

Newick Now to 2030



NEWICK NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT

1. INTRODUCTION

Newick Parish Council (the Parish Council) has submitted its proposed neighbourhood development plan Newick 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 Newick 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 (the planning authority) to designate their entire parish as a Neighbourhood Area to allow for a neighbourhood development plan to be produced. Notification that the Newick Parish Neighbourhood Area had been so designated was received on 1 st October 2012 from the planning authority.
(2)	If adopted, Newick Neighbourhood Plan will be a neighbourhood development plan guiding development in the 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 currently at the later stages of production.
(1)(b)&(6)	The neighbourhood development plan does not relate to excluded development.
(1)(c)	The neighbourhood development plan relates only to the designated Newick 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.

It is clear that the Plan has gathered interest from residents of the northeast part of Chailey Parish. The Electoral Authority (Lewes District Council) considers that the referendum area should extend beyond the neighbourhood area, to allow those who live outside Newick Parish and are likely to be impacted by the provisions of the Plan, to voice their opinions during a referendum. An extended area is likely to include the Oxbottom Lane / Station Road area of Chailey Parish plus other households close to the Chailey / Newick Parish Boundary.

Newick Parish Council considers that if the referendum area is extended into Chailey Parish, the extension should take in all households in that part of Chailey Parish that lies to the east of the former railway line. This would be consistent with the area generally considered to be part of Newick, as is exemplified by the Deed of Trust of Newick Village Hall. The residents of this part of Chailey have the same voting rights as Newick residents on matters concerning Newick Village Hall.

(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 subparagraph (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.

As well as being considered in paragraph 183, deliverability is referred to in paragraph 173 of the NPPF. As a result of such references, deliverability has been a key consideration when producing the plan. Discussions were held at an early stage with the owners and/or potential developers of each of the twelve plots identified as being available for development, and those landowners and developers were then invited to promote their proposals during our second public consultation day. Following the subsequent Parish Questionnaire and the Sustainability Appraisal of all sites, and the resultant selection of the most sustainable sites, discussions were held with the proposed developers or landowners of each of the selected sites. During these the draft policies affecting the site concerned were outlined and it was confirmed that the sites will be available for development at the times proposed in the Plan. The selected sites will be favoured by house purchasers and occupiers of the affordable homes because they are all within easy walking distance of the shops and other facilities of Newick, and all will be connected to those facilities by public footpaths. The developer of the site proposed to be earliest for construction has already settled with the highways authority the details of the minor road modifications required for vehicular access to that site. As agreed with the highways authority, the other two proposed main sites will each have an access road direct from the A272.

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:

Paragraph 28 of the NPPF concerns the need to support economic growth in rural areas to create local jobs and improved prosperity. The local economy policies of the Plan aim to do this by supporting the expansion of existing business premises (Policy LE1), the construction of new industrial units (Policy LE2) and the modification of residential premises to assist home working and home-based small businesses (Policy LE4). These policies also express preference for business premises to remain in business use rather than be converted to residential use (Policy LE3) and for any redundant farm buildings to be converted to business use rather than residential (Policy LE5).

Paragraphs 35 and 37 of the NPPF call for policies to aim to minimise the need to travel and encourage the use of sustainable modes of transport. The Plan's transport and communications policies TC1 and TC2 aim to do this and, more specifically, the sites proposed for development under the housing policies HO2 to HO5 are all located where easy pedestrian access is possible to all shops and other local facilities and all are within easy reach of bus services, with new bus stops being proposed to serve the developments of Policies HO3 and HO4.

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 TC4 calls for ducting to be in place in all new developments to allow cabling to be installed easily.

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 Plan's housing policies HO2.3, HO3.3 and HO4.3 call for a range of home sizes to match the requirements indicated by the survey conducted as part of the Parish Questionnaire together with those of LDC's housing register. In line with the indications of the same questionnaire on required housing type, the Plan's housing policies HO2.4, HO3.4 and HO4.4 call for a wide mix of housing types and these same policies also call for affordable housing at the level LDC has stated to be required.

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 HO1.1 to HO1.3 will ensure that housing designs follow good practice and along with environment policy EN1, that they fit well with their surroundings. These policies are supplemented by policies HO2.2, HO3.2 and HO4.2 regarding screen planting to mitigate the visual impact of the developments on local views. Housing policy HO2.5 provides for a play area for young children and calls for the relevant development to be linked to a nearby public footpath, policies HO3.5 and HO4.5 call for a new public footpath connecting these developments to local facilities, and all three of these policies state that green space must be provided. The above-mentioned footpath aspects of policies HO2.5 and HO3.5 also support the aims of paragraph 75 of the NPPF, the protection and enhancement of public rights of way, as do the environment policy EN3 and the community facilities policy CF2. The latter also seeks the provision of public recreational space and equipped play space.

The aims of paragraph 75 of the NPPF, which are to promote healthy communities by protecting all public open spaces, sports facilities and recreational buildings, are met by community facilities policy CF1.

Paragraph 114 of the NPPF calls for protection of 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 environment policy EN5 proposes better protection for two local areas of green infrastructure, one a common and the other ancient woodland, while policy EN2 together with the requirements of the housing policies for green space and tree and shrub planting, cover minimisation of the effect of development on biodiversity.

(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.

Sustainability and the need for the plan to help achieve sustainable development in Newick has been an important part of the process since work began on preparing a neighbourhood development plan in August 2012. A Sustainability Appraisal

Scoping Report was published in May 2013 and was subjected to consultation with statutory consultees.

The Sustainability Appraisal of the sites available for development was carried out in November 2013. This showed that the most sustainable sites were those that were outside the existing planning boundary but close to the Village Green and the nearby shops, post office, health centre, public houses, restaurant and bus routes. Development of these sites will contribute to the success of the existing businesses. The fact that the sites are also close to Newick's Community Centre, Village Hall and recreation grounds should ensure that many residents of the new housing join some of Newick's clubs and societies, thus strengthening the social core of the parish. The location of the new homes close to all of the Village's facilities and close to the bus routes also has an environmental benefit, in that their residents will be more likely to walk within the Village and use public transport for longer journeys.

Undertaking the Sustainability Appraisal has helped ensure that the plan contributes to the achievement of sustainable development and thus the Parish Council is satisfied that the condition has been met.

(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 Newick 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 will be produced in different parts, with Part One of the plan known as the Joint Core Strategy (Core Strategy). Part Two of the Local Plan, which will be the Site Allocations and Development Management Policies Development Plan Document, is in production by Lewes District Council.

The neighbourhood development plan is written to be in general conformity with both the strategic and core policies of the Core Strategy, which is at an advanced stage, 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 124 homes over the period 2010 to 2030, 24 of which have already been completed or committed, leaving 100 outstanding. The Neighbourhood Plan caters for 102 new homes, assuming the demolition of two existing homes, i.e. a net gain of 100 homes.

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 policies HO2.4, HO3.4 and HO4.4 will 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 Newick (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. Local Plan policies ST3 and ST4 contain wording similar to that of Core Policy 2, seeking to ensure that new development fits in with its surroundings and maintains the character of established areas. The Neighbourhood Plan seeks to achieve these objectives by means of its housing policies HO1.1 to HO1.3 and environment policy EN1 and is 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 to LE5 and is therefore consistent with the district-wide policies.

Core Policy 6 concerns retail and sustainable centres. For rural areas its objectives include maintaining and enhancing local shopping centres, supporting the rural economy, improving accessibility to key community services and providing the infrastructure needed to support sustainable communities. Core Policy 6 has aims similar to those of parts of Local Plan policies ST3 and E8 that seek to ensure that development fits in with its surroundings and benefits the community. The location of the new housing close to Newick's shops, health centre and other village amenities, as required by the Neighbourhood Plan's housing policies, will help to achieve these objectives. The increase in population resulting from the new housing, together with the improvements that can be carried out with the Parish Council's share of the resulting community infrastructure levy (see Neighbourhood Plan environment policy EN6, transport and communications policies TC5 and TC6, and community facilities policy CF3) will help to support the sustainability of the local community. Community facilities policy CF1 aims to ensure that the existing community spaces and buildings are all either protected or enhanced, which is an essential part of keeping a sustainable community.

Core Policy 8 of the Core Strategy relates to the green infrastructure. Its objectives include the provision of new and upgraded infrastructure, the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the area, and preserving and enhancing the high quality and character of the village and rural environment. Parts of Local Plan policies RE9, ST11, RES19 and RE1 relate to

Core Policy 8 and seek, amongst other things, to ensure that community facilities like allotments and outdoor recreational spaces are retained and increased provision of facilities is provided where need arises. The Neighbourhood Plan's environment policies EN1 to EN6 aim to assist with achieving these objectives, as do its housing policy HO1.1 and its community facilities policies CF2 and CF3.

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 environment policies EN1, EN2, EN5 and EN6, its housing policies HO1.1 to HO1.3, its transport and Communications policy TC1 and its community facilities policies CF1 to CF3.

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 ST3, ST4, ST11, RES13, RES14, H2-5, H12, H13 and H14 which seek 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 communications policies TC1 and TC 2 and the locations for the developments proposed by its housing policies all promote pedestrian travel within the village, while the close proximity of bus stops promotes the use of public transport. In addition, environment policy EN4 seeks the provision of cycle paths where this is feasible.

(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 found 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.

A Strategic Environmental Assessment (SEA) Screening has also been undertaken on the neighbourhood development plan. It found that there would be no significant environmental effect caused by the plan and thus there was no need to carry out a full SEA.

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 Newick Parish Council
12th August 2014

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).