

HAMSEYNEIGHBOURHOOD PLAN

2015-30

BASIC CONDITIONS STATEMENT

1. INTRODUCTION

Hamsey Parish Council (the Parish Council) has submitted its proposed Neighbourhood Development Plan Hamsey Neighbourhood Plan (the Plan or the Neighbourhood Plan), to Lewes District Council (LDC), in order that LDC can arrange for the Plan's examination to take place.

As stated in clause 15-(1)(d) of the Neighbourhood Planning (General) Regulations 2012, it is required that when a plan proposal is submitted to the local planning authorities it includes:

“a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act”.

With regard to neighbourhood development plans, Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 states the following (excluding certain paragraphs as required by section 38C of the Planning and Compulsory Purchase Act 2004):

“(1) The examiner must consider the following:

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),***
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act,***
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and***
- (e) such other matters as may be prescribed.***

(2) A draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan,***
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,***
- (e) 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),***
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and***
- (g) 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.***

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

This document has been written to show that the proposed Hamsey Neighbourhood Plan has met the above requirements and conditions.

2. MEETING THE LEGAL REQUIREMENTS

This section of this document shows how the requirements of paragraphs 8(1) and 8(6) of Schedule 4B of the Town and Country Planning Act 1990 are met (with the exception of paragraph 8(1)(a) which is dealt with in Section 3 of this report).

1(b) The examiner must consider... whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act.

The full wording of sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 can be found in Appendix 1. The table below shows how the provisions of the various parts of these sections have been followed and their requirements have been met:

Paragraph Number	How the provision has been followed / the requirement has been met
Section 38A	
(1)	The Parish Council is a qualifying body for the purposes of initiating the making of a neighbourhood development plan. The Parish Council successfully applied to Lewes District Council (one of the two planning authorities covering the parish) to designate their entire parish as a Neighbourhood Area to allow for a neighbourhood development plan to be produced. Notification that the Hamsey Parish Neighbourhood Area had been so designated was received on 1 October 2012 from the planning authority.
(2)	If adopted, Hamsey Neighbourhood Plan will be a neighbourhood development plan guiding development in a designated area.
(3)-(12)	The remaining paragraphs of the section deal with procedures that are to happen once the plan has been submitted to the planning authorities. It is assumed that these procedures will be carried out according to the regulations by the relevant bodies.
Section 38B	
(1)(a)	The neighbourhood development plan will last until 2030, matching the dates of the Lewes District Core Strategy, which is nearing adoption
(1)(b)&(6)	The neighbourhood development plan does not relate to excluded development.
(1)(c)	The neighbourhood development plan relates only to the designated Hamsey Parish Neighbourhood Area.
(2)	There is no other neighbourhood development plan in place in the designated neighbourhood area.
(3)	It is accepted that if a policy conflicts with any other statement or information in the plan, then the policy takes precedence.
(4)&(5)	These provisions are not applicable to the Parish Council as they relate to processes that the planning authorities and Secretary of State are responsible for.

(1)(c) The examiner must consider... whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates.

To date there has been no meaningful interest from residents outside the parish of Hamsey. The Electoral Authority (Lewes District Council) and the local parish council (Hamsey Parish Council) considers that the referendum area should not extend beyond the neighbourhood area.

(1)(d) The examiner must consider... such other matters as may be prescribed.

There are no other matters that need to be considered.

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

It is considered that the plan is compatible with the Convention rights.

3. MEETING THE CONDITIONS

This section shows how the neighbourhood development plan meets the 'basic conditions' required by Paragraph 8(2) of Schedule 4B of the Town and Country Planning 1990 Act.

(2)(a) A draft neighbourhood development plan meets the basic conditions if... having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan.

In March 2012, the National Planning Policy Framework (NPPF), its related technical guidance and planning policy for traveller sites were published. Collectively, they replaced the suite of Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) and represent the government's policy on land use planning.

Of particular relevance to neighbourhood planning are paragraphs 183-185 which set out how neighbourhood plans should be prepared and what they should facilitate. Importantly, paragraph 183 explains that "*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*"

What the above makes clear is that the plan must contain a clear vision that the plan itself must deliver. The plan does contain a central vision which has been subject to considerable community consultation that has heavily influenced the policies contained in the neighbourhood plan.

Regard has been given to other parts of the NPPF when developing the policies of the neighbourhood development plan. The correlation between selected paragraphs of the NPPF and the Plan's policies is given below, though this is not intended to be

an exhaustive description of all aspects of conformance to the NPPF:

Landscape and Environment Policies

The Hamsey Neighbourhood Plan identifies areas of green space that are of particular importance to the local community as set out in paragraph 76 of the NPPF. An assessment of these green spaces has been carried out and they have been identified in line with the criteria in paragraph 77.

Paragraphs 109 and 114 of the NPPF call for protecting valued landscapes, minimising the impact on existing networks of biodiversity and green infrastructure, and paragraph 117 states what should be done to minimise the effects of development on biodiversity. The plan's Landscape and Environmental policies EN1, EN2 and EN3 aim to prevent development that would cause an adverse impact on the rural character of the parish, propose better protection for Local Green Spaces and protection of the network of local ecological features and habitats.

Policies EN5 and EN6 aim to support renewable and low carbon energy and reduce greenhouse emissions in line with paragraphs 95 and 97 of the NPPF.

Policy EN7 identifies and offers protection to some of the parish's heritage assets in line with paragraph 126 of the NPPF.

Housing and Growth Development Policies

Paragraph 50 of the NPPF relates to the need to deliver a wide choice of homes of the size and type required, and to provide affordable housing where a need for this has been identified. The Hamsey Neighbourhood Plan does not allocate land for development, however through policies H1-H5, does aim to influence the type and location of development to come forward over the plan period in line with the targets set in Spatial Policy 2 of the emerging Lewes District Core Strategy. The Plan's housing policy H6 calls home to match the requirements indicated by the survey conducted as part of the Parish Questionnaire together with those of LDC's housing register to provide for local housing needs.

Paragraphs 56 to 58 of the NPPF aim to ensure that new housing developments are of good design, that they create and sustain an appropriate mix of uses including incorporation of green and other public spaces, that they support local facilities and transport networks, and that they respond to local character and history and reflect the identity of local surroundings and materials. The Plan's housing policies H7-H10 will ensure that housing designs follow good practice and along with the environment policies, that they fit well within the surroundings.

Also, Housing Policy H3 demonstrates the great weight that has been given to conserving the landscape character and ecology of the South Downs National Park in preparing the neighbourhood plan, in line with paragraph 115 of the NPPF.

Transport Policies

Paragraphs 35 and 37 of the NPPF call for policies to minimise the need to travel and encourage the use of sustainable modes of transport. The Plan's Transport and

Travel policies TT1, TT2 and TT3 aim to achieve this.

Education Policies

Policy ED1 aims to ensure that educational needs of the parish are met in conformity with paragraph 72 of the NPPF. Also, Policy ED2 aims to promote healthy communities by protecting Hamsey School playing field against development, as encouraged through paragraph 74.

Recreation and Sport Policies

Chapter 8 of the NPPF aims to promote healthy and inclusive communities through encouraging strong neighbourhood centres and by protecting public open spaces, sports facilities and recreational buildings. These aspirations are met through Recreation and Sport Policies RS1 and RS2 as well as Environment Policy EN2, Education Policy ED2.

Local Economy Policies

Paragraph 28 and 70 of the NPPF concerns the need to support economic growth in rural areas to create local jobs and improved prosperity as well as planning positively for the provision of social and community services and facilities. The local economy policies of the Plan aim to do this by supporting the retention and development of local services and community facilities (Policy LE2), support the sustainable growth and expansion of all types of business and enterprise, through conversion of existing buildings and small-scale appropriately designed integrated units within new build development (Policy LE5). Policy LE6 also aims to support sustainable rural tourism and leisure developments that benefit businesses, the community and visitors.

Paragraph 43 of the NPPF concerns the need to encourage the expansion of telecommunications system and provide access to high speed broadband. The Plan's policy LE1 calls for the introduction of High-speed broadband/Fibre Optic capability, to support the needs of traditional and established businesses and to support the significant proportion of work from home enterprise.

(2)(d) A draft neighbourhood development plan meets the basic conditions if... the making of the neighbourhood development plan contributes to the achievement of sustainable development.

In line with the Strategic Environmental Assessment (SEA) Regulations, a screening opinion was undertaken by Lewes District Council which concluded that the Hamsey Neighbourhood Plan was unlikely to have any significant environmental effects and that a full SEA was not required. The Screening Opinion was sent to the statutory environmental bodies who agreed with the conclusion.

A full Sustainability Appraisal (SA) has not been prepared for the Hamsey Neighbourhood Plan. A detailed Scoping Report has been produced which sets the context of the Plan and identifies key issues within the parish that the Plan aims to address. Despite a full SA not being prepared, sustainability and the need for the plan to help achieve sustainable development in Hamsey is seen as a

crucial cornerstone to the Plan.

The vision and objectives of the Hamsey Neighbourhood Plan comprise a balance of social, economic and environmental goals. These goals then feed into the policies which have been developed to ensure that the future development needs of the parish are met in a sustainable manner.

The table below sets out how the policies contained in the Hamsey Neighbourhood Plan contribute to the achievement of sustainable development.

Table 1. How the policies contained in the Hamsey Neighbourhood Plan will bring about sustainable development

Policy	Soc	Env	Eco	Comments
EN1	+?	++	0	<p>This policy aims to protect the parish’s high quality open space and countryside from inappropriate development.</p> <p>To some extent this may constrain the development of new homes (including affordable), however, the parish’s valued landscape is greatly appreciated by the local community and so it is important that this necessary development takes place in appropriate locations which other policies seek to achieve.</p>
EN2	+?	++	0	<p>This policy aims to protect the parish’s high quality open space and countryside from inappropriate development.</p> <p>Some of the Local Green Spaces are rich in wildlife and biodiversity and so the protection of these assets would have significant environmental benefits.</p> <p>To some extent this may constrain the development of new homes (including affordable), however, the parish’s valued landscape is greatly appreciated by the local community and so it is important that this necessary development takes place in appropriate locations which other policies seek to achieve.</p>
EN3	+	++	0	<p>The parish’s wildlife and biodiversity are cherished by the local community and this policy aims to protect the corridors, features and habitats which are vital to their existence. This is likely to have significant environmental benefits.</p>
EN4	+	++	0	<p>This policy aims to compensate for any loss of trees in the parish and so should have positive environmental benefits.</p>
EN5	+	+	?	<p>This policy aims to encourage renewable and low carbon energy installations, for the sake of the local and wider environment as well as to reduce heating costs for future residents.</p> <p>This may prove to be a relatively minor additional financial burden to developers, however this is a position which is supported through national and local</p>

				planning policy, as well as by the local community.
EN6	+	+	0	This policy aims to reduce emissions and their impact on the local and wider community. This is likely to result in the social and environmental benefits of a cleaner, safer environment for residents and businesses.
EN7	+	++	0	This policy sets out to further protect the parish heritage and community assets that contribute to the local character of the parish and are considered to be most important to the community. This is likely to result in social and environmental benefits.
EN8	+	++	?	<p>This policy sets out to protect the views and tranquillity in the parish that the residents have most strongly indicated they intend to preserve.</p> <p>To some extent this policy may constrain the development of new homes (including affordable), however, the parish's valued landscape is greatly appreciated by the local community and so it is important that this necessary development takes place in appropriate locations which other policies seek to achieve.</p>
H1	+	+	+?	<p>This policy for Brownfield developments sets out to preserve the green landscape so valued by the community whilst utilising disused or underused Brownfield sites in and around the most built up part of the parish, Cooksbridge. This is likely to have social benefits as well as economic benefits for existing parish services, although it is accepted that the development of brownfield land may lead to additional costs for developers.</p> <p>Also, well-designed new development is likely to result in an improvement to the existing built environment at Cooksbridge.</p>
H2	++	0	?	<p>This policy aims to make Community Function a focus for any major developments, leading to shared space, a community feel and localised facilities/employment opportunities. This is likely to have significant social benefits for parish residents.</p> <p>New services may also contribute to the local economy, although it is accepted that this policy is also likely to prove an additional financial burden to developers.</p>
H3	+	++	?	<p>This policy sets out to protect the character and ecology within the South Downs National Park as this has shown to be important to the community.</p> <p>Requiring appropriate mitigation measures may prove an additional financial burden for developers, although it is unlikely to be significant.</p>
H4	++	0	0	This policy requires that safe access is provided as a minimum standard which is likely to result in a safer

				environmental for parish residents.
H5	+	++	?	<p>This policy aims to ensure that existing and new green infrastructure is an important aspect of new development which is likely to have important environmental benefits. Green infrastructure contributes to the rural character of the parish which is greatly appreciated by the local community.</p> <p>It is accepted that this may be an additional financial cost to developers, although is unlikely to be significant.</p>
H6	++	0	?	<p>This policy sets out to provide affordable housing to meet local housing needs, which is a concern of the local community. This is likely to have significant social benefits, especially for lower income residents on the housing register.</p>
H7	+	++	?	<p>This policy aims to bring about well-designed developments which complement or bring about improvements to the parish's existing built and natural environment.</p> <p>There is also a particular focus on utilising opportunities for renewables as well as safe and well thought out homes with play space for children which are important considerations to the local community.</p>
H8	+	++	?	<p>This policy aims to ensure excellent, sustainable design which is appropriate to the context of the parish's natural and built environment, which is of importance to the local community.</p>
H9	+	+	0	<p>This policy aims to bring about development that is appropriate to the parish's rural character, as well as being flexible to respond to changing circumstances, different types of development and varying locations.</p>
H10	+	++	0	<p>This policy aims to cover the many aspects of sustainable design that were suggested and supported by the local community. The policy ultimately aims to ensure that new development in the parish takes into account sustainability considerations which should have a positive environmental impact.</p>
TT1	+	0	0	<p>This policy aims to ensure that new development contributes to a safe environment for new and existing parish residents, in line with local community feedback.</p> <p>It also encourages sustainable forms of transport which will have health benefits.</p>
TT2	+	+	+	<p>This policy aims to encourage sustainable travel and subsequently reduce the number of car journeys which should help to bring about a safer environment for new and existing residents as well as having general health benefits and improving leisure opportunities.</p> <p>Better and more available sustainable travel would provide opportunities for more people to visit local businesses at off peak travel times (weekends and</p>

				throughout the day) and provide opportunities for local people to travel to and from work.
TT3	0	0	0	<p>This policy aims to address the issue of insufficient parking in Cooksbridge, especially as means of sustainable travel are so limited at present. Lack of parking features strongly in parish council meetings and in local community feedback.</p> <p>It is accepted that additional parking provision is unlikely to encourage more sustainable means of transport, however most of the parking need in Cooksbridge is for use of the railway station, which is considered a sustainable means of transport.</p>
ED1	++	0	0	This policy aims to encourage the extension and improvements to Hamsey School as well as provide an opportunity for adult-learning or other community purposes. If this policy is enacted, it is likely to bring about significant social benefits.
ED2	++	+	0	This policy sets out to protect the school field as it is so special to the school, the local community and is regarded as such a precious resource for outside learning and play.
RS1	+	0	+?	This policy aims to enhance the accessibility of the SDNP to encourage its use for enjoyment and wellbeing Encouraging visitors to the area may also have benefits to the parish economy.
RS2	+	+	0	This policy sets out to protect the Beechwood Rural Park as it is owned and cherished by the local community. This is likely to result in social as well as environmental benefits due to the Park's setting.
LE1	+	0	++	<p>This policy sets out to ensure businesses are not disadvantaged with slow internet speeds which is likely to benefit the local economy</p> <p>It is also likely to lead to social benefits as the policy may encourage home working which subsequently may reduce levels of commuting and traffic on the roads.</p>
LE2	+	0	++	This policy sets out to support local businesses which are valued by the local community. This is likely to have social and, in particular, economic benefits.
LE3	+	+	+	<p>This policy looks to support diversification of agricultural and rural businesses so long as the result wouldn't result in environmental damage, spoilt views or increased traffic, which would contravene EN6. There needs to be a balance between supporting the changing face of farming and protecting landscape, ecology and tranquillity that is so important to the local community.</p> <p>This should result in benefits to the local economy as well as new employment opportunities for local people.</p>
LE4	+	+	++	This policy aims to encourage employment related developments which should result in benefits to the

				local economy as well as encouraging new employment opportunities for local people. It will aim to do so whilst ensuring that any new development is appropriate to the rural character of the parish and would not have any detrimental environmental impacts
LE5	+	+	++	<p>This policy sets out to encourage redevelopments of existing buildings into new business space. This is likely to have economic and social benefits as local employment opportunities are important to the local community.</p> <p>Changing the use of existing buildings, as opposed to new build, will protect the parish's natural landscape which is so cherished by the local community. It is also sustainable in terms of waste and improved eco designs/insulation etc.</p>
LE6	+	+	++	<p>This policy sets out to support rural tourism which should help local businesses to thrive. It may also bring about new and improved services for local residents, resulting in social benefits.</p> <p>The policy is also likely to encourage usage of the parish's natural assets, such as the National Park, which is likely to have environmental benefits.</p>

(2)(e) A draft neighbourhood development plan meets the basic conditions if... 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).

Currently, planning applications in Hamsey are determined on the basis of policies contained in the Lewes District Local Plan (2003) (the Local Plan) that were saved in 2007 and are seen to be consistent with the NPPF.

(The list of policies that continue to be used to determine planning applications can be found at [http://www.lewes.gov.uk/Files/plan_Cabinet_Appendix\(1\).pdf](http://www.lewes.gov.uk/Files/plan_Cabinet_Appendix(1).pdf).)

Lewes District Council has been working on producing a replacement Lewes District Local Plan. The replacement plan consists of the Joint Core Strategy, which is being prepared in partnership with the South Downs National Park Authority and the Site Allocations and Development Management Policies Development Plan Document.

The Core Strategy is currently at an advanced stage following the examination Hearing Sessions and subsequent publication of the Inspector's Interim Findings Letter. A schedule of modifications to the Core Strategy has recently been prepared by the Planning Authorities and is currently being consulted upon before being considered by the Inspector prior to adoption. Due to the advanced stage of the Core Strategy, the policies contained within are now being given substantial weight as a material consideration.

The neighbourhood development plan is written to be in general conformity with

both the strategic and core policies of the Core Strategy as well as the saved policies of the Local Plan.

The Core Strategy's strategic policy of particular relevance to the neighbourhood development plan is **Spatial Policy 2** - Distribution of Housing. This calls for the construction of a minimum of 30 homes at Cooksbridge in the period up to 2030.

Core Policy 1 of the Core Strategy calls for affordable rented and shared ownership housing to be provided as part of all housing developments of three or more homes. For developments of ten or more homes, 40% of them are expected to be affordable housing. The Neighbourhood Plan's housing mix policies H6 will help ensure that this expectation will be met. These policies are also consistent with Local Plan Policy RES9, which seeks affordable housing provision at existing levels of need. The District Council's evidence in relation to affordable housing at such a rate is comfortably viable in Hamsey (http://www.lewes.gov.uk/Files/plan_CIL_VA_Feb14.pdf).

Core Policy 2 of the Core Strategy covers housing type, mix and density and includes as key objectives: the delivery of the homes needed, while ensuring that this is done in the most sustainable way; and conserving and enhancing the high quality and character of villages and the rural environment, by ensuring that developments are designed to a high standard and maintain and enhance the local vernacular and sense of place of the settlement concerned and that new development fits in with its surroundings and maintains the character of established areas. Policy ST3 of the Local Plan lists a number of criteria against which new development should comply with. The Housing (in particular H7-H10) and Environment policies of the Neighbourhood Plan seeks to complement and build on these policies and so are therefore consistent with district-wide policies.

The Core Strategy's **Core Policy 4** concerns the encouragement of economic development and regeneration. Its objectives include supporting the rural economy and planning for new development in highly sustainable locations without adversely affecting the character of the area. Core Policy 4 has aims similar to those of parts of Local Plan policies E1 and E9 that seek to promote and increase employment opportunities, including in rural areas. The Neighbourhood Plan seeks to achieve these objectives by means of its Local Economy Policies LE1-LE6 and is therefore consistent with the district-wide policies.

Core Policy 5 of the Core Strategy and Local Plan Policy E10 aim to promote sustainable tourism (including in rural areas) in the district. Policy LE6 of the neighbourhood plan align with these aims by encouraging sustainable rural tourism and other leisure-related development.

Core Policy 6 of the Core Strategy aspires to promote and enhance the vitality of the district's retail and town centres with the aim of retaining local community services and facilities. Saved Policies E1, E8, RE1, RE2 and RE10 of the Local Plan similarly plan positively for the provision of community infrastructure, restrict the change of use of neighbourhood shops/public houses and aim to retain existing/provide new sport and recreation facilities in line with the growth and future needs of the community. The retention of existing, and the provision of new, community facilities and services is a strong focus of the Plan as demonstrated in

policies LE2, LE4, H2, ED2, RS1, RS2 and EN7 of the neighbourhood plan which build on and add a local context to the strategic district-wide policies.

Core Policy 8 of the Core Strategy focusses on protecting and enhancing the district's network of open spaces and green infrastructure. Protecting and enhancing the parish's natural environment is another area that the Plan focusses as the Vision and Objectives demonstrate. This is further demonstrated through the Neighbourhood Plan's Local Green Space designations, Landscape and Environment Policies EN1- EN4, Housing Policies H3, H5, and Recreation and Sports Policies RS1 and RS2 all of which aim to assist with achieving these objectives.

Core Policy 10 concerns the natural environment and landscape character. Its objectives include conserving and enhancing the natural beauty, wildlife and cultural heritage of the area, and the high quality and character of the village and rural environment. The latter is to be achieved by ensuring that new developments are designed to a high standard and maintain and enhance the local vernacular and sense of place of the village. Local Plan policies ST3 and CT1 relate to Core Policy 10 and seek to ensure the protection of the countryside, whilst ensuring that development is appropriate in its surroundings. Achievement of these objectives will be assisted by the Neighbourhood Plan's Landscape and Environment Policies EN1 - EN4 and Housing and Growth policies H1, H3 and H5.

The Core Strategy's Policy 11 concerns the built and historic environment and high quality design. Like Core Policy 10, the objectives of this policy include conserving and enhancing the high quality and character of the village and the rural environment by ensuring that all new developments are designed to a high standard and enhance the local vernacular and sense of place of the village, and conserving and enhancing the natural beauty, wildlife and cultural heritage of the area. Numerous policies of the Local Plan are related to Core Policy 11, including EN7 which seeks to ensure that the historic environment is protected from development. The Neighbourhood Plan policies listed in the paragraph above regarding Core Policy 10 will help with achieving these objectives.

Core Policy 13 of the Core Strategy concerns sustainable travel. Its objectives include reducing the need to travel and promoting a sustainable system of transport. Core Policy 13 is related to the transport policies within the Local Plan (T1, T2, T7, T8, T9, T10, T13 and T14), which also seek to encourage sustainable forms of transport. The Neighbourhood Plan's Transport and Travel Policies TT1 and TT2 promote pedestrian travel and cycle travel throughout the parish.

Core Policy 14 of the Core Strategy (and to some extent ST3 of the Local Plan) aims to reduce locally contributing causes of climate change, encourage sustainable construction techniques and renewable and low carbon energy installations. These policies are supported at the parish level through neighbourhood plan policies EN5, EN6 and Housing Design and Layout Policies H7 – H10.

(2)(f) A draft neighbourhood development plan meets the basic conditions if... the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

A Habitat Regulations Screening Assessment has been undertaken on the neighbourhood development plan. It concluded that there would be no likely significant effect to any site protected by the Birds and Habitats Directives as a consequence of the policies in the plan. As a result no further work was required to meet the requirements.

As a result of the work undertaken, the Parish Council and the planning authority are of the view that this condition has been met.

(2)(g) A draft neighbourhood development plan meets the basic conditions if... 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.

It is believed that all the prescribed conditions have been met and all the prescribed matters have been complied with.

Approved by Hamsey Neighborhood
Plan Steering Group 01/07/2015

Appendix 1 – Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004

38A Meaning of “neighbourhood development plan”

- (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.
- (2) A “neighbourhood development plan” is a plan which 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.
- (3) Schedule 4B to the principal Act, which makes provision about the process for the making of neighbourhood development orders, including:
 - (a) provision for independent examination of orders proposed by qualifying bodies, and
 - (b) provision for the holding of referendums on orders proposed by those bodies,is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of this Act).
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made:
 - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
 - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held.
- (5) If:
 - (a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a neighbourhood area designated as a business area under section 61H of the principal Act), and
 - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan,the authority may (but need not) make a neighbourhood development plan to which the proposal relates.
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- (7) Regulations made by the Secretary of State may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (6).
- (8) The regulations may in particular make provision:

- (a) for the holding of an examination,
 - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
 - (c) as to the award of costs by the examiner,
 - (d) as to the giving of notice and publicity,
 - (e) as to the information and documents that are to be made available to the public,
 - (f) as to the making of reasonable charges for anything provided as a result of the regulations,
 - (g) as to consultation with and participation by the public, and
 - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (9) The authority must publish in such manner as may be prescribed:
- (a) their decision to act under subsection (4) or (6),
 - (b) their reasons for making that decision, and
 - (c) such other matters relating to that decision as may be prescribed.
- (10) The authority must send a copy of the matters required to be published to:
- (a) the qualifying body that initiated the process for the making of the plan, and
 - (b) such other persons as may be prescribed.
- (11) If a neighbourhood development plan is in force in relation to a neighbourhood area:
- (a) a qualifying body may make a proposal for the existing plan to be replaced by a new one, and
 - (b) the process for the making of the replacement plan is the same as the process for the making of the existing plan.
- (12) For the purposes of this section:
- “local planning authority” has the same meaning as it has in Part 2 (see section 37), but the Broads Authority are to be the only local planning authority for the Broads,
- “neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act,
- “prescribed” means prescribed by regulations made by the Secretary of State, and
- “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the principal Act, as applied by section 38C of this Act.

38B Provision that may be made by neighbourhood development plans

- (1) A neighbourhood development 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.
- (2) Only one neighbourhood development plan may be made for each neighbourhood area.
- (3) If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- (4) Regulations made by the Secretary of State may make provision:
 - (a) restricting the provision that may be included in neighbourhood development plans about the use of land,
 - (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
 - (c) prescribing the form of neighbourhood development plans.
- (5) A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State.
- (6) Section 61K of the principal Act (meaning of “excluded development”) is to apply for the purposes of subsection (1)(b).