

Elstead and Weyburn Neighbourhood Plan

Basic Conditions Statement

September 2021

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1.0 Introduction and General Legal Requirements

- 1.1 The Elstead and Weyburn Neighbourhood Plan (“the Neighbourhood Plan”) has been developed by the Elstead and Weyburn Neighbourhood Plan Steering Group (“the Steering Group”) to guide development within the Neighbourhood Plan area for the period 2013 - 2032. The Neighbourhood Plan period is in accordance with the adopted Waverley Borough Local Plan Part 1: Strategic Policies and Sites (“WBLPP1”) plan period. The Neighbourhood Plan has been evolved through ongoing community involvement and engagement, which have contributed to establishing the key principles for the plan.
- 1.2 Following the pre-submission consultations (under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012), which were conducted between July and September 2018, March and May 2020 and March and May 2021, the Neighbourhood Plan is submitted to Waverley Borough Council (“WBC”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- 1.3 The Neighbourhood Plan Neighbourhood Area was designated by WBC in June 2015, following an application made under the Localism Act 2011 and Part 2, Paragraph 5 of the Neighbourhood Planning (General) Regulations 2012. Elstead Parish Council is a qualified body under Section 61E of the Town and Country Planning Act 1990 (as amended).
- 1.4 The Neighbourhood Plan policies do not relate to excluded development, as defined by Section 61K of the Town and Country Planning Act 1990, including County matters (such as minerals or waste development) and nationally significant infrastructure projects. It only relates to development in the designated Neighbourhood Plan Area.
- 1.5 This Basic Conditions Statement demonstrates compliance with the ‘Basic Conditions’. Neighbourhood Plans must conform to the relevant Basic Conditions set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The relevant basic conditions for neighbourhood plans are identified at National Planning Practice Guidance (“PPG”) paragraph ref ID. 41-065-20140306, and these are:
 - 1) to have appropriate regard to national planning policies and advice;
 - 2) to contribute to the achievement of sustainable development;

- 3) to be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case WBLPP1 and the Saved Policies of the WBC Local Plan 2002 that have not been superseded by policies within WBLPP1; and
- 4) to meet the relevant EU obligations.

Structure of this Statement

- 1.6 The remainder of this Basic Conditions Statement assesses the compliance of the Neighbourhood Plan with each of the Basic Conditions.

2.0 To Have Appropriate Regard to National Planning Policies and Advice

2.1 National Planning Policy and Advice is primarily contained within:

- 1) The National Planning Policy Framework (“NPPF”) (first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019 and 20 July 2021); and
- 2) National Planning Practice Guidance (“PPG”) (an evolving resource that was republished in November 2016).

2.2 The NPPF sets out the overarching planning policies for England and how these should be applied. It is of relevance to both plan-making and decision-making, and the Neighbourhood Plan must have regard to the relevant policies and with its general principles. The NPPF’s planning policies are supplemented by guidance set out within the PPG.

2.3 The compliance of the Neighbourhood Plan with the NPPF is detailed below:

Delivering a sufficient supply of homes

2.4 The Plan sets out the following policies that aim to deliver a sufficient supply of homes:

- Policy H1 Housing Allocations
- Policy H2 Sunray Farm
- Policy H3 Springfield
- Policy H4 Four Trees
- Policy H5 Windfall Sites
- Policy H7 Affordable Housing
- Policy H6 Housing Choices

2.5 These policies meet the NPPF’s aims of boosting the supply of new market and affordable homes. The policies also help to ensure an appropriate mix and type of new homes are delivered. The policies also comply with the corresponding housing guidance within the PPG.

Building a strong, competitive economy

2.6 The Plan sets out the following policies that seek to build a strong and competitive economy:

- Policy H2 Sunray Farm
- Policy ESB1 Retention and Expansion of Local Employment Space
- Policy ESB2 Working from Home
- Policy ESB3 Local Community Co-Working Space
- Policy ESB4 Tanshire Business Park

2.7 These policies meet the NPPF's aims of supporting and seeking to promote existing business and allowing for additional new employment and services. The policies also comply with the corresponding economic guidance within the PPG.

Ensuring the vitality of town centres

2.8 The Plan sets out the following policy which helps to support and protect local retail services:

- Policy EBS1 Retention and Expansion of Local Employment Space

2.9 These policies meet the NPPF's aims of supporting the vitality of local shops and centres. The policies also comply with the corresponding town centre and retail guidance within the PPG.

Promoting healthy and safe communities

2.10 The Plan sets out the following policies that promote healthy and safe communities:

- Policy ESDQ Design and Development Briefs
- Policy RLW1 Recreation and Leisure Facilities
- Policy RLW2 Community Facilities
- Policy ESDQ8 Light Pollution and Dark Skies
- Policy RLW3 Retention of Assets of Community Value.

2.11 These policies meet the aims of the NPPF by recognising the need to ensure development promotes health and well-being and is designed to maximise safety. The policies also comply with the corresponding healthy and safe communities guidance within the PPG.

Promoting sustainable transport

2.12 The Plan sets out the following policies that aim to promote sustainable transport:

- Policy H2 Sunray Farm
- Policy H3 Springfield
- Policy H4 Four Trees
- Policy ESDQ Design and Development Briefs
- Policy TGA1 Pedestrian and Cycle Movement
- Policy TGA3 Car and Cycle Parking
- Policy TGA4 Improvement Bus Services

2.13 These policies meet the aims of the NPPF by seeking to ensure that the transport system is balanced in favour of sustainable transport modes, giving people a choice about how they travel. The policies also comply with the corresponding transport and travel guidance within the PPG.

Supporting high quality communications

2.14 The Plan sets out the following policies that aim to support high quality communications:

- Policy ESB3 Local Community Co-Working Space
- Policy ID1 Infrastructure Delivery

Making effective use of land

2.15 The Plan sets out the following policies that make effective use of land:

- Policy PP1 Settlement Boundary
- Policy H1 Housing Allocations
- Policy H3 Springfield
- Policy H4 Four Trees
- Policy H5 Windfall Sites
- Policy ESDQ Design and Development Briefs

2.16 These policies meet the aims of the NPPF by seeking to ensure that new development is focused within the existing urban area where possible and is of an appropriate density which reflects local character and circumstances. The policies also comply with the corresponding use of land guidance within the PPG.

Achieving well-designed places

2.17 The Plan sets out the following policies that aim to achieve well-designed places:

- Policy PP2 Core Planning Principles
- Policy H2 Sunray Farm
- Policy H3 Springfield
- Policy H4 Four Trees
- Policy ESDQ1 Character and Design
- Policy ESDQ2 Conservations and Subdivisions
- Policy ESDQ Design and Development Briefs
- Policy ESDQ8 Light Pollution and Dark Skies
- Policy TGA2 Design Core: Rural character of streets and public spaces
- Policy RLW2 Community Facilities
- Policy RLW3 Retention of Assets of Community Value.

2.18 These policies meets the aims of the NPPF by seeking to ensure that new development responds to the local character of the built and natural environment. The policies also comply with the corresponding design guidance within the PPG.

Protecting Green Belt land

2.19 The Plan contains the following policy that protects Green Belt land:

- Policy PP1 Settlement Boundary

2.20 This policy meets the aims of the NPPF by seeking to ensure that new development is focused within the existing settlement boundary. The policy also complies with the corresponding Green Belt guidance within the PPG.

Meeting the challenge of climate change, flooding and coastal change

2.21 The Plan sets out the following policies that seek to meet the challenges of climate change and flooding:

- Policy PP2 Core Planning Principles
- Policy ESDQ Design and Development Briefs
- Policy ESDQ8 Light Pollution and Dark Skies
- Policy ESQQ11 Sustainable Design

2.22 These policies meet the aims of the NPPF by recognising the need to deal with flooding from the land and also the need to improve the energy and water efficiency of buildings. The policies also comply with the corresponding climate change and flooding guidance within the PPG.

Conserving and enhancing the natural environment

2.23 The Plan sets out the following policies that seek to conserve and enhance the natural environment:

- Policy PP2 Core Planning Principles
- Policy H2 Sunray Farm
- Policy H3 Springfield
- Policy H4 Four Trees
- Policy ESDQ1 Character and Design
- Policy ESDQ Design and Development Briefs
- Policy ESQ4 Local Green Space
- Policy ESDQ5 Landscape and Visual Impact
- Policy ESDQ6 Views from and of Bonfire Hill
- Policy ESDQ7 Tanshire and Weyburn Green Gap
- Policy ESDQ8 Light Pollution and Dark Skies
- Policy ESDQ9 Biodiversity and Trees.

2.24 These policies meet the aims of the NPPF by recognising the importance of green and open spaces to the wellbeing and vitality of the Neighbourhood Plan area. The policies also seek protect and enhance the character and setting of the surrounding AONB. The policies also comply with the corresponding natural environment guidance within the PPG.

Conserving and enhancing the historic environment

2.25 The Plan sets out the following policies that seek to conserve and enhance the historic environment:

- Policy PP2 Core Planning Principles
- Policy ESDQ1 Character and Design
- Policy ESDQ Design and Development Briefs
- Policy ESDQ10 Historic Environment

2.26 These policies meet the aims of the NPPF by recognising that heritage assets are an irreplaceable resource. The policies also comply with the corresponding historic environment guidance within the PPG.

3.0 To Contribute to the Achievement of Sustainable Development

3.1 This section of the Basic Conditions Statement explores how the Neighbourhood Plan contributes to the achievement of sustainable development.

3.2 Paragraph 7 of the NPPF sets out that: *“the purpose of the planning system is to contribute to the achievement of sustainable development”*, noting that the remainder of the NPPF outlines policies for the achievement of sustainable development.

3.3 NPPF paragraph 10 identifies that there is a presumption in favour of sustainable development that at the heart of the NPPF. This presumption is detailed at paragraph 11 where it requires the following with respect to plan-making:

- a) *“plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”.*

3.4 The three overarching objectives of sustainable development are outlined at paragraph 8, which are as follows:

- a) *“**an economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;”*
- b) *“**a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and”*

- c) *"an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

3.5 This condition has been met through the preparation of a separate Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) by AECOM. Collectively the SEA and HRA have assessed plan against economic, social and environmental objectives and concluded that the policies and the plan taken as a whole does not have any significant negative economic, social or environmental impacts. Overall the plan is considered to have a positive effect, particularly in respect of:

- Benefits to biodiversity as a result of policy directions to achieve 'net biodiversity gain'.
- Improved active travel opportunities and sustainable transport access supporting transport, communities, health and climate change mitigation themes.
- Policy provisions supporting high-quality design and increased water efficiency benefiting the landscape, water, and climate change mitigation themes.
- New open space and landscaping provisions at the development sites supporting landscape, biodiversity, community and health and wellbeing themes.

3.6 The Neighbourhood Plan therefore contributes to the achievement of sustainable development as defined within NPPF.

4.0 To be in General Conformity with WBC's Strategic Planning Policies

Overview

- 4.1 This section analyses the general conformity of the Neighbourhood Plan against the relevant strategic policies contained within the adopted WBC LPP1.
- 4.2 Paragraph ref ID. 41-074-0306 of the PPG outlines the relevant considerations to be taken into account when assessing 'general conformity', which is as follows:
- *"whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with";*
 - *"the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy";*
 - *"whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and / or a distinct local approach to that set out within the strategic policy without undermining that policy";* and
 - *"the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach".*
- 4.3 Subsequent paragraphs of the PPG set out additional guidance on what constitutes a 'Strategic Policy'.
- 4.4 The below table details the 'General Conformity' of each element of the Neighbourhood Plan with WBC's Strategic Policies:

CNP Vision / Objective / Policy	Relevant WBC Strategic Policy	Commentary
Chapter 3 – Vision and Key Planning Principles		
Policy PP1 Settlement Boundary	SP1 and SP2	The policy aligns with the overarching spatial strategy for Waverley as it focuses growth within the settlement boundary of Elstead.
Policy PP2 Core Planning Principles	SP2, RE3, TD1, HA1, NE1, CC1, CC2, CC3, CC4	The policy aligns with the overarching spatial strategy for Waverley and ensures the delivery of key strategy policy elements including the rural environment, townscape and design, heritage assets, the natural environmental and climate change.
Chapter 4 - Housing		
Policy H1 - Housing Allocations	SP1, SP2, ALH1 and RE2	This Policy identifies existing commitments and allocations that make up Elstead’s housing supply for the NP period. This contributes towards boosting the housing supply by identifying sites to deliver across the NP period.
Policy H2 Sunray Farm	SP1, SP2, ALH1, EE1, RRC1, RE2, RE3, TD1, NE1, CC1, CC2, CC3 and CC4.	The policy helps to deliver the Borough’s overarching housing requirement, whilst providing site specific guidance relating to key strategic policy matters including the rural environmental, townscape and design, heritage assets the natural environmental and climate change.

CNP Vision / Objective / Policy	Relevant WBC Strategic Policy	Commentary
Policy H3 Springfield	SP1, SP2, ALH1, RRC1, RE2, RE3, TD1, NE1, CC1, CC2, CC3 and CC4.	The policy helps to deliver the Borough’s overarching housing requirement, whilst providing site specific guidance relating to key strategic policy matters including the rural environmental, townscape and design, heritage assets the natural environmental and climate change.
Policy H4 Four Trees	SP1, SP2, ALH1, RRC1, RE2, RE3, TD1, NE1, CC1, CC2, CC3 and CC4.	The policy helps to deliver the Borough’s overarching housing requirement, whilst providing site specific guidance relating to key strategic policy matters including the rural environmental, townscape and design, heritage assets the natural environmental and climate change.
Policy H5 Windfall Sites	SP1, SP2 and ALH1	The policy helps to deliver the Borough’s overarching housing requirement and boost the supply of housing where possible within the settlement boundary of Elstead.
Policy H6 Housing Choices	ANH1 and ANH3	The policy helps to deliver an appropriate mix of housing types and sizes for local residents.
Policy H7 Affordable Housing Provision	ANH1	The policy helps to meet affordable housing needs arising within the Plan area and Waverley Borough more generally.
Chapter 5 – Environment, Sustainability and Design Quality		
Policy ESDQ1 Character and Design	TD1, HA1, NE1, CC1, CC2, CC4	The policy seeks to protect and enhance both landscape and urban character within the NP area

CNP Vision / Objective / Policy	Relevant WBC Strategic Policy	Commentary
Policy ESDQ2 Conservations and Subdivisions	TD1, HA1, and NE1	The policy seeks to protect and enhance the urban character of the NP area.
Policy ESDQ3 Design and Development Briefs	SP1, SP2, TD1, HA1, NE1, CC1, CC2, CC4	The policy helps to deliver the Borough’s overarching spatial strategy, whilst providing site / development specific guidance relating to key strategic policy matters including the rural environmental, townscape and design, heritage assets the natural environmental and climate change.
Policy ESDQ4 Local Green Spaces	LRC1 and NE1	The policy protects locally importance spaces that are important leisure and recreation facilities as well as areas of important natural and biodiversity quality.
Policy ESDQ5 Landscape and Visual Impact	SP2, RE1, RE2 an dRE3	The policy seeks to protect and enhance the surrounding landscape character of the NP area.
Policy ESDQ6 Views from and of Bonfire Hill	RE2 and RE3	The policy seeks to protect and enhance the surrounding landscape character of the NP area.
Policy ESDQ7 Tanshire and Weyburn Green Gap	RE3	The policy seeks to protect and enhance the surrounding landscape character of the NP area.
Policy ESDQ8 Light Pollution and Dark Skies	RE3 and TD1	The policy seeks to protect and enhance the surrounding landscape character of the NP area.
Policy ESDQ9 Biodiversity and Trees	NE1	The policy seeks to conserve and enhance biodiversity within the NP area and Waverley Borough more generally.

CNP Vision / Objective / Policy	Relevant WBC Strategic Policy	Commentary
Policy ESDQ10 Historic Environment	HA1	The policy seeks to conserve and enhance heritage assets within the NP area and Waverley Borough more generally.
Policy ESDQ11 Sustainable Design	CC1, CC2, CC3 and CC4	The policy seeks to ensure new development contributes to mitigating and adapting to the impacts of climate change through sustainable construction and design measures.
Chapter 6 – Employment and Business Support		
Policy EBS1 Retention and Expansion of Local Employment Space	SP1, SP2, EE1 and TCS3	The policy helps to meet the Borough’s overarching need for economic growth over the period covered the NP.
Policy EBS2 Working from Home	ST1	The policy helps to minimise work related trips within the NP area and the Borough more generally.
Policy EBS3 Local Community Co-Working Space	EE1	The policy helps to meet the Borough’s overarching need for economic growth over the period covered the NP.
Policy ESB4 Tanshire Business Park	EE2	The policy helps to protect an existing employment site within the Borough.
Chapter 7 – Transport and Getting Around		
Policy TGA1 Pedestrian and Cycle Movement	ST1	The policy helps to ensure that measure to support walking are maximised within development proposals.
Policy TGA2 Design Code: Rural character of streets and public spaces	ST1 and TD1	The policy seeks to protect and enhance the urban character of the NP area.

CNP Vision / Objective / Policy	Relevant WBC Strategic Policy	Commentary
Policy TGA3 Car and Cycle Parking	ST1	The policy helps to ensure that appropriate car and cycle parking provision is provided as part of new development proposals within the NP area.
Policy TGA4 Improved Bus Services	ST1	The policy helps to ensure that measure to support improved bus services are maximised within development proposals.
Chapter 8 – Recreation, Leisure and Wellbeing		
Policy RLW1 Recreation and Leisure Facilities	LRC1	The policy seeks to protect and where possible improve existing recreation and leisure facilities within the NP area.
Policy RLW2 Community Facilities	LRC1	The policy seeks to protect and where possible improve existing community facilities within the NP area.
Policy RLW3 Retention of Assets of Community Value	LRC1	The policy protects buildings and facilities that have been identified as having local community value.
Chapter 11 – Infrastructure and Delivery		
Policy ID1 Infrastructure Delivery	SP1 and ICS1	The policy ensures that development delivered within the NP area is accompanied by appropriate and necessary infrastructure.

5.0 To meet the Relevant EU Obligations

5.1 The below table sets out how the CNP meets the relevant EU Obligations:

Obligation	How the CNP is in conformity
The requirement to screen for and (if necessary) prepare a Strategic Environmental Assessment ("SEA") in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended).	WBC provided a SEA Screening Opinion, which concluded that a SEA is required for the NP based on it likely having significant effects on the environment. An SEA has been undertaken.
The requirement to screen for and (if necessary) prepare a Habitats Regulation Assessment ("HRA") in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended).	A HRA Screening was undertaken and a HRA has been prepared to accompany the CNP.
Requirements with regards to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora; and Directive 2009/147/EC on the Conservation of Wild Birds Directives.	The SEA and HRA Appropriate Assessment prepared and submitted in support of the Neighbourhood Plan demonstrate that the plan is consistent with the relevant Directives for the protection of natural habitats and wild birds.

6.0 Summary

6.1 This Basic Conditions Statement demonstrates that the Elstead and Weyburn Neighbourhood Plan meets the Basic Conditions required of Neighbourhood Plans, namely:

- a) to have appropriate regard to national planning policies and advice;
- b) to contribute to the achievement of sustainable development;
- c) to be in general conformity with the strategic policies contained in the development plan for the area of the local planning authority, in this case the WBC LPP1; and
- d) to meet the relevant EU obligations.

6.2 We therefore recommend that WBC allows the Elstead and Weyburn Neighbourhood Plan to proceed to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, and to subsequently submit the Neighbourhood Plan for Examination under Regulation 17 of the Neighbourhood Planning (General) Regulations 2012.

