

# Loxwood Neighbourhood Plan (Review)

## Basic Conditions Statement

December 2020

### 1. Introduction and Legislation

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

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

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

### 2. Compliance Statements

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

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

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

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

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

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

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

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

Neighbourhood Plan (Loxwood NP) as adopted (July, 2015) and as reviewed (as approved by Loxwood Parish Council on 7 December 2020).

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

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

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

In this instance, the parish of Loxwood has an adopted Neighbourhood Plan which is the subject of a review.

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

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

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

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

The Loxwood NP will be in effect from 2019 to 2037, the neighbourhood plan development area does not include any excluded development and only relates to one neighbourhood area.

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

The Loxwood Neighbourhood Plan Review will replace the existing adopted Neighbourhood Plan.

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

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

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

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

**“A draft order meets the basic conditions if—**

**(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,**

The national policies and guidance issued by the Secretary of State in this instance is the National Planning Policy Framework (NPPF) published in 2012 and subsequently updated with the most recent version being February 2019. The relevant guidance is the National Planning Practice Guidance (NPPG) published in 2014 and subsequently updated.

The NPPF sets a clear direction for development plans to contribute to the achievement of sustainable development as set out in section 2 of the NPPF. The Loxwood Neighbourhood Plan includes various policies relating to the parish's local economy, community and built and natural environment and seeks to plan positively to address the parish's development needs.

The NPPF sets out specific guidance for Neighbourhood Plans, including through paragraphs 28-30 which clarify that neighbourhood plans allows communities to set out detailed policies for specific areas through non-strategic policies. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies. Further to this, para's 31-33 set the policy framework for reviewing plans which is relevant to the Loxwood Neighbourhood Plan Review.

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

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

In Table 1 below, each of the Loxwood NP policies has been reviewed to show how it complies with the NPPF. The particular paragraphs referred are those considered to be 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 to the NPPF**

Policy Number and Title	NPPF paragraph	Comment on conformity
Policy 1 - Housing Allocation Policy	11, 18, 28-30, 65, 69	This policy sets out how much new housing development will be allocated through the Neighbourhood Plan (consistent with the figure set in the emerging Chichester Local Plan) which aligns with para's 28-30 of the NPPF in particular.
Policy 2 - Settlement Boundary Policy	11, 68, 79, 117, 118, 170	This policy seeks to steer new development to the most sustainable location in the parish within the village Settlement Boundary, as amended through the Neighbourhood Plan (para's 68, 79, 117 and 118 of the NPPF) and to exert controls over new development that falls outside of this boundary and to conserve the parish's valued natural landscape (NPPF para 170)
Policy 3 - Site Assessments & Allocation of Sites Policy	11, 18, 28-30, 65, 69	This policy allocates a number of sites for housing and also references the various other Neighbourhood Plan policies that need to be adhered to. This aligns with para's 28-30 of the NPPF in particular.
Policy 4 - Land at Farm Close Policy	11, 61 – 64, 69, 71, 77-	This policy allocates a site for market and affordable housing which is supported through the NPPF. The site is appropriately located on the edge of the village which aligns

	79, 83-84, 92	with para's 77-79 of the NPPF which seeks to avoid isolated homes. Various community benefits are also proposed which will support the rural economy (paras 83-84) and provide social benefits (para 92).
Policy 5 - Commercial Land at Nursery Green	11, 61 – 64, 69, 71, 77-79, 83-84, 117, 118	This policy allocates a site for market, affordable housing and commercial space which is supported through the NPPF. The site is located within the village which aligns with para's 77-79 of the NPPF which seeks to avoid isolated homes. The provision of a commercial unit, supporting the rural economy and making efficient use of land, is supported through para's 77-79 of the NPPF.
Policy 6 - Land West of Guildford Road	11, 61 – 64, 69, 71, 77-79	This policy allocates a site for market and affordable housing which is supported through the NPPF. The site is appropriately located on the edge of the village which aligns with para's 77-79 of the NPPF which seeks to avoid isolated homes.
Policy 7 - Land South of Loxwood Farm Place	11, 61 – 64, 69, 71, 77-79	This policy allocates a site for market and affordable housing which is supported through the NPPF. The site is appropriately located on the edge of the village which aligns with para's 77-79 of the NPPF which seeks to avoid isolated homes.
Policy 8 - Land to the Rear of Black Hall	11, 61 – 64, 69, 71, 77-79	This policy allocates a site for market and affordable housing which is supported through the NPPF. The site is appropriately located on the edge of the village which aligns with para's 77-79 of the NPPF which seeks to avoid isolated homes.
Policy 9 - Loxwood House	11, 61 – 64, 69, 71, 77-79, 83-84	This policy allocates a site for market and affordable housing which is supported through the NPPF. The site is appropriately located on the edge of the village which aligns with para's 77-79 of the NPPF which seeks to avoid isolated homes. This policy may also delivery some business space or live/pork units.
Policy 10 - Local Green Spaces Policy	99-100	This policy allocates local green spaces, in line with the criteria set in para's 99 and 100 of the NPPF
Policy 11 - Street Lighting Policy	170	The parish's dark night skies are an important and valued characteristic of the parish's local environment. This policy aims to minimise light pollution and protect this characteristic.
Policy 12 - Foul Water Policy	20, 34, 122,	This policy seeks to ensure that any new development is supported by the appropriate infrastructure and avoids areas most at risk of flooding in accordance with para's 20, 34, 122 of the NPPF.
Policy 13 – Surface Water Policy	155-165	This policy seeks to ensure that any new development avoids areas most at risk of flooding in accordance with para's 155-165 of the NPPF.
Policy 14 - Built Environment – Housing Density Policy	28-29, 122, 123, 125, 127	This policy sets a density target which is considered appropriate for the local area. Whilst the thrust of paragraphs 122 and 123 of the NPPF is to optimise the density of new development and make efficient use of land, paragraph 127 also recognizes the importance of new development respecting the local character and para's 28-

		29 and 125 acknowledge that Neighbourhood Plans are best placed to direct development in their areas.
Policy 15 - Built Environment – Vernacular Policy	124-127, 189-202	<p>This policy seeks to define the vernacular of the parish which has evolved over 400 years without trying to be overly prescriptive. The policy is locally-specific, gives clear guidance for developers in preparing planning applications, is grounded in an understanding and evaluation of the parish’s defining characteristics and will ensure that new residential development is of a high quality and in keeping with local character.</p> <p>This accords with paragraphs 124-127 and notably para 125 which recognises that Neighbourhood Plans are best placed to express an area’s defining characteristics through consultation with the local community.</p> <p>This policy seeks to ensure that new development conserves and enhances the parish’s Listed Buildings and Buildings of Local Merit in accordance with para 197 of the NPPF</p>
Policy 16 - Wey & Arun Canal Policy	83, 91-92, 104	<p>This policy aims to protect and promote the growth of the Arun and Wey Canal as a transport corridor, recreation and tourism attraction. The Wey and Arun Canal Trust (WACT) vision of a through navigable route from the river Wey to the river Arun is fully supported and visitors for the canal trips and to the recently constructed visitor centre provide a much needed economic boost to the pub and village store. The policy is therefore consistent with para’s 83, 91-92 and 104 of the NPPF.</p>
Policy 17 - Rural Area Policy	83-84	<p>This policy supports the growth of the rural economy and the re-use of agricultural buildings which aligns with para’s 83-84 of the NPPF, ensuring that new development minimises its impact on the rural landscape.</p>
Policy 18 - Housing Extension – Style and Vernacular Policy	124-127, 175 and 193-197	<p>The policy is locally-specific, gives clear guidance for developers in preparing planning applications, is grounded in an understanding and evaluation of the parish’s defining characteristics and will ensure that extensions to residential dwellings are of a high quality, in keeping with local character and conserve or enhance the significance of listed buildings and Buildings of Local Merit and their setting.</p> <p>This accords with paragraphs 124-127, 193-197 and, notably, para 125 which recognises that Neighbourhood Plans are best placed to express an area’s defining characteristics through consultation with the local community.</p>
Policy 19 - Economy and Business	83-84	<p>This policy supports the growth of the rural economy which aligns with para’s 83-84 of the NPPF.</p>
Policy 20 - High Speed Broadband	112	<p>This policy supports the provision of high quality communications infrastructure, in line with para 112 of the NPPF</p>
Policy 21 - Traffic Calming & Speed through the village	102, 104	<p>This policy seeks to bring about a safe parish environment and encourage sustainable forms of transport through retaining / introducing new footpaths/bridleways and traffic</p>

			calming measures in the village. This aligns with para’s 102 of the NPPF
Policy 22 - Environmental Characteristics		105, 110, 131, 150, 170, 172	The protection of the parish’s valued natural environment, trees and biodiversity is an important aspect of this plan and this policy is in accordance with para 170 and 172 of the NPPF. The policy also supports modern and sustainable methods of construction which aligns with para 131 and 150 of the NPPF. This policy supports the provision of EvC points in new development which accords with para 105 and 110 of the NPPF

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

The Loxwood NP policy 15 seeks to protect the setting, form and character of the listed buildings in the parish thus protecting (or enhancing) any special architectural and/or historic interest that the building may have.

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

The parish of Loxwood does not feature any conservation areas.

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

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

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

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

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

Sustainability Appraisal

A Sustainability Appraisal (incorporating a Strategic Environmental Assessment) (SA/SEA) has been undertaken on the Loxwood Neighbourhood Plan. The SA/SEA formulates a

sustainability framework against which the Neighbourhood Plan objectives, policy options and final policies are assessed.

The SA/SEA identifies that the allocation of housing sites (through policies 1 – 9) will assist in meeting local housing needs and then increase in customer base will, in turn, support parish services, facilities and businesses, ultimately bringing about various social and economic benefits.

Notwithstanding, the SA/SEA identifies that the parish has high levels of car ownership with only limited public transport provision and so residents are typically reliant on private transportation and thus promoting all aspects of sustainable development is a challenge for rural communities. However, development sites have been chosen based on their sustainability and proximity to the village and its services and various mitigation measures have been incorporated into the plan, such as parking provision for electric vehicles.

Further to this, the SA/SEA also acknowledges that areas of the parish suffer from flood risk and waste water capacity constraints and new development will undoubtedly impact on the parish's valued natural and built environment, albeit mitigation has been incorporated into the policies that will limit these impacts.

There is also some uncertainty as to the impact of planned development on parish infrastructure (such as primary healthcare, early years and primary and secondary level education), albeit it is expected that this could be accommodated by expansion to existing provision or new provision (funded through developer contributions / CIL funds).

Overall, the SA/SEA finds that the policies of the Loxwood Neighbourhood Plan (Review) appraise well against the sustainability framework and will deliver sustainable development in the parish over the plan period with future development being brought forward in the right locations as well as meeting the needs of existing and future residents.

### **An economic role**

In order to promote the concept of a Service Village as defined by the emerging CDC Local Plan, the [Loxwood NP Policy 5](#) promotes a small retail development which support the local economy and the needs of local residents.

In order to support local employment, [Loxwood NP Policy 19](#) promotes new retail/business start-ups or the expansion of existing business within the parish.

In order to stimulate the rural economy, [Loxwood NP Policy 17](#) specifically promotes new agricultural or business development in the rural area and supports the re-use of existing farm and rural buildings for agricultural/business use or for agricultural workers dwellings.

The expansion of the Wey and Arun canal will stimulate tourism within the parish and [Loxwood NP Policy 16](#) specifically supports the expansion of the Wey and Arun canal.

### **A social role**

The Loxwood NP allocates 143 houses over the plan period. The Settlement Boundary has been redrawn to accommodate these sites and allow for windfall provision. Individual site allocation policies (**Policies 4 to 9**) include affordable housing targets in line with the CDC Local Plan and promote a range of housing types and sizes to meet local needs.

A site assessment process was carefully undertaken against a set of site assessment criteria (covering a range of environmental, social and economic factors) to choose the most sustainable development sites. Further details of this process can be seen within the Neighbourhood Plan and on the Neighbourhood Plan website.

### **An environmental role**

Where possible the Loxwood NP strives to protect the environment of the parish. **Policy 12 and 13** address foul water and flood risk whilst **Policy 11** seeks to minimise light pollution and **Policy 22** aims to reduce future energy consumption and support local carbon technology.

**Policy 14 Built Environment- Housing Density** and **policy 15 Built Environment- Vernacular** seeks to ensure that building design is of the highest standard whilst seeking to protect the established built vernacular of the parish.

In order to protect and enhance the built and historic environment of the parish, **Policy 14 Built Environment- Housing Density**, **Policy 15 Built Environment Vernacular** and **Policy 18 Housing extension Style and Vernacular** seeks to ensure that building design is of the highest standard and in keeping with the parish context and established built vernacular.

**Policy 22** seeks to ensure the parish's biodiversity, trees and valued landscape is protected.

***(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),***

The original Loxwood Neighbourhood Plan was adopted in 2015 and was found to be in general conformity with the saved strategic policies of the adopted Local Plan at the time (Chichester District Local Plan First Review). The original Neighbourhood Plan was prepared so as to be consistent with the emerging Chichester Local Plan which has since been adopted. As such, the Loxwood Neighbourhood Plan will be assessed for general conformity with the strategic policies of the Chichester District Local Plan.

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

The Vision, together with the objectives and policies is also consistent with Policy 6 (Neighbourhood Development Plans) of the Local Plan which requires that Neighbourhood

Plans should demonstrate how they contribute to the strategic objectives of the Local Plan, promote sustainable development to the same level as defined in the Local Plan and have regard to the local need for new homes, jobs and facilities.

### Loxwood NP Objectives:

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

**Table 2: Conformity of Neighbourhood Plan (NP) policies to the Chichester Local Plan**

Policy Number and Title	Local Plan Policy	Comment on conformity
Policy 1 - Housing Allocation Policy	Policy 5 Policy 6	<p>This policy sets out how much new housing development will be allocated through the Neighbourhood Plan (143 homes), including new site allocations and housing carried through from the original Loxwood NP.</p> <p>The adopted Local Plan policy 5 sets a housing requirement for the parish of 60 which is what the original Neighbourhood Plan (2015) was based on. A housing requirement has not yet been set in the emerging Local Plan Review but the Preferred Approach version of the Local Plan Review (December 2018) identified a figure of 125 for the parish. This is the latest published housing requirement for the parish and has been confirmed by CDC (November 2020).</p> <p>Policy 6 of the Local Plan requires Neighbourhood Plans to demonstrate how they are contributing towards the strategic objectives of the Local Plan. Given the adopted Local Plan housing requirement set in Policy 5 of the Local Plan is exceeded, this policy is considered to be in general conformity.</p>
Policy 2 - Settlement Boundary Policy	Policy 2 Policy 45	<p>This policy seeks to steer new development to the most sustainable location in the parish within the Settlement Boundary, as amended through the Neighbourhood Plan. This aligns with Policy 2 of the Local Plan which sets a presumption in favour of sustainable development within settlement boundaries and permits Neighbourhood Plans to amend settlement boundaries. This policy also seeks to exert controls over new development that falls outside of this boundary and to conserve the parish's valued natural landscape which is in conformity with Policy 45 of the Local Plan.</p>
Policy 3 - Site Assessments & Allocation of Sites Policy	Policy 2 Policy 5 Policy 6	<p>This policy allocates a number of sites for housing and also references the various other Neighbourhood Plan policies that need to be adhered to. This aligns with Policy 2 of the Local Plan which recognises that service villages should accommodate the level of development set in Policy 5.</p> <p>The same comments with regard to the status of the emerging Local Plan as referred to above apply.</p>

<p>Policy 4 - Land at Farm Close Policy</p>	<p>Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 38 Policy 45 Policy 48</p>	<p>This policy allocates a site for market and affordable housing which is supported through policies 2, 5 and 6 of the Local Plan. The site is appropriately located on the edge of the village which aligns with policy 33 which supports residential development that is in keeping with the character of the area and its setting in the landscape. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. Notwithstanding that the settlement boundary has been amended through the NP, Policy 45 sets criteria for new development in the countryside, including being well related to an established settlement which is the case with this site. Policy 48 of the Local Plan similarly seeks to avoid unsustainable forms of development, in particular in open and undeveloped land between settlements. Various community benefits are also proposed which will support the rural economy (Policy 2) and provide social benefits (Policy 2, 6 and 38)</p>
<p>Policy 5 - Commercial Land at Nursery Green</p>	<p>Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 38</p>	<p>This policy allocates a site for market and affordable housing within the existing village settlement boundary which is supported through policies 2, 5 and 6 of the Local Plan. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. A new retail store is also proposed through this policy which will support the rural economy (Policy 2) and provide social benefits (Policy 2, 6 and 38)</p>
<p>Policy 6 - Land West of Guildford Road</p>	<p>Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 45 Policy 48</p>	<p>This policy allocates a site for market and affordable housing which is supported through policies 2, 5 and 6 of the Local Plan. The site is appropriately located on the edge of the village which aligns with policy 33 which supports residential development that is in keeping with the character of the area and its setting in the landscape. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. Notwithstanding that the settlement boundary has been amended through the NP, Policy 45 sets criteria for new development in the countryside, including being well related to an established settlement which is the case with this site. Policy 48 of the Local Plan similarly seeks to avoid unsustainable forms of development, in particular in open and undeveloped land between settlements.</p>
<p>Policy 7 - Land South of Loxwood Farm Place</p>	<p>Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 45 Policy 48</p>	<p>This policy allocates a site for market and affordable housing which is supported through policies 2, 5 and 6 of the Local Plan. The site is appropriately located on the edge of the village which aligns with policy 33 which supports residential development that is in keeping with the character of the area and its setting in the landscape. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. Notwithstanding that the settlement boundary has been amended through the NP, Policy 45 sets criteria for new</p>

		development in the countryside, including being well related to an established settlement which is the case with this site. Policy 48 of the Local Plan similarly seeks to avoid unsustainable forms of development, in particular in open and undeveloped land between settlements.
Policy 8 - Land to the Rear of Black Hall	Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 45 Policy 48	This policy allocates a site for market and affordable housing which is supported through policies 2, 5 and 6 of the Local Plan. The site is appropriately located on the edge of the village which aligns with policy 33 which supports residential development that is in keeping with the character of the area and its setting in the landscape. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. Notwithstanding that the settlement boundary has been amended through the NP, Policy 45 sets criteria for new development in the countryside, including being well related to an established settlement which is the case with this site. Policy 48 of the Local Plan similarly seeks to avoid unsustainable forms of development, in particular in open and undeveloped land between settlements.
Policy 9 - Loxwood House	Policy 2 Policy 5 Policy 6 Policy 33 Policy 34 Policy 45 Policy 48	This policy allocates a site for market and affordable housing which is supported through policies 2, 5 and 6 of the Local Plan. The site is appropriately located on the edge of the village which aligns with policy 33 which supports residential development that is in keeping with the character of the area and its setting in the landscape. An appropriate level of affordable housing is secured through the policy, in line with Policy 34. Notwithstanding that the settlement boundary has been amended through the NP, Policy 45 sets criteria for new development in the countryside, including being well related to an established settlement which is the case with this site. Policy 48 of the Local Plan similarly seeks to avoid unsustainable forms of development, in particular in open and undeveloped land between settlements. This policy may also delivery some business space or live/pork units.
Policy 10 - Local Green Spaces Policy	Policy 48	This policy allocates local green spaces with the intention of safeguarding their value as undeveloped open land and natural environment, which is in conformity with Policy 48.
Policy 11 - Street Lighting Policy	Policy 47 Policy 48	The parish's dark night skies are an important and valued characteristic of the parish's local environment. This policy aims to minimise light pollution and protect this characteristic which is in conformity with Policy 47 and 48.
Policy 12 - Waste Water and Surface Water Policy	Policy 42	This policy seeks to ensure that any new development is supported by the appropriate infrastructure in accordance with Policy 42.
Policy 13 – Surface Water Policy	Policy 42	This policy seeks to ensure that any new development avoids areas most at risk of flooding in the first instance, is supported by a Flood Risk Assessment and includes SuDS where possible. It is thus in accordance with Policy 42.

Policy 14 - Built Environment – Housing Density Policy	Policy 47	This policy sets a density target (whilst also allowing flexibility in appropriate circumstances) that is considered appropriate for the local area. The Policy therefore accords with Policy 47 which supports new development that reinforces local character and distinctiveness.
Policy 15 - Built Environment – Vernacular Policy	Policy 47	This policy seeks to define the vernacular of the parish which has evolved over 400 years without trying to be overly prescriptive. This policy seeks to ensure new development is of a high-quality design, respects the local character and conserves and enhances the parish's Listed Buildings and Buildings of Local Merit which is in accordance with Policy 47.
Policy 16 - Wey & Arun Canal Policy	Policy 48 Policy 52 Policy 53 Policy 54	This policy aims to protect and promote the growth of the Arun and Wey Canal as a transport corridor, recreation and tourism attraction. The Wey and Arun Canal Trust (WACT) vision of a through navigable route from the river Wey to the river Arun is fully supported and visitors for the canal trips and to the recently constructed visitor centre provide a much needed economic boost to the pub and village store. This aligns with policies 48, 52, 53 and 53 in particular which supports the enhancement of the Wey and Arun Canal.
Policy 17 - Rural Area Policy	Policy 3 Policy 37 Policy 45	This policy seeks to place appropriate restrictions on development in the countryside (in accordance with Policy 45) and supports the growth of the rural economy and the re-use of agricultural buildings which aligns with Policy 3, 37 and 45.
Policy 18 - Housing Extension – Style and Vernacular Policy	Policy 47	The policy is locally-specific, gives clear guidance for developers in preparing planning applications, is grounded in an understanding and evaluation of the parish's defining characteristics and will ensure that extensions to residential dwellings are of a high quality, in keeping with local character and conserve or enhance the significance of listed buildings and Buildings of Local Merit and their setting. This accords with Policy 47.
Policy 19 - Economy and Business	Policy 3	This policy supports the growth of the rural economy which aligns with Policy 3 in particular.
Policy 20 - High Speed Broadband	Policy 9 Policy 33	This policy supports the provision of high quality communications infrastructure, in line with Policy 9 and 33.
Policy 21 - Traffic Calming & Speed through the village	Policy 39	This policy seeks to bring about a safe parish environment and encourage sustainable forms of transport through retaining / introducing new footpaths/bridleways and traffic calming measures in the village. This aligns with Policy 39 which requires new development to deliver necessary improvements to transport infrastructure.
Policy 22 - Environmental Characteristics	Policy 40 Policy 47 Policy 48 Policy 49 Policy 52	The protection of the parish's valued natural environment, trees and biodiversity is an important aspect of this plan and this policy is in accordance with, and builds on, Policies 47, 48, 49 and 52. The policy also supports modern and sustainable methods of construction, reducing the carbon footprint of new development, which aligns with Policy 40.

		This policy supports the provision of EvC points in new development which accords with Policy 40.
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***(f) the making of the order does not breach, and is otherwise compatible with, EU obligations.***

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.

Strategic Environmental Assessment

Neighbourhood Plans are also required to demonstrate that they are legally compliant and are compatible with EU obligations (as incorporated into UK law). An important component of this is compliance with the Strategic Environmental Assessment Directive (transposed into English Law through the Strategic Environmental Assessment (SEA) Regulations<sup>1</sup>) by considering whether there are likely to be any significant environmental effects as a result of implementing the plan. A Strategic Environmental Assessment is not a legal requirement, however, Local Planning Authorities are required to consider whether Neighbourhood Plans are likely to have significant environmental effects, a process known as screening.

A request has been made to Chichester District Council for a screening opinion on the Loxwood Neighbourhood Plan, however, to date this has not yet been determined.

Notwithstanding, a Sustainability Appraisal (incorporating a Strategic Environmental Assessment) (SA/SEA) has been undertaken on the Loxwood Neighbourhood Plan. The SA/SEA formulates a sustainability framework against which the Neighbourhood Plan objectives, policy options and final policies are assessed.

The SA/SEA did not identify any significant adverse effects, generally appraising well against the sustainability framework with a number of positive effects (including significant effects), neutral effects and a small number of minor adverse effects. Ultimately, the SA/SEA concluded that the Loxwood Neighbourhood Plan will deliver sustainable development in the parish over the plan period with future development being brought forward in the right locations as well as meeting the needs of existing and future residents.

Habitat Regulations Assessment

Neighbourhood Plans are required to consider whether the plan is likely to have significant effects on European protected sites. This requires a ‘Habitats Regulations Assessment screening’ to determine whether an Appropriate Assessment is required to consider the implications of the plan in view the site’s conservation objectives.

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<sup>1</sup> Environmental Assessment of Plans and Programmes Regulations 2004

There are no internationally important ecological sites - Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites - within Loxwood, with the closest being:

- Ebernoe Common (SAC) - Ancient woodland with important lower plant, invertebrate, bat and breeding bird features
- The Mens (SAC) - Ancient woodland with important lower plant, invertebrate, bat and breeding bird features

Ebernoe Common is an internationally important example of ancient woodland, supporting rich lichen and fungal communities and a diverse woodland breeding bird assemblage. The site is also a nationally important maternity roosts for barbastelle and Bechstein's bats.

The Mens SAC is one of the most extensive examples of Wealden Woodland in West Sussex and similarly supports rich fungal and lichen floras, supports a diverse community of breeding birds and roosting habitat for barbastelle bats. It is also the locality of a nationally endangered species of fly. New development within Chichester District (and beyond) has the potential to impact on bat flight line and the Chichester Habitat Regulations Assessment for the Local Plan Review identifies two key conservation areas for both SACs.

- A 'key conservation area' – for any development proposed within 6.5km of the SAC, all impacts will be considered;
- A 'wider conservation area' – for any development proposed 6.5-12km from the SAC, significant impacts or severance of flightlines will be considered. This area encompasses the full extent from the SAC in which bats may forage

The parish (including part of Loxwood village) lies within 6.5km of both Ebernoe Common and The Mens SAC. As such, there is some uncertainty as to the impact on bat flight lines.

There are various other European protected sites within Chichester District that are considered through the Habitat Regulations Assessment (HRA) for the emerging Chichester Local Plan, albeit these are not as close to Loxwood parish in proximity and would not be affected by development in the parish:

- Chichester and Langstone Harbours SPA and Ramsar sites;
- Pagham Harbour SPA and Ramsar sites;
- Solent Maritime SAC;
- Solent and Dorset Coast potential SPA
- Duncton to Bignor Escarpment SAC
- Butser Hill SAC;
- Woolmer Forest SAC/Wealden Heaths Phase 2 SPA

A Habitat Regulations Assessment screening has been requested from Chichester District Council, however to date, a determination has not been received. Once details of potential effects of protected sites/species is known (and a screening determination has been issued), the Parish Council will provide the appropriate information as necessary.

Notwithstanding, the parish council is of the view that the Neighbourhood Plan is not likely to adversely effect internationally designated wildlife sites (or protected species) and includes policies that safeguard wildlife and habitats and mitigate environmental harm. It is therefore considered that the Plan is compatible with EU Obligations.

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

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

### **Conclusion**

It is concluded that the Loxwood Neighbourhood Plan meets the Basic Conditions.

Document compiled by:

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