

YAPTON NEIGHBOURHOOD PLAN: MODIFIED VERSION

BASIC CONDITIONS STATEMENT

September 2021

1.INTRODUCTION

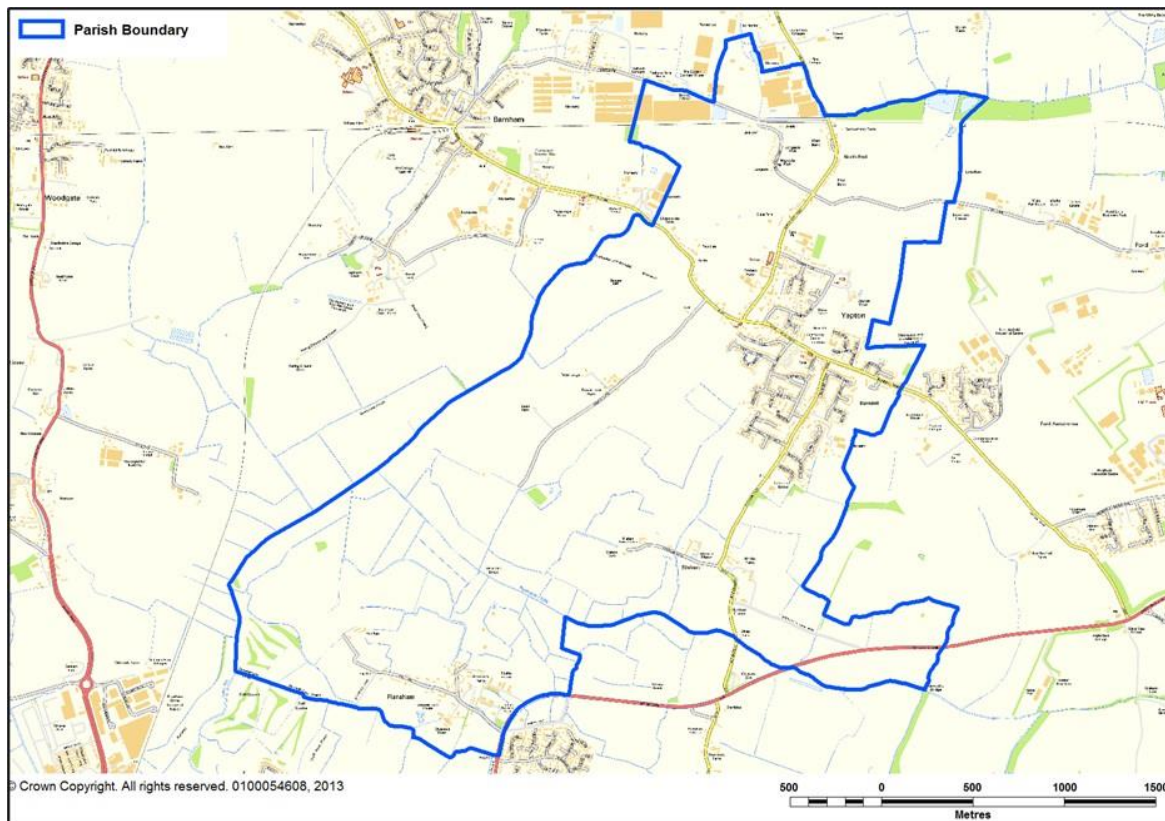
1.1 This statement has been prepared by Yapton Parish Council ("the Parish Council") to accompany its submission of the Modified Version of the Yapton Neighbourhood Plan ("the Modified Plan") to the local planning authority, Arun District Council (ADC), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

1.2 The Modified Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area, which coincides with the boundary of the Parish and which was designated by ADC in November 2012 (see Plan A overleaf). The Yapton Neighbourhood Plan ("the Made Plan") was made by ADC on 5 November 2014.

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations (as amended) 2012 for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulations 14 and 15 are amended to require the qualifying body to publish a statement alongside the modification proposal at the Pre-Submission stage and alongside the neighbourhood development plan as proposed to be modified at the Submission stage respectively:

"setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion".



Plan A: Yapton Designated Neighbourhood Area

1.5 The Parish Council published its Modification Proposal and Modification Proposal Statement in January 2021 for eight weeks due to social distancing restrictions rather than the statutory minimum six-week consultation period in accordance with Regulation 14 as amended. The representations made on those documents have been analysed to inform some minor amendments to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).

1.6 This Basic Conditions Statement, as per Regulation 15 (1)(d), sets out how the modification proposal meets the basic conditions requirements of how the neighbourhood development plan meets the requirements of paragraph 11 of Schedule A2 to the Planning & Compulsory Purchase Act 2004. Specifically, the Regulations state that the Modified Plan will be considered to have met the conditions if:

- A. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to modify the made Neighbourhood Development Plan,
- B. The modification of the made Neighbourhood Development Plan contributes to the achievement of sustainable development,
- C. The modification of the made Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- D. The modification of the made Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations.

1.7 Although the Modified Plan is submitted in full, this Statement focuses solely on how the two new policies and the other modified policies meet those tests, rather than revisit policies of the made Plan that remain unmodified. The new and modified policies described in the Neighbourhood Plan continue to relate to the development and use of land in the designated Neighbourhood Area. They do not relate to 'excluded development', as defined by the Regulations, and they will apply for the new plan period to 31 March 2031.

1.8 The submission documents comprise:

- The Modified Plan (incorporating the modified Policies Map)
- The Basic Conditions Statement (including a statement from ADC on the re-screening of the Modified Plan in relation to EU obligations on Strategic Environmental Assessment and Habitats Regulations Assessment)
- The Consultation Statement
- The Modification Proposal Statement

2.CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 The Modified Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2021. The review of the Made Plan has taken into account how that version modified the 2012 version of the NPPF, against which the Made Plan was assessed. Account has also been taken of the Planning Practice Guidance (PPG) where relevant.

2.2 Set out in Table A below is the analysis of how the two new and other modified policies of the Modified Plan have had regard to the NPPF:

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref.	Commentary
BB1	Built-up Area Boundary	21, 16(d)	This modified policy provides a 'clear starting point' for the operation of non-strategic policies in the Neighbourhood Area. The policy updates the Built-up Area Boundary to accommodate planning decisions and retain clarity as to how and where policies should apply.
H1, SA1 & SA2	Housing Requirement, Land north of Yapton CE Primary School, Cinders Lane	66	This modified policy reflects the indicative housing figure provided by ADC as requested by the Parish Council, given this modification has taken place after relevant strategic policies have been adopted in the ALP.
H4	Quality and Design	126, 127, 128	This new policy reflects the increasing emphasis placed on design quality by the NPPF, the National Design Guide and National Model Design Code and other Government initiatives to encourage better standards of design in new development. There is now a clearer expectation that Neighbourhood Plans play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The policy therefore sets out a clear design expectation, so that applicants have as much certainty as possible about what is likely to be acceptable. Its content reflects local aspirations and is grounded in an understanding and evaluation of the area's defining characteristics. Its level of detail and degree of prescription has been tailored to the circumstances in the different settlements in the parish but

			allows a suitable degree of variety where this would be justified.
H5	Energy Efficiency / Environmental Sustainability	152	This new policy reflects the increasing importance of the planning system supporting our transition to a low carbon future in a changing climate. It is intended to make a local contribution to helping shape the Parish in ways that will lead to reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.
E1	Protection of high value agricultural land	174	This modified policy identifies the landscape sensitivity of Yapton's rural, agricultural setting and seeks to safeguard its value.
E2	Protection and maintenance of local green spaces	102	This modified policy proposes an additional candidate space at Land north of Navigation Drive, which is considered to meet the qualifying tests.
E4	Minimising the environmental impact of development	174,179	The modified policy recognises the 'wider benefits from natural capital...including trees' and seeks to encourage improvements and their retention to contribute to and enhance the natural local environment.
E5	Retention and enhancement of biodiversity	174, 179	The modified policy requires enhancements to biodiversity to secure a measurable net gain in biodiversity value.
E6 & E10	Green infrastructure and development & The Former Portsmouth and Arundel Canal	106, 175, 179	The modified policies identifies a series of green and blue infrastructure attributes of the area that are especially important to its biodiversity value. The area also benefits from an extensive network of public rights of way and other informal walking, cycling and riding routes. The policy seeks to protect those routes from unnecessary loss or obstruction and to encourage suitably located development schemes to respond positively to opportunities to improve route connectivity.
E7	Protection of allotment and communal orchard space	99	The modified policy now identifies allotment and communal orchard spaces on the Policies Map and seeks to protect them as open space that should not be built on.
E8	Conservation Areas and Areas of Character	127, 128, 203	The first modified policy identify two Areas of Character, derived from the Area of Character Designation studies at Appendix 2a and 2b of the Plan, which describes the value of each area. The policy also identifies the special qualities of the Conservation Areas and Areas of Character to bring clarity about design expectations effectively providing a framework to deliver consistent and high-quality design.
E9	Listed Buildings, Areas of Character and Buildings or Structures of Character		The second modified policy identifies the two Areas of Character as included

			in the list of non-designated heritage assets, modified to include additional buildings identified as set out in Appendix 2 of the Plan, to which the provisions of §203 will apply.
E11	Minimising the impact of flooding from development	16	Given the characteristics of the parish, the policy provisions add local emphasis to those of national and strategic policy and are intended to draw attention to this key matter and are not therefore an unnecessary duplication.
BE1	Commercial premises or land	81	The modified policy encourages the regeneration and intensification of existing employment land to seek its more efficient use.
PK1	Parking standards for new residential development	106	As journeys are essentially by car, the modified policy seeks to ensure that schemes reflect the parking standards for Yapton.
KS1	Maintaining existing health and pharmacy services	93	The modified policy identifies the social, recreational and cultural facilities and services the community needs. It seeks both to protect and enhance those facilities.
KS2	Retention of community facilities		

3.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

3.1 It was determined by ADC that the Made Plan did not have the potential for significant environmental effects and so a Strategic Environmental Assessment was not required. ADC has rescreened the Modified Plan and has reached the same conclusion (see Section 6 below).

3.2 In the absence of an Assessment or Sustainability Appraisal, the sustainability performance of the new and modified policies is set out in Table B below, using a simple noting of positive (+), adverse (-) or neutral (0) effects:

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environ	Commentary
BB1	Built-up Area Boundary	+	0	0	These modified policies will continue to have social benefits in providing for windfall development schemes and the housing site allocations and approved planning applications within the redefined development boundary of the village. In confining development in this way, the policy will protect the essential rural character of the village and its main heritage assets and landscape setting.
H1, SA1 & SA2	Housing Requirement, Land north of Yapton CE Primary School, Cinders Lane				
H4	Quality and Design	+	0	+	This new policy will have positive social and environmental benefits in seeking to control the design of new proposals to suit their location. In doing so, it will maintain the strong local community identity.
H5	Energy Efficiency / Environmental Sustainability	0	0	+	In encouraging proposals to meet the highest possible standards of environmental and energy efficiency this new policy will have a positive environmental benefit.
E1	Protection of high value agricultural land	0	0	+	This new policy will have a positive environmental effect in safeguarding the value of the rural, agricultural setting of Yapton.
E2	Protection and maintenance of local green spaces	+	0	+	This modified policy will continue to have positive social and environmental benefits by protecting the essential open character of spaces that are highly cherished by local residents for their recreational, heritage and amenity value, as well as for their contribution to the open rural character of the village.

E4	Minimising the environmental impact of development	+	0	+	These modified policies will result in positive environmental and social effects given the multi-functional recreational, ecological and climate change roles of natural capital. Policy E6 works in parallel with Policy BB1 which provides for appropriate windfall development, and so there is no adverse economic effect arising from its constraint on development.
E5	Retention and enhancement of biodiversity				
E6	Green infrastructure and development				
E7	Protection of allotment and communal orchard space	+	0	+	The modified policy will result in positive social and environmental effects in providing a social space for local people and in terms of food production. The provision of such spaces may also avoid local people having to travel outside of the Parish.
E8	Conservation Areas and Areas of Character	0	0	+	The modified policies will have a positive environmental effect in helping to ensure that future standards of design reflect the characteristics of the Conservation Areas and Areas of Character and protecting local heritage assets from harmful development that cannot be justified.
E9	Listed Buildings, Areas of Character and Buildings or Structures of Character				
E11	Minimising the impact of flooding from development	0		+	The modified policy will have positive environmental benefits in minimising the impact of flooding from development.
BE1	Commercial premises or land	0	+	+	The modified policy has a positive economic effect by encouraging the retention of existing employment sites. The success of the employment site should result in the community having to avoid travelling out of the Parish for jobs, resulting in positive environmental effects.
PK1	Parking standards for new residential development	+	0	0	The modified policy will have a positive social effect by enhancing the quality of life for residents by restraining growth of chronic on-street parking congestion.
KS1	Maintaining existing health and pharmacy services	+	+	+	Encouraging the viable use and improvement of the local community facilities will have both community and economic benefits as some are commercial. There may also be an environmental benefit if local people can continue to use these facilities rather than have to travel outside the Parish if a facility closes.
KS2	Retention of community facilities				

4. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

4.1 The Made Plan was prepared to ensure its general conformity with the development plan for Arun, that is 'saved' policies of the of the Local Plan of 2003. Since then, the new Local Plan 2018 ('ALP') has replaced it and has established a new strategic policy framework for the district. Table C below considers the general conformity with the relevant ALP policies.

4.2 There is an emerging Local Plan which is in the very early stages of preparation. The District Council has indicated which development management policies it intends to update or amend and this is indicated below. The reasoning and evidence informing the emerging local plan process, where available, is crucial for the long-term success of the Neighbourhood Plan given that in the event of any future conflict the most recent policy takes precedent.

Table C: Neighbourhood Plan & Plan:MK Conformity Summary		
No.	Policy Title & Refs	Commentary
BB1	Built-up Area Boundary	This modified policy is consistent with policies SD SP2 and C SP1 which permit development proposals within the defined built-up area boundaries where they comply with all other relevant policies of the ALP and neighbourhood plans. It now includes approved planning applications.
H1, SA1 & SA2	Housing Requirement, Land north of Yapton CE Primary School, Cinders Lane	This modified policy accords with Policy H SP1 by consolidating the Made Plan and ALP allocations with housing commitments in the village to make a local contribution to the District's housing supply over the plan period.
H4	Quality and Design	This new policy translates policies D DM1 – D DM4 into specific design guidance that acknowledges the different settlements that make up the Parish. It identifies those attributes that define local character and a sense of place. The emerging Local Plan intends to update Policy D DM1 it is simply to include reference to Masterplan making which ought not to undermine the approach of this policy.
H5	Energy Efficiency / Environmental Sustainability	This new policy complements policies ECC SP1, ECC SP2 and ECC DM1 by setting out local actions that development proposals will be expected to take in respect of climate change.

		The emerging Local Plan intends to update these policies and the policy signals the Parish Council's support for the highest possible standards in future policies.
E1	Protection of high value agricultural land	The modified policy supports the provisions of Policy ENV SP1 in encouraging and promoting the preservation, restoration and enhancement of the natural environment.
E2	Protection and maintenance of local green spaces	This modified policy designates a Local Green Space in accordance with the provisions of Policy OSR DM1, but in relation to the NPPF 2021 provisions.
E4	Minimising the environmental impact of development	The modified policy is consistent with and complements Policy ENV DM4 while recognising that they are an essential component in the character of the area and key to addressing the ecological emergency.
E5	Retention and enhancement of biodiversity	The modified policy requires the impacts on biodiversity to be considered consistent with the provisions of Policy ENV DM5 which seek to protect and enhance local biodiversity. The policy also seeks to secure a measurable metric on net gains in biodiversity which the emerging Local Plan intends to so in updating Policy ENV DM5.
E6	Green infrastructure and development	The modified policy is consistent, and supplements, Policy GI SP1 to acknowledge the extent of the existing Green Infrastructure Network in the Parish and identifies opportunities to better connect the Network.
E7	Protection of allotment and communal orchard space	The modified policy identifies open spaces in the Parish and is consistent with Policy OSR DM1 and OSR SP1 in relation to allotments and communal orchard space.
E8	Conservation Areas and Areas of Character	The modified policies supplements Policy HER SP1, and the Arun District Design Guide SPD, by identifying features that contribute to the significance of the Conservation Areas and Areas of Character and identifying designated and non-designated heritage assets.
E9	Listed Buildings, Areas of Character and Buildings or Structures of Character	
E11	Minimising the impact of flooding from development	The modified policy is consistent with the provisions of Policy ECC SP1 in respect of its requirements in relation to flood risk.
BE1	Commercial premises or land	The modified policy seeks to protect the integrity of businesses in the Parish, and therefore remains consistent with Policy EMP DM1.

		The emerging Local Plan intends to make a minor clarification of wording update to Policy EMP DM1 to ensure integration of protected species which ought not to undermine the approach of this policy.
PK1	Parking standards for new residential development	<p>The modified policy seeks to address a specific scarcity of off-street spaces in the village in accordance with the provisions of Policy T DM1.</p> <p>The emerging Local Plan intends to update Policy T DM1 to clarify the operation of its criteria which ought not to undermine the approach of this policy.</p>
KS1	Maintaining existing health and pharmacy services	The modified policies identify community facilities and services in the Parish and is consistent with the policy in its requirements of development proposals in accordance with Policy OSR DM1 and INF SP1. It adds further provisions to protect and ensure longer term viability of those facilities.
KS2	Retention of community facilities	

5. COMPATABILITY WITH EU LEGISLATIONS

5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan. A screening opinion was issued by ADC for the Made Plan, which confirmed that the Neighbourhood Plan would not have any significant environmental effects and that an SEA would not be required for the Neighbourhood Plan to be in accordance with EU Directive 2001/42. ADC also determined that no Habitats Regulation Assessment was required of the Neighbourhood Plan under the EU Habitats Regulations.

5.2 ADC has now undertaken a re-screening of the Modified Plan for submission, appended to this document. It concludes (in its Conclusion on p2):

“that an environmental assessment is not required on the basis that: There are no sites that are officially being allocated for development through the proposed Neighbourhood Plan and as such will not be affecting either the natural or historic environments.”

5.3 In respect of the Habitats regulations, the rescreening concludes:

“It can also be confirmed that on the basis of no official allocations and as such no effects on any internationally designated nature sites, it also meets the basic requirement of not breaching the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

5.4 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Modified Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

5.5 In respect of Directive 2008/50/EC – the Air Quality Directive – the Modified Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

Yapton Neighbourhood Development Plan Review (July 2019)

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

The Council encourage the community's decision to produce a Neighbourhood Development Plan review. The government is clear that the intention of Neighbourhood Development Plans should be to set out policies on the development and use of land in a neighbourhood area and that the local planning authority has a duty to support production of the plan.

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

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

ADC Comments

As part of good planning practice, ADC have highlighted and provided guidance in terms of addressing this aspect and these comments follow in that vein. The statutory bodies have also provided guidance related to these aspects.

The information provided within the Yapton Evidence Base Summary Report July 2019 and 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 that have not been appraised through other development plan processes; and
- That it does not breach, and is otherwise compatible with, retained EU law and Human Rights obligations or as it had effect on the day immediately before exit day.

Conclusion

On the basis of the information provided within the Yapton Evidence Base Summary Report July 2019 provided to this Council on 12th August 2019, it is determined that an environmental assessment is **not** required on the basis that:

- There are no sites that are officially being allocated for development through the proposed Neighbourhood Plan and as such will not be affecting either the natural or historic environments.

It can also be confirmed that on the basis of no official allocations and as such no effects on any internationally designated nature sites, it also meets the basic requirement of not breaching the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

In our opinion this plan meets the 2 basic conditions of:

- **not breaching, and otherwise being compatible with retained EU law and Human Rights obligations or as it had effect immediately before exit day; and**
- **not breaching the requirement of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.**

Ultimately any decision over the eventual contents of the Final Submission Plan rests with the Yapton Neighbourhood Plan Group. However, if the contents of the Plan is revised and/or there is a material change in the environmental characteristics in the locality (e.g. any new or changes to nature conservation designations), then the comments contained in this letter would need to be reconsidered again to take account of the changes.

Yours Sincerely

Charlotte Hardy
Senior Environmental Assessment Officer

Date Issued: 23rd September 2019