

Oulton Neighbourhood Plan



Statement of Basic Conditions
February 2022

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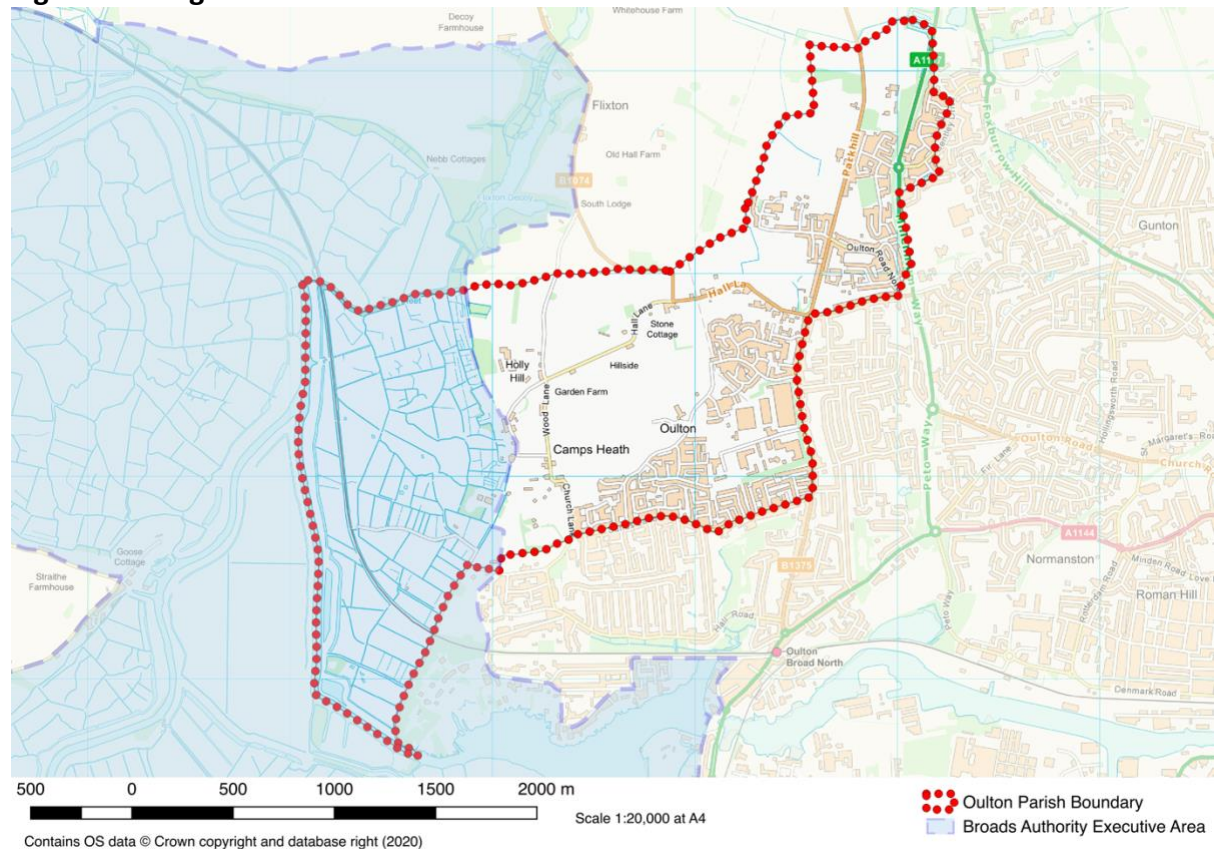
Section 1: Introduction

1. This Basic Conditions Statement has been prepared by [Collective Community Planning](#) on behalf of Oulton Parish Council to accompany the Oulton Neighbourhood Plan 2020-36 (ONP).
2. The purpose of the statement is to demonstrate that the ONP meets the legal requirements for a Neighbourhood Plan and the five basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as applied to Neighbourhood Development Plans by Section 38A of the Planning and Compulsory Purchase Act 2004.
3. The five basic conditions that a neighbourhood plan is expected to meet 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 development plan;
 - b) The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - c) The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - d) The making of the neighbourhood development plan does not breach, and is otherwise compatible with EU obligations; and
 - e) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.
4. There is one prescribed basic condition for Neighbourhood Development Plans, in relation to e) above, that *“the making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007), either alone or in combination with other plans or projects”*.
5. This statement confirms that:
 - The legal compliance requirements have been met (section 2);
 - ONP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - ONP contributes towards sustainable development (Section 4);
 - ONP is in general conformity with the strategic policies contained in East Suffolk Council’s (ESC) Waveney Local Plan and the Broads Authority (BA) Local Plan (Section 5);
 - ONP does not breach and is otherwise compatible with EU obligations, and that its making is not likely to have a significant effect on the environment, either alone or in combination with other plans or projects (Section 6); and
 - ONP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

6. The ONP has been prepared in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan also has regard to policies within the National Planning Policy Framework (NPPF) and guidance from the National Planning Practice Guidance (NPPG). The NPPG largely reflects the Regulations, providing further guidance as to how such requirements can be met.
7. ONP relates to the whole parish area that was designated by the Local Planning Authorities as a Neighbourhood Area. The Neighbourhood Plan relates only to this area, which is contiguous with the parish boundary. No other Neighbourhood Development Plan has or is being made for this area. ONP has been prepared by Oulton Parish Council which is the qualifying body. The ONP includes a map of the designated area, see **Figure 1** of this report.
8. ONP sets out policies in relation to development and the use of land in the designated neighbourhood area and which has been prepared in accordance with the statutory provisions. Initial consultations had due regard to guidance whilst Regulation 14 (Pre-Submission) consultation was consistent with the specific regulatory requirements, as detailed in the Consultation Statement.
9. ONP covers the period 2020-36 which is in general conformity with the timeframes for the strategic policies in the current relevant Local Plans for ESC (2014-36) and the BA (2015-36).
10. ONP does not include provision of development types that are excluded development, such as minerals and waste matters, nationally significant infrastructure projects or other prescribed development under Section 61K of the Town and Country Planning Act 1990.

Figure 1: Designated Area



Section 3: Due Regard to the NPPF

11. National planning policy is set out in the National Planning Policy Framework (NPPF). The most recent version was published in July 2021. ONP has been prepared with the policies and guidance contained within the NPPF at its core. The NPPF sets out more specific guidance on Neighbourhood Plans at Paragraphs 28 to 30, but there is relevant policy throughout other parts of the NPPF.
12. **Figure 2** demonstrates how ONP has had regard to national policy by cross referencing its policies against national policy and guidance. It should be noted that the table is not exhaustive and there may be other cross-references that are not included.

Figure 2: National Planning Policy Framework

ONP Policy	NPPF (and PPG) Cross References	Comments
General	Para 8, para 13, para 15, para 16, para 28 and 29, para 31, para 34, Section 12 on Achieving Well-Designed Places.	ONP will help to deliver sustainable growth that meets the economic, social and environmental objectives. It provides a suite of policies that will shape and direct development outside of the current strategic policies set out in the prevailing Local Plans. It supports these strategic policies as shown in Figure 3 .

ONP Policy	NPPF (and PPG) Cross References	Comments
		<p>ONP provides a framework for addressing housing needs and other economic, social and environmental priorities, and has been a platform for local people to shape their surroundings. It has been prepared positively and has engaged the community and other consultees, as set out in the Consultation Statement.</p> <p>ONP includes non-strategic policies for housing, design principles, conserving and enhancing the natural environment and other development management matters. It also allocates a site for new housing.</p> <p>It is supported by a proportionate evidence base which includes a Housing Needs Assessment, Evidence Base and Key Issues, Design Guidelines and assessment documents for Local Green Space, Local Views and Non-Designated Heritage Assets. Some aspects of this are presented in the supporting text of the policies.</p> <p>Some of the policies encompass design considerations, with the emphasis on achieving high quality design that is in keeping with local character. Policy 3 is the main policy for design.</p>
Policy 1: Housing type and mix	Para 8, 11 and 62	This policy will help ensure future development meets the needs of the community with a focus on smaller/ modest homes as reflected in the Housing Needs Assessment as well as meeting other housing needs such as for the ageing population.
Policy 2: Affordable housing tenure mix	Para 62, 63 (PPG Paragraph: 017 Reference ID: 70-017-20210524), Written Ministerial Statement May 2021	The policy reflects the Housing Needs Assessment for the parish, as well as PPG guidance on First Homes.
Policy 3: Design	Paras 125 and Section 12	This policy requires high quality design, with new development in keeping with that of the parish in general as reflected in the Oulton Design Guidelines and Codes (2021), with an

ONP Policy	NPPF (and PPG) Cross References	Comments
		emphasis on promoting a good sense of place. creating liveable and attractive residential developments. Contemporary design is encouraged, as is energy efficiency. The policy requires an appropriate density with sufficient outdoor and indoor space.
Policy 4: Biodiversity and green corridors	Para 8, Section 15 such as Paras 174, 175 and 179	The policy protects and enhances the natural environment and requires biodiversity improvements (Biodiversity Net Gain) as part of development, including improvement in the function of identified green corridors.
Policy 5: Local Green Space	Section 8, Para 8 and Paras 101-103. Section 13.	The policy supports protection of local green open spaces and designates local green spaces in accordance with the NPPF requirements such as being demonstrably special, and in a way consistent with national green belt policy.
Policy 6: Protecting important local views	Para 130, Section 15, para 174, para 176	The policy will help to conserve the landscape and scenic beauty of the Broads, it aims to retain people's enjoyment of the rural landscape.
Policy 7: Paddocks Special Character Area	Para 130, Section 15 particularly para 174, para 176	The policy aims to ensure that development is sympathetic to local character and history, respecting the special qualities of this distinct area of the parish. The character area is located adjacent the Broads.
Policy 8: Heritage Assets	Section 16	The policy sets out a positive strategy for conserving Oulton's heritage, especially the identified non-designated heritage assets.
Policy 9: Sustainable transport	Section 9 and para 92	The policy promotes improvements to encourage safe and convenient walking within the parish, as well as public transport, which in turn supports healthy lifestyles.
Policy 10: Traffic and Speed	Section 9, such as para 104	The policy promotes highway safety, aiming to ensure that speeds are appropriate for the type of development coming forward and so as to promote sustainable travel.

Section 4: Sustainable Development

13. A widely accepted definition of sustainable development is ‘development that meets the needs of the present without compromising the ability of future generations to meet their own need’¹. It is about ensuring better quality of life for everyone, now and for generations to come. In doing so, social, environmental and economic issues and challenges should be considered in an integrated and balanced way.
14. This is captured by Paragraph 8 of the NPPF in particular, which summarises the three interdependent objectives. **Figure 2** includes a number of references to NPPF para 8, demonstrating the policies in ONP that have due regard to these overarching objectives.
15. The NPPF as a whole represents sustainable development, and **Figure 2** sets out that ONP is very consistent with the NPPF. It should therefore be the case that ONP will help to deliver sustainable development in Oulton through delivering the economic, social and environmental objectives.
16. ONP is positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but it seeks to manage development pressures to ensure that, in addition to economic and growth considerations, reasonable environmental and social considerations are taken into account.

¹ United Nations: Report of the World Commission on Environment and Development: Our Common Future, March 1987

Section 5: General Conformity with Local Strategic Policies

17. It is a requirement that ONP is in general conformity with the relevant local strategic policies. The Guidance on Neighbourhood Planning sets out what is meant by general conformity. When considering whether a policy is in general conformity, a qualifying body, independent examiner, or local planning authority, should consider the following:

- Whether the neighbourhood plan policy of development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

18. The ONP area falls within two local authority areas, East Suffolk Council (ESC) - formerly Waveney District Council and the Broads Authority (BA).

19. Both ESC and BA have current Local Plans of which ONP is in general conformity. The East Suffolk Waveney Local Plan 2014-36 and Local Plan for the Broads 2015-36 contain the strategic policies of relevance for this neighbourhood plan. **Figure 3** reviews each policy in the submitted ONP with respect to local plan strategic policies.

Figure 3: General Conformity with Local Strategic Policies

ONP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
H2: Housing type and mix	<p>Policy WLP8.1 – Housing Mix</p> <p>Policy WLP8.28 – Sustainable Construction</p>	SP15	<p>Policy provides additional local detail that will help ensure housing development meets the needs of the community based on the proportionate evidence base produced for the neighbourhood plan. This is in line with the BA’s SP15 which sets out that size and type of housing should be based on up-to-date evidence of local needs. WLP8.1 sets out that neighbourhood plans can set out a more detailed approach to housing type and mix. Strong local support for homes that provide high levels of sustainability, which appears in conformity with WLP8.28.</p>
Policy 2: Affordable housing tenure mix	Policy WLP8.2 – Affordable housing	SP15	<p>The Oulton Housing Needs Assessment identified a different tenure split for Oulton compared to the former Waveney area as a whole in WLP8.2, and this is reflected in Policy 2. Although the tenure split in H3 is more towards affordable rent as identified in the Housing Needs Assessment, the policy is also clearly supportive of First Homes, which will help to provide for greater home ownership. SP15 of the BA local plan sets out that a contribution from housing development towards the provision of affordable housing will be sought.</p>
Policy 3: Design Principles for New Residential Development	Policy WLP8.29 – Design	SP3 – Climate Change??	<p>The District Council and Broads Authority both expect development proposals to demonstrate high quality design which reflects local distinctiveness. Policy 3 is based on the AECOM 2021 Design Guidelines and Codes, and so is specific to Oulton and reflects more closely the local design considerations as well as considerations seen to be important locally. The Oulton Design Guidelines developed by AECOM did not include the BA area and therefore in</p>

ONP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
			agreement with the BA much of Policy 3 does not apply to development in the BA Executive Area.
Policy 4: Biodiversity and Green Corridors	Policy WLP8.34 – Biodiversity and Geodiversity	SP6 - Biodiversity SP3 – Climate Change	The policy protects and enhances the natural environment and requires biodiversity improvements as part of development, including improvement in the function of identified green corridors. Although indicative/strategic at this point, the green corridors have been identified through local knowledge and mapping of existing habitat features. They aim to improve ecological networks and habitat corridors, which accords with SP6.
Policy 5: Local Green Space	Policy WLP8.23 – Protection of Open Space Policy WLP8.34 – Biodiversity and Geodiversity Policy WLP8.36 – Historic Environment Policy WLP2.14 – Land North of Union Lane, Oulton	SP6 - Biodiversity	WLP8.23 sets a presumption against development that involves loss of open space or community sport and recreation facilities. Many of the LGS designated fall into this category and therefore ONP sets additional local detail on what is important. Other LGS are demonstrably special due to their biodiversity (SP6 and WLP8.34) or heritage (WLP8.36) One of the designated LGSs (number 5 Burial Grounds near Union Lane), is located within an allocated site in the WLP, land north of Union Lane, Oulton. The allocation policy sets out that development should avoid impacts on and enhance the historic burial ground. The designation is in accordance with this, providing an additional level of protection considered to be fitting given the space’s historic importance to the local community. The designation will not prevent development on the wider allocated site, but ensure the burial ground remains protected for future recognition and community enjoyment.

ONP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
Policy 6: Protection of important local views	Policy WLP8.35 – Landscape Character	SP7 – Landscape Character SP5 – Historic Environment	The policy aims to ensure that future development reflects its setting and special character of the area by protecting important local views, many of which depict the setting for the Broads. In particular the policy requires that development proposals are sited and designed to be of a scale and form that avoids/mitigates harm to the key views. This is in conformity with WLP8.35 which expects development proposals to demonstrate their location, scale, form, design and materials will protect and enhance the area. SP7 seeks to ensure that the location or intensity of development is appropriate to the character and appearance of the Broads, and SP5 seeks to protect the historic environment of the Broads, which is captured in many of the important local views.
Policy 7: Paddocks special character area	WLP8.35 – Landscape Character	SP5 – Historic Environment SP7 – Landscape Character	In alignment with WLP8.35 this policy aims to ensure that development proposals are informed by distinctive character areas. The paddocks character area is distinct in that it depicts the areas long history of horses. It is situated adjacent the Broads. Protecting it is in conformity with SP5 and SP7 which aim to protect and enhance features that contribute to the Broads’ character and distinctiveness.
Policy 8: Heritage Assets	WLP8.36 – Historic Environment WLP8.38 – Non-Designated Heritage Assets	SP5 – Historic Environment	This policy intends to set out a positive strategy for conserving Oulton’s heritage, in line with WLP8.36 and SP5. It identifies and protects a number of non-designated heritage assets that are important to the local community, in accordance with WLP8.38.

ONP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
Policy 9: Sustainable transport	Policy WLP8.21 – Sustainable Transport	SP8 – Getting to and around the Broads SP3 – Climate Change	The policy supports provision of safe and convenient routes for pedestrians and cyclists, with infrastructure to be delivered alongside development and in line with existing strategies such as the Waveney Cycle Strategy. It seeks to deliver integration between different modes, encouraging sustainable travel, in line with SP8, SP3 and WLP8.21.
Policy 10: Traffic and speed	Policy WLP8.21 – Sustainable Transport	SP8 – Getting to and around the Broads	WLP8.21 requires development to protect and enhance existing walking and cycling networks and reduce conflict between different road users. SP8 also aims to promote sustainable travel. This policy seeks to achieve this through ensuring a focus on appropriate road speeds.

Section 6: EU Obligations

20. A Screening Opinion request was made to ESC as to whether Strategic Environmental Assessment and Appropriate Assessment (see **section 7**) were required. This was supported by a short report and assessment. In this the ONP was assessed for likely significant effects upon the environment in light of the plan characteristics, the effects and area characteristics, including the environmental areas listed under Schedule 2 Part 6 of the EA Regulations (2004). The assessment recommended that SEA would not be required. This was supported by ESC who undertook a screening and scoping exercise in consultation with the Statutory Environmental Bodies, concluding that the plan was not likely to have significant environmental effect, and that the plan was therefore 'screened out'.

21. The ESC Screening Opinion conclusion for the SEA was:

The draft Oulton Neighbourhood Plan does not propose to allocate land for residential development and will be used for determining planning applications alongside the local plans. Therefore, the Oulton neighbourhood plan is screened out for the requirement for Strategic Environmental Assessment.

Section 7 of this report considers the requirement for Appropriate Assessment.

22. ONP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. ONP is highly likely to be compatible because it has been prepared within the existing framework of statute, and national planning policy and guidance. In accordance with established processes, its preparation has included consultation with the local community.

23. In conclusion, the ONP does not breach and is compatible with EU Regulations including:

- 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 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 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). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders; and
- Other European directives, such as 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.

Section 7: Prescribed Conditions

24. There is one prescribed condition for Neighbourhood Development Plans identified in Schedule 2 of the Neighbourhood Planning (General) Regulations 2012:

“The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007), either alone or in combination with other plans or projects”.

25. A Habitats Regulations Assessment (HRA) considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which occur as a result of the plan or project being put in place, approved or authorised. Where likely significant effects are identified, alternative options should be examined to avoid any potential damaging effects.
26. HRA is a step-by-step decision making process. It can be broken down into four stages. Screening; Appropriate Assessment; Alternative solutions; imperative reasons of overriding public interest and compensatory measures.
27. A screening assessment was undertaken on ONP to determine whether it will have ‘likely significant effects’ upon internationally designated habitat sites. ESC, as the Competent Authority, identified no likely significant effects. No ‘appropriate assessment’ or full ‘Habitat Regulations Assessment’ was therefore required.

