

# Hythe and Dibden Neighbourhood Development Plan

## Basic Conditions Statement

### 1 Introduction

#### Legal requirements

- 1.1 The draft Plan is submitted by Hythe and Dibden Parish Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan for its own parish. The Plan has been prepared by the Hythe and Dibden Neighbourhood Planning Group, which is led by Hythe and Dibden Parish Council.
- 1.2 The whole parish of Hythe and Dibden has been formally designated as a Neighbourhood Area through an application made on 15 July 2015 (ref 1.1) under the Neighbourhood Planning Regulations 2012 (part 2 S6) and approved by both relevant local planning authorities, by New Forest District Council on 17 November 2015 (refs 1.2, 1.3) and by New Forest National Park Authority on 1 December 2015 (ref 1.4). The Parish Council was formally notified of the area designation on 2 December 2015 by NFDC (ref 1.5) and by NFNPA (ref 1.6).
- 1.3 The draft Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 1.4 The draft Plan identifies the period to which it relates as 2018 to 2026. The period has been chosen to align with the dates of the current Local Plans of the two relevant local planning authorities, New Forest District Council and New Forest National Park Authority. In both cases, the Local Plans are in the process of review, but following discussion with the LPAs concerned the decision was taken to align with the current rather than the emerging Local Plans.
- 1.5 The draft Plan does not deal with county matters such as mineral extraction and waste development, policies for which are set out in the adopted Hampshire Minerals and Waste Plan 2013 (ref 5.3) although it should be noted that these are an important part of the planning context. The Plan area includes at least five safeguarded waste sites, and numerous safeguarded sites within close proximity to the north. Parts of the Plan area are underlain by safeguarded mineral resources (sand and gravel).
- 1.6 The draft Plan includes policies relating to the creation of a buffer zone around possible major port development, contingent on such development occurring, but it does not contain policies or actions seeking to influence the decision as to whether or how such development should be permitted, recognising that such decisions regarding major port development will be taken through separate nationally significant infrastructure project (NSIP) processes. The draft Plan does not deal with

any other types of excluded development set out in Section 61K of the Town and Country Planning Act 1990.

- 1.7 The draft Plan relates only to the parish of Hythe and Dibden. It does not relate to more than one neighbourhood area. There are no other neighbourhood development plans in place within the neighbourhood area.

### **Basic Conditions**

- 1.8 This Basic Conditions Statement has been prepared to accompany the draft Hythe and Dibden Neighbourhood Development Plan (HDNDP).
- 1.9 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 requires that Neighbourhood Development Plans (NDP) must meet the following basic conditions:
- (i) the draft NDP must have appropriate regard to national policies and advice contained in the National Planning Policy Framework (NPPF);
  - (ii) the draft NDP must contribute to the achievement of sustainable development;
  - (iii) the draft NDP must be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case New Forest District Local Plan Part 1 Core Strategy (adopted 2009) and Part 2 Sites and Development Management Policies (adopted 2014) and the New Forest National Park Core Strategy and Development Management Policies (adopted 2010); and
  - (iv) the draft NDP must not breach and otherwise be in conformity with the relevant EU obligations.
- 1.10 In addition, the Parish Council also has a 'duty of regard' to demonstrate how the National Park purposes have influenced the preparation of the HDNDP.
- 1.11 This Basic Conditions Statement addresses these requirements in the following four sections:

**Section 2** demonstrates the conformity of the HDNDP with the NPPF.

**Section 3** shows how the HDNDP will contribute to sustainable development.

**Section 4** demonstrates the conformity of the HDNDP with the strategic policies of the relevant Local Plans and how the 'duty of regard' for National Park purposes has been addressed, and acknowledges the duty to have regard to marine planning.

**Section 5** demonstrates compliance with the appropriate EU obligations.

## Section 2: National policy

- 2.1 Neighbourhood plans are required to have appropriate regard to national policy and advice.
- 2.2 The revised National Planning Policy Framework (NPPF) was published in July 2018, and provides a framework within local communities can produce neighbourhood development plans for their area, and sets out how planning should help achieve sustainable development.
- 2.3 The Hythe and Dibden Neighbourhood Development Plan has regard to the purpose of the NPPF in contributing to the achievement of sustainable development and to relevant policies within it in relation to:
- Delivering a sufficient supply of homes
  - Building a strong, competitive economy
  - Promoting healthy and safe communities
  - Promoting sustainable transport
  - Supporting high quality communications
  - Achieving well-designed places
  - Meeting the challenges of climate change, flooding and coastal change
  - Conserving and enhancing the natural environment
  - Conserving and enhancing the historic environment

Aim	
1	To promote high standards of design in the built and natural environment
2	To support the provision of suitable housing opportunities for the local community
3	To seek opportunities to conserve and enhance the landscape, recreational, ecological and historic assets of the parish both inside and outside the National Park, and minimise the environmental impact of development
4	To promote public health and wellbeing
5	To secure and support existing and new transport provision as an alternative to the use of private vehicles
6	To enhance the prospects for employment locally
7	To reduce crime, anti-social and nuisance behaviour
8	To reduce the likelihood and impact of flooding through coastal and riverine causes
9	In the event of major port development on the Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land

**Table 1 Summary of Neighbourhood Plan Aims**

	Aim 1	Aim 2	Aim 3	Aim 4	Aim 5	Aim 6	Aim 7	Aim 8	Aim 9
Delivering a sufficient supply of homes		●							
Building a strong, competitive economy						●			●
Promoting healthy and safe communities				●			●		●
Promoting sustainable transport					●				
Supporting high quality communications						●			
Achieving well-designed places	●								●
Meeting the challenges of climate change, flooding and coastal change								●	
Conserving and enhancing the natural environment	●		●						●
Conserving and enhancing the historic environment	●		●						

**Table 2 Contribution of Neighbourhood Plan aims to NPPF policy objectives**

<b>Plan policy</b>	<b>NPPF para ref</b>	<b>Commentary</b>
D1, D2, D3	124-131	The NPPF strongly supports good design. The HDNDP responds to this, especially the emphasis on supporting local character and distinctiveness, and by ensuring that practical and appropriate mechanisms are in place for the achievement of good design.
H1, H2	59-66 77-79	Although the HDNDP does not seek to increase the supply of housing beyond that envisaged in the respective Local Plans for the area, it supports the NPPF overall goal of delivering housing that is responsive to the needs of local people and will work with the local planning authorities to seek to ensure that appropriate new housing provision is made in the Parish.
ENV1, ENV2,	170-177	The HDNDP contributes to NPPF goals for protection and enhancement of the natural environment. The SEA (voluntary submission, see 4.1.1 below) confirms that the HDNDP will result in beneficial environmental effects.
WEL1, WEL2,	91-92 96	The HDNDP contributes to NPPF policy objectives for the creation of environments that support healthy lifestyles and encourage physical activity.
T1, T2, T3, T4, T5, T6,	98 102-111	The NPPF encourages the provision of sustainable transport infrastructure with an emphasis on walking, cycling and public transport. The HDNDP promotes these objectives.
EMP1	80-84	The HDNDP responds to the NPPF support for the economy, particularly with regard to the knowledge-based and digital economy referred to in paragraph 82.
C1, C2, C3	91, 95	The NPPF seeks to achieve safe and accessible places where crime and disorder do not erode community cohesion. The HDNDP proposed policies will help in achieving this.
F1, F2, F3	155-165	The HDNDP supports NPPF objectives of directing development away from areas at highest risk of flooding and planning for the long term taking account of climate change and consequent sea level rises.
BZ1, BZ2, BZ3	170-177 118	The HDNDP policies seek to protect and enhance the valued landscapes within and adjoining the New Forest National Park. The multifunctional approach to the effective use of land, potentially delivering multiple benefits including net environmental gains is explicitly supported by NPPF paragraph 118.

**Table 3 Neighbourhood Plan policies in relation to NPPF**

## Section 3: Sustainable development

3.1 The NPPF defines the purpose of planning as contributing to sustainable development, and sets out three overarching and interdependent objectives to achieve this, namely the economic, social and environmental objectives. The Neighbourhood Plan contributes as a whole to the achievement of this purpose, and also through its nine stated Aims, whose principal contributions are set out in Table 4 below.

Neighbourhood Plan Aim	NPPF economic objective	NPPF social objective	NPPF environmental objective
1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	<input type="checkbox"/>		<input checked="" type="checkbox"/>
9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
KEY	<input checked="" type="checkbox"/> Direct/ major contribution <input type="checkbox"/> Supporting contribution		

**Table 4 Contribution of Neighbourhood Plan Aims to sustainable development**

## Section 4: General conformity with development plans

### 4.1 General conformity with New Forest District Local Plan (outside the National Park)

4.1.1 There has been regular dialogue between the Parish Council and both local planning authorities throughout the evolution of the Neighbourhood Plan to date. In its response to the Regulation 14 consultation (December 2018 – January 2019), New Forest District Council confirmed (letter dated 29 January 2019, included in the Consultation Statement) that it considers the draft Neighbourhood Plan to be in general conformity with the adopted Local Plan for the area outside the National Park, and also with the emerging Local Plan, currently at submission draft stage.

Neighbourhood Plan policies	Most relevant adopted Local Plan policies [1]	Most relevant emerging Local Plan policies [2]
Aim 1 D1, D2, D3	CS1, CS2, DM1	1, 11 (saved DM1), 13, 14
Aim 2 H1, H2	CS12, CS13, CS14, DM10, DM20	1, 5, 16, 17, 18, 20
Aim 3 ENV1, ENV2	CS1, CS3, DM2, DM3, DM8, DM9	1, 2, 9 (saved DM2), 10
Aim 4 WEL1, WEL2	CS5, CS7	15 (saved CS7), 29
Aim 5 T1, T2, T3, T4, T5, T6	CS23, CS24	1, 7, 31
Aim 6 EMP1	CS17, CS21, DM22	1, 6, 22, 28 (saved CS21)
Aim 7 C1, C2, C3	CS1, CS2, CS5	1
Aim 8 F1, F2, F3	CS1, CS6	Mainly relies on national policy
Aim 9 BZ1, BZ2, BZ3	DM9	24
<p>[1] New Forest District Local Plan Part 1 – Core Strategy, adopted 2009 New Forest District Local Plan Part 2 – Sites and Development Management, adopted 2014</p> <p>[2] New Forest District Local Plan Review 2016-2036 Part 1 - Planning Strategy: Public consultation submission document, June 2018</p>		

**Table 5 Most relevant Local Plan policies (outside the National Park)**

## 4.2 General conformity with New Forest National Park Local Plan

4.2.1 There has been regular dialogue between the Parish Council and both local planning authorities throughout the evolution of the Neighbourhood Plan to date. In its response to the Regulation 14 consultation (December 2018 – January 2019), the New Forest National Park Authority confirmed (letter dated 15 January 2019, included in the Consultation Statement) that the Regulation 14 draft Neighbourhood Plan is considered to be in general conformity with the adopted Local Plan for the area within the National Park. At this stage there is no reason not to expect that it will also be in general conformity with the emerging Local Plan, currently at Examination stage. 'Duty of regard' for national park purposes is addressed in 4.3 below.

Neighbourhood Plan policies	Most relevant adopted Local Plan policies [1]	Most relevant emerging Local Plan policies [2]
Aim 1 D1, D2, D3	DP1, DP6, CP7, CP8	SP1, SP2, SP16, SP17, DP18
Aim 2 H1, H2	CP11, CP12	SP19, SP20, SP21, SP28
Aim 3 ENV1, ENV2	CP1, CP2, DP3	SP5, SP7, SP9, DP10
Aim 4 WEL1, WEL2	CP3, CP19	SP9, SP55
Aim 5 T1, T2, T3, T4, T5, T6	CP19	SP55
Aim 6 EMP1	CP15	DP44
Aim 7 C1, C2, C3		DP18
Aim 8 F1, F2, F3	DP4	DP12
Aim 9 BZ1, BZ2, BZ3	CP3	SP9
<p>[1] New Forest National Park: Core Strategy and Development Management Policies, adopted 2010</p> <p>[2] New Forest National Park submission draft Local Plan 2016-2036, dated January 2018</p>		

**Table 6 Most relevant Local Plan policies (within the National Park)**



### 4.3 'Duty of regard' for National Park purposes

- 4.3.1 The two defined statutory purposes of National Parks are:
- to conserve and enhance their natural beauty, wildlife and cultural heritage, and
  - to promote opportunities for the understanding and enjoyment of their special qualities by the public.
- 4.3.2 Under section 11A(2) of the National Parks and Access to the Countryside Act 1949, relevant authorities (which include parish councils) have a 'duty of regard' for the purposes of the National Parks when exercising any functions affecting land in a National Park.
- 4.3.3 The Parish Council has taken note of the advice in the 2005 Guidance Note issued by DEFRA on "Duties on relevant authorities to have regard to the purposes of National Parks..." and has reviewed the aims, objectives, policies and actions in this Neighbourhood Plan in the light of National Park purposes and concluded that none are in conflict with National Park purposes, and that the those set out in Table 7 below in particular are expected to have a positive effect and assist the New Forest National Park in fulfilling its purposes.
- 4.3.4 Aim 3 makes explicit reference to the National Park, and the policies and action under this aim promote higher standards of design and greater responsiveness to local environmental context which strongly supports the conservation and enhancement statutory purpose.
- 4.3.5 The SEA (voluntary submission, see 5.1.1 below) concludes that the Neighbourhood Plan will have beneficial environmental effects, which also supports the conservation and enhancement purpose of the National Park.

Aims	Objectives	Policies	Actions
Aim 1 – To promote high standards of design in the built and natural environment	1.1 1.2 1.3	D1 D2 D3	D-AP1
Aim 3 - To seek opportunities to conserve and enhance the landscape, recreational, ecological and historic assets of the parish both inside and outside the National Park, and minimise the environmental impact of development	3.1 3.2 3.3 3.4 3.5	ENV1 ENV2	ENV-AP1 ENV-AP3 ENV-AP4 ENV-AP5
Aim 4 -To promote public health and wellbeing	4.1 4.4	WEL1	
Aim 9 – In the event of major port development on Dibden Bay reclaim, to create a multifunctional buffer zone to positively manage the interface with the surrounding land	9.1 9.2 9.3 9.4 9.5 9.6 9.7	BZ1 BZ2 BZ3	BZ-AP1 BZ-AP2 BZ-AP3

**Table 7 Neighbourhood Plan aims, objectives, policies and actions that will positively contribute to the fulfilment of the purposes of the National Park**

#### **4.4 'Duty of regard' for marine planning**

- 4.4.1 The Parish Council recognises the value of marine planning, and that in common with all public bodies it has a general duty under section 58(3) of the Marine and Coastal Access Act 2009 to have regard for marine planning policy in the exercise of any function capable of affecting any part of the UK marine area. Marine planning policy for this area is set out in the South Marine Plan, 2018 (ref 8.12).

## Section 5: European Union Obligations

### 5.1 Environmental Impact and Habitat Regulations

With respect to relevant EU directives the following applies:

#### 5.1.1 *Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).*

An initial screening at an early stage in the development of the Neighbourhood Plan was undertaken in July 2017 and the conclusion at that time was that the Plan did fall within the scope of the SEA regulations and that formal strategic environmental assessment would therefore be required. However, significant changes were subsequently made to the draft Plan, which no longer contains any site allocation policies, and these changes have been discussed with the two LPAs.

A second formal screening opinion was sought in October 2018 by each of the two LPAs to assess the current consultation draft plan against the significance criteria in the SEA Directive and Regulations. NFDC confirmed on 23 November 2018 (refs 3.10 and 3.11) that the impact of the Hythe and Dibden Neighbourhood Plan will not result in significant environmental effects, and that therefore no SEA is required. The NFNPA confirmed on 28 November 2018 (refs 4.4 and 4.5) that it concurs with the NFDC opinion that the impact of the Neighbourhood Plan will not result in significant environmental effects, and that therefore no SEA is required.

Prior to this advice being received, an SEA report had been commissioned and is now available, so it has been included with the documents accompanying the Neighbourhood Plan as a voluntary rather than an obligatory submission (ref 8.11). The conclusions of the SEA report are that the Neighbourhood Plan would result in no adverse environmental effects, but a number of beneficial environmental effects, including some significant beneficial effects and some minor, non-significant, beneficial effects.

#### 5.1.2 *Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).*

No neighbourhood development orders are proposed by the qualifying body, therefore this directive does not apply.

#### 5.1.3 *Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).*

An initial screening at an early stage in the development of the Neighbourhood Plan was undertaken in July 2017 and the conclusion at that time was that the Plan did fall within the scope of the HRA regulations and that an appropriate assessment would therefore be required. However, significant changes were subsequently made to the draft Plan, which no longer contains any site allocation policies, and these changes have been discussed with the two LPAs.

A second formal screening opinion was sought in October 2018 by each of the two LPAs to assess the current consultation draft plan against the significance criteria in the Habitats and Wild Birds Directives and Regulations. NFDC confirmed on 23 November 2018 (refs 3.10 and 3.11) that the impact of the Hythe and Dibden Neighbourhood Plan will not result in significant effects on European designated sites, and that therefore no HRA is required. The NFNPA confirmed on 28 November 2019 (refs 4.4 and 4.5) that it concurs with the NFDC opinion that the impact of the Neighbourhood Plan will not result in significant effects on European designated sites, and that therefore no HRA is required.

**5.1.4** *Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and Water Framework Directive (2000/60/EC).*

There are no policies contained in the HDNP that are within the scope of these directives.

## **5.2 Human Rights**

5.2.1 The Hythe & Dibden Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and the UK Human Rights Act 1998, including equality implications. The Plan has been prepared within the existing framework of statute, national planning policy and guidance, and Local Plan strategic planning policies.

5.2.2 As set out in the Consultation Statement, throughout the preparation of the Plan efforts have been made to ensure that all sections of the community have been given the opportunity to get involved and to express their views on the Plan, which will also be subject to independent examination.

5.2.3 No issues of human rights were raised during the consultation with the public, and the policies within the Plan are considered to comply with the requirements of EU obligations in relation to Human Rights.