

THE HIGHAMS PARK NEIGHBOURHOOD PLAN



Basic Conditions Statement

26th October, 2018

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1 INTRODUCTION

This Basic Conditions Statement has been produced to explain how the proposed Highams Park Neighbourhood Development Plan (NDP, the Plan or Highams Park Plan) has been prepared in accordance with the Neighbourhood Planning General Regulations 2012 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.

The Statement addresses each of the 'basic conditions' required of the Regulations and explains how the submitted Highams Park Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a neighbourhood development plan will be considered to have met 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 neighbourhood development plan;
- b) the making of the neighbourhood development plan contributes to the achievement of sustainable development;
- c) 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);
- d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
- e) 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.

The text in **Section 2** sets out how the Highams Park Plan has met the basic conditions.

Supporting documents and evidence

The Highams Park Plan is supported by a Consultation Statement (see separate document) and this Basic Conditions Statement which includes a Sustainability Appraisal of the Plan.

The Consultation Statement provides details of the extensive consultation and engagement on which the Plan has been based. The supporting documents which form the Evidence Base for the Plan are listed in the Consultation Statement and are all available on the Highams Park Planning Group's website.

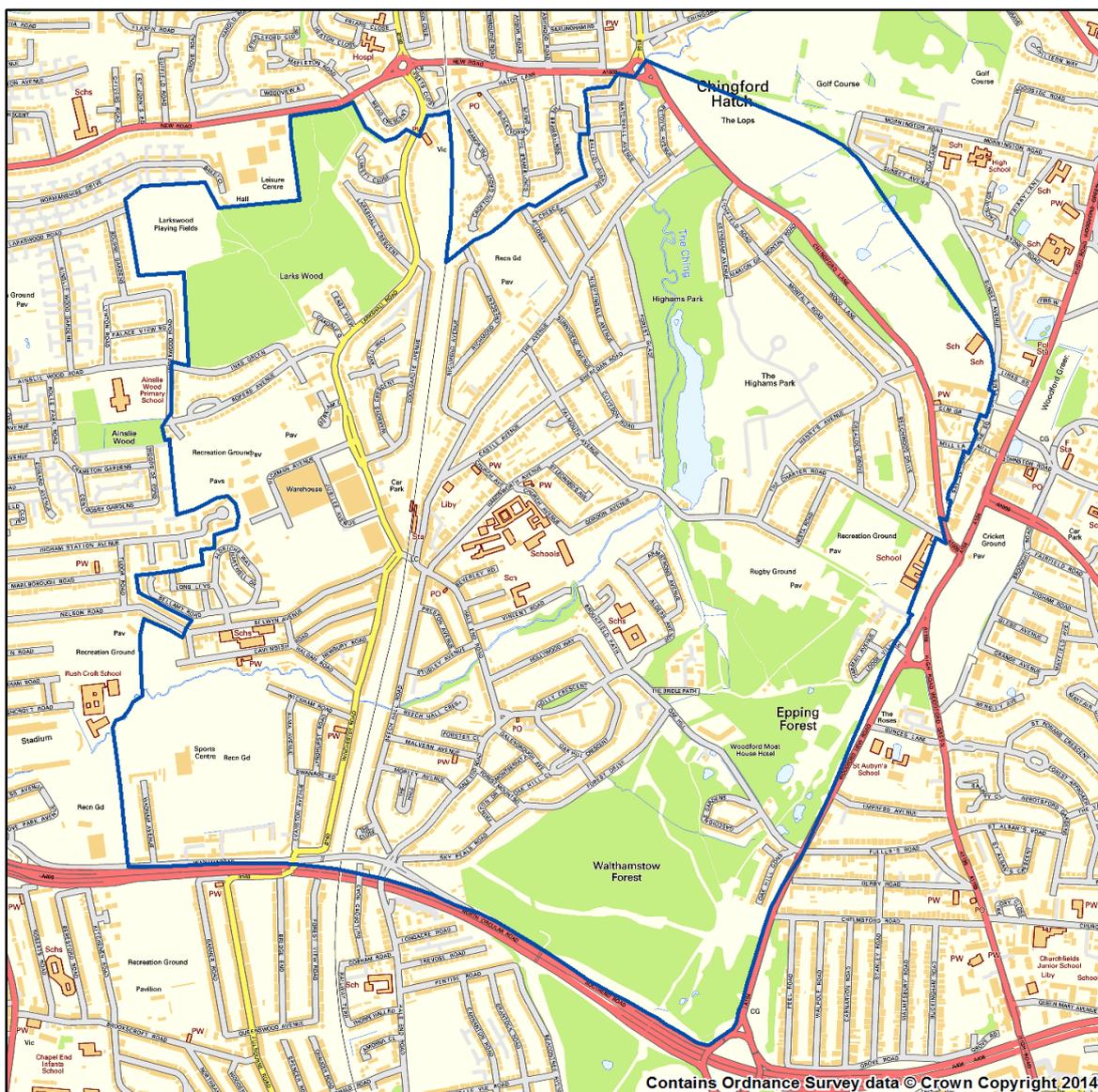
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Key statements

- The Highams Park Planning Group (HPPG) is the Neighbourhood Development Forum for the Highams Park Area and is a qualifying body to submit a Plan. HPPG meets the regulations of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).
- The Highams Park Plan was prepared by HPPG following extensive consultations with local people and expresses policies that relate to the development and use of land only within the neighbourhood area, as shown in the map below.

Fig 1. Map of the Highams Park Plan Area
(the area within the blue line)



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- Applications to recognise HPPG and the Area it covers were made to the relevant local authority, the London Borough of Waltham Forest, on 27th January 2014. A public consultation on these applications took place between 10th February and 24th March 2014. The London Borough of Waltham Forest formally approved the designation of the Neighbourhood Area and the Neighbourhood Forum on 15th July, 2014.
- The Highams Park Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- The Highams Park Plan does not relate to more than one neighbourhood area. There are no other neighbourhood plans in place within the neighbourhood area.
- The policies in the Highams Park Plan do not relate to excluded development, such as minerals and waste matters or Nationally Significant Infrastructure Projects.
- The Highams Park Plan covers a period starting from the date of adoption and ending on 31 December 2033.
- The Highams Park Plan covers an area which spreads across four council wards in the London Borough of Waltham Forest. It encompasses that part of Hale End & Highams Park ward to the north of the North Circular Road and around 50% of Hatch Lane ward (the southern part); and small parts of Chapel End and Larkswood wards to the south-east and north-east of the boundary respectively. The Area is mostly within the parliamentary constituency of Chingford and Woodford Green but also falls within the northern tip of the constituency of Walthamstow. It falls wholly within the North East constituency of the Greater London Assembly.
- The main aims of the HP Plan are set out in its Vision and Objectives. The Vision statement for the Plan states that:

“The Highams Park Area will continue to be an area of beautiful, well maintained green spaces, characterful, high quality homes with a thriving commercial centre and a vibrant community at its heart.”

The Plan's objectives cover seven areas:

1. Greenspace & Natural Environment
2. Public & Community Facilities
3. Business, Employment & Economic Development
4. Transport & Parking
5. Housing Development & Affordability
6. Character, Design & Public Realm
7. Sustainability

The Plan contains 15 policies for the future development of the Highams Park Area:

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1. GNE1 Designation of Local Green Space
2. PCF1 Public & Community Facilities
3. PCF2 Public & Community Facilities – D1 Uses
4. BED1 Business, Commercial and Employment Sites
5. BED2 Shops & Restaurants within HPDC
6. BED3 Shops outside of HPDC
7. TRP1 Transport
8. TRP2 Parking
9. HDA1 Housing Types & Affordability
10. HDA2 Sub-Division of Homes
11. CDP1 Heritage Assets
12. CDP2 Character & Design
13. SUS1 Biodiversity and Nature Conservation
14. GDS1 Guidance for Development of Sites
15. DCO1 Developer Contributions

The Plan also sets out recommendations (or projects), which ensure that the Vision and Objectives of the Plan are fulfilled in a wide range of areas and with a variety of agencies; these recommendations are set out in Annex 1 of the Plan – “Aspirations, Projects & Actions”.

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2 CONFORMITY WITH NATIONAL PLANNING POLICY

National Planning Policy Framework

NPPF 2012 in sections 183-185 refers to Neighbourhood Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.

This section demonstrates that the HP Plan has regard to relevant policies within the NPPF in relation to:

- Delivering a wide choice of high quality homes
- Supporting a prosperous economy
- Ensuring the vitality of town centres
- Promoting sustainable transport
- Requiring good design
- Promoting healthy communities
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

The HP Plan has identified seven principal objectives which it seeks to address. We summarise them in Table 2.1 below and identify which NPPF goal(s) each objective seeks to address.

Table 2.2 provides a summary of how each policy in the Highams Park Plan relates to the NPPF and the Waltham Forest Development Plan. Where a Core Strategy reference is included we believe these to be strategic policies of the LBWF Development Plan and the commentary explains how the HP Plan relates to them.

Table 2.1: Assessment of challenges that the HP Plan addresses against NPPF goals

HP Plan Objective	Relevant NPPF goal
Preservation and enhancement of the green/open public spaces and the local environment through appropriate measures to provide where possible new open space or improved public realm.	Conserving and enhancing the natural environment. Promoting healthy communities.
To ensure that there are sufficient public and community facilities within the Plan Area to meet the needs of the growing population.	Promoting healthy communities.
Development shall protect and support existing jobs and employment sites - as well as providing new jobs and attracting new businesses to the Area. Where possible, development shall also provide flexible space, particularly for small and micro-businesses	Supporting a prosperous economy. Ensuring the vitality of town centres.

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To provide for better and safer public transport, pedestrian and cyclist movements through the Area, particularly in and around the station and shopping centre.	Promoting sustainable transport.
To provide a range of locally specific housing appropriate for all sections of the community, including affordable housing.	Delivering a wide choice of high quality homes.
To maintain the distinct character and appearance of certain parts of the Area, as well as the views across it.	Requiring good design. Conserving and enhancing the historic environment.
To support the long-term sustainability of our environment and respond to climate change.	Conserving and enhancing the natural environment. Requiring good design.

NPPF 2018 & The HP Plan

The NPPF guidelines were updated in July 2018. Although the HP Plan examination will be subject to the transitional arrangements, we thought it best practice to benchmark the HP Plan against the new guidelines to measure the Plan's compliance with the NPPF 2018. The benchmarking is reported in **Appendix 1** to this Basic Conditions Statement and we believe demonstrates that the HP Plan is also compliant with NPPF 2018.

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Table 2.2: Assessment of how each policy in the HP Plan relates to the NPPF and the Local Plan

Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
GNE1 Designation of Local Green Space	81, 84, 85, 73 & 75	CS5	DM12 & 35	Reinforces the aims of green belt policy and recommends the designation of local green spaces that are considered as essential green gaps that should be protected from development.
PCF1 Public & Community Facilities	70	CS3	DM17	Seeks to retain the existing provision of social and community facilities should sites be redeveloped.
PCF2 Public & Community Facilities – D1 Uses	70	CS3	DM17	Allows redevelopment of existing sites provided that there is no net loss in existing facilities within the area.
BED1 Business, Commercial and Employment Sites	21	CS8	DM18, 19 & 20	Locally distinctive policies that seek to promote economic growth, employment, and a vibrant local economy. It gives protection to existing businesses and employment, and sets the conditions for new investment, businesses and employment
BED2 Shops & Restaurants within HPDC	23	CS14	DM25 & 23	Aims to protect and enhance the commercial vibrance of the area by making easier for certain change of use types to meet local demand.
BED3 Shops & Restaurants outside HPDC	23	CS14	DM25 & 23	Aims to protect and enhance the commercial vibrance of the area by making easier for certain change of use types to meet local demand. It also seeks to retain local corner shops.
TRP1 Transport	29 & 30	CS7	DM13 & 14	The Plan sets out a range of measures to improve the scope and capacity of public transport in and through the Area. It calls for a reduction in car use, as well as better provision for pedestrians and cyclists.
TRP2 Parking	39 & 40	CS7	DM16	The Plan seeks to provide more parking spaces outside of HPDC but we expect to achieve compliance when development is considered on aggregate across the Plan Area.

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Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
HDA1 Housing Types & Affordability (breakdown by sub-policy below)		CS2		Housing policies are generally considered to be strategic.
HDA1 (para8.2 and para 8.3 – first bullet point)	14,6,47 & 50.		DM13 &14	The population age profiles of the Plan Area identify these two groups as having specific needs which our consultations show the community wish to support through the Neighbourhood Plan.
HDA 1 (para 8.3 – second bullet point)	14,16,47 & 50		DM5	Most development opportunities in the Plan Area will be on larger sites in HPDC which are likely to be developed with a majority of apartments, a majority of which are likely to be of one or two bedrooms. Our consultations show support from the community for smaller developments outside HPDC on infill and windfall sites to be used for larger family houses with gardens.
HDA1 (para 8.3 – third bullet point)	14,16,47 & 50		DM2	Our consultations show support for new housing built in the Plan Area to be secured for locally connected people where possible.
HDA1 (para 8.3 – fourth bullet point)	14,16,47 & 50		Not referred to in WFCS or DM Policies	Policy is compliant with recent guidance requiring plan-making authorities to make provision for such homes.
HDA2 Sub-Division of Homes	14,16,47 & 50		DM2 & DM6B	This reinforces our support for the Borough’s policies and goes slightly further to address specific concerns raised by residents in the various consultations on Plan policies.
CDP1 Heritage Assets	118, 17, 58,12	CS12	DM4, 28 & 29	The Plan policies add a finer grained definition of the character and appearance of the local area which development proposals should take account of.
CDP2 Character & Design	17,58 & 12	CS15	DM4, 28 & 29	The Plan promotes high quality design, attractive streets and public spaces policies by adding a finer grained definition of the character and appearance of the local area which development proposals should take account of.

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Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
SUS1 Biodiversity and Nature Conservation	10 & 11	CS5	DM10, 11, 34 & 35	This policy offers a finer-grained level of detail appropriate to a Neighbourhood Plan.
GDS1 Guidance for Development of Sites	Related to all the above	-	Related to all the above	This policy seeks to ensure that consultation is undertaken with local residents before development takes place.
DCO1 Developer Contributions	175 & 204	-	SPD Section 5 relating to Developer Contributions	The Plan seeks to ensure that developers make appropriate contributions to the local infrastructure within the Plan Area.

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3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

This section sets out a Sustainability Appraisal (SA) of the Highams Park Neighbourhood Plan.

The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking.’

The principles of sustainable development are at the heart of this Neighbourhood Plan and have been followed at all times during the process of drawing up and writing this Plan.

A sustainability appraisal was undertaken by LBWF to support its Local Plan and the principles contained in this appraisal are still extant. As this Plan has been written with regard to the policies in LBWF's Core Strategy, this SA takes the approach of demonstrating how its policies align with the principles set out in the LBWF Core Strategy as documented in Table 2.2 (above) and demonstrates that through such alignment the HP Plan conforms to the principles of sustainable development inherent in the overarching Local Plan.

The strategic objectives of the Highams Park Plan comprise a balance of social, economic and environmental goals.

The **social** goals are to maintain a thriving community within the Highams Park Area, recognising that the community and its needs may change over time. The HP Plan seeks to achieve this by encouraging development to contribute towards improvements in infrastructure, the retention of community facilities, public houses and recreation within the local and wider community.

The **economic** goals are to retain and improve the existing employment base within the Highams Park Area. This it seeks to achieve by encouraging appropriate development on existing business sites and within the Highams Park District Centre.

The **environmental** goals are to protect the environment and ensure that development recognises this in its design, landscaping and access. This it seeks to achieve through its policies on design and the designation of local green spaces.

The NPPF states that a presumption in favour of sustainable development is at the heart of the framework. The principles of sustainable development were considered throughout the plan-making process. The Plan is considered to fully comply with the aims of, and contribute to the achievement of, sustainable development.

The Highams Park Plan contributes to the achievement of sustainable development as it:

- Positively supports growth through development of a range of housing types to meet the current & future needs of the Area up to 2033.
- Supports the construction of new dwellings; including supporting self-build.
- Supports the retention and enhancement of community & leisure facilities.
- Seeks improvements to footpath and cycle links.

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- Seeks to designate areas of Local Green Space.
- Protects & enhances the high quality natural, built and historic environment of the Area.
- Seeks to maintain & improve the viability of Highams Park District Centre and retain employment in business areas.
- Implements sustainability measures to assist in improving the environment.

4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

One of the basic conditions that Neighbourhood Plans must satisfy is that they are in general conformity with the strategic policies of the adopted development plan for the local area, i.e. the high-level strategic elements in the adopted local plan that are essential to delivering the overall planning and development strategy for the local area.

In the case of the Highams Park Plan the relevant plan is the London Borough of Waltham Forest (“LBWF”) Local Plan 2012.

The development plan currently consists of the following:

1. 2012 Waltham Forest Core Strategy
2. 2013 Development Management Policies Local Plan
3. Any subsequent Special Planning Documents (SPD’s) issued by LBWF Council.

The policies of relevance are shown in Table 2.2 above, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made as to whether the Highams Park Plan is in general conformity with them.

Any policy that is not identified in Table 2.2 is not considered to be relevant to the Highams Park Plan because the Highams Park Plan does not have any policies that directly relate to it.

During the development of the Neighbourhood Plan, LB Waltham Forest, planning officers provided assistance to HPPG with the aim of ensuring that the Highams Park Plan was in conformity with the strategic policies in LBWF Council's adopted planning policies before it was formally submitted.

It is also noted that the Highams Park Plan has been prepared with regard to the policies in the relevant regional plan, the **London Plan (2016)**. As with the NPPF, the Highams Park Plan takes the approach of quoting sections of the London Plan where they are relevant.

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5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

The Highams Park Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

The NDF has, at all times, sought to ensure that all sections of the community have been given the opportunity to get involved in making the Plan and have had the opportunity to express their views on the Plan. The process of drawing up the Plan, and the work of HPPG since its inception, is set out in the Consultation Statement (see separate document). This details the extensive consultation and engagement on which the Plan has been based.

A formal screening report regarding the need for a Strategic Environmental Assessment and a Habitats Regulation Assessment of the submission version of the Highams Park Plan was prepared by CAG Consultants (a copy is included as Appendix 1 to this report). The Screening Report concluded that neither a Strategic Environmental Assessment nor a Habitats Regulation Assessment are required because the Highams Park Plan is not likely to have a significant impact upon the environment.

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6 CONCLUSION

The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Highams Park Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Highams Park Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

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Appendix 1 NPPF 2018

Appendix 1 - Benchmarking the HP Plan to NPPF 2018

The HP Plan was written under the aegis of NPPF 2012 and is subject to examination under the transitional arrangements given the release of updated NPPF guidelines in July 2018.

This appendix is intended to benchmark the HP Plan against the NPPF 2018 and to demonstrate how the Plan relates to the new NPPF guidelines. In our view the HP Plan is also compliant with the requirements of NPPF 2018 and has regard to relevant policies within the NPPF 2018 in relation to:

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Achieving well-designed places
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

The HP Plan has identified seven principal objectives which it seeks to address. We summarise them in Table 2.3 below and identify which NPPF goal(s) each objective seeks to address.

Table 2.4 provides a summary of how each policy in the Highams Park Plan relates to NPPF 2018 and the Waltham Forest Development Plan. Where a Core Strategy reference is included we believe these to be strategic policies of the LBWF Development Plan and the commentary explains how the HP Plan relates to them.

Table 2.3: Assessment of challenges that the HP Plan addresses against NPPF 2018 goals

HP Plan Objective	Relevant NPPF 2018 goals
Preservation and enhancement of the green/open public spaces and the local environment through appropriate measures to provide where possible new open space or improved public realm.	Conserving and enhancing the natural environment. Protecting Green Belt Land Promoting healthy and safe community communities.
To ensure that there are sufficient public and community facilities within the Plan Area to meet the needs of the growing population.	Promoting healthy and safe communities.

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Appendix 1 NPPF 2018

<p>Development shall protect and support existing jobs and employment sites - as well as providing new jobs and attracting new businesses to the Area. Where possible, development shall also provide flexible space, particularly for small and micro-businesses</p>	<p>Building a strong, competitive economy. Ensuring the vitality of town centres.</p>
<p>To provide for better and safer public transport, pedestrian and cyclist movements through the Area, particularly in and around the station and shopping centre.</p>	<p>Promoting sustainable transport. Promoting healthy and safe communities.</p>
<p>To provide a range of locally specific housing appropriate for all sections of the community, including affordable housing.</p>	<p>Delivering a sufficient supply of homes.</p>
<p>To maintain the distinct character and appearance of certain parts of the Area, as well as the views across it.</p>	<p>Achieving well designed places. Conserving and enhancing the historic environment.</p>
<p>To support the long-term sustainability of our environment and respond to climate change.</p>	<p>Meeting the challenge of climate change, flooding and coastal change. Conserving and enhancing the natural environment. Achieving well designed places. Achieving sustainable development.</p>

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Appendix 1 NPPF 2018

Table 2.4: Assessment of how each policy in the HP Plan relates to NPPF 2018 and the Local Plan

Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
GNE1 Designation of Local Green Space	28,96, 97, 98, 99, 100, 101 & 133	CS5	DM12 & 35	Reinforces the aims of green belt policy and recommends the designation of local green spaces that are considered as essential green gaps that should be protected from development.
PCF1 Public & Community Facilities	28, 91 & 92	CS3	DM17	Seeks to retain the existing provision of social and community facilities should sites be redeveloped.
PCF2 Public & Community Facilities – D1 Uses	28 & 92	CS3	DM17	Allows redevelopment of existing sites provided that there is no net loss in existing facilities within the area.
BED1 Business, Commercial and Employment Sites	80 & 81	CS8	DM18, 19 & 20	Locally distinctive policies that seek to promote economic growth, employment, and a vibrant local economy. It gives protection to existing businesses and employment, and sets the conditions for new investment, businesses and employment
BED2 Shops & Restaurants within HPDC	28, 85, 91 & 126	CS14	DM25 & 23	Aims to protect and enhance the commercial vibrance of the area by making easier for certain change of use types to meet local demand.
BED3 Shops & Restaurants Outside HPDC	85	CS14	DM25 & 23	Aims to protect and enhance the commercial vibrance of the area by making easier for certain change of use types to meet local demand. It also seeks to retain local corner shops.
TRP1 Transport	91, 102, 103 & 104	CS7	DM13 & 14	The Plan sets out a range of measures to improve the scope and capacity of public transport in and through the Area. It calls for a reduction in car use, as well as better provision for pedestrians and cyclists.
TRP2 Parking	102 & 105	CS7	DM16	The Plan seeks to provide more parking spaces outside of HPDC but we expect to achieve compliance when

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Appendix 1 NPPF 2018

Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
				development is considered on aggregate across the Plan Area.
HDA1 Housing Types & Affordability (breakdown by sub-policy below)		CS2		Housing policies are generally considered to be strategic.
HDA1 (para 8.2 and para 8.3 – first & second bullet points)	11,13, 14 & 61		DM5,DM13 &14	The population age profiles of the Plan Area identify these two groups as having specific needs which our consultations show the community wish to support through the Neighbourhood Plan. Most development opportunities in the Plan Area will be on larger sites in HPDC which are likely to be developed with a majority of apartments, a majority of which are likely to be of one or two bedrooms. Our consultations show support from the community for smaller developments outside HPDC on infill and windfall sites to be used for larger family houses with gardens.
HDA1 (para 8.3 – third bullet point)	11,13, 18 & 62		DM2	Our consultations show support for new housing built in the Plan Area to be secured for locally connected people where possible.
HDA1 (para 8.3 – fourth bullet point)	11,13, & 61		Not referred to in WFCS or DM Policies	Policy is compliant with recent guidance requiring plan-making authorities to make provision for such homes.
HDA2 Sub-Division of Homes	11,13, & 61		DM2 & DM6B	This reinforces our support for the Borough's policies and goes slightly further to address specific concerns raised by residents in the various consultations on Plan policies.
CDP1 Heritage Assets	28,185, 189, 192, 194 & 197	CS12	DM4, 28 & 29	The Plan policies add a finer grained definition of the character and appearance of the local area which development proposals should take account of.

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Appendix 1 NPPF 2018

Policy title and reference	NPPF ref. (para.)	WF Core Strategy Reference	WFDP Reference	Commentary
CDP2 Character & Design	28, 29, 30, 124, 125 & 126	CS15	DM4, 28 & 29	The Plan promotes high quality design, attractive streets and public spaces policies by adding a finer grained definition of the character and appearance of the local area which development proposals should take account of.
SUS1 Biodiversity and Nature Conservation:	170, 174 & 176	CS5	DM10, 11, 34 & 35	This policy offers a finer-grained level of detail appropriate to a Neighbourhood Plan.
GDS1 Guidance for Development of Sites	Related to all the above. 128 specifically.	-	Related to all the above	This policy seeks to ensure that consultation is undertaken with local residents before development takes place.
DCO1 Developer Contributions	34 & 57	-	SPD Section 5 relating to Developer Contributions	The Plan seeks to ensure that developers make appropriate contributions to the local infrastructure within the Plan Area.