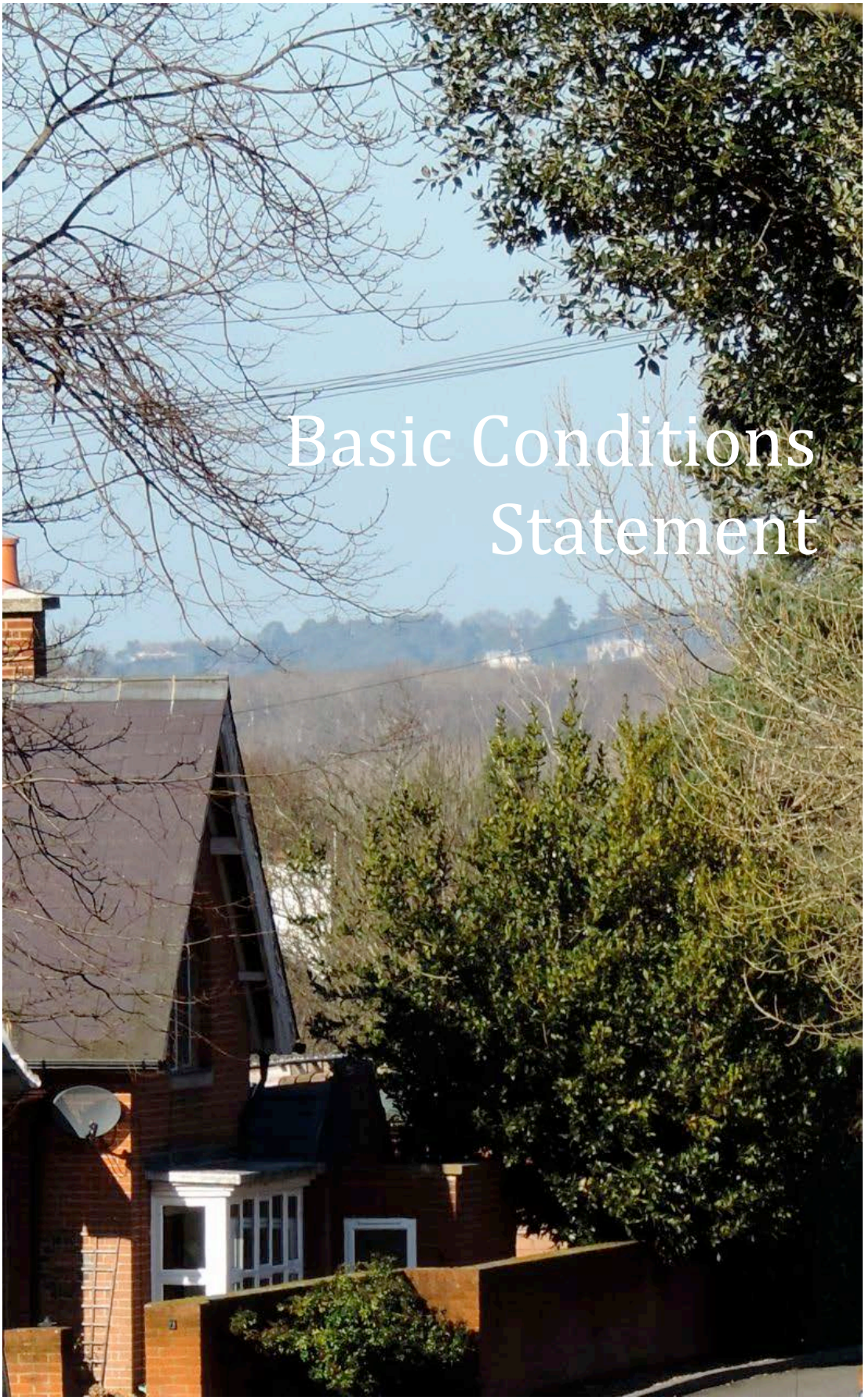

# Basic Conditions Statement

EFFINGHAM
VILLAGE PLAN

# Contents

This statement has been prepared by Effingham Parish Council to accompany their submission to the local planning Authority, Guildford Borough Council, of Effingham's Neighbourhood Development Plan ("the Neighbourhood Plan") under Regulation 15of the Neighbourhood Planning (General) Regulations 2012 ("The Regulations")


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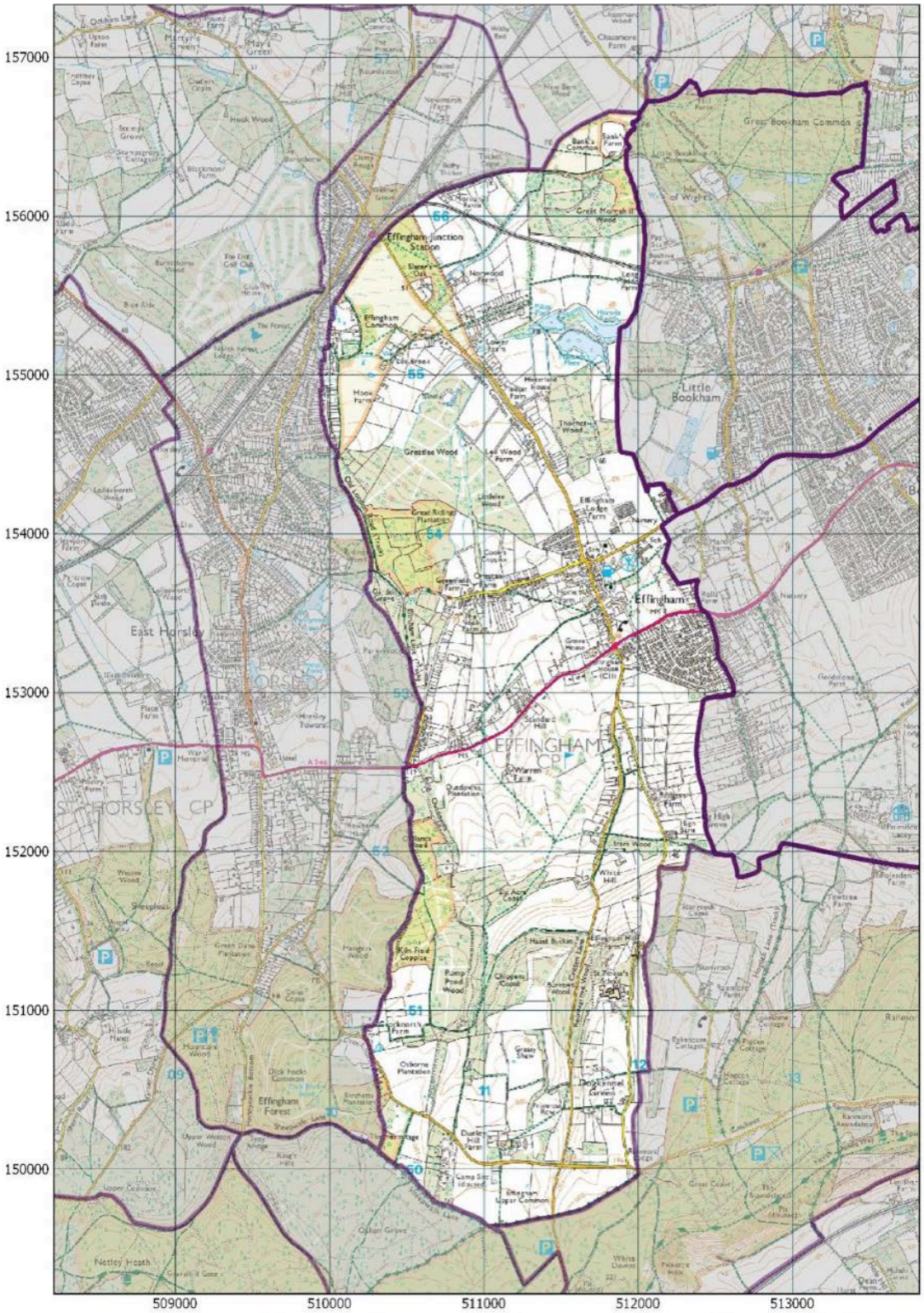
# Introduction: Designation of Neighbourhood Planning Area

Effingham Parish Council submitted a formal application to be designated as an official Neighbourhood Planning Area on 20th December 2012 and was approved as such on 4th April 2013 (Appendix I). The designated area (the 'Plan Area') is inclusive of the civil parish of Effingham and is highlighted in the map below (Figure 1).




Scale 1:30,000 at A4 **Fig. 1** **Effingham Neighbourhood Plan Designation**

Map based on data from Ordance Survey © Crown Copyright 2016 OS 100057555 EUL

The parish of Effingham lies within the administrative area of Guildford Borough Council, partly within the Surrey Hills Area of Outstanding Natural Beauty, on the edge of the North Downs. The village sits to the east of Guildford and west of Leatherhead, separated by Green Belt countryside from neighbouring villages of East Horsley to the west and Bookham to the east.

## Our Neighbourhood Development Plan seeks to a promote a sustainable plan, balancing the needs of residents with conservation of an historic, rural environment…

The Effingham Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning Regulations 2012 and the European Directive on Strategic Environmental Assessment 2004.The Plan covers the fifteen year period 2016 – 2030. The Evidence used to prepare the Plan includes documents from the evidence base of Guildford Borough Council's Local Plan as well as Effingham-specific documents, as set out in Section 10 Schedule of Evidence and Supplementary Documents.

## Background

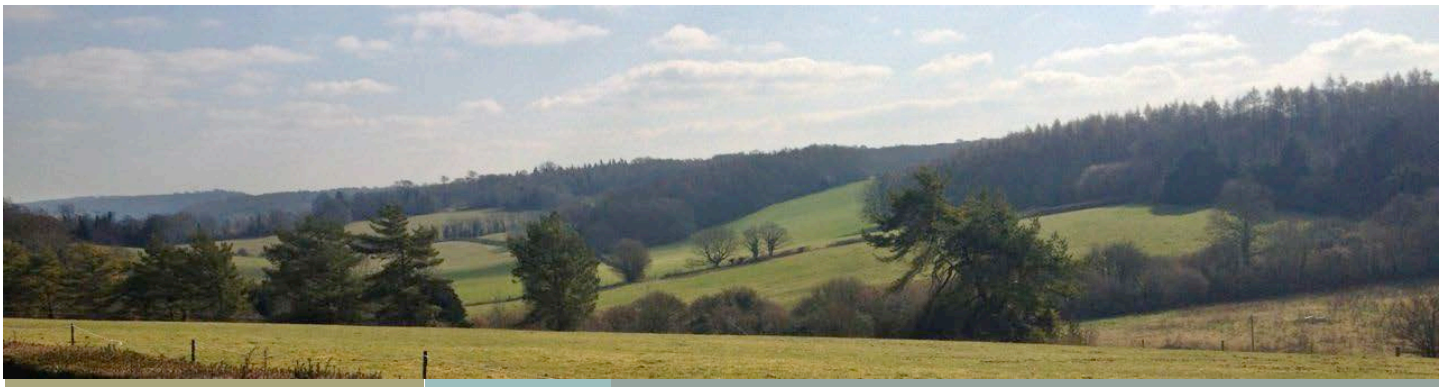
Effingham Parish Council, as the Qualifying Body, has prepared the Neighbourhood Plan in collaboration with residents of the Plan Area.

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from 1 January 2016 to 31 December 2030. It does not contain policies relating to 'excluded development' as defined and required by The Regulations.

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

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.



“ A delightful rural village with all its original charms intact”

The Parish Council commenced work on the plan in 2012. The initiative was introduced to the village in December 2012 during the monthly parish council meeting.

A Steering Group was established consisting initially of parish councillors who established working groups of residents to cover the key areas of the plan. In February 2016 the Effingham Neighbourhood Plan Advisory Group (ENPAG) of residents and parish councillors was set up to review the draft Neighbourhood Plan and coordinate the formal process leading to its adoption.

As the first village in the borough to attempt a Neighbourhood Plan, the team has worked closely with officers of Guildford Borough Council to ensure general conformity to the strategic policies of the Local Plan. This has not always been easy.

The 2014 Draft Local Plan was met with considerable resistance across the borough during the Regulation 18 consultation in 2014, which prompted delays. ENPAG has therefore plotted a course to take account of the strategic policies of the 2003 Local Plan, whilst attempting to align with the emerging 2016 Local Plan, which is due to be subject to a second Regulation 19 consultation during 2017.

The Neighbourhood Plan has therefore used the reasoning and evidence of the 2016 version of the emerging Local Plan, in line with the advice of the National Planning Practice Guidance (NPPG; Para ID41-009). Whilst we have sought general alignment with the emerging Local Plan, the Neighbourhood Plan refers to existing strategic polices of the 2003 Local Plan and the NPPF.

## Conformity with The Local Plan

A number of saved polices from the 2003 Local Plan continue to provide a valid policy framework for the Neighbourhood Plan and these have been referenced alongside each proposed policy. These are:

- RE2 Development within the Green Belt
- RE3 Identified Settlements in the Green Belt
- RE9 and RE10 Reuse of rural buildings
- H15 Home Farm, Effingham

The Neighbourhood Plan contains geographically specific housing, environment, community and other policies  set out on the Proposals Map for the village area.

# Conformity with National & Local Planning Policies

The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of 2012 and has sought to reflect the National Planning Practice Guidance. (NPPG) of 2014 in respect of formulating neighbourhood plans.

Within the Plan four sites have been allocated for housing that meet the guidelines established within paragraph 89 of the National Planning Policy Framework:

> *"A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*
> *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
> *Limited infilling, or the partial or complete redevelopment of previously developed sites (brown field land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. "*

In considering what is meant by 'limited infilling' we have referred to the 2003 Local Plan policy RE3 which permits infilling on 'land substantially surrounded by existing development' for purposes including 'small scale housing developments appropriate to the scale of the locality.' The supporting text of RE3, paragraph 10.18, adds 'A proposal will only be regarded as 'suitable infill' when it relates to the character of the surrounding area both in terms of scale and design, and when the development of the site would not have a detrimental effect on the quality of the environment.'

In addition, The 2016 Emerging Local Plan Policy P2 paragraph 4.3.26 says that limited infilling 'should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment.'

Case law (Wood v SoS CLG and another [2014] EWHC 683 (Admin)) has now established that limited infilling is applicable to all villages and not restricted to sites that fall within identified settlement boundaries in local plans. As there is no definition of a village contained in planning legislation, instead the decision-maker is required to consider whether the site is, as a matter of fact on the ground, within a village.

Site Allocation Policies within the Neighbourhood Plan are in general conformity with these requirements.

In overall terms, two key NPPF paragraphs provide general guidance on neighbourhood planning, to which our Neighbourhood Plan has directly responded:

**Paragraph 16**

The Parish Council believes the Neighbourhood Plan is planning positively to support the strategic development needs of the Plan Area by shaping housing and economic development, within the framework of a clear spatial vision for the village. The Plan also seeks to conserve and enhance our precious green spaces, local shops, community facilities, and transport projects that benefit the parishes. Commitment to sustainable development is an underlying principle of the plan.

**Paragraph 183**

The Parish Council believe the Neighbourhood Plan provides a clear vision for the Plan Area that reflects the view of the majority of the local community and interested parties. It has translated the vision into objectives, and then planning policies to determine future planning applications as part of the development plan.

## Contribution to Sustainable Development

A Sustainability Appraisal has not been undertaken as this is not a requirement of a Neighbourhood Plan and the Local Planning Authority screened out the need for a Strategic Environmental Assessment after meeetings to review Site Allocation Policies with Natural England. As part of this study an HRA (Habitats Regulations Assessment) was undertaken. (see Appendix II). The review concluded:

"Given the scale and nature of the objectives and policies within the plan, many of which are consistent with the conservations objectives of the SAC and SPA, no significant adverse impacts have been identified." (JBA Consulting)

The Neighbourhood Plan takes account of the need to contribute to the achievement of sustainable development in terms of how its policies aim to deliver a blend of economic, social and environmental benefits for the community.

**The overall vision for the project is:**
**"To support the organic development of Effingham to meet the needs of all members of its community regardless of age, race, religion, sexual orientation or disability. We aim to achieve this in a planned and measured approach that improves the facilities and services for all residents whilst enhancing and promoting the essential character and landscape of the village. We plan to improve the environment in which the village stands in a manner which respects the strategic role of the village in preventing urban sprawl and the loss of Green Belt but provides for development appropriate to the objectively assessed needs of the community"**

| Policy | NPPF & Local Plan References |
|---|---|
| ENP-G1 Spatial Plan: The policy steers development into the built area of the village. | Aims to protect land that strongly serves the purposes of the Green Belt as set out in para. 80, 89 & 111 NPPF and Policies RE2 and RE3 of the 2003 Local Plan. |
| ENP-G2 / G3 Policies to conserve landscape, heritage and & character | Aims to support development which responds to local character and history and to protect valued landscapes as encouraged in para. 58, 109, 126 and 128 NPPF |
| ENP-G4 Flooding | Aims to direct development to the most sustainable areas of the parish, para 100 NPPF |
| ENP-G5 Assessing Suitability of Sites for Residential Development | Aims to ensure all sites conisdered for potential residential development are assessed using criteria which are consistent with NPPF paragraphs 70 (community facilities and services), 76 (Local Green Space), 80 (Green Belt purposes), 89 (inappropriate development in Green Belt), 117 (ecological networks) and 128 (heritage), as well as Policies RE2 and RE3 of the 2003 Local Plan. |
| ENP-H1, ENP-SA1 to 4 Housing policies to meet objectively assessed community needs via small scale developments. All sites proposed constitute limited infilling within the Settlement Area of the 2003 Local Plan or within the village as a matter of fact on the ground, or are located on previously developed land at the edge of settlement. | Aims to introduce sustainable residential developments allowed for under para 89 of NPPF, and RE3 of 2003 Local Plan; development not considered inappropriate for the Green Belt / allowed for within defined settlement. All sites are outisde of the SPA 5km protection zone. |
| ENP-H2 , H3 mix of dwellings, proposes a distinctive mix for Effingham on the basis of adressing a shortfall (vs the Borough) for smaller units | Aims to produce a mix of housing to deliver a wide choice of high quality homes and widen opportunities for home ownership, reflecting local demand Para 50 NPPF |
| ENP- H4 Home Farm Estate | Similar to H15 of the 2003 Local Plan, to ensure continued application over the timescale of the Neighbourhood Plan. |
| ENP-ENV1 Local Green Spaces identifies important areas of valuable green spaces as areas of amenity and recreation | Aims to safeguard locally significant green spaces consistent with para 76 -77 of the NPPF, to enhance and protect their recreational value and to sustain wildlife habitats. |
| ENP-ENV2 covers the creation of wildlife corridors and stepping stones to link up areas of SSSI | Para 117and 118 require provision to be made for conservation of priority habitats and the identification of local ecological networks. The Plan seeks to provide a detailed plan for wildlife to support surrounding Sites of Special Scientific Interest. |
| ENP-ENV3 encourages provision of shared spaces to promote a sense of community | Para 70 of the NPPF requires 'To plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities' |
| ENP-ENV4 A dark skies policy unique to Effingham where the ability to enjoy the night sky has long since been a benefit to residents. | Para 125 of the NPPF encourages good design to limit the impact of light pollution. |
| ENP-ENV5 aims to promote measures for cleaner air and minimise polution | NPPF para 110 encourages proposals and plans that minimise pollution. |

| | |
|---|---|
| ENP-C1-C6 aim to improve provision of local services and facilities to support wellbeing and encourage greater connectivity | NPPF para 42 encourages provision of appropriate communications infrastructure. Para 69 and 70 encourages provision of community facilities as opportunities to promote strong neighbourhood centres and community cohesion. |
| ENP-R1 , R2 Aims to provide sustainable transport infrastructure addressing parking concerns in the village and providing for more sustainable transport options | NPPF para 39 and 35 providing for car parking standards and promotion of pedestian cycleways and footpaths. |
| ENP-LE policies to promote a robust rural economy, supporting local shops and promoting activities that support economic growth | Consistent with policy E9 of the emerging 2016 Local Plan and para 28 of the NPPF. |

## Compliance with the strategic policies of the 2003 Local Plan and the NPPF

Sites identified and allocated within the plan for potential residential use have been subjected to a detailed review process, including scrutiny to determine compliance with the saved strategic policies of the Local Plan, and the National Policies within the NPPF. Specifically:

- Policy RE2 development within the Green Belt
- Policy RE3 covering guidelines on infilling within villages
- Policy RE9 and RE10 regarding reuse of rural buildings
- NPPF paragraph 70 protecting community facilities and services,
- NPPF paragraph 76 protecting Local Green Spaces,
- NPPF paragraph 80 setting out the purposes of Green Belt,
- NPPF paragraph 89 defining where development in Green Belt may not be inappropriate
- NPPF paragraph 114, 117 and 118 protecting biodiversity networks
- NPPF paragraph 128 protecting heritage assets and their setting

Twenty candidate sites were identified or proposed and from these four sites were identified that meet the criteria established, and satisfy the Basic Conditions for Neighbourhood Planning purposes. The policy support for each of the proposed Site Allocations is summarised below.

**ENP-SA1: Land at Church Street:**

- NPPF paragraph 89 provides for 'limited infilling in villages' - this site is, as a matter of fact on the ground, within the village, being located adjacent to the settlement area and surrounded by development on all sides.
- NPPF paragraph 80 - this site does not significantly serve any of the five purposes of Green Belt:
  - it does not restrict sprawl of built up areas, being surrounded by built development
  - it does not prevent merging of towns, as it is not on the edge of the built area
  - it does not safeguard the countryside from encroachment, since the current use as a playing field does not have the appearance of 'countryside'
  - it does not preserve the setting of a historic town since it is already within the Conservation Area and surrounded by buildings
  - it does not assist in urban regeneration since there is insufficient derelict land in the village to provide alternative development sites
- 2003 GBC Local Plan, saved policy RE3 - 'infilling on land substantially surrounded by existing development' and 'small scale housing developments appropriate to the scale of the locality.' Development in accordance with ENP-SA1 would relate to the character of the surrounding area both in terms of scale and design, and would not have a detrimental effect on the quality of the environment.
- 2016 Emerging Local Plan – the site is within the proposed Inset Boundary for the village

**ENP-SA2: Land at The Barn, The Street, Effingham.**

- NPPF paragraph 89 provides for 'limited infilling in villages' - this site is, as a matter of fact on the ground, within the village, being located adjacent to the settlement area, with built development and allotments to three sides.
- NPPF paragraph 80 - does not significantly serve any of the five purposes of Green Belt:
  - it does not restrict sprawl of the built up areas of the village to a significant degree, being already residential and garden land
  - it does not prevent merging of towns, being a minor extrusion of built development on the edge of the built village
  - it does not safeguard the countryside from encroachment, since the site is already residential curtilage and not countryside
  - it does not preserve the setting of a historic town since it is within the Conservation Area
  - it does not assist in urban regeneration since there is insufficient derelict land in the village to provide alternative development sites
- 2003 GBC Local Plan, policy RE3 - 'infilling on land substantially surrounded by existing development' and 'small scale housing developments appropriate to the scale of the locality.' Development in accordance with ENP-SA2 would relate to the character of the surrounding area both in terms of scale and design, and would not have a detrimental effect on the quality of the environment.
- 2016 Emerging Local Plan – the site is within the proposed Inset Boundary for the village.

**SA3: Previously Developed Land at Effingham Lodge Farm**

- NPPF paragraph 89 provides for 'partial or complete redevelopment of previously developed sites (brownfield land)'. Development of this site in accordance with ENP-SA3 would result in a gain in openness of the Green Belt.

**SA4: Land at Orchard Walls, Beech Avenue, Effingham**

- NPPF paragraph 89 - 'limited infilling in villages' and 2003 GBC Local Plan, policy RE3 - This site is within the identified settlement boundary of Effingham where 'infilling on land substantially surrounded by existing development' and 'small scale housing developments appropriate to the scale of the locality' is acceptable.
- 2016 Emerging Local Plan – the site is within the proposed Inset Boundary for the village.

" A small and historic settlement centered around St Lawrence Church"

## Compatibility with EU Legislation

A screening assessment was undertaken by ENPAG to review compliance with Equality and Human Rights legislation. This review concluded that a specific equalities impact assessment was not required. In formulating the policies of the plan care has been taken to promote equality and access to housing and community facilities, including policies supporting specialist housing, disabled access facilities, and recognition that provision for Travellers will be included in accordance with Guildford Borough Council's Traveller Accommodation Assessment. The full screening assessment is attached in Appendix IV.

JBA Consulting undertook a Strategic Environmental Assessment (SEA) Screening and Habitats Regulations Assessment (HRA) of the draft Neighbourhood Plan in October 2015, updated April 2016 (Appendix II). The Screening Report concluded that a full SEA was not required and that the Neighbourhood Plan will not have an adverse impact on the integrity of any European sites:

> ***In conclusion, it is considered that the Effingham Neighbourhood Plan does not require a SEA.*** *This is primarily because the nature, scale, and location of the policies within the plan are not likely to adversely impact on any of the sensitive environmental receptors within or around Effingham Parish, including the Thames Basin Heaths SPA [Special Protection Area] and Mole Gap to Reigate Escarpment SAC [Special Areas of Conservation].*

The statutory consultees responded as follows (see Appendix III):

Historic England were satisfied that an SEA was not required. Their recommendations, concerning the need to avoid or minimise impacts on non-designated archeological remains, and to consider the impact of site allocations on the special historic or architectural interest of the conservation area, have been taken into account. A new policy has been developed, G3, inclusion within Site Allocation Policies where relevant, and by additions to the Village Design Statement.

The Environment Agency agreed that the plan is unlikely to result in significant environmental effects.

" A vibrant rural community in the heart of the Green Belt"

Natural England confirmed that they were satisfied that an SEA was not required subject to the following considerations:

- Housing development is only proposed on the allocated sites set out in policies ENP-SA1, ENP-SA2, ENP-SA3 and ENP-SA4
- All the sites allocated for housing are compliant with Guildford Borough Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 – 2016
- There will be no significant impact on other designated sites including Sites of Special Scientific Interest
- The sites allocated for housing will have no impact on the landscape of the Surrey Hills Area of Outstanding Natural Beauty

Natural England further confirmed that they concurred with the HRA screening, which concluded that 'the Effingham Neighbourhood Plan will not have an adverse impact on the integrity of any European sites'.

## Summary

Residents value highly the open rural character of the village and settlement areas, the Green Belt countryside which stretches from Effingham Common in the north to the North Downs Area of Outstanding Natural Beauty in the south, and the historic heritage of the local area including many Listed buildings and a significant Conservation Area.

The challenge for this Neighbourhood Plan is to achieve the balance between the growth in housing, community facilities, and the local economy needed to ensure the continued health and vibrancy of local community life, whilst conserving these essential characteristics of the civil parish.

At the same time the Neighbourhood Plan must adhere to national and local planning requirements at a time of constant change in the planning landscape.

This statement has been prepared by Effingham Parish Council to demonstrate that this delicate balance has been achieved, and the proposed Effingham Neighbourhood Development Plan meets the four basic conditions set in National Policy Guidance.