

Lewes Town Council

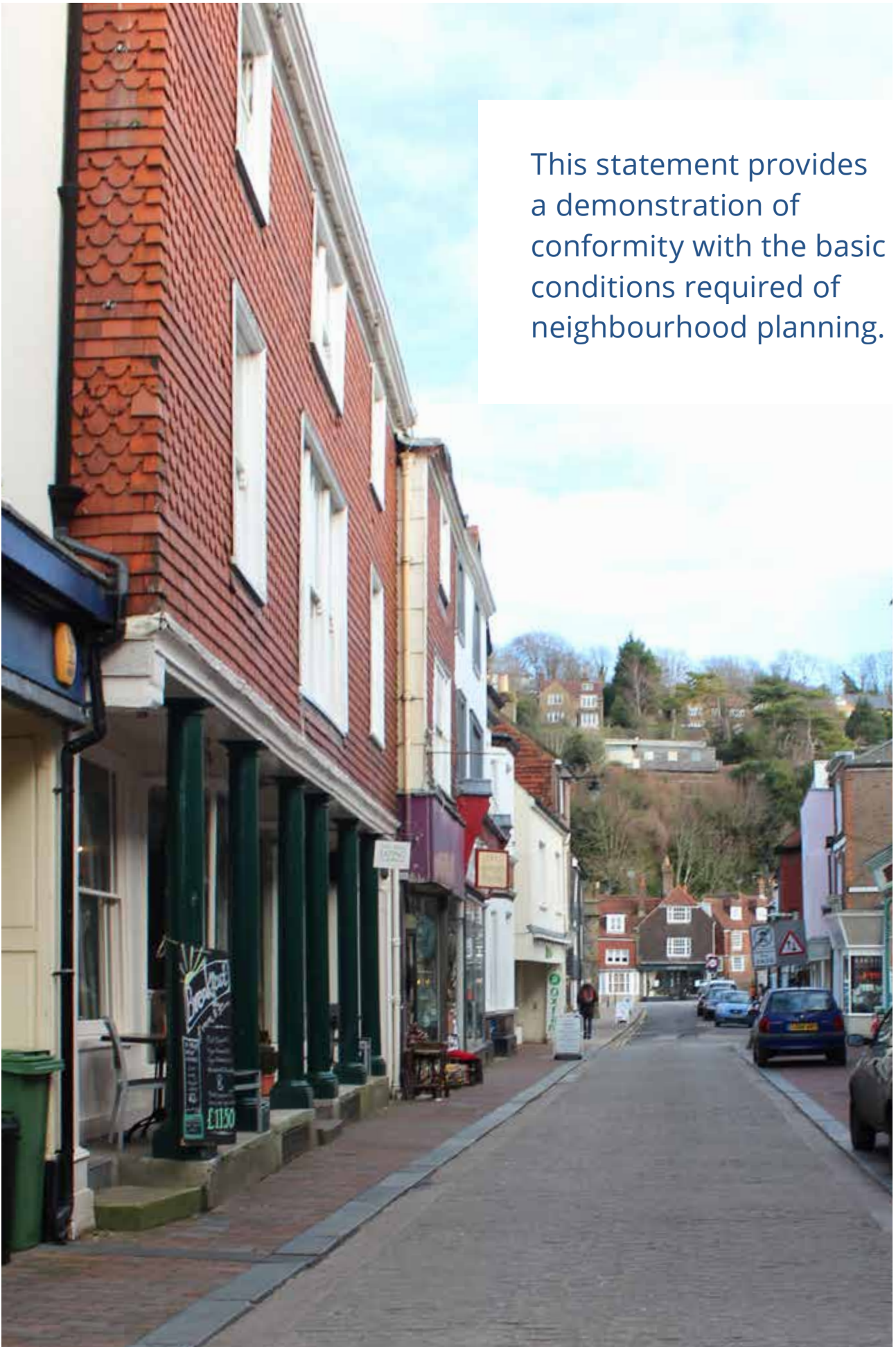
Neighbourhood Plan 2015 — 2033

Basic Conditions Statement
June 2018



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This statement provides a demonstration of conformity with the basic conditions required of neighbourhood planning.





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Please note copies of this report and other supporting material can be found at www.lewes4all.uk

Meeting the Basic Conditions

Lewes Town Council considers that its neighbourhood plan meet the basic conditions as required by the legislation. The neighbourhood plan is in accordance with the Neighbourhood Plans (General) Regulations 2012, the National Planning Policy Framework and with the policies of Lewes District Council and the South Downs National Park Authority.

The neighbourhood plan does not simply repeat the local or national planning policies. The Localism Act 2012 enables communities to create a plan that reflects the needs of the local population and future residents. A collaborative approach, led by Lewes Town Council and involving local residents and other interest groups, including developers and land owners, has created a plan that broadly reflects local aspirations.



The Four Basic Conditions

The four basic conditions that the statement addresses are that:

1. The Lewes Neighbourhood Plan conforms with the guidance for neighbourhood plans issued by the Secretary of State having regard to national strategy and policies contained in the National Planning Policy Framework (NPPF) and “English National Parks and the Broads: UK Government Vision” together with Circular 2010 on their statutory purpose, management and other matters
2. The policies contained in the plan will contribute to the achievement of sustainable development as defined in the NPPF.
3. The plan policies are in general conformity with the Lewes District Local Plan Part 1, Joint Core Strategy adopted by Lewes District Council and the South Downs National Park Authority in June 2016 and with the emerging South Downs National Park Local Plan, Preferred Options (September 2015) produced by the SDNPA. The plan policies are also in general conformity with the emerging East Sussex, South Downs and Brighton & Hove Minerals Sites Plan (WMSP) which is the subject of consultation and which will be considered for adoption in the coming months by the member authorities.
4. The making and content of the Lewes Neighbourhood Plan does not breach and is otherwise compatible with EU obligations.

Key Outcomes of the Neighbourhood Plan

The key outcomes of the Lewes Neighbourhood Plan that help it to meet the basic conditions are as follows:

- contains a mix of uses that meets the need of the local community
- has been developed through widespread local consultation
- has general support from the residents of Lewes town and wider area
- has general support of the various businesses that will be directly affected by the policies in the plan
- provides development opportunities that will add to the town without unnecessarily infringing upon protected countryside
- contains innovative and pioneering neighbourhood plan policies on natural capital, ecosystem services and biodiversity
- creates a welcoming environment for residents, tourists and business interests
- promotes sustainable development through a holistic approach to development across the town
- enhances pedestrian and cycle routes in the town and to the countryside beyond
- encourages a strong local economy through protection for retail and employment opportunities that will support the local jobs and reduce the need to travel
- reflects best practice in terms of quality urban design and sustainable planning principles.

Conformity with the National Planning Policy Framework (NPPF)

This neighbourhood plan is in conformity with the National Planning Policy Framework (NPPF) which has been taken into consideration at all stages of the plan's development.

Paragraphs 1 and 2 of the NPPF make clear that neighbourhood plans need to take the policies in the NPPF into account and that these policies are a material consideration in the determination of planning applications, alongside local documents such as the Local Plan and neighbourhood plans.

Paragraph 16 of the NPPF states that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and that neighbourhoods plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the local plan.

Lewes Town Council considers that this neighbourhood plan supports both of these objectives. The range of policies in this neighbourhood plan both addresses the strategic agenda of the South Downs National Park Authority and helps shape and support development in response to the local context.

Paragraph 23 of the NPPF states that neighbourhood plans policies should be positive, promote competitive town centre environments and set out policies for the management and growth of town centres over the plan period. This neighbourhood plan

contains heritage and community policies (code HC), protecting employment areas within the town centre, including retail uses.

Paragraph 58 of the NPPF requires neighbourhood plans to include policies that encourage good design in their areas and this is met through the various neighbourhood plan housing and design policies. See policy PL2 and supporting text.

Paragraphs 183 — 185 of the NPPF provide some general guidance on the production of neighbourhood plans in addition to the requirements of paragraph 16. In particular, paragraph 184 makes it clear that "...neighbourhood plans should not promote less development than is set out in the local plan or undermine its strategic policies".

This neighbourhood plan accepts the principle of the need for new development within the housing allocations as set out in the emerging SDNPA Local Plan and it is therefore considered to meet the objectives of paragraph 184 of the NPPF. It should also be noted that paragraph 185 of the NPPF states that once approved, the policies in the neighbourhood plan will take precedence over existing non-strategic policies in the local plan for that neighbourhood.

Presumption in Favour of Sustainable Development

The National Planning Policy Framework (NPPF, 2012) sets out a presumption in favour of sustainable development. According to the NPPF, sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations.

So, sustainable development is about high quality growth that improves the quality of life for those that it affects, helping contribute to economic, environmental and social well-being for current and future generations.

Responding to Local Context

The National Planning Practice Guidance (NPPG, 2014) provides further advice on how development should be sustainable and respond to climate change. Paragraph 10 of the NPPF requires that plans and decisions take account of local circumstances so that they can respond in a positive manner to the various opportunities to create sustainable development in different parts of the country. This is an acknowledgement that what constitutes sustainable development may well be different from place to place. The Lewes Neighbourhood Plan has used its location within the South Downs National Park to inform this aspect of the plan.

The Lewes Neighbourhood Plan contains two important policy themes that respond to local context. The first is an emphasis on ecosystem services and biodiversity, reflecting the town's position in the South Downs National Park and the concerns and desires expressed by the local community during the formulation of the plan. Policies LE1 and LE2 are a direct response to this issue. The second issue is the need for more affordable housing and the plan includes the concept of Lewes Low Cost Housing (LLCH) as a means to address this issue.

Further background on both these key issues can be found within the plan itself.

Practical and Deliverable

The NPPF refers variously to positively seeking development opportunities, providing a practical framework for planning decisions and taking a positive approach to sustainable new development. The NPPF requires that neighbourhood plans be practical and deliver the sustainable development that communities need. This emphasis on deliverability is important because it links plan-making to a realistic understanding of the development process.

Neighbourhood Interpretation of Policy

The NPPF states that neighbourhood planning provides a powerful set of tools for local people to ensure they receive the right types of development for their community. The proposed policies in the Lewes Neighbourhood Plan do not seek to replace policies within the existing and emerging local plans. Instead, the policies seek to implement the main aims and objectives of the local plans at a neighbourhood level to respond to the local context in order that development is delivered efficiently and to the benefit of local people. Neighbourhood development plan policies need to meet the basic conditions in the opinion of the examiner. They will be subject to a public referendum if they meet the basic conditions. Set out in the table (starting on page 15) is a summary of the most relevant paragraphs from the National Planning Policy Framework (NPPF) together with an explanation about how the Lewes Neighbourhood Plan conforms with these national planning policies.

Sustainability Matters

Paragraphs 7 and 14 of the NPPF identify the components of sustainable development, and how planning applications and local plans can meet these requirements. It is considered that the Lewes Neighbourhood Plan fills an economic, social and environmental role in planning positively to shape the future development and needs of the town. This neighbourhood plan has been produced with the requirements of paragraph 14 of the NPPF in mind.

The policies in the Lewes Neighbourhood Plan have been produced in general conformity with the strategic policies of the South Downs National Park Authority. These policies have been subject to a Sustainability Appraisal (SA) in line with the relevant European directives. The policies in the neighbourhood plan therefore supplement and help to implement these strategic policies. They are therefore considered sustainable in line with these regulations.

This neighbourhood plan is a sustainable plan that incorporates key services and new facilities together with a range of access and movement options that help reduce the need to travel. Lewes Neighbourhood Plan LE1, LE2, HC1, HC2, HC3(a), HC3(b), HC4, AM1, AM2, AM3 and AM4 are all key policies that will help deliver sustainable development.

As part of the preparation of the neighbourhood plan, Lewis Town Council has organised collaborative design and planning workshops to determine the most appropriate locations for new development that can contribute to the overall sustainability of the town while minimising any negative impact upon attractive areas of countryside.

Strategic Environmental Assessment (SEA) and Compatibility with EU Legislation

The SDNPA carried out a Strategic Environmental Assessment (SEA) screening exercise in 2016 in consultation with relevant statutory bodies and confirmed that the Lewes Neighbourhood Plan required a Sustainability Appraisal (SA) in the form of an SEA under European Directive 2001/42/EC.

A Habitats Regulations Assessment (HRA) screening exercise under the European Directives 92/43/EEC and 2009/147/EC confirmed that an Appropriate Assessment of the neighbourhood plan was not required. The results of the screening exercise are available to view on the SDNPA's website.

The SA was undertaken on the Lewes Neighbourhood Plan as required by the Environmental Assessment of Plans and Programmes Regulations, 2004 (the SEA Regulations). Neighbourhood groups use SA to evaluate neighbourhood plans against a set of objectives developed in consultation with interested parties.

The purpose of the assessment is to avoid adverse environmental, social and economic effects, as well as identifying opportunities to improve the environmental quality of Lewes and the quality of life of residents through the neighbourhood plan.

The Sustainability Appraisal (SA) of the Lewes Neighbourhood Plan, with separate annexe documents, was prepared in May 2017. All the reports concerned with the SEA can be found online on the Lewes Neighbourhood Plan website and on the SDNPA² website.

In conclusion, the Lewes Neighbourhood Plan has been prepared with regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The neighbourhood plan is therefore compatible with EU legislation.

Best Practice in Urban Design

To ensure that the design and layouts of new development are appropriate to the town, the plan encourages high quality design and sustainable planning based on an assessment of the positive qualities of the existing Lewes context. This plan seeks to integrate new development with the necessary social and physical infrastructure.

Paragraphs 47 — 55 in the NPPF expect the delivery of high quality homes to match appropriate housing needs through sensitively designed new places. This plan indicates appropriate housing sites in the context of the wider town.

In terms of design, a positive relationship between existing built areas and the new will be critical to the successful assimilation of new development. Formulation of the plan has been based on striking the right balance between the need for more housing and the protection of the countryside environment.

Paragraph 58 of the NPPF states that new developments “... will function well and add to the overall quality of the area, not just for the short term”. The town council considers this submission plan to be a long-term strategy that will enhance the town through high quality architectural form and layout.

Supporting New Development

This plan supports new development in a sustainable way. Planning policies have been formulated in such a way as to create a compact and balanced settlement that enhances connections across the town. This will help create a sustainable settlement that will connect residential neighbourhoods with services through the increased use of non-car modes of travel. This is a direct response to paragraph 47 of the NPPF on delivering high quality homes; this plan allocates land for housing in locations suitable for the long term success of the town.

1 <http://www.lewes4all.uk/>

2 <https://www.southdowns.gov.uk/>

Effective Local Consultation

As set out in Section 14 (a) of the 2012 Neighbourhood Planning (General) Regulations, consultation on the plan and the plan-making process must be brought to the attention of the people who live or work in the town. Lewes Town Council has ensured that this is a plan that reflects local opinions and local needs. To ensure that public engagement and consultation were effective, input from the community has been sought at every stage and has been invaluable to the production of the plan. Throughout the process, members of the community have been able to shape discussions and form dialogues with fellow residents, with land owners and with other interest groups. The result has been that different groups have been able to find shared outcomes.

There has been a series of consultation and engagement events that have directly influenced the drafting of the plan. All consultation material relating to these events (e.g. slide-shows, reports and posters) have been published online during the plan preparation. Please see the accompanying Consultation Statement for full details on the consultation process undertaken as part of the preparation of this neighbourhood plan.

Broad Local Support

From the outset, Lewes Town Council has tried to ensure that a broad cross-section of the local community has been involved in the plan-making process.

The consultation and engagement process has been open and transparent and interest groups such as land owners, local developers and school representatives have all been included in the process. All these groups are considered appropriate consultation bodies to include, as defined in the neighbourhood planning (General) Regulations Schedule 1.

This approach towards finding shared solutions to resolve issues across the town has the support from the various interest groups. It is hoped that this support for the process will also translate into support for the submission plan and at referendum.

Establishing a Shared Vision

The results of the local consultation and the parallel work to ensure the plan meets the basic conditions have been combined to establish a shared vision, bringing the plan in line with paragraph 183 of the NPPF. This vision is expressed in the form of a clear vision statement and plan objectives. These points have structured the neighbourhood plan and informed the development of the individual policies.

Meeting the Needs of the Local Community

Lewes Town Council believes that this neighbourhood plan supports the needs of the wider community by addressing the social, economic and environmental aspects of life in the town. This has been expressed through the identification of retail operations for protection and enhancement, together with a sustainable access and movement network across the town. The specific policy themes within the plan will benefit all elements of the community.

Conformity with Strategic Local Planning Policies

The submission version of the neighbourhood development plan must be in general conformity with the strategic policies contained in the development plan for the area of the relevant authority. For the Lewes Neighbourhood Plan, the relevant authority is the South Downs National Park Authority. The development plan currently comprises:

- The saved policies of the Lewes District Local Plan, adopted 2003
- The Lewes District Local Plan Part 1, Joint Core Strategy, 2010 — 2030, adopted in 2016
- The emerging SDNPA Local Plan, 2014 — 2033, not yet adopted.

Local Planning Context

The neighbourhood area lies wholly within the South Downs National Park in the district of Lewes and county of East Sussex. The Local Planning Authority is the South Downs National Park Authority (SDNPA).

Lewes District Local Plan Part 1, Joint Core Strategy, 2010 — 2030

The local planning and policy framework for Lewes is primarily the Lewes Joint Core Strategy (JCS), which sets out the strategic policy context for the District of Lewes until 2030. It was adopted by Lewes District Council on 11th May 2016 and the SDNPA on the 23rd June 2016. It therefore forms the local planning policy with which the Lewes Neighbourhood Plan must be in general conformity.

While the previous 2003 Lewes District Local Plan has been superseded by the Joint Core Strategy, some of the “saved” policies of the 2003 Lewes District Local Plan have been retained through the JCS, and so are still also part of the development plan.

Legal Challenge & High Court Quashing

A legal challenge was made by Wealden District Council to the Lewes JCS, which resulted in the quashing by the High Court on 20th March 2017 of policies SP1 and SP2 of the JCS, insofar as they apply to the administrative area of the South Downs National Park. Policy SP1 sets the overall development requirements for the District and SP2 sets the housing requirement for the town of Lewes.

The judicial review centred on the methodology for the Habitat Regulations Assessment (HRA) in regard to measuring traffic movements through Ashdown Forest, which is a Special Area of Conservation (SAC). Therefore SP1 and SP2 of the Joint Core Strategy do not apply in the South Downs National Park.

Lewes District Local Plan, 2003

Lewes District Council undertook a review of its 2003 local plan “saved” policies to determine their consistency with the NPPF. Following the adoption of the Joint Core Strategy (JCS) a number of the “saved” policies have been retained via the JCS. The retained policies within the JCS relevant to the Lewes Neighbourhood Plan are shown in the table, starting on page 15.

The emerging South Downs National Park Local Plan 2014 — 2033

The SDNPA is currently preparing a new local plan for the entire South Downs National Park, which will replace the JCS in areas within the National Park when it is adopted. The SDNPA Local Plan has taken forward the housing provision set out in the SP1 and SP2 of the JCS for those areas within the town of Lewes. The SDNPA Local Plan was submitted to the Secretary of State for Examination in April 2018. As the South Downs Local Plan has reached a fairly advanced stage, the Lewes Neighbourhood Plan has sought to be in general conformity with the strategic policies of this plan too.

The East Sussex, South Downs and Brighton & Hove Minerals Sites Plan (WMSP) also forms part of the Development Plan for the town of Lewes. The main strategic policies that relevant to the Lewes Neighbourhood Plan are shown in the table, starting on page 15.

Conclusions

It is the considered view of Lewes Town Council, the qualifying body responsible for the preparation of the neighbourhood plan, that the Lewes Neighbourhood Plan is in general conformity with both the NPPF and the strategic policies.

Table Demonstrating Conformity with Local Plan Policies

Relevant Local Plan Policy	Lewes Neighbourhood Plan Policy
Lewes District Local Plan Part I, Joint Core Strategy 2010 – 2030	Lewes Neighbourhood Plan 2018
Core Policy 1 (Affordable Housing)	Policy PL1
Core Policy 2 (Housing Type, Mix and Density)	Policy PL2
Core Policy 4 (Economic Development & Regeneration)	Policy HC4
Core Policy 5 (The Visitor Economy)	Policy HC5
Core Policy 6 (Retail and Town Centres)	Policy HC4, Policy HC1, Policy HC2
Core Policy 7 (Infrastructure)	Policy PL1, Policy PL3, Policy HC1, Policy HC2
Core Policy 8 (Green Infrastructure)	Policy LE1, Policy LE2
Core Policy 9 (Air Quality)	Policy LE1, Policy LE2, Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
Core Policy 10 (Natural Environment and Landscape)	Policy LE1, Policy LE2
Core Policy 11 (Built and Historic Environment & Design)	Policy HC3(a), Policy HC3(b)
Core Policy 12 (Flood Risk, Coastal Erosion & Drainage)	Policy PL3
Core Policy 13 (Sustainable Travel)	Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
Core Policy 14 (Renewable and Low Carbon Energy)	Policy PL4

Relevant Local Plan Policy	Lewes Neighbourhood Plan Policy
Lewes District Local Plan 2003	Lewes Neighbourhood Plan 2018
ST1 Environmental Principles	Policy LE1, Policy LE2, Policy PL3, Policy PL4, Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
ST2 General Infrastructure	Policy PL1
ST3 Design, Form	Policy PL2
ST4 Setting of Development	Policy PL2, Policy HC3(a), Policy HC3(b)
ST6 Proposals for new buildings (or for the alteration or change of use of existing buildings)	Policy PL2
ST11 Landscaping of Development	Policy PL2
ST14 Water Supply	Policy LE1, Policy LE2
ST30 Protection of Air and Land Quality	Policy LE1, Policy LE2
The policies listed below are non-strategic but are relevant to the Lewes NDP	
E1 Planning for Employment	Policy HC4
E3 Town Centres	Policy HC3(a), Policy HC3(b)
E8 Neighbourhood Shops/Public Houses	Policy HC4
E10 Tourism General Strategy	Policy HC5
CT1: Planning Boundary and Key Countryside Policy	—
H2 Listed Buildings	Policy HC3(a), Policy HC3(b)
H4 Conservation Areas, Designation, Review and Enhancement	Policy HC3(a), Policy HC3(b)
H5 Development within or affecting Conservation Areas	Policy HC3(a), Policy HC3(b)
RE1 Provision of Sport, Recreation and Play	Policy SS3
RE2 Existing Recreational Open Space	Policy SS3
RE9 Allotments	Policy SS3

Relevant Local Plan Policy	Lewes Neighbourhood Plan Policy
RE10 Community Infrastructure	Policy SS3, Projects List
T1 Public Transport, Travel Demand Management	Policy AM2
T2 Buses	Policy AM2
T3 Rail	Policy AM2
T4 Cycle Routes	Policy AM1
T8 Pedestrian Routes and Traffic Calming	Policy AM1, Policy SS1, Policy SS2
T13 Vehicle Parking	Policy AM4
LW8 The Historic Environment, The Townscape	Policy PL2, Policy HC3(a), Policy HC3(b)
LW10 Access to the River Ouse	Policy SS4
LW11 The Green Core	Policy SS3
LW12 Bus Station	Policy AM2
Emerging South Downs Local Plan 2014 — 2033	Lewes Neighbourhood Plan 2018
Core Policy SD1: Sustainable Development	Policy LE1, Policy LE2, Policy PL3, Policy PL4, Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
Core Policy SD2: Ecosystems Services	Policy LE1
Core Policy SD3: Major Development	Policy PL1,
Strategic Policy SD4: Landscape Character	Policy LE1, Policy LE2
Strategic Policy SD5: Design	Policy PL2
Strategic Policy SD6: Safeguarding Views	Policy HC3(a), Policy SS3, Policy SS4
Strategic Policy SD8: Dark Night Skies	Policy PL2
Strategic Policy SD9: Biodiversity and Geodiversity	Policy LE2
Strategic Policy SD10: International Sites	Policy LE2
Strategic Policy SD12: Historic Environment	Policy HC3(a), Policy HC3(b)

Relevant Local Plan Policy	Lewes Neighbourhood Plan Policy
Strategic Policy SD17: Protection of the Water Environment	Policy LE1, Policy LE2, Policy PL3
Strategic Policy SD19: Transport and Accessibility	Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
Strategic Policy SD20: Walking, Cycling and Equestrian Routes	Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
Strategic Policy SD23: Sustainable Tourism	Policy HC5
Strategic Policy SD25: Development Strategy	Policy PL1
Strategic Policy SD26: Supply of Homes	Policy PL1
Strategic Policy SD27: Mix of Homes	Policy PL1, Policy PL2
Strategic Policy SD28: Affordable Homes	Policy PL1
Strategic Policy SD34: Sustaining the Local Economy	Policy HC4
Strategic Policy SD36: Town and Village Centres	Policy HC3(a), Policy HC3(b)
Strategic Policy SD42: Infrastructure	Policy PL3, Projects List
Strategic Policy SD45: Green Infrastructure	Policy SS3
Strategic Policy SD49: Flood Risk Management	Policy PL3
Strategic Policy SD48: Climate Change and Sustainable Use of Resources	Policy LE1, Policy LE2, Policy PL3, Policy PL4
The development management policies listed below are non-strategic but are relevant to the Lewes NDP	
Development Management Policy SD13: Listed Buildings	Policy HC3(a), Policy HC3(b)
Development Management Policy SD14: Climate Change Mitigation and Adaptation of Historic Buildings	Policy LE1, Policy LE2, Policy HC3(a), Policy HC3(b), Policy PL3, Policy PL4
Development Management Policy SD15: Conservation Areas	Policy HC3(a), Policy HC3(b)

Relevant Local Plan Policy	Lewes Neighbourhood Plan Policy
Development Management Policy SD16: Archaeology	Policy HC3(a), Policy HC3(b)
Development Management Policy SD21: Public Realm, Highway Design and Public Art	Policy SS1, Policy SS2
Development Management Policy SD22: Parking Provision	Policy AM3
Development Management Policy SD37: Development in Town and Village	Policy HC3(a), Policy HC3(b), Policy PL2
Development Management Policy SD43: New and Existing Community Facilities Centres	Policy HC1, Policy HC2
Development Management Policy SD46: Provision and Protection of Open Space, Sport and Recreational Facilities and Burial grounds / Cemeteries	Policy SS2, Policy SS3
Development Management Policy SD47: Local Green Spaces	Policy SS3
Development Management Policy SD50: Sustainable Drainage Systems	Policy PL2, Policy PL3, Policy SS1, Policy SS2
Development Management Policy SD51: Renewable Energy	Policy PL4
Development Management Policy SD52: Shop Fronts	Policy HC3(a), Policy HC3(b)
Development Management Policy SD54: Pollution and Air Quality	Policy LE1, Policy LE2, Policy AM1, Policy AM2, Policy AM3, Policy SS1, Policy SS2
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