



Basic Conditions Statement

June 2015

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1. Introduction

This Statement has been prepared by Ashurst Wood Parish Council to accompany its submission of the proposed Ashurst Wood Neighbourhood Development Plan (the Neighbourhood Plan) to Mid Sussex District Council.

Regulation 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012, states that when a Plan proposal is submitted to the local planning authority it must include a statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (TCPA).

Schedule 4B is inserted into the TCPA by section 116 of, and Schedule 10 to, the Localism Act 2011. It applies to Neighbourhood Development Orders, but paragraph 8 of Schedule 4B is also applied - with some modifications - to Neighbourhood Plans, by section 38A(3) of the Planning and Compulsory Purchase Act 2004 (PCPA).

(Sections 38A-38C are inserted into the PCPA by paragraph 7 of Schedule 9 to the Localism Act 2011.)

The relevant parts of paragraph 8 of Schedule 4B are as follows:

Paragraph 8(1): The Examiner carrying out the independent examination of a Neighbourhood Plan must consider:

- (a) Whether the draft Neighbourhood Plan meets the basic conditions (see paragraph 8(2)),
- (b) Whether the draft Neighbourhood Plan complies with the provisions of sections 38A and 38B PCPA, and
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft Neighbourhood Plan relates.

Paragraph 8(2): A draft Neighbourhood Plan 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 Neighbourhood Plan,
- (d) the making of the Neighbourhood Plan contributes to the achievement of sustainable development,
- (e) the making of the Neighbourhood 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),
- (f) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations, and
- (g) (prescribed condition added by Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012):

The making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010), or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects).

Paragraph 8(6) states that the Examiner is not to consider any matter that does not fall within paragraph 8(1), apart from considering whether the draft Plan is compatible with the

Convention rights, as defined in the Human Rights Act 1998.

The purpose of this statement is to demonstrate to the Examiner that the Neighbourhood Plan meets the above requirements and conditions.

Section 2 will explain how the requirements of paragraph 8(1) are met (apart from paragraph 8(1)(a)). Section 3 will explain how the basic conditions (paragraphs 8(1)(a) and 8(2)) are met.

Section 4 will explain how the Neighbourhood Plan is compatible with the Convention rights.

2. Compliance with paragraph 8(1)

whether the draft Neighbourhood Plan complies with sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

The relevant parts of sections 38A and 38B are as follows:

s.38A(1): *Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.*

Ashurst Wood Parish Council is a qualifying body. The neighbourhood area consists of the parish of Ashurst Wood, as designated by Mid Sussex District Council on the 9th July 2012; therefore the Parish Council is authorised to submit the Neighbourhood Plan (s.61F(1) TCPA / S.38C(2)(a) PCPA).

3.38A(2): *the Neighbourhood Plan 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.*

Ashurst Wood Neighbourhood Plan contains policies relating to the use and development of land within the designated neighbourhood area.

s.38B(1): *A Neighbourhood Plan -*

(a) must specify the period for which it is 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 Neighbourhood Plan states in the introduction that it covers the period from 2015 to 2031. The dates are also on the front cover of the Plan.

Excluded development includes development defined as a county matter, mainly involving mineral extraction and waste development, and nationally significant infrastructure projects (s.38B(6) / s.61K PCPA, as inserted by Schedule 9 Localism Act 2011). There is no provision for such development in the Neighbourhood Plan.

The Neighbourhood Plan relates solely to the designated neighbourhood area.

s.38B(2): *Only one neighbourhood plan may be made for each neighbourhood area.*

There are no other Neighbourhood Plans in place for the Ashurst Wood neighbourhood area.

s.38(B)(3): *If to any extent a policy set out in a neighbourhood plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.*

There are no conflicts in the Neighbourhood Plan between policies and other text. In the event that a conflict becomes apparent, it is accepted that the policy will take precedence.

whether the Referendum area should extend beyond the neighbourhood area.

The Neighbourhood Plan relates solely to land within the parish of Ashurst Wood. Some properties in the neighbouring parish of Forest Row (which falls within the district of Wealden and the county of East Sussex) are situated close to the boundaries of Ashurst Wood parish, namely at the top of Wall Hill Road, in Shovelstrode Lane and in the rural parts of Hammerwood Road and Cansiron Lane. Access by road to some of these properties involves passing through parts of Ashurst Wood. Several residents in these homes take a close interest in village life.

The western boundary of the parish, south of Lewes Road, runs along Luxfords Lane. Two homes on the east side of the lane are in Ashurst Wood parish, while the ten dwellings on the west side of the lane are in East Grinstead parish. Southern Water's wastewater treatment works serve an area that includes Ashurst Wood properties that are connected to the mains sewerage system. The works are on the west side of the lane. A resident who lives on the west side of the lane (in East Grinstead parish) has expressed concern that proposed developments in Lewes Road could have an impact on families living in the lane. Southern Water has confirmed that the works have capacity to service the proposed level of development without a significant increase in the number of tankers using the lane to access the works. It is considered that the Ancient Woodland situated to the south of the Lewes Road sites will screen views into the sites from the lane.

The Government's Planning Practice Guidance (paragraph 059, ref ID: 41-059-20140306) states that it may be appropriate to extend the Referendum area where the scale or nature of the proposals in the draft Neighbourhood Plan are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area. The Parish Council does not consider extension of the Referendum area to be necessary.

3. Meeting the Basic Conditions (paragraph 8(2))

National Policies and Advice

The Examiner will consider whether it is appropriate to make the Plan, having regard to national policies and advice. National planning policy is set out in the National Planning Policy Framework (the NPPF), published in March 2012 and advice is provided in the online Planning Practice Guidance (PPG) published in March 2014.

The NPPF provides a framework within which local people and their accountable Councils can produce their own distinctive Neighbourhood Plans, which reflect the needs of their communities (paragraph 1), and must be taken into account in the preparation of Neighbourhood Plans (paragraph 2).

At the heart of the NPPF is the presumption in favour of sustainable development which is to be seen as the golden thread running through both plan-making and decision-taking (paragraph 14). This means that Neighbourhood Plans must support the strategic development needs set out in Local Plans, including policies for housing and economic development; and must plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan (paragraph 16).

Paragraphs 183 – 185 contain specific advice about the preparation of Neighbourhood Plans. This section of the NPPF outlines how neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development that they need. It reiterates the requirement for Neighbourhood Plans to be in general conformity with the strategic policies of the Local Plan, to reflect those policies and not to promote less development than set out in the Local Plan.

Further guidance is given in the PPG. This includes advice about the need for Plans to be supported by proportionate robust evidence, for local planning authorities to share relevant evidence (Paragraph 040, Reference ID: 41-040-20140306), and for policies to be clear and unambiguous and drafted with sufficient clarity for a decision maker to apply them consistently and with confidence when determining planning applications. Policies should be concise, precise, supported by robust evidence and reflect the unique characteristics of the neighbourhood area (Paragraph 041, Reference ID: 41-041-20140306).

Paragraph 17 of the NPPF sets out 12 core land-use planning principles that should underpin both plan-making and decision-taking. These therefore apply to the making of Neighbourhood Plans. The core principles are expanded on in the remaining chapters of the NPPF.

The table below shows how the Parish Council has taken account of the relevant policies and guidance in preparing the Neighbourhood Plan. It matches each part of the Plan against the appropriate underpinning core principle(s) and other relevant NPPF paragraphs.

Neighbourhood Plan	Core Planning Principle	NPPF Paragraph	Comment
Whole Plan	1. Planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;	Introduction: 1 2 Plan-making: 154 183 184 185	The Parish Council has carried out substantial community consultation and developed both a positive Vision and a Plan that reflect community wishes. Evidence base prepared using documents shared by Mid Sussex District Council and information obtained from Census returns and local surveys. Plan includes provision for monitoring and review. Policies drafted clearly with the help of a professional planning consultant so that the Plan can be applied by planning officers.
Policy 1: Protection of the Countryside	5. take account of the different roles and character of different areas,.. recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; 7. contribute to conserving and enhancing the natural environment and reducing pollution.	Conserving and Enhancing the Natural Environment: 109 115	The Policy meets the Plan's objectives of protecting and respecting the landscape, wildlife and countryside of the parish and cherishing its natural beauty, and is consistent with the need to give great weight to conserving landscape and scenic beauty in the High Weald Area of Outstanding Natural Beauty, by providing that development in the countryside will only be permitted when it meets the specified conditions.
Policy 2: Preventing Coalescence	5. take account of the different roles and character of different areas, promoting the vitality of our main urban areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; 11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.	Conserving and Enhancing the Natural Environment: 115 Promoting sustainable transport: 29 30 Delivering a wide choice of high quality homes: 55	Development outside the built up area that would conflict with the objective of ensuring that Ashurst Wood remains a village with a separate identity from the neighbouring town and village will not generally be permitted. The policy helps to prevent settlements merging into each other and helps to locate houses where they will maintain the vitality of the community and avoids isolated new homes in the countryside.
Policy 3: Allotments	9. .. encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for food production); 12. support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Promoting healthy communities: 69 70	Encourages the provision of allotments in the village to meet a local need and provide social and environmental benefits.
Policy 4: Recreation Space	9..... encourage multiple benefits from the use of land .., recognising that some open land can perform many functions (such as for wildlife, recreation.); 12. support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Promoting healthy communities: 69 70 73 74	Protects recreation grounds from development unless it is to enhance facilities for residents. Recreation spaces benefit community well-being by providing the opportunity to socialize and take part in exercise.

Neighbourhood Plan	Core Planning Principle	NPPF Paragraph	Comment
Policy 5: Sites for New Homes	2. a creative exercise in finding ways to enhance and improve the places in which people live their lives; 3. Planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should .. set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.	Delivering a wide choice of high quality homes: 47 50	Provides for the development of a minimum of 62 new homes. Housing numbers were determined in collaboration with Mid Sussex District Council using District-wide objectively assessed need figures as a starting point. Potential sites were assessed for suitability based on a number of criteria, including the wishes and needs of residents, and a number identified for allocation in the Plan.
Policy 6: Land between 98 and 104 Maypole Road	2. a creative exercise in finding ways to enhance and improve the places in which people live their lives; 5. Planning should take account of the different roles and character of different areas.	Delivering a wide choice of high quality homes: 47 Conserving and enhancing the natural environment: 115	Allocates a site for development to contribute towards the housing supply needs of the village. The site will not extend the settlement area into the countryside. By retaining as much of the boundary hedge as possible the impact on local character will be minimised.
Policy 7: Mount Pleasant Nursery, Cansiron Lane	2. a creative exercise in finding ways to enhance and improve the places in which people live..; 5. Planning should take account of the different roles and character of different areas; 7. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; 8. encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.	Delivering a wide choice of high quality homes: 47 Conserving and enhancing the natural environment: 115 120 121	Allocates a site for development to contribute towards the housing supply needs of the village. Although the site is some distance from the built up area, it is within a residential area. Development will be very low density to reflect surrounding character and the narrow lane. Although not technically a brownfield site, there are derelict buildings on the land and it will benefit from visual improvement. The landowner will need to show that there is no contamination of the site.
Policy 8: Willowtrees and Spinney Hill, Lewes Road	5. Planning should take account of the different roles and character of different areas; 11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling..	Promoting sustainable transport: 29 30 Delivering a wide choice of high quality homes: 47 53 Conserving and enhancing the natural environment: 115	Allocates a site for development to contribute towards the housing supply needs of the village. The site is outside the built up area but in a sustainable location with good access to bus routes and the main road. Although it involves development of garden land, it is not considered to be inappropriate in this case and so not inconsistent with paragraph 53.
Policy 9:	5. Planning should take account of	Promoting	This is a brownfield site currently in business use

Neighbourhood Plan	Core Planning Principle	NPPF Paragraph	Comment
Wealden House (EDF site)	<p>the different roles and character of different areas;</p> <p>7. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;</p> <p>8. encourage the effective use of land by reusing land that has been previously developed (brownfield land)..;</p> <p>11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.</p>	<p>sustainable transport:</p> <p>29</p> <p>30</p> <p>Delivering a wide choice of high quality homes:</p> <p>47</p> <p>50</p> <p>Conserving and enhancing the natural environment:</p> <p>115</p> <p>118</p> <p>120</p> <p>121</p>	<p>but the business tenants will leave in 2017. The surrounding area is mainly residential. The site is large enough to provide for a mix of housing including some affordable homes. The site is outside the built up area but in a sustainable location with good access to bus routes and the main road.</p> <p>Policy ensures that the Ancient Woodland will be protected.</p>
Policy 10: Wealden House (LIC)	<p>5. Planning should take account of the different roles and character of different areas;</p> <p>6. ..encourage the reuse of existing resources, including conversion of existing buildings..;</p> <p>8. ; reusing land that has been previously developed (brownfield land);</p> <p>11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.</p>	<p>Promoting sustainable transport:</p> <p>29</p> <p>30</p> <p>Delivering a wide choice of high quality homes:</p> <p>47</p> <p>Conserving and enhancing the natural environment:</p> <p>115</p> <p>118</p>	<p>This is a brownfield site in a mainly residential area. The property is a Victorian Manor house converted to business use. Residential use would be supported if the business use ceases. The site is outside the built up area but in a sustainable location with good access to bus routes and the main road.</p> <p>Policy ensures that the Ancient Woodland will be protected.</p>
Policy 11: Residential Development within the Built Up Area Boundary	<p>5. Planning should take account of the different roles and character of different areas;</p> <p>11. actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.</p>	<p>Supporting a prosperous rural economy:</p> <p>28</p> <p>Promoting sustainable transport:</p> <p>29</p> <p>30</p> <p>Delivering a wide choice of high quality homes:</p> <p>47</p> <p>55</p> <p>Conserving and enhancing the natural environment:</p> <p>115</p>	<p>By supporting development within the built up area, the Policy helps to minimise the impact of future development on the landscape and beauty of the High Weald Area of Outstanding Natural Beauty. It also helps to support the retention of local services and facilities in the village centre.</p>
Policy 12: Residential Development outside the built up area	<p>7. contribute to conserving and enhancing the natural environment..</p>	<p>Delivering a wide choice of high quality homes:</p> <p>47</p> <p>55</p> <p>Conserving and enhancing the natural environment:</p> <p>115</p>	<p>This policy will allow for development on suitable sites provided there is no encroachment into the countryside and potentially makes a small contribution towards the housing needs of the village.</p>
Policy 13: Residential Development on	<p>4. always seek to secure ... a good standard of amenity for all existing and future occupants of land and</p>	<p>Delivering a wide choice of high quality homes:</p>	<p>This policy resists the building of houses on garden land unless it does not harm the character of the surrounding neighbourhood.</p>

Neighbourhood Plan	Core Planning Principle	NPPF Paragraph	Comment
Garden Land	buildings; 5. take account of the different roles and character of different areas..	53 Conserving and enhancing the natural environment: 115	
Policy 14: Design and Character	4. always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.	Requiring good design: 56 57 58 59 60 61	Sets a standard of design for all development to ensure proposals are well designed and reflect the distinctive character of the parish.
Policy 15: Affordable Homes	3. .. deliver the homes.. that the country needs. .. and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;	Delivering a wide choice of high quality homes: 50 Planning conditions and obligations: 204	A Neighbourhood Plan can set out a policy for seeking a planning obligation: PPG paragraph: 003 Reference ID: 23b-003-20150326. This policy takes account of the guidance in order to provide for affordable homes that are needed in the village.
Policy 16: Ivy Dene Lane Industrial Estate	3. drive and support sustainable economic development to deliver business and industrial units 8. reusing land that has been previously developed	Supporting a prosperous rural economy: 28 Promoting healthy communities: 70	The Policy plans positively for the retention and possible improvement of this employment and business area in the village.
Policy 17: Village Businesses	3. drive and support sustainable economic development to deliver the .. business and industrial units 6. Support transition to low-carbon future..	Building strong, competitive economy: 21 22 Supporting a prosperous rural economy: 28 Promoting healthy communities: 69 70	The policy aims to keep businesses in the village. This helps retain work and business opportunities. The local shops and pubs provide meeting places for residents and reduce the need to travel for goods and services. The policy recognises the fact that change of use of a business site might be appropriate in certain circumstances.
Policy 18: New and Expanding Businesses	3. drive and support sustainable economic development to deliver the homes, business and industrial units 6. Support transition to low-carbon future..	Supporting a prosperous rural economy: 28 Promoting healthy communities: 70	The policy supports business creation and expansion in the built up area. This will help to reduce travel by car.
Policy 19: Brambletye School	3. drive and support sustainable economic development.. 4. ..secure high quality design..	Supporting a prosperous rural economy: 28 Promoting healthy communities: 70 72	Supports an existing business that provides education and employment for residents.
Policy 20: Impact of Development on Traffic	2. finding ways to enhance and improve the places in which people live 4. ..high quality design and a good standard of amenity 6. Support transition to a low	Promoting sustainable transport: 29 30 34	Aims to minimise the impact of traffic and encourage lower carbon traffic choices. Also to improve community well-being by ensuring pedestrian safety.

Neighbourhood Plan	Core Planning Principle	NPPF Paragraph	Comment
	carbon future 12. ..improve health, social ..wellbeing		
Policy 21: Parking Provision	2. finding ways to enhance and improve the places in which people live 4. ..high quality design and a good standard of amenity 12. ..improve health, social ..wellbeing	Promoting sustainable transport: 29 39	Takes account of local car ownership levels to set appropriate parking standards for new development. Although it does not reduce car use, the NPPF recognises that transport solutions can be different in rural areas. The policy reflects the reality of rural life and ensures that on-street parking on narrow lanes will not be increased, improving pedestrian safety.
Policy 22: High Speed Broadband	3. drive and support sustainable economic development.. 12. ..deliver sufficient community..facilities and services	Promoting sustainable transport: 30 supporting high quality communications infrastructure: 42 43	Helps to support economic growth, benefits business, homeworkers and residents. Can help reduce travel to work.
Policy 23: Infrastructure	12. Planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs	Promoting sustainable transport: 41 Using a proportionate evidence base: 162 175 176 177	Requires developers to provide adequate infrastructure within developments and indicates where contributions made via section 106 and CIL will be invested for the benefit of the community.

Sustainable Development

Resolution 42/187 of the United Nations General Assembly defined sustainable development as **meeting the needs of the present without compromising the ability of future generations to meet their own needs.**

There are three dimensions to sustainable development: economic, social and environmental (paragraph 7, NPPF). The three dimensions are mutually dependent. Ashurst Wood is located within the High Weald AONB, so development of new homes will always have an impact on this designated area. However, new homes will provide social and economic benefits to the community. The need to balance the dimensions of sustainability is recognised in the Plan's Vision:

To preserve and protect Ashurst Wood's characteristics as a rural village, while at the same time ensuring that it remains a vibrant, safe and welcoming community, and an attractive location for people to live.

The NPPF states at paragraph 6 that the purpose of the planning system is to contribute towards the achievement of sustainable development and that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means in

practice for the planning system. The table above shows how the Neighbourhood Plan takes account of these policies and therefore how it makes a contribution towards the achievement of sustainable development.

To meet the **economic** element of sustainable development, the Plan helps to build a strong local economy by supporting existing businesses and encouraging new ones; by supporting high speed broadband and by encouraging infrastructure improvements (policies 16 - 19, 22, 23).

To meet the **social** element of sustainable development, the Plan helps to maintain a strong, vibrant and healthy community, by planning positively to supply housing to meet the needs of the parish up to 2031; by locating new development where it relates well to the built up area and/or to transport links; by allocating brownfield sites; by requiring a high standard of design to create a high quality built environment, and by protecting community leisure and recreation facilities while encouraging new ones (policies 3 - 15, 20, 21).

To meet the **environmental** element of sustainable development, the Plan aims to protect and enhance the natural and built environment by protecting the countryside from inappropriate development; supporting low carbon travel methods and improving biodiversity (policies 1 - 3, 12 - 14, 20, 22)

Further details are provided in the Sustainability Appraisal. While there is no legal requirement for a Neighbourhood Plan to have a Sustainability Appraisal, the Parish Council was informed by Mid Sussex District Council that a Strategic Environmental Assessment of the Plan would be required, and decided to include this within a Sustainability Appraisal in order to assess the social and economic impacts of the Plan as well as the environmental ones.

A Scoping Report was published for statutory consultation in December 2013. It was sent to the Statutory Consultees and the High Weald AONB Unit and was also made available to residents on the website. Comments received were taken account of in drafting the Plan and the Sustainability Appraisal. The draft policies were assessed against the sustainability objectives that had been identified. During the site assessment process, the proposed sites were also tested against sustainability objectives. Thus the Sustainability Appraisal demonstrates that the Plan contributes to the achievement of sustainable development.

General Conformity with the Development Plan

The Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the area. Strategic policies are those that set out how the local authority will deliver the homes, facilities and infrastructure for the area (NPPF, paragraph 156). To be in general conformity, the Neighbourhood Plan's policies must support and uphold the general principle that the strategic policies are concerned with. They may provide an additional level of detail or local approach but should not undermine strategic policies (PPG Paragraph: 074 Reference ID: 41-074-20140306, NPPF paragraph 184).

Mid Sussex Local Plan 2004

The adopted Development Plan is the Mid Sussex Local Plan 2004. This initially covered the period 2004 to 2006. The majority of the policies were saved in 2007 until replaced by a new Development Plan document. The Mid Sussex Local Plan pre-dates the Planning and Compulsory Purchase Act 2004, the Localism Act 2011 and the NPPF. A number of policies in the Local Plan that relate to the supply of housing are out of date as Mid Sussex District Council does not have a 5-year supply of housing sites. The NPPF takes precedence over the Local plan where there is a conflict.

Mid Sussex District Plan 2014 - 2031

Mid Sussex District Council is preparing a new District Plan to cover the period to 2031. Pre-Submission Consultation took place in June-July 2015 and it is anticipated that the Plan will be submitted to the Government in the Autumn of 2015. When preparing the Neighbourhood Plan, the Parish Council took account of emerging District Plan policies and considered up to date evidence and information provided by Mid Sussex District Council. While it is not necessary for a Neighbourhood Plan to be in conformity with an emerging District Plan, it is good practice to ensure consistency so that the Neighbourhood Plan does not become out of date once the new District Plan is adopted.

The table below shows how each Neighbourhood Plan policy is in general conformity with the policies of the Mid Sussex Local Plan as well as the emerging District Plan.

Neighbourhood Plan	Mid Sussex Local Plan 2004	Pre-Submission Draft District Plan	Comment
Whole Plan	Policy G1: Development not permitted if it will cause environmental harm	Policy DP1: Sustainable Development in Mid Sussex	The Vision of the Plan conforms with the approach in the adopted Local Plan and with the emerging District Plan.
Policy 1: Protection of the Countryside	Policy C1: Restrictions on development outside built up areas. Policy C4: overall priority to conserve and enhance natural beauty in High Weald Area of Outstanding Natural Beauty	Policy DP10: Countryside to be valued for its own sake. Development permitted where it maintains or enhances the quality of the rural and landscape character of the District. Policy DP14: Development only permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. Policy DP15: Ashdown Forest - mitigation of effects of development within 7 km zone.	Policy C1 of the Local Plan is out of date and does not comply with the NPPF as Mid Sussex District Council does not have a 5 year supply of housing sites identified (paragraph 49). However its aims of separating the built up areas from the countryside are still relevant. The Neighbourhood Plan policy seeks to conserve and enhance the natural beauty of the AONB and has regard to the High Weald AONB Management Plan.
Policy 2: Preventing Coalescence	Policy C2: identification of strategic gap between East Grinstead and Ashurst Wood. Development within the gap restricted.	Policy DP11: Importance of maintaining separate identity of individual towns and villages.	The Neighbourhood Plan does not identify a gap but seeks to prevent any further coalescence between Ashurst Wood and neighbouring settlements. Policy C2 is out of date in relation to the supply of housing but still has relevance in preventing the coalescence of settlements.
Policy 3: Allotments	Policy C1(f)	DP22: Supports provision of new and improved leisure activities and facilities, including allotments.	Although Policy C1 of the Local Plan is out of date in relation to the supply of housing, it does allow for development of essential community facilities. The text to the Ashurst Wood chapter of the Local Plan refers to the need for allotments.

Neighbourhood Plan	Mid Sussex Local Plan 2004	Pre-Submission Draft District Plan	Comment
Policy 4: Recreation Space	Policy B6: prevents development that would result in the loss of valued open space. Policy R2: protects open space with recreational value from development unless replacement facilities provided. Policy CS8: allows extension or improvements to community facilities.	Policy DP22: Prevents loss of open space, sports and recreational buildings unless no longer required or to be replaced. Policy DP23: supports provision or improvement of community facilities.	The Neighbourhood Plan will resist proposals for development which result in the loss of either of the two recreation grounds in the village, but will allow improvements to facilities that will enhance their use. This is fully in conformity with the Local Plan policies.
Policy 5: Sites for New Homes	Policy C4: protection of AONB Policy H2: New housing development to include a mix of dwelling types.	Policy DP5: Housing – sets a District housing requirement of 11,050 homes between 2014 and 2031, of which 1515 are to be allocated in Neighbourhood Plans	The housing numbers and site allocations in the Local Plan are out of date as they cover the period 2004-2006. The Neighbourhood Plan takes account of local housing needs when setting the housing target for the Plan period (H2(a)). District Plan evidence also shared. Sites have been selected which take account of the need to protect the AONB.
Policy 6: Land between 98 and 104 Maypole Road	Policy C4(a) : Protection of AONB	Policy DP1 Policy DP6 Policy DP24: development to be well designed and reflect distinctive character of village	The allocation of this site recognises the need to protect the AONB and requires retention of the hedge boundary
Policy 7: Mount Pleasant Nursery, Cansiron Lane	Policy G2(a), (f): Make efficient use of derelict or vacant land or buildings within built up areas; create high quality landscape settings. Policy C4(a) : Protection of AONB	Policy DP1 Policy DP6 Policy DP24	Although not within the built up area, the allocation of this site will enable the improvement of a large, unattractive site, which will include enhancing the surrounding area.
Policy 8: Willowtrees and Spinney Hill, Lewes Road	Policy C4(a) : Protection of AONB	Policy DP1 Policy DP6 Policy DP24	The allocation of these sites will allow for housing to meet local needs without harming the character of the area.
Policy 9: Wealden House (EDF site)	Policy G2(a), (e) Policy C4(a) : Protection of AONB Policy E2: retention of land for business	Policy DP1 Policy DP6 Policy DP24 Policy DP28: Housing Mix Policy DP29: Affordable Housing.	This policy allows the redevelopment of a brownfield site which is outside the built up area but accessible by a variety of transport choices. The present business use is likely to cease and the building is unlikely to be suitable for alternative business use. Loss of the business use would be justified by the gain in housing in a residential area. The size of the site enables a mix of housing types including affordable housing.
Policy 10: Wealden House (LIC)	Policy C4(a) : Protection of AONB Policy E2: retention of land for business use.	Policy DP1 Policy DP6 Policy DP24 Policy DP29	Should the present business use cease, it is considered that the reversion of the property to residential use would be appropriate in this location.
Policy 11: Residential Development within the Built Up Area Boundary	Policy H3: residential development within built up areas.	Policy DP6: Development permitted within built up area.	The Neighbourhood Plan policy permits development within the built up area subject to the criteria in the Plan.
Policy 12: Residential Development outside the built up area	Policy C1 Policy C2 Policy C4	Policy DP 6: Settlement Hierarchy – allows development outside built up area where allocated in a Neighbourhood Plan.	The policy allows for limited development outside the built up area, which includes the strategic gap. In this respect, policies C1 and C2 of the Local Plan are out of date. The policy is mindful of the need to protect the

Neighbourhood Plan	Mid Sussex Local Plan 2004	Pre-Submission Draft District Plan	Comment
		Policy DP13: New Homes in the Countryside	countryside and prevent coalescence.
Policy 13: Residential Development on Garden Land	Policy B1(c), (d) Policy B3 Policy H3(a), (d), (e), (f)	Policy DP36: development leading to loss of trees, woodland or hedgerows that contribute to visual amenity or character not normally permitted Policy DP27: Noise, Air and Light Pollution.	The policy discourages garden development where it could harm the amenity of adjoining occupiers and where it is an overdevelopment of the site and out of keeping with the character of the area. Policy 14 also requires new homes to have proportionate amenity space.
Policy 14: Design and Character	Policy H2(e) Policy B1: high standard of design Policy B2: design requirements for residential estates. Policy C4: protection of AONB.	Policy DP27: Noise, Air and Light Pollution. Policy DP39: Sustainable Design and Construction	The Neighbourhood Plan requires a high standard of design to reflect the location of the village within the high Weald AONB.
Policy 15: Affordable Homes	Policy H4: provision of affordable housing on sites of 15 or more dwellings.	Policy DP29: Affordable Housing. Provision of 30% on developments of 11 dwellings or more, or financial contribution on developments of 6-10 homes within the AONB.	The Neighbourhood Plan policy imposes a lower threshold for the provision of affordable housing than the Local Plan. The emerging District plan follows Planning Guidance (PPG Paragraph: 012 Reference ID: 23b-012-20150326) – now revoked. The Neighbourhood Plan policy seeks to ensure that all developments make a contribution towards meeting the need for Affordable Housing as long as this does not make the scheme unviable.
Policy 16: Ivy Dene Lane Industrial Estate	Policy AW2: Allocation of land north of Ivy Dene Lane for business and general industrial purposes. Policy E4: change of use of business premises on established industrial estates.	Policy DP1: supports local economy. Policy DP2: supporting existing businesses and allowing them to expand. Policy DP12: supports small-scale economic growth in the countryside.	The Neighbourhood Plan duplicates an existing policy in the Local Plan which will not be retained in the emerging District Plan. The policy supports the retention of the Industrial Estate for business and employment use, benefitting the local economy.
Policy 17: Village Businesses	E2: retention of land for business use E4: change of use of business premises on established industrial estates.	Policy DP4: Supports small village centres and will resist change of use from Class A to other uses.	The Neighbourhood Plan policy seeks to avoid the loss of existing businesses and conforms to Local Plan policies.
Policy 18: New and Expanding Businesses	Policy E5:	Policy DP1: supports local economy. Policy DP2: supporting existing businesses and allowing them to expand.	The Neighbourhood Plan encourages new business development as does the Local Plan policy
Policy 19: Brambletye School	Policy C15: extensions to institutional buildings in the countryside. Policy C4: protection of AONB.	Policy DP1: supports local economy. Policy DP2: supporting existing businesses and allowing them to expand. Policy DP12: supports small-scale economic growth in the countryside. Policy DP23: supports improvement of local services.	The Neighbourhood Plan allows development which enhances the School's function as an employer and education provider. It conforms to several Local Plan policies.
Policy 20: Impact of Development on Traffic	T4: sustainability requirements for new development.	Policy DP19: Transport. To ensure high quality transport network, access to services, jobs and houses. To facilitate alternative means of transport.	The Neighbourhood Plan policy seeks to ensure that new development does not have a harmful impact on road safety, provides safe access for pedestrians, seeks to minimize car use.

Neighbourhood Plan	Mid Sussex Local Plan 2004	Pre-Submission Draft District Plan	Comment
Policy 21: Parking Provision	Policy T5: sets on-site parking standards.	Policy DP19: Transport – Neighbourhood Plans can set local standards for car parking provision provided that it is justified by evidence.	The Neighbourhood Plan policy goes further than District standards by having minimum (rather than maximum) requirements. This is supported by recent Government guidance and by the emerging District Plan
Policy 22: High Speed Broadband	CS17: Telecommunications equipment.	DP 21: Communications Infrastructure. Support for expansion in towns and rural areas.	The Neighbourhood Plan policy encourages development that provides access to high speed broadband and is in accord with the Local Plan policy on telecommunications equipment.
Policy 23: Infrastructure	G3: adequate infrastructure to be provided with new development. CS9: provision of new community facilities by developers. CS11: provision of necessary infrastructure for developments. T4: financial contributions towards measures which improve accessibility and sustainability of development site.	Policy DP18: Securing Infrastructure. Ensures that development accompanied by infrastructure. Community Infrastructure Levy and other financial contributions used to make a development acceptable. Policy DP19: Transport. Policy DP22: new leisure and cultural facilities required for all new residential developments. Policy DP23: Provision of new community facilities on larger developments. Use of planning obligations to secure facilities.	The policy accords with the intent of the adopted Local Plan and the emerging District Plan policies to ensure that development is accompanied by infrastructure and to prioritise key infrastructure requirements and need for S106/CIL investment.

European Union Obligations

The UK joined the European Union (EU) in 1973, and is one of the 28 member states. The EU Treaties and Regulations are directly binding in the UK, while Directives are binding once incorporated into national law. The making of the Neighbourhood Plan must not breach and must be compatible with EU obligations. Directives that are relevant to the Ashurst Wood Neighbourhood Plan are set out below.

The Strategic Environmental Assessment (SEA) Directive (2001/42/EC)

This is incorporated into national law by the Environmental Assessment of Programmes and Plans Regulations 2004 and requires environmental assessment of Plans where they are likely to have significant environmental effects. The SEA must identify, describe and evaluate the effects of carrying out the Plan, and reasonable alternatives to it.

This is unlikely to be required where a Plan deals with the use of a small area of land, unless it is considered that there are likely to be significant environmental effects.

Neighbourhood Plan proposals must be assessed (screened) in order to determine whether they fall within the requirement. Mid Sussex District Council is responsible for screening of proposals and carried out a screening exercise in May 2013. It concluded that all Neighbourhood Plans in the District that were proposing to allocate sites would be required to

carry out a SEA. The Parish Council incorporated this into the Sustainability Appraisal as outlined above.

The Sustainability Appraisal is a live document. Consultation responses to the Scoping Report were taken into account in preparing the draft Sustainability Appraisal that was published alongside the draft Plan, and the report was further updated to take account of comments made at the Regulation 14 Pre-Submission stage, in particular the advice from Mid Sussex District Council with regards to identification of reasonable alternatives and explanation of policy choices and site selections. In several cases the alternative to the policy was the “do nothing” option, an approach endorsed in the Judicial review into the Tattenhall Neighbourhood Plan.

Habitats Directive (92/43/EEC) and Wild Birds Directive (2009/147/EC)

These Directives are incorporated into national law by the Conservation of Habitats and Species Regulations 2010. The Directives aim to protect and improve Europe’s most important habitats and species. They provide for the designation and protection of European sites. The Plan must be compatible with these Directives. The final basic condition adds the requirement that the Neighbourhood Plan must not have a significant effect on a European site.

Ashdown Forest lies to the south of Ashurst Wood, in the district of Wealden. It is designated as a Special Area of Conservation due to the important heathland habitats present, and is classified as a Special Protection Area due to the presence of breeding Nightjars and Dartford Warblers.

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 the rare, ground-nesting bird populations. 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. This covers any developments within Ashurst Wood, as the village lies within the 7km zone.

Mid Sussex District Council’s strategy is to require developers to contribute towards the provision of a Suitable Alternative Natural Greenspace (SANG) site at Ashplats Wood in East Grinstead. 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. Larger developments could provide their own SANG within the development site. Developers must also make a financial contribution towards a Strategic Access Management and Monitoring Strategy. Mitigation measures in accordance with the district-wide strategy will ensure that the effects of development on this protected area are not significant.

Mid Sussex District Council prepared a Habitats Regulations Assessment Screening Report to accompany the Pre-Submission Draft Ashurst Wood Neighbourhood Plan. The report concludes that the development proposed in policies 5,6,7,8,9 and 10 of the Plan may have a significant effect on the Forest. Although the level of development proposed has already been assessed as part of the District Plan HRA, the report concludes that a full HRA of the

Neighbourhood Plan will be required so that the impacts from the proposed development can be fully considered. This will be prepared by Mid Sussex District Council.

4. Convention Rights

The Examiner is required to consider whether the Neighbourhood Plan is compatible with the Convention Rights, as defined in the Human Rights Act 1998.

This is a reference to the European Convention of Human Rights, which was drafted by the nations of the Council of Europe (including the UK) after the Second World War. The European Court of Human Rights was set up to determine cases brought under the Convention. The Human Rights Act makes the Convention Rights enforceable in UK law.

Section 6 of the Act states that it is unlawful for a public authority to act in a way which is incompatible with a Convention Right. The Convention Rights are contained in Articles, which are set out in Schedule 1 of the Act. The Neighbourhood Plan relates to the development and use of land, and there is nothing in it that affects the absolute rights to protection from torture and prohibition of slavery and forced labour (Articles 3 and 4). Also, it does not affect the following rights: the right to life (Article 2); right to liberty and security, unless suspected or convicted of a crime (Article 5); the right not to be convicted of an offence for an action which was not criminal at the time (Article 7); freedom of thought, conscience and religion (Article 9); freedom of assembly (Article 11); the right to marry (Article 12); the right to education (Article 2 of Protocol 1) and the right to free elections of Government (Article 3 of Protocol 1).

The preparation of the Neighbourhood Plan and its policies may affect a number of the Convention Rights. All these rights are qualified rights, which means that there is a balance between the rights of the individual and the needs of the wider community.

Article 1 of Protocol 1 states that a person has the right to the peaceful enjoyment of their possessions and cannot be deprived of them except in the public interest. However, this does not impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. While individual landowners might consider that the Plan prevents them from developing or using their land in the way they wish to, the Plan is made in compliance with national planning law, which requires development to be sustainable, and any restrictions on the use of land are made in accordance with the wider interests of the community. The Plan is therefore compatible with this Article.

Article 6 states that everyone is entitled to a fair and public hearing in the determination of civil rights and obligations. The law establishes the independent examinations process for Neighbourhood Plans. Although a hearing is not generally held, the Examiner will consider all representations received at earlier stages of consultation. The process for preparing the Neighbourhood Plan is compatible with this Article.

Article 8 states that everyone has the right to respect for their private and family life and their home and correspondence. This Article is qualified by the need to protect the rights and freedoms of other. The Neighbourhood Plan requires new development to safeguard the living

conditions of adjoining residents, including their privacy (Policy 14), and is compatible with this right.

Article 10 states that everyone has the right to freedom of expression. This includes the right to hold opinions and receive and impart information. The consultation process during the preparation of the Neighbourhood Plan has provided several opportunities for residents to express their opinions. Information has been hand delivered to all homes in the parish and made available on the Parish Council's website and at the office.

Article 14 states that the enjoyment of Convention Rights shall be secured without discrimination on any ground such as sex, race, colour, religion, politics, property or other status. The policies of the Neighbourhood Plan apply to all members of the community regardless of any of these grounds and have been developed following full consultation with residents and wider consultees in order to ensure that they are as inclusive as possible. The development of new homes or businesses will affect existing and potential residents differently according to their financial status. The provision of affordable housing (Policy 15) will benefit those who qualify in terms of their local connection and financial eligibility. These differences are in accordance with national planning law and the Plan is therefore compatible with this Article.

The Neighbourhood Plan aims to provide for sustainable development which preserves and protects the village environment while improving the quality of life for residents. It is therefore fully compatible with the Convention Rights.

5. Conclusion

It is submitted that this Basic Conditions Statement demonstrates that the proposed Ashurst Wood Neighbourhood Plan meets the requirements of Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990.