

# Plaistow and Ifold Parish NEIGHBOURHOOD PLAN

2014-2029

## BASIC CONDITIONS STATEMENT

17 SEPTEMBER 2019 (*FINAL VERSION*)

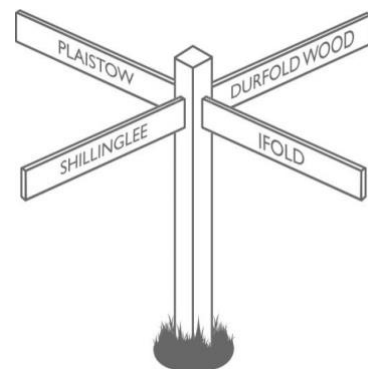
### Plaistow and Ifold Parish Council

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## **1. INTRODUCTION**

- 1.1 This report has been prepared on behalf of Plaistow and Ifold Parish Council (PIPC). It is in support of their preparation of the Plaistow and Ifold Parish - Neighbourhood Plan.
- 1.2 As part of the formal submission for independent Examination, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in Paragraph 8 of Schedule 4B of the Town & Country Planning Act 1990 (as Amended).
- 1.3 This statement has been prepared to demonstrate compliance with these basic conditions. Section 2 of this report summarises the legislative requirements associated with these 'basic conditions'; Sections 3 and 4 assess how the Neighbourhood Plan meets these requirements; Sections 5 and 6 confirms that the Neighbourhood Plan is compatible with EU regulations and associated Convention Rights. Section 7 demonstrates how the plan achieves the principles of sustainable development. An Equality Impact Assessment has been undertaken taking in to account all the Equality Legislation and which can be found in Section 8.
- 1.4 This statement concludes that the Neighbourhood Plan complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Town & Country Planning Act 1990 (as Amended).

## **2. LEGAL REQUIREMENTS**

- 2.1 This Statement has been prepared by Plaistow and Ifold Parish Council to accompany its submission of the Plaistow and Ifold Neighbourhood Plan (the “Neighbourhood Plan”) to Chichester District Council (CDC) and the South Downs National Park Authority (SDNPA) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).
- 2.2 The Neighbourhood Plan has been prepared by Plaistow and Ifold Parish Council, a qualifying body, for the Neighbourhood Area covering Plaistow and Ifold Parish, as designated by Chichester District Council and the South Downs National Park Authority on 6 November 2012 and 14 March 2013 respectively.
- 2.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Plan Area only. The plan period of the Neighbourhood Plan is from 2014 to 2029 and it does not contain policies relating to excluded development in accordance with the Regulations.
- 2.4 The Statement addresses each of the four ‘basic conditions’ required of the Regulations and explains how the Neighbourhood Plan meets the requirements of Paragraph 8 of Schedule 4B of the Town & Country Planning Act 1990 together with Paragraph 6 of Schedule 4B of the Town & Country Planning Act 1990 - Convention of Rights (Human Rights Act 1998). The Neighbourhood Plan has considered all the Equality Legislation and concluded that it is in full compliance (See Section 8 - Equality Impact Assessment (EqIA)).
- 2.5 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 local 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.

## **3. TCPA 1990 Paragraph 8 (2a) 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) published in July 2018 and updated in February 2019, whilst also taking into account the current National Planning Practice Guidance (NPPG) shown in the recent Government publications regarding the formulation of neighbourhood plans.
- 3.2 Set out in Table 1, is a summary of how each policy conforms to the NPPF. The paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

**TABLE 1: CONFORMITY OF NEIGHBOURHOOD PLAN (NP) POLICIES WITH THE NPPF**

<b>POLICY NAME</b>	<b>NPPF PARAGRAPHS</b>	<b>COMMENTS</b>
EH1 - PROTECTION OF HERITAGE ASSETS	8, 28, 184, 185, 193, 194.	Policy EH1 seeks to ensure that development will not adversely impact upon the unique character, heritage or setting of the heritage assets and is therefore in conformity with the relevant paragraphs of the NPPF.
EH2 - PROTECTION OF NATURAL ENVIRONMENT	170, 171, 172, 174.	Policy EH2 seeks to preserve the natural environment. Development that protects and enhances the natural environment, conserves the landscape and landscape setting, conserves or enhances biodiversity and does not result in the loss or deterioration of irreplaceable habitats will be supported, and is therefore in conformity with the relevant paragraphs in the NPPF.
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	170, 171, 174.	Policy EH3 sets out measures to protect trees, woodlands and natural vegetation or where the benefits of development clearly outweigh the harm caused by loss of trees, hedges and other landscape features that appropriate and necessary mitigation will be sought and is therefore in conformity with the relevant paragraphs in the NPPF.
EH4 - LOCAL GREEN SPACES	83, 92, 96-101.	All the sites proposed to be designated as LGS in the PINP have been assessed having regard to the criteria set out in paragraph 100 of the NPPF. These are appended to the NP as suggested by the SDNP and are also available to view on the Parish Council's Neighbourhood Plan website: <a href="https://plaistowandifoldparishnp.com/supporting-evidence/local-green-space/">https://plaistowandifoldparishnp.com/supporting-evidence/local-green-space/</a>
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	170, 172, 180.	Policy EH5 seeks to limit the impact of light pollution from artificial light and is therefore in conformity with the relevant paragraphs in the NPPF.
EH6 - STREET LIGHTING	170, 172, 180.	Policy EH6 seeks to limit the impact of light pollution from artificial light by ensuring that the provision of street lighting will only be permitted if it can be demonstrated there are exception circumstances required for highway safety and is therefore in conformity with the relevant paragraphs in the NPPF. [There is currently no street lighting in the NP area.]
Ci1 - REDUCING AND AVOIDING FLOOD RISK	155, 157, 158.	Policy Ci1 seeks to reduce and avoid flood risk by ensuring that development within areas of Flood Zones 2 or 3 is not supported unless justified by the Sequential and Exceptions Test, where relevant in accordance with NPPF requirements.
Ci2 - CONNECTION TO TECHNOLOGY NETWORKS	112.	Policy Ci2 recognises the importance of advanced, high quality communications infrastructure and requires that new residential and commercial development should demonstrate the ability to connect to technology networks at the time of the development. The expansion of electronic communications networks, including high speed broadband, will be supported, in accordance with the NPPF requirements.

**TABLE 1: CONFORMITY OF NEIGHBOURHOOD PLAN (NP) POLICIES WITH THE NPPF**

<b>POLICY NAME</b>	<b>NPPF PARAGRAPHS</b>	<b>COMMENTS</b>
H1 - ALLOCATED HOUSING DEVELOPMENT SITE	69, 70, 77, 78, 79.	Chapter 6 of the NPPF requires the delivery of a wide choice of high quality homes and seeks to 'significantly boost' the supply of housing. The NP responds positively to the need for more housing by allocating a site for housing development through Policy H1.  The proposed allocation in H1 promotes sustainable development in a rural area and will enhance the vitality of the rural community reflecting the requirements of NPPF paragraph 77-79.
H2 - HOUSING DEVELOPMENT WITHIN THE IFOLD SETTLEMENT BOUNDARY	124 to 127.	Policy H2 has been included in the NP to ensure that any redevelopment proposals within the settlement boundary are of a high-quality design and reflect the character of the area in compliance with Chapter 12 of the NPPF 'Achieving Well Designed Places'.
H3 - AFFORDABLE HOUSING	34, 62.	Policy H3 seeks to ensure that Affordable Housing will be provided to meet the identified need in the parish, in order to maintain a balanced community and therefore is in conformity with Paragraph 34 of the NPPF.
H4 - HOUSING DENSITY AND DESIGN PRINCIPLES	124.	Policy H4 sets out the principles of good design against which planning applications will be considered, in order to ensure sustainable development, and is compliant with Paragraph 124 of the NPPF.
EE1 - LIVE/WORK FACILITIES	8, 9, 80 to 84.	Policy EE1 and Policy EE2 seek to support sustainable economic growth and is therefore in conformity with the relevant paragraphs of the NPPF.
EE2 - SUPPORTING THE LOCAL ECONOMY		
EE3 - RETAIL SHOP PREMISES	83, 84.	Policy EE3 supports the retention of the existing A1 retail shop premises, recognising the importance of these community facilities and therefore in conformity with Paragraph 83 and 84 of the NPPF.
EE4 - BROWNFIELD SITE	84.	Policy EE4 promotes the sustainable and effective re-use of previously developed land and is therefore in conformity with Paragraph 84 of the NPPF.
T1 - ENSURING HIGHWAY SAFETY	84, 102, 111 and 105.	Chapter 4 of the NPPF promotes Sustainable Transport and requires that safe and suitable access to a site can be achieved and that site layouts minimise potential conflict between pedestrians, cyclists and vehicles.  Policy T1 seeks to ensure Highway Safety by ensuring appropriate levels of off-street parking so that pedestrian access is not impeded and is therefore NPPF compliant in this regard.

#### **4. TCPA 1990 Paragraph 8(2e) GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE NEIGHBOURHOOD DEVELOPMENT PLAN**

4.1 The strategic local policies for Plaistow and Ifold Parish comprise the following:

- Chichester Local Plan Key Policies (2014-2029), relating to that part of The Plan area outside the South Downs Local Plan area;
- Chichester District Council – approved Site Allocations Development Plan Document (2019);
- South Downs Local Plan (2014-2033), adopted 2<sup>nd</sup> July 2019, relating to that part of The Plan area that is inside the South Downs Local Plan area.

4.2 The Neighbourhood Plan has been prepared to ensure its general conformity with the provisions of the adopted Chichester Local Plan Key Policies (2014-2029). In addition, the Neighbourhood Plan has been assessed against the South Downs Local Plan (2014-2033), adopted 2<sup>nd</sup> July 2019.

4.3 Tables 2 and 3 below, set out how each policy is in general conformity with the saved policies of the adopted Chichester Local Plan Key Policies (2014-2029). Tables 4 and 5 demonstrate how the Neighbourhood Plan is in general conformity with the South Downs Local Plan (2014-2033), adopted 2<sup>nd</sup> July 2019.

**TABLE 2: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES – ADOPTED CHICHESTER LOCAL PLAN KEY POLICIES (2014-2029)**

*(Table 2 relates to the part of the Plan Area that is within the South Downs National Park only)*

<b>POLICY NAME</b>	<b>LOCAL PLAN</b>	<b>COMMENTS</b>
EH1 - PROTECTION OF HERITAGE ASSETS	Not applicable	
EH2 - PROTECTION OF NATURAL ENVIRONMENT	Not applicable	
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	Not applicable	
EH4 - LOCAL GREEN SPACES	Not applicable	
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Not applicable	
EH6 - STREET LIGHTING	Not applicable	
CI1 - REDUCING AND AVOIDING FLOOD RISK	Not applicable	
CI2 - CONNECTION TO TECHNOLOGY NETWORKS	Not applicable	
H1 - ALLOCATED HOUSING DEVELOPMENT SITE	Not applicable	The allocated housing development site is outside the SDNP.
H2 - HOUSING DEVELOPMENT WITHIN THE IFOLD SETTLEMENT BOUNDARY	Not applicable	The Ifold Settlement is outside the SDNP.
H3 - AFFORDABLE HOUSING	Not applicable	
H4 - HOUSING DENSITY AND DESIGN PRINCIPLES	Not applicable	
EE1 - LIVE/WORK FACILITIES	Not applicable	
EE2 - SUPPORTING THE LOCAL ECONOMY	Not applicable	
EE3 - RETAIL SHOP PREMISES	Not applicable	
EE4 - BROWNFIELD SITE	Not applicable	
T1 - ENSURING HIGHWAY SAFETY	Not applicable	

**TABLE 3: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES – CHICHESTER LOCAL PLAN KEY POLICIES (2014-2029)**

POLICY NAME	LOCAL PLAN POLICY	COMMENTS
EH1 - PROTECTION OF HERITAGE ASSETS	47 - Heritage and Design	Policy EH1 seeks to conserve and enhance the unique character, heritage and setting of the heritage assets and is therefore in conformity with Policy 47
EH2 - PROTECTION OF NATURAL ENVIRONMENT	48 - Natural Environment	Policy EH2 seeks to preserve the natural environment. Development that protects and enhances the natural environment, conserves the landscape and landscape setting, conserves or enhances biodiversity and does not result in the loss or deterioration of irreplaceable habitats will be supported, and is therefore in conformity with Policy 48.
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	<ul style="list-style-type: none"> <li>• 48 - Natural Environment.</li> <li>• 49 - Biodiversity.</li> </ul>	Policy EH3 sets out measures to protect trees, woodlands and natural vegetation or where the benefits of development clearly outweigh the harm caused by loss of trees, hedges and other landscape features that appropriate and necessary mitigation will be sought and is therefore in conformity with Policies 48 and 49.
EH4 - LOCAL GREEN SPACES	Not applicable.	
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Not applicable.	
EH6 - STREET LIGHTING	Not applicable.	
Ci1 - REDUCING AND AVOIDING FLOOD RISK	42 - Flood Risk and Water Management.	Policy Ci1 seeks to reduce and avoid flood risk by ensuring that development within areas of Flood Zones 2 or 3 is not supported unless justified by the Sequential and Exceptions Test, where relevant. All new developments should provide for adequate surface water and foul drainage capacity, subject to the available capacity and commensurate with the size and nature of the development, including the provision of Sustainable Urban Drainage Systems. This policy is therefore in conformity with Policy 42.
Ci2 - CONNECTION TO TECHNOLOGY NETWORKS	<ul style="list-style-type: none"> <li>• 9 - Strategic Infrastructure</li> <li>• 33 - New Residential Development.</li> <li>• 39 - Transport, Accessibility and Parking.</li> </ul>	Policy Ci2 recognises the importance of advanced, high quality communications infrastructure and requires that new residential and commercial development should demonstrate the ability to connect to technology networks at the time of the development. The expansion of electronic communications networks, including high speed broadband, will be supported, in accordance with the NPPF requirements.



**TABLE 3: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES – CHICHESTER LOCAL PLAN KEY POLICIES (2014-2029)**

POLICY NAME	LOCAL PLAN POLICY	COMMENTS
H1 - ALLOCATED HOUSING DEVELOPMENT SITE	<ul style="list-style-type: none"> <li>• 5 - Parish Housing Sites 2012- 2029.</li> <li>• 33 - New Residential Development.</li> </ul>	<p>Policy H1:</p> <ul style="list-style-type: none"> <li>• allocates a development site to provide 11 dwellings to meet the indicative housing number of a minimum of 10 units, to meet the identified local need and is therefore in conformity with both Policies 5 and 33.</li> <li>• addresses housing density in a way that seeks to protect the built heritage and rural setting of the Parish; and ensures that new housing development meets the highest standards of design and reduction in energy use together with green technologies. The site allocation at H1 is the only location which has been formerly assessed, which fully conforms to Policy 33.</li> </ul>
H2 - HOUSING DEVELOPMENT WITHIN THE IFOLD SETTLEMENT BOUNDARY	33 - New Residential Development.	Policy H2 supports redevelopment of existing plots and replacement dwellings and extensions to existing dwellings within the Ifold Settlement Boundary provided that the scheme provides an appropriate density of development in keeping with the surrounding countryside area and is of high quality design; and is therefore in conformity with Policy 33.
H3 - AFFORDABLE HOUSING	34 - Affordable Housing.	Policy H3 seeks to ensure that Affordable Housing will be provided on developments of more than 10 dwellings, to meet the identified need in the parish and is therefore in conformity with Policy 34.
H4 - HOUSING DENSITY AND DESIGN PRINCIPLES	33 - New Residential Development.	Policy H4 will support new residential units or extensions and conversions of existing dwellings provided that the development is of a density which is in keeping with the existing established density of the surrounding area; the design and materials are in keeping with the character of the area and there is appropriate provision of landscaping to minimise the visual impact on the countryside and resident amenity. This policy therefore is in conformity with Policy 33.
EE1 - LIVE/WORK FACILITIES	<ul style="list-style-type: none"> <li>• 2 - Development Strategy and Settlement Hierarchy.</li> <li>• 3 - The Economy and Employment Provision.</li> <li>• 45 - Development in the Countryside.</li> <li>• 46 - Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside.</li> </ul>	Policy EE1 seeks to encourage sustainable development that supports a local need and is in conformity with the relevant policies in the CLPKP.

**TABLE 3: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES – CHICHESTER LOCAL PLAN KEY POLICIES (2014-2029)**

POLICY NAME	LOCAL PLAN POLICY	COMMENTS
EE2 - SUPPORTING THE LOCAL ECONOMY	<ul style="list-style-type: none"> <li>• 2 - Development Strategy and Settlement Hierarchy.</li> <li>• 26 - Existing Employment Sites.</li> <li>• 45 - Development in the Countryside.</li> <li>• 46 - Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside.</li> <li>• 55 - Equestrian Development.</li> </ul>	<p>Policy EE2 seeks to support the local economy. Proposals that result in the loss of employment will be resisted unless it can be demonstrated that the business is no longer viable.</p> <p>Proposals enabling sustainable development through the use of redundant agricultural buildings and other facilities to encourage small enterprises will be supported provided there is no loss of amenity to residential areas from noise, lighting and vehicle movements.</p> <p>Proposals to encourage the development of activities which require a rural location will also be supported, provided there is no adverse impact on the countryside or loss of agricultural land.</p> <p>This policy therefore conforms with the relevant policies in the CLPKP.</p>
EE3 - RETAIL SHOP PREMISES	2 - Development Strategy and Settlement Hierarchy.	Policy EE3 seeks to support local community facilities, in particularly the community shops, and the loss of these facilities will be resisted.
EE4 - BROWNFIELD SITE	Not applicable.	
T1 - ENSURING HIGHWAY SAFETY	<ul style="list-style-type: none"> <li>• 8 - Transport and Accessibility.</li> <li>• 39 - Transport, Accessibility and Parking.</li> </ul>	<p>Policy 8 of the CLPKP promotes Sustainable Travel and requires that safe and suitable access to a site can be achieved and that site layouts minimise potential conflict between pedestrians, cyclists and vehicles.</p> <p>Policy T1 seeks to ensure Highway Safety by ensuring appropriate levels of off-street parking so that pedestrian access is not impeded and is therefore compliant with Policy 8 in this regard.</p>

**TABLE 4: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES – ADOPTED CDC SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT (SA DPD)**

POLICY NAME	EMERGING CDC SA DPD POLICY	COMMENTS
EH1 - PROTECTION OF HERITAGE ASSETS	Not applicable	The Site Allocations Development Plan Document, adopted 22 January 2019, identifies specific sites within the District Council's area for development. There are no topic-based or cross-cutting policies in the SA DPD, and therefore conformity of the Neighbourhood Plan with the majority of the policies is not applicable.
EH2 - PROTECTION OF NATURAL ENVIRONMENT	Not applicable	
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	Not applicable	
EH4 - LOCAL GREEN SPACES	Not applicable	
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Not applicable	
EH6 - STREET LIGHTING	Not applicable	
Ci1 - REDUCING AND AVOIDING FLOOD RISK	Not applicable	
Ci2 - CONNECTION TO TECHNOLOGY NETWORKS	Not applicable	
H1 - ALLOCATED HOUSING DEVELOPMENT SITE	PL1	Policy H1 allocates the development site to provide 11 dwellings to meet the indicative housing number of a minimum of 10 units, to meet the identified local need. This is a different site from that allocated in the Site Allocations DPD.
H2 - HOUSING DEVELOPMENT WITHIN THE IFOLD SETTLEMENT BOUNDARY	Not applicable	The Site Allocations DPD identifies specific sites within the Council's area for development. There are no topic-based or cross-cutting policies in the SA DPD, and therefore conformity of the Neighbourhood Plan with the majority of the policies is not applicable.
H3 - AFFORDABLE HOUSING	Not applicable	
H4 - HOUSING DENSITY AND DESIGN PRINCIPLES	Not applicable	
EE1 - LIVE/WORK FACILITIES	Not applicable	
EE2 - SUPPORTING THE LOCAL ECONOMY	Not applicable	
EE3 - RETAIL SHOP PREMISES	Not applicable	
EE4 - BROWNFIELD SITE	Not applicable	
T1 - ENSURING HIGHWAY SAFETY	Not applicable	

**TABLE 5: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES - SOUTH DOWNS NATIONAL PARK LOCAL PLAN (2014-2033), adopted 2<sup>nd</sup> July 2019.**

POLICY NAME	SDNP LOCAL PLAN POLICY	COMMENTS
EH1 - PROTECTION OF HERITAGE ASSETS	SD12, SD13, SD15, SD16	Policy EH1 encourages development where it is demonstrated that such development will not adversely impact upon the unique character, heritage or setting of the heritage assets. This is in conformity with policies SD12, SD13, SD15 and SD16.
EH2 - PROTECTION OF NATURAL ENVIRONMENT	SD1, SD4, SD9	Policy EH2 seeks to conserve the landscape and scenic beauty of the South Downs National Park and the setting the Parish gives to the National Park. This conforms with the aim of policy SD1. This also conforms to the aim of policy SD4 which aims to conserve and enhance landscape character. Policy EH2 seeks to conserve or enhance biodiversity within designated nature conservation areas in conformity with policy SD9.
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	SD11	Policy EH3 seeks to resist the loss of trees, hedges and landscape features, which conforms with policy SD11.
EH4 - LOCAL GREEN SPACES	SD47	No Local Green Spaces are identified within the National Park Plan that are also within the Neighbourhood Plan area, and vice versa. There is no conflict between the policies therefore.
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	SD8	Policy SD8 requires proposals to demonstrate that all opportunities to reduce light pollution have been taken, and where lighting cannot be avoided, should be demonstrated to be necessary and appropriate for its use. Policy EH5 is in general conformity with this policy.
EH6 - STREET LIGHTING	SD8	Policy EH6 only allows street lighting on the grounds of safety, when demonstrated to be necessary under the terms of policy SD8. There is general conformity between these policies.
Ci1 - REDUCING AND AVOIDING FLOOD RISK	SD49, SD50	Policy SD49 is aimed at reducing flood risk. The policy is therefore in conformity with SD49. Policy Ci1 also requires the use of SuDS in conformity with policy SD50.
Ci2 - CONNECTION TO TECHNOLOGY NETWORKS	SD44	Both policies Ci2 and SD44 require new residential and other buildings development to be served by new technology such as superfast broadband. There is therefore conformity between these policies.
H1 - ALLOCATED HOUSING DEVELOPMENT SITE	Not applicable	

**TABLE 5: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES WITH THE STRATEGIC DEVELOPMENT PLAN POLICIES - SOUTH DOWNS NATIONAL PARK LOCAL PLAN (2014-2033), adopted 2<sup>nd</sup> July 2019.**

POLICY NAME	SDNP LOCAL PLAN POLICY	COMMENTS
H2 - HOUSING DEVELOPMENT WITHIN THE IFOLD SETTLEMENT BOUNDARY	Not applicable	
H3 - AFFORDABLE HOUSING	SD28	Policy SD28 seeks to deliver affordable houses on a “sliding scale” dependent upon the total number of units delivered. It is unlikely any sites would come forward within The Plan area that falls within the SDNP.
H4 - HOUSING DENSITY AND DESIGN PRINCIPLES	SD5, SD31	Policy H4 is in broad conformity with SD5 in that both policies seek the incorporation of landscaping consistent with local character, and ensuring design which is appropriate and sympathetic to its setting in terms of a number of criteria including height, massing, density, materials, and detailing. Policy SD31 seeks to control the impact of extensions and the provisions of annexes and outbuildings. The policy contains a floor area increase limitation, but otherwise requires development to respect the character of the area and not be detrimental to the amenities of the adjoining properties. Policy H4 is broadly in conformity with SD31.
EE1 - LIVE/WORK FACILITIES	Not applicable	
EE2 - SUPPORTING THE LOCAL ECONOMY	SD34, SD35, SD41	Policy EE2 seeks to resist the loss of employment generating uses and supports small scale start-ups and enterprises. Rural businesses will also be supported, as will the re-use of redundant agricultural buildings. This policy is in conformity with policies SD34, SD35 and SD41.
EE3 - RETAIL SHOP PREMISES	Not applicable	
EE4 - BROWNFIELD SITE	Not applicable	
T1 - ENSURING HIGHWAY SAFETY	SD19, SD21, SD22	Policy T1 seeks to ensure highway safety through a number of measures, in general conformity with policies SD19, SD21 and SD22.

**TABLE 6: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES EH2, EH3 and EH5 WITH THE HABITAT REGULATION ASSESSMENT (HRA) - (23 April 2019).**

POLICY NAME	NATURAL ENGLAND RECOMMENDATION	COMMENTS
EH2 - PROTECTION OF NATURAL ENVIRONMENT	Policy EH2 – Protection of Natural Environment should include reference to the need for a Construction Environmental Management Plan.	Inserted into Policy EH2 – Justification: <i>A Construction Environmental Management Plan (CEMP) incorporates management systems for development projects. A CEMP sets out the policies and environmental controls required to ensure that the environmental impacts are minimised. It highlights the key activity, specific risks, detail control measures, and makes reference to all associated forms and registers where required.</i>
EH2 - PROTECTION OF NATURAL ENVIRONMENT	Policy EH2 – Protection of Natural Environment should include reference to the need for a Construction Environmental Management Plan.	Inserted into Policy EH2: <i>These surveys may result in a need for a Construction Environmental Management Plan.</i>
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	Policy EH3 – Protection of trees, woodlands and natural vegetation should include reference to the relevance of trees and hedgerows for flight-lines and foraging paths for bats as well as a need to secure an appropriate buffer from development.	Policy EH3 Justification – Amended: <i>The retention of tree cover, hedges and natural vegetation assist with drainage in the heavy Wealden clay soil and protect the parish biodiversity including protected species. Ebernoe Common, a Special Area of Conservation (SAC), and the Mens (SAC) are less than 7km away from the Neighbourhood Plan area, and have been protected for, amongst other things, their rare bat species (Barbastelle and Bechstein). The Parish woodlands and hedgerows provide suitable flight lines and foraging habitat for these rare species. Therefore, the effects of any development will need to be considered in relation to the conservation features and overall integrity of these sites under the Habitat Directive.</i>
EH3 - PROTECTION OF TREES, WOODLANDS AND NATURAL VEGETATION	Policy EH3 – Protection of trees, woodlands and natural vegetation should include reference to the relevance of trees and hedgerows for flight-lines and foraging paths for bats as well as a need to secure an appropriate buffer from development.	Inserted to Policy EH3: <i>Development that results in the loss of trees, woodlands, hedgerows and natural vegetation in the Parish that support or are in proximity to commuting and foraging habitat of protected species will be resisted.</i> <i>In addition, a suitable buffer to safeguard from disturbance to protected species and their habitat will be required.</i>
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Policy EH5 – Lighting Emissions should include reference to the need to reduce lighting for the benefit of important local bat communities.	Policy EH5 renamed to be EH5 - Artificial Light Emissions (External And Internal Lighting On Buildings And Structures).  Objectives amended to include: <i>To encourage the incorporation of features into development designed which are beneficial to wildlife, and in particular to our important native endangered and rare bat population.</i>

**TABLE 6: CONFORMITY OF NEIGHBOURHOOD PLAN POLICIES EH2, EH3 and EH5 WITH THE HABITAT REGULATION ASSESSMENT (HRA) - (23 April 2019).**

POLICY NAME	NATURAL ENGLAND RECOMMENDATION	COMMENTS
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Policy EH5 – Lighting Emissions should include reference to the need to reduce lighting for the benefit of important local bat communities.	<p>Policy EH5 Justification amended to include: Dark skies at night is part of what makes the countryside unique. The parish is rural and has a high concentration of nocturnal wildlife including protected species, <i>in particular a large bat population which includes rare species</i>.</p> <p>Accordingly, the Parish seeks to ensure that lighting on commercial and residential buildings does not contribute to light pollution and ruin the tranquil character of the parish. Light pollution not only waste energy, costs money and impacts on wildlife, it can even affect our health. Lights could attract and disorientate wildlife <i>and in particular our local bat population</i>.</p> <p><i>Ebernoe Common, a Special Area of Conservation (SAC), and the Mens (SAC) are less than 7km away from the Neighbourhood Plan area, have been protected for, amongst other things, two rare bat species (Barbastelle and Bechstein). The Parish woodlands and hedgerows provide commuting routes and foraging habitat.</i></p> <p><i>The policy is intended to encourage developers, architects, lighting designers and ecological consultants to provide nonobtrusive lighting designs when preparing proposals for any development which incorporates an element artificial lighting outdoors. Consideration should also be given to possible obtrusive lighting from interior lights.</i></p>
EH5 - ARTIFICIAL LIGHT EMISSIONS (EXTERNAL LIGHTING ON BUILDINGS AND STRUCTURES)	Policy EH5 – Lighting Emissions should include requirements to minimise light spill from internal lighting.	<p>Inserted into Policy EH5:  <i>Design of new development, extensions or redevelopment should provide effective measures to reduce light spill from internal lighting.</i></p>

## 5. TCPA 1990 Paragraph 8(2f) COMPATIBILITY WITH EU OBLIGATIONS

- 5.1 Section 4B paragraph 8(2f) of the Town and Country Planning Act 1990 states that a Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with European Union 'Strategic Environmental Assessment' (SEA) obligations.
- 5.2 The Parish Council submitted initial versions of the plan to CDC for Strategic Environmental Assessment (SEA) screening. Following the consideration of the plan by CDC, the Neighbourhood Plan was 'screened in' as requiring an SEA process. The formal decisions issued by CDC can be viewed at the following link:  
<http://www.chichester.gov.uk/neighbourhoodplan#Plaistow>
- 5.3 Following screening, a full SEA process was undertaken alongside the Neighbourhood Plan which meets the requirements of Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment' and associated SEA Regulations. This informed and influenced the plan making process at key stages of plan development.
- 5.4 Subsequent to screening, an SEA Scoping Report was prepared and released for consultation with the statutory bodies for SEA, the Environment Agency, Historic England, and Natural England. This presented the proposed scope of the SEA process.
- 5.5 Following the scoping stage of the SEA process, reasonable alternatives were developed and appraised, and an assessment of early drafts of the Neighbourhood Plan were undertaken.
- 5.6 An SEA Environmental Report was then prepared to accompany Regulation 14 consultation on the Neighbourhood Plan. This presented the information required by the SEA Regulations. The Environmental Report was then subsequently updated for submission.
- 5.7 In Habitats Regulations Assessment discussions with CDC, it was confirmed that there were no European Sites in or near the Neighbourhood Plan Area that would require a Habitat Regulation Assessment.
- 5.8 The Habitats Directive (92/43/EEC) and Wild Birds Directive (2009/147/EC) are incorporated into national law by the Conservation of Habitats and Species Regulations 2010. The Directives aim to protect and improve Europe's most important habitats and species. They provide for the designation and protection of European sites. Following initial screening by CDC, a Habitats Regulations Assessment (HRA) was undertaken. The HRA determination was then prepared in early 2019, and has accompanied the Neighbourhood Plan for independent examination.
- 5.9 The Neighbourhood Plan therefore does not breach, and is otherwise compatible with, EU obligations.



## **6. TCPA 1990 Paragraph 4B (6) COMPATIBILITY WITH CONVENTION RIGHTS**

- 6.1 Section 4B (6) states that the Examiner will not consider any matter that does not fall within sub-paragraph 4B (1) apart from considering whether the Neighbourhood Plan is compatible with Convention Rights.
- 6.2 The Plaistow and Ifold Parish Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the EU convention on human rights. The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below. The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided in law and by the general principles of international law. Article 8 states that Everyone has the right to have respect for his private and family life, his home and his correspondence and that there shall be no interference by a public authority in the exercise of this right except when in accordance with the law or is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 6.4 The Submission Neighbourhood Plan is fully compatible with the rights outlined in these Articles. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 6.5 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received. Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group or individuals.
- 6.6 This is addressed further in the EqIA (Section 8).

**7. ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT**

- 7.1 At the heart of the plan making process has been the presumption in favour of sustainable development. This has been the golden thread running through both plan-making and decision-taking.
- 7.2 To help ensure that the plan has contributed to the achieving of sustainable development, a Strategic Environmental Assessment process has been undertaken alongside plan preparation. The SEA process has been discussed under ‘Compatibility with European Obligations’ above.

**8. EQUALITY IMPACT ASSESSMENT (EqIA)**

- 8.1 Under the Equality Act 2010, public bodies must have due regard to the need to:
  - Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act; and
  - Advance equality of opportunity and foster good relations across all protected characteristics (with the exception of marriage and civil partnership).
- 8.2 They also need to publish information showing how they are complying with this duty. The Act defines nine protected characteristics. These are:
  - Age
  - Disability
  - Gender Reassignment
  - Marriage and Civil Partnership
  - Pregnancy and Maternity
  - Race
  - Religion and Belief
  - Sex (Gender)
  - Sexual Orientation

**PART 1**

<p><i>What is it about?</i>  <i>What is the proposal?</i>  <i>What outcomes/benefits are you hoping to achieve?</i></p>	<p>The Neighbourhood Plan sets out the local planning policy framework for Plaistow and Ifold Parish until 2029 providing planning policy which will form part of the development plan for the area and will be used to determine planning applications.</p>
<p><i>Who is it for?</i></p>	<p>Developers, planning agents, architects, landscape architects, drainage engineers, highway engineers, the general public, the Parish Council, statutory undertakers, statutory consultees, resident interest groups, CDC-Development management officers, highways, master planning and design, planning policy officers, members of the planning committee and other stakeholders          The above reflects all parties that may be involved or have an interest in promoting and securing development in Plaistow and Ifold Parish.</p>

**PART 2**

<p><i>How will this proposal meet the equality duties?</i></p>	<p>The submission Neighbourhood Plan details the principles established by the Chichester Local Plan for the development of the district. These plans have been subject to equalities assessment.</p> <p>The policies put forward in the Neighbourhood Plan are in general conformity with the Chichester Local Plan.</p> <p>In addition, the policies have been prepared so as to be inclusive of all aspects of the community.</p> <p>Throughout the preparation of the NP, the steering group has been working with a range of stakeholders and delivery partners to ensure broad support and to identify any particular bias through earlier consultations.</p> <p>Details of the extensive engagement with the local community may be found within the Consultation Statement that accompanies this submission of the Plaistow and Ifold Parish – Neighbourhood Plan.</p>
<p><i>How can you involve your customers in developing the proposal?</i></p>	<p>Stakeholders and delivery partners should find the information in the Plaistow and Ifold Parish - Neighbourhood Plan easy to understand. There are some principles and concepts which may seem more remote to members of the public however the Neighbourhood Plan document must meet the Regulations laid out in law so must meet certain tests.</p>
<p><i>Who is missing? Do you need to fill any gaps in your data?</i></p>	<p>The approach detailed seeks to ensure the community has and will continue to have access to a range of services and facilities that are consistent with the parish character as well as helping to provide excellent open space facilities. Policies in the Plaistow and Ifold Parish - Neighbourhood Plan seek to retain and enhance existing facilities and infrastructure.</p>

**PART 3 – IMPACT**

*Refer to dimensions of equality and equality groups. Show consideration of: age, disability, sex, transgender, marriage/civil partnership, maternity/pregnancy, race, religion/belief, sexual orientation and if appropriate: financial economic status, homelessness, political view. Using the information in Parts 1 & 2:*

<p><i>a) Does the plan create an adverse impact which may affect some groups or individuals? Is it clear what this is? How can this be mitigated or justified?</i></p>	<p>The objectives within the Policies in the Plaistow and Ifold Parish - Neighbourhood Plan seek to conserve and enhance existing assets valued by the community. The NP positively supports retention of existing facilities and the delivery of additional housing in conjunction with the creation of new employment opportunities which will encourage greater social inclusion and community cohesion. Good design will support delivery of a built environment which is safe and secure, so reducing the fear of crime and enhance community safety.</p> <p>On balance, the Plaistow and Ifold Parish - Neighbourhood Plan should not have an adverse impact on equality groups.</p>
<p><i>What can be done to change this impact?</i></p>	<p>No impact identified.</p>
<p><i>b) Does the proposal create benefit for a particular group? Is it clear? What this is? Can you maximise the benefits for other groups? Does the activity have potential to make a positive contribution to equalities?</i></p>	<p>The planning system and national/local planning policies exist to ensure that planning is carried out in a consistent, fair and transparent manner. Consultation is a statutory requirement and as part of the plan making process as is the Duty to Cooperate with other bodies, allowing everyone the opportunity to comment. Consultation with all groups with a perceived interest, has been extensive in this process – refer to consultation statement.</p>
<p><i>Does further consultation need to be done? How will assumptions made in this analysis be tested?</i></p>	<p>None has been identified.</p>

**PART 4 – SO WHAT?**

<p><i>What changes have you made in the course of this EqIA?</i></p>	<p>None</p>
<p><i>What will you do now and what will be included in future planning?</i></p>	<p>Consultation on the Regulation 15(1) submission of the Plaistow and Ifold Parish - Neighbourhood Plan will take place by the local planning authority, Chichester District Council, in line with the Statement of Community Involvement (SCI) and as per <i>The Neighbourhood Planning (General) Regulations 2012</i>. The SCI sets out the requirements for consultation on planning documents to ensure continuous community involvement with statutory and other stakeholders in the preparation of planning documents.</p>

**DEFINITIONS OF PROTECTED CHARACTERISTICS UNDER THE EQUALITY ACT 2010**

<b>Age</b>	A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds)
<b>Disability</b>	A person has a disability if she or he has a physical or mental impairment, which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.
<b>Gender Reassignment</b>	The process of transitioning from one gender to another.
<b>Marriage and civil partnership</b>	<p>Marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple.</p> <p>Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples (except where permitted by the Equality Act).</p>
<b>Pregnancy and maternity</b>	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.
<b>Race</b>	Refers to the protected characteristic of Race. It refers to a group defined by their race, colour, and nationality (including citizenship) ethnic or national origins.
<b>Religion and belief</b>	Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.
<b>Sex</b>	A man or a woman.
<b>Sexual Orientation</b>	Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

Source: Equality and Human Rights Commission website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Date of Assessment: July 2018