

RYE NEIGHBOURHOOD PLAN

Basic Conditions Statement

Plan Timeline: 2016 – 2028

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Introduction

1.1 The basic conditions statement explains how the Rye Neighbourhood Plan (RNP) complies with paragraph 8 schedule 4b of the Town & Country Planning Act 1990 as inserted by the Localism Act 2011. It is submitted by Rye Town Council as the qualifying body for the RNP area; comprising the Parish of Rye as below.

The Legal Requirements

2.1 **The Qualifying Planning Body.** RNP is being made by the qualifying body Rye Town (Parish) Council, who have been fully involved with the process since early 2013. 2.3 Rye Town Council formally convened a Neighbourhood Plan Steering Group (Rye NPSG) comprising volunteer citizens and Councillors. The Mayor (four since the start of the work) heads the process.

2.2 **The designation of the Neighbourhood Planning Area.** The Plan applies to the **Rye Civil Parish**, which was designated, after consultation, by Rother District Council by resolution CB13/50 on 4 November 2013. The area, being that within the [Rye Parish boundary](#).

2.3 **The Plan Submission does not relate to more than one neighbourhood area.** There are no other Neighbourhood Development Plans in place within the neighbourhood area, nor in adjacent Parishes. Rother District Council in its approval to plan, required Rye to closely cooperate with adjacent parishes and set a protocol for this purpose. In addition it asked Rye Town Council to consider targets for development to include Rye Harbour which is a ward of Icklesham Parish Council. The RNP addresses this in outline in the text but does not set policies for Rye Harbour. Rother District Council approved the making of a plan at their *Rother District Council Cabinet 4 November 2013*:

“Rother District Cabinet received and considered the report of the Executive Director of Business Operations on the *Neighbourhood Plan for Rye Civil Parish Area*. Under the Government’s *Neighbourhood Planning initiative* a Parish or Town Council was required to apply to their local planning authority for a designation in order to carry out a *Neighbourhood Development Plan (NDP)* and as such an application had been received from Rye Town Council (RTC), as a relevant body for designation. A meeting with the Rother District Council (RDC) Portfolio Holder for Strategic Planning, RDC officers, RTC and representatives from adjacent parishes was held to discuss the production of a NDP and it was agreed that the Neighbourhood Area would be based solely on Rye’s Civil Parish area. However, in order to ensure a consensus on wider issues such as employment and tourism, which were strategically important to the locality and extended beyond the scope of Rye Civil Parish, protocols would be included to ensure coordination between Rye Civil Parish and the different stakeholders from adjacent parishes. Following a discussion around the scope of the NDP and respective responsibilities, it was highlighted that the NDP would be required to conform to the Local Plan Core Strategy. It was noted that a 7 week consultation had taken place on the proposed Neighbourhood Area between 9 August and 27 September; there had been 8 representations, of which 7 were in support and one in objection. RDC had a duty to provide advice and support to the neighbourhood planning process and officers had already met with representatives of the RTC to discuss the preliminary stages. Planning officers would continue to liaise with RTC over the development of relevant policies, and proposals in the Neighbourhood Plan and the Council’s Development and Site Allocations Plan. Expectations in relation to available officer time would need to be managed going forward in light of resources constraints. Any grant received from the government to support the cost of neighbourhood planning had already been accounted for. In addition, Members noted that it was important to recognise that it was not appropriate to delegate major strategic development as part of the Neighbourhood Planning process as consideration in regard to the whole district and surrounding areas was essential.

RESOLVED: That the designation of Rye Civil Parish as a Neighbourhood Area for the purpose of Neighbourhood Planning be confirmed.”

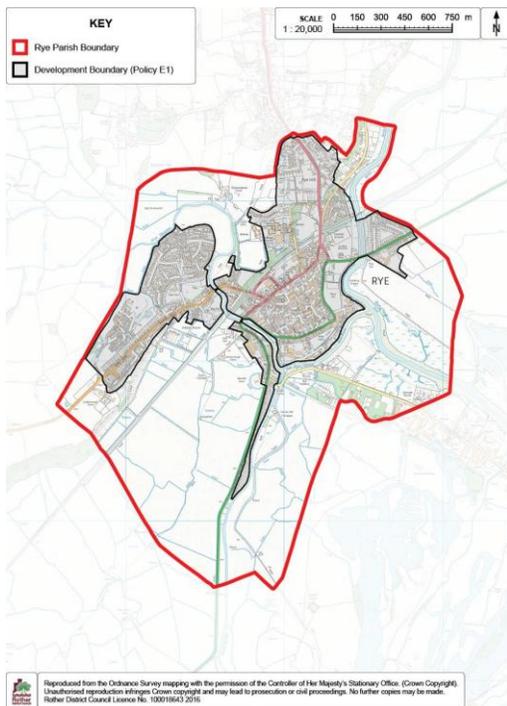


Figure 1: Rye Parish

2.4 RNP Development Policies. The Rye Plan Proposal relates to the future use and development of land and related matters. It has been prepared in accordance with the statutory requirements and processes set out on the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and takes full account of the Neighbourhood Planning Regulations 2018 (but drawing on the 2012 edition as allowed by the regulations).

2.5 The Plan Period: RNP will cover the period 2016 to 2028 to mirror the Rother District (Local Planning Authority) Council Core Strategy (2011 to 2028) time period for which it will be in force.

2.6 County Matters. The Plan Submission 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.

2.7 The Neighbourhood Planning Regulations 2012 part 5 15 (The process was started in 2013) sets out the requirements for the qualifying body submitting a neighbourhood plan to the Local Planning Authority. It must include:

- a. a map or statement which identifies the area to which the proposed neighbourhood development plan relates;
- b. a consultation statement;
- c. the proposed neighbourhood (development) plan;
- d. a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

The Basic Conditions

3.1 Does the RNP have regard to national policies and advice contained in guidance issued by the Secretary of State? Rye Town Council considers that the RNP complies with the National Planning Policy Framework (NPPF) including, importantly, its contribution to sustainable development; Early work was in accordance with NPPF 2012; from 2018 the Plan has conformed to NPPF 2018¹; However the Neighbourhood Planners have taken note of NPPF 2018 Para 214:

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740441/National_Planning_Policy_Framework_w eb_accessible_version.pdf

“The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted⁶⁹ on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

3.2 The NPPF 2018 is presented in 17 Sections, each considered below.

3.3 NPPF 1 - Planning law requires that applications for planning permission be determined in accordance with the development plan (includes any Neighbourhood Plan such as the Rye Neighbourhood Plan (RNP)), unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

3.4 NPPF 2: NPPF 2018 carries the concept from NPPF 2012 that presumes in favour of sustainable development, defined as “meeting the needs of the present without compromising the ability of future generations to meet their own needs”. Communities engaged in Neighbourhood Planning are expected to develop plans that support the strategic development needs set out in Local Plans and plan positively to shape and direct sustainable development in their area. The RNP Strategic Environmental Assessment (SEA) (Support Document 4) supports the concept that the making of the RNP contributes to sustainable development. NPPF sees the achievement of sustainable development requiring three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are considered below.

NPPF Sustainability Objectives	Means	RNP
1.Economic	To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types 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	Policies to enhance enterprise and employment (B1 – 3) Policies to improve communications (B1) Policies to improve infrastructure (I1)

	infrastructure.	
2. Social	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 well-being.	<p>Policy for dispersed housing developments integrating socially into the Town; designed to maintain a demographic balance, close to essential health, education and cultural facilities (H1 – H8).</p> <p>Enhanced infrastructure to support community well-being (I1, CA8, CA18, CA19 and CA20)</p>
3. Environmental	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.	<p>Policies to protect the local environment and green space while encouraging growth and amenity improvement (E1 – E4)</p> <p>High priority to regeneration of brown field land (H1 - H8 and B3) and priority to previously developed sites in the site assessment</p> <p>Seeks reduced pollution and inconvenience caused by road congestion by incorporating a raft of traffic related measures (T1, CA5, CA6, CA8, CA10, CA14, CA18)</p> <p>Policies (I1) to protect and improve the local amenities</p> <p>Design policies (D1 and</p>

		E3) to protect the nature of Rye
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3.5 NPPF states that the Planning System should be plan-led (NPPF 3) and that planning decisions should be creative and positive (NPPF 4). The RNP responds to this as below.

Activity	NPPF	RNP
3 - Plan Making	<p>To be positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that the needs of neighbouring areas are accommodated where it is practical to do so and is consistent with achieving sustainable development;</p> <p>Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;)</p> <p>Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground;</p> <p>Consistent with national policy enabling the delivery of sustainable development in accordance with the policies in this Framework.</p>	<p>Takes a positive view of development across Rye in a comprehensive, strategic and inclusive way, with community consensus and without objection from adjacent Parishes</p> <p>In considering all the alternatives, takes full account of the serious constraints of developing within Rye Parish – flood risk and ecological constraints - acknowledged by Rother DC,</p> <p>Given the geographic constraints – mitigation of flood risk; site clearance; access requirements - affecting the mainly brownfield sites selected for development the plan is considered deliverable over the period.</p> <p>Plan is considered to conform and comply with all known requirements</p>

4- Decision Making	<p>To take the maximum opportunity of pre application meetings</p> <p>Seek information and intentions</p> <p>Indicate development contributions</p> <p>Highlight issues which require enforcement</p>	<p>Detailed record of liaison, conversations and meetings with owners and developers to place all development in the context of the RNP</p> <p>All work has been in close contact with Rother DC officers, who have advised on a continual basis</p> <p>Work has highlighted enforcement issues which have been tackled during the process</p>

3.6 This table indicates how the RNP complies with key policy areas of the NPPF. From this comparison it is concluded that there is no conflict.

NPPF Policy	NPPF Summary	RNP Policy conforms by:
NPPF 5	Delivering a wide choice of high quality homes.	<p>Allocating sites for 160 new homes (H1 – H8); providing headroom above May 2017 requirement for up to 112 homes.</p> <p>Plan includes a mix of property types, tenure mix, with 30% of new development of 10+ being affordable (H2)</p> <p>Housing requirement is based on a local analysis of demographic and market trends (H2 and HNA in Support Document 1)</p>
NPPF 6	Building a strong, competitive economy	<p>Providing affordable social and open-market housing for lower-paid and essential workers (H1 and H2)</p> <p>Seeking to improve the infrastructure, and facilitate home</p>

		working, through improved broadband services (B1-B3 and I1)
NPPF 7	Ensuring the vitality of town centres	<p>Allocating residential sites within 500m of the Town Centre (H3 – H8)</p> <p>Seeking to protect community assets, particularly in the populated west of Rye. (I1 and CA18)</p> <p>Encouraging the provision of sports facilities for the schools and wider community (I1 and CA18) encouraging the provision of additional community facilities (I1)</p>
NPPF 8	Promoting healthy communities	<p>Requiring developers to incorporate Secure by Design principles (D1)</p> <p>Requiring consideration of access to community facilities and transport, especially through use of Building for Life (D1)</p> <p>Requiring all new developments to have safe pedestrian access to existing or proposed footpaths providing easy access to village facilities (T1)</p> <p>Supporting proposals for additional community facilities (I1)</p> <p>Encouraging the maximization of facilities for the schools and wider community (CA 19 and CA20)</p> <p>Seeking developer contributions to improve community facilities</p>
NPPF 9	Promoting sustainable transport	<p>Promoting a balanced approach to an improved transport infrastructure by:</p> <p>-controlling development that would add to existing problems of traffic</p>

		<p>congestion (H1 – H12)</p> <p>-locating sites close to essential village facilities to encourage walking and cycling (H1-H12)</p> <p>-parking for community facilities (D1)</p> <p>-improving road safety(AT4) and pedestrian facilities (T1-T2)</p> <p>Promoting the use of the Building for Life standard, which seeks to integrate transport infrastructure into well-designed and sustainable places (D3) and requiring that developers provide access to local facilities and public transport links via convenient, direct paths suitable for those pushing a pushchair, in a wheelchair, walking with a stick or walking frame or using a mobility scooter.</p>
NPPF 10	Supporting high quality communications infrastructure	Seeking to improve the communication network, including high speed broadband (B1), to support both home working and local businesses.
NPPF 11	Effective use of Land	<p>Allocating sites for new housing and mixed use development (H1 – H8) and employment development in B1 to B3</p> <p>Seeking to improve parking, provide bus facilities and reduce congestion (T1, CA5, CA6, CA7, CA8, CA9, CA10, CA11, CA12, CA13, CA14, CA15) to make travel easier and improve the access to employment opportunities, including those relying on public transport.</p>
NPPF 12	Requiring good design.	Policy to encourage good design

		<p>(D1).</p> <p>Adopting the guidance produced by the Building for Life Partnership which deals with design, sustainability and community considerations and includes consideration of connections with surroundings, access to facilities and services, public transport, meeting housing need, distinctive character, responding to context, creating well defined streets and spaces, integrating streets and parking into development, and external storage. (D1)</p> <p>Ensuring that new development incorporate Secure by Design principles (D1)</p> <p>Ensuring that at least 10% of new houses meet Lifetime Homes standards (D1).</p>
NPPF 13	Protecting Green Belt land	The RNP area does not include any designated green belt.
NPPF 14	Meeting the challenge of climate change, flooding and coastal change	<p>With Rye is at the confluence of three rivers (Brede, Tillingham and Rother); the last being tidal and connecting to the sea at Rye Harbour and with around 50% of homes at risk of consequence of flooding, and with numerous water courses and sewers and much of the lower Town in zone 2 or 3 flood risk areas, the RNP supports this policy by:</p> <p>Requiring all development to meet national and local flood risk mitigation policies (F1).</p>
NPPF 15	Conserving and enhancing the	Requiring the impact of

	natural environment	development on landscape, including trees and hedgerows, to be considered (E2). Seeking to minimize light pollution (E4) Giving high priority to potential development sites (H2-H8) that reduce the need to use cars; are previously developed; and have a low impact on a sensitive landscape
NPPF 16	Conserving and enhancing the historic environment	Surrounded by statutorily protected natural landscape and including significant built heritage in Rye and numerous recorded archaeological monuments in the parish, the RNP seeks to protect all designated historic assets in the parish, any monuments, and areas that may be scheduled (E3).
NPPF 17	Facilitating the sustainable use of minerals	Mineral extraction is excluded development in terms of neighbourhood plans and is therefore not dealt with. There are no known mineral safeguarding areas in the parish.

3.7 Is the ‘making’ of the RNP is in general conformity with the Rother District strategic policies for the area? The RNP supports the delivery of strategic policies contained in the Rother District Core Strategy (Part 1) and the Development and Site Allocation (DaSA) (Part 2). The RNP seeks to influence future development in Rye within the framework set by Rother strategic policy.

3.8 It is noted that in situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan becomes part of the development plan two years or less before the date on which the decision is made;
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;

- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and d) the local planning authority’s housing delivery was at least 45% of that required over the previous three years.

3.9 The Rother DC Core Strategy sets the strategic objective for Rye of:

“To improve the economic and social well-being of Rye, including in relation to its market town role, tourism and the Port of Rye, whilst fully respecting and sensitively managing its historic character, vulnerability to flooding and ecologically important setting”.

3.10 This strategic objective chimes with that of the RNP and therefore it is concluded that it conforms. The Rother Core Strategy states that:

“Due to its topographical and landscape context and statutory designations, Rye is heavily constrained and further opportunity for development on the periphery of the town is confined. The strategy for Rye and Rye Harbour is the development of key development sites and infill within the built up urban area. Given the environmental constraints surrounding Rye, the uncertainty surrounding the deliverability of existing allocations and limited further opportunities within the existing built-up area, as identified in the Strategic Housing Land Availability Assessment (SHLAA) 2013, it would be appropriate to adopt a range of housing growth to allow for some flexibility. An appropriate range for housing growth in Rye and Rye Harbour will be 355-400 dwellings up to 2028 including existing allocations. When commitments are deducted the range is 67 to 112 (agreed with Rother Dc Planning Officers May 2017). This range allows for scope to further redevelop existing commercial sites for mixed use, subject to detailed assessment. The process of identifying key sites suitable for development will be undertaken in the Rye Neighbourhood Plan.”

3.11 The Rother Core Strategy is arranged in Parts and Chapters. Part III covers spatial strategies. The RNP complies with these as below.

Rother Policies	Summary of Policy	RNP reflection
Chapter 2		
PC1	Presumption in favour of sustainable development	As for Para 4.4
Chapter 7		
Policy OSS1	Provide for some development in Rye that helps maintain their small market town roles and is consistent with their	H1- H8 To identify land for up to160 dwellings , providing

	<p>respective environmental constraints and settings; Rye 355-400 dwellings At least 10,000-20,000 sq.m.</p> <p>i) Build more sustainable communities, with balance between homes and jobs;</p> <p>ii) Maintain the character of settlement and its setting</p> <p>iv) Support ‘market town’ role and environmental setting of Rye;</p> <p>v) Promote vital, mixed community adjacent to the AONB</p>	<p>headroom above the 67 to 122 figure set by Rother, in case of poor deliverability. The 67-122 target takes account of existing commitments against the Core Strategy figure.</p> <p>D1 To ensure high quality design to enhance the character of Rye</p> <p>B1 – B3: Employment development</p> <p>E1 Gaps and boundaries</p>
<p>Policy OSS2</p>	<p>Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not</p>	<p>E1: RNP makes two minor changes to enable development within the plan: Freda Gardham and Gibbet Marsh</p>
<p>Policy OSS3</p>	<p>In assessing the suitability of a particular location for development, when both allocating land for development and determining planning applications, sites and/or proposals should accord with the relevant policies of this Core Strategy</p> <p>(i) Spatial strategy for area</p> <p>(ii) Demand for infrastructure and services</p> <p>iii) Need for affordable housing;</p> <p>(iv) Approved Local Action Plans;</p> <p>(v) The low carbon and renewable energy potentials of the site;</p>	<p>RNP Support 2: Supported by a detailed site assessment of all available sites, resulting in the identification of those sites considered both achievable and viable</p>

	<p>(vi) Character of the landscape;</p> <p>(vii) Making effective use of land</p> <p>(viii) Constraints relating to land stability, contamination, air quality, agricultural land quality and coastal erosion</p> <p>(ix) The deliverability and viability of development</p> <p>(x) Access to employment opportunities.</p>	
Policy OSS4	<p>General Development Considerations</p> <p>(i) Meets the needs of future occupiers: amenities and access</p> <p>(ii) No harm to amenities of adjoining properties;</p> <p>(iii) Respects character and appearance of the locality;</p> <p>(iv) Compatible with both the existing and planned use of adjacent land</p> <p>(v) Appropriate density</p>	RNP Support 2

3.12 The table below shows how the RNP relates to Rother DC Core Strategy policies for Rye. A comparison indicates that there is no conflict.

Rother Core Strategy Chapter 10	RNP Objectives and policies
Policy Framework RY1 for Rye and Rye Harbour	
1.Promote efficiencies and improvements to the strategic transport network to improve connectivity between Rye and other major urban centres;	T1 and CA15

<p>2.Support traffic management on the local road network, promote sustainable alternatives to the car and implement the objectives stated in Local Transport Plan 3 and the Rye Local Area Transport Strategy;</p>	<p>T1- T2</p>
<p>3.Preserve and enhance the character and historic environment of the Citadel and wider Conservation Area and the distinctive landscape setting of the Town</p>	<p>D1- and E3</p>
<p>4.Retain the Centre of Rye as the main focus for retail and services for the Town. Increase the choice of convenience shopping by facilitating an increase of 1650 sq ft of floorspace in of adjacent to the Town Centre</p>	<p>B1- B3</p>
<p>5.Provide between 355 – 400 dwellings between 2011 and 2028. After deductions of commitments and Rye Harbour (40) the target is 160 to 2028.</p>	<p>H1 to H8</p>
<p>6.Seek to secure and maintain effective flood defences for Rye and Rye Harbour, whilst also minimising and managing flood risk, including in relation to the location of new development in accordance with other criteria;</p>	<p>F1</p>
<p>7.To promote at least 10,000 sq m of employment floorspace at Rye Harbour Road industrial estate to promote economic regeneration and job creation, having particular regard to protecting the integrity of internationally designated habitats;</p>	<p>B1 – B3</p>
<p>8.To maintain and enhance navigation on the River Rother and the viability of the Port of Rye as a working harbour, having particular regard to protecting the integrity of internationally designated habitats;</p>	<p>B1-B2, E1 – E2, CA17</p>

9.Promote green tourism initiatives, including careful management of Rye Harbour Nature Reserve and, where feasible, new habitat creation and green infrastructure linkages, that protects and enhances the integrity of the internationally important ecological interests;	B2, CA16, CA17
10.Tackle social exclusion and promote opportunities for young people to access education, community facilities, employment and leisure;	I1
11.Maintain and enhance the community cultural and tourism assets of both Rye and Rye Harbour;	I1
12.To maintain a strategic gap between Rock Channel and the industrial estate at Rye Harbour Road.	E1

3.13 The table below shows how the RNP relates to Rother DC Core Strategy policies applicable to Rye. A comparison indicates that there is conformity.

Rother Chapters and Policy	RNP
Chapter 13 Sustainable Resource Management	
SRM 1 To mitigate and adapt to the impacts of climate change	
SRM 2 Water supply and waste management	
Chapter 14 Communities	
CO1 Community Facilities and Services	I1, T1
CO2 Provision and Improvement of Healthcare Facilities	
CO3 Improving Sports and Recreation	

Provision CO4 Supporting Young People CO5 Supporting Older People CO6 Community Safety	
Chapter 15 Local Housing Needs	
LHN1 Achieving Mixed and Balanced Communities LHN2 Affordable Housing LHN4 Sites for Wholly or Substantially Affordable Housing LHN5 Sites for the Needs of Gypsies and Travellers LHN6 Gypsies, Travellers and Travelling Showpeople Criteria	H1 and H2
Chapter 16 Economy	
EC1 Fostering Economic Activity EC2 Business Land and Premises EC3 Existing Employment Sites EC4 Business Activities Elsewhere Within the District EC5 Support for Key Sectors EC6 Tourism Activities EC7 Retail Development	B1 – B3
Chapter 17 Environment	
EN1 Landscape Stewardship EN2 Stewardship of the Historic Built Environment EN5 Biodiversity and Green Space	E1 – E3

EN6 Flood Risk Management	
EN7 Flood Risk and Development	F1
EN3 Design Quality	D1
Chapter 18 Transport and Accessibility	
TR1 Management and Investment in Strategic Accessibility	T1 – T2
TR2 Integrated Transport	
TR3 Access and New Development	
TR4 Car Parking	
Chapter 19 Implementation and Monitoring	
IM1 Monitoring Framework: To monitor and make an Annual Report	Rye Town Council has set a framework linked to the RNP to: ensure a continuity of supply of housing and business land; ensure that there is, or will be, adequate infrastructure to meet the needs of communities and of development; integrate infrastructure programmes of key agencies; provide requisite flexibility in the strategy together with contingencies based on a risk assessment that still meet the overall vision; implement a Community Infrastructure Levy framework to set priorities for Rye and mesh with the Rother DC Infrastructure Delivery Plan.
IM2 Implementation and Infrastructure: To maintain an Infrastructure Delivery Plan (IDP)	Rye Town Council maintains its own list of priority infrastructure projects which harmonise with the Rother IDP
IM3 Phasing of Development : To seek to provide for new development in a timely manner; ensure that any infrastructure	

<p>improvements to support developments are brought forward at the time they are needed</p>	<p>I1</p>
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3.14 The draft DaSA flows from the overarching development strategy and strategic policies of the Rother Local Plan ‘Core Strategy’, which was formally adopted by the Council in September 2014. It covers the period 2011-2028. While the Core Strategy may be regarded as “Part 1” of the Council’s Local Plan, the Development and Site Allocations (DaSA) Local Plan is “Part 2”. It will have the same time horizon as the Core Strategy.

3.15 The DaSA has yet to be agreed but is expected to help achieve the Core Strategy’s ‘Vision’ and ‘Strategic Objectives’ and to facilitate delivery of its development targets. Indeed, there is a legal requirement for it to conform generally with the Core Strategy. The RNP is required by the NPPF to support the strategic development needs set out by the Council’s strategic policies. Importantly Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

3.16 Hence, the preparation of the RNP is an opportunity to carry the District policies in the most appropriate local way. Work has ensured that the policies of the RNP conform to those set out in the draft DaSA.

3.16. Does the RNP conform with European Union Obligations? The RNP takes full account of the Environmental Impact and Habitat Regulations :

- a. Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive). The conclusion of the SA screening statement and consultation is: “ It is demonstrated, through assessment against the significance criteria in the SEA Directive and Regulations . . . that the impact of Rye Neighbourhood Plan will not result in significant environmental effects.” The consultation responses supported the conclusion and with comments that will be taken into account.
- b. Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive). This is to confirm that

- no neighbourhood development orders are proposed by the qualifying body, so the directive does not apply.
- c. 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 (often referred to as the Habitats and Wild Birds Directives respectively), the conclusion of the HRA screening statement and consultation is: “there is likely to be no significant effect of the Rye Neighbourhood Plan on the European sites. Rother District has advised that a separate assessment is not required.”
 - d. Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) and the Water Framework Directive (2000/60/EC). This is to confirm that there are no policies contained in Rye neighbourhood that are within the scope of the directives.
 - e. Human Rights Equalities Impact Assessment: An equalities impact assessment has not been undertaken, as no longer required under the Equalities Act 2010, but it is not considered the Plan discriminates unfairly or in a manner which is contrary to the Human Rights Act 1998.

3.18 Prescribed conditions are met in relation to the RNP and prescribed matters have been complied with in connection with the proposal for the RNP.

ATBK PhD

19 October 2018