

# Basic Conditions Statement for Hurstpierpoint and Sayers Common Parish Council Neighbourhood Plan



**March 2014**

<b>Contents</b>	<b>Page</b>
1. Introduction	1
2. Legislative Requirements	2
3. What the Examiner Must Consider	3
4. Compliance with the Basic Conditions	6
5. 4B(2)(a) National Policies	7
6. 4B(2)(d) Sustainable Development.	16
7. 4B(2)(e) General Conformity with the Development Plan	17
8. 4B(2)(f) Compatible with EU Obligations	37
9. 4B(2)(g) Compliance with Prescribed Conditions and Matters	38
10. 4B(6) Compatibility with Convention Rights	39

## **Appendices**

Appendix 1 Policy Comparison Tick List

## **1. INTRODUCTION**

- 1.1. This report has been prepared by DOWSETTMAYHEW Planning Partnership for, and on behalf of, Hurstpierpoint and Sayers Common Parish Council (HSCPC). It is in support of their preparation of the Hurstpierpoint and Sayers Common Parish 2031 Neighbourhood Plan.
- 1.2. As part of the formal submission of the Neighbourhood Plan (NP) 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).
- 1.3. This statement has been prepared in order to illustrate compliance with these basic conditions. Section 2 of this report summarises the legislative requirements associated with these 'basic conditions'. Section 3 summarises and responds to the matters that the appointed examiner must consider. Sections 4 - 9 set out the basic conditions and assesses how the draft NP meets these requirements. Section 10 confirms that the NP is compatible with the Convention Rights.
- 1.4. It is considered that the NP complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.
- 1.5. For the purposes of this report, please note the Neighbourhood Plan (NP) is also used to refer to Neighbourhood Development Plans (NDP).

## 2. LEGISLATIVE REQUIREMENTS

- 2.1. Paragraph 8 of Schedule 4B of the Town & Country Planning Act (as Amended) sets out the basic conditions which the NP must comply with. Detailed below are the matters that must be considered by the appointed NP Examiner, and the “*basic conditions*” that the NP must meet in order to be found sound and be able to progress to a referendum.
- 2.2. Paragraph 8(1) states that the Examiner must consider the following:
- (a) *whether the draft Neighbourhood Development Plan meets the basic conditions (see subparagraph(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.*
- 2.3. 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.*
- 2.4. The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions tests.
- 2.5. 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.

### 3. WHAT THE EXAMINER MUST CONSIDER

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

#### ***4B(1)(a) Whether The Draft NP Meets The Basic Conditions***

3.2. This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.

3.3. This is considered in detail in Sections 4 - 9 of the Statement.

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

3.4. This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004.

3.5. 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.”*

3.6. HSCPC is the qualifying body and entitled to submit a Neighbourhood Development Plan for their Parish.

3.7. 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.”*

3.8. The HSCPC NP sets out Policies that relate to the development and use of land within the neighbourhood area.

3.9. The remainder of Section 38A, Paragraphs (3) - (12), are not of relevance to the submission phase of the NP.

3.10. 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.”*

3.11. The HSCPC NP covers the period up to 2031. This would be for a period of 18 years from the date of submission. The period of time reflects that of the timescales of the emerging Mid Sussex District Council (MSDC) District Plan (MSDP).

3.12. Paragraph 38B1(b) states that a Neighbourhood Development Plan *“may not include provision about development that is excluded development.”*

3.13. The HSCPC NP does not include provision for excluded development (as defined in Section 61K of the Planning and Compulsory Purchase Act 2004). HSCPC are aware that West Sussex County Council (WSCC) are looking at a potential waste site to the north of Goddards Green. No allocation relating to this site has been made. The Plan includes no other excluded development.

3.14. Paragraph 38B1(c) states that a Neighbourhood Development Plan *may not relate to more than one neighbourhood area.*

- 3.15. The HSCPC NP does not relate to more than one neighbourhood area. It solely relates to the HSCPC Neighbourhood Plan Area as ratified by MSDC on 9 July 2012 and the South Downs National Park Authority (SDNPA) on 13 September 2012.
- 3.16. Paragraph 38B(2) states that only one Neighbourhood Development Plan may be made for each neighbourhood area.
- 3.17. There are currently no other NP's in place in this neighbourhood area.
- 3.18. 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.
- 3.19. There are no conflicts within the NP.
- 3.20. 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."*
- 3.21. These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012, which have been used to inform the process of making the HSCPC NP. These Regulations set out the process by which NP's are to be made and set out.
- 3.22. 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."*
- 3.23. The HSCPC NP has been subject to the Sustainability Appraisal (SA), including the requirements of the Strategic Environmental Assessment (SEA). In discussions with MSDC it was confirmed that there were no European Sites in, or near the NP area which would be affected by the policies within the HSCPC NP and it was agreed that a Habitat Regulation Assessment (HRA) was not required.
- 3.24. The remaining requirements of Section 38B, which include paragraphs 38B(4)(c), 5 & 6, are not of relevance to this Basic Conditions Statement.

#### ***4B(1)(d) Whether The Referendum Should Extend Beyond The NP Area***

- 3.25. This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.
- 3.26. The HSCPC NP relates solely to land that falls within the Parish of Hurstpierpoint Point & Sayers Common. There are allocations, notably E1 & A1 which relate to the development aspirations of neighbouring authorities, notably the Burgess Hill Northern Arc expansion. Much of this land however falls within the Hurstpierpoint and Sayers Common Parish boundaries.
- 3.27. In undertaking a Landscape Visual Impact Assessment (LVIA) of the Parish, which informed the NP and is referred to in the SA, reference was made to an area of land (Area 15) outside of the Parish and within the Parish of Hassocks. There has been no policy provision made for this area and the review of the land was solely for informative purposes.

***4B(1)(e) Other Matters***

- 3.28. This requires the examiner to consider such other matters as may be prescribed.
- 3.29. There are no other prescribed matters.

#### **4. COMPLIANCE WITH THE BASIC CONDITIONS**

- 4.1. Paragraph 8(2) of Schedule 4B of the T&CP Act sets out the basic conditions that must be met by a draft NP. Subsections (a),(d),(e), (f), and (g) are of relevance to this statement. Set out below in Section 5 - 9 is an assessment and justification of how the HSCPC NP complies with each of these basic condition tests.

## 5. 4B(2)(a) NATIONAL POLICIES

- 5.1. Section 4B(2)(a) states that a draft NP 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.
- 5.2. The following sections sets out compliance of the policies contained in the HSCPC NP with those contained in higher level national guidance. Appendix 1 sets out a comparison chart which shows which higher level policies and guidance are in conformity with the policies of the NP.
- 5.3. The National Planning Policy Framework (NPPF) provides national planning guidance and is a material consideration in the formation of Development Plan Documents (DPD). Paragraphs 183-185 of the NPPF confirm that an NP must have regard to the policies contained within the NPPF and must be in general conformity with the strategic policies of the Local Plan.
- 5.4. In discussions with MSDC, they have indicated that the whole of the NPPF should be considered.
- 5.5. Throughout this section of the report, reference is made to the NP policies and aims. The latter are differentiated from policies by the following symbol (\*).

### *National Planning Policy Framework*

- 5.6. The 'golden thread' running through the NPPF is a requirement for development plans to comply with aims of sustainable development. There is a presumption in favour of sustainable development. Paragraph 7 confirms that sustainable development comprises of sustainable economic, social and environmental development. In order to achieve the aims of sustainable development policies must seek to deliver all three strands.
- 5.7. The SA (incorporating the requirements of the SEA), prepared in support of the HSCPC NP has fully assessed the sustainability of all policies in the NP and found them to all meet the aims of sustainable development. The following details where policies are specifically in accordance with the NPPF.
- 5.8. The following chapters of the NPPF are considered of relevance to 4B(2)(a) assessment:
  - Chapter 1: Building a strong and competitive economy;
  - Chapter 3: Supporting a prosperous rural economy;
  - Chapter 4: Promoting sustainable transport;
  - Chapter 5: Supporting high quality communications infrastructure;
  - Chapter 6: Delivering a wide choice of high quality homes;
  - Chapter 7: Requiring good design;
  - Chapter 8: Promoting health communities;
  - Chapter 10: Meeting the challenge of climate change, flooding and coastal change;
  - Chapter 11: Conserving and enhancing the natural environment; and
  - Chapter 12: Conserving and enhancing the historic environment.

### ***Chapter 1 - Building A Strong And Competitive Economy***

- 5.9. This chapter seeks to ensure that planning acts to encourage growth and not as an impediment to growth. Planning policies should seek to recognise and address barriers to investment such as poor environment, infrastructure, services and housing.

#### ***Policies should:***

- Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
  - Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
  - Plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
  - Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
  - Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
- 5.10. The NP has an overarching objective to promote economic vitality and the following policies aim to build a strong and competitive economy:
- C6 - Recognises the importance of a large local employer.
  - A1 - Seeks to ensure infrastructure improvement and sustainable funding.
  - H1/H2/H3/H4/H5 - All seek to provide new and associated infrastructure.
  - E1 - Seeks to allocate land for a new high quality employment site.
  - E2 - Defines an area of land for employment purposes.
  - E3\* - Seeks to encourage enhancements to retail areas in the Parish.
  - E4 - Seeks to deliver broadband across the Parish.
  - E5 - Seeks to encourage tourism and craft workshop developments.

### ***Chapter 3: Supporting a Prosperous Rural Economy***

- 5.11. The chapter seeks to support economic growth in rural areas in order to create jobs and prosperity. There should be a positive approach taken to sustainable new development that will support a strong rural economy.
- 5.12. Policies should:
- Support sustainable growth of all business and rural enterprises;
  - Promote diversification;
  - Support leisure and tourism;
  - Promote retention of local services and community facilities.

5.13. Hurstpierpoint & Sayers Common Parish comprises of two main villages, two smaller hamlets and a number of rural properties and businesses. The Parish Vision is to ensure that the area retains its thriving community feel, whilst improving the economic well being of the area. The following Policies seek to create a prosperous rural economy:

C6 - Seeks to support a large rural based business.

H1/H2/H3/H4/H5 - All seek to provide new and associated infrastructure.

E1 - Seeks to allocate land for a new high quality employment site.

E2 - Defines an area of land for employment purposes.

E3\* - Aims to encourage enhancements to retail areas in the Parish.

E4 - Aims to deliver broadband across the Parish.

E5 - Aims to encourage tourism and craft workshop developments in rural locations.

#### ***Chapter 4: Promoting Sustainable Transport***

5.14. The chapter looks to promote policies to facilitate sustainable development that contributes to wider sustainability and health objectives. The transport system should be balanced in favour of sustainable transport, but solutions will vary across different geographies.

5.15. Policies should:

- Encourage reduction in the greenhouse gas emissions;
- Ensure that major developments are accompanied by Travel Plans which seek to promote sustainable transport modes;
- Should ensure that development that generates significant movements are located where the need to travel will be minimised;
- Should seek to use sustainable transport modes for goods and people. This includes priority for pedestrians and cyclists, safe layouts of new development, provide charging points for electric cars and include facilities for disabled people;
- There should be a mixture of land uses within an area;
- For large residential developments, key facilities should be in walking distance of most properties;
- Parking facilities in centres should be improved.

5.16. The NP contains an overarching objective to protect and enhance the environment and also ensure cohesive and safe communities. These objectives comply with the aims of sustainable transport, and specific policies and aims that achieve this, include:

H5 - Seeks to ensure that physical infrastructure is in place to deliver new houses.

H7 - Seeks to deliver safe access points for new housing sites, include requirements for Transport Assessments and Travel Plans, improvements to highways, cycle paths and footpaths.

E3\* - Aims to improve the pedestrian environment for retail areas.

T1\* - Aims to improve highway and pedestrian safety.

T2\* - Aims to improve pedestrian safety, traffic movements and parking in Hurstpierpoint High Street.

T3\* - Aims to introduce speed cameras and parking controls in Cuckfield Road to improve safety.

T4\* - Aims to investigate traffic congestion, pedestrian safety and parking issues along College Lane.

T5\* - Aims to ensure traffic management scheme are introduced to ensure additional traffic from the Burgess Hill Northern Arc development have limited impacts on Goddards Green.

T6\* - Aims to improve highway safety for cyclists.

T7\* - Aims to deliver a new parking site within 5 minutes walk of Hurstpierpoint High Street

T8\* - Seeks to improve the provision of public transport.

### ***Chapter 5: Supporting High Quality Communications Infrastructure***

5.17. This chapter looks to specifically improve broadband internet speeds in order to support economic growth and improve community facilities and services.

5.18. The NP contains a specific policy which seeks to deliver these improvements within the Parish:

5.19. E4 - Seeks to deliver super fast broadband in partnership with WSCC and the Rural Broadband Partnership.

### ***Chapter 6: Delivering A Wide Choice Of High Quality Homes.***

5.20. This chapter seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

5.21. Policies should:

- Deliver a wide choice of high quality homes. This should reflect demographic trends and include a range of sizes, types and tenure. It should include affordable housing;
- It is down to the local area to consider whether garden development is appropriate;
- There is a requirement, especially in local areas, for neighbouring authorities to exercise a duty to cooperate in order to deliver the houses needed in an area;
- In rural areas new housing should be located to enhance or maintain the vitality of rural communities;
- Isolated new homes should be avoided, unless it relates to a rural worker, the most appropriate use of a heritage asset, re-uses a redundant or disused building, or is of an exceptional quality or innovative nature.

5.22. The NP positively responds to the need for new housing and is expected to deliver some 282 - 292 dwellings across the life of the plan. This is a much higher number than required under MSDC equal share of housing as set out in the emerging MSDP and will deliver the homes that the area needs over the next 20 years. All sites have been assessed by the SA and require the delivery of appropriate infrastructure and facilities with new housing. Further information on this is contained with the Consultation Statement.

5.23. The following policies comply with the aims of delivering a wide choice of high quality homes:

H1 - Seeks to deliver new housing in Hurstpierpoint that positively enhances settlement pattern of the village and are mindful of environmental and visual constraints.

H2 - Seeks to deliver new housing in Sayers Common that positively enhances the settlement patterns and deals with drainage and flooding issues.

H3 - Sets out where new housing will be delivered in Hurstpierpoint village and the total numbers.

H4 - Sets out where new housing will be delivered in Sayers Common and the total numbers.

H5 - Seeks to carefully phase development to ensure required infrastructure is in place.

H8 - Aims to ensure that appropriate levels of affordable housing are achieved.

H9 - Seeks to facilitate small scale developments of 7 or less houses within existing village boundaries.

H10 - Seeks to ensure that new housing schemes include a proportion of small houses and ground floor accommodation.

### ***Chapter 7: Requiring good design***

5.24. This chapter confirms that design is very important and a key aspect of sustainable development. Good design is indivisible from good planning and should positively contribute to making places better for people.

5.25. Policies should:

- Developments should be inclusive and high quality;
- Should respond to local character and the important qualities of local defining characters should be understood;
- New development should be planned for the long term, establish a strong sense of place, optimise site potential, have an appropriate mix of uses, reflect local character and materials, create safe and accessible areas, are visually attractive and result in good architecture.
- There should be local design codes to facilitate development;
- Architectural style should not be imposed and innovation should not be stifled;
- Securing high quality development goes beyond architectural appearances.

5.26. The Parish Vision seeks to retain a village feel and make the area a thriving and desirable environment for people to live and work. A key objective is then to ensure that a sense of place is retained. HSCPC have previously developed a Village Design Statement which identifies key defining local characteristics. Specific reference is made to this document in the NP.

5.27. The following Policies require good design:

C6 - Seeks to ensure that any development at Hurstpierpoint College does not detract from the special architectural character and appearance of the existing buildings.

H6 - Seeks design of new houses to respond to and enhance village character. Reference should be made to the Village Design Statement.

H7 - Seeks to achieve appropriate layout and design of transport, infrastructure and environmental elements of new housing developments.

H9 - Seeks to ensure that some new houses are designed to meet the needs of people with access and movement difficulties.

E1 - Seeks to ensure that new business provision is high quality.

E3\* - Aims to make improvements to the quality and function of the public realm retail environment.

### **Chapter 8: Promoting Healthy Communities**

5.28. This chapter seeks to facilitate social interaction, health and inclusive communities. Local communities should be involved in planning and neighbourhood planning should be promoted.

5.29. Policies should:

- Deliver social, recreational and cultural facilities that the community needs;
- Positively plan public spaces;
- Protect against the loss of valued facilities;
- Ensure that shops, services and facilities are able to develop in a sustainable manner;
- Great weight should be attached to the provision of adequate school places. Great weight should be given to the need to expand schools;
- Communities should have access to high quality open spaces, sport and recreation facilities;
- Generally open space, sports and recreation buildings and land should not be built on;
- Public rights of way should be protected and enhanced.

5.30. Two of the key objectives of the HSCPC NP are to ensure cohesive communities and promote healthy lifestyles. The following policies look to promote healthy communities:

C2 - Seeks to permit recreation development, including sports pitches, within the SDNP where it complies with the statutory objective of the SDNP designation.

C4\* - Aims to identify quiet lanes.

C6 - Seeks to facilitate development at Hurstpierpoint College.

A1 - Seek to deliver improved recreational facilities at Hurst Meadow.

A2 - Seeks to facilitate extensions to Fairfield Ground for playing space.

A3 - Seeks to deliver outdoor community sports facilities as part of the Northern Arc.

A4 - Designates Fairfield recreation ground and pavilion for future community and sports facilities.

A5 - Seeks to provide new cemetery space.

H1 - Seeks to protect parkland as part of new housing developments in Hurstpierpoint.

H5 - Seeks to ensure community infrastructure is in place to deliver new housing.

H7 - Seeks to deliver public footpaths and parkland as part of housing developments.

### ***Chapter 10: Meeting The Challenge Of Climate Change, Flooding And Coastal Change***

- 5.31. This chapters places planning policy at the centre of drives to reduce greenhouse gas emissions and minimise the impacts of climate change. It also seeks to facilitate a transition to low carbon technologies.
- 5.32. Policies should:
- Plan new developments in locations which reduce greenhouse gases, support energy efficiency and require building sustainability;
  - All communities should be expected to contribute towards energy generation from renewable or low carbon technologies;
  - Plans should take account of climate change over the long term and factors such as flooding, water supply, biodiversity and landscape;
  - Development should be directed away from flood sensitive areas.
- 5.33. The Parish Vision includes aims to improve the environmental wellbeing of the area, whilst protecting and enhancing the environment is a key objective. The following policies seek to meet the challenges of climate change and flooding:
- C1 - Seeks to protect the rural landscape.  
C3 - Seeks to protect important gaps and open countryside.  
A1 - Seeks to conserve and preserve flora and fauna at Hurst Meadows.  
H2 - Seeks to ensure that housing development in Sayers Common enhances flood and drainage management in the village.  
H7 - Seeks to ensure new housing developments protect ecology, include Travel Plans and include adequate surface water and foul drainage capacity.  
T3\* - Aims to reduce traffic speeds along Cuckfield Road.  
T8\* - Aims to improve public transport to the whole of the Parish.

### ***Chapter 11: Conserving And Enhancing The Natural Environment***

- 5.34. This chapters seeks to ensure that the planning system contributes to and enhances the natural and local environment. Specific mention is made of Paragraph 115 which confirms that great weight should be given to conserving landscape and scenic beauty of National Parks which have the highest status of protection. Conservation of wildlife and cultural heritage in National Parks should also be given great weight.
- 5.35. Policies should:
- Protect and enhance valued landscapes;
  - Recognise wider benefits of ecosystems;
  - Minimise impacts on biodiversity and provide net gains where possible;
  - Plans should minimise pollution and other adverse impacts on the environment;
  - Aim to encourage the redevelopment of brownfield land;
  - Protect the most versatile agricultural land;
  - Avoid major developments in designated areas such as National Parks;

- Avoid noise impact on health and quality of life as part of new developments;
- Not unreasonably restrict well established land uses on noise grounds because of changes in nearby land uses;
- Limit the impact of light pollution through good design.

5.36. One of the key themes of the HSCPC NP is to protect the countryside, whilst the Parish Vision seeks to improve the environment. Protecting and enhancing the environment is also one of the key objectives. It is clear that environmental issues are a core part of the overarching aims of the NP.

5.37. The following policies seek to conserve and enhance the natural environment:

C1 - Seeks to limit development outside of development boundaries, but facilitates, recreation and agricultural developments where they maintain or enhance the rural landscape.

C2 - Supports development in the SDNP providing it complies with the park aims.

C3 - Seeks to protect important gaps between settlements.

C4\* - Aims to identify and encourage quiet lanes.

C6 - Seeks to ensure development at Hurstpierpoint College does not detract from the rural landscape.

C7 - Seeks to conserve and manage Little Park and Tilleys Copse Woodland.

A1 - Seeks to include areas of conservation and preservation for flora and fauna as part of the Hurst Meadows allocation.

H1 - Seeks to ensure new housing development does not harm the countryside around Hurstpierpoint College, or contribute to settlement coalescence.

H7 - Seeks new housing developments to protect ecology.

E5 - Seeks to facilitate tourism and craft workshops where they are consistent with the aims of the National Park.

### ***Chapter 12: Conserving And Enhancing The Historic Environment***

5.38. This chapter seeks to ensure that there are positive strategies for the conservation and enjoyment of heritage assets. Heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance.

5.39. Policies should:

- Take account of the desirability of sustaining and enhancing the significance of heritage assets, wider social, cultural, economic and environmental benefits, the desirability of new development contributing to local character and distinctiveness, and, opportunities to draw on the contribution of the historic environment;
- Ensure new conservation areas are justified;
- Great weight should be attached to the conservation of heritage assets. Significance can be harmed through alteration, destruction or impact on setting. Impacts should avoid substantial harm or total loss;

- Where development proposals would lead to a less than substantial harm on a designated heritage asset, this should be weighed against public benefit;
- New development in conservation areas, is acceptable, where they enhance or better reveal significance.

5.40. Two of the key objectives of the NP are keeping a village feel and protecting and enhancing the environment. The accompanying SA has carefully appraised the location and grade of all listed buildings in the Parish and the three conservation areas. It also assessed the location of any Scheduled Ancient Monuments and Archaeologically sensitive areas.

5.41. The following policies seek to conserve and enhance the historic environment:

C3 - Seeks to retain settlement identity.

C5 - Seeks to review the existing conservation area in Hurstpierpoint and ensure new development within conservation areas do not harm their setting.

C6 - Seeks to protect the special architectural character and appearance of the existing buildings at Hurstpierpoint College.

H1 - Seeks to ensure that new housing developments enhance existing settlement pattern of Hurstpierpoint.

H2 - Seeks to ensure that new housing developments enhance existing settlement pattern of Sayers Common.

H6 - Seeks new house designs to respond to, and enhance the village character of the area. Reference should be made to the Village Design Statement. This document discusses the key elements of the three conservation areas, local design features and material.

### ***NPPF Conclusion***

5.42. The HSCPC NP clearly complies with advice contained within national guidance. Having regard to this national guidance, it is appropriate to make the HSCPC NP.

## 6. 4B(2)(d) SUSTAINABLE DEVELOPMENT.

- 6.1. Section 4B(2)(d) states that a draft NP will meet the basic conditions if, the making of the order contributes to the achievement of sustainable development.
- 6.2. The HSCPC NP is considered to fully comply with the aims of, and contribute to the achievement of, sustainable development, as set out in the various sections of the NPPF. All policies contained within the Submission Version of the NP have been tested within the SA (incorporating the requirements of the SEA) to ensure that the most sustainable policy option was chosen. The SA carefully appraises each policy against a series of alternatives and then compares them to the sustainable objectives.
- 6.3. The HSCPC NP contributes to the achievement of sustainable development by:
- Planning positively for housing growth to meet the current and future needs of the Parish up to 2031;
  - Seeking to locate new housing within the main two settlements within the Parish. The larger of the two villages, Hurstpierpoint, which has the most services, facilities and infrastructure, is to take a higher level of housing than the smaller settlement of Sayers Common. New housing sites are allocated adjacent to the existing village boundaries and avoid development within the SDNP;
  - Provision of a range of new dwellings including, size and tenure;
  - There is a requirement to ensure that pedestrians and cyclist are catered for in new development and there are aims to reduce the speed of highway traffic and improve public transport;
  - Large areas of sustainable new recreation and open space are proposed. This will include management of existing woodland, conservation or flora and fauna, and creating green spaces;
  - The Village Design Statement seeks to deliver high quality and distinctive new housing, in keeping with local character;
  - Allocations are made to support existing employment areas in Sayers Common and deliver new employment space near Goddards Green. Improvements will be made to the retail areas of Hurstpierpoint to make them more useable.
- 6.4. The HSCPC NP accordingly complies with and contributes to the achievement of sustainable development.

## **7. 4B(2)(e) GENERAL CONFORMITY WITH THE DEVELOPMENT PLAN**

- 7.1. Section 4B(2)(e) states that a draft NP will meet the basic conditions if, the making of the NP is in general conformity with the strategic policies contained in the Development Plan for the area (or any part of that area).
- 7.2. The adopted Local Plan in this instance is the MSDC Local Plan (MSLP) 2004. HSCPC have also been mindful of the emerging policy contained within the MSDC District Plan (MSDP) 2011-2031, although this currently remains an unadopted document.
- 7.3. MSDC have indicated that all policies contained in Chapters 1 - 10 of the MSLP are considered to be strategic. Therefore the NP should be assessed against this document.
- 7.4. Notwithstanding the views of MSDC, it is not considered that all the policies in MSLP are strategic. It is further noted that the MSLP was intended to cover the period of 2004 to 2006. The document is now almost 10 years old and a number of the policies contained are out of date, or have exceeded their proposed lifespan. For example, there are no strategic housing allocations for Hurstpierpoint village and Sayers Common which are yet to be implemented. The document was also prepared prior to the 2011 Localism Act and the NPPF.
- 7.5. Nevertheless, there are a number of strategic policies which do contain applicable guidance that the HSCPC NP needs to be in general conformity with. Good practice also advises that there is a need to avoid repetition of policy and so where it is intended that district level policy be relied upon, this is noted. If policies are now considered out of date this is also noted.
- 7.6. Throughout this section of the report, reference is made to the NP policies and aims. The latter are differentiated from policies by the following symbol (\*).

Mid Sussex District Council Local Plan 2004

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Polices
G1	<p>Development will not be permitted where it would:</p> <p>(a) cause irretrievable or irreplaceable loss of significant natural, created or social assets;</p> <p>(b) cause unacceptable environmental damage;</p> <p>(c) cause unacceptable disturbance or nuisance; and</p> <p>(d) be inefficient in its use of resources, including water and energy.</p>	C1, C2, C5, C6, C7, A1, H1, H2, H4, H5 and H7.
G2	<p>Development will be expected to:</p> <p>(a) make efficient use of derelict or vacant land or buildings within built-up areas before using Greenfield sites;</p> <p>(b) be efficient in the use of land in terms of density;</p> <p>(c) meet high standards of design, construction and layout;</p> <p>(d) include provision, where appropriate for adequate open space;</p> <p>(e) be accessible by a choice of means of transport and not rely solely for access on the private car; and</p> <p>(f) create high quality landscape settings including, where appropriate, wildlife habitats.</p>	C1, C2, C3, C6, C7, A1, A2, A3, A4, A5, H1, H2, H4, H5, H6, H7, H10 & T8*.
G3	<p>Ensure adequate infrastructure is provided with new development.</p>	A1, A5, H1, H2, H4, H5, H7, H8, E3, E4, T2*, T5*, T7* & T8*.
C1	<p>This Policy is out of date in terms of its compliance with the NPPF as MSDC do not currently have a 5 year housing land supply. The policy seeks to firmly resist development beyond existing built-up area boundaries, however, in order to allocate new land for sustainable new housing, some new housing allocations will invariably be contrary to this out of date policy.</p>	N/A

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
C2	<p>A strategic gap is defined between Burgess Hill and Hurstpierpoint. Development will not be permitted unless it:</p> <p>(a) is necessary for the purposes of agricultural or another rural use;</p> <p>(b) makes a valuable contribution to the landscape and amenity of the gap and enhances its value as open countryside;</p> <p>(c) would not compromise individually or cumulatively the objective and fundamental integrity of the gap.</p>	C1, C3, C6, A1, H1 & E1.
C3	<p>A local gap is defined between Hurstpierpoint, Albourne and Sayers Common, and Hurstpierpoint and Hassocks. Development will not be permitted unless it [it complies with the same criteria as C2].</p>	C1, C3, C6, A1 & H1
C4	<p>Relates to the High Weald AONB. The Sussex Downs AONB no longer exists having been replaced by the SDNP. HSCP is located outside of the High Weald AONB area.</p>	N/A
C5	<p>Aims to protect designated sites of nature conservation importance or areas which are important in the landscape and natural habitats from inappropriate development and seek enhancements</p>	C1, C2, C6, C7, A1, H1 & H7.
C6	<p>Development resulting in the loss of woodlands, hedgerows and trees which are important in the landscape, or as natural habitats, or historically, will be resisted.</p>	A1 & H7.
C7	Deleted Policy	N/A
C8	<p>Seeks to use Article 4 Directions to control changes to agricultural practice that affect the character and appearance of the countryside. HSCPC is not considered the appropriate authority to undertake this requirements.</p>	N/A
C9	<p>Proposals involving the incorporation of agricultural land or other open land into residential curtilages will not be permitted where it is considered that such a change would result in a reduction in the character of the locality.</p>	C1 & C2.
C10	<p>Relates to Agricultural planning permission and prior notification applications. HSCPC is not considered the appropriate authority to undertake notification applications.</p>	C1.
C11	Relates to livestock buildings.	C1.
C12	<p>Relates to diversification of existing farm units. Seeks to allow this, subject to protection and enhancement of the countryside.</p>	C1.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
C13	Allows conversion and re-use of rural buildings in countryside locations, subject to a range of criteria.	C1 & E5.
C14	Relates to the re-use of institutional buildings in the countryside for new uses.	C1 & C5.
C15	Relates to the extension of institutional buildings in the countryside.	C1 & C5.
B1	A high standard of design, construction and layout will be expected in new buildings, including alterations and extensions. Subject to compliance with a range of criteria.	C6, H1, H2, H3, H4, H5, H6, H7, H9 & H10.
B2	<p>Where new residential estate development is proposed, there will be an additional requirement to:</p> <p>(a) establish a design concept for the layout of the estate;</p> <p>(b) introduce a variety of design types;</p> <p>(c) provide cohesion by using materials and design styles which reflect the local distinctiveness of building in the area;</p> <p>(d) link areas of open space and play areas within the site by footways and cycleways;</p> <p>(e) establish a co-ordinated network of footpaths and cycleways</p> <p>Within and up to the fringes of the site to reduce distances to walk and cycle to shops, schools, bus stops and other community facilities;</p> <p>(f) ensure the estate layout is not visually dominated by roads and car parking areas; and</p> <p>(g) build walls to match the materials used for dwellings where it is necessary to screen private areas from public view.</p>	H1, H2, H3, H4, H5, H6, H7 & H10.
B3	Seeks to ensure that developments, extensions and change of use do not negatively impact on neighbouring amenities through noise, disturbance, loss of privacy, overlooking, reduction in sunlight and outlook.	Policy relied upon at district level.
B4	All new development proposals should have regard to maximising opportunities for energy efficiency, efficient use of water and natural drainage and ensure adequate levels of daylight and sunlight are achieved.	H2, H4, H5 & H7.
B5	Relates to disabled access for all buildings that will have public access.	H7 & E3.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
B6	Proposals for development which would result in the loss of areas of public or private open space of particular importance to the locality by virtue of their recreational, historical, conservation, wildlife or amenity value will not be permitted. Where such open space is to be lost to development, for whatever reason, appropriate alternative provision may be sought elsewhere.	A1, A2, A3, A4, A5, H1, H2 & H7.
B7	Resist the loss of trees which are of significant public amenity value.	H7.
B8	Encourages the provision of works of art within development schemes. Policy out of date as per the Community Infrastructure Levy 2010	N/A.
B9	Layout of new development should minimise the risk of crime.	Policy relied upon at district level.
B10	Aims to protect listed buildings and their settings.	C6
B11	Seeks to find viable uses for buildings of intrinsic architectural value or historic merit which make a positive contribution to the street scene.	Policy relied upon at district level.
B12	The protection of the special character and appearance of each Conservation Area will receive high priority.  When development in a Conservation Area is permitted, the retention or reinstatement of original features including walls and banks, and the removal of any unsympathetic features may be required.	C5 & H6.
B13	Resists demolition of buildings in conservation areas, unless there are exceptional circumstances.	C5 & H6.
B14	New pavements, roads and other surfaces in Conservation Areas will normally be permitted where the development reflects the traditional scale and configuration of streets and public spaces.	H6 & E3*.
B15	Development affecting the setting of a Conservation Area should be sympathetic to, and should not adversely affect its character and appearance.	C5 & H6.
B16	When determining applications for development in an Area of Townscape Character, particular regard will be had to the impact on the character and appearance of the area. Development in an Area of Townscape Character should retain features important to the character of the area	H1, H2, H6 & H7.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Polices
B17	The important features, including trees, of a registered park, or park or garden of special local historic interest will be protected.	Policy relied upon at district level.
B18	Sites of archaeological interest and their settings will be protected and enhanced where possible.	Policy relied upon at district level.
B19	Advertisements which are detrimental to the visual amenity of an area, or would adversely affect public safety, will not be permitted.	Policy relied upon at district level.
B20	Within Conservation Areas and on Listed Buildings, consent for any illuminated sign will be granted only where it is of a discreet nature and does not cause detriment to the character and appearance of the Conservation Area and/or Listed Building.	Policy relied upon at district level.
B21	Restricts adverts in countryside and in particular the AONB.	C1 & C2.
B22	The impact on the street scene of any shopfront security measures should be minimised, particularly when a proposal affects a Conservation Area and/or Listed Building.	E3*.
B23	Proposals for new developments, including roads, should be designed, located and controlled to minimise the impact of noise on neighbouring properties and the surrounding environment in order to protect the environment and residential amenity.	C4.
B24	All new lighting proposals that require planning permission should be kept to the minimum necessary both in terms of intensity and in terms of the number of fittings proposed.	Policy relied upon at district level.
B25	Satellite television dish proposals that require planning permission for their installation and siting must be located to ensure their impact is minimised.	Policy relied upon at district level.
H1	Total new housing requirement until 2006. This Policy requirement has now expired. HSCPC envisages some 282-292 dwellings across the lifespan of the plan.	N/A, although H3 & H4 set new house building targets.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
H2	<p>New housing developments shall include a mix of dwelling types, sizes and affordability and shall ensure that efficient use is made of land. Proposals should:</p> <p>(a) take account of the local housing needs and site characteristics;</p> <p>(b) be provided at an average net density of at least 30 dwellings per hectare, where appropriate;</p> <p>(c) include a significant proportion of affordable housing (as required by policy H4);</p> <p>(d) include a significant proportion of smaller dwellings; and</p> <p>(e) meet the requirements of design policies B1 and B2. Proposals which, by virtue of design, layout or size, are likely to give rise to unsatisfactory living conditions such as overcrowding or lack of privacy, will be refused.</p>	H1, H2, H5, H6, H7, H8, H9 & H10.
H3	Within defined built-up areas permission will be given to proposals for residential development.	H1, H2 & H9.
H4	Requires affordable housing threshold against up-to-date needs assessments. Policy is now considered out of date.	N/A. H8 sets new affordable housing targets.
H5	In exceptional circumstances additional land may be released outside the built-up areas for housebuilding carried out by the Local Housing Authority & Registered Social Landlords.	Policy relied upon at district level.
H6	The net loss of residential accommodation (by change of use or redevelopment) will not be permitted unless there are special circumstances.	Policy relied upon at district level.
H7	Proposals for sheltered housing accommodation for the elderly will be permitted.	H10.
H8	Within the built-up area proposals for changes of use to nursing or residential care homes or extensions to such homes will only be permitted where development would not cause a loss of residential amenity, particularly in terms of increased vehicle movements.	Policy relied upon at district level.
H9	Set out requirements for residential extensions.	Policy relied upon at district level.
H10	Set out when conversion of existing houses into flats will be permitted.	Policy relied upon at district level.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
H11	Outside the defined built-up area boundaries proposals for new housing development for agricultural or forestry workers will be permitted where it can be demonstrated that there is a proven and overriding need for the dwelling to be in such a location, that it is of an appropriate size, and that it forms part of a viable agricultural or forestry holding.	C1, C2 & E5.
H12	Sets out policy requirements for replacement of single dwellings in rural locations.	Policy relied upon at district level.
H13	Sets out policy requirements for residential extensions to properties in rural locations.	Policy relied upon at district level.
H14	Proposal for sites for gypsies will be permitted subject to a range of criteria.	Policy relied upon at district level.
H15	Safeguards existing gypsy sites.	Policy relied upon at district level.
H16	Sets out policy requirements for traveling show people.	Policy relied upon at district level.
E1	Strategic policy for economic expansion of allocated sites. Policy is now considered out of date.	N/A. E1 & E2 allocates a new business area.
E2	Other than in exceptional circumstances, such as where an existing business use is inappropriately located, or where new development will bring about wider community benefit, proposals for redevelopment or changes of use which would result in the loss of existing business floorspace will not be permitted.	E1 & E2.
E3	Proposals for storage and warehousing development on existing industrial land or in suitable existing buildings will be permitted where they are of an appropriate scale and character, and where access and highway criteria can be met.	E1, E2 & T5*.
E4	Sets out considerations on new location of business space in relation to residential properties.	Policy relied upon at district level.
E5	Set out requirements for additional units at allocated sites.	E1 & E2.
E6	In order to meet demands for local employment permission will be given to proposals for new business development in appropriate locations within the defined built-up areas of the villages in the District.	Policy relied upon at district level.
E7	Provides policy requirements for new business uses outside the defined built up area boundaries.	E5.
S1	Relates to improved strategic shopping sites. None fall within HSCPC NP Area.	N/A.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
S2	Sets out policy requirements for new shopping facilities of over 500 Sq.m.	Policy relied upon at district level.
S3	Within primary shopping frontages change of use to Class A2 financial and professional services or A3 food and drink uses will be permitted subject to a range of criteria.	Policy relied upon at district level.
S4	Within secondary shopping frontages change of use to Class A2 financial and professional services or A3 food and drink uses will be permitted subject to a range of criteria.	Policy relied upon at district level.
S5	Changes of use of vacant premises above ground floor level in primary and secondary shopping frontages to residential or B1a office will be permitted, subject to satisfactory access arrangements being made available.	Policy relied upon at district level.
S6	Sets out criteria for new out of centre retail.	Policy relied upon at district level.
S7	In order to maintain the range and availability of local shopping facilities changes of use from Class A1 shop use to other uses will be resisted in the villages and in neighbourhood centres.	Policy relied upon at district level.
S8	Proposals for new or enhanced shopping facilities on edge-of-town centre sites, which are contiguous to or within easy walking distance of an existing shopping centre will need to meet a range of criteria.	Policy relied upon at district level.
S9	Sets out requirements for out of centre retail developments.	Policy relied upon at district level.
S10	Policy specifically for new garden centres and farm shops in rural locations.	Policy relied upon at district level.
T1	Strategic policy for new road in Haywards Heath. Of no relevance to HSCPC NP Area.	N/A.
T2	Strategic policy for improvements to A23. Of no relevance to HSCPC NP Area.	N/A.
T3	Proposals for development which would give rise to significant movements of freight within the villages or on roads not designed to accommodate Heavy Goods Vehicles will not be permitted and the Council will object to applications for operating site licenses where it considers the site to be unsuitable.	C4, T1*, T2*, T4*, T5* & T6*.
T4	Sets out sustainability requirements for new developments.	H1, H7, T1* & T5*.
T5	Sets out on site parking standards for new development. Reductions of on site capacity might be acceptable, subject to having regard to environmental and highway safety.	H5, H7 & T1*.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
T6	The provision of cycle parking will be required in any new public car parks and in, or close to, private car parking areas, in connection with development proposals.	H5 & H7.
T7	Guidance for new lorry or coach parking.	Policy relied upon at district level.
T8	Further roadside facilities associated with the A23 trunk road will not be permitted.	Policy relied upon at district level.
T9	Relates to airport parking. This is of no relevance to the HSCPC NP Area.	N/A.
R1	Within defined built-up areas, proposals for new sporting and recreational development will be permitted where they will enhance the range and quality of facilities within the District providing such development would not be detrimental to the character of the area or the amenity of nearby residents.	A1, A2, A3 & A4.
R2	Proposals which would result in the loss of existing formal or informal open space with recreational or amenity value whether privately or publicly owned, will only be permitted where the applicant can demonstrate that a replacement site has been identified and will be developed to provide facilities of an equivalent or improved standard. This new site must be fully operational prior to development commencing on the original site.	Policy relied upon at district level.
R3	Sets out play space requirements for new development.	A1, H5 & H7.
R4	Provide mechanisms for achieving off site play space for new developments.	H7.
R5	Policy requirements for new artificial pitches.	Policy relied upon at district level.
R6	The Local Planning Authority will seek the provision of informal open space within or adjacent to new housing developments.	A1, H5 & H7.
R7	Development that would result in a reduction of existing recreation facilities in the countryside, including public rights of way and other recreational routes, will not be permitted.	C1 & C2.
R8	Permission will be granted for small scale development in the countryside associated with quiet informal recreation or the extension of existing facilities, provided that such development will not have a serious effect on the resources and character of the rural area.	C1 & C2.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
R9	Within the countryside permission will be given for proposals for the development of golf courses provided that they would not detract from the character and appearance of the countryside.	C1 & C2.
R10	Relates to minerals works. This is not applicable to the scope of HSCPC NP Policy.	N/A.
R11	Proposals for noisy sports will only be permitted subject to a range of criteria.	Policy relied upon at district level.
R12	Proposals for all forms of equestrian development ranging from horse shelters to riding schools will only be permitted subject to a range of criteria.	Policy relied upon at district level.
R13	Outside defined built-up areas permission for new tourist facilities will only be permitted where they are of an appropriate scale which is in keeping with the surroundings and where they would not have a detrimental impact on the character or appearance of the countryside.	E5.
R14	Relates to the Bluebell railway line which is outside the Parish and therefore not of relevance to the HSCPC NP.	N/A.
R15	Outside defined built-up areas proposals for the development of new serviced tourist accommodation will only be approved if they involve the use of existing buildings which are of permanent and sound construction.	E5.
R16	Outside defined built-up areas proposals for the development of self-catering accommodation will only be approved if they involve the use of existing buildings.	E5.
R17	Policy relates to static caravan parks.	Policy relied upon at district level.
R18	Policy relates to static caravan parks.	Policy relied upon at district level.
CS1	Allows for new education facilities, subject to a range of criteria.	C6.
CS2	New educational facilities and extensions should be designed to enable their dual use for community purposes.	Policy relied upon at district level.
CS3	This policy is out of date with the NPPF and new permitted development rights relating to schools.	N/A.
CS4	Proposals for child care and pre-school educational facilities will be permitted in residential dwellings subject to a range of criteria.	Policy relied upon at district level.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
CS5	Proposals for the change of use of existing dwelling houses to use by a medical practitioner will be permitted subject to a range of criteria.	Policy relied upon at district level.
CS6	Proposals for the change of use or redevelopment of health, social service, library or other community facilities will only be permitted where the community use is relocating, or improved facilities are to be provided in the locality.	Policy relied upon at district level.
CS7	Proposals for a change of use or redevelopment which would result in the loss of a public house will not be permitted other than in exceptional circumstances where a change of use to another community use or residential use will be permitted subject to a range of policy provisos.	Policy relied upon at district level.
CS8	Within the built-up area boundary proposals to develop, extend or improve education, health, social service, library and other community facilities will be permitted.	Policy relied upon at district level.
CS9	Where residential developments create a need for new community facilities, the provision of such facilities, or a contribution towards their provision, will be sought from the developers before planning permission is granted.	H7.
CS10	Proposals which would result in the loss of existing allotments will not be permitted.	Policy relied upon at district level.
CS11	Developments which create a need for new or improved infrastructure will not be permitted unless such infrastructure is provided, or a contribution is made towards its provision, by the developer.	H5.
CS12	Sets out water, drainage and sewerage requirements for new developments.	H1, H2, H4, H5 & H7.
CS13	Developers will be required, where necessary, to provide facilities to control the rate of surface water run-off from development sites or, subject to there being no detriment to the natural habitat, carry out improvements to the receiving watercourses. Proposals for the design and long term maintenance of any engineering works (e.g. balancing ponds) must be submitted to and approved by the Local Planning Authority.	H2 & H4.
CS14	Relates to flood defences.	Policy relied upon at district level.

MSDC LP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
CS15	Planning permission will not be granted for development (including redevelopment and intensification of existing development) in areas at risk of flooding or for land raising within river floodplains unless environmentally acceptable flood mitigation measures to protect the floodplain can be provided by the developer compensating impact.	H2 & H4.
CS16	Relates to development having a detrimental impact on water quality, water habitats and ground water levels.	Policy relied upon at district level.
CS17	The development of telecommunications equipment associated with the code system operators' networks will be permitted subject to a range of criteria.	Policy relied upon at district level.
CS18	The inclusion of a suitable area for recycling facilities will be sought within all major new retail, industrial, commercial and residential developments.	H5.
CS19	Relates to the provision of renewable technologies.	Policy relied upon at district level.
CS20	Relates to contaminated land and the investigation of this required as part of an application. This would now be a validation requirement and is not applicable to the HSCPC NP.	N/A.
CS21	Relates to development and land stability.	Policy relied upon at district level.
CS22	Relates to development and pollution levels in terms of air, water, noise, dust, fumes, vibration light and heat.	Policy relied upon at district level.
CS23	Relates to storage of hazardous items.	Policy relied upon at district level.
HU1	Relates to a strategic housing site within Hurstpierpoint that has already been developed. The policy is therefore out of date and not applicable to the HSCPC NP.	N/A.
HU2	Indicates that 2 hectares of land is allocated for additional formal outdoor recreation facilities to the north of Fairfield Recreation Ground.	A2 & A4.
HU3	Has now been deleted.	N/A.
BH21	Is a Burgess Hill specific policy but falls within land in HSCPC NP Area. It allocates land for informal public open space.	C1 & C3.

**MSLP Conclusion**

7.7. It is clear from the above table that the HSCPC NP is in general conformity with all the relevant strategic policies of the adopted MSLP.

**Mid Sussex District Council Submission Version District Plan (2011-2031)**

7.8. A decision was taken early on in the production of the NP, following discussions with MSDC, that the NP should have due regard to the emerging policies of the MSDP. MSDC have advised that all new policies in the emerging MSDP are considered to be strategic.

7.9. During the preparation of the HSCPC NP, the MSDP was considered by an Inspector at Public Examination. They found that a Submission Version of the MSDP had failed in the duty to cooperate with neighbouring authorities. This means the Council cannot proceed with the development of the MSDP until it has carried out more work with neighbouring councils.

7.10. Nevertheless it is considered appropriate to have regard to the policies contained in the MSDP.

7.11. Throughout this section of the report reference is made to the NP policies and aims. The latter are differentiated from policies by the following symbol (\*).

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
Strategic Objectives	The strategic objectives of the DP were used to test all policies of the HSCPC NP in the Sustainability Appraisal (SA).	Full conformity.
DP1	Sets out a presumption in favour of sustainable development. All policies in the HSCPC NP meet the aims of sustainable development. The SA fully appraises the NP against the three strands of sustainable development.	Full conformity.
DP2	Sets out objectives for achieving sustainable economic development.  Neighbourhood Plans should: <ul style="list-style-type: none"> <li>• Identify the needs of local businesses and their local residents for employment opportunities and any areas requiring economic regeneration, infrastructure provision or environmental enhancement.</li> <li>• Allocate sufficient land within their towns and villages to meet these needs.</li> </ul>	C6, E1, E2, E3*, E4 & E5.
DP3	Sets out objectives for town centre development for major centres. It is not therefore of relevance therefore to HSCPC NP Area.	N/A.
DP4	Relates to village and neighbourhood centres and key objectives for ensuring these are vibrant and attractive.	E3*, T2* & T7*.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
DP5	Is for a strategic housing allocations for the entire MSD of, 10,600 new dwellings between 2011 and 2031.	H3 & H4.
DP6	Is a strategic policy which relates to Burgess Hill Development. It is not therefore applicable to the HSCPC NP.	N/A.
DP7	Relates to a strategic allocation to the east of Burgess Hill. This policy requirement is not therefore applicable to the HSCPC NP.	N/A.
DP8	Is a strategic policy which relates to Burgess Hill Development. It includes aims to deliver the Northern Arc, which would include land in the within HSCP.	A3, E1 & T5*.
DP9	<p>Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the policies Map, where:</p> <ul style="list-style-type: none"> <li>• It is necessary for the purposes of agriculture, or some other use that has to be located in the countryside;</li> <li>• It maintains or where possible enhances the quality of the rural and landscape character of the District;</li> <li>• it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality; or</li> <li>• It is supported by a specific policy reference elsewhere in the Plan including DP11 Sustainable Rural Development and the Rural Economy, DP12 New Homes in the Countryside, DP17 Sustainable Tourism and DP30 Rural Exception Sites.</li> </ul>	C1, C2 C3, C6, C7, A1, H1, H2 & H7.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
DP10	<p>The individual towns and villages in the District each have their own unique characteristics. It is important that the separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.</p> <p>Provided it is not in conflict with policy DP9 Protection and Enhancement of the Countryside:</p> <ul style="list-style-type: none"> <li>• Development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, such as visually or by an increase in activity which has an urbanising effect on the area between settlements; and</li> <li>• Local Gaps can be identified in Neighbourhood Plans (or other appropriate planning documents) where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements.</li> </ul>	C3 & H1.
DP11	<p>Seeks to permit sustainable rural development provided it is not in conflict with Policy DP9 Protection and Enhancement of the Countryside and DP10 Preventing Coalescence:</p> <p>New small-scale economic development, including tourism related development, within the countryside (defined as the area outside of built up area boundaries as per the policies Map) will be permitted provided</p> <ul style="list-style-type: none"> <li>• It supports sustainable growth and the vitality of the rural economy; an</li> <li>• It utilises previously developed sites (where possible).</li> <li>• Diversification of activities on existing farm units will be permitted provided:</li> <li>• They are of a scale which is consistent to the location of the farm holding; and</li> <li>• They would not prejudice the agricultural use of a unit.</li> </ul>	C1 & E5.
DP12	Permits new homes in the countryside, subject to a range of criteria.	C1.
DP13	Relates to the High Weald AONB which is outside of the HSCPC NP Area and is not therefore of relevance.	N/A.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
DP14	Relates to the Ashdown Forest Special Protection Area, the 7km buffer zone for this falls outside of the HSCPC NP Area and is not therefore of relevance.	N/A.
DP15	The policy repeats the twin aims of the South Downs National Park (SDNP).	C2.
DP16	Relates to development affecting the setting of the SDNP.	C1, C2 & C3.
DP17	Supports sustainable tourism, subject to a range of criteria.	C1 & E5.
DP18	Development will be permitted where any necessary social, physical and green infrastructure needed to support the proposed development and contributes to sustainable communities exists, or can be provided in a timely manner, through developer-funded contributions.	A1, H1, H2, H3, H4, H5, H6, H7, H8 & H10.
DP19	Seeks to support the requirements of the West Sussex Local Transport Plan.  Neighbourhood Plans can set local standards for car parking provision provided that it is justified by evidence.	H5, H7, T1*, T2*, T3*, T4*, T5*, T6*, T7* & T8*.
DP20	Rights of way and recreational routes will be protected by ensuring development does not result in the loss of, or adversely affect, a right of way or other recreational routes unless a new resource is provided which is of at least an equivalent value.	C1 & C2.
DP21	The expansion of the electronic communication network, including the provision of high-speed broadband and 4G connection to the towns and rural areas of the District will be supported.	E4.
DP22	Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported, provided it is in accordance with other policies in the Plan.  Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or other appropriate planning documents.	C7, A1, A2, A3, A4, A5 & H7.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Policies
DP23	<p>The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported provided it is in accordance with other policies within the Plan.</p> <p>Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or other appropriate planning documents.</p>	A1, A2, A3, A4, A5, H5 & H7.
DP24	<p>All development, including alterations and extensions to existing buildings, and surrounding spaces will be well designed, reflect the distinctive character of the towns and villages and create environments that are accessible to all members of the community.</p>	H1, H2 & H6.
DP25	<p>Minimum standards for internal floor space and storage space will be applied to new development. These standards are applicable to:</p> <ul style="list-style-type: none"> <li>• Open market dwellings and affordable housing;</li> <li>• The full range of dwelling types; and</li> <li>• Dwellings created through subdivision or conversion.</li> </ul>	H6 & H10.
DP26	<p>All development will be required to meet high standards of accessibility so that all users can use them safely and easily, wherever possible.</p> <p>This will apply to all new buildings within the urban and rural areas, changes of use, refurbishments and extensions, the layout of development, open spaces and the public realm and transport infrastructure and this will be demonstrated by the applicant, through a Design and Access Statement.</p>	H7 & H10.
DP27	<p>The environment, including nationally designated environmental sites; areas of nature conservation or geological interest and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution.</p>	Policy relied upon at district level.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Polices
DP28	<p>To support sustainable communities, housing development will:</p> <ul style="list-style-type: none"> <li>• Provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;</li> <li>• Include provision to meet the needs of different groups in the community including older people, and vulnerable groups. This could include bungalows and other forms of suitable accommodation.</li> </ul> <p>Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).</p>	H8 & H10.
DP29	<p>The Council will require the following percentage of affordable housing:</p> <ul style="list-style-type: none"> <li>• A minimum of 30% affordable housing provision on all residential development of 4 dwellings and above;</li> <li>• On residential developments of 1-3 dwellings, and in other circumstances where on-site provision is not practicable, a commuted payment towards off-site provision will be required, equivalent to providing 30% on-site affordable housing provision;</li> <li>• A mix of tenure (normally approximately 75% social or affordable rented homes, with the remaining 25% for intermediate homes, unless the best available evidence supports a different mix).</li> </ul> <p>Neighbourhood Plans can set local Policies for affordable housing that exceed the targets set out by this Policy provided that it is justified by evidence including local housing needs assessments and does not affect viability.</p>	H8.
DP30	Sets out criteria for allowing rural exceptions housing.	Policy relied upon at district level.
DP31	Sets out criteria for gypsy, travellers and travelling showpeople sites.	Policy relied upon at district level.
DP32	Relates to protection of listed buildings.	C6.
DP33	Development in a conservation area will be required to preserve and enhance its special character and appearance.	C5 & H6.

MSDC Submission Version DP Policy	Summary of Policy (including comments on relevance where necessary)	General Conformity of HSCPC NP Polices
DP34	Relates to protection of historic parks and gardens.	Policy relied upon at district level.
DP35	Relates to requirements for developments which affect archaeological sites and heritage assets.	Policy relied upon at district level.
DP36	Biodiversity will be protected and enhanced.	C7, A1 & H7.
DP37	Green infrastructure will be protected and enhanced.	C7, A1 & H7.
DP38	Policy seeks new development to achieve certain levels on the Code for Sustainable Home and BREEAM rating.	Policy relied upon at district level.
DP39	Seeks to ensure that new developments achieve certain levels of renewable technology use.	Policy relied upon at district level.
DP40	Relates to large and small scale energy related schemes.	Policy relied upon at district level.
DP41	Development proposals must avoid areas at risk from flooding, and not increase the risk of flooding elsewhere. In identifying flood risk areas, reference will be made to the District Council's Strategic Flood Risk Assessment (SFRA), which identifies fluvial (including rivers and streams), surface water, groundwater, infrastructure and reservoir flood risks.	H2, H4, H5 & H7.
DP42	New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment.	Policy relied upon at district level.

***MSDC DP Conclusion***

7.12. Although there is no legal requirement to comply with the MSDP, which is an unadopted document, the above table confirms that the HSCPC NP is in general conformity with the relevant emerging strategic policies.

## **8. 4B2(f) COMPATIBLE WITH EU OBLIGATIONS**

- 8.1. Section 4B(2)(f) states that a draft NP will meet the basic conditions if, the making of the NP does not breach, and is otherwise compatible with EU obligations.
- 8.2. The SA submitted with the HSCPC includes the provisions of Strategic Environmental Assessment (SEA) which is required by European Law.
- 8.3. A Scoping Report of the SA (including the requirements of the SEA) was submitted directly to English Heritage, the Environment Agency and Natural England for assessment against environmental requirements. The Scoping Report was also provided to MSDC and the SDNPA and published for public consultation.
- 8.4. Amendments and additional document/objectives were then considered when the SA was formally prepared. The SA is a live document and has been continually updated.
- 8.5. In discussions with MSDC, it was confirmed that there were no European Sites in or near HSCPC NP Area that would require a Habitat Regulation Assessment.
- 8.6. The HSCPC NP does not breach any EU obligations and would be otherwise compatible with all EU obligations.

## **9. 4B(2)(g) COMPLIANCE WITH PRESCRIBED CONDITIONS AND MATTERS**

- 9.1. Section 4B(2)(g) states that a draft NP will meet the basic conditions if prescribed conditions are met in relation to the NP and prescribed matters have been complied with.
- 9.2. 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 NP. It is therefore respectfully requested that the Examiner confirms that the HSCPC NP complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

## **10. 4B(6) COMPATIBILITY WITH CONVENTION RIGHTS**

- 10.1. Section 4B(6) states that the examiner is not to consider any matter that does not fall within subparagraph 4B(1) apart from considering whether the draft NP is compatible with Convention Rights.
- 10.2. The HSCPC NP has regard to the fundamental rights and freedoms guaranteed under the EU convention on human rights. It has particularly had regard to Article 1 - respecting rights, Article 8 - privacy and Article 14 - discrimination. It is submitted that the HSCPC NP complies with the Human Rights Act 1998.