

Battle Civil Parish

Neighbourhood Plan 2019-2028

BASIC CONDITIONS STATEMENT

Published by Battle Town Council for the Reg.15 Plan Proposal Submission under the Neighbourhood Planning (General) Regulations 2012 and in accordance with EU Directive 2001/42

NOVEMBER 2020

Battle Neighbourhood Plan



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Introduction and Background

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

This statement has been prepared to illustrate compliance with these Basic Conditions. Section 1 of this report summarises the legislative requirements associated with these 'Basic Conditions'; Section 2 summarises and responds to the matters that the appointed Examiner must consider; Sections 3 - 6 set out the Basic Conditions and assesses how the Battle CP NP meets these requirements; Section 7 confirms that the Battle CP NP is compatible with the Convention Rights.

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

01 Legal requirements

- 1.0.1 The Neighbourhood Development Plan (thereafter referred to as NP) has been prepared by the Battle Town Council, a qualifying body, for the area covering the whole parish, as designated by Rother District Council on 13th April 2015. (See **Appendix 1**)
- 1.0.2 The plan proposal relates to planning matters in the designated neighbourhood area and covers the period from 2019 to 2028. It does not contain policies relating to excluded development as laid out in the Regulations.
- 1.0.3 *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 pass and be able to progress to a referendum.*
- 1.0.4 *Paragraph 8(1) states that the Examiner must consider the following sub-clauses:*
- (a) whether the draft Neighbourhood Development Plan meets the basic conditions (see sub paragraph(2)),*
 - (b) whether the draft order complies with the provision made by or under sections 61E(2), 61J and 61L(The provision of 61E, 61J & 61L as amended by Section 38C(5)(b) is by reference to the provisions of 38A and 38B of the 2004 Compulsory Purchase Act)*
 - (d) whether the area for any referendum should extend beyond the Neighbourhood Area to which the draft Neighbourhood Development Plan relates, and*
 - (e) such other matters as may be prescribed.*
- 1.0.5 *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.*
- 1.0.6 *Paragraph 8(2) states that a draft Neighbourhood Development Plan meets the basic conditions if:*
- (a) having regard to National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,*
 - (d) the making of the order contributes to the achievement of sustainable development,*
 - (e) the making of the Neighbourhood Development Plan is in general conformity with the strategic Policies contained in the Development Plan for the area of the authority (or any part of that area),*
 - (f) the making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations, and*

(g)prescribed conditions are met in relation to the Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Development Plan.

1.0.7 *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.*

02 What the Examiner must consider

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

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

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

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

2.0.3 This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the “Meaning of Neighbourhood Development Plan”. S38A(1) states that “any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan.” Battle Town Council is the qualifying body and entitled to submit a Neighbourhood Development Plan for their Parish.

2.0.4 S38A(2) states that a “Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.” The Battle CP NP sets out Policies that relate to the development and use of land within the neighbourhood area. The remainder of Section 38A, Paragraphs (3) - (12), are not of relevance to the submission phase of the NDP.

2.0.5 Section 38B sets out the provisions that may be made by the Neighbourhood Development Plan. Paragraph 38B1(a) notes that a Neighbourhood Development Plan “Must specify the period for which it is to have effect.” The Battle CP NP covers the period up to 2028. This end date reflects the Plan period for Rother Core Strategy.

2.0.6 Paragraph 38B1(b) states that a Neighbourhood Development Plan “may not include provision about development that is excluded development.” The policies of the Battle CP NP does not include provision for excluded development (as defined in Section 61K of the Planning and Compulsory Purchase Act 2004).

2.0.7 Paragraph 38B1(c) states that a Neighbourhood Development Plan may not relate to more than one neighbourhood area. The Battle CP NP does not relate to more than one neighbourhood area.

- 2.0.8 Paragraph 38B(2) states that only one Neighbourhood Development Plan may be made for each neighbourhood area. There are currently no other NDP's in place in this neighbourhood area.
- 2.09 Paragraph 38B(3) states that, if to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. There are no conflicts within the Battle CP NP.
- 2.10 Paragraph 38B(4)(a) states that Regulations made by the Secretary of State may make provisions for "restricting the provision that may be included in Neighbourhood Development Plans about the use of land." These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012, which have been used to inform the process of making the Battle CP NP. These Regulations set out the process by which NDP's are to be made and set out.
- 2.11 Paragraph 38B(4)(b) states that Regulations made by the Secretary of State may make provisions "requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations." A Screening of the Neighbourhood Plan was submitted to Rother District Council (RDC). This was sent to the statutory bodies for consultation and a final response from the District Council received on 11th March 2019. This can be seen in **Appendix 2**. The Battle CP NP has been subject to the requirements of the Strategic Environmental Assessment (SEA).
- 2.12 The remaining requirements of Section 38B, which include paragraphs 38B(4)(c), 5 & 6, are not of relevance to this Basic Conditions Statement.

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

- 2.13 This requires the examiner to consider whether the area for any referendum should extend beyond the NDP Area to which it relates. The Battle CP NP relates solely to land that falls within the Civil Parish of Battle.
- 2.14 **4B 8 (1)(e) Other Matters**
This requires the examiner to consider such other matters as may be prescribed. There are no other prescribed matters.
- 2.15 Paragraph 8(2) of Schedule 4B of the T&CP Act sets out the basic conditions that must be met by a draft NP. Subsections (a),(d),(e), (f), and (g) are of relevance to this statement. Set out below in Section 3 - 6 is an assessment and justification of how the plan complies with each of these basic condition tests.

03 Conformity with National Planning Policy

- 3.0.1 Section 4B(2)(a) states that a draft NDP will meet the basic conditions if, having regard to National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.
- 3.0.2 The Neighbourhood Plan has been prepared in conformity with the policies set out in the National Planning Policy Framework (NPPF 2019). It also gives regard to the core planning principles contained in the National Planning Policy Framework, alongside the National Planning Practice Guidance (NPPG) published by the Government in relation to the formation of Neighbourhood Plans.
- 3.0.3 The table below sets out each Battle CP NP policy and which NPPF paragraph it conforms to. The paragraphs referred to, are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 1: How the Battle CP NP policies conform to the NPPF

Battle CP NP Policy Number and Title	NPPF Paragraph (s)
Housing and Development	
Policy HD1: Development Boundaries	Para 23
Policy HD2: Site Allocations	Paras. 8-14 and 68, 69 and 78
Policy HD3: Housing mix	Paras 61 and 69
Policy HD4: Quality of Design	Paras. 124-131
Policy HD5: Protection of landscape character	Paras. 127, 153 and 170
Policy HD6: Local Connection	Para 68
Policy HD7: Integration of New Housing	Para 68
Policy HD8: Protection of the Green Gaps between Settlements	Paras. 127, 153 and 170
Policy HD9: Town Centre Boundary	Para 85
Infrastructure	
Policy IN1: Traffic mitigation	Para 72 and 81
Policy IN2: Maintain and improve existing infrastructure	Para 72 and 81
Policy IN3: Parking and new development	Paras 36/39/40 Section 4 and 102
Policy IN4: Pedestrian provision and safety	Paras 91, 102 and 104

Environment	
Policy EN 1: Local Green Space Designations	Paras. 99 and 100
Policy EN2: Conservation of the natural environment, ecosystems and biodiversity	Paras. 170 – 183
Policy EN3: The High Weald AONB and Countryside Protection	Paras. 170 – 183
Policy EN4: Historic Environment	Paras. 184-202
Policy EN5 Locally important historic buildings, other structures and other non-designated heritage assets	Paras. 184-202
Economy and Tourism	
Policy ET1: Tourism and local economy	Paras 83 and 84
Policy ET2: Sustaining local retail and encouraging employment opportunities	Paras 83 and 84
Policy ET3: Developer Contributions	Para 34
Policy ET4: Protection of assets of community value	Paras 8, 91 – 93
Policy ET5: Community leisure and cultural facilities	Paras 28 and 92

04 General conformity with the strategic policies of the development plan

- 4.0.1 The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the Development Plan for the area.
- 4.0.2 The current development plan for the area is the adopted Rother District Council Core Strategy.
- 4.0.3 The table below sets out how each policy is in general conformity with Rother District Council Core Strategy.

Table 2: How the NP policies conform to RDC Core Strategy

BATTLE CP NPPolicy Number and Title	Relevant Core Strategy policy
Housing and Development	
Policy HD1: Development Boundaries	Policies OSS 1&2, RA2, RA3 and EN1
Policy HD2: Site Allocations	Policies OSS1 and RA1
Policy HD3: Housing mix	Policies OSS1 and RA1
Policy HD4: Quality of Design	Policy EN3 and associated “design principles” in Appendix 4, Paras EN1 - 5
Policy HD5: Protection of landscape character	Policy EN1
Policy HD6: Local Connection	Policy LHN1 &2
Policy HD7: Integration of New Housing	Policy LHN1 &2
Policy HD8: Protection of the Green Gaps between Settlements	Policy OSS2 and Policy RA3
Policy HD9: Town Centre Boundary	Core Strategy Policy OSS2 - Use of Development Boundaries, Policy BA1 - Framework for Battle and Policy BT1
Infrastructure	
Policy IN1: Traffic mitigation	Policy TR1 and TR4
Policy IN2: Maintain and improve existing infrastructure	Policy TR1 and TR4
Policy IN3: Parking and new development	Policy TR1 and TR4
Policy IN4: Pedestrian provision and safety	Policies TR1, TR2 and TR3, Policy CO6 and Policy EC4

Environment	
Policy EN 1: Local Green Space Designations	Policies CO3 and EN5
Policy EN2: Conservation of the natural environment, ecosystems and biodiversity	RDC Core Strategy are Policy BA1: (ix) Policy Framework for Battle, Policy EN1: Landscape Stewardship and EN5: Biodiversity and Green Space. DaSA Policy DEN4: Biodiversity and Green Space also applies.
Policy EN3: The High Weald AONB and Countryside Protection	This is explicit in Ch. 5. Spatial Vision, supported by a number of policies, notably OSS1, OSS3, RA2-4, EN1, DaSA chapter 10. DaSA Policies DEN1:Maintaining Landscape Character and DEN2:The High Weald Area of Outstanding Natural Beauty(AONB)
Policy EN4: Historic Environment	Policy EN2
Policy EN5: Locally important historic buildings, other structures and other non-designated heritage assets	Policy EN2
Economy and Tourism	
Policy ET1: Tourism and local economy	Policies OSS1 and RA1 support rural service centre roles and provides for sustainable growth, Core Strategy Policies BA1 (iv) (v) & (vi); RA2: EC6; EC7 and DaSA Policies DEC3
Policy ET2: Encouraging local retail and employment opportunities	Chapter 16-Economy (policy EC4), RDC Policy ET2, Core Strategy Policies BA1 (iv) (v) & (vi); RA2: EC6; EC7 and DaSA Policies DEC3
Policy ET3: Developer Contributions	Policies CO1 and IM2
Policy ET4: Protection of Assets of Community Value	Employment strategy and Land review (ESLR), Ch. 16 Economy and respective spatial development strategies
Policy ET5: Community leisure and cultural facilities	Policies CO6 and EC4

05 Contribution to the achievement of sustainable development

5.0.1 A Neighbourhood Plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability; economic, social and environmental.

5.0.2 The vision and objectives of the Plan

The Vision is:

The communities within the Civil Parish, both in the immediate and foreseeable future, wish to create a safe and friendly environment where people want to live, work and play. This goal will be met through engagement with the local community and should directly reflect the community's own views and aspirations. It will secure the future through the formulation of policies and objectives, which not only support sustainability, but also development that enhances and respects the unique historic nature of the area. These strategies will pay particular attention to the ecological, agricultural, public enjoyment and intrinsic values of the Civil Parish. The preservation of our countryside and heritage is a priority.

There are objectives which set out how our vision will be achieved and these objectives have moulded all the Policies which are contained in the Plan. They reflect the aspirations of residents and have been drafted following extensive consultation.

5.0.3 Table 3 demonstrates that there is predominately a positive relationship between the objectives and no negative correlations, which confirms that the Plan has been positively prepared and addresses the matters scoped, into the assessment.

In assessing the impacts of the objectives and policies of the plan, the following symbols will be used in Table 3 and 4

- + Positive impact
- Negative impact
- = No/negligible impact
- ? Uncertain impact

Table 3: Battle CP NP Objectives against assessment framework

Objectives 7, 9, 10, 11, 12, 13, 14 and 15 are from the Sustainability Appraisal framework from the RDC screening determination

Objective (see preceding page for full NP objectives wording)	7: Improve accessibility to services and facilities for all ages across the District	9: Improve efficiency in land use and encourage the prudent use of natural	10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing	11: Reduce emissions of greenhouse gases	12: Minimise the risk of flooding and resulting detriment to people	13: Maintain, improve and manage water resources in a sustainable way	14: Conserve and enhance bio-diversity and geo-diversity	15: Protect and enhance the high quality natural and built environment
OBJECTIVE 1: Residential Development Sites: To provide homes within the Parish boundary	+	+	=	=	+	=	=	+
OBJECTIVE 2: Traffic Mitigation Measures	+	+	?	?	?	?	+	+
OBJECTIVE 3: The Maintenance of Green Gaps: To protect the green gaps between Battle and the surrounding settlements	+	+	+	+	=	?	+	+
OBJECTIVE 4: Developments should meet the needs and wishes of the community	+	+	+	+	=	?	=	=
OBJECTIVE 5: The Protection of Open Spaces and the Countryside	+	+	+	+	=	?	=	=
OBJECTIVE 6: Protection of Heritage Assets within the Parish Settlements	+	+	+	+	+	+	+	+
OBJECTIVE 7: Enhance the role of Tourism within the Parish	+	+	+	=	+	+	+	+
OBJECTIVE 8: The enhancement of Village/Town Centres within the Parish	+	+	+	=	+	+	+	+
OBJECTIVE 9: To alleviate where possible the Traffic Congestion within the Parish	+	+	?	?	?	?	+	+

Assessment of the Battle CP NP policies

All the policies are assessed against the SEA objectives. The main alternatives of the policy areas are **a)** No policy and leaving control of development to the policies of the Rother Local Plan and other relevant plans; or **b)** The policy either as worded or amended.

Table 4: Assessment of the Battle CP NP policies

Objectives 7, 9, 10, 11, 12, 13, 14 and 15 are from the Sustainability Appraisal framework from the RDC screening determination

Proposed Policies	7: Improve accessibility to services and facilities for all ages across the District	9: Improve efficiency in land use and encourage the prudent use of natural resources	10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing travel choice and reducing car usage	11: Reduce emissions of greenhouse gases	12: Minimise the risk of flooding and resulting detriment to people	13: Maintain, improve and manage water resources in a sustainable way	14: Conserve and enhance bio-diversity and geo-diversity	15: Protect and enhance the high quality natural and built environment
Environment								
Policy EN1: Local Green Space Designations	+	?	+	+	+	+	+	+
Policy EN2: Conservation of the natural environment, ecosystems and biodiversity	+	+	+	+	+	+	+	+
Policy EN3: The High Weald AONB and Countryside Protection	+	+	+	+	+	+	+	+
Policy EN4: Historic Environment	+	+	+	+	+	+	+	+
Policy EN5: Locally important historic buildings, other structures and other non-designated heritage assets	+	+	+	+	+	=	+	+
Economy and Tourism								
Policy ET1: Tourism and Local Economy	+	+	+	=	+	+	+	+
Policy ET2: Sustaining local retail and encouraging employment opportunities	+	+	+	+	=	+	+	+
Policy ET3: Developer Contributions	+	+	+	=	+	+	=	+
Policy ET4: Protection of assets of community value	+	+	?	?	+	+	+	+
Policy ET5: Community leisure and cultural facilities	+	+	?	?	+	+	+	+

Objective (see preceding page for full NP objectives wording)	7: Improve accessibility to services and facilities for all ages across the District	9: Improve efficiency in land use and encourage the prudent use of natural resources	10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing travel choice and reducing car usage	11: Reduce emissions of greenhouse gases	12: Minimise the risk of flooding and resulting detriment to people	13: Maintain, improve and manage water resources in a sustainable way	14: Conserve and enhance bio-diversity and geo-diversity	15: Protect and enhance the high quality natural and built environment
Housing and Development								
Policy HD1: Development Boundary	+	+	?	?	+	?	+	+
Policy HD2: Site Allocations	+	=	=	?	+	+	+	+
Policy HD3: Housing mix	+	+	?	?	+	+	+	+
Policy HD4: Quality of Design	+	+	=	=	+	+	+	+
Policy HD5: Protection of landscape character	+	+	+	+	+	+	+	+
Policy HD6: Local Connection	+	+	+	+	+	+	+	+
Policy HD7: Integration of New Housing	+	+	+	+	+	+	+	+
Policy HD8: Protection of the Green Gaps between Settlements	+	+	+	+	+	+	+	+
Policy HD9: Town Centre Boundary	+	+	?	?	+	?	+	+
Infrastructure								
Policy IN1: Traffic mitigation	+	=	+	?	+	?	+	+
Policy IN2: Maintain and improve existing infrastructure	+	+	+	=	+	+	=	+
Policy IN3: Parking and new development	+	+	?	?	+	+	+	+
Policy IN4: Pedestrian provision and safety	+	+	?	?	+	+	+	+

06 Compatibility with EU obligations and legislation

- 6.0.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations.
- 6.0.2 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.
- 6.0.3 A screening process was carried out by Rother District Council which determined that the Neighbourhood Plan required a Strategic Environmental Assessment (SEA).
- 6.0.4 A Scoping Report of the SEA was submitted to RDC and sent to English Heritage, the Environment Agency and Natural England for assessment against environmental requirements for a consultation period of 6 weeks.
- 6.0.5 Amendments and additional document/objectives were then considered when the SEA was formally prepared. The SEA is a live document and has been continually updated. The SEA has demonstrated that the policies of the Neighbourhood Plan will not lead to any significant environmental effects that cannot be avoided or mitigated by subsequent planning applications and consents.
- 6.0.6 The BATTLE CP NP does not breach any EU obligations and would be otherwise compatible with all EU obligations.

07 Conclusion

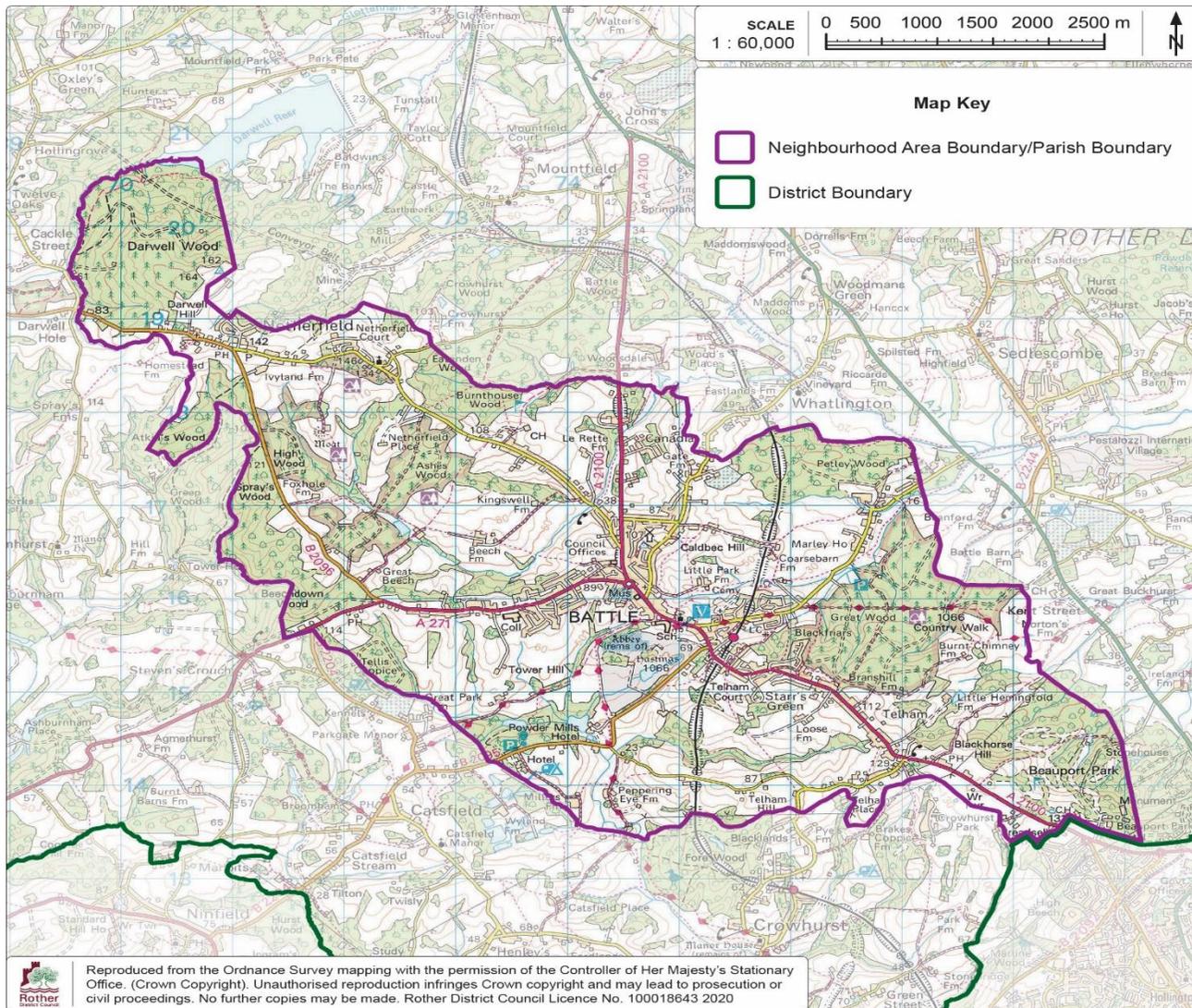
- 7.0.1 Section 4B 8 (2)(g) states that a draft Neighbourhood Plan will meet the Basic Conditions if prescribed Conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with.
- 7.0.2 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning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

08 Appendices

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

Appendix 1: Area designation map

Appendix 2: Screening response



Appendix 1: Area designation map (not to scale)

Your ref:
Our ref: 6.3a BNP
Please ask Frank Rallings
for:
Direct dial no: 01424 787634
Date: 11 March 2019

Donna Moles Consultancy
moles.consultancy@gmail.com
by email

Dr Anthony Leonard
Executive Director

Town Hall
Bexhill-on-Sea
East Sussex TN39 3JX

Dear Donna

SEA Screening for the Battle Neighbourhood Plan

Further to your request for an SEA screening opinion I have now received the comments of the Statutory Environmental Bodies (SEB's) which are as stated below :

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment (SEA) screening opinion

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance at:

<http://planningguidance.communities.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans>

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

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Historic England

Thank you for consulting Historic England on the requested screening opinion for SEA of the Battle Neighbourhood Plan. We are pleased to see positive elements of plan making already emerging, including the character assessment document among the supporting information that you have supplied.

We note that the steering group have already undertaken some review of potential housing sites and have established a short list. Given the plan area's importance for its historic environment and the density of heritage assets (including larger designated assets such as the Conservation Area and Registered Battlefield, which are likely to have extensive settings, we suggest that allocating sites for development that have not otherwise been assessed for a higher level or equivalent plan document, such as the Local Plan, has potential for likely significant environmental effects, depending on the locations of those sites and their relationship with heritage assets (including non-designated assets and previously unidentified assets). As such, unless it is demonstrable that none of the sites assessed as potential allocation sites would have impacts that merit assessment (including where their allocation might be suitable subject to mitigation), we feel that SEA of the plan should be required.

To determine the likely effects of the plan and any mitigation measures that may be required, it may be necessary for any assessment of potential allocation options to include consideration of sites that have already been rejected where there is any reasonable potential of their being considered for allocation.

We would be pleased to advise on any potential sustainability objectives that should be considered, but given Battle's particular historic significance we would suggest that whilst it may be suitable to include one or more general objectives to consider the plan area's designated and non-designated heritage assets according to their significance, it would also be appropriate to include separate objectives to focus attention on the need to conserve and enhance the heritage significance of the registered battlefield and listed and scheduled abbey complex. It would also be helpful to consider whether an objective should be identified to manage potential conflict between the promotion and enjoyment of the town's heritage as an asset attracting visitors and its continuing conservation and the character and amenity of the town as a whole - sorry this is a bit of a mouthful - It might be helpful to discuss with you and the steering group whether there are any perceived conflicts in the town in this area.

Please don't hesitate to contact me if you have any queries

Yours sincerely

Rob Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | South East England | Historic England
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Environment Agency

We have no comments to make at this stage from a planning point of view but are happy to respond at the scoping stage under our discretionary planning advice service.

Neighbourhood Planning –National Planning Practice Guidance

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

In the opinion of the Local Planning Authority, an SEA should be undertaken for the Battle Neighbourhood Plan (BNP). I have set out the reasoning below in relation to the criteria for determining the likely significance of effects, as contained in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004.

1. The BNP will allocate sites and form part of the 'development plan' and thereby exert a direct and substantial influence over development proposals coming forward in the period.
2. As regards the characteristics of the area covered by the BNP (as set out in Schedule 1(2) of the regulations), I note particularly that:
 - a) the area is wholly within the High Weald AONB, which enjoys the highest status of protection in relation to landscape and scenic beauty;
 - b) Battle is an historic town containing the Abbey and the 1066 Battlefield, a Conservation Area, and many listed buildings along with Ancient Monuments, Parks & Gardens of Special Historic Interest, Archaeological Notification Areas and Archaeologically Sensitive Areas located within the town and its environs;
 - c) Within the rural part of Battle parish there are different components of the AONB including Ancient Woodlands, SSSI's, Local Wildlife Sites (SNCI's) and certain BAP habitats, along with areas liable to flooding.

Also, to clarify the process in relation to the 'scoping' stage, RDC has already produced a 'Sustainability Appraisal Scoping Report' that is considered applicable to the SEA process of Neighbourhood Plans produced within the District. It can be found on our web-site here: <http://www.rother.gov.uk/index.cfm?articleid=5006>

Particular reference should be made to the 'Sustainability Appraisal Framework' (Task A4) which contains decision-aiding questions to help inform the SEA process. As the Scoping Report states, this framework *'is also considered relevant and applicable to Neighbourhood Plans produced within the District'*. The scope of information to be included in the environmental report should address the SEA objectives set out below. The level of detail should reflect the geographical extent of the NP as far as practicable, drawing on the Council's own Scoping Report referred to above and baseline information already provided and any available from other sources to meet regulatory requirements.

In relation to the SEA process for the Battle Neighbourhood Plan, it is considered that the following objectives from the Sustainability Appraisal Framework should be screened in for SEA purposes:

- 7: Improve accessibility to services and facilities for all ages across the District
- 9: Improve efficiency in land use and encourage the prudent use of natural resources
- 10: Reduce road congestion and pollution levels and ensure air quality continues to improve by increasing travel choice and reducing car usage
- 11: Reduce emissions of greenhouse gases
- 12: Minimise the risk of flooding and resulting detriment to people and property
- 13: Maintain, improve and manage water resources in a sustainable way
- 14: Conserve and enhance bio-diversity and geo-diversity
- 15: Protect and enhance the high quality natural and built environment

In addition, whilst these objectives are likely to be most relevant to this particular Neighbourhood Plan in terms of potential significant environmental effects, you may wish to also consider the other SA/SEA objectives in the Framework for the purposes of assessing the overall sustainability of proposed policies.

If there are any queries we would be happy to advise further and please accept our apologies in the delay in getting this response to you.

Yours sincerely,



Frank Rallings DipTP(Nottm) FRTPI
Neighbourhood Planning Liaison Consultant
Strategy & Planning Service
Rother District Council

