

BENTLEY NEIGHBOURHOOD PLAN MODIFICATION  
BASIC CONDITIONS STATEMENT

APRIL 2024

Published by Bentley Parish Council under the Neighbourhood Planning (General)  
Regulations 2012 (as amended)

# BENTLEY NEIGHBOURHOOD PLAN

## BASIC CONDITIONS STATEMENT

APRIL 2024

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# 1. INTRODUCTION

## The Neighbourhood Plan

1.1 This Statement has been prepared by ONH on behalf of Bentley Parish Council (“the Parish Council”) to accompany its submission of the modified version of the Bentley Neighbourhood Plan (“the modified Neighbourhood Plan”) to the local planning authority, East Hampshire District Council (“the District Council”), under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

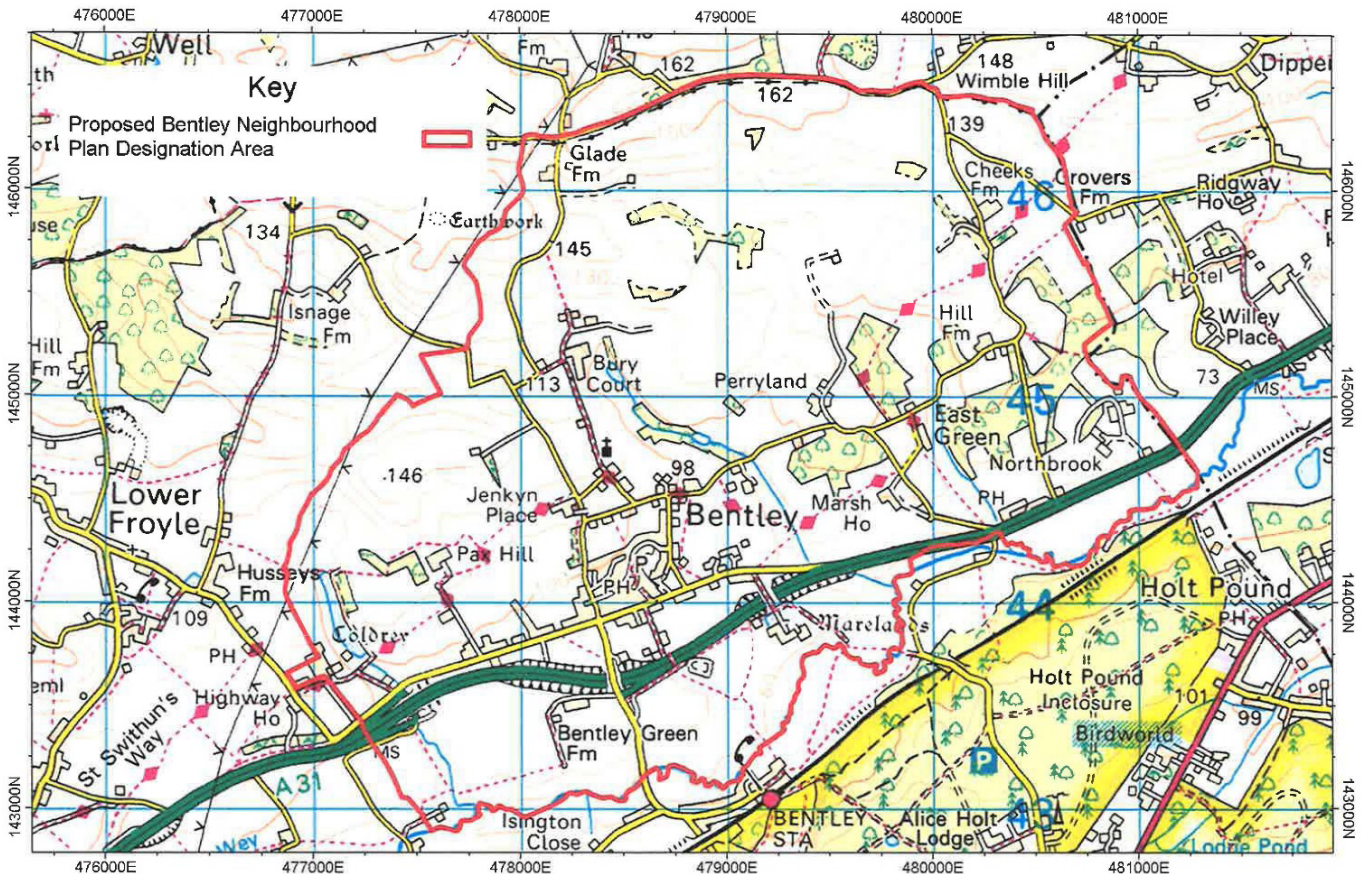
1.2 The modified Neighbourhood Plan has been prepared by the Parish Council, the ‘Qualifying Body’ for the Neighbourhood Area (“the Area”), which coincides with the boundary of the Parish of Bentley shown on Plan A below. The District Council designated the Area on 23<sup>rd</sup> October 2014. The original Neighbourhood Plan was made on the 12<sup>th</sup> May 2016 following a successful referendum.

1.3 The Neighbourhood Planning Act 2017 contains provisions to amend Section 38 of the Planning & Compensation Act 2004 in relation to modifying a made neighbourhood plan. As a result, the Neighbourhood Planning (General) & Development Management Procedure (Amendment) Regulations 2017, which came into force on 31 January 2018, amended the Neighbourhood Planning (General) Regulations 2012 (as amended) for this purpose.

1.4 Those amendments enable a qualifying body to propose modifications to a made neighbourhood plan that, if considered not to be so significant or substantial as to change the nature of the neighbourhood development plan, requires only an independent examination and not another referendum. The 2017 Regulations amend Regulations 14 to 20 of the 2012 Regulations so that the process for preparing, consulting on, submitting, publicising and examining such modifications matches that for neighbourhood plans in general. However, Regulations 14 and 15 are amended to require the qualifying body to publish a statement alongside the modification proposal at the Pre-Submission stage and alongside the modified neighbourhood development plan as proposed to be modified at the Submission stage respectively:

*“setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.*

1.5 The Parish Council published its Modification Proposal and Modification Proposal Statement in June 2023 for the statutory minimum six-week consultation period (30th June until Friday 11th August 2023) in accordance with Regulation 14 as amended. The representations made on those documents have been analysed and no further amendments were required to be made to the submitted documentation. A full record of the consultation process and outcome is provided in the separate Consultation Statement, as per Regulation 15 (1)(b).



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Plan A: Bentley Designated Neighbourhood Area

1.6 The modified Neighbourhood Plan contains 13 land use policies, which are defined on the Policies Map where they apply to a specific part of the Area. The policies described in the modified Neighbourhood Plan relate to the development and use of land in the designated Area. They do not relate to 'excluded development', as defined by the Regulations. The plan period of the modified Neighbourhood Plan is from 2021 – 2040 which corresponds with the plan period of the East Hampshire District Council Local Plan.

1.7 The Plan has deliberately avoided containing policies that duplicate saved or forthcoming development plan policies or national policies that are already or will be used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to refine and/or update existing policies.

1.8 The submission documents comprise:

- The Modified Plan (incorporating a modified Policies Map)
- The Basic Conditions Statement
- An Equalities Impact Assessment
- The Consultation Statement
- The Modification Proposal Statement

## The Basic Conditions

1.10 The statement addresses each of the four ‘Basic Conditions’, which are relevant to this plan, required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.11 The Regulations state that a Neighbourhood Plan will be considered to have met the 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;
- D. The making of the Neighbourhood Development Plan 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); and
- F. The making of the Neighbourhood Development Plan does not breach and is otherwise compatible with, EU obligations.

1.12 It is noted that the Levelling Up & Regeneration Act 2023 has made provision for Condition E to be amended by replacing the current requirement with a narrower condition in respect of not undermining the housing site allocation provisions in an adopted Local Plan. However, at the time of the expected examination of the Neighbourhood Plan, the regulations enabling that part of the Act have not been made.

## Meeting and Examining the Basic Conditions

1.13 The responsibility for determining if a Neighbourhood Plan has had regard to national policy and is in general conformity with strategic policy rests with a combination of the qualifying body, the local planning authority and the independent examiner (Planning Practice Guidance §41-070 and §410-074). In this respect, the Parish Council has been mindful of the case law, established in the Tattenhall Neighbourhood Plan in 2014 (see §82 of EWHC 1470) but endorsed by the Courts on a number of occasions since, which makes clear that:

*“... the only statutory requirement imposed by Condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted Development Plan **as a whole** ... any tension between one policy in the Neighbourhood Plan and one element of the ... Local Plan (is) not a matter for the Examiner to determine.”* (our emphasis)

1.14 The Courts have acknowledged that there will often be tensions between different strategic policies when considered against the non-strategic policies of a specific local area covered by a Neighbourhood Plan. They have sensibly concluded that such tensions can only be resolved by the qualifying body using its planning judgement to strike an appropriate balance across the plan as a whole. The examination tests the extent to which the qualifying body has exercised its judgement in a reasonable and consistent way.

1.15 The Parish Council considers that although case law has not yet explicitly established the same principle for Condition A in respect of the regard to national policy, it is reasonable to expect the Courts would reach the same conclusion, given there will also often be a number of national policies that may be in tension. Qualifying bodies must therefore expect that the examination of this Condition will take the same approach as Condition E.

1.16 In this respect, the Parish Council acknowledges that the Planning Practice Guidance (§41-053) states that “it is only after the independent examination has taken place and after the examiner’s report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions.” However, it is also mindful that, once submitted for examination, it has no further opportunity to modify the Neighbourhood Plan, other than through its withdrawal and resubmission.

1.17 Further, s13(5) of the Town & Country Planning Act 1990 defines the local planning authority as the decision maker in respect of determining if the basic conditions have been met in order to make a neighbourhood plan, with modifications to the submitted plan as necessary. But the Planning Practice Guidance regards the task of arriving at a planning judgement to be shared by the local planning authority, the qualifying body and examiner during the examination, in collectively considering if the basic conditions have been met (§41-070 and §41-074).

1.18 In which case, it is vital that both the qualifying body and the examiner are left in no doubt of the position of the local planning authority. But it is also important that the examiner’s position is also properly understood, most especially if the examiner intends to come to a different planning judgement to that shared by the local planning authority and the qualifying body. In this regard, the Parish Council notes the advice to the examiner in §2.9.6 of the NPIERS ‘Guidance to service users and examiners’ (2018) in respect of the standard of proof that the examiner must apply in reaching a planning judgement and in its §2.14.1 in respect of the requirement for accuracy, clarity and simplicity.

1.19 For these reasons, sections 3 and 5 of this Basic Conditions Statement highlight which policies of the Neighbourhood Plan are considered to meet Conditions A and/or E and, if any, those that do not. Where they do not, the Statement explains how the Parish Council has reached its judgement in those cases “where different parts of national policy need to be balanced” (PPG §070) and how it has taken into account the criteria of PPG §074 on general conformity. Finally, it summarises in Section 7 how the Neighbourhood Plan as a whole meets Conditions A and E and the other conditions.

## 2.BACKGROUND

2.1 The decision to proceed with a modification of the Bentley Neighbourhood Plan was made by Bentley Parish Council in 2018. The key driver of this decision was a sense of wanting to plan positively for the future of the Parish and with the encouragement given by the District Council in East Hampshire to local communities to prepare (and modify) Neighbourhood Plans. Although considered a small village within the settlement hierarchy of East Hampshire and relatively remote to the major centres of population in and around the District, the Parish Council considered that reviewing the Made Plan would improve the way in which future development proposals, however modest, are managed.

2.2 A steering group was formed comprising the residents and the Parish Council representatives. The group has been delegated authority by the Parish Council to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, as the qualifying body, the Parish Council approved the publication of the Pre-Submission plan in June 2023 and the Submission Plan now.

2.3 The Parish Council commenced work on the modification of the Neighbourhood Plan in 2019 but paused due to Covid, but also to await the progression of the Local Plan review which commenced in 2019 with a Regulation 18 consultation in February 2019. Progression of the Local Plan review was subsequently delayed with two further Regulation 18 consultations being undertaken in November 2022 and January 2024.

2.4 The Parish Council has consulted local communities over the duration of the project but to avoid 'consultation fatigue' has focused on its essential obligations. It has also worked with officers of the District Council since the start of the project to collate and examine the evidence base and to design and iterate the policy proposals and to define the proper relationship between the modified Neighbourhood Plan and the East Hampshire District Council Local Plan.

### 3. CONDITION (A): REGARD TO NATIONAL PLANNING POLICY

3.1 The modified Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. As demonstrated in Table A, this plan has taken to opportunity to revise development plan policies to reflect the amendments to the Use Classes Order introduced in September 2020 as they apply to this Area (PPG 13-009c). In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the modified Neighbourhood Plan has directly responded:

#### General Paragraphs

3.2 The Parish Council believes the modified Neighbourhood Plan “support(s) the delivery of strategic policies contained in local plans ... and ... shape(s) and direct(s) development that is outside of these strategic policies” (§13). It considers the modified Neighbourhood Plan contains only non-strategic policy proposals or proposals that refine strategic policy to fit the circumstances of the Area without undermining the purpose and intent of those strategic policies (§18). It considers that the modified Neighbourhood Plan sets out more “detailed policies for specific areas” including “the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies” (§28).

3.3 The Parish Council considers that its modified Neighbourhood Plan has provided its communities the power to develop a shared vision for the Area that will shape, direct and help to deliver sustainable development, albeit in a modest way, by influencing local planning decisions as part of the statutory development plan. The modified Neighbourhood Plan contains no site allocation proposals nor any other policies that will result in less development than set out in the strategic policies for the area (as set out in the Local Plan: Joint Core Strategy) (§29). In this regard, the NPPF provisions of meeting local housing needs (as per §67/§68) are therefore not relevant to this modified Neighbourhood Plan (§29). The modified Neighbourhood Plan is underpinned by relevant and up-to-date evidence. This is considered to be adequate and proportionate, focused tightly on supporting and justifying the policies concerned (§31).

#### Specific Paragraphs

3.4 Each policy engages one or more specific paragraphs of the NPPF. Those that are considered to be of the most relevance and substance are identified in Table A below.



Table A: Neighbourhood Plan & NPPF Conformity Summary

Policy No.	Policy Title	Commentary
BEN1	Spatial Plan	<p>This Policy establishes the key spatial strategy for directing future development proposals in the parish, in accord with §83 NPPF “to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities”. In doing so it works with §16 in providing a starting point for applicants bringing forward development in the Parish and decision-makers in assessing schemes.</p> <p>It also accords with §84 avoiding the development of isolated homes in the countryside unless it can be demonstrated that “there is an essential need for a rural worker...to live permanently at or near their place of work in the countryside”.</p>
BEN2	Development Principles	<p>This Policy considers the layout and setting of development within specified areas of the established settlement. It is consistent with §132 NPPF, that “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”.</p> <p>The policy also accords with §135a) and d) NPPF to help ensure that developments will “function well and add to the overall quality of the area” and “maintain a strong sense of place, using the arrangement of streets, spaces...to create attractive, welcoming and distinctive places”.</p> <p>This policy also provides local application to §203 c) which states that in determining applications, account should be taken of “the desirability of new development making a positive contribution to local character and distinctiveness”.</p>

BEN3	Design	<p>This Policy provides design guidance relating to the nature and scale of development within specified areas of the established settlement. It is consistent with §28 NPPF as a non-strategic policy which establishes “<i>design principles, conserving and enhancing....the historic environment</i>” for Bentley.</p> <p>This policy also accords with §132 NPPF, that “<i>Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development</i>” and §135 c) NPPF that development is “<i>sympathetic to local character and history, including the surrounding built environment and landscape setting</i>”.</p> <p>This policy also required the overall design principles of development proposals to reflect the local character of Bentley and especially of the significance of its designated heritage assets, in accordance with §201 of the NPPF.</p>
BEN4	Local Heritage Assets	<p>This Policy provides local definition to §209 of the NPPF in identifying local non-designated heritage assets in order that they are taken into account in determining applications. “<i>In weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset</i>”.</p>
BEN5	Recreation Ground	<p>This was formally Policy 3 in the original Neighbourhood Plan and is unaltered. It supports §96 c) in enabling and supporting healthy lifestyles, through the provision of sports facilities and facilities for young people. It also accords with §97 a) and c) NPPF in safeguarding land in order to plan positively for “<i>the provision and use of community facilities</i>” and guarding “<i>against the unnecessary loss of valued facilities</i>”.</p>
BEN6	Education	<p>This was formally Policy 4 in the original Neighbourhood Plan. The original wording is retained in full, with one additional clause to highlight that new development should not harm access to the school. The policy supports §99 NPPF in taking a proactive approach to meeting the requirement to provide sufficient choice for school places by safeguarding land for this purpose.</p> <p>The new clause accords with §96 b) NPPF to promote healthy and safe communities ensuring they are “<i>safe and accessible</i>” and also with §108 in ensuring that issues affecting transport to school by road and on foot are considered early in the planning process.</p>

BEN7	Community Facilities	<p>This Policy is consistent with §28 of the NPPF as a non-strategic policy which sets out the provision of community facilities at a local level.</p> <p>In identifying the key community facilities in the parish the Policy also accords with §88 d) NPPF in providing a planning policy which supports a prosperous rural economy through the “<i>retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship</i>”</p>
BEN8	Local Employment	<p>This policy also seeks to support a prosperous rural economy in accordance with §88 a) NPPF through identifying existing businesses within the parish in order to safeguard their future to ensure “<i>sustainable growth and expansion of all types in business in rural areas</i>”</p> <p>The policy also seeks to promote sustainable transport by supporting “<i>an appropriate mix of uses across an area to minimise the number and length of journeys need for employment</i>” §110 though safeguarding sites within the village which provide opportunities for local employment within the main settlement area, within a short walk/cycle.</p>
BEN9	Traffic Impacts	<p>This policy identifies areas within the village where additional traffic arising from new development may result in adverse effects without interventions. This policy provides local context to §108 NPPF in identifying these locations so that potential impact can be addressed. It also accords with §114 b) and d) to ensure that where considering development proposals “<i>safe and suitable access to the site can be achieved</i>” and any “<i>significant impacts on the transport network...on highway safety, can be cost effectively mitigated to an acceptable degree</i>”</p> <p>The policy is also consistent with §108 e), in terms of promoting sustainable transport and ensuring that “<i>the pattern of movements, streets, parking...are integral to the design of schemes and contribute to making high quality places.</i>”</p> <p>The policy also promotes “<i>opportunities to promote walking (and) cycling</i>” (§108c)</p>

BEN10	Green Infrastructure	<p>This policy accords with §96 c) NPPF in providing a planning policy which aims to achieve healthy, include and safe places through the promotion of <i>“safe and accessible green infrastructure”</i>. By mapping the Green Infrastructure Network within the parish and looking at opportunities to enhance it, the policy provides local definition to §185 NPPF, by identifying, mapping and safeguarding <i>“components of local wildlife rich habitats and wider ecological networks, including...wildlife corridors”</i> and <i>“promote ecological networks...and identify and pursue opportunities for securing measurable net gains for biodiversity.”</i></p>
BEN11	Local Green Spaces	<p>This policy (previously Policy 5) proposes two additional locally important green spaces in the parish (in addition to the three in the original Made Plan), to be protected from development by affording them the designation as Local Green Spaces in the Neighbourhood Plan in accordance with §105 NPPF and through adherence to the criteria set out in §106 of the NPPF.</p>
BEN12	Sustainable Drainage and Waste Water	<p>The policy accords with §28 NPPF as it <i>“sets out more detailed policies for (this) neighbourhood ... (including) ... the provision of infrastructure.”</i></p> <p>It also supports §167 in <i>“using opportunities provided by new development to...to reduce the causes and impacts of flooding”</i></p> <p>The policy also supports §173 c) in seeking to ensure development <i>“incorporates sustainable drainage systems”</i> and §180 e) as it seeks to protect the natural environment by identifying and preventing, new development from <i>“contributing to, being put at an unacceptable risk from, or being adversely affected by unacceptable levels of...water pollution.”</i></p>
BEN13	Dark Skies	<p>The policy seeks to <i>“limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”</i> (§191c).</p>

#### 4. CONDITION (D): CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

4.1 As neither a Sustainability Appraisal nor Strategic Environmental Assessment Report have been required of the modified Neighbourhood Plan, the Statement sets out in Table B below how each of the modified policies contribute to the achievements of sustainable development. It does so by identifying the potential of each policy to lead to positive (green), neutral (yellow) or adverse (amber) effects.

Table B: Neighbourhood Plan & Sustainable Development					
Policy		Social	Economic	Environmental	Commentary
BEN1	Spatial Plan	Green	Green	Green	This policy supports new development but only within the identified settlement boundary to maintain the existing pattern of developments and resists development outside of the boundary which is not sustainable environmentally or socially. However, it does recognise that as a rural community development may be needed outside of the settlement boundary in limited circumstances where there is a genuine need to support the rural business such as farming. The policy therefore has positive social, environmental and economic effects.
BEN2	Development Principles.	Green	Yellow	Green	This policy requires any development proposals to respect the established settlement pattern of the village, supports development which improves and extends local walking and cycling infrastructure, avoids adverse impacts on heritage assets and that it is in keeping with the setting of the village in the landscape. The policy therefore has a social and environmental positive impact. The economic effects are neutral.
BEN3	Design	Green	Yellow	Yellow	This policy requires the design of development proposals to reflect the local character of Bentley and ensures the rural identity of the village is maintained, particularly within the conservation area, in order to preserve it's character. The policy therefore has a positive

					social effect in maintaining the rural identity of the local community. It's environmental and economic effects are neutral.
BEN4	Local Heritage Assets				This policy requires the design of development proposals to reflect the local distinctiveness of Bentley and especially respecting the significance of its non- designated heritage assets to the overall character of the village by conserving its built heritage. The policy therefore has a social positive effect; the environmental and economic effects are neutral.
BEN7	Community Facilities				This policy seeks to safeguard identified community facilities from inappropriate changes of use, in this relatively remote rural area. It therefore has a positive social effect in maintaining and building local community cohesion through access to important local facilities. It also potentially has a positive environmental effect, as the loss of local facilities would result in increased car trips outside of the parish to access equivalent services elsewhere. These facilities include local employment opportunities through the village shop, pub and memorial hall (including local pre-school) and as such has a positive economic effect for the village.
BEN8	Local Employment				This policy seeks to protect the existing shops and commercial units within the parish from changes of use unless it can be demonstrated that they are no longer viable. The policy therefore has an economic positive effect providing employment opportunities. In providing locations in the village within walking and cycling distance of many residents in order to shop and work locally and interact with the community, helping to helping sustain the overall vibrancy of the village and reducing reliance on car use for short journeys, the policy also has positive environmental and social effects.
BEN9	Traffic Impacts				This policy proposes to ensure that any development in Bentley Parish will not have a detrimental effect on traffic within the area. If this should this be the case then the

					development will need to contribute to appropriate mitigation measures. The policy therefore has a social positive effect. In addition, the encouragement of active travel modes particularly walking and cycling and the creation of additional walkways and pavements, will help both health and wellbeing and also serve to reduce vehicle movements, which will have a positive environmental effect. The economic effects are neutral.
BEN10	Green Infrastructure				The policy has the potential to have a positive environmental effect by identification of the green infrastructure network around and within Bentley, requiring new development schemes maintain or enhance the network as well as encouraging new build proposals to consider environmental improvements such as rainwater harvesting and the installation of wildlife boxes. The protection of the local green infrastructure enhances physical and mental wellbeing through enjoyment of wildlife and recreational opportunities. It therefore also has a positive social effect. It is not considered there will be an adverse economic effect as it is not expected this requirement will undermine the viability of development.
BEN11	Local Green Spaces				This policy proposes a number of important local green spaces, valued by the local community in the parish to be protected from development by the designation as Local Green Spaces. The policy therefore has a social and environment positive effect and the economic effects are neutral.
BEN12	Sustainable drainage and waste water				The policy has the potential to have positive environmental, economic and social effects. It supports proposals which manage the risk of surface water flooding, which has increasingly concerned those residents in parts of the village most exposed to this risk. In addition it seeks to ensure adequate provision of wastewater capacity to serve development without overloading the existing system which would increase the risk polluting the River Wey through the raw sewerage outlet which can and has already made, an adverse impact on the river and its wildlife. The proposal therefore has a positive environmental and social effect. It is not considered there will be an adverse economic effect as it is not expected this requirement will undermine the viability of development and

					could prevent additional financial expenditure in 'clean up' operations which result from flooding and pollution in the River Wey.
BEN13	Dark Skies				The policy has the potential to have a positive social effect in seeking to retain some of the isolated rural character of the village for the enjoyment of local residents as well as positive environment effect of not adding to light pollution. The economic effects are neutral.

## 5. CONDITION (E): GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

5.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for the District, that is the East Hampshire Joint Core Strategy, adopted on the 8<sup>th</sup> May 2014 and East Hampshire Local Plan Housing and Employment Allocations, adopted 7<sup>th</sup> April 2016 which District considers to be of a strategic nature (as per Planning Practice Guidance (§41-076).

5.2 In accordance with Planning Practice Guidance (§ 41-009), this Statement does not seek to demonstrate general conformity with the policies of any emerging Development Plan Documents, i.e. the East Hampshire Local Plan 2021 – 2040 (Regulation 18 consultation carried out January to March 2024). However, it is noted that the evidence base for emerging Development Plan Documents is important to informing the Neighbourhood Plan and conformity with emerging policies is crucial for the long-term success of the Neighbourhood Plan given that in the event of any future conflict the most recent policy will take precedent.

5.3 The adopted development plan defines Bentley as Level 4 settlement in the hierarchy of the District and contains no strategic proposals in the vicinity of the Area. The emerging Local Plan has defined Bentley as a Tier 3 settlement in the hierarchy of the district; contains no strategic proposals in the vicinity of the area and makes one proposed site allocation for 20 homes.

5.4 The Neighbourhood Plan has sought to fit its policies with the vision and grain of the East Hampshire Joint Core Strategy (JCS), the East Hampshire Local Plan Housing and Employment Allocations (HEA), the saved policies from the Local Plan Second Review 2006. The reasoning and evidence base of the emerging Local Plan has also informed the preparation of the Neighbourhood Plan. An assessment of the general conformity of each policy, and its relationship with emerging policy where relevant, is contained in Table B/C below.



**Table C: Neighbourhood Plan & Development Plan Conformity Summary**

No.	Policy Title & Refs	Commentary
BEN1	Spatial Plan	<p>The Policy supports and is in general conformity with, JCS CP10 (Spatial Strategy for Housing) which states that <i>“Housing should be accommodated through development and redevelopment opportunities within the existing settlement boundaries in the first instance.”</i></p> <p>The Policy is also in general conformity with JCS CP19 (Development in the Countryside) through restricting development outside of the settlement boundary unless there is a genuine and proven community need or local aspiration, which reinforces the settlement’s role and function, which cannot be accommodated within the SPB.</p> <p>BEN1 adjusts the settlement boundary to account for development which has already taken place. The emerging Local Plan will make any additional amendments to accommodate its specific allocations policy relating to Bentley if taken forward.</p>
BEN2	Development Principles	<p>The Policy provides local context to JCS Policy CP29 (Design) which states <i>“all new development will be required to respect the character, identity and context of the district’s towns, villages and countryside and must help create place where people want to live, work and visit”</i>.</p> <p>The policy also accords with JCS Policy CP30 (Historic Environment) saved policy HE12 (Development Affecting the Setting of a Listed Building)(Local Plan Second Review 2006) and refines these policies through the setting out of a number of design principles relating to the pattern of development to ensure development proposals respects the established local pattern and character of Bentley and the significance of its designated heritage assets.</p>
BEN3	Design	<p>The policy is in general conformity with and provides local detail to, JCS Policy CP29 (Design) and saved policy HE8 (Development Affecting the setting of a Conservation Area)(Local Plan Second</p>

		<p>Review 2006).</p> <p>BEN3 refines these through the setting out design guidance to ensure development proposals reflect the local character of Bentley both within and outside of the Conservation Area, to ensure that the <i>“layout and design of development contributes to local distinctiveness and sense of place and is appropriate and sympathetic to its setting in terms of scale, height, massing and density and its relationship to adjoining buildings, spaces around buildings and landscape features”</i> (CP29) and that <i>“Planning permission for development outside a Conservation Area will not be granted if it would harm its settling or view into or out of it.”</i> (HE8)</p>
BEN4	Local Heritage Assets	<p>The policy is in general conformity with policy JCS CP30 (Historic Environment), in requiring the design of development proposals to reflect the local character of Bentley. The policy refines CP30 through the identification of local non-designated heritage assets to ensure that the significance of these assets are assessed as to the extent of harm, if development was proposed to demolish or alter the buildings identified and mapped in this policy.</p> <p>The Policy also is in conformity with saved Policy HE13 (Buildings or Local Architectural, Historic or Townscape Interest)(Local Plan Second Review 2006) , which notes that proposals for <i>“such buildings ( that is buildings not on the National Statutory List) involving alterations, additions or other development including changes of use, will be permitted provided that such development does not adversely affect the character or setting of the building”</i>.</p>
BEN5	Recreation Ground	<p>The Policy is in general conformity with JCS CP16 (Protection and Provision of Social Infrastructure), CP17 (Protection of Open Space, Sport and Recreation and Built Facilities) and CP18 (Provision of Open Space, Sport and Recreation and Built Facilities) of the JCS. This policy provides local context through the identification of land at the Recreation Ground to support development proposals to for a new buildings for community uses with car parking.</p>
BEN6	Education	<p>The policy is in general conformity with Policy CP16 (Protection and Provision of Social Infrastructure) of the JCS and refines it through the identification of the public service (education establishment) site in Bentley. Whilst there is currently no need to extend the facilities at the school, the policy safeguards land for a potential future extension of the premises.</p> <p>The Policy also provides very local context to support saved policy HE4 (New Development in a</p>

		<p>Conservation Area and HE 5 Alterations to Buildings in a Conservation Area (Local Plan Second Review 2006) which states that development or alteration within the Conservation Area will only be permitted where it preserves or enhances the character and appearance of the area or the building (in the case of an alteration to an existing building).</p>
BEN7	Community Facilities	<p>This Policy is in general conformity with JCS Policy CP16 (Protection and Provision of Social Infrastructure) saved policy S5 (Local and Village Shops) of the Local Plan Second Review. It refines these policies through the identification of five community facilities within the village where change of use would only be permitted where it is clearly evidenced that the use of the facility is no longer viable or that in a suitable alternative location has been found.</p> <p>CP16 states that change of use for identified community facilities, defined as including post offices (Bentley village shop contains a post office) pavilions and meeting halls (Memorial Hall) and places of worship Bentley Church and Church Hall) and Leisure and Cultural Uses defined as including Public Houses ( The Star, Bentley) will be afforded protection from change of use unless they are no longer viable or have an alternative use to provide benefit to the local community.</p>
BEN8	Local Employment	<p>This Policy is in general conformity with and provides local definition to, JCS Policy CP16 (Protection and Provision of Social Infrastructure) and saved policy S5 (Local and Village Shops) of the Local Plan Second Review. It refines the policies, through seeking to safeguard the identified village shop and commercial units, from a change of use for another purpose.</p> <p>Saved Policy S5 states that in the case of village shops from Class A1 use, change of use would only be permitted where “<i>all reasonable efforts have been made to let or sell the premises as a shop</i>”. BEN6 recognises that the Village Shop and Café as a vital community facility but it also provides local employment opportunities as well.</p> <p>The Policy also provides local context to JCS CP4 (Existing Employment Land) by identifying the industrial estates in the centre of the village. CP4 states the use of employment land for alternatives uses will be permitted only where it can be demonstrated that the site is no longer suitable for employment use of some form and the alternative use is consistent with other policies within the JCS and that where the alternative use results in the loss of an existing industrial or business site a planning obligation may be negotiated to offset the loss of employment and mitigate the economic</p>

		impact.
BEN9	Traffic Impacts	<p>This Policy is in general conformity with JCS CP31 (Transport) which states that <i>“development proposals will include a range of mitigating measures [including] reducing congestion and improving highway safety”</i> and <i>“provide adequate, convenient and secure vehicle and cycle parking”</i></p> <p>BEN9 nuances the policy to ensure that any development in Bentley Parish will not have a detrimental effect on traffic and parking within the area, with particular reference to two areas where safety is a concern. If this should be the case that there is likely to be detrimental effect, then the development will need to contribute to appropriate mitigation measures.</p> <p>Part B of the policy is also in general conformity with JCS CP31 and CP18 (Provision of Open Space, Sport and Recreation and Built Facilities) through encouraging opportunities for walking and cycling wherever possible.</p>
BEN10	Green Infrastructure	<p>The Policy is in general conformity with Policy CP28 (Green Infrastructure) which states that <i>“development will be permitted provided that it maintains, manages and enhances the network of new and existing green infrastructure”</i></p> <p>BEN10 refines the policy as it relates to Bentley through the mapping of the network green infrastructure assets in the parish, which includes open space, sport, recreation, play and allotments to ensure that development maintains or enhances the green infrastructure in the development location.</p> <p>The Policy is also in conformity with JCS CP20 (Landscape) specifically providing more detail in relation to part f) which requires new development to <i>“maintain, manage and enhance green infrastructure networks.”</i></p> <p>The Policy provides local context in supporting JCS CP21 (Biodiversity) which requires development proposals to contribute towards maintaining a district-wide network of local wildlife sites and ensures wildlife enhancements are incorporated into the design to achieve a net gain in biodiversity by designing in wildlife.</p>

BEN11	Local Green Spaces	<p>This Policy is in general conformity with provides local definition to JCS CP1 ( Presumption in Favour of Sustainable Development) which details that the presumption can be rebutted where there are <i>“specific policies in that Framework indicate that development should be restricted”</i> with the footnote indicating that this includes <i>land designated as Local Green Spaces</i>.</p> <p>BEN11 proposes a number of important green spaces in the parish to be protected from development by the designation as Local Green Spaces.</p>
BEN12	Sustainable Drainage and Waste Water	<p>This Policy is in general conformity with and seeks to refine JCS Policy CP25 (Flood Risk) in respect of requiring <i>“All development will be required to ensure that there is no net increase in surface water run off,”</i> with priority given to incorporating SUDs unless it can be demonstrated that SUDs are not appropriate. It further states that where SUDs are provided, arrangements must be put in place for their whole life management and maintenance. Surface water flood</p> <p>BEN12 reflects the specific surface water flooding threats at Bentley, created by its topography.</p> <p>The Policy is also provides local context to JCS Policy CP26 (Water Resources/Water Quality) in recognising that the River Wey is vulnerable to pollution from wastewater at times of high rainfall when domestic sewerage and rainfall overwhelm the local system. CP26 states <i>“Proposals by service providers for the delivery of wastewater services to meet the needs generated by new development and by existing communities will be encouraged ( subject to other relevant policies)”</i></p> <p>CP26 also states that development will be required to <i>..”make efficient use of water”</i>. This is supported by BEN12 providing local context and specifying the incorporation of grey and rainwater harvesting measures wherever possible.</p>
BEN13	Dark Skies	<p>This Policy is in general conformity with JCS Policy CP27, providing application for Bentley Parish. CP27 recognises the localised impact upon amenity and the general wellbeing of pollution, including light pollution and an <i>“appreciation of the night sky”</i>. The parish is close to the edge of the South Downs National Park which has been an International Dark Sky Reserve since 2016 and has a Dark Skies Policy SD8. BEN13 provides nuance to CP27 which references lighting in general terms, with BEN13 specifically considering outdoor lighting as part of the policy.</p>

## 6. CONDITION (F): COMPATABILITY WITH EU-DERIVED OBLIGATIONS

6.1 The District Council provided a screening opinion in June 2023 that has determined that a Strategic Environmental Assessment, in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004 (as amended), is not required, following consultation with statutory bodies as per those Regulations. A copy of the final screening opinion is published separately.

6.2 As set out in Section 4 The Council has met its obligations in relation to the EU Directive 2001/42 in respect of assessing the potential for significant environmental effects of the policies of the Neighbourhood Plan.

6.3 The Council has also met its obligations in relation to the habitats provisions of EU Directive 92/43/EEC (and the associated Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2017 (as amended)). In this regard, the Council provided the District Council with all the necessary information it required for the purposes of determining whether an Appropriate Assessment was required or to carry out the Appropriate Assessment if one was required. The District Council's Habitats Regulations Screening Assessment concludes that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the 2017 Regulations) either alone or in combination with other plans or projects.

6.4 The Council has been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act. The Neighbourhood Plan has been subject to extensive engagement with those people local to the area who could be affected by its policies and their views have been taken into account in finalising the Plan.

6.5 In respect of Directive 2008/98/EC – the Waste Framework Directive – the Neighbourhood Plan does not include any policies in relation to the management of waste, nor does the area include a waste management site. On that basis, this Directive is not considered relevant to the Neighbourhood Plan and therefore could not be breached.

6.6 In respect of Directive 2008/50/EC – the Air Quality Directive – the Neighbourhood Plan includes some policies relevant to Air Quality. These policies are tested in accordance with national policy and guidance relevant to their content. The policies are not considered to breach the requirements of the Air Quality Directive as they comprise small-scale interventions and do not negate from the framework for measurement and improvement of air quality set in the Directive.

## 7. SUMMARY

7.1 In Section 3 it is considered that each of the policies have had full regard to national policy, with no incidence of two or more national policies being in tension, nor of Bentley Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (a).

7.2 In Section 4 it is considered that each of the policies either contributes to the achievement of sustainable development or is neutral in its impact on one of more of the three sustainability themes. As a result, the Neighbourhood Plan, as a whole, meets Condition (d).

7.3 In Section 5 it is considered that all of the policies are in general conformity with the strategic policies of the adopted and emerging development plan, with no incidence of two or more strategic policies being in tension, nor of Bentley Parish Council having to strike a balance between them. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).

7.4 In Section 6 it is considered the making of the Neighbourhood Plan accords with all EU-derived environmental and other obligations. As a result, the Neighbourhood Plan, as a whole, meets Condition (e).