

**East Grinstead
Neighbourhood Plan
2014 – 2031**

Basic Conditions Statement

December 2015

C o n t e n t s

1. Introduction

2. Legislative Requirements

3. Compliance with Basic Conditions:

3.a National Policies

3.b Sustainable Development

3.c General Conformity with Development Plan

3.d Compatible with EU Obligations

3.e Prescribed Conditions are Met

4. Conclusions

1 **Introduction**

1.1 This Basic Conditions Statement sets out how East Grinstead Town Council has met the legal requirements and basic conditions in producing a Neighbourhood Plan for East Grinstead.

1.2 The basic conditions are set out in Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The five basic conditions that are relevant to a neighbourhood plan are:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State;
2. The 'making' of the neighbourhood plan contributes to the achievement of sustainable development;
3. The 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
4. The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations; and
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

1.3 This statement has been prepared in order to illustrate compliance with these basic conditions.

2.0 **Legislative Requirements**

2.1 A Neighbourhood Plan has to meet certain legal tests including compliance with Sections 38a and 38B of the Compulsory Purchase Act 2004. This Section provides evidence to demonstrate that the Neighbourhood Plan for East Grinstead meets these tests.

The Neighbourhood Plan is being submitted by a Qualifying Body.

2.2 The Plan is submitted by East Grinstead Town Council, which, as a qualifying body, is entitled to submit a Neighbourhood Plan. The application from East Grinstead Town Council to be the designated body to produce the neighbourhood plan was approved by Mid Sussex District Council on 9 July 2012.

The Neighbourhood Plan sets out policies in relation to the development and use of land in the whole or any part of a neighbourhood area.

2.3 The Plan contains policies relating to the development and use of land within the neighbourhood area. Proposals relating to planning matters have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The proposed Neighbourhood plan states the period for which it is to have effect.

2.4 The plan period is 2014 – 2031.

The policies do not relate to excluded development.

- 2.5 The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The proposed Neighbourhood Plan does not relate to more than one neighbourhood area.

- 2.6 The Plan does not relate to more than one neighbourhood area and there are no other Neighbourhood Development Plans in place within the neighbourhood area.

3.0 **Compliance with Basic Conditions**

3.1 As explained in the Introduction of this Basic Conditions Statement, there are five basic conditions that have to be met when preparing a neighbourhood plan. These are:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State;
2. The 'making' of the neighbourhood plan contributes to the achievement of sustainable development;
3. The 'making' of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority;
4. The 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations; and
5. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

3.2 This section demonstrates in turn how the plan meets each of these five basic conditions.

3.a - Regard to National Policies and Advice Contained in Guidance.

3.3 The National Planning Policy Framework (NPPF) is the main document setting out the Government's planning policies for England and how these are expected to be applied.

3.4 This Section briefly summarises how national policy and guidance has been considered for each neighbourhood plan policy. It takes each

neighbourhood plan policy in turn and identifies the particular chapters and paragraphs of the NPPF that it relates to.

Table 1: National Planning

Policy Title	NPPF Ref	Commentary
EG1 – Protection of the High Weald AONB	14 (footnote 9), 109, 115, 116,	This policy seeks to preserve the nationally important AONB.
EG2 - Areas of Development Constraint.	17	This policy recognises the intrinsic character and beauty of the countryside and seeks to conserve and enhance it.
EG3 – Promoting Good Design	56 & 57	This policy is in line with one of the Government’s core planning principle to secure high quality design.
EG4 – Heritage Assets	126, 132,133	This policy complements existing guidance contained within the NPPF.
EG5 – Housing	17, 23, 50, 110, 111	This policy encourages the effective use of land that has been previously developed in the settlement boundary. In accordance with Paragraphs 17 and 110 of the NPPF, this policy seeks to allocate land with the least environmental value.

Policy Title	NPPF Ref	Commentary
EG6 A & EG6 B – Housing sites	23, 47	These policies allocate a range of sites to meet residential development needed in the town centre, responding positively to the need for new housing.
EG7 Housing Mix and Density	50	This policy plans for a mix of housing based on based on current and future trends and the needs of differing groups in the community in line with Government policy.
EG8 – East Grinstead Town Centre	69, 70	This policy promotes an active street frontage in the Town Centre and ensures an integrated approach to considering the location of housing, economic uses, community facilities and services.
EG9 – Temporary Community Uses	69, 70	This policy plans positively for the provision of community facilities, thereby promoting healthy communities.
EG10 – Employment Provision	20	This policy is in line with the Government’s overall aim to build a strong and competitive economy. It supports existing business sectors and sustainable economic growth

Policy Title	NPPF Ref	Commentary
EG11 – Mitigating Highway Impact	32	This policy promotes sustainable transport and seeks to influence decisions towards reducing the need for travel and to encourage alternative options to the car. The policy also seeks to ensure that any new development makes maximum provision for any new and improved infrastructure.
EG12 – Car Parking	39	In this instance the NP requires development to be in accordance with West Sussex County Council's adopted parking standards.
EG13 – Modern Technology	42, 97	This policy promotes energy from renewable and low carbon sources and supports high quality communications infrastructure.
EG14 – Protection of Open Space	73, 74	This policy recognises that access to open space makes an important contribution to the health and well being of communities.
EG15 – Sport, Recreation and Community Use Provision	70, 73, 74	This policy recognises that opportunities for sport and recreation can make an important contribution to the health and well being of communities.
EG16 – Ashdown Forest Special Area of Conservation and Special Protection Area	118, 119	This policy seeks to conserve and enhance the natural environment. Adequate mitigation is required for all residential development within a 7km zone of the Ashdown Forest.

Policy Title	NPPF Ref	Commentary
Site Specific Policies	21, 23, 47	The site-specific policies identify key sites, which are critical to the delivery of the housing, retail and employment strategy over the plan period.

3.b - The 'Making' of the Neighbourhood Plan contributes to the achievement of Sustainable Development

3.5 The principles of sustainable development have been thoroughly considered throughout the process of drafting and refining the Neighbourhood Plan.

3.6 A Sustainability Appraisal accompanies the East Grinstead Neighbourhood Plan, which demonstrates how the neighbourhood plan contributes to achieving sustainable development. All policies contained within the Neighbourhood Plan have been tested within the Sustainability Appraisal to ensure that the most sustainable policy option has been chosen.

3.7 The East Grinstead Neighbourhood Plan contributes to the achievement of sustainable development by:

- Planning positively for growth to meet the current and future needs of the town up to 2031.
- Protecting the national important AONB landscape and the rural setting of the East Grinstead and maintaining the countryside constraint between the town and other nearby settlements.

- Seeking to locate new housing within the settlement boundary of the town and identifying the size, type, and tenure of housing that is required to reflect local demand.
- Minimising the impact on climate change due to CO2 and other emissions from transport, domestic and industrial sources.
- Supporting the retention and enhancement of community and leisure facilities.
- Reducing the need to travel by car and seeking improvements to footpath and cycle links.
- Supporting sustainable economic growth, including business and tourism related development and maintaining a prosperous town centre.

3.c The ‘making’ of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area.

3.8 One of the basic conditions that Neighbourhood Plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area.

3.9 In the case of East Grinstead, the relevant plan is the Mid Sussex Local Plan (LP) 2004.

3.10 The Town Council have been mindful that Mid Sussex District Council is reviewing the adopted Local Plan. This is to be known as the District Plan and will cover the period up to 2031. It is, however, in the process of being prepared and remains unadopted. On this basis, this

Section only tests the Neighbourhood Plan against the 2004 Local Plan, not the emerging policies from the District Plan.

3.10 The policies listed below are therefore the high level strategic policies in the Local Plan 2004 and/or relate to East Grinstead. Others are not referenced.

Table 2: General Conformity with the Local Plan.

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
G1	Sustainable Development	EG1, EG2, EG14, EG15, EG16	Policy G1 from the LP takes a precautionary approach where there are significant doubts regarding the sustainable nature of the development. This precautionary approach is carried through into various NP policies.
G2	Sustainable Development	EG3, EG5, EG7, EG11, EG15, EG16	The NP is accompanied by a Sustainability Appraisal that sets out how the policies have been considered against a number of sustainable objectives. The NP does not include a specific policy on sustainable development. Instead elements are incorporated in individual policies.

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
G3	Sustainable Development	EG3, EG5, EG11, EG13	Policy G3 relates to the need to ensure that adequate and appropriate infrastructure is provided with new development. This is also a strong theme in the NP.
C1	Protection of the Countryside	EG1, EG2	The primary objective of both the LP and the NP is to protect the countryside by minimising the amount of land taken for development and preventing development which does not need to be there.
C2	Strategic Gaps	EG2	NP policy EG2 compliments LP policy and strict control will continue to be applied to development proposals within the strategic gap and countryside area of development restraint.
C4	AONB's	EG1	The special landscape qualities of the AONB require extra vigilance in the NP, in line with Policy EG1.
C13	Re-use and Conversion of Rural Buildings	EG2	The NP allows for the conversion and re-use of rural buildings in countryside locations, subject to a range of criteria.

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
B1	Design	EG3	Embracing high quality design lies at the core of the NP. Detailed design criteria have been worked into Policy EG3.
B3	Residential Amenity	EG3	Residential amenity is recognised as part of NP policy EG3.
B6	Open Space in Built Up Areas	EG14, EG15	The NP seeks to safeguard open space within the town.
B10	Listed Buildings	EG4	The NP aims to protect listed buildings and their settings requires a suitable heritage statement to be provided in support of proposals affecting a listed building.
B12, B13, B14, B15	Conservation Areas: General Design; Demolition; Pavement and Road; and the Setting of Conservation Areas	EG4	The NP aims to protect and enhance conservation areas and Policy EG4 requires a suitable heritage statement to be provided in support of proposals affecting conservation areas so that the full impact of the development can be assessed.
B18	Archaeological Sites	EG4	Policy EG4 requires all heritage assets to be supported with a suitable heritage statement whilst

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			specifically identifying the 'Portland' area to have known archaeological interest.
H1	Housing Allocations	EG5, EG6A and EG6B.	Policy H1 lists a number of sites allocated for residential development. The NP similarly outlines sites, which the Town Council would encourage to come forward for housing.
H2	Density and Dwelling Mix	EG7	The NP supplements existing local plan guidance by encouraging smaller homes (2 and 3 bed units) in East Grinstead.
H3	Infill within Built-Up Areas	EG5	The NP similarly seeks to encourage opportunities for the use of previously developed sites in the settlement boundary.
H4	Provision of Affordable Housing	EG7	Policy EG7 of the NP requires affordable housing to be provided in accordance with District policy.
H5	Rural 'Exception' Housing		The NP directs housing towards the settlement boundary in accordance with Policy EG5. There is no allowance for rural exception housing. In such

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			circumstances, policy will have to be relied on at the District Level whilst also meeting the tests of Policy EG1 and EG2 in the NP to ensure that development does not result in the merging or coalescence of settlements and the gradual accretion of development at the urban fringe.
H6	Conservation of Residential accommodation		Policy relied upon at the District Level, as there is no policy in the NP dealing with the net loss of residential accommodation.
H8	Nursing and Residential Care Homes		Policy relied upon at District level.
H9	Extension of Dwellings in Built Up areas	EG3	Policy relied upon at District level but any development will need to meet the design criteria set out in Policy EG3.
H10	Conversions to Flats and Houses in Multiple Occupation	EG8	Proposals to convert houses into flats will need to rely on LP policy. Proposal for the conversion to flats above shops will be accepted provided it accords with Policy EG8 and complies with

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			Technical Housing Standards.
H11	Housing in the Countryside	EG1 and EG2	The NP directs housing towards the settlement boundary in accordance with Policy EG5. There is no allowance for agricultural housing. In such circumstances, policy will have to be relied on at the District Level whilst also meeting the tests of Policy EG1 and EG2 in the NP to ensure that development does not result in the merging or coalescence of settlements and the gradual accretion of development at the urban fringe
H12	Rebuilding of Existing Dwellings in the Countryside	EG1	The NP compliments LP plan policy with regards to replacing existing dwellings in the countryside. The NP specifically refers to replacement on a 'like for like' basis.
H13	Extensions to Dwellings in the Countryside.	EG1	Similar tests at both the District and NP level are required to extend dwellings in the countryside.
E1	Allocated	SS1 and SS4	The NP also identifies land for

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
	Business Sites		business development and provides Development Briefs for Railway Approach and Charlwood's Industrial Estate.
E2	Retention of Business Land	EG10	Policy EG10 of the NP similarly resists the loss of lawful business premises. However, it provides further guidance in terms of the information required for any proposal seeking to justify the loss of an employment site.
E5	Additional Business Development	EG10	Both policies provide similar details where further provision of business development will be appropriate.
E7	New Business Development in the Countryside	EG10, EG1 and EG2	The NP seeks to promote development in the settlement boundary. Where a business proposes to redevelop or extend their operations in a rural location they need to adhere with employment policy EG10 as well as countryside policies EG1 and EG2.
S1	Town Centre Shopping Developments	SS2	The strategic shopping site Queens Walk falls with the East Grinstead NP area and

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			as such there is a specific Policy in the NP (Policy SS2) which includes a Development Brief for this site.
S2	New Developments	EG8	The East Grinstead NP is seeking to preserve the small shop unit character of the town and seeks to resist the amalgamation of small shops into larger units. It is therefore more restrictive than policy EG8 but does allow for amalgamations in exceptional circumstances.
S3	Primary Shopping Frontages	EG8	The NP policy for East Grinstead Town Centre is less restrictive than the District Policy in that it allows for D2 community uses. It is also less focussed on the need to retain a high proportion of A1 shops. Instead, its approach is to seek the retention of shop window display to ensure the special small shop character of the Town Centre remains.
S4	Secondary Shopping	EG8	The NP does not differentiate between Primary and

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
	Frontages		Secondary frontages. Policy EG8 applies throughout the Town Centre.
S5	Vacant Spaces Above Shops	EG8	NP Policy EG8 complements the District policy and changes of use of vacant premises above ground floor level to residential or office use will be acceptable provided certain criteria are met.
T4	New Development	EG11	The aim of the NP and policy EG11 is to ensure that any new development makes maximum provision for any new and improved infrastructure. Likewise, both policies encourage alternative options to the car and car restraint measures are encouraged.
T5	Parking Standards	EG12	The NP requires development to be in accordance with West Sussex County Council parking standards, not the Mid Sussex's standards as required by Policy T5. The policy also allows for departure from adopted standards in exceptional

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			circumstances.
R1	Sporting and Recreational Development	EG15	The NP identifies specific sites for play space and informal open space.
R2	Protection of Existing Recreational Open Space	EG14 and 15	The NP policies compliment the District Council's policy on protecting existing recreational open space.
R3, R4 and R6	Provision of outdoor play space and informal open space for new housing development.		The LP requires new residential development to incorporate outdoor playing space and informal open space. In circumstances where it is not appropriate, financial contributions can be sought. The NP has no specific requirements for the provision of outdoor space. The Policy will therefore be relied on at the District Level.
R8	New countryside recreational facilities	EG15, EG1 and EG2	The NP policy complements the LP policy and states that new sport, recreational and community use development will be acceptable provided they do not result in any significant conflict with environmental and countryside policies.
R9	Golf Courses	EG15, EG1 and	Similarly to above, golf

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
and R11	and Noisy Sports.	EG2	courses and noisy sports in the countryside will only be permitted provided they do not result in any significant conflict with environmental and countryside policies.
T13	Tourism Facilities	EG1, EG2, EG3	The NP does not have a specific policy relating to tourism development. Any development of this type would have to comply with Policy EG3 and will have to contribute towards improving the walking and cycle network related to the development. Outside of the settlement boundary, the development would have to comply with policies EG1 and EG2.
R14	Bluebell Railway		The NP does not have a specific policy dealing with the railway but the supporting text to Policy EG4 at paragraph 4.21 confirms the view that it should be protected. The policy will be relied upon at District Level.
R15	Hotel Facilities	EG1, EG2, EG3,	The NP does not have a specific policy relating to

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			hotel accommodation. Any development of this type would have to comply with Policy EG3 and will have to contribute towards improving the walking and cycle network related to the development. Outside of the settlement boundary, the development would have to comply with policies EG1 and EG2.
CS1 and CS2	Educational facilities	EG1, EG2, EG3,	The NP does not have a specific policy relating to education facilities. New educational facilities would need to comply with NP policy EG3. Any development outside of the Town Centre would have to comply with policies EG1 and EG2.
CS3	Reuse of Educational Land	SS3	There is a site-specific policy for the reuse of Imberhorne Lower School for residential development which complements Local Plan Policy CS3.
CS4 and CS5	Child Care facilities and Medical	EG3	Proposals for the change of use of existing dwelling houses will need to comply

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
	Practitioners		with NP Policy EG3
CS6	Retention of Community Facilities	EG15	The NP compliments the LP policy on protecting and enhancing community facilities.
CS7	Retention of Public Houses	EG8	The NP does not have a specific policy relating to public houses. Policy EG8 allows for flexibility with any use falling within A1 to A5, D2 or other community types uses in the Town Centre. A public house falls within the A4 use class and therefore some flexibility to Local Plan policy is provided but only within the Town Centre.
CS8	Extension of Community Facilities	EG3	Proposals to develop, extend or improve community facilities will need to comply with NP Policy EG3.
EG1	Built Environment	EG3	NP policy complements this policy by promoting good design.
EG2	The Portlands	EG4	The NP policy relating to the Portlands is not as restrictive as the LP, which puts a blanket ban on development at this location. The NP instead requires rigorous

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			assessment before any development can take place.
EG3	Areas of Townscape Character		The NP makes no reference to Area of Townscape Character and accordingly policy should be relied upon at District level.
EG5	Lawn Tennis and Squash Club	EG3	There is no NP allocation for this site. Development proposals will have to rely on District Policy as well as the general design policies set out in NP policy EG3.
EG7	2-4 Orchard Way	EG3	There is no NP allocation for this site. Development proposals will have to rely on District Policy as well as the general design policies set out in NP policy EG3.
EG8	Stonequarry Woods	EG3	There is no NP allocation for this site. Development proposals will have to rely on District Policy as well as the general design policies set out in NP policy EG3.
EG9	Birches Industrial Estate	SS4	The allocated extension to the estate identified in Policy EG9 has already been implemented. The NP policy makes provision for further

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			additional development within the allocated site.
EG10	Land in Christopher Road	EG3	There is no NP allocation for this site. Development proposals will have to rely on District Policy as well as the general design policies set out in NP policy EG3.
EG11	London Road/King Street/Christopher Road	EG3	There is no NP allocation for this site. Development proposals will have to rely on District Policy as well as the general design policies set out in NP policy EG3.
EG13	Land at Queen's Walk	SS2	The NP goes further than the LP Policy as it is seeking the comprehensive redevelopment of Queens Walk for a mix of uses.
EG14	Public Car Parking	SS1 and SS2,	Two of the sites in the LP allocated for additional off street parking (Railway Approach and Queens Walk) are identified in the NP as sites that should be comprehensively redeveloped and should specifically provide adequate levels of parking. Development proposals for the other sites

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			identified for parking should rely on LP policy.
EG15	Children's Play space	EG15	The NP identifies additional locations for children's play space.
EG17	Dunnings Mill	EG15	NP policy complements the LP insofar as any further intensification of use at Dunnings Mill will be granted provided they do not result in any significant conflict with environmental and countryside policies.
EG18	Informal Public Open Space	EG15	The NP identifies additional locations for informal public open space.
EG20	East Court	EG1 and EG2	There is no site-specific policy in the NP for East Court. As this site lies outside of the settlement boundary, any proposals on this site will need to adhere to countryside policies EG1 and EG2.
EG21	The Atrium – Kings Street		Policy to be relied on at the District Level.
EG22	Tourism	EG3	The NP does not have a specific policy relating to tourism related development. Any development of this type would have to comply with

Policy No.	Saved Local Plan Policies	Neighbourhood Plan Policy	Commentary
			Policy EG3 and will specifically contribute towards improving the walking and cycle network related to the development.
EG23	Bluebell Railway		Policy to be relied on at the District Level.

3.11 It is clear from the above table that the East Grinstead Neighbourhood Plan is in general conformity with all the relevant strategic policies of the adopted Mid Sussex Local Plan.

3.12 In some instances the Neighbourhood Plan provides an additional level of detail or a distinct local approach to that set out in local policy but it does not undermine that policy.

3.d Compatible with EU Obligations

Strategic Environmental Assessment

3.13 The Neighbourhood Plan has been the subject of a Sustainability Appraisal incorporating the provisions of Strategic Environmental Assessment which is required by European Law.

3.14 A Scoping Report of the Sustainability Appraisal was submitted to the statutory bodies (English Heritage, Natural England and the Environment Agency) as well as Mid Sussex District Council.

Habitats Regulations Assessment

3.15 The Habitats Regulations Assessment Screening Report was undertaken by Mid Sussex District Council and it was concluded that there would be no significant effect on the Ashdown Forest from the proposals within the East Grinstead Neighbourhood Plan. It was agreed that an Appropriate Assessment was not necessary.

3.16 The East Grinstead Neighbourhood Plan is considered to be compatible with EU obligations.

3.e Compliance with Prescribed Conditions

3.17 The final basic condition, which is relevant to a Neighbourhood Plan, is that the prescribed conditions are met and prescribed matters have been complied with.

3.18 In this instance, the basic conditions are considered to be met by the East Grinstead Neighbourhood Plan.

4.0 **Conclusion**

4.1 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the East Grinstead Neighbourhood Plan. It is therefore respectfully suggested to the Examiner that the East Grinstead Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.