



# Kingston Parish

## Neighbourhood Plan 2014-2029

### Basic Conditions Statement



Published by Kingston Parish Council under the Neighbourhood Planning (General) Regulations 2012 and EU Directive 2001/42 on Strategic Environmental Assessment (where applicable)

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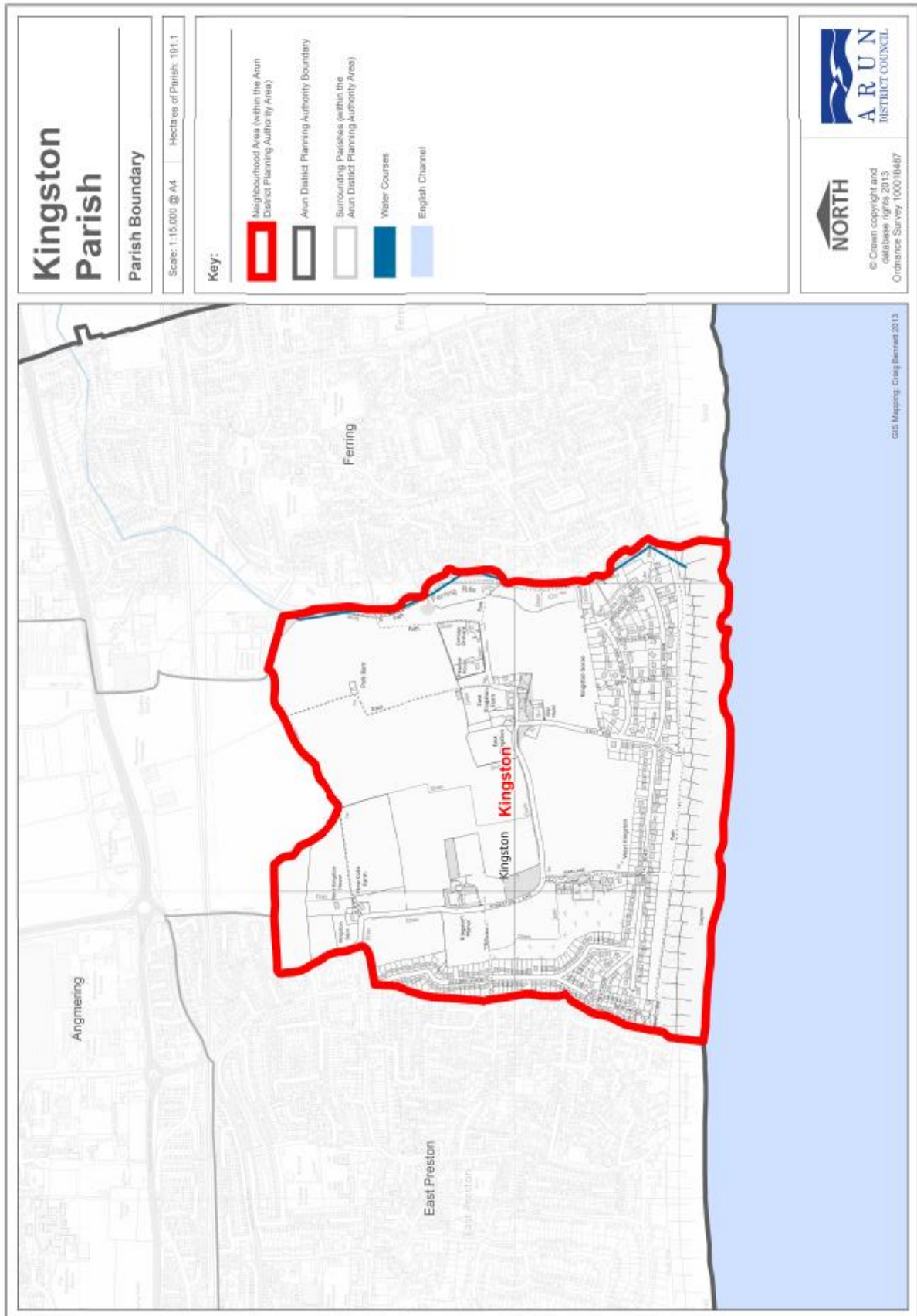


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## 1. Neighbourhood Plan Area Designation





## 2. Introduction

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

2.2 The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Kingston, as designated by the Local Plan Sub-Committee of Arun District Council on 18<sup>th</sup> October 2012 (see map page 1).

2.3 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from the 1st January to 31 March 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 submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

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 plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

## 3. Background

At the outset of the Neighbourhood Planning Process it was recognised that the principles of sustainable development should underpin the development of policies and projects. The National Planning Policy Framework 2012 sets out how planning should consider people, place and prosperity, which accorded with the original social, environmental and economic goals of sustainable development which have been embedded in policy since the Rio Earth Summit of 1991. Public meetings were set up to address social, economic and environmental issues in a considered way.

It was also recognised from the very beginning that the Neighbourhood Plan needed to be evidence based in line with the basic principles of sound planning.

From the outset the community did not have the funds to commission a ‘professional’ evidence base. More importantly, as a matter of principle it was felt that evidence should be gathered by the



people of the Parish rather than external consultants. This would give local people a better understanding of the issues that affect the parish that they live in.

An application to have Kingston Parish designated as a Neighbourhood Area, under Part 2 of the Neighbourhood Planning (General) Regulations 2012, was formally lodged with Arun District Council on 30<sup>th</sup> August 2012 and was approved on 18<sup>th</sup> October 2012.

The Steering Group was formed from volunteers at the first public meeting on 24<sup>th</sup> May 2012, a Chairman was selected at the first meeting of the Steering Group on 25<sup>th</sup> June 2012, and relevant themes and issues discussed along with an outline timetable and budget.

The Steering Group, had regular meetings to decide the important main issues affecting Kingston Parish and its residents. Having recognised these main issues the Steering Group then divided into working groups and met to determine and research the topics within these issues. Three Working Groups were set up at the subsequent meeting on 30<sup>th</sup> July 2012.

The main Themes and Issues identified were:

- Facilities / Amenities
- Access; Roads and Transport
- Health and Wellbeing
- Policing and Security
- Flooding, Drainage and Coastal Defence
- Land Use
- Environment – Coastline / The Ferring Rife / Conservation

Following the research, and after further debate, by December of 2012, in conjunction with Action in Rural Sussex (AIRS), they had prepared a survey, consisting of both closed and open-ended questions, using issues and topics the community felt needed addressing. It was felt important to support subjective reasoning in order to fully understand certain issues and to allow people to explain their reasoning or preferences.

This survey was distributed to every household, landowner and stakeholder for completion.

Following this consultation survey the results were used to:

- Develop a shared vision for Kingston Parish
- Identify and influence where, if any, new homes could be built
- Influence the type, design, modification and extension of present housing
- Identify important amenities such as green spaces and ensure they are protected.

In total 300 questionnaires were sent out, a total of 117 were returned, which is a response rate of 39%. Considering there are many holiday homes in the Parish, this response rate was considered above average for surveys of this nature.

The responses and feedback following the questionnaire and open day's can be seen in the Consultation Document which accompanies this submission, as can the Reg. 14 Representation's and actions taken as a consequence.

The results were analysed by the Steering Group and definitive issues and topics were adopted and a draft consultation Neighbourhood Plan was produced.

Reference material and organisations used to research these issues and topics were as follows:



- Action in Rural Sussex (Neighbourhood Plan Service)
- Agricultural Land Classification of England and Wales – Section 2; Grades & Subgrades
- Arun Co-Ordinated Community Transport
- Arun District Council Core Strategy Development Plan Document
- Arun District Council Local Plan 2003
- Arun District Council Draft Local Plan 2013-2028 Consultative Document (2012)
- Arun District Council Publication Version of the Local Plan (Jan 2014)
- Arun District Council Strategic Housing Market Assessment validation (Oct 2013)
- Arun Employment & Economic Land Assessment (2010)
- Arun Green Infrastructure Plan (May 2012)
- Arun Local Development Scheme Framework (2009 – 2012)
- Arun Neighbourhood Planning Toolkit
- Arun Soil and Agricultural Land Assessment Study (2013)
- Arun Strategic Flood Risk Assessment (2008)
- *Best of Both Worlds* website (Dog Controls)
- Blueflag.org (Beaches & Water Quality)
- Community Profile for Kingston Parish (2011)
- Countryside and Rights of Way (CROW) Act (2000)
- Department for Communities and Local Government “Notes on Neighbourhood Planning”
- English Heritage
- Environment Agency Flood Map
- Forestry Commission ‘Advice Notes’ on Neighbourhood Planning
- Gypsy & Travelling Showpeople Accommodation Assessment (Coastal West Sussex Authorities)
- Housing Land Supply Assessment FINAL (May 2012)
- Kingston Design Statement 2011 v.2
- Kingston Parish Community Survey (2013)
- Localism Act 2010
- Mobile Operators Association
- National Planning Policy Framework (2012) & NPPG (2013)
- National Planning Regulations Consultation (2012)
- National Research Council: National Forum of Biological Diversity (1986)
- Natural England (National Character)
- Numerous Arun District Council Background Documents (Background Studies)
- Rural Place Profile for Kingston Parish (2013)
- Safer Arun Partnership
- Strategic Housing Land Availability Assessment (Updated 2012 + 2013)
- Strategic Housing, Parish & Town Council Allocations (Policy document SP8)
- Sustainability Appraisal (2013-2028)
- Sustainable Energy Assessment
- The University of Durham 2009 study on ‘Land Sink’ in Southern England
- TVRIGS.org.uk website (Geodiversity)
- Various “Front Runner” Neighbourhood Plans
- West Sussex County Council Landscape Character Guidelines
- West Sussex County Council Transport Plan (2011-2026) (2011)
- West Sussex County Council: Sites of Nature Conservation Importance Initiative
- West Sussex County Council: Superfast Broadband - Plans
- West Sussex County Council: Traffic Regulation Orders
- Wild Farm Alliance Briefing papers: Agricultural Cropping Patterns: Integrated Wild Margins



The Steering Group have worked with officers of ADC during the preparation of the Neighbourhood Plan. The positioning of the Neighbourhood Plan in respect of the emerging development plan, which proposes to establish a clear policy framework for neighbourhood plans, has been difficult. Progress on the new Arun Local Plan was delayed in May 2013 when ADC did not approve the submission of the Plan for examination.

A number of saved policies of the 2003 Local Plan continue to provide a valid policy framework for the Neighbourhood Plan and these have been referenced alongside each proposed policy, along with a reference to the emerging Arun local Plan 2014-2029 and the national Planning Policy Framework 2012.

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

## 4. Conformity with National Planning Policy

### Statement of Conformity

This Neighbourhood Plan has been prepared to conform to national policies as set out in the National Planning Policy Framework 2012 (NPPF), para's 150 to 157, and has a presumption in favour of sustainable development. It is also mindful of the Beta version of the National Planning Practice Guidance (NPPG) published by the Department of Communities & Local Government (DCLG) in August 2013 in respect of formulating neighbourhood plans.

The Submission document, Pre-Submission and Consultation documents that preceded it, all include a specific NPPF conformity reference for each policy and, where relevant, further reference in the supporting text.

Set out below is a brief summary of how the policies conform to the NPPF. The particular paragraphs referred to in the following are those considered the most appropriate to KPNP policies, but are not intended to be an exhaustive list of all possible relevant paragraphs:

- Sustainable Development – para's 14 & 15
  - *Presumption in favour of sustainable development*
- Prosperous Rural Economy – para 28
  - *Promote the development and diversification of agriculture and other land based rural businesses*
- High Quality Communications Structure – para 43
  - *....should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network.*
- Good Design – para's 58 & 60
  - Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such



policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.
- Promote Healthy Communities – para 69
    - *safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
    - *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*
  - Protecting Green Infrastructure – para's 80, 81, 87 & 89
    - *Green Belt serves five purposes:*
      - 1) *to check the unrestricted sprawl of large built-up areas;*
      - 2) *to prevent neighbouring towns merging into one another;*
      - 3) *to assist in safeguarding the countryside from encroachment;*
      - 4) *to preserve the setting and special character of historic towns; and*
      - 5) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
    - *Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.*
  - Meeting the Challenge of Climate Change, Flooding and Coastal Change – para 100
    - Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to





people and property and manage any residual risk, taking account of the impacts of climate change, by:

- 1) *applying the Sequential Test;*
  - 2) *if necessary, applying the Exception Test;*
  - 3) *safeguarding land from development that is required for current and future flood management;*
  - 4) *using opportunities offered by new development to reduce the causes and impacts of flooding; and*
  - 5) *where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.*
- **Conserving and Enhancing the Natural Environment – para’s 109, 114, 116, 117 & 120**
    - *109 - The planning system should contribute to and enhance the natural and local environment by:*
      - 1) *protecting and enhancing valued landscapes, geological conservation interests and soils;*
      - 2) *recognising the wider benefits of ecosystem services;*
      - 3) *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
      - 4) *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
      - 5) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*
    - *114 - Local planning authorities should:*
      - 1) *set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and*
      - 2) *maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.*
    - *116 - Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*
      - 1) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
      - 2) *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
      - 3) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
    - *117 - To minimise impacts on biodiversity and geodiversity, planning policies should:*
      - 1) *plan for biodiversity at a landscape-scale across local authority boundaries;*
      - 2) *identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;*



- 3) *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;*
- 4) *aim to prevent harm to geological conservation interests; and*
- 5) *where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.*

## 5. Strategic Environmental Assessment (SEA)

SEA's are produced to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development. Showing how the plan "contributes to the achievement of sustainable development" is one of the 'basic conditions' of the 1990 Act and therefore a requirement of the Kingston Parish Neighbourhood Plan.

However, comment received from Arun District Council on 18<sup>th</sup> July 2013 states:

*An environmental assessment (under Directive 2001/42) of the Kingston Parish Neighbourhood Plan (KPNP) is not required on the basis that:*

- *There are no sites being allocated for development within the proposed Neighbourhood Plan; and*
- *There are sufficient measures factored into the Plan that there will be no significant environmental impact.*

The Arun District Council conclusion went on to say:

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

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

## 6. Sustainable Development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, the most important of which to Kingston Parish is the latter:

**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.



## 7. Conformity with Arun Local Plan

This Neighbourhood Plan conforms to the strategic policies (prefixed 'SP') listed in the Arun Local Plan 2003, the draft Plan 2012, and the emerging Publication Version of the Arun Local Plan 2014 (para 2.4)

## 8. Compatibility with EU Legislation

8.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

8.2 A screening opinion was issued by ADC in July 2013, which advised that the Neighbourhood Plan did not need an environmental assessment to be prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA) on the basis that:

- There are no sites being allocated for development within the proposed neighbourhood Plan; and
- There are sufficient measures factored into the Plan that there will be no significant environmental impact.

8.3 The Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an Appropriate Assessment under the EU Habitats Regulations.