BASIC CONDITIONS STATEMENT AND EQUALITIES IMPACT ASSESSMENT
NINFIELD NEIGHBOURHOOD DEVELOPMENT PLAN

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Introduction

1.1 This Statement has been prepared to accompany the submission of the Ninfield Neighbourhood Development Plan (NNDP) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

1.2 Ninfield Parish Council is the 'qualifying body' for the area of the Neighbourhood Development Plan covering the whole of the Parish of Ninfield. The area was designated by Wealden District Council on 23rd January 2020. The map of the 'Designated Area' is in section 2.0.

1.3 The Vision, Objectives and Policies of the NNDP relate to the development and use of land within the Ninfield designated area and cover the period 2022–2039. The latter date is for consistency with the replacement Wealden Local Plan currently in preparation.

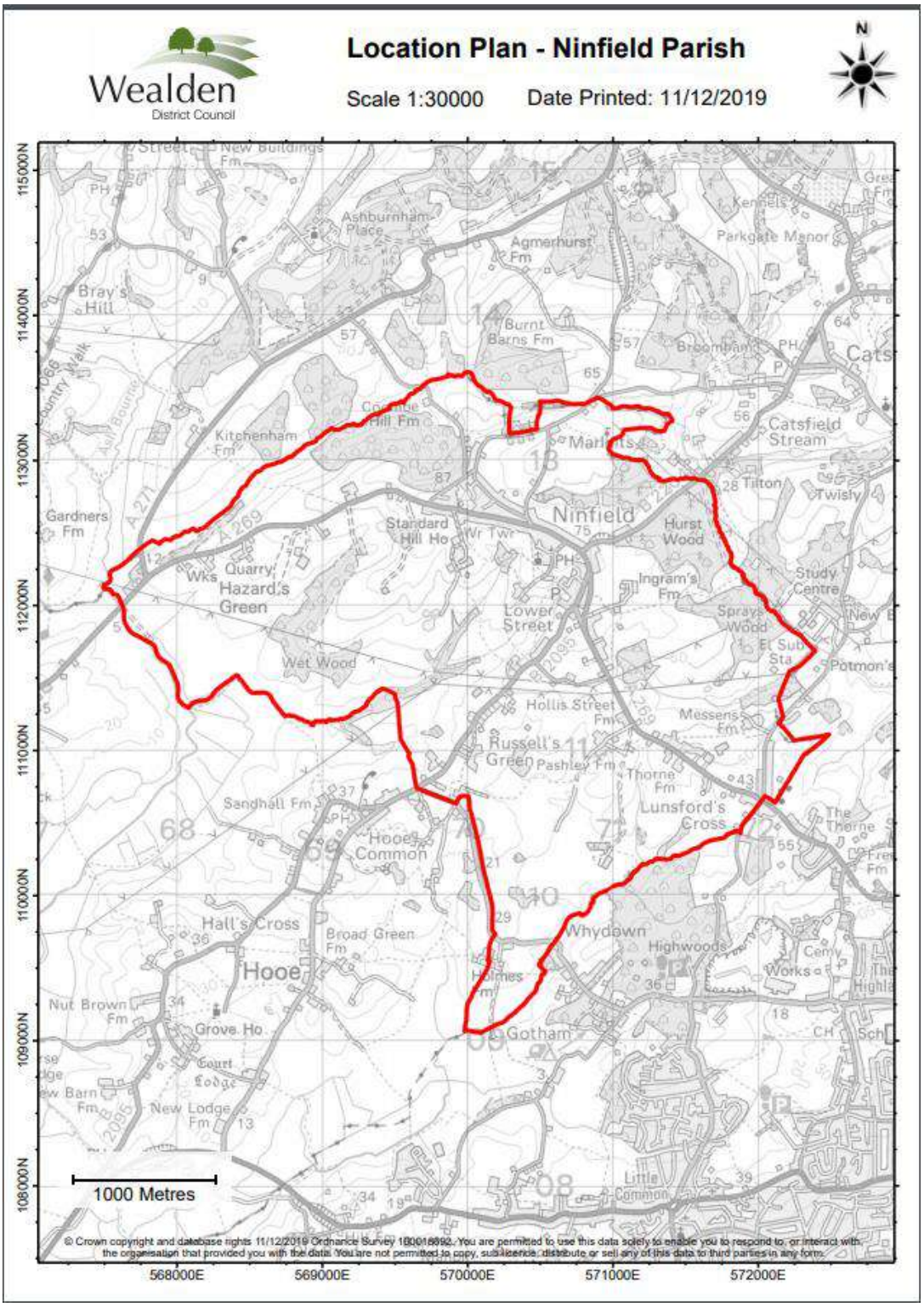
1.4 The NNDP contains 18 Policies relating to the development and use of land within the designated area. These are intended to enable the Ninfield community to have more influence over development in the parish including its sustainability. This accords with paragraph 29 of the National Planning Policy Framework (NPPF) which states "Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan."

1.5 The NNDP and its policies have been developed over a period of 3 years, following consultation with residents, businesses and community groups as well as officers of the Local Planning Authority and statutory bodies. The Plan also contains a number of Community Aspirations which, whilst not having the weight of Policies, are indicative of the community's views on matters outside the scope of planning policies in a neighbourhood plan.

1.6 Policies contained within the NNDP, with the exception of new housing provision (which is excluded from consideration for the reasons explained in the NNDP), have been prepared so as to accord with the policies of the NPPF 2021. These cover such matters as rural economic growth, good design, mix of housing types, promotion of healthy communities, sustainable transport, addressing climate change and flood risk, conservation and enhancement of both the natural and historic environment. Each policy in the NNDP is followed by a list of the relevant paragraphs in the NPPF 2021 together with the relevant strategic objectives and policies of the Wealden Core Strategy Local Plan 2013 and the 'saved' policies of the Wealden Local Plan 1998.

1.7 From the time of the initial consultations concerning the production of the NNDP and subsequently, it has consistently been made clear to all concerned that it must accord with National Planning Policy and Government advice as well as being in general conformity with the strategic policies of the Wealden Development Plan documents (as referred to above and also including the Wealden Affordable Housing Delivery Local Plan 2016). This was set out in early presentations and discussion groups and reaffirmed in subsequent consultation stages.

2.0 The ‘Designated Area’



3.0 The Basic Conditions

3.1 The independent Examiner must consider whether the Ninfield Neighbourhood Development Plan meets the 'Basic Conditions'. The Basic Conditions are set out in primary legislation in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and are applied to neighbourhood development plans by section 38A of the Planning and Compulsory Purchase Act 2004. Government advice on the basic conditions is set out in its Planning Practice Guidance on Neighbourhood planning in paragraphs 065 to 079 (Reference ID: 41-065-20140306 et al). The Basic Conditions relevant to the Ninfield NDP (excluding (b) and (c) which relate solely to Development Orders of which none are proposed) are:

"(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan."

"(d) The making of the neighbourhood plan contributes to the achievement of sustainable development."

"(e) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)."

"(f) The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained EU obligations."

"(g) Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order." NB. under the legislation, 'order' also includes 'plan'.

Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe another basic condition, namely that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. This sets out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites in relation to the examination of neighbourhood development plans.

3.2 Sections 5.0 to 10.0 below demonstrate how the NNDP meets these 'basic conditions'. To some extent, there is an overlap between their requirements. Section 5.0 relates to Basic Condition (a); section 6.0 to Basic Condition (d); section 7.0 to Basic Condition (f); section 8.0 to Basic Condition (g); and section 9.0 to Basic Condition (e). Section 10.0 comprises a summary table of NNDP policies and how they relate to the relevant national and District strategic policies.

4.0 Other legislative requirements

4.1 The Examiner must also consider whether the requirements of sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended) are met. 38A requires that "the plan sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood

area specified in the plan". 38B requires that the Plan must specify the period for which it is to have effect; may not include provision about development that is 'excluded development'; and may not relate to more than one neighbourhood area. It also states that only one neighbourhood development plan may be made for each neighbourhood area.

4.2 The NNDP meets all the above requirements. The NNDP relates to the period 2022-2039. It does not have any provisions relating to 'excluded development' and it does not relate to more than one designated area. The NNDP policies relate to the development and use of land within the designated area shown on the above map and it is the only neighbourhood plan for the designated area. Other matters are included only as community aspirations.

5.0 Basic Condition (a) 'Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan'

5.1 In developing the Plan and its Policies close regard has been had to the policies and guidance contained in the NPPF 2021. This is demonstrated by the numerous references and quotes from the NPPF within the text of the NNDP. The Table 10.0 below compares the NNDP policies with the NPPF 2021 (as well as the Wealden Core Strategy Local Plan 2013 and the 'saved' policies of the Wealden Local Plan 1998). These show how the Plan's policies align with national policies and advice, most fundamentally as required by para 11 of the NPPF which states:

"11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: (a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."

5.2 As stated earlier, the NNDP does not include any housing allocations. This is because, partly owing to the NPPF, the existing Wealden Development Plan documents are out of date in that respect and it is a matter that will be dealt with as part of the preparation of a new Wealden Local Plan. It is considered unrealistic to expect an indicative housing figure (para 67 of NPPF) for Ninfield to be provided by the Local Planning Authority until the new Local Plan is more advanced. Moreover, it is by no means certain that there would be agreement over whatever new housing figure and development area are proposed for Ninfield by the LPA in the draft Plan. On past experience, given the large number of new dwellings already committed, which the Parish Council considers could be sufficient for much of the Plan period, it is likely that these matters would need to be considered at the Examination into the submission draft Local Plan.

5.3 Consequently, policy N1 'Sustainable Location of Development' has been framed to allow for the provisions of the NPPF housing policies and guidance to be met without being specific as to sites and particular reliance is placed on the other more detailed policies for particular subjects of concern. These derive from identification of the most important issues and constraints governing the development of land in

the parish. Examples of this approach can be found in respect of the proposed NNDP policies for Areas of Locally Valued Landscape (in addition to the nationally designated AONB), Local Green Space, biodiversity (including Green and Blue Infrastructure beyond just the designated Local Wildlife Sites and Nature Reserve). In all these cases, detailed references have been made to the relevant paragraphs, objectives and criteria contained in the NPPF and the policies worded accordingly.

5.4 The guidance in the NPPF for promoting rural economic growth and farm diversification is reflected in the proposed policies for sustainable rural enterprise and existing business sites.

5.5 The NPPF promotes good design. The NNDP accords with this in not only having a design policy but in having a Design Guide for Ninfield. The NPPF also supports protection of heritage that is of importance locally as well as nationally. The NNDP contains much detail on the identification of local heritage assets in Ninfield, a subject matter that has been given very little attention by the LPA in the past. The policy contained in the NNDP for non-designated heritage assets fully accords with national guidance.

6.0 Basic Condition (d) 'The making of the neighbourhood plan contributes to the achievement of sustainable development'

6.1 Although not required under the legislation, a Sustainability Assessment (SA) has been carried out for the NNDP which is contained in a separate document. The NNDP objectives and policies have been tested against the 18 objectives contained in the 'Sustainability Appraisal Scoping Report' published in November 2020 by WDC for their new Wealden Local Plan.

6.2 The above Ninfield SA shows that the NNDP would help to achieve the realisation of these objectives, apart from the few which lie outside the scope of the NNDP, namely new housing provision, education and waste. There is no conflict with any of the 18 objectives. The NNDP does not contain any housing allocations but has been prepared with an emphasis on policies that would contribute to the achievement of sustainable development.

6.3 The NPPF contains the Government's definition of sustainable development building upon the high-level definition of 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The NPPF para 8 states that sustainable development has 3 overarching objectives:

an economic objective – "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 infrastructure"

- The NNDP seeks to protect existing business sites and foster sustainable rural enterprise appropriate to the rural landscape (policies N13 and N14). Provision of improved infrastructure and communications is also supported (N12 and N15) and parking provision (N18).

a social objective – 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 the present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"

- The NNDP includes a policy on design (N10) and housing mix (N11), protects and encourages improvement of a variety of community facilities (N16). N7 protects Local Green Spaces. N17 encourages walking and cycling and together with other policies recognising the role of countryside in supporting health and wellbeing of parish residents and visitors.

an environmental objective – "to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".

- The NNDP sets out policies that protect and encourage enhancement of valued landscape (N6), local green spaces (N7), key views (N5), biodiversity (N8), non-designated heritage assets (N9) and dark skies (N4). The Plan seeks to promote more sustainable transport patterns by supporting improvements in walking, cycling and use of public transport (N17) and encourage renewable energy (N2) and safeguarding against flooding (N3).

7.0 Basic Condition (f) 'The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained EU obligations'

7.1 The NNDP is considered to be fully compatible with and not in breach of the retained EU Obligations. The Government's Planning Guidance states that the following EU Directives may be of particular relevance to neighbourhood planning:

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).
Directive 2011/92/EU (as amended) 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).
Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora and **Directive 2009/147/EC** (as amended) on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).

7.2 As regards the strategic environmental obligations, the draft NNDP has been subjected to a Strategic Environmental Screening Assessment undertaken by Wealden District Council in May 2022. The conclusion is that the NNDP is not likely to have a significant effect on the environment and as such an Strategic Environmental Assessment (SEA) is not required. If the NNDP were to be changed

materially, it would have to be reassessed. The NNDP does not contain any projects requiring an EIA.

7.3 It has also been subject to a Habitat Regulations Screening Assessment by WDC which has found a Habitats Regulations Assessment (HRA) not to be required (see 8.0 below). The NNDP does not contain any proposals affected by the Habitats and Wild Birds directives.

7.4 The Government guidance does not mention the European Convention on Human Rights. The NNDP has been produced in consultation with the local community. It does not contain any policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district levels.

7.4 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights. The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The NNDP is fully compatible with the rights outlined in this Article. Although the NNDP includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
Article 14 provides that "The enjoyment of the rights and freedoms set forth in the European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Steering Group appointed by the Parish Council has developed the policies and proposals within the Plan in consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

8.0 Basic Condition (g) 'Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.'

8.1 Under the legislation, Condition (g) above is taken to mean 'plan' (as well as 'order'). Under the Regulations, the relevant matter is the effect on any protected European wildlife sites. It is considered the requirements are met by the NNDP.

8.2 As regards the former, it is a requirement that "*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(3).*" This means that, if the neighbourhood development plan is likely to have a significant effect on a European protected site, even if that effect could be mitigated, a full Habitats Regulations Assessment of the plan needs to be undertaken.

8.3 The draft NNDP has been subjected to a Habitats Regulations Screening Assessment undertaken by Wealden District Council in May 2022. The conclusion is that the NNDP, in itself, will not result in a 'likely significant effect on a European site' and therefore that an Appropriate Assessment of the NNDP is not required. This conclusion has been confirmed by Natural England. It would need to be reassessed if the NNDP were to be changed materially.

9.0 Basic Condition (e) 'The making of the neighbourhood 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)'

9.1 The strategic policies of the Development Plan for the area are those contained in the Wealden Local Plan documents (such as have been adopted at the time of the NNDP's examination). The East Sussex Waste and Minerals Plans relate to excluded matters outside the scope of a neighbourhood plan and therefore the NNDP contains no such policies.

9.2 Paragraph 20 of the NPPF defines strategic policies as those which set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for (a) housing (including affordable housing), employment, retail, leisure and other commercial development; (b) infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk management and the provision of minerals and energy; (c) community facilities (such as health, education and cultural infrastructure); and (d) conservation and enhancement of the natural, built and historic environment including landscapes and green infrastructure, and measures to address climate change.

9.3 Para 21 of the NPPF states that if a Local Plan includes both strategic and non-strategic policies, it should make explicit which of the policies are strategic policies. These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to

detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.

9.4 In the case of Wealden District, the strategic policies are those set out in the Wealden Core Strategy Local Plan 2013 (apart from WCS8 which is replaced by policy AFH1 of the Wealden Affordable Housing Delivery Plan 2016).

9.5 The Wealden Local Plan 1998 was adopted at a time when the strategic planning policies were contained in the East Sussex Structure Plan 1991 (and its Deposit Draft Replacement 1996). County Structure Plans were abolished in 2004 and were subsequently replaced by the Core Strategies (in addition to the policies of the NPPF). Consequently, there is reason to regard all the 'saved' policies of the 1998 Local Plan as non-strategic. Nevertheless, for the sake of comprehensiveness, the NNDP itself includes a list of any relevant 'saved' policies of the Wealden Local Plan 1998 and these are also described in the NNDP text where necessary. The Table 10.0 below compares the NNDP policies with the NPPF 2021, the Wealden Core Strategy Local Plan 2013 and the 'saved' policies of the Wealden Local Plan 1998.

9.6 Strategic policies of the Wealden Core Strategy Local Plan 2013

WCS1 Provision of Homes and Jobs 2006-2027 - Land will be identified for provision of 4,525 dwellings (9,414 including commitments); 40,000sqm of employment and 17,000sqm of retail in the District. As stated above, this policy is out of date and the housing provision is far below current NPPF/ Government requirements.

WCS2 Distribution of Housing Growth 2006-2027 - Broad allocations for housing in each of the towns to meet WCS1, with 455 allocated to the rural villages (1,373 including commitments). Although the overall pattern of distribution may still be relevant, as under WCS1,the figures are out of date and inadequate to meet NPPF requirements.

WCS3 Distribution of Employment and Retail - Allocates land for development to meet policy WCS1. The allocations are in towns with none allocated in the rural parishes.

WCS4 Strategic Development Areas - Ninfield is not one of these areas.

WCS5 Managing the Release of Housing Land - Monitoring to allow cohesion between housing delivery and infrastructure provision. Release of land will be managed to meet WCS2 and adequacy assessed. - The NNDP contains no policy that would prevent management of the release of land.

WCS6 Rural Areas Strategy - Categorises rural settlements and allocates land for housing to meet WCS1. Ninfield is a 'Local Service Centre' with an allocation for 50 net additional dwellings. This is out of date and the figure of 50 for Ninfield is exceeded by nearly 200 as a result of the permissions granted in recent years.

WCS7 Effective Provision of Infrastructure - The release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development. Where development would create the need to provide additional or improved community facilities, services and infrastructure to mitigate its impact, a programme of delivery must be agreed with the relevant infrastructure providers which will ensure that these improvements are provided at the time they are needed. - NNDP policy N15 accords with this.

WCS8 Affordable Housing – replaced by policy AFH1 of Affordable Housing Delivery Plan 2016 (see below).

WCS9 Rural Exception Affordable Housing - In exceptional circumstances, planning permission may be granted for small scale affordable residential development in rural areas outside development boundaries in order to meet an identified local housing need among those people unable to compete in the normal housing market. - The NNDP refers to this in its text and contains no policy that would prevent this.

WCS10 Provision for gypsies and travellers - Allocation of an additional 23 pitches of which none are in Ninfield.

WCS11 Site criteria for allocations in WCS10 - Not applicable as no such sites in Ninfield.

WCS12 Biodiversity - In order to contribute to the biodiversity targets provided in the Sussex Biodiversity Action Plan the District Council will prevent a net loss of biodiversity, ensure a comprehensive network of habitats, and work with partners to maximise opportunities to ensure habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas. - NNDP policy N8 accords with this.

WCS13 Green Infrastructure - Development proposals will not be permitted which would result in the loss of existing open space or harm to Wealden's network of green spaces unless measures are incorporated within the development that will either mitigate the effects of development or alternative and suitable provision is made that is accessible, of good quality and value to its users, in an appropriate location, at an appropriate scale and nature and would positively contribute to the overall network of green space. All new residential development will be required to contribute to the green infrastructure network and where appropriate to make provision for new or enhancement of existing open space. - NNDP policy N8 accords with this.

WCS14 Presumption in Favour of Sustainable Development - When considering development proposals, the District Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. - The NNDP supports sustainable development and contains no policies that would prevent this provided relevant identified factors are taken into account.

9.7 Strategic policy of the Wealden Affordable Housing Delivery Plan 2016

AFH1 Affordable Housing - New housing developments will be expected to provide a mix of dwelling size, type and tenure that meet the identified housing needs of the local area. Affordable housing is required at a level of 35% of the number of dwellings on development sites with 5 (net) dwellings or more. Where sites are allocated in a Local Plan that document may specify a different housing target having regard to the findings of the associated viability assessment and any site-specific considerations. Affordable housing provision should incorporate a mix of tenures. On development sites of 49 dwellings or less, around 80% of the total affordable homes will be for social rent with the remainder being intermediate. For development sites of 50 dwellings or more, around 40% will be for social rent, 40% affordable rent and 20% intermediate. Where proven that affordable housing requirement cannot be achieved due to economic viability, there will be flexibility in meeting targets. The affordable housing will be distributed within the site to ensure it is integrated and comparable in design with market housing on the site.

- The NNDP text supports the above policy. Policy N11 relating to Housing Mix supports a high percentage of one and two-bedroom units for affordable housing. This has been advised as necessary in the Wealden Housing Needs Assessment 2021 and is complementary to the requirements of AFH1.

9.8 Emerging Replacement Wealden Local Plan

In recent years, Wealden District Council has sought to update its development plan and, in January 2019 sent the submission draft Wealden Local Plan 2019 to the Secretary of State for examination. Following the Stage One examination process in the spring/summer of 2019, the Inspector concluded in December 2019 that the submitted plan could not proceed further in the examination process and should be withdrawn. Wealden District Council voted to withdraw the draft Local Plan on 19 February 2020 at its Full Council meeting and therefore this document does not form part of the strategic framework for the Wealden District. WDC is now engaged upon the preparation of a new Local Plan for the period until 2039. It was expected to be adopted at the end of 2023.

9.9 SUMMARY TABLE of Ninfield Neighbourhood Development Plan Policies and the relevant paragraphs and policies of the NPPF and the adopted Wealden Development Plan documents

Neighbourhood Plan policies	Supporting NPPF References	Supporting Development Plan Policies
Policy N1 Sustainable Location of Development	Sustainable development, plan making and decision taking Paras 7-13, 78-80, 104, 105, 174	Core Strategy SPO1, SPO3, SPO7, SPO8, SPO14, WCS2, WCS6, WCS14 Saved Policies GD1, GD2, EN1, EN2, DC17

Policy N2 Renewable Energy	Adapting to climate change Paras 152-158	Core Strategy SPO9 Saved Policies EN1
Policy N3 Flood Risk and Drainage	Adapting to climate change Paras 152, 153 Flood risk and avoidance Paras 159-169	Core Strategy SPO10 Saved Policies EN1, CS2
Policy N4 Protect and Enhance Dark Night Skies	Limit light pollution Para 185 (c)	Core Strategy none Saved Policies EN29, HG6
Policy N5 Key Views	Protect and enhance valued landscapes Para 174	Core Strategy SPO1,WCS13 Saved Policies EN8, EN11, EN14
Policy N6 Areas of Locally Valued Landscape	Protection of valued landscapes and distinguish hierarchy Paras 174, 175	Core Strategy SPO1, WCS12, WCS13 Saved Policies EN8, EN11, EN12, EN14
Policy N7 Local Green Space	Local Green Spaces and relevant criteria Paras 101-103	Core Strategy SPO11, WCS12, WCS13 Saved Policies LR1
Policy N8 Biodiversity	Protect and enhance natural environment Paras 174, 175 Protect and enhance biodiversity Paras 179-182	Core Strategy SPO1, SPO11, WCS12, WCS13 Saved Policies EN1, EN12-15
Policy N9 Built Heritage	Conserve and enhance historic environment with heritage assets conserved according to significance Paras 189-208	Core Strategy SPO2 Saved Policies none
Policy N10 Design	Appropriate densities Paras 124, 125 Well designed places Paras 126-135 Appropriate to location Para 185	Core Strategy SPO2 Saved Policies EN27, HG6, HG7, HG10
Policy N11 Housing Mix and Space Standards	Needs assessment of housing type, size and tenure Para 62	Affordable Housing Delivery Plan AFH1
Policy N12 Communications	High quality communications infrastructure Paras 114, 115	Core Strategy none Saved Policies none
Policy N13 Existing Business Sites	Supporting a prosperous rural economy Paras 84, 85	Core Strategy SPO1, SPO6, WCS13, WCS14 Saved Policies DC6, DC7, BS7, BS8, BS9, BS14, BS15
Policy N14 Sustainable Rural Enterprise	Supporting a prosperous rural economy Paras 84, 85	Core Strategy SPO1, SPO6, WCS14 Saved Policies DC6, DC7, BS7, BS9, BS14
Policy N15 Infrastructure	Infrastructure availability Para 124 (c)	Core Strategy none Saved Policies CS1
Policy N16 Community Facilities	Supporting a prosperous rural economy Para 84 (d), Support healthy lifestyles Para 92 (c), Provide community facilities and guard against loss Paras 93, 99	Core Strategy SPO1, WCS12, WCS13 Saved Policies LR2, LR8

Policy N17 More Sustainable Travel	Protect and enhance rights of way Para 100 Promote sustainable transport Paras 104, 110-113	Core Strategy SPO7 Saved Policies TR3, TR13
Policy N18 Parking	Criteria for parking provision Paras 107, 108	Core Strategy none Saved Policies TR16

10.0 Equalities Impact Assessment

10.1 The Equality Act 2010 is the main anti-discrimination legislation in the UK. It imposes a duty on public bodies (including parish councils) to consider how their actions, decisions and policies might impact various defined groups of people, termed those with 'protected characteristics'. There are eight 'protected characteristics' to which the duty of public bodies relates under section 149 of the Act:-

1. Age
2. Disability
3. Gender reassignment
4. Pregnancy and maternity
5. Race
6. Religion or belief
7. Sex
8. Sexual orientation

10.2 The above duty requires public bodies to pay due regard to:

- Eliminating unlawful discrimination, harassment and victimisation;
- Advancing equality of opportunity by minimising disadvantages suffered by people due to their protected characteristics, meeting their needs and encouraging them to participate in activities where their participation is low; and
- Fostering good relations.

10.3 Throughout the preparation of the NNDP, the Parish Council and Steering Group have given consideration to the Equality Duty. People's different needs were considered in those instances where the objective or policy under consideration has the potential to have an effect, particularly in improving equality of opportunity and reducing the disadvantages experienced by particular groups. A proportionate approach was taken. There is no legal requirement to undertake an Equality Impact Assessment but, for informative and record purposes, this Assessment of the NNDP shows where its objectives and policies are considered to have a potential effect on equality.

10.4 The process of community consultation is set out in detail in the separate Statement of Community Involvement. Engagement with the local community has taken place in the preparation of the NNDP and with other stakeholders to ensure their support and that it addresses their concerns as far as possible. The community should find the NNDP easy to understand although some regulatory requirements may seem obtuse. It seeks to achieve the effective management of development and to ensure new and existing residents, regardless of their age or

other protected characteristic, have good access to a range of facilities whilst safeguarding and enhancing matters such as local character, heritage, biodiversity and sustainability. Most of the provisions of the NNDP will benefit the wider community and not specifically those with protected characteristics. Some objectives and policies, however, have the potential for some direct or indirect impact on equalities issues and these are referred to below.

Ninfield Population Characteristics

10.5 The separate State of the Parish Report sets out detailed statistics mainly from the 2011 census. 2020 figures below are estimates from the Office for National Statistics (ONS). The 2021 census, when published in full, will provide not only more up-to-date figures for parishes but also information on protected characteristics including gender reassignment and sexual orientation.

Ninfield Parish Population – 1,562 (2011 census); 1,622 (2020 ONS estimate)

Age: 20% of the population are children aged 16 or less, 55% are in the working age groups up to the age of 64, with 27% in the older age groups (2020 estimates). This means that the Ninfield population has a much older profile than the national average with a much lower proportion of working age but a similar proportion of children. However, the large number of family homes currently under construction in Ninfield is likely to make the age distribution much closer to the national average and potentially with a higher proportion of children.

Sex: 51.2% female; 48.8% male (2020 est)

Continent of birth**:** In 2011, 98% of Ninfield residents stated they were born in Europe; 0.9% in the Middle East/ Asia; 0.4% in Africa; 0.4% in the Americas; and 0.3% Oceania.

Ethnic group: In 2011, 98.9% of Ninfield residents were all White (as compared to 86% nationally); 0.6% all Mixed; 0.3% all Asian or Asian British; 0.1% all Black or Black British; and 0.1% Other.

Religion: In 2011, 67.6% of Ninfield residents stated they were Christian (as compared to 59% nationally); 23.2% had no religion; 8.2% gave no religion; 0.4% were Buddhist; 0.1% Jewish; 0.1% Muslim and 0.3% Other religion.

Health and Disability: In 2011, 17.7% of Ninfield residents said they had a long-term health problem or disability (being almost identical to the proportion nationally). Of these, 10.4% said their daily activities were limited a lot whereas 7.2% said they were limited a little.

Impact of NNDP Vision and Objectives on Groups with Protected Characteristics

10.6 The Vision for the Ninfield Neighbourhood Development Plan is:

'By 2039, Ninfield will have retained its character as a safe, vibrant, rural parish, protecting the character of its position between the High Weald AONB and Pevensey levels whilst supporting small scale development opportunities for community, economic and residential uses that meet the needs of its residents in an environmentally-sensitive and sustainable way.

Development will have avoided sensitive landscapes and cherished countryside and its biodiversity, whilst retaining the area's strong sense of community, green spaces, and thriving natural environment, respecting and preserving the heritage of the Parish.'

10.7 Overall, the above Vision of the NNDP should not have any negative impact on equality and is positive regarding a safe environment for all those living, working or visiting the area and a strong sense of community. The Objectives for delivering the above Vision are set out in the following Table with assessment of their likely impact on groups or individuals with protected characteristics:

Objective	Impact	Reason for assessment
ECO1- Protect the distinctive landscape setting of the village - which includes the public enjoyment of the countryside with its important public viewpoints, the natural environment, biodiversity and dark skies - and conserve and enhance the AONB and its setting.	Neutral	This objective protects the rural identity and character of the parish for the benefit of all those who live, work or visit with no identified discrimination and no disadvantage suffered by those with protected characteristics.
ECO2 - Enable Ninfield to make a contribution to reducing climate change and to build resilience, mitigate effects and maximise beneficial opportunities.	Neutral	This objective is aimed at a sustainable future for all those who live, work or visit with no identified discrimination and no disadvantage suffered by those with protected characteristics.
DDO1- Conserve and enhance the unique rural heritage and character of Ninfield including its historic buildings and their settings, through sensitive design of new development which reflects the needs of the Parish.	Neutral	This objective protects the heritage of the parish for the benefit of all those who live, work or visit with no identified discrimination and no disadvantage suffered by those with protected characteristics.
DDO2 - Encourage sustainable design in the construction of new development and alterations to existing buildings and their facilities.	Neutral	This objective is aimed at mitigating against climate change for the benefit of all with no identified discrimination and no disadvantage suffered by those with protected characteristics.
DDO3 - Support the provision of a mix of dwelling types including in particular, affordable housing, smaller dwellings for young families or those downsizing and starter homes.	Positive	This objective is for the benefit of all those in need of a home but should particularly help the younger generation and older persons wishing to downsize. It is neutral in respect of the other protected characteristics.
EIFO1- Support proposals that provide local employment and are sustainable, environmentally	Positive	This objective seeks to protect and improve local employment with no identified discrimination and no

appropriate and consistent with the rural location.		disadvantage suffered by those with protected characteristics.
EIFO2- Retain, upgrade and expand facilities, infrastructure and communication networks to meet the social, leisure and health needs and interests of residents.	Positive	This objective is for the benefit of all residents but should particularly help those with disabilities (which may or may not be associated with age), mothers with babies and children. It is neutral in respect of the other protected characteristics.
TAO1- Promote safer and better access for residents to key facilities and locations by bus, cycle and on foot and ensure an adequate level of car parking is provided with new developments.	Positive	This objective is for the benefit of all residents but should particularly help those with disabilities (which may or may not be associated with age), mothers with babies and children. It is neutral in respect of the other protected characteristics.

Impact of NNDP Policies on Groups with Protected Characteristics

10.8 This Table shows which policies of the NNDP (N1-18) have a potential effect on groups in the eight protected characteristics (PC1-8) of the Equality Act 2010. The policies relating to accessibility, parking, community facilities and housing mix are assessed as having a positive impact (P) with only the dark night skies policy having a degree of negative impact (N) on those with accessibility issues. Most policies are neutral and unlikely to have any impact (blank boxes) as they do not discriminate on the basis of any protected characteristic and no particular disadvantages were identified as needing to be addressed.

	N1	N2	N3	N4	N5	N6	N7	N8	N9	10	11	12	13	14	15	16	17	18
PC1				**N**							**P**					**P**	**P**	**P**
PC2				**N**							**P**					**P**	**P**	**P**
PC3																		
PC4				**N**												**P**	**P**	**P**
PC5																		
PC6																		
PC7																		
PC8																		

Key to above Table:-

Protected characteristic	**NNDP Policy**	**Impact**
PC1 Age PC2 Disability PC3 Gender reassignment PC4 Pregnancy and maternity PC5 Race PC6 Religion or belief PC7 Sex PC8 Sexual orientation	N1 Sustainable Location of Development N2 Renewable Energy N3 Flood Risk and Drainage N4 Dark Skies N5 Key Views N6 Areas of Locally Valued Landscape N7 Local Green Spaces N8 Biodiversity N9 Built Heritage N10 Design N11 Housing Mix and Space Standards N12 Communications	P - positive N - negative Blank box - neutral

	N13 Existing Business Sites N14 Sustainable Rural Business N15 Infrastructure N16 Community Facilities N17 Safer and More Sustainable Travel N18 Parking	

11. Conclusion

11.1 This report demonstrates that the Ninfield Neighbourhood Development Plan meets the Basic Conditions as required under the Neighbourhood Planning (General) Regulations 2012 and also the other relevant legislative requirements.