteria and response of screening which are attached as part of this letter.

As such it is the opinion of Chichester District Council that the Loxwood Neighbourhood Plan is in accordance with the provisions of the European Directive 2001/42/EC as incorporated into UK law by the Environmental Assessment of Plans and Programmes Regulations 2004.

This decision has been based on the information provided. If the contents of the Plan are revised and/or there is a material change in the environmental characteristics in the locality (e.g. any additional nature conservation or other environmental designations), then the comments contained in this decision would need to be reconsidered in order to take account of the changes.

Yours sincerely



Andrew Frost  
Head of Planning Services

## Screening Report for the Loxwood Neighbourhood Plan

### Criteria and response of screening

Criteria (from Annex II of SEA Directive and Schedule I of Regulations)	Relevance in context of this screening report
<b>The characteristics of plans and programmes</b>	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	<p>The Loxwood Neighbourhood Plan (NP) would, if adopted, form part of the Statutory Development Plan and as such will establish the development control framework for Loxwood village and surrounding environs.</p> <p>The NP is prepared for town and country planning and land use and sets out a framework for future development in Loxwood parish. The nature of the NP includes housing, open space, infrastructure and employment.</p>
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	<p>The NP is the lowest tier in the planning hierarchy and must conform to plans in the upper tiers rather than influence them. In this case the NP must conform to plans including the Chichester Local Plan, the National Planning Policy Framework and European Directives.</p>
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	<p>The NP has relevance in this section; there are opportunities for integrating environmental considerations within Loxwood.</p> <p>Policy 2 of the NP demonstrates willingness to incorporate sustainable development into all aspects of development.</p> <p>Policy 6 is devoted to designating Local Green Spaces (LGS) and Policy 9 and 10 detail that new development should be in character with the local building and countryside surroundings and use local resources to do so.</p> <p>Policy 17 ensures that all new developments or building extensions should conform to a minimum of Level 4 (from 2013 to 2016) and Level 5 (from 2016) in the Code of Sustainable Homes.</p>
(d) environmental problems relevant to the plan or programme; and	<p>Key issues taken from the Scoping Report of Chichester Local Plan and derived from the Loxwood NP which are relevant to the plan include:</p> <p>1. <b>Housing.</b> Due to a growing population, Loxwood requires an increase in housing of</p>

	<p>sustainable and affordable design by a minimum of 60 homes.</p> <p>2. <b>Environment.</b> Chichester district has many national and some European designated sites. Loxwood has none but wishes to increase their protected areas of community and biological importance as Local Green Space in accordance with paragraph 77-78 of the NPPF.</p> <p>3. <b>Local economy.</b> Whilst providing housing, a number of small shops will help to support the growing population.</p> <p>4. <b>An enriched and active community.</b> Protection of recreational space for parish residents will be provided as part of the designation of Local Green Space.</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	<p>The NP is a land-use plan and sets the framework for future development consents within the Loxwood NP area.</p> <p>The NP sets policies which planning applications within the Loxwood NP area must adhere to.</p>
<b>Characteristics of the effects and of the area likely to be affected</b>	
(a) the probability, duration, frequency and reversibility of the effects;	<p>No significant effects are anticipated on Biodiversity, Population, Human Health, Flora, Fauna, Soil, Air, Climatic Factors, Material Assets, Cultural Heritage and Landscape in Loxwood Parish.</p> <p>Although the proposed residential sites are not located within flood zones 2 and 3, due to the anticipated nature of an increase of demand to the sewage network and close proximity to the Wey and Arun Canal of the Farm Close Site, monitoring will be essential to ensure that sewage levels are kept safe at all times.</p>
(b) the cumulative nature of the effects;	<p>Housing proposals are in keeping with the aspiration of the Chichester Local Plan and the proposals of the NP. No cumulative effects are expected as a result.</p>
(c) the transboundary nature of the effects;	<p>All effects of the NP are considered to be entirely local and the majority will fall within the settlement boundary of Loxwood village.</p>
(d) the risks to human health or the environment (for example, due to accidents);	<p>Southern Water has identified waste water management capacity issues in the area; new housing will need to demonstrate that capacity is</p>

	<p>not exacerbated to avoid the risk of environmental impacts on water quality and biodiversity. As acknowledged in section 18.8.5 of the Loxwood NP, <i>“any large-scale new connection to the existing system will need to be justified by a rigorous analysis. Where there is insufficient capacity in the local network, a connection should be made at the nearest point of adequate capacity as advised by Southern Water.”</i></p>
<p>(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);</p>	<p>Loxwood is a small village in the rural district of Chichester. It is the largest village located within the Loxwood Parish and is linked with B2133 that acts as commuter route to the A281 and A272. Due to minimal employment opportunities within Loxwood Parish, residents out commute. The indirect spatial extent of the plan may extend beyond the immediate area of the plan but due to the small population, significant effects are not projected</p>
<p>(f) the value and vulnerability of the area likely to be affected due to:  (i) special natural characteristics or cultural heritage;  (ii) exceeded environmental quality standards or limit values; or  (iii) intensive land-use; and</p>	<p>(i) Loxwood does not have a significant historic environment that is likely to be harmed by adoption of the NP and proposed development. It is not a tourist area but benefits from the Wey and Arun Canal in the south of the parish, which may bring infrequent visitors along this historic route.</p> <p>(ii) Policy 8 concerns environmental quality and seeks to ensure waste water treatment will not exceed environmental quality for water.</p> <p>(iii) The Loxwood NP has areas of moderate to low agricultural productivity with areas of grade 3 and grade 4 all situated within the parish (Figure 1.4) The location of housing in Loxwood NP is concentrated within the village itself.</p>
<p>(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>The land surrounding Loxwood does not have any nationally important landscape designations such as AONB. No land is allocated as greenbelt and small-scale developments are unlikely to disrupt the integrity of the landscape value in this rural area.</p> <p>Additionally, the agricultural grade of land surrounding Loxwood and within its parish is of grade 3 and 4 classifications. Development on this land will reduce agricultural land in the parish, which will be reversible but is unlikely to cause a significant adverse effect reduction in agricultural activity, especially when considering</p>

	<p>the small-scale nature of the proposed development areas in the NP.</p> <p>There are no designated sites of local, national or European importance located within the NP area. However the NP wishes to designate Local Green Spaces to protect areas of community and biological importance.</p>
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