

EIGHT ASH GREEN NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT

2017 - 2033

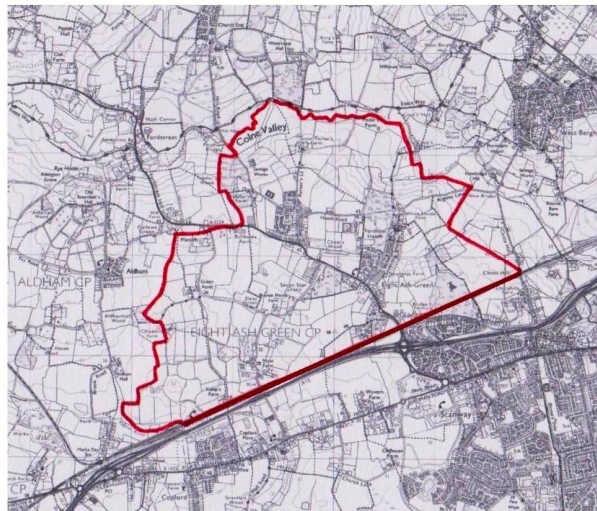
Town and Country Planning Act 1990 (as amended)

Paragraph 8 (2) of Schedule 4B

Submitted by the Eight Ash Green Parish Council as the qualifying body for the Eight Ash Green Neighbourhood Plan Area comprising Eight Ash Green, Fordham Heath, Seven Star Green and Daisy Green as per the map below.

A VISION FOR THE PARISH OF EIGHT ASH GREEN

The Vision for Eight Ash Green is that it should remain a small village located in a rural setting, mainly consisting of residential dwellings interspersed with open farmland but also containing some small business premises. Eight Ash Green should continue to enjoy wide open spaces within the village with uninterrupted views of the countryside. It should remain clearly separated from other nearby villages - it is not and should not become a suburb of Stanway, Colchester or the proposed West Tey Garden Community/New Town



Map showing Eight Ash Green Neighbourhood Area

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Introduction

1. Work on the Neighbourhood Plan (NP) for our village of Eight Ash Green (EAG) started in February 2015 in response to Colchester Borough Council (CBC) having already initiated a “Call for Sites” programme as part of the proposed development of a Local Plan for the Borough of Colchester. Whilst our villagers accepted that EAG had to play its’ part in the future development and expansion of Colchester, they wanted to be able to determine where in the village any increase in housing was to take place. A NP Group was formed which then undertook a comprehensive programme of work, to consult with a wide variety of interested parties and to gather the appropriate evidence, details of which are contained in our separate Evidence Base, our Consultation Statement and as well as our Project Plan, all of which are available on the Group’s website at www.eightashgreen.net
2. In effect, we have a suite of documentation to support/reflect this Basic Conditions Statement which includes:-
 - a. The Basic Conditions Statement itself
 - b. Our Neighbourhood Plan
 - c. Our Consultation Statement
 - d. Our Evidence Base
 - e. Our Project Plan
 - f. The Technical Report setting out the results/findings from our March 2017 questionnaire
 - g. Our Village Design Statement (VDS) of 2013

Background and Legal requirements

3. This Basic Conditions Statement has been prepared by the EAG NP Group on behalf of the EAG Parish Council (PC) to accompany its submission of the EAG NP to CBC under Regulation 15 of the NP Regulations 2012.
4. The draft NP is being submitted by EAG PC which, as a qualifying body, is entitled to submit a NP for its own Parish. The NP has been prepared by the EAG NP Group which is led by the EAG PC.
5. The whole Parish of EAG has been formally designated as a Neighbourhood Area (NA) (see map on page 1) by way of an application made on 13th May 2015 under the NP Regulations and approved by CBC on 15th June 2015.

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6. The draft NP contains Objectives and Policies relating to the development and use of land within the NA. Proposals relating to planning matters (the use and development of land) have 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.
7. The draft NP identifies the period to which it relates as 2017 – 2033. The period has been chosen to align with the dates of the proposed CBC Local Plan.
8. The draft NP does not deal with county matters (eg mineral extraction and waste development), nationally significant infrastructure or other matters set out in Section 61K of the Town and Country Planning Act 1990.
9. The draft NP only relates to the Parish of EAG. It does not relate to more than one NA. There are no other NPs in place within our NA.
10. This Basic Conditions Statement addresses each of the four “basic conditions” required of the Regulations and explains how the NP meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990.
11. The Regulations state that the NP will have met the basic conditions if it:-
 - Has regard to national policies and advice contained in guidance issued by the Secretary of State – eg the National Planning Policy Framework (NPPF):
 - Contributes to the achievement of sustainable development;
 - Is in general conformity with the strategic policies of the development plan for the area, in this case the CBC Local Plan; and
 - Is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.
12. So as to enable the reader to be satisfied the draft NP does meet the “basic conditions”, this Statement contains four separate but linked sections:-
 - a. Section 1: NPPF obligations
 - b. Section 2: Sustainable development
 - c. Section 3: General conformity with the current CBC Core Strategy Policies
 - d. Section 4: Compatibility with EU regulations

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Section 1: NPPF obligations

13. The EAG NP must have appropriate regard to national policy. Paragraphs 183 – 185 of the NPPF set out the purpose of NPs ie to give communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need which should be aligned with the strategic needs and priorities of the wider local area.
14. In this Section, we describe how the EAG NP relates to and conforms to the NPPF of March 2012.
15. As set out in paragraphs 11 – 16 of the NPPF, the central theme is the presumption in favour of sustainable development. In this context, sustainable development is broadly defined internationally¹ as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
16. The NPPF uses three “dimensions” to describe sustainable development – economic – social – environmental and requires the planning system and therefore the EAG NP, where appropriate:-
 - a. To contribute to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and by improving the local supporting infrastructure;
 - b. To support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - c. To contribute to protecting and enhancing the natural, built and historic environment, helping to improve biodiversity, making better use of natural resources, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.
17. Paragraph 17 of the NPPF specifies that delivery of sustainable development by the planning system is to be through the application of 12 core planning principles and the pursuit of 13 sustainability objectives supporting the three economic, social and environmental dimensions described above.
18. The 12 core planning principles put forward in the NPPF are listed below which are then matched against the EAG NP Vision, the appropriate Objective and Policy subject and number(s), with any appropriate comments on conformity shown in column 4.

¹ Resolution 42/187 of the United Nations General Assembly

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Serial	NPPF Core Planning Principle	Linked or relevant Vision, Objective and Policy (number) in the EAG NP	Comment on conformity
1	Genuinely plan-led empowering local people to shape their surroundings with succinct neighbourhood plans setting out a positive vision for the future of the area	As described on page 1, our NP sets out a positive, clear Vision for the future of our village	<p>Section 9 of our NP, “The future provision of additional housing in the village” clearly shows the villagers have been empowered to shape their surroundings in support of the CBC Local Plan</p> <p>In addition, Section 8 “Consultation and process” of our NP sets out the variety of methods we have used to both involve and keep up to date with the development of our NP</p> <p>Both these elements show the work of the EAG NP Group fully conforms with this core planning principle (no 1) of the NPPF</p>
2	Enhance and improve the places in which people live their lives	The Objectives and Policies set out in our NP cover a range of issues to include housing (SP1-17 and OH1), the environment (EnvP1-5), our heritage (Her1), natural resources-renewable energy (NRP1-2), local businesses (BP1-2) and community amenities (CA1-1). Section 12 of our NP “Projects”	Taken together, all our Objectives and Policies and Projects contribute to the enhancement of the village, seeking to make improvements where practicable, fully in line with this core planning principle (no 2) of the NPPF

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		lists a wide number of Projects the villagers wish to see implemented that are outside the remit of but linked to the NP	
3	Proactively drive and support sustainable economic development by identifying and then meet the housing, business and other development needs to include a clear strategy for allocating sufficient land and infrastructure	<p>We have a suite of Objectives and Policies concerning housing (SP1-17 and OH1) and business (BP1-2)</p> <p>The development needs of both domestic housing and businesses, in respect of communications and broadband are set out in Section 12 “Projects”</p>	<p>The acceptance by the village to accommodate 150 additional dwellings within the village, conforms fully with the allocation made by CBC as part of their Local Plan</p> <p>The Objective and Policies for local businesses support the CBC Policy DM6 eg by proposing there should be a “Designated Business Area” with a view to encouraging more local employment in the village</p> <p>The elements in columns 3 and 4 provide the impetus to help proactively drive and support sustainable economic development and therefore the EAG NP fully conforms with this core planning principle (no 3) of the NPPF</p>
4	High quality design and standard of amenities	Our housing Objectives are “To provide high quality housing that reflects the existing, distinct open character area of the village and meets the appropriate needs of the community both now and in the future”	<p>Both our Site 226 development and Other Housing Objectives fully conform with this core planning principle (no 4) of the NPPF</p> <p>In addition, our VDS of 2013 remains fully relevant, setting out the characteristics of the village and by way</p>

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			of the Design Guidelines, the standards of design acceptable in the village
5	Promote the character and vitality of communities	<p>Our housing Policies (SP5 – medium density, 7 – mixture and types of housing and 8 – only 2 storey housing for example) reflect the existing character of the village</p> <p>Our Community Amenities Policies CA 1 supports the building of a new community hub/hall and CA2 supports the enhancement and/or addition to the current recreational areas in the village</p>	<p>EAG is a natural rural village with open views/vistas to be found both externally and internally. This is the essential character or nature of the village and our NP fully conforms with this core planning principle (no 5) of the NPPF</p> <p>All the Policies listed in column 3 have a direct link to this core planning principle of the NPPF (no 5) whereby, coupled with the existing opportunities for the community to come together, they contribute to the vitality of the community</p>
6	Recognising potential flood risk, supporting a low carbon future and encourage the use of renewable resources	<p>Flood risk is covered by our Policies SP13 (SuDS) and EnvP5 (prevention of flooding)</p> <p>In addition, our Policy SP11 refers to the installation of sustainable battery pods in any new housing</p> <p>Policies NRP 1 and 2 are about encouraging and supporting the installation of solar panels</p>	<p>As EAG sits on high ground some 40 metres above sea level where the surface geology consists mostly of thin layers of sands, gravel and clay resulting in good drainage, the village is not a flood risk area.</p> <p>We have recognised the importance of this core planning principle of the NPPF (no 6) by way of a number of Policies in our NP as described on column 3</p>
7	Contribute to conserving and enhancing the	There are two relevant Objectives	Protection of our rural environment is a

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	natural environment and the reduction of pollution	in our NP. The first relates to maintaining the existing gap between EAG and Stanway/Colchester and the proposed West Tey Garden Community/New Town so as to prevent coalescence, supported by Policy (EnvP1) and the second Objective aims to protect and where possible to enhance the biodiversity and the green/open spaces in the whole of village by way of Policies EnvP2 -5	key issue for the villagers as reflected in Section 7 of our NP. Our Objectives and Policies along with our VDS of 2013 and the overwhelming responses of support to Q 31 - 38 of our March 2017 questionnaire which asked for confirmation about the need to protect our environment, fully conform with and directly supports this core planning principle of the NPPF (no 7)
8	Encourage the effective use of land to include the use of brown-field sites	10 sites around the village were put forward for consideration as part of the CBC Call For Sites programme and a further 3 sites were examined by the NP Group. Some of these sites were more appropriate than others with the villagers choosing Site 226 as their preferred site. In terms of the development of domestic housing, none of these are brown-field sites but in terms of businesses, the proposed Designated Business Area – see Serial 3 above – this is on an existing brown-field site	Site 226, the location chosen by the villagers and accepted by the PC is making effective use of an appropriate piece of land in the village that is capable of taking the CBC target figure of 150 dwellings as part of the CBC Local Plan. The villagers choice and subsequent decision by the PC directly supports this core planning principle of the NPPF (no 8)
9	Promote mixed use of developments	Our Policies for Site 226 include	Although the proposed development on

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	encouraging multiple benefits from the use of land eg for wildlife, recreation, flood risk mitigation, carbon storage or food production	<p>having public open space (SP12), flood risk mitigation (SP13), and landscaping and noise reduction measure (SP14-15).</p> <p>Our Environment Policies include protection for green open spaces (EnvP2), protection for hedgerows, trees and woods (EnvP3), and prevention of flooding (EnvP5).</p> <p>Our Environment Project in Section 12 of the NP is about support and encouragement for the natural habitats for wildlife</p>	<p>Site 226 does not include an area for food production ie an allotment, the village already has an allotment which is not always fully utilised</p> <p>All the elements mentioned in column 3 directly support this core planning principle of the NPPF (no 9)</p>
10	Conservation of heritage assets	<p>One of our Objectives is to protect the ancient heritage in our village. This is underpinned by our Policy (Her1) that aims to ensure the land adjacent to any of the 13 listed buildings contained in the village is protected against any future housing and/or commercial development</p>	<p>Although EAG of itself, is not an old village, having only come together in 1947, nevertheless we do have 13 listed buildings as well as some ancient ponds.</p> <p>Both the NPPF and our NP are about conserving the heritage assets and our NP policies directly support this core planning principle of the NPPF (no 10)</p>
11	Make the fullest possible use of public transport,	Our Policy (SP16) is about the	Site 226 is at the (far) western end of

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	<p>walking and cycling</p>	<p>introduction of a new bus stops (and appropriate lay bys) adjacent to Site 226 – the chosen Site to accommodate the CBC target of 150 dwellings as part of the CBC Local Plan</p> <p>Our Environment Policy (EnvP4) refers to the protection, expansion and enhancement of the current network of footpaths, cycle ways and bridleways in the village.</p> <p>Our Access and Leisure Projects in Section 12 of our NP refers to the maintenance of the National Cycle Network Route 13 that runs through the village (Project no 4); support and encouragement for the introduction of a dedicated cycle network in the village and where possible, linking this with the footpath network (Project no 5); the placement of cycle stands at four different locations throughout the village (Project no 6); and that the footpaths and bridleways are well maintained (Project no 7)</p>	<p>the village, the furthest away from Colchester and the Stanway retail area. At present, the nearest bus stop is some 200m away – the introduction of a new bus stop would not only be more convenient but would help support this core planning principle of the NPPF (no 11)</p> <p>Some 49 per cent of villagers who responded to Q 22 of the March 2017 questionnaire, said they would be encouraged to make use of a cycle network in the village should one be developed</p> <p>Conformity and support with this core planning principle of the NPPF (no 11) was reinforced by way of responses to Q 38 of our March 2017 questionnaire where, in respect of those who responded, some 98 per cent agreed the PRow should be protected and enhanced.</p>
12	Support local strategies to improve health,	We have an Objective under our	Our village already has a good range of

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	social and cultural well-being for all and deliver community facilities and services to meet local needs	Community Amenities section “to provide, support, maintain and where appropriate, enhance the community amenities in the village”. The primary Policy (CA 1) is about supporting the building a new Community Hub/Hall and Policy (CA2) is about enhancing or adding to the recreational areas in the village	community amenities to include a village hall; a public house; allotments; and a hotel with a leisure centre. Taken together, these provide the opportunity to improve the health, social and cultural well-being for all in line with this core planning principle in the NPPF (12)
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Section 2: Sustainable development

19. Paragraphs 6 to 10 of the NPPF provide a succinct explanation regarding achieving sustainable development setting out the three dimensions the planning system needs to perform ie an economic role, a social role and an environmental role which are all mutually dependent.
20. The 13 sustainability objectives referred to in the NPPF are set out in column 2 below. The EAG contribution to help meet these is shown in column 6. The relevance of our Objectives and Policies to each of the three roles, is represented by a tick in columns 3 to 5.

Serial	NPPF Sustainability Objectives	Economic	Social	Environmental	The EAG contribution to sustainable development
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1	Building a strong, competitive economy	✓	✓		Business Policies BP 1 and 2
2	Ensuring the vitality of town centres	Being a rural village, this Objective does not apply to EAG			
3	Supporting a prosperous rural economy	✓	✓	✓	The whole of our NP is about supporting a prosperous rural economy
4	Promoting sustainable transport	✓	✓	✓	Site 226 Policy SP16 Access and Leisure Projects 4, 5 and 6
5	Supporting high quality communications infrastructure	✓	✓	✓	Site 226 Policy SP10 Communications Project 1
6	Delivering a wide choice of high quality homes		✓	✓	Site 226 Policy SP7 and Other Housing Policy OH 1
7	Requiring good design		✓	✓	Site 226 Objective
8	Promoting healthy communities	✓	✓	✓	Site 226 Policy SP12 and Environment Policies EnvP2-4 Access and Leisure Projects 2, 4, 5 and 7
9	Protecting green belt land	EAG does not sit on the formal green belt although it is in a rural location			
10	Meeting the challenge of climate change, flooding and coastal change	✓		✓	Site 226 Policies SP9, 11 and 13; Environment Policies EnvP5; and Natural Resources – Renewable Energy Policies NRP 1 and 2 Business Project 1
11	Conserving and enhancing the natural environment		✓	✓	Environment Policies Env2-4 Environment Project 1

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	<ul style="list-style-type: none"> SD3 – Community facilities 	Community amenities Objective and Policies	<p>providing the necessary community facilities, open space and transport infrastructure</p> <p>Our Community Objective and Policies CA1-2 fully conforms with SD3 which is about the provision or contribution of community facilities</p>
2	<p>Centres and Employment</p> <ul style="list-style-type: none"> CE 1 – Centres and employment hierarchy 	Local businesses Objective and Policies BP1-2	The Objective and Policies shown in column 3 fully conforms with CE1 which is about encouraging economic development such as rural businesses to include small scale developments in countryside locations
3	<p>Housing</p> <ul style="list-style-type: none"> H1 – Housing delivery H2 – Housing density 	<p>Site 226 Objective and Policies Other Housing Objective and Policy</p> <p>Site 226 Objective and Policies Other Housing Objective and Policy</p>	<p>H1 is about housing delivery as part of a Settlement Hierarchy where EAG is in Tier 3 “Villages”</p> <p>H2 is about housing density where new developments must enhance local character and the density of developments needs to be informed by the provision of open space and parking, the character of the area and mix of</p>

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	<ul style="list-style-type: none"> • H3 – Housing diversity • H4 – Affordable housing • UR2 – Build design and character 	<p>Site 226 Objective and Policies Other Housing Objective and Policy</p> <p>Site 226 Objective and Policies Other Housing Objective and Policy</p> <p>Site 226 Objective and Policies Other Housing Objective and Policy</p>	<p>housing</p> <p>H3 is about housing developments providing a mix of housing types to suit a range of different households to include affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs</p> <p>H4 is about requiring affordable housing to be built on developments for 5 or more dwellings “in other villages” ie EAG</p> <p>UR 2 is about securing high quality and inclusive design in developments that enhance the built character and public realm of the area to include high quality design that is adaptable. Buildings, parklands and views shall be protected from inappropriate development</p> <p>The Objectives and Policies shown in column 3 fully conform with H1-4 and UR2</p>
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	<ul style="list-style-type: none"> • TA3 – Public transport • TA4 – Roads and traffic • TA5 – Parking 	<p><i>Access and Leisure Projects 4, 5 and 6</i></p> <p>Site 226 Policy SP16</p> <p>Site 226 Policy SP2 and SP3</p> <p><i>Road Safety Projects 1 and 2</i></p> <p><i>Effective use of land Project</i></p>	<p>TA2 which is about promoting walking and cycling to include improving national cycle routes with better connections to local destinations</p> <p>The Policy shown in column 3 fully conforms with TA3 is about improving public transport</p> <p>The Policies and <i>Projects</i> shown in column 3 fully conform with TA4 which is about making best use of the existing road network and manage demand for road traffic</p> <p>The <i>Project</i> shown in column 3 fully conforms with TA5 which is about managing car parking that will support the economy and sustainable communities. Redeveloping of existing surface car parking will also be encouraged</p>
6	<p>Environment and Rural Communities</p> <ul style="list-style-type: none"> • ENV1 – Environment 	<p>Environment Objective and Policies EnvP1-4</p>	<p>The Objectives and Policies shown in column 3 fully conform with ENV1 which is about conserving and enhancing</p>

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	<ul style="list-style-type: none"> ENV2 – Rural communities 	<p>Site 226 Objective and Policies</p>	<p>the natural and historic environment and countryside to include maintenance of settlement separation</p> <p>The Objectives and Policies shown in column 3 fully conform with ENV2 which is about supporting rural communities where the design and construction of new village development must be high quality to include design, sustainability and compatibility with the distinctive character of the locality. Provision should also be made for affordable housing, open space, local employment and community facilities. Communities “are also encouraged to develop Neighbourhood and other Plans to include Parish Plans and Village Design Statements”</p>
<p>7</p>	<p>Energy, Resources, Waste, Water and Recycling</p> <ul style="list-style-type: none"> ER1 – Energy, Resource, Waste, Water and Recycling 	<p>Site 226 Policies SP9, SP11 and SP13 and Businesses Policies BP1-2 and Environment Objective and Policy EnvP5</p>	<p>The Objectives and Policies shown in column 3 fully conform with ER1 which is about the promotion of efficient use of energy and resources alongside waste minimisation whereby CBC will encourage the</p>

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			delivery of renewable energy projects. In addition, sustainable construction techniques will also need to be employed
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Section 4: Compatibility with EU regulations

23. With respect to relevant EU directives, the following appear to apply:

Serial	Relevant EU regulations	Linked or relevant EAG NP Objective and Policy and <i>Projects</i>	Comment on relevance
1	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).	Section 3	<p>This Directive seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes.</p> <p>The impact of the EAG NP will not result in any significant environment effects</p>
2	Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).		<p>Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood</p>

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			Development Orders. As no Neighbourhood Development Orders are proposed for our Neighbourhood Area, so the Directive does not apply.
3	Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).	Environment Objective and Policies	These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both Neighbourhood Plans and/or Orders. Our NP refers to the need to protect and where possible, enhance our natural habitats
4	The Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft Neighbourhood Plan or Order.		There are no Objectives or Policies contained in our NP that are within the scope of these Directives.

24. The making of our NP will not have a significant effect on any European Site (as defined in the Conservation of Habitats and Species Regulations 2012) – there not being such a site in EAG or a European offshore marine site (as defined in the Offshore Marine Conservation Regulations 2007) – EAG is not a coastal area.

Summary and Conclusions

25. In our questionnaire of March 2017, we asked a myriad of questions covering 4 key areas of housing (current and future housing needs), employment (status and location), transport (type used business and leisure, vehicle ownership and cycling) and essential infrastructure (energy, broadband and village hall) as well as asking a number of questions to help establish the personal profile of respondents. They were designed, not only to help empower local residents but also to cover off both a number of the 12 NPPF core planning principles but also 13 sustainability objectives.

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26. This document demonstrates how the EAG NP meets the four basic conditions regarding the NPPF obligations, sustainable development, general conformity with the current CBC Core Strategy Policies and compatibility with EU regulations.

Eight Ash Green Neighbourhood Plan Group

12th February 2018