

Bungay Neighbourhood Development Plan 2020-2036



Statement of Basic Conditions

February 2022

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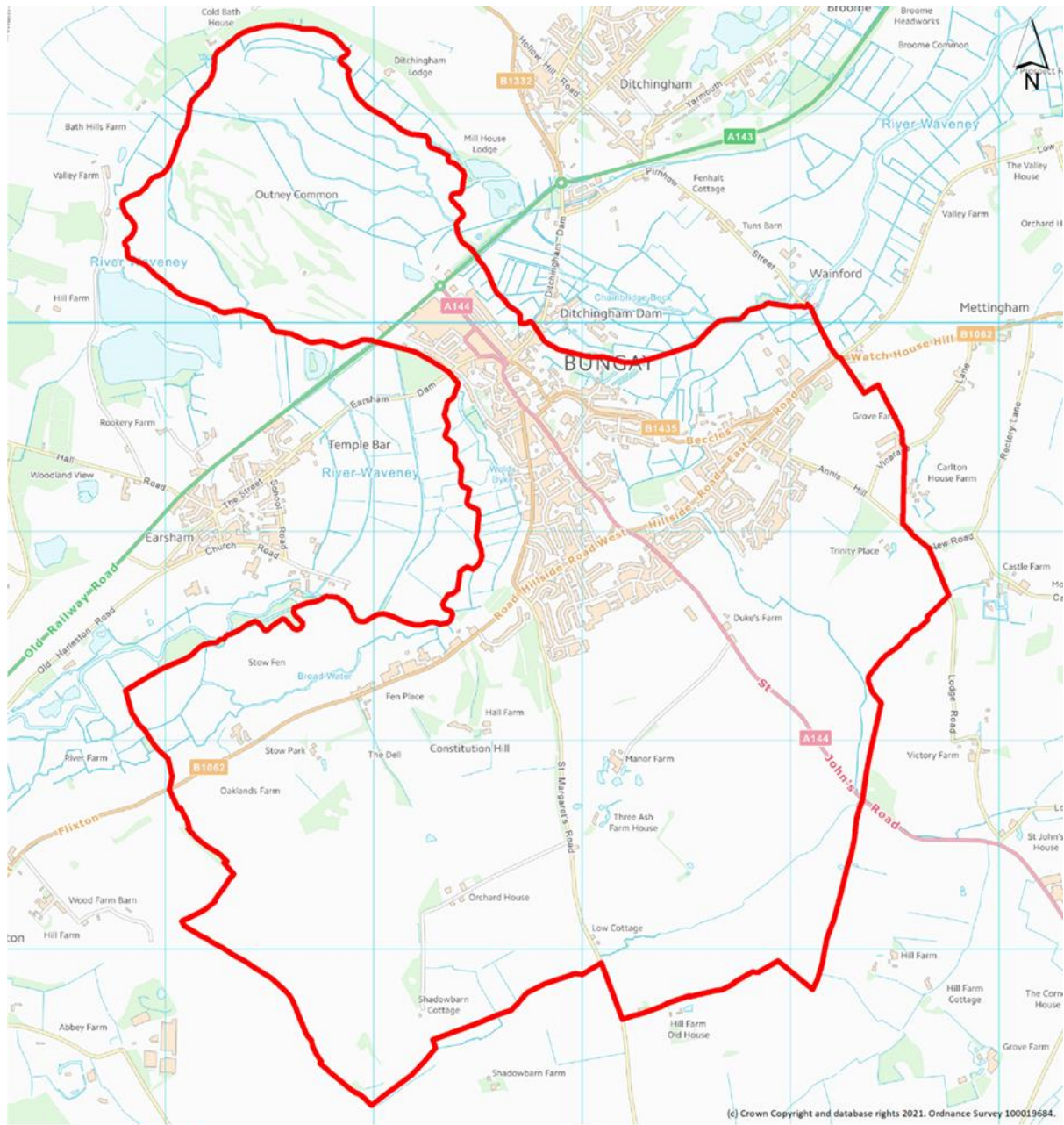
Section 1: Introduction

1. This Basic Conditions Statement has been prepared by [Collective Community Planning](#) on behalf of Bungay Town Council to accompany the Bungay Neighbourhood Development Plan 2020-36 (BNDP).
2. The purpose of the statement is to demonstrate that the BNDP 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);
 - BNDP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - BNDP contributes towards sustainable development (Section 4);
 - BNDP 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);
 - BNDP 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
 - BNDP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

6. The BNDP 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. BNDP relates to the whole parish area, so not just the town, 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. BNDP has been prepared by Bungay Town Council which is the qualifying body. The BNDP includes a map of the designated area, see **Figure 1** of this report.
8. BNDP 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. BNDP 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. BNDP 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



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 Bungay Neighbourhood 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. BNDP 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 BNDP 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

BNDP 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.	<p>BNDP 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.</p> <p>BNDP 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>BNDP 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</p>

BNDP Policy	NPPF (and PPG) Cross References	Comments
		<p>Base and Key Issues, Design Guidelines, and an Indicative Housing Requirement. 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 H1 is the main policy for design.</p>
H1: Design Principles for New Residential Development	Paras 124 and 125, Section 12	<p>This policy requires high quality design, with new development in keeping with that of the town in general as reflected in the Design Guidelines, with an emphasis on creating liveable and attractive residential developments.</p> <p>Contemporary design is encouraged, as is energy efficiency. The policy requires an appropriate density with sufficient outdoor and indoor space.</p>
H2: Housing mix	Para 8, 11 and 62	<p>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.</p>
H3: Affordable housing	Para 62, 63 (PPG Paragraph: 017 Reference ID: 70-017-20210524), Written Ministerial Statement May 2021	<p>The policy reflects the Housing Needs Assessment for the town, as well as PPG guidance on First Homes, and the May 2021 WMS especially in terms of exception-sites for First Homes</p>
H4: Housing allocation	General requirements in relation to sustainable growth such as paras 8 and 11. Section 5 such as paras 60, 67. Also many other national policy areas as the policy covers a wide range of themes such as landscape and access.	<p>The policy reflects the Indicative Housing Requirement figure provided by ESC. The policy also provides for many policies areas such as sustainable access, biodiversity, landscape, flood-risk management, amenity, and open green space.</p>

BNDP Policy	NPPF (and PPG) Cross References	Comments
	(PPG Paragraph: 044 Reference ID: 41-044-20190509. Paragraph: 097 Reference ID: 41-097-20190509)	
Policies CM1 to CM5 on Community Matters	Section 8 of the NPPF (PPG - Paragraph: 001 Reference ID: 41-001-20190509, Paragraph: 005 Reference ID: 41-005-20190509, Paragraph: 045 Reference ID: 41-045-20190509)	Although not providing any specific allocations for community facilities, the BNDP provides a number of policies that support the provision or expansion of community facilities with a view to enabling Bungay to be a healthy, active and inclusive place to live.
Policies CH1 to CH4 on Cultural heritage and the built environment	Section 16	This policy intends to set out a positive strategy for conserving Bungay's heritage, especially key assets such as the King's Head Hotel and the conservation area.
Policies TC&E1 to TC&E3 on Town Centre Vitality and Economic Development	General sustainable development such as para 8. Paras 81, 82 and 83 Section 7, such as paras 86 and also 87 on main town centre uses (such as hotels re TC&E2) Para 104	The BNDP aims to support the vibrancy of the town centre, and also provide strong support for tourist accommodation so as to encourage visitors to stay overnight rather than just coming as day-visitors. TC&E3 aims to support proposals that result in the reduction of lorry movements through the town.
ENV1 to ENV4 on Environment	Para 8, Section 15 such as Paras 174, 175 and 179	The policies protect and enhance the natural environment and require biodiversity improvements (Biodiversity Net Gain) as part of development, including to deliver the identified green corridor.
ENV 5: Flooding	Section 14	This policy will help to adapt to climate change and ensure that surface water is managed appropriately and sustainably.
TM1 to TM4 on Traffic and Transport	Section 9 esp Paras 104, 107 and 108 Section 7	The BNDP will ensure that appropriate and sufficient well-designed parking is integrated into residential developments. It will also support extra provision of public car parking to support the visitor economy and

BNDP Policy	NPPF (and PPG) Cross References	Comments
		<p>address the issue of cars circling looking for a parking space.</p> <p>The BNDP will promote and encourage safe and convenient walking and cycling within the town, as well as public transport use.</p> <p>It also aims to address the issue of HGVs in the town, especially insofar as this has a particular impact on the aim to support town centre vitality and making it attractive for visitors.</p>

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 BNDP that have due regard to these overarching objectives.
15. The NPPF as a whole represents sustainable development, and **Figure 2** sets out that BNDP is very consistent with the NPPF. It should therefore be the case that BNDP will help to deliver sustainable development in Bungay through delivering the economic, social and environmental objectives.
16. BNDP 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 BNDP 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 BNDP area falls within two local authority boundaries, East Suffolk Council - former Waveney part - (ESC) and the Broads Authority (BA).

19. Both ESC and BA have current Local Plans of which BNDP 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 BNDP with respect to Local Plan Policies.

Figure 3: General Conformity with Local Strategic Policies

BNDP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
H1: Design Principles for New Residential Development	Policy WLP8.29 – Design	DM23, DM43, SP3	The District Council and Broads Authority both expect development proposals to demonstrate high quality design which reflects local distinctiveness. Policy H1 is based on the AECOM 2019 Design Guides, and so is specific to Bungay and reflects more closely the local design considerations as well as considerations seen to be important locally.
H2: Housing mix	Policy WLP8.1 – Housing Mix Policy WLP8.2 – Affordable Housing Policy WLP8.28 – Sustainable Construction	SP15	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, which is broadly in line with the BA’s SP15. The Housing Need Assessment did identify a need for modest homes and so similar to the ESC policy, but H2 includes a need for homes of 3 bedrooms or fewer, whereas WLP8.1 is more focused on 1 and 2 bed homes. Strong local support for homes that provide high levels of sustainability, which appears in conformity with WLP8.28.
H3: Affordable housing	Policy WLP8.2 – Affordable housing	N/A (no provisions that overlap with H3)	The 2019 Housing Needs Assessment identified a different tenure split for Bungay compared to the former Waveney area as a whole in WLP8.2, and this is reflected in policy H3. 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 exception-sites, which will help to provide for greater home ownership.
H4: Housing allocation	Policy WLP5.2 – Land West of St Johns Road, Bungay	N/A (allocation not in BA area)	The proposed housing allocation is supported by the Indicative Housing Requirement figure that was helpfully provided by ESC and so the allocation should not be in conflict with the overall housing

BNDP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
	Policy WLP1.1 – Scale and Location of Growth		growth and its distribution identified in the ESC Local Plan at WLP1.1. The allocation integrates well with allocation WLP5.2.
Policies CM1 to CM5 on Community Matters	Policy WLP8.22 – Built Community Services and Facilities	SP16	Although not providing any specific allocations for community facilities, the BNDP provides a number of policies that support the provision or expansion of community facilities with a view to enabling Bungay to be a healthy, active and inclusive place to live. This generally supports WLP8.22 and the BA’s SP16 by providing greater specificity as to the type of facilities the community feels it needs and particularly supports.
Policies CH1 to CH4 on Cultural heritage and the built environment	Policy WLP8.17 – Existing Tourist Accommodation Policy WLP8.37 – Historic Environment Policy WLP8.39 – Conservation Areas	SP5	This policy area intends to set out a positive strategy for conserving Bungay’s heritage in line with WLP8.17 and WLP8.39, as well as the BA’s SP5, especially key assets such as the King’s Head Hotel (CH2) and the conservation area (CH1) and castle (CH3). Policy CH4 supports the requirement in WLP8.37 for a heritage impact assessment or heritage statement. CH2 and CH3 support the repair and/ or reuse of heritage assets.
Policies TC&E1 to TC&E3 on Town Centre Vitality and Economic Development	Policy WLP8.19 – Vitality and Viability of Town Centres Policy WLP8.15 – New Self-Catering Tourist Accommodation	Policy DM29: Sustainable tourism and recreation development	The BNDP TC&E1 aims to support the vibrancy of the town centre, consistent with WLP8.19. TC&E2 provides strong support for permanent tourist accommodation so as to encourage visitors to stay overnight rather than just coming as day-visitors. TC&E2 is broadly consistent with WLP8.15, except it is more flexible, allowing some development just outside of the settlement boundary in defined circumstances. The BA’s DM29 supports holiday accommodation adjacent to the settlement boundary. It

BNDP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross-references	Comments
	Policy WLP8.16 – New Hotels and Guest Houses		does not apply to hotels, in accordance with WLP8.16, which requires hotels in town centres.
ENV1 to ENV4 on Environment	<p>Policy WLP8.34 – Biodiversity and Geodiversity</p> <p>Policy WLP8.35 – Landscape Character</p>	SP6, DM8, DM13, SP3	<p>ENV3 supports retaining landscape character in accordance with WLP8.35, identifying locations where it was felt to be especially important.</p> <p>The set of policies protect and enhance the natural environment and require biodiversity improvements (Biodiversity Net Gain) as part of development, including to deliver the identified Green Corridor through the town.</p>
ENV 5: Flooding	Policy WLP8.24 – Flood Risk	SP2, DM2, DM6, DM43, SP3	The policy ensures development is designed to reduce flood risk and manage surface water in a sustainable way such as SuDS, whilst also supporting the natural environment.
TM1 to TM4 on Traffic and Transport	<p>Policy WLP8.21 – Sustainable Transport</p> <p>Policy WLP8.19 – Vitality and Viability of Town Centres</p>	SP8, DM23, SP3	<p>The BNDP Policy TM1 will ensure that appropriate and sufficient well-designed parking is integrated into residential developments, in accordance with WLP8.21 and the BA’s DM23. Suffolk Guidance for Parking sets out minimum parking standards for residential development, which have been reflected in Policy TM1.</p> <p>TM2 supports extra provision of public car parking to support the visitor economy and address the issue of cars circling looking for a parking space. Details, such as cycle parking and disabled parking, will need to conform to the Suffolk Guidance for Parking which is a material consideration.</p>

BNDP Policy	ESC Waveney Local Plan Cross-references	BA Local Plan Cross- references	Comments
			<p>TM3 aims to address the issue of HGVs in the town, especially insofar as this has a particular impact on the aim to support town centre vitality and making it attractive for visitors, as well as the need to encourage walking and cycling.</p> <p>TM4 supports the provision of safe and convenient routes for pedestrians and cyclists, with infrastructure to be delivered alongside development. Extra detail is provided, such as with a focus on the Green Corridor.</p>

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 BNDP 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 and HRA appropriate assessment would be required. This was supported by ESC who undertook a screening and scoping exercise in consultation with the Statutory Environmental Bodies.
21. The ESC Screening Opinion conclusion for the SEA was:
The draft Bungay Neighbourhood Plan proposes to allocate land for residential development and will be used for determining planning applications alongside the local plans. The draft neighbourhood plan has been screened in for the requirement for appropriate assessment under the Habitats Regulations. Responses from the statutory consultees support the requirement for Strategic Environmental Assessment. Therefore, the Bungay neighbourhood plan is screened in for the requirement for Strategic Environmental Assessment.

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

22. Collective Community Planning undertook a SEA in support of the emerging BNDP². This included establishing and assessing reasonable alternatives for the plan against a set of environmental themes, before developing a preferred approach. The Environmental Report presents an assessment of the draft BNDP against the SEA framework theme headings. A series of recommended mitigations measures were made to minimise the potential for negative effects and maximise the potential for positive effects. Each of these recommendations were taken on board in developing the submission version of BNDP. The BNDP Environmental Report accompanied the pre-submission version of the plan for Regulation 14 consultation.
23. BNDP 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. BNDP 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.
24. In conclusion, the BNDP 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);

² <https://www.bungaytowncouncil.gov.uk/docs/BNDP%20Environmental%20Report%20Regulation%202014%20Version.pdf>

- 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

25. 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”.

26. 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.

27. 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.

28. A screening assessment was undertaken on BNDP (draft May 2020) to determine whether it will have ‘likely significant effects’ upon internationally designated habitat sites. The screening assessment identified policies H3, H4 and TC&E2 as having potential likely significant effects on protected European wildlife sites. This means likely significant effects on the Broads sites in combination with other growth proposed in the Waveney Local Plan cannot be ruled out. The requirement for the Bungay Neighbourhood Development Plan to undertake further assessment under the Habitats Regulations 2017 is screened in.

29. The ESC Screening Opinion conclusion for HRA was:

The Bungay Neighbourhood Plan provides policies which allocate land for 75 homes and will be used for determining planning applications alongside the Local Plan. As such it is concluded that there will be likely significant effects on European Sites. Therefore, the Bungay neighbourhood plan is screened in for the requirement to undertake appropriate assessment under the Habitats Regulations.

30. HRA was undertaken by AECOM³ in June 2021 on behalf of the Bungay Neighbourhood Development Plan Steering Group. In conclusion, the HRA investigated the policies and site allocations (proposing up to 75 residential dwellings to be delivered) included in the emerging BNDP and assessed whether any part of the BNDP could result in likely significant effects, and, where applicable, adverse effects on the integrity of the following European sites:

- The Broads Special Area of Conservation

³ https://www.bungaytowncouncil.gov.uk/docs/Bungay%20Neighbourhood%20Plan%20HRA%20draft%20for%20issue_Optimized.pdf

- Broadland Special Protection Area / Ramsar

31. Notably, the impact pathway atmospheric pollution was screened out from Appropriate Assessment because it was determined that the BNDP would not lead to an increase in commuter traffic within 200m of sensitive habitats in any of the European sites. Furthermore, it was concluded that supplying new developments with potable water would not result in adverse effects on the integrity of The Broads SAC or the Broadland SPA / Ramsar. This was primarily because Suffolk & Essex Water (the company responsible for potable water supply in Bungay) will be able to meet the increased water demand without increasing water abstraction rates or having to develop new water resources. The impact pathway recreational pressure was screened in during consideration of likely significant effects. However, in the Appropriate Assessment it was determined that the BNDP would not lead to a significant increase in impacts from increased recreational pressure within any of the European sites as the single site allocation in the NDP, and any potential tourism accommodation, lie over 15km from the closest publicly accessible part of the SAC or SPA/Ramsar.
32. Natural England, as a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, noted in their response to Regulation 14 consultation:
- ‘Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the plan, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any associated planning permissions given.’*