

Chailey Neighbourhood Development Plan

Shaping Chailey

BASIC CONDITIONS STATEMENT

2019-2034

November 2019

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Under the Neighbourhood Planning (General) Regulations 2012
and in accordance with EU Directive 2001/42

OUR VISION

“Chailey will continue to be a thriving community which protects and retains its quiet, rural character and enhances its built and natural heritage. Sustainable development that respects its countryside setting will be supported and infrastructure improvements will be encouraged. The most highly valued countryside areas in the Parish will be recognised and conserved. Job opportunities within the village will be actively encouraged to provide improved prospects for local people. The sense of community spirit and cohesion will be fostered and increased.”

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Introduction and Background

This statement has been prepared by Chailey Steering Group on the behalf of Chailey Parish Council to accompany its submission to Lewes District Council of the Chailey Neighbourhood Development Plan (CNDP) under section 15 of the Neighbourhood Planning Regulations 2012. As part of the formal submission of the CNDP for Examination, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'Basic Conditions' as set out in the Town & Country Planning Act 1990 (as Amended).

This statement has been prepared to illustrate compliance with these Basic Conditions.

Section 1 of this report summarises the legislative requirements associated with these 'Basic Conditions';

Section 2 summarises and responds to the matters that the appointed Examiner must consider;

Sections 3 - 6 set out the Basic Conditions and assesses how the CNDP meets these requirements;

Section 7 confirms that the CNDP is compatible with the Convention Rights.

It is considered that the CNDP complies with the requirements of the Basic Conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

Section 1: Legal Requirements

- 1.1 The Neighbourhood Plan has been prepared by the Chailey Parish Council, the qualifying body for the area covering the whole parish, as designated by Lewes District Council on 17th March 2015 (See **Appendix 1**)
- 1.2 The Plan proposal relates to planning matters in the designated neighbourhood area and covers the period from 2019 to 2034. It does not contain policies relating to excluded development as laid out in the Regulations.
- 1.3 Paragraph 8 of Schedule 4B of the Town & Country Planning Act (as amended) sets out the Basic Conditions which the NDP must comply with. Detailed below are the matters that must be considered by the appointed NDP Examiner, and the “Basic Conditions” that the NDP must meet in order to be pass and be able to progress to a referendum.
- 1.4 Paragraph 8(1) states that 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 order complies with the provision made by or under sections 61E(2), 61J and 61L(The provision of 61E, 61J & 61L as amended by Section 38C(5)(b) is by reference to the provisions of 38A and 38B of the 2004 Compulsory Purchase 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.

Paragraph 8(2) states that a draft Neighbourhood Development Plan meets the Basic Conditions if:

 - (a) having regard to National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
 - (d) the making of the order 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.
- 1.5 The requirements of Paragraph 8(2)(b)[This applies only to Orders], (2)(c) [This applies only to Orders], (3), (4) and (5) are not of relevance to the compliance with the Basic Conditions tests.
- 1.6 Paragraph 8(6) states that the Examiner is not to consider any matter that does not fall within subparagraph 8(1), apart from considering whether the draft Neighbourhood Development Plan is compatible with the Convention Rights.

- 1.7 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 Basic Conditions in addition to those set out in the primary legislation but neither of which apply to this Plan. These are:
1. the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
 2. the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites

Section 2: What the Examiner must consider

- 2.1 The following details how the requirements of Paragraph 8 4B (1) have been met.

4B 8 (1)(a) Whether The Draft NDP Meets The Basic Conditions

- 2.2 This requires the NDP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act. 3.3. This is considered in detail in Sections 3 - 6 of the Statement.

4B 8 (1)(b) Whether The Draft Order Complies With Sections 38A & 38B Of The Compulsory Purchase Act 2004

- 2.3 This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan". S38A(1) states that "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." Chailey Parish Council is the qualifying body and entitled to submit a Neighbourhood Development Plan for their Parish.
- 2.4 S38A(2) states that 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." The CNDP sets out Policies that relate to the development and use of land within the neighbourhood area. The remainder of Section 38A, Paragraphs (3) - (12), are not of relevance to the submission phase of the NDP.
- 2.5 Section 38B sets out the provisions that may be made by the Neighbourhood Development Plan. Paragraph 38B1(a) notes that a Neighbourhood Development Plan "Must specify the period for which it is to have effect." The CNDP covers the period up to 2034. This end date reflects the Plan period for Lewes Local Plan,
- 2.6 Paragraph 38B1(b) states that a Neighbourhood Development Plan "may not include provision about development that is excluded development." The policies of the CNDP does not include

provision for excluded development (as defined in Section 61K of the Planning and Compulsory Purchase Act 2004).

- 2.7 Paragraph 38B1(c) states that a Neighbourhood Development Plan may not relate to more than one neighbourhood area. The CNDP does not relate to more than one neighbourhood area.
- 2.8 Paragraph 38B(2) states that only one Neighbourhood Development Plan may be made for each neighbourhood area. There is currently no other NDP in place in this neighbourhood area.
- 2.9 Paragraph 38B(3) states that, 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. There are no conflicts within the CNDP.
- 2.10 Paragraph 38B(4)(a) states that Regulations made by the Secretary of State may make provisions for “restricting the provision that may be included in Neighbourhood Development Plans about the use of land.” These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012 and amendments, which have been used to inform the process of making the CNDP. These Regulations set out the process by which NDP’s are to be made and set out.
- 2.11 Paragraph 38B(4)(b) states that Regulations made by the Secretary of State may make provisions “requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations.” A Screening of the Neighbourhood Plan was submitted to Lewes District Council (LDC) and this was sent to the statutory bodies for consultation and a final response from the District Council was issued in June 2017. This can be seen in **Appendix 2**. It concludes that the CNDP is not subject to the requirements of the Strategic Environmental Assessment (SEA).
- 2.12 The remaining requirements of Section 38B, which include paragraphs 38B(4)(c), 5 & 6, are not of relevance to this Basic Conditions Statement.

4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NDP Area

- 2.13 This requires the Examiner to consider whether the area for any referendum should extend beyond the NDP Area to which it relates. The CNDP relates solely to land that falls within the Parish of Chailey.

4B 8 (1)(e) Other Matters

- 2.14 This requires the examiner to consider such other matters as may be prescribed. There are no other prescribed matters.
- 2.15 Paragraph 8(2) of Schedule 4B of the T&CP Act sets out the Basic Conditions that must be met by a draft NDP. Subsections (a),(d),(e), (f), and (g) are of relevance to this statement. Set out below in Section 3 - 6 is an assessment and justification of how the Plan complies with each of these Basic Condition tests.

Section 3: Conformity with National Planning Policy

- 3.1 Section 4B(2)(a) states that a draft NDP will meet 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 plan.
- 3.2 The Neighbourhood Plan has been prepared in conformity with the policies set out in the National Planning Policy Framework (NPPF) of July 2019. It also gives regard to the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in relation to the formation of Neighbourhood Plans.
- 3.3 The table below sets out a summary of how each policy conforms with the NPPF. The paragraphs referred to, are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 1: How the NDP policies conforms with the NPPF

CNDP Policy Number and Title	NPPF 2019 Paragraph (s)
Housing	
Policy HO1: Development Boundary	Paras 77-79
Policy HO2: Design	Paras 124-126
Policy HO3: Housing mix	Para 61
Policy HO4: Building materials	Paras 126 and 127
Policy HO5: Building height	Paras 126 and 127
Policy HO6: Pedestrian connections	Paras 84, 91, 104 and 110
Policy HO7: Development of residential gardens	Para 122
Policy HO8: Conservation areas	Paras 185 and 186
Policy HO9: Historic buildings	Paras 184 and 189
Policy HO10: Housing considerations	Paras 62 and 63
Environment and Landscape	
Policy ENV1: Landscape	Para 170
Policy ENV2: Wildlife protection	Para 174
Policy ENV3: Countryside Protection and the village setting	Paras 79 and 170
Policy ENV4: Historic Environment	Paras 184,185,205
Policy ENV5: Conservation of the environment, ecosystems and biodiversity	Para 174
Policy ENV6: Protection of open views	Para 170
Policy ENV7: Dark night skies	Para 180
Policy ENV8: Chailey Common buffer	Paras 174 - 177
Community	
Policy COM1: Developer Contributions	Para 34
Policy COM2: Community leisure / cultural facilities	Para 92
Policy COM3: Assets of Community Value (Community Right to Bid)	Paras 184 -202

Transport	
Policy TRA1: Sustainable Access – provision for public transport/cycling and walking	Para 102
Policy TRA2: Road Safety	Para 102
Policy TRA3: Supporting Connectivity – Cycling and Walking	Para 110
Policy TRA4: Adequate and appropriate car parking	Paras 105
Economy	
Policy ECO1: Retail provision	Para 83
Policy ECO2: Communications Infrastructure	Para 112
Policy ECO3: Rural businesses	Para 83
Policy ECO4: Employment retention	Para 83
Policy ECO5: Sustainability	Para 92
Policy ECO6: Encouraging employment	Para 80

Section 4: General conformity with the strategic policies of the development plan

- 4.1 The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area.
- 4.2 The current development plan for the area consists of:
- Local Plan Part 1: Joint Core Strategy 2010-2030
 - The retained ‘saved’ policies of the LDLP 2003
 - The East Sussex, South Downs and Brighton and Hove Waste and minerals Local Plan (2013) and Sites Plan (2017)
 - Local Plan Part 2: Site Allocations and Development Management Policies
 - All ‘made’ NDPs
- 4.3 The table below sets out how each policy is in general conformity with Lewes Local Plan.

Table 2: How the NDP policies conforms with LDC Local Plan

CNDP Policy Number and Title	Conformity with LDC Local Plan
Housing	
Policy HO1: Development Boundary	‘saved’ policy CT01 and when/if adopted LPP2 Policies DM1, DM5, DM10, DM12 and DM19
Policy HO2: Design	JCS Core Policy 2 (for residential developments), Core Policy 10, Core Policy 11 and emerging LPP2 Policies DM25 and DM33
Policy HO3: Housing mix	Likely to be JCS Core Policy 2, Core Policy 11 and Core Policy 12 and emerging LPP2 Policy DM25

Policy HO4: Building materials	JCS Core Policy 11 and emerging LPP2 Policy DM25
Policy HO5: Building height	JCS Core Policy 2 (for residential developments), Core Policy 11 and emerging LPP2 Policies DM5, DM25, DM 28 and DM29
Policy HO6: Pedestrian connections	JCS Core Policy 2, Core Policy 8, Core Policy 9, Core Policy 11, Core Policy 13 and emerging LPP2 Policy DM35
Policy HO7: Development of residential gardens	JCS Core Policy 2, Core Policy 10, Core Policy 11 and emerging LPP2 Policies DM25 and DM30
Policy HO8: Conservation areas	JCS Core Policy 10, Core Policy 11 and emerging LPP2 Policy DM25 and DM33
Policy HO9: Historic buildings	JCS Core Policy 10, Core Policy 11 and emerging LPP2 Policies DM4, DM25, DM28 and DM33
Policy HO10: Housing considerations	JCS Core Policy 1, Core Policy 2 and emerging LPP2 Policies DM2 and DM7
Environment and Landscape	
Policy ENV1: Landscape	JCS Core Policy 10, Core Policy 11 and emerging LPP2 Policy DM25
Policy ENV2: Wildlife protection	JCS Core Policy 10 and emerging LPP2 Policies DM14 and DM24
Policy ENV3: Countryside Protection and the village setting	JCS Core Policy 8, Policy 10, Core Policy 12, Core Policy 13 and emerging LPP2 Policies DM24 and DM25
Policy ENV4: Historic Environment	JCS Core Policy 11 and emerging LPP2 Policy DM25 and DM33
Policy ENV5: Conservation of the environment, ecosystems and biodiversity	JCS Core Policy 10 and Core Policy 12 and emerging LPP2 Policies DM20, DM22 and DM24
Policy ENV6: Protection of open views	JCS Core Policy 10, Core Policy 11 and emerging LPP2 Policy DM24, DM25 and DM33
Policy ENV7: Dark night skies	JCS Core Policy 10, Core Policy 11 and emerging LPP2 Policy DM24, DM25 and DM33
Policy ENV8: Chailey Common buffer	JCS Core Policy 8, Core Policy 10 and emerging LPP2 Policies DM20 and DM24
Community	
Policy COM1: Developer Contributions	JCS Core Policy 7, Core Policy 13 and emerging LPP2 Policies DM25 and DM35
Policy COM2: Community leisure / cultural facilities	JCS Core Policy 5, Core Policy 7 and emerging LPP2 Policies DM23 and DM25

Policy COM3: Assets of Community Value (Community Right to Bid)	JCS Core Policy 5 and Core Policy 7
Transport	
Policy TRA1: Sustainable Access – provision for public transport/cycling and walking	JCS Core Policy 2, Core Policy 8, Core Policy 9, Core Policy 11, Core Policy 13 and emerging LPP2 Policy DM35
Policy TRA2: Road Safety	JCS Core Policy 2, Core Policy 9, Core Policy 11 and Core Policy 13
Policy TRA3: Supporting Connectivity – Cycling and Walking	JCS Core Policy 2, Core Policy 9, Core Policy 11, Core Policy 13 and emerging LPP2 Policies DM25 and DM35
Policy TRA4: Adequate and appropriate car parking	(Likely to be JCS Core Policy 2, Core Policy 11, Core Policy 13 and emerging LPP2 Policy DM25. – according to TP)
Economy	
Policy ECO1: Retail provision	JCS Core Policy 5, Core Policy 6, Core Policy 11, Core Policy 13 and emerging LPP2 Policy DM25 and DM33
Policy ECO2: Communications Infrastructure	JCS Core Policy 7 and emerging LPP2 Policy DM25 and DM32
Policy ECO3: Rural businesses	JCS Core Policy 4, Core Policy 11 and emerging LPP2 Policy DM4, DM10, DM11 and DM19
Policy ECO4: Employment retention	JCS Core Policy 4, Core Policy 11 and emerging LPP2 Policy DM4, DM10, DM11 and DM19
Policy ECO5: Sustainability	JCS Core Policy 7, Core Policy 12, Core Policy 14 and emerging LPP2 Policy DM24 and DM25
Policy ECO6: Encouraging employment	JCS Core Policy 4, Core Policy 7, Core Policy 10, Core Policy 11, Core Policy 12 and emerging LPP2 Policies, DM23, DM24 and DM25

Section 5: Contribution to the achievement of sustainable development

- 5.1 A Neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability; economic, social and environmental.
- 5.2 The vision and objectives of the plan
Our Vision is:

“Chailey will continue to be a thriving community which protects and retains its quiet, rural character and enhances its built and natural heritage. Sustainable development that respects its countryside setting will be supported and infrastructure improvements will be encouraged. The most highly valued countryside areas in the Parish will be recognised and conserved. Job opportunities within the village will be actively encouraged to provide improved prospects for local people. The sense of community spirit and cohesion will be fostered and increased.”

- 5.3 There are objectives which set out how our vision will be achieved and these objectives have moulded all the Policies which are contained in the Plan. They reflect the aspirations of residents and have been drafted following extensive public consultation with the community.
- 5.4 The Strategic Environmental Assessment (SEA) Regulations¹ transpose the European Union SEA Directive² into law. It requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.
- 5.5 As part of the process of making the Neighbourhood Development Plan, the Parish Council requested a screening opinion from Lewes District Council in conjunction with the three statutory environmental bodies (Natural England, Environmental Agency and Natural England) to see whether an SEA is required as part of the plan-making process. It was concluded that a Strategic Environmental Assessment (SEA) is not needed as part of this Neighbourhood Plan.
- 5.6 Table 3 demonstrates that there is predominately a positive relationship between the objectives and no negative correlations, which confirms that the Plan has been positively prepared and addresses the matters scoped, into the assessment.
- 5.7 In assessing the impacts of the objectives of the plan, the following symbols will be used in Table 3
- | | |
|-------------------|------------------------|
| + Positive impact | = No/negligible impact |
| - Negative impact | ? Uncertain impact |

¹ Known fully as The Environmental Assessment of Plans and Programmes Regulations 2004

² Known fully as Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

Table 3: CNDP Objectives against assessment framework

Objectives 7,9,10,11, 12,13, 14 and 15 are from the Sustainability Appraisal framework and considered to be the most relevant to this Plan

Objective (see the vision and objectives document for full NDP objectives wording)	7: Improve accessibility to services and facilities for all ages across the District	9: Improve efficiency in land use and encourage the prudent use of natural resources	10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing travel choice and reducing car usage	11: Reduce emissions of greenhouse gases	12: Minimise the risk of flooding and resulting detriment to people	13: Maintain, improve and manage water resources in a sustainable way	14: Conserve and enhance bio-diversity and geo-diversity	15: Protect and enhance the high quality natural and built environment
Housing Objectives								
<p>Objective 1: To ensure that all new housing development, through location, quality and design, preserves and enhances the existing character of the village and its environment.</p> <p>Objective 2: To promote new residential development if within the revised development boundaries shown in the Plan and other allocated sites identified by Lewes District Council in the Local Plan.</p> <p>Objective 3a: To ensure that new housing development in the Parish comprises dwellings with 1, 2 or 3 bedrooms, suitable for starter homes or for elderly residents downsizing from elsewhere in the village.</p> <p>Objective 3b: To ensure that new residential development in the Parish is sustainably constructed, preferably by small house builders using local materials, and in a style and appearance in keeping with existing properties within the immediate vicinity.</p>	+	+	?	=	=	=	+	+

Objective (see the vision and objectives document for full NDP objectives wording)	7. Improve accessibility to services and facilities for all ages across the District	9: Improve efficiency in land use and encourage the prudent use of natural resources	10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing travel choice and reducing car usage	11: Reduce emissions of greenhouse gases	12: Minimise the risk of flooding and resulting detriment to people	13: Maintain, improve and manage water resources in a sustainable way	14: Conserve and enhance bio-diversity and geo-diversity	15: Protect and enhance the high quality natural and built environment
Environmental Objectives								
<p>Objective 4: To enhance and protect the natural beauty and biodiversity of the Parish, including the vicinity of Chailey Common.</p> <p>Objective 5: To enhance and protect the countryside setting of the main residential centres of the Parish.</p> <p>Objective 6: To protect and enhance the historic environment and cultural heritage of the Parish.</p> <p>Objective 7: To take all practical steps to protect views, vistas and the dark sky of Chailey, particularly where proposed developments outside the Planning Boundary would adversely impact upon the character and beauty of the village.</p>	=	+	=	+	+	+	+	+
Economy and Transport Objectives								
<p>Objective 8: To strengthen and sustain community, recreational, tourism and transport infrastructure in Chailey.</p> <p>Objective 9: To facilitate employment opportunities and tourism in the Village and increase these where possible.</p>	+	+	=	=	?	?	+	+
Community Objective								
Objective 10: To ensure that Chailey's community spirit and its facilities are preserved and enhanced								

Section 6: Assessment of the CNDP policies

- 6.1 The effects of the Plan and its policies were assessed in respect of Objectives 7,9,10,11, 12,13, 14 and 15 from the Sustainability Appraisal framework and considered to be the most relevant to this Plan, with the reasonable alternative of having no policy in place. The Plan and its policies would have either positive or neutral effects with the alternative of having no policy having neutral or negative effects on the SEA topics. There are circumstances where it is uncertain of the effects but due to the balance of mainly positive effects, the cumulative is likely to be positive.

Housing Policies

- 6.2 The main alternatives for this policy area are:
- a) No policy and leaving control of development to the policies of the Lewes Local Plan and other relevant plans; or
 - b) The policy either as worded or amended.
- Overall the combination of the policies within the Housing Policies section of the Plan will have positive effects and neutral effect on the environment through less incursion into the countryside and positive effects on the heritage assets. Additional to this the requirement for specific aspects like landscaping and green space will also encourage biodiversity, along with the extension of footpaths and cycleways to help a switch in travel choice. Therefore, it is concluded that the policies either as worded or amended would meet the Basic Conditions.**

Environment and Landscape

- 6.3 The main alternatives for this policy area are:
- a) No policy and leaving control of development to the policies of the Lewes Local Plan and other relevant plans; or
 - b) The policy either as worded or amended.
- Overall the combination of the policies within the Environment section of the Plan will have a positive impact to the environment with a good use of land and natural resources and respect to the wider historic landscape. Therefore, it is concluded that the policies either as worded or amended would meet the Basic Conditions.**

Community

- 6.4 The main alternatives for this policy area are:
- a) No policy and leaving control of development to the policies of the Lewes Local Plan and other relevant plans; or
 - b) The policy either as worded or amended.
- Overall the Community policies would cumulatively have a positive impact across the framework, even though there will only be limited impacts from each policy individually. Therefore, it is concluded that the policies either as worded or amended would meet the Basic Conditions.**

Transport

- 6.5 The main alternatives for this policy area are:
- a) No policy and leaving control of development to the policies of the Lewes Local Plan and other relevant plans; or
 - b) The policy either as worded or amended.
- Overall the Transport policies would cumulatively have a positive impact and some neutral impact across the framework, even though there will only be limited impacts from each policy individually. Therefore, it is concluded that the policies either as worded or amended would meet the Basic Conditions.**

Economy

- 6.6 The main alternatives for this policy area are:
- a) No policy and leaving control of development to the policies of the Lewes Local Plan and other relevant plans; or
 - b) The policy either as worded or amended.
- Overall the Economy policies would cumulatively have a positive impact across the framework, even though there will only be limited impacts from each policy individually. Therefore, it is concluded that the policies either as worded or amended would meet the Basic Conditions.**

Section 7: Compatibility with EU obligations and legislation

- 7.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the Basic Conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations.
- 7.2 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.
- 7.3 A screening process was carried out by Lewes District Council which determined that the Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA).
- 7.4 The CNDP does not breach any EU obligations and would be otherwise compatible with all EU obligations.

Section 8: Conclusion

- 8.1 Section 4B 8 (2)(g) states that a draft Neighbourhood Plan will meet the Basic Conditions if prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with.
- 8.2 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and the prescribed conditions and matters are considered to be met by the CNDP. It is therefore submitted that the CNDP complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

APPENDICES

The appendices contain additional information that would be helpful to the flow of the main text of the statement.

Appendix 1: Area designation map



Appendix 2: Screening response



Lewes District Council

Chailey Neighbourhood Development Plan

Strategic Environmental Assessment Screening Opinion

June 2017
Final Version

Introduction

1. Neighbourhood Development Plans are a relatively new tier of planning policy produced by local communities. When adopted, such plans will be used by local planning authorities to determine planning applications for the Neighbourhood Areas that they cover.
2. Chailey Parish Council has had its entire Parish designed as a Neighbourhood Area which allows it to produce a Neighbourhood Development Plan.
3. The Strategic Environmental Assessment (SEA) Regulations³ transpose the European Union SEA Directive⁴ into law. It requires those making plans that could impact on the environment to consider whether they are likely to have a significant effect or not.

Screening Opinion

4. As part of the process of making the Neighbourhood Development Plan, the Parish Council has requested a screening opinion to see whether a SEA is required as part of the plan-making process. Such a requirement can be screened out if it is felt, based on the information available, that the Neighbourhood Development Plan would not have a likely significant environmental affect.
5. In order to assess the likely significance of the plan on the environment, the purpose of the plan has been appraised against the criteria detailed in the regulations and Directive. This analysis has been made in Table 1.
6. The District Council has based its screening opinion on the understanding that the Chailey Parish Council will prepare a Neighbourhood Development Plan that:
 - will have policies consistent with national policy;
 - will have policies consistent with existing and emerging local policies;
 - will not allocate sites for development;
 - will base policies on the evidence it has gained from documents such as the State of the Parish Report.
7. If it is presented with additional information that changes its understanding as to what the Chailey Neighbourhood Plan will cover, the District Council reserves the right to undertake another Screening Assessment which may have different conclusions.

³ Known fully as The Environmental Assessment of Plans and Programmes Regulations 2004

⁴ Known fully as Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment

Table 1: Screening Assessment

Criteria	Notes	Likely Significant Effect?
1. The characteristics of plans and programmes, having regard, in particular, to—		
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	Neighbourhood Development Plans are the lowest-level statutory planning documents in the UK. As such, the Chailey Neighbourhood Development Plan does not set a framework for other projects or plans outside of the Parish but will be used for guiding development in the Parish until 2030.	No
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	Neighbourhood Development Plans are influenced by other plans, such as the adopted Lewes District Core Strategy, as well as national planning policy and guidance. The plan is at the base of the hierarchy of national policy and is not intended to influence other plans and programmes.	No
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The Neighbourhood Development Plan, as directed by the National Planning Policy Framework, will help promote sustainable development and will consider the environment of the Parish.	No
(d) environmental problems relevant to the plan or programme; and	The state of the environment has been considered by those making the plan to help with such consideration. Based on the information received to date, it is likely that the plan will attempt to reduce environmental problems and thus no significant negative impact is envisaged through the provisions in the Neighbourhood Development Plan.	No
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	Not applicable for the Neighbourhood Development Plan	No
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
(a) the probability, duration, frequency and reversibility of the effects;	The Neighbourhood Development Plan will guide development in the parish until 2030, with the aim of having a positive impact on the parish and by promoting sustainable development.	No

Criteria	Notes	Likely Significant Effect?
(b) the cumulative nature of the effects;	Development in the Neighbourhood Plan is likely to be consistent with the amount of development proposed in the Joint Core Strategy.	No
(c) the trans-boundary nature of the effects;	<p>The Sustainability Appraisal (SA) (incorporating a SEA) of the Joint Core Strategy considered the impact of development in the Parish alongside development in other settlements and parishes, including neighbouring districts. Neighbouring authorities have not objected to these findings.</p> <p>The Habitats Regulations Assessment (HRA) of the Joint Core Strategy considered the effects of development on protected sites. Additional work is currently being carried out to consider the combined traffic impacts on protected sites (i.e. Ashdown Forest SAC/SPA).</p> <p>It is not anticipated that the Chailey Neighbourhood Plan will have direct negative trans-boundary impacts as it will only contain policies to guide development within the Parish up to 2030 and will not be allocating sites for development.</p>	No
(d) the risks to human health or the environment (for example, due to accidents);	It is not thought that anything in the Neighbourhood Development Plan will increase risks to human health.	No
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Neighbourhood Development Plan, unlike most plans, is to be written for a small area and modest population. Its impacts are unlikely to be extensive.	No

Criteria	Notes	Likely Significant Effect?
<p>(f) the value and vulnerability of the area likely to be affected due to—</p> <p>(i) special natural characteristics or cultural heritage;</p> <p>(ii) exceeded environmental quality standards or limit values; or</p> <p>(iii) intensive land-use; and</p>	<p>In collecting information for the Neighbourhood Development Plan, information has been gained on the characteristics of the area – including information on land use, listed buildings, TPOs and SSSIs. This information gathering will inform the contents of the Neighbourhood Development Plan.</p> <p>There are no known environmental quality standards being exceeded. The plan is not likely to lead to a significant intensification of land use nor is it felt that its provisions are likely to harm natural and cultural characteristics.</p>	

Criteria	Notes	Likely Significant Effect?
<p>(g) the effects on areas or landscapes which have a recognised national, European Community or international protection status.</p>	<p>The Neighbourhood Area does include nationally designated landscape including Chailey Common Site of Special Scientific Interest (SSSI). It is not envisaged that the SSSI will be significantly affected by the provisions of the Neighbourhood Development Plan as the Chailey neighbourhood Plan will not allocate sites for development.</p> <p>The northernmost portion of the Neighbourhood Area is within the 7 km zone of influence around the Ashdown Forest SAC/SPA and so could be of concern for recreation impacts. It is not anticipated that that Chailey Neighbourhood Plan will have direct negative effects on air quality and in particular nitrogen deposition on the SAC. This is because the Chailey Neighbourhood Plan will not allocate sites but only seek to provide additional policies to inform the planning application process within the Neighbourhood Area. Therefore it is thought that this issue should be considered at a strategic level.</p> <p>Additional work is currently being carried out on the HRA for the Joint Core Strategy to consider the combined traffic impacts resulting from new developments on protected European sites (i.e. Ashdown Forest SAC/SPA).</p> <p>Air quality monitoring on the Ashdown Forest SAC is ongoing and if any future results change our understanding of the associated impacts that information will be fed into the SEA of the Chailey Neighbourhood Plan at a later stage.</p>	<p>No</p>

8. The above analysis was undertaken by Lewes District Council on behalf of the Parish Council. In light of the analysis, it is not thought that the Neighbourhood Development Plan would have significant environmental effects.
9. This Screening Opinion was made available to the three statutory environmental bodies (Natural England, Environment Agency and English Heritage) for their views.
10. Comments were welcomed between Tuesday, 25th April and Tuesday, 6th June 2017. The following comments were made from Natural England: “Natural England agrees that the Neighbourhood Plan is unlikely to have significant environmental effects. This is for the reasons set out in Table 1, principally because the Plan is not intending to allocate sites.”
11. After considering these comments, we have concluded that the Parish Council does not need to undertake a Strategic Environmental Assessment as part of the Neighbourhood Plan Development process. This decision has been based on the assumption set out in paragraph (6) and for the following Statement on Reasons:
 - The Chailey Neighbourhood Plan will not allocated sites for development
 - The Chailey Neighbourhood Plan is not expected to have any significant environmental effects that had not already been considered through the Lewes District Core Strategy Sustainability Appraisal (incorporating a Strategic Environmental Assessment) which was an important consideration of the screening assessment