

# Arundel Neighbourhood Plan 2014 - 2029

## Basic Conditions Statement

### 1. Introduction

1.1 This Statement has been prepared by Arundel Town Council ("the Town Council") to accompany its submission to the local planning authorities, Arun District Council (ADC) and the South Downs National Park Authority (SDNPA), of the Arundel Neighbourhood Development Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Neighbourhood Plan has been prepared by the Town Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Arundel, as designated by ADC on 29 November 2012 and by the SDNPA on 14 March 2013.

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

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

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

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

### 2. Background

2.1 The Town Council commenced preparation of the Neighbourhood Plan in 2012. The key drivers of that decision were the encouragement of ADC to towns and parishes in its district to prepare Neighbourhood Plans and a keenness of the Town Council to manage local development and to promote the sustainable development of the town.

2.2 The Town Council has made decisions on the Neighbourhood Plan as the project reached specific approval milestones:

- the State of the Town Report (inc. Strategic Environmental Assessment (SEA) scoping report);
- the Pre-Submission Neighbourhood Plan, including a draft SEA;
- the Revised Pre-Submission Plan, including a revised draft SEA; and
- the Submission Neighbourhood Plan, including the SEA

2.3 The Town Council has worked with officers of ADC and SDNPA 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 challenging. Progress on the new Arun Local Plan was delayed in May 2013 when ADC did not approve the submission of the Plan for examination. A timetable for amendments to the Plan and for further consultations has not yet been finalised. The first South Downs National Park Local Plan is not expected to be adopted until 2017.

2.4 In which case, a number of saved policies of the adopted 2003 Arun Local Plan, covering the whole parish, continue to provide a valid policy framework for the Neighbourhood Plan and these have been referenced alongside each proposed policy. However, the Neighbourhood Plan also acknowledges the target of 50 homes in the plan period proposed in the emerging Arun Local Plan by identifying suitable sites and by addressing other locally important planning issues in the town.

2.5 Such matters should not be left to generic, criteria-based policies as the plan would add little value to the saved policies of the development plan nor effectively translate the housing supply policy of the emerging Local Plan into specific proposals for the town.

2.6 It wishes to do this by setting a limit of new housing development above small windfall schemes and to direct that development to problematic brownfield land within the existing built up area rather than promote the development of green field sites in the surrounding precious landscape.

2.7 The Neighbourhood Plan therefore contains a series of allocation policies and policies that are defined on the Proposals Map as being geographically specific. For the most, the plan has deliberately avoided containing policies that may duplicate the many saved and emerging development policies that are, and will be, material considerations in determining future planning applications. This has allowed the Neighbourhood Plan to focus on a relatively small number of policies.

### **3. Conformity with National Planning Policy**

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the draft National Planning Practice Guidance (NPPG) published by the Government in August 2013 in respect of formulating neighbourhood plans.

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

3.3 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

Para 16

3.4 The Town Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the district by making housing allocations, which accord with a clear spatial vision for the parish. It also seeks to protect and enhance leisure and community assets for the benefit of the local community of the town's many tourists and visitors.

Para 183

3.5 The Town Council believes the Neighbourhood Plan establishes in its Section 3 a vision for the town that reflects the views of the majority of the local community. It makes the outputs of these activities real by translating them into planning policies to determine future planning applications as part of the development plan.

Para 184

3.6 The Town Council believes the Neighbourhood Plan, as is highlighted below, is in general conformity with all the relevant saved policies of the development plan but also anticipates the emerging Arun Local Plan, with its strategic housing and other policies.

3.7 Most specifically, the Neighbourhood Plan makes provision for the quantum of housing development sought by the emerging Local Plan. This quantum – 90 new homes - is considered realistic in respect of the capacity of the local housing market to absorb this level supply. The quantum is considered to be sensible supply total to allocate land for, given the town will continue to benefit from windfall housing developments over the plan period. It also reflects the significant environmental – both natural and heritage – constraints within and surrounding the town.

Para 185

3.8 The Neighbourhood Plan avoids duplicating development plan policies by focusing on site-specific policies that translate the general requirements of the development plan into an Arundel context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

3.9 Set out in Table A below, is a brief summary of how each policy conforms to the NPPF. The particular 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.

No	Policy Title	NPPF Ref.	Commentary
1	The Presumption in Favour of Sustainable Development	14 & 16	Incorporates the key principle of the NPPF of promoting the presumption in favour of sustainable development and makes clear the positive role to be played by the Neighbourhood Plan.
2	A Spatial Plan for the Town	17, 23, 28, 109 & 115	Translates all of the relevant core planning principles of para. 17 into a spatial plan that focuses development on the established town area to consolidate its role as a service and tourism centre of national importance. It avoids harmful greenfield development in the National Park and other surrounding landscapes.
3	Housing Supply	47, 50 & 111	Establishes a supply of a variety of open market and affordable housing to be allocated by the Neighbourhood Plan in the plan period and the key site selection criteria for housing site allocations. The criteria prioritise the use of brownfield land to encourage investment in this land resource. The total level of supply is derived from the availability of suitable and achievable land that meets the site selection criteria, based on an assessment of site capacity.
4	Housing Site Allocations	47, 101, 102, 115, 131, 132 & 137	Allocates a combination of deliverable and developable housing sites throughout the plan period, including in its first five years, and specifies an appropriate mix, all in accordance with the criteria set out in Policy 3. The sites are the only sites that meet those criteria. Two sites are subject to flood risk but their allocation meets the sequential and exception tests as there are no other sites that meet the Policy 3 criteria. Three sites positively affect the setting of heritage assets by either finding appropriate new uses for redundant heritage buildings or by improving the historic character of the Arundel Conservation Area. The Castle Stables site also accords with the desire to conserve the special landscape and scenic beauty of the South Downs National Park.
5	Land at Fitzalan Road	47, 51, 101, 102 & 137	Supports the redevelopment for housing of an industrial site adjoining the Arundel Conservation Area. The policy will contribute to the supply of much needed housing in the town and will enhance the setting of the Conservation Area. The site is subject to flood risk but meets the sequential and exception tests as there are no other sites that

			meet the Policy 3 criteria.
6	Transport, Access & Car parking	30 & 35	Promotes sustainable transport modes to deliver a significant reduction in the environmental effects of traffic on the health of local people and on the town's heritage assets.
7	Victoria Institute	28, 70 & 132	Strengthens the future economic growth of the town by protecting an important cultural and heritage asset. The policy encourages its beneficial re-use.
8	Arundel Lido	28, 70 & 115	Strengthens the future economic growth of the town by supporting suitable leisure development in the National Park.
9	Mill Hill House	28, 115 & 132	Strengthens the future economic growth of the town by promoting suitable uses of a redundant, historic, agricultural building in the National Park.
10	Assets of Community Value	70	Supports the designation by the local planning authority of a variety of community assets to guard against their unnecessary loss.
11	Local Green Spaces	76 & 77	Protects green areas that are special to the local community from the threat of development.
12	Flood Defences	100 & 162	Safeguards land to deliver flood defence works in the town over the next twenty years, as set out in its Lower Tidal River Arun Strategy.
13	Buildings and Structures of Character	61 & 135	Protects non-designated heritage assets from unnecessary loss.
14	Arundel Town Centre	23, 28 & 132	Promotes a competitive town centre environment of a mix of retail and other complementary uses in a town centre of national heritage significance. The policy defines a policy area to manage unit mix for the benefit of local people as well as tourists and visitors and promotes innovative retailing.
15	Business Uses	21 & 28	Strengthens the future economic growth of the town by promoting employment uses within the built up area boundary.
16	Infrastructure Projects	17, 175 & 184	Proposes a prioritised list of local infrastructure investments to guide the future use of S106 agreements and of strategic and local CIL.

Table A: Neighbourhood Plan & NPPF Conformity Summary

## **4. Contribution to Achieving Sustainable Development**

4.1 The Neighbourhood Plan is accompanied by a Strategic Environmental Assessment (SEA) of its environmental effects. The assessment demonstrates that the Neighbourhood Plan will not have any significant environmental impacts; rather its sum of policies will deliver a positive environmental outcome.

4.2 A Sustainability Appraisal has not been undertaken as this is not a requirement of a Neighbourhood Plan. However, the Neighbourhood Plan can clearly demonstrate that it has taken account of the need to contribute to the achievement of sustainable development in terms of how its policies will deliver a blend of economic, social and environmental benefits for Arundel.

4.3 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals. Its economic goal is to maintain a thriving town centre and to protect its nationally-significant tourism assets. Its social goal is to secure the long term future for its range of valued community and cultural facilities and to meet local housing need. Its environmental goal is to reduce the harmful impact of road traffic on local health and heritage assets and to plan for climate change.

4.4 In practical terms, given the planning policy parameters of the NPPF and development plan on the one hand and the need to deliver a Neighbourhood Plan that would pass a referendum on the other, the scope for alternative strategies blending very different sets of objectives, was very limited. Too little growth would be in likely conflict with the NPPF and development plan and, in any event, would undermine important social goals. Too much growth would likely result in significant impacts on the surrounding natural environment of the town and exacerbate traffic congestion problems.

4.5 The chosen policies are intended to accurately translate these strategic objectives into viable and effective development management policies and deliverable infrastructure proposals. Collectively, the policies demonstrate that the Neighbourhood Plan will deliver strong social impacts though both economic and environmental impacts score well too.

4.6 This outcome may be inevitable of Neighbourhood Plans prepared in similar planning policy circumstances. If local communities are to back development of any scale in this type of location, to the extent they will turn out to vote at a referendum, then there may have to be clear and realisable social benefits they can accrue. But this will rarely be to an environmental or economic cost as local communities will resist such impacts and they will not be in conformity with either the NPPF or development plan.

4.7 The sustainability attributes of each policy are summarised in Table B below.

No.	Policy Title	Social	Econ.	Envt.	Commentary
1	The Presumption in Favour of Sustainable Development	**	**	**	The policy embodies the principles of sustainable development at its core.
2	A Spatial Plan for the Town	-	-	**	The policy has a very positive environmental impact in avoiding the development of isolated, green field sites in the National Park and sensitive landscapes.
3	Housing Supply	**	*	**	The policy has a very positive environmental impact in avoiding the development of green field sites in sensitive landscapes and in encouraging the reuse of brownfield land. Its provision for 90 new homes has a very positive impact in meeting local housing need, which in turn will have a positive impact in sustaining the local labour market to support local businesses.
4	Housing Site Allocations	**	*	**	The policy has a very positive environmental impact in proposing the reuse of brownfield land and heritage assets and in enhancing the setting of those assets. Its allocation of 66 new homes has a very positive impact in meeting local housing need, which in turn will have a positive impact in sustaining the local labour market to support local businesses.
5	Land at Fitzalan Road	**	-	*	The policy has a very positive environmental impact in proposing the reuse of brownfield land and in enhancing the setting of a heritage asset. Its allocation of 24 new homes has a positive impact in meeting local housing need. This in turn will have a positive impact in sustaining the local labour market to support local businesses but will lead to the loss of a small employment site, hence a net neutral economic impact.

6	Transport, Access & Car Parking	**	*	**	The policy will have a very positive social and environmental impact by encouraging proposals to reduce the impact of road traffic on local health and on nationally-important heritage assets. In doing so, it will also have a positive impact on the local economy by encouraging greater economic activity in the town centre.
7	Victoria Institute	**	*	*	The policy will have a very positive social impact by protecting this important local cultural and heritage asset and encouraging its beneficial reuse. In doing so, the policy will have positive economic and environmental impacts as the asset could play an important part in the town's portfolio of such assets to promote for tourism value and it is a designated heritage asset.
8	Arundel Lido	**	*	-	The policy will have a very positive social impact by protecting this important local recreational asset and encouraging its improvement. In doing so, the policy will have a positive economic impact as the asset already plays an important part in the town's portfolio of tourism assets.
9	Mill House Farm	*	*	*	The policy will have a range of positive impacts as it encourages the reuse of this heritage asset for employment or non-residential institutional use.
10	Assets of Community Value	**	*	*	The policy will have a very positive social impact in encouraging the protection of a wide range of community assets from unnecessary loss. In doing so, some will have economic and/or environmental value, hence these positive impacts.
11	Local Green Spaces	*	-	**	The policy will have a very positive environmental impact by protecting a wide range of green infrastructure assets that are enjoyed by the local community,



					either for recreational purposes or as precious spaces in a relatively densely populated urban area.
12	Flood Defences	**	**	**	The policy will have a range of very positive impacts. In safeguarding land for the improvement of the existing flood defences, the policy will help protect homes and businesses and manage flood risk elsewhere.
13	Buildings and Structures of Character	*	*	*	The policy will have a positive social impact in encouraging the protection of a wide range of local heritage assets from unnecessary loss. In doing so, some will have economic and/or environmental value, hence these positive impacts.
14	Arundel Town Centre	**	**	*	The policy will have very positive social and economic impacts as it promotes the role of the town centre as a viable service centre for local people and as a key driver of economic activity in the town. It also proposes environmental improvements.
15	Business Uses	*	**	-	The policy will have a very positive economic impact in encouraging proposals for suitable business uses within the built up area boundary. In doing so, it will create local job opportunities for the community.
16	Infrastructure Projects	*	**	*	The policy will have a range of positive impacts in prioritising town centre public realm improvements for future investment in line with Policy 14.

Key: \*\* very positive      \* positive      - neutral      x negative      xx very negative

Table B: Neighbourhood Plan & Sustainable Development Summary

## 5. General Conformity with the Development Plan

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for Arun.

5.2 As described above, the current status of the development plan –the adopted 2003 Local Plan – together with the unapproved Submission Local Plan of May 2013, has made judging this matter challenging. At the outset, the Town Council considered the alternative of awaiting the adoption of the new Local Plan ('2013 ASLP' in Table C below) as creating an unacceptable risk of uncontrolled development, given the uncertain five year housing land supply position in Arun.

5.3 The 2003 Local Plan ('2003 AALP' in Table C below) could not, of course, have anticipated the existence of the Localism Act almost a decade later and so made no provision for translating generic planning policy into a distinct parish-based plan. However, the Neighbourhood Plan policies are in general conformity with the strategic intent of that Plan and its specific policies. In cases where the Neighbourhood Plan policy requires a justification for an exceptional circumstance to a saved or emerging policy then its supporting text makes clear this justification.

<b>No.</b>	<b>Policy Title</b>	<b>2003 AALP Policy Yes/NO</b>	<b>2013 ASLP Policy Yes/No</b>	<b>Commentary</b>
1	The Presumption in Favour of Sustainable Development	N	Y	ASLP SP1  The policy accords with the intent of the emerging development plan policies to promote sustainable development.
2	A Spatial Plan for the Town	Y	Y	AALP GEN2, GEN3 ASLP SP2, SP3, DM2  The policy accords with the intent of adopted and emerging development plan policies to direct development to existing urban areas to avoid development in the countryside.
3	Housing Supply	Y	Y	AALP GEN2, GEN3, AREA3, AREA9 ASLP SP11, SP12  The policy accords with the intent of adopted and emerging development plan policies to direct development to the existing urban area. It is consistent with policies on managing development in the setting of Arundel and in the (now) South Downs National Park (not AONB).
4	Housing Site Allocations	Y	Y	AALP GEN2, GEN7, GEN11, AREA2, AREA3, AREA9, DEV17 ASLP SP11, SP12, DM2, DM14, DM38,

				<p>DM46</p> <p>The policy allocations accord with the intent of adopted and emerging development plan policies to manage flood risk and development in the setting of Arundel and in the Arundel Conservation Area. It also restates adopted affordable housing policy. It is consistent with policies on managing development in the setting of Arundel and in the (now) South Downs National Park (not AONB).</p>
5	Land at Fitzalan Road	Y	Y	<p>AALP GEN2, GEN7, GEN11, AREA2, AREA3, DEV17 ASLP SP7, SP11, SP12, DM2, DM14, DM38, DM46</p> <p>The policy allocations accord with the intent of adopted and emerging development plan policies to manage flood risk and development in the setting of Arundel and in the Arundel Conservation Area. It also restates adopted affordable housing policy. The policy does not accord with emerging policy protecting all existing employment sites from a change of use.</p>
6	Transport, Access & Car Parking	Y	Y	<p>AALP GEN14, GEN15, AREA7, DEV15 ASLP SP21, SP22, SP23, DM23, DM24</p> <p>The policy accords with the intent of adopted and emerging development plan policies to promote sustainable modes of transport (public transport, cycling and walking) and with managing public car parks and safeguarding the main road network.</p>
7	Victoria Institute	N	Y	<p>ASLP SP19, DM22</p> <p>The policy accords with the intent of emerging development plan policies to protect important community facilities.</p>
8	Arundel Lido	N	Y	<p>ASLP SP19, DM22</p> <p>The policy accords with the intent of emerging development plan policies to protect important community</p>

				facilities.
9	Mill House Farm	Y	Y	<p>AALP GEN3, DEV1 ASLP SP3, SP7, DM2, DM26, DM38</p> <p>The policy accords with the provisions of adopted and emerging development plan policies to enable the conversion of buildings outside the built up area boundary for business use, to protect the setting of Arundel, to diversify the rural economy, to support employment opportunities, to protect local heritage assets and to manage development in areas of flood risk. The policy specifies the conditions on which its support is made that reflect the various conditions of the development plan policies, notably in respect of achieving a satisfactory access to the site and of managing flood risk.</p>
10	Assets of Community Value	N	N	NPPF only
11	Local Green Spaces	Y	Y	<p>AALP AREA5 ASLP DM22</p> <p>The policy accords with the provisions of adopted and emerging development plan protecting public open spaces.</p>
12	Flood Defences	Y	Y	<p>AALP GEN11 ASLP SP28, DM38</p> <p>The policy accords with the provisions of adopted and emerging development plan by making provision for important infrastructure improvements for the town to manage future flood risk.</p>
13	Buildings and Structures of Character	Y	Y	<p>AALP GEN22 ASLP DM26</p> <p>The policy accords with the provisions of adopted and emerging development plan protecting designated buildings or structures of character from inappropriate development by proposing the identification of such buildings in accordance with the development</p>

				plan policy criteria.
14	Arundel Town Centre	Y	Y	AALP AREA19, AREA20 ASLP SP9, DM8  The policy accords with the provisions of adopted and emerging development plan promoting town centre retail development. The policy proposes replacing the saved policy AREA20 which is specific to Arundel, with the use of the primary and secondary shopping frontage policy mechanism of AREA19, which applies to other town centres. The Proposals Map defines the frontages. This anticipates emerging Policy DM8, which proposes the same.
15	Business Uses	N	Y	ASLP SP7  The policy accords with the provisions of the emerging development plan encouraging new employment development in appropriate locations. The policy confines those locations to inside the built up area boundary, with the exception of the specific provision made in Policy 9.
16	Infrastructure Projects	N	Y	ASLP SP28  The policy accords with the intent of the emerging development plan policy to promote development through neighbourhood planning, which may identify related infrastructure needs.

Table C: Neighbourhood Plan & Development Plan Conformity Summary

## 6. Compatibility with EU Legislation

6.1 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.

6.2 A screening opinion was issued by ADC in October 2013, which advised that the Neighbourhood Plan should be prepared in accordance with EU Directive 2001/42 on strategic environmental assessment (SEA).

6.3 A SEA Scoping Report was published by the Town Council for consultation with the statutory authorities to complete Stage A of the SEA process. The comments received were then take into account in Stages B and C of drafting the SEA alongside the Pre-Submission and Revised Pre-Submission versions of the Neighbourhood Plan, both of which were published for consultation with the statutory authorities as well as the general public. A draft SEA was incorporated into both documents and the final SEA is published alongside the Neighbourhood Plan.

6.4 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.