

**Wivelsfield Parish
Neighbourhood Plan
2015-2030**

Basic Conditions Statement

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1. Introduction

1.1 This Statement has been prepared by Wivelsfield Parish Council ("the Parish Council") to accompany its submission to the local planning authority, Lewes District Council ("the District Council"), of the Wivelsfield Parish Neighbourhood Plan ("the Neighbourhood Plan") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.2 The Wivelsfield Neighbourhood Plan (WNP) has been prepared by the Parish Council, a qualifying body, for the Neighbourhood Area covering the whole of the Parish of Wivelsfield, as designated by the District Council on the 17 July 2013. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan is from 1 April 2015 to 31 March 2030 and it does not contain policies relating to excluded development in accordance with the Regulations.

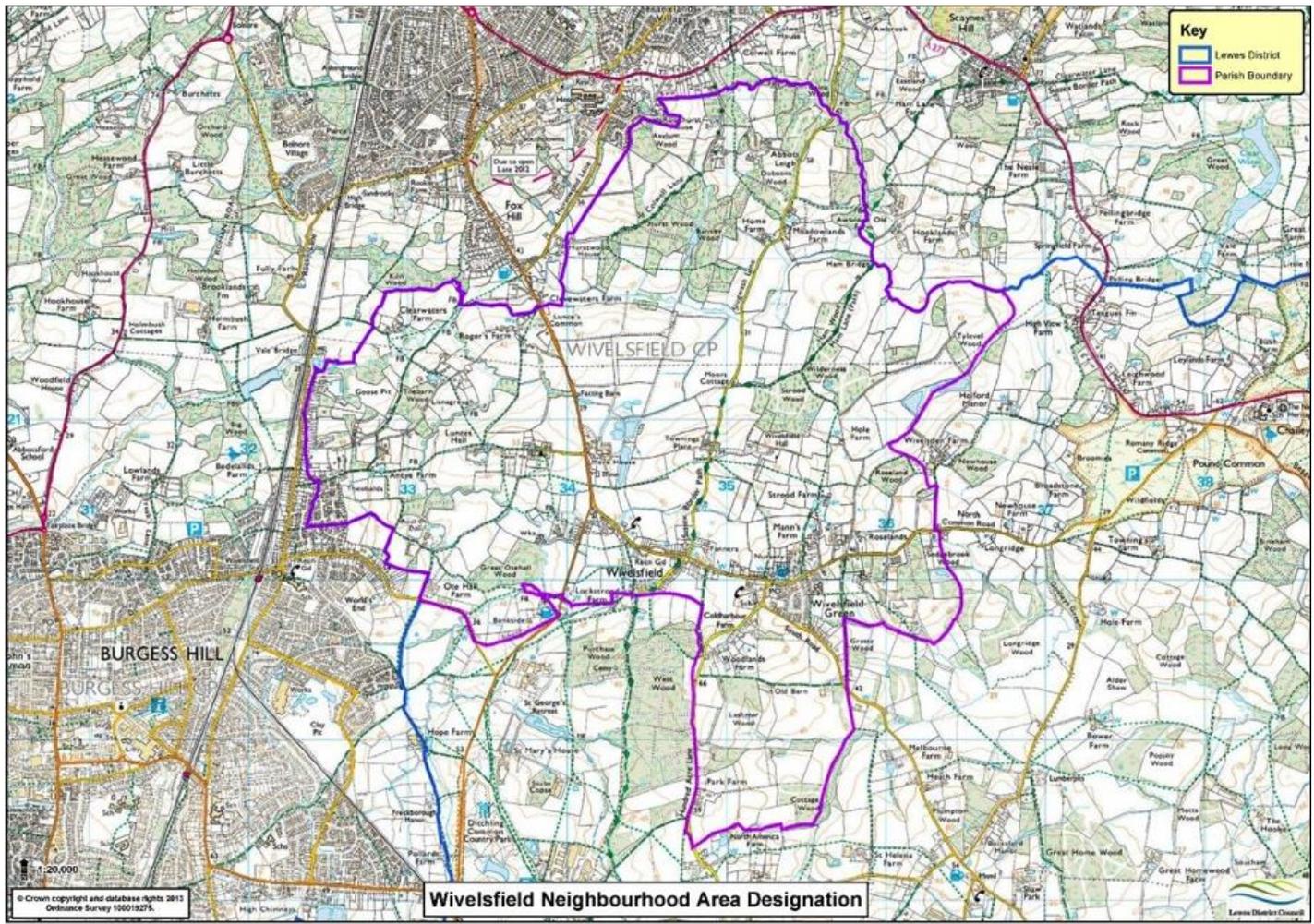
1.3 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.4 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

2. Background

2.1 The Parish Council commenced preparation of the Neighbourhood Plan in 2013. The key drivers of that decision were the encouragement of the District Council to parishes in its district to prepare Neighbourhood Plans and the keenness of the Parish Council to anticipate and manage the proposals in the emerging Local Plan, most notably the desire for the WNP to identify sites for a minimum of 30 new homes at Wivelsfield Green in the plan period. The Parish Council also wishes to have greater influence over the quality of local development and to promote the sustainable development of the parish.



PLAN A: The Designated Wivelsfield Parish Neighbourhood Plan Area

2.2 A Steering Group was formed comprising parish councillors and members of the local community and it was delegated authority by the Parish Council to make day-to-day decisions on the Neighbourhood Plan. However, as qualifying body, the Parish Council approved the publication of:

- the State of the Parish report of July 2014
- the Pre-Submission Neighbourhood Plan of February 2015
- the Submission Neighbourhood Plan of January 2016

2.3 The Parish Council has worked closely with officers of the District Council during the preparation of the Neighbourhood Plan to ensure that it is in general conformity with both the adopted Lewes District Local Plan (2003) and the emerging Joint Core Strategy. The Joint Core Strategy is at an advanced stage of the examination process and is expected to be adopted in summer 2016, however at present, it is unclear which Plan will be the adopted Local Plan at the time the neighbourhood plan is examined.

2.4 The adopted Lewes District Local Plan of 2003 ("the 2003 Plan") contains many saved strategic and development management policies and therefore provides the valid strategic planning policy framework to steer the Neighbourhood Plan. The relationship between the Neighbourhood Plan and the 2003 Plan is explained in more detail in Section 5 below. The Joint Core Strategy contains a series of strategic policies that will replace the strategic policies of the 2003 Plan. Its Policy SP2: Distribution of Housing is of most relevance to the Neighbourhood Plan as it proposes specific site allocations and broad locations for new housing throughout the district. In the parish of Wivelsfield these include the strategic allocation of Land at Greenhill Way, Haywards Heath for 113 net additional units (with 62 units already granted planning permission) and the planned level of housing growth identified for the edge of Burgess Hill for a minimum of 100 dwellings and Wivelsfield Green for a minimum of 30 dwellings.

2.5 The Neighbourhood Plan contains a small number of land use policies (in Section 4) that are defined on the Policies Map as being geographically specific and non-statutory proposals (in Section 5) that are included for the completeness of the Neighbourhood Plan. For the most part, the plan has deliberately avoided containing policies that may duplicate the many out of date and emerging development policies that are, and will be, material considerations in determining future planning applications.

2.6 In making a clear distinction between land use planning policies and non-statutory proposals relevant to land use planning, the Neighbourhood Plan allows for the examination to focus on the requirement of the policies to meet the Basic Conditions but also allows the local community to see the Neighbourhood Plan in the round. In any event, the non-statutory proposals will each have a land use effect at some later point but cannot do so as part of the Neighbourhood Plan as they fall outside its scope.

3. Conformity with National Planning Policy

3.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating neighbourhood plans.

3.2 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

Para 16

3.3 The Parish Council believes the Neighbourhood Plan is planning positively by delivering new housing on allocated sites that is in excess of the minimum target for Wivelsfield Green set out in the Joint Core Strategy.

Para 183

3.4 The Neighbourhood Plan establishes a clear vision for the parish that reflects the view of the majority of the local community. It has sought to translate the vision into a series of meaningful planning policies to plan for housing growth and to determine future planning applications as part of the development plan.

Para 185

3.5 The Parish Council believes the Neighbourhood Plan, as is highlighted below, is in general conformity with the strategic policies of the 2003 Plan as well as the emerging Joint Core Strategy. It is considered to strike a positive balance between the physical and policy constraints of the Parish and the requirement to meet local housing demand.

3.6 The Neighbourhood Plan avoids duplicating development plan policies by focusing on policies that translate the general requirements of the development plan into a Wivelsfield Parish context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

3.7 Set out in Table A below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Policy No.	Policy Title	NPPF Para	Commentary
1	Spatial Plan for the Parish	15, 110, 111	<p>This policy establishes the key spatial priority for the WNP area. It sets the strategic direction for all its other policies by steering new development into the established settlements in the Parish and by continuing to exert strong control over development proposals elsewhere in the countryside of the Parish. It reflects the presumption in favour of sustainable development and will guide how development will be delivered over the plan period in line with Para 15 of the NPPF.</p> <p>The redrawing of the development boundary at Wivelsfield Green to incorporate the allocated housing sites enables the policy to accommodate the housing growth proposed by Joint Core Strategy of a minimum of 30 dwellings at that village. The choice of places to amend the boundary was defined by a thorough site assessment and Sustainability Appraisal process, as well as by the local community's expressed preferences during the consultation exercises informing the Plan.</p> <p>A key consideration in determining where in - or adjacent to - the village this growth should be located, was to encourage the reuse of available brownfield land (in line with para 111 of the NPPF). This would not only address existing amenity issues of the brownfield land but also avoid the need to identify green field sites on the edge of the village, all of which are sensitive in the local landscape. The policy therefore seeks to balance housing growth with the provisions of Para 110 of the NPPF in respect of preparing a plan to meet the development needs and at the same time minimising detrimental effects to the natural environment through allocating appropriate sites.</p> <p>It is acknowledged that the allocated sites (of Policy below) lie on the western and eastern edges of the village, and are therefore further from local services than other sites considered for allocation,. Balancing this adverse impact against the beneficial reuse of a brownfield site was a key consideration in the formulation of the Plan.</p>
2	Housing Site Allocations	50, 58, 59, 70,173	<p>The policy conforms to Para 50 of the NPPF in contributing to the supply of a mix of new homes to meet local needs by allocating land for housing development adjoining the current development boundary of Wivelsfield Green.</p>

			<p>The policy indicates an appropriate housing capacity for each of the sites based on the known developable area and on reflecting the constraints imposed by the key development principles of each site. These development principles are in line with paras 58 and 59 of the NPPF by demanding high quality schemes at these sensitive locations but it avoids over-prescription and placing a burden on a future scheme that may render it unviable. The land promoters have confirmed their land is available for this purpose and the policy provisions are deliverable and so the policy accords with para 173.</p> <p>The Springfield Industrial Estate site has the potential to provide community facilities such as allotments, a children's play space and a public open space, in which case the policy would further conform to Para 70 of the NPPF.</p>
3	Education	32, 58, 70	<p>This policy supports appropriate development of the primary school on land within the school grounds and is in conformity with Para 70 of the NPPF in providing facilities and services for community needs.</p> <p>The school is popular in serving the village and surrounding area. The site is capable of being extended without causing any significant harm to local amenities or undermining the integrity of the open land to the west of the site in line with Para 58 of the NPPF. However, the policy requires that proposals should address those issues and should ensure that they are able to manage the increasing demand for car parking and pupil 'drop off' in line with Para 32 of the NPPF.</p>
4	Community Facilities	28, 70	<p>This policy accords with paras 28 and 70 of the NPPF by encouraging and enabling the continued use of a variety of existing community and commercial facilities in the parish by supporting development proposals that further this objective, including the extension or partial redevelopment of existing buildings. It also seeks to ensure their protection against unnecessary loss.</p>
5	Design	58	<p>This policy accords with para 58 of the NPPF in requiring the design of all development proposals to reflect the local character and countryside of the Parish.</p>

6	Green Infrastructure & Biodiversity	118	This policy accords with para 118 of the NPPF in identifying a series of distinctive landscape features of the Parish with the intention of ensuring that development proposals have regard to the contribution those features play to the biodiversity of the Parish.
7	Local Green Spaces	76, 77	<p>This policy proposes a number of important green spaces in the parish to be protected from development by the designation as Local Green Spaces in accordance with paras 76 and 77 of the NPPF.</p> <p>Although some are in close proximity to each other around the southern setting to Wivelsfield Green, they are distinct parcels of land that are each cherished by the local community and occupy a landscape that is demonstrably more sensitive to development. Given the size and shape of the village, the cumulative extent of these sites surrounds no more than a quarter of the village. There is significantly more land that may be considered for development in a future plan around the village. The policy therefore avoids creating a 'green belt by the back door' as discouraged by the NPPF (and by ID 37 – 15 of the PPG).</p>
8	Allotments	70	This policy sets out criteria for selecting an appropriate site for a future allotment. The policy does not allocate a specific site but encourages proposals to come forward subject to the criteria set by this policy. The policy is in conformity with para 70 of the NPPF in planning positively for provision of shared community facilities.

4. Contribution to Achieving Sustainable Development

4.1 Wivelsfield Parish Council has prepared a Sustainability Appraisal (Incorporating a Strategic Environmental Assessment) to inform the Neighbourhood Plan and to demonstrate how it contributes to achieving sustainable development.

4.2 The strategic objectives of the Neighbourhood Plan comprise a balance of social, economic and environmental goals. The chosen policies intend to accurately translate these strategic objectives into viable and effective development management policies and deliverable infrastructure proposals which, insofar as possible, bring about social, environmental and economic benefits in line with aspirations of the local community.

5. General Conformity with the Development Plan

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with both the saved policies of the adopted Local Plan (2003) and the emerging Joint Core Strategy (JCS) to ensure that the Plan remains relevant following adoption of the latter.

5.2 The JCS was submitted for examination in September 2014 and underwent Hearing Sessions in January 2015. This was followed by further Hearing Sessions in December 2015 following the publication and consultation of proposed Main Modifications to the Joint Core Strategy. Whilst the JCS is considered advanced (most policies are being given weight in decision making), it is not expected to be adopted until mid-2016 and so it is likely that the WNP will be required to be in general conformity with the 2003 Local Plan. However, the up to date evidence base which informs the JCS has been an important consideration for the WNP which has been prepared in conformity with the strategic policies of the adopted Local Plan and the emerging JCS. The Development Plan Conformity summary Table C below has therefore considered both the 2003 Plan and the JCS in analysing the WNP policies.

Table C: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
1	<p>Spatial Plan for the Parish</p> <p><u>2003 LDLP Policies</u> CT1</p> <p><u>JCS Policies</u> SP2, CP2</p>	<p>The effect of the policy is to direct future development to the most sustainable locations, i.e. on the edge of existing settlements, unless appropriate to a countryside location in conformity with Policy CT1. This spatial strategy accords with the position of Policy CT1.</p> <p>The policy accords with the vision of the JCS and it seeks to accommodate part of the housing growth of JCS SP2 requiring the planned growth of a minimum of 30 dwellings at Wivelsfield Green. In delivering this quantity of new homes, in line with CP2, the policy will go some way to meeting local housing needs which the most recent Housing Needs Survey estimated to be 15 homes. The policy, nor Policy 2, propose to make provision for the</p>

		<p>other proposed housing growth of Policy SP2 on the edge of Burgess Hill. This proposal is not supported by the local community. It will therefore be left to a planning application to resolve or to the District Council to propose to allocate in its site allocations plan in due course. There is no obligation on the Neighbourhood Plan to do so.</p>
2	<p>Housing Site Allocations</p> <p><u>2003 LDLP Policies</u> ST3, ST11, ST14, RES19</p> <p><u>JCS Policies</u> SP2, CP2, CP7, CP8, CP11</p>	<p>This policy allocates sites for housing development for which the Development Boundary of Policy 1 of the WNP has made provision.</p> <p>The Springfield Industrial Estate site is the only previously developed site available that is either within or on the edge of Wivelsfield Green, and is allocated for housing development within the Plan. Although in planning terms not all of the site may meet the technical definition of previously-used land (as per the NPPF), the site is considered as a single planning unit (most of the site is in single ownership and has been made available for allocation as such) and is perceived by the community to be 'brownfield'. The site does not now serve a useful economic or agricultural purpose.</p> <p>The site adjoins the Development Boundary on the western edge of the village and there is developed land to its immediate south (i.e. to the west of the B2112), albeit this land is not shown inside the boundary. The road is therefore not considered a meaningful 'defensible boundary' of such an extent that it would exclude as a matter of principle land to its west in this specific location. Nor is the landscape defined as being of the highest sensitivity.</p> <p>The reuse of the site for a residential scheme will deliver the best planned outcome and is in conformity with RES19 and Policy CP8. Further, the policy seeks to avoid and mitigate the effects of development on the countryside to the west and north of the site, and of the close proximity of a wastewater treatment works, by establishing a series of key principles to ensure a satisfactory planning application. These principles accord with the general design guidance of Policies ST3 and ST14 of the 2003 LDLP and of the JCS Policies CP2, CP7 and CP11. Importantly, the policy indicates the appropriate number of dwellings shall be approximately 30 in total. This reflects a suitable density for the site in relation to neighbouring properties and the sensitive character of the site on the edge of the village. The western area has been identified as a possible new public open space for the benefit of the village and part of the land may be provided for inclusion of allotments and a children's play space. This is in line with Policy RES19 of the 2003 LDLP and Policy CP8 of the JCS.</p>

		The two small sites on Hundred Acre Lane will be visually contained by the existing larger clusters of buildings to their immediate north and west and their allocation is also considered to accord with Policy ST3. The policy requires the schemes to comprise effective landscape schemes to mitigate any impact of development on the adjoining countryside.
3	<p>Education</p> <p><u>2003 LDLP Policies</u> RE10, ST3</p> <p><u>JCS Policies</u> CP7</p>	<p>This policy supports development proposals to extend the primary school on land within the school grounds. The facility and use already benefit from the protection offered by Policy RE10 of the 2003 Local Plan and Policy CP7 of the JCS.</p> <p>The policy sets a number of criteria, which the development needs to adhere to, in line with Policy ST3 of the 2003 LDLP.</p> <p>The policy also requires that proposals should address issues such as the impact on the landscape and local amenity and should ensure that they are able to manage the increasing demand for car parking and pupil 'drop off' which is in consistency with Policy RE10 of the 2003 LDLP.</p>
4	<p>Community Facilities</p> <p><u>2003 LDLP Policies</u> E1, E8, RE10, RES13 ST3</p> <p><u>JCS Policies</u> CP4, CP6, CP13</p>	<p>This policy supports development proposals intended to secure the long-term benefit of a range of facilities that are important to the local community. In some cases, remaining viable will require investment in updating and/or increasing the size of the facility to support new uses. The policy complements JCS CP6 by identifying those community facilities that the local community strongly favours are retained. They comprise buildings and associated land, which may be capable of being extended or redeveloped in ways that are suitable to this rural location in line with Policy RES13 of the 2003 LDLP.</p> <p>It further sets a number of criteria which the development need to adhere to, in line with Policy ST3 of the 2003 LDLP.</p> <p>However, the policy requires that proposals avoid increasing the use of community facilities to the extent that they may harm the amenities of adjoining residential properties, for example through traffic movements, on-street car parking and noise or light pollution in line with ST3 of the 2003 Local Plan and JCS policy CP13. In line with Policies E1, E8 and Policies CP4, CP6, the policy applies to facilities that are occupied by local businesses such as public houses and neighbourhood shops.</p>

5	<p>Design</p> <p><u>2003 LDLP Policies</u> ST3, ST11 H2, H3, H5, H12</p> <p><u>JCS Policies</u> CP10 and CP11</p>	<p>This policy requires all development proposals to deliver high quality schemes that reflect the distinct character of the parish and the Conservation Area and environmentally sensitive areas should be respected and the green gaps between the settlements in the Parish and those in neighbouring parishes should be maintained. It is therefore in line with and refines the more general content of Policies ST3, H2, H3 and H5 and the emerging policies CP10 and CP11. Although repeating Policy H12 on the Wivelsfield Green Area of Established Character, its inclusion here is for completeness and ensures the continuation of the designation should the Local Plan not continue with such a designation in the future.</p> <p>The policy seeks to shape not just the appropriate design of new buildings but also of their surrounding spaces and landscape schemes as in policy ST11 and Core Policies CP10 and CP11. This includes preventing the urbanisation of the villages, for example by resisting the loss of trees and hedgerows to create visibility splays or new footpaths.</p>
6	<p>Green Infrastructure & Biodiversity</p> <p><u>2003 LDLP Policies</u> ST11, RE7</p> <p><u>JCS Policies</u> CP8, CP10</p>	<p>This policy refines CP8 and applies it to the specific characteristics of the Parish. In doing so, the policy:</p> <ul style="list-style-type: none"> • encourages the productive use of viable farmland; • encourages landowners to maintain and manage woods, hedges, ditches and habitats; • encourage landowners and other responsible organisations to maintain public footpaths and bridleways and encourage the public to use them; • requires that developments should not significantly affect habitats for flora and fauna and wildlife corridors and if they do appropriate mitigation measures should be undertaken in agreement with the relevant authorities; • expects developments to use natural Sussex post/rail fencing or hedges for boundaries and not close boarded fencing in order to preserve wildlife corridors; and • requires that developments should not affect ponds and lakes (natural and man-made), streams and rivers (surface and underground) and adequate measures, in consultation with appropriate authorities, should be undertaken to prevent localised flooding. <p>These are in conformity with policies ST11 and RE7 and policies CP8 and CP10 in terms of protecting the surrounding landscape (including water features) and biodiversity and in encouraging the visual and recreational enjoyment of it.</p>

7	Local Green Spaces <u>2003 LDLP Policies</u> RE2 <u>JCS Policies</u> CP8, CP10	This policy proposes a number of important green spaces in the Parish to be protected from development by the designation as Local Green Spaces, which is consistent with policy RE2, CP8 and CP10.
8	Allotments <u>2003 LDLP Policies</u> RE9	The policy encourages the provision of a new allotment and in this respect supports policy RE9 of the 2003 LDLP in preventing the loss of allotment space and adds to the development plan in increasing provision.

6. Compatibility with EU Legislation

6.1 In February 2015 a Strategic Environmental Assessment (SEA) screening opinion (see Appendix A) was published by Lewes District Council which concluded at the time that a SEA was not required for the Wivelsfield Neighbourhood Plan. However, prior to submission of the neighbourhood plan in July 2015, an update to the earlier screening opinion was published by Lewes District Council which, on the basis of reasons including updated National Planning Practice Guidance and recent case law, concluded that a SEA would be required for the Wivelsfield Neighbourhood Plan.

6.2 Subsequently, the Wivelsfield Neighbourhood Plan was pended to allow the preparation of a SEA (incorporating a Strategic Environmental Assessment) in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the submission version of the plan. Broadly speaking, the policies within the Submission Version of the Wivelsfield Neighbourhood Plan appraised well against the sustainability framework. The SA/SEA appraisal of Policy 6 of the WNP identified a likely significant positive environmental effect, and no significant adverse effects were identified through the appraisal of any of the policies. Further details can be found in the Wivelsfield Neighbourhood Plan Sustainability Appraisal/Strategic Environmental Assessment.

6.3 A Habitats Regulations Screening Report was undertaken by Lewes District Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The HRA Screening Report concluded that this was unlikely to be the case and so no further assessment was required.

6.2 The Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.