

# West Hoathly Neighbourhood Plan 2014 - 2031

## Basic Conditions Statement

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## 1. Introduction

This Statement has been prepared by West Hoathly Parish Council to accompany its submission of the West Hoathly Parish Neighbourhood Plan to the local planning authority, Mid Sussex District Council (MSDC), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

## 2. Requirements of the Regulations

Neighbourhood Development Plans must meet the following basic conditions:

*The examiner must consider the following—*

- *whether the draft neighbourhood development plan meets the basic conditions*
  - *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*
  - *prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*
  
- *whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L of the Regulations,*
  
- *whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relate*
  
- *such other matters as may be prescribed.*

*The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

To meet these basic conditions the following information is presented to help the Examiner in his or her consideration.

The Neighbourhood Plan does not breach and is otherwise compatible with the European Convention on Human Rights and in particular those dealing with privacy (Article 8), discrimination (Article 14) and Article 1 of the First Protocol (property).

## 3. Compliance with the provision made by or under sections 61E(2), 61J and 61L of the Regulations

The provision of 61E(2) 61J and 61L as amended by s38C(5)(b) is a reference to the provisions of 38A and 38B of the 2004 Planning Act.

### **Provisions of 38A**

- 1) West Hoathly Parish Council is a qualifying body and entitled to submit a neighbourhood development plan for its own parish.
  
- 2) The West Hoathly Neighbourhood Plan expresses policies relating to land use within the neighbourhood area.

Other clauses 3) – 12) are essentially post examination procedures

### **Provisions of 38B**

- 1) a. the period of the Neighbourhood Plan is up to 2031. This period has been chosen to align the Neighbourhood Plan with the dates of the Mid Sussex District Plan.  
  
b. the Neighbourhood Plan does not include any provision for excluded development such as national infrastructure  
  
c. the Neighbourhood Plan does not relate to more than one neighbourhood area. It relates to the West Hoathly Neighbourhood Area as designated by Mid Sussex District Council in May 2012.
  
- 2) There is no other Neighbourhood Plan in place in this neighbourhood area.
  
- 3) Refers to conflicts within the Neighbourhood Plan
  
- 4) Refers to regulations that the Secretary of State may make relating to Neighbourhood Development Plans. Such regulations are 2012 No 637, The Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the West Hoathly Neighbourhood Plan. These regulations set out the process by which neighbourhood plans are to be made and set out:
  - the consultation bodies for Neighbourhood Plans  
These have been included in the Consultation Statement
  
  - that Neighbourhood Plans which are likely to have a significant effect on European Sites must be subject to an appropriate assessment. The West Hoathly Neighbourhood Plan Area is within a 7km “zone of influence” for the Ashdown Forest Special Protection Area and Special Area Conservation and therefore has been subject to a Habitats Regulations Assessment (see Habitats Regulations Assessment)
  
  - that Neighbourhood Development Orders within an Area of Outstanding Natural Beauty (AONB) are subject to an Environmental Impact Assessment. Neighbourhood Development Plans within an AONB are subject to a Strategic Environmental Assessment. The West Hoathly Neighbourhood Plan is not seeking permission to build of itself but to broadly shape development. An Environmental Impact Assessment will be undertaken through the planning application process.
  
- 5) Refers to the publication of Neighbourhood Development Plans
  
- 6) Clarifies what is excluded development.

## **Should the area for referendum extend beyond the neighbourhood area?**

It is not considered that there is any benefit in extending the area for the referendum beyond the designated Neighbourhood Plan Area. The effect of the policies in the Neighbourhood Plan can be easily restricted to the West Hoathly Designated Area by virtue of the parish boundary used to define it.

### **Prescribed Matters**

There are no prescribed matters other than those considered below.

## **4. Basic Conditions**

### **Regard to national policies and advice**

National policies and advice are contained in the National Planning Policy Framework (NPPF)

The Rt Hon Greg Clark MP says in his forward to the NPPF that Planning should be a creative exercise, a collective enterprise, not excluding people and communities, and Neighbourhood Planning is intended to address this.

The presumption in favour of sustainable development within the NPPF means that neighbourhoods should plan positively to support local development that is outside the strategic elements of the local plan.

To promote sustainable development in the countryside housing should be located to sustain or enhance the vitality of rural communities. The provision of housing as envisaged in the policies of this Neighbourhood Plan is in line with this concept.

The West Hoathly Neighbourhood Plan has a site strategy. Such a strategy is sensible for an area where the vast majority of new housing is not delivered by volume builders, where both need and demand are small (but acute), and settlement capacity is low.

### **General conformity with the strategic policies contained in the Mid Sussex development plan**

The NPPF in sections 183 - 185 refers to Neighbourhood plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the Strategic Policies of the Local Plan. This phrasing is slightly different than the legal requirement which is set out in the Act refers to the 'adopted Development Plan'.

The adopted Development Plan for Mid Sussex consists of the Mid Sussex Local Plan 2004. During the preparation of the West Hoathly Neighbourhood Plan consideration of conformity with the strategic policies of the local plan has focused on the emerging Mid Sussex District Plan, which was significantly delayed until the revocation of the South East Regional Plan. However there is nothing in the West Hoathly Neighbourhood Plan that would not also be in conformity with the Mid Sussex Local Plan, 2004.

## Conformity with NPPF and MSDC Policies

<b>Neighbourhood Plan Policy</b>	<b>Local Plan (Development Plan)</b>	<b>Proposed Submission District Plan</b>	<b>National Planning Policy Framework</b>
Complete Neighbourhood Plan	G1, G2 Sustainable Development G3 Infrastructure	DP1 Sustainable Development	Para: 183, 184 & 185
WHP1 Landscape	C4 Areas of Outstanding Natural Beauty WHS4 Finche Field	DP13 High Weald Area of Outstanding Natural Beauty	Para: 109, 110 & 115 – Conserving and enhancing the natural environment
WHP2 Historic Lanes	C4 Areas of Outstanding Natural Beauty C6 Loss of Hedgerows	DP13 High Weald Area of Outstanding Natural Beauty	Para: 58 & 60 – Requiring good design Para: 126 & 135 – Conserving and enhancing the historic environment
WHP3 Recreational Spaces	B6 Loss of public/private open Spaces C4 Areas of Outstanding Natural Beauty R2 Loss of recreational spaces R7 Loss of countryside recreational WHS4 Finche Field	DP13 High Weald Area of Outstanding Natural Beauty DP22 Leisure & Cultural Facilities and Activities	Para: 28 – Supporting a prosperous rural economy Para: 70 & 74 – Promoting healthy communities Para: 171 – Local plans, Health and well-being
WHP4 Rights of Way		DP20 Rights of Way & other Recreational Routes	Para: 35 – Promoting sustainable transport Para: 75 – Promoting healthy communities
WHP5 Visualisations	B1 High quality design B12 Conservation Areas B15 Setting of Conservation Areas C4 Areas of Outstanding Natural Beauty	DP24 Character and Design DP32 Listed Buildings and other Buildings of Merit DP33 Conservation Areas	Para: 56 & 58 – Requiring good design Para: 128 & 129 – Conserving and enhancing the historic environment
WHP6 New Homes Parking	T4 Sustainability requirements and traffic generation, new	DP19 Transport	Para: 39 – Promoting sustainable transport

<b>Neighbourhood Plan Policy</b>	<b>Local Plan (Development Plan)</b>	<b>Proposed Submission District Plan</b>	<b>National Planning Policy Framework</b>
	developments T5 Parking requirements		
WH7 Protection of Parking	T4 Sustainability requirements and traffic generation, new developments		Para: 39 – Promoting sustainable transport
WHP8 Goods Vehicle Traffic	T3 Heavy Goods vehicles T4 Sustainability requirements and traffic generation, new developments	DP19 Transport	Para: 39 – Promoting sustainable transport
WHP9A Road Improvements	CS11 New infrastructure needs	DP18 Securing Infrastructure	Para: 29 & 35 – Promoting sustainable transport Para: 69 – Promoting healthy communities Para: 175 – Local plans, Ensuring viability and deliverability
WHP9B Planning Obligations			Para: 29 & 35 – Promoting sustainable transport Para: 69 – Promoting healthy communities Para: 175 – Local plans, Ensuring viability and deliverability
WHP10 Bluebell Railway	R14 Bluebell Railway WHS5 West Hoathly Station	DP17 Sustainable Tourism	Para: 28 – Supporting a prosperous rural economy Para: 29 – Promoting sustainable transport
WHP11 Infill Housing	B1 High quality design B3 Harm to nearby residents H2 New housing developments	DP28 Housing Mix	Para: 50 – Delivering a wide choice of high quality homes

<b>Neighbourhood Plan Policy</b>	<b>Local Plan (Development Plan)</b>	<b>Proposed Submission District Plan</b>	<b>National Planning Policy Framework</b>
	H3 Development in built-up areas		
WHP12 Housing Mix	H2 Housing Mix	DP28 Housing Mix	
WHP13 Site for New Homes	B2 New residential development H2 New housing developments H4 Affordable 30% R6 Informal open spaces T4 Sustainability and traffic	DP5 Housing	Para: 47, 50 & 55 – Delivering a wide choice of high quality homes
WHP14 Dwelling Extensions	B1 High quality design B3 Harm to nearby residents C13 Adaptation of rural buildings H9 Extensions & Alterations H13 Extensions in countryside	DP24 Character & Design	Para: 50 – Delivering a wide choice of high quality homes Para: 56 – Requiring good design
WHP15 Conservation Areas	H3 Built up area permissions	DP5 Housing DP33 Conservation Areas	Para: 126 – Conserving and enhancing the historic environment
WHP16 Alternative Green Space	n/a	DP14 Ashdown Forest Special Area of Conservation & Special Protection Area	Para: 70 – Promoting healthy communities Para: 109 & 117 – Conserving and enhancing the natural environment
WHP17 Hoathly Hill	WHS1 West Hoathly & Sharpthorne Hoathly Hill	DP5 Housing DP13 High Weald Area of Outstanding Natural Beauty	Para: 109 & 115 – Conserving and enhancing the natural environment
WHP18 Existing Employment Sites	E2 Loss of business floorspace E7 Business development outside built up area S7 Loss of retail in villages WHS3 Retention of employment at brickworks	DP2 Sustainable Economic Development DP11 Sustainable Rural Development & the Rural Economy DP4 Village and Neighbourhood Centre Development DP17 Sustainable Tourism?	Para: 28 & 37 – Supporting a prosperous rural economy
WHP19 Home Working	E6 Business development in	DP2 Sustainable Economic Development	Para: 28, 30 & 37 – Supporting a



<b>Neighbourhood Plan Policy</b>	<b>Local Plan (Development Plan)</b>	<b>Proposed Submission District Plan</b>	<b>National Planning Policy Framework</b>
	villages E7 Business development outside built up area	DP11 Sustainable Rural Development & the Rural Economy	prosperous rural economy

## **Contribution to the achievement of sustainable development**

The Mid Sussex District Plan policy DP1 Sustainable Development is an over-arching strategic policy reflecting the presumption of sustainable development contained in the National Planning Policy Framework. This policy is relevant to all sections of the West Hoathly Neighbourhood Plan.

A Sustainability Appraisal has been carried out for the West Hoathly Neighbourhood Plan – see Sustainability Appraisal.

## **Compatibility with EU obligations**

The West Hoathly Neighbourhood Plan is subject to the requirements of the Conservation of Habitats and Species Regulations (the Habitat Regulations). This means that any proposed plan that may affect a European site (in this case the Ashdown Forest Special protection Area and Special Area of Conservation) must first undergo an assessment to look at its potential impacts – see Habitats Regulations Assessment.

## **5. Habitats Regulations Assessment**

Ashdown Forest is located adjacent to the north-eastern boundary of Mid Sussex within Wealden District. It is designated as a Special Area of Conservation (SAC) due to the important heathland habitats present and classified as a Special Protection Area (SPA) due to the presence of breeding Nightjars and Dartford warbler. It is a site of European Nature Conservation Importance comprising heathland and woodland habitats of around 3,000Ha.

Following consultation with Natural England, Mid Sussex District Council has undertaken a Habitats Regulations Assessment (HRA) to test whether the Mid Sussex District Plan, in combination with other plans and projects, is likely to have an adverse effect on the integrity of Ashdown Forest. The HRA report on the District Plan identifies that proposed new housing close to Ashdown Forest is likely to increase the number of visitors to the Forest. Such visitors could increase disturbance to rare, ground-nesting bird populations (in particular the Dartford warbler and Nightjar). The 'Ashdown Forest Visitor Survey Data Analysis' published in September 2010 found that most visitors to the Forest live within 7km of its boundaries (straight line distance). The HRA therefore identified a 7km 'zone of influence' within which new housing developments must counter its effect by putting in place measures which reduce visitor pressure.

The Neighbourhood Plan area includes land within the 7km zone of influence, and therefore new residential development proposed in the Plan must have due regard to the Habitats Regulations. The proposed approach set out in the Mid Sussex District Plan includes providing Suitable Alternative Natural Greenspace sites (SANGs) and Strategic Access Management and Monitoring (SAMM) measures on Ashdown Forest itself.

SANGs are sites that cater for the recreational needs of communities in order to reduce the likelihood of visitor pressure and disturbance on important nature conservation areas. Developer contributions will be required towards the provision of SANGs and the criteria for a site to be suitable as a SANG site is set out on the Mid Sussex District Council website ([www.midsussex.gov.uk](http://www.midsussex.gov.uk)).

## 6. Sustainability Appraisal

Based on the view from Mid Sussex District Council that Neighbourhood Plans should undertake a Strategic Environmental Assessment and that there is no harm in demonstrating the impact of the Neighbourhood Plan on social and economic factors as well as environmental ones a decision was taken to carry out a Sustainability Appraisal incorporating the required Strategic Environmental Assessment. A Scoping Report was prepared in July 2012. This was issued for consultation to the Statutory Consultees on 1<sup>st</sup> August 2012 for a 5 week statutory period ending on 8<sup>th</sup> September 2012:

- Natural England
- The Environment Agency
- English Heritage
- Mid Sussex District Council

The Sustainability Appraisal Scoping Document was made available to local residents for comment and, as the designated area of the parish of West Hoathly is within the High Weald Area of Outstanding Natural Beauty they were also invited to comment. Comments received were incorporated into the Neighbourhood Plan and the accompanying Sustainability Appraisal.

The Scoping Report fed into the full Sustainability Appraisal which constitutes the Environmental Report as required by the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).

## 7. Appendix: Summary of Documents

### West Hoathly Neighbourhood Area Designation

- Designation Application:  
[http://www.midsussex.gov.uk/media/West\\_Hoathly\\_NP\\_application\\_blanked\\_out.pdf](http://www.midsussex.gov.uk/media/West_Hoathly_NP_application_blanked_out.pdf)
- Designation Area Map:  
[http://www.midsussex.gov.uk/media/West\\_Hoathly\\_NP\\_map.pdf](http://www.midsussex.gov.uk/media/West_Hoathly_NP_map.pdf)

### West Hoathly Sustainability Appraisal incorporating Strategic Environmental Assessment.

- Scoping Report  
<http://www.hoathlyhub.info/NeighbourhoodPlan/Library/Working%20Documents/Scoping%20Report.pdf>
- Sustainability Appraisal  
<http://www.hoathlyhub.info/NeighbourhoodPlan/docs/SustainabilityAppraisal.pdf>