

Carlton Colville Neighbourhood Plan 2020-2036

Basic Conditions Statement

Carlton Colville Town Council

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1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany the Carlton Colville Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
 - I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - III. 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);
 - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - V. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is 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.
- 1.4. This document sets out how the Plan meets the Basic Conditions.

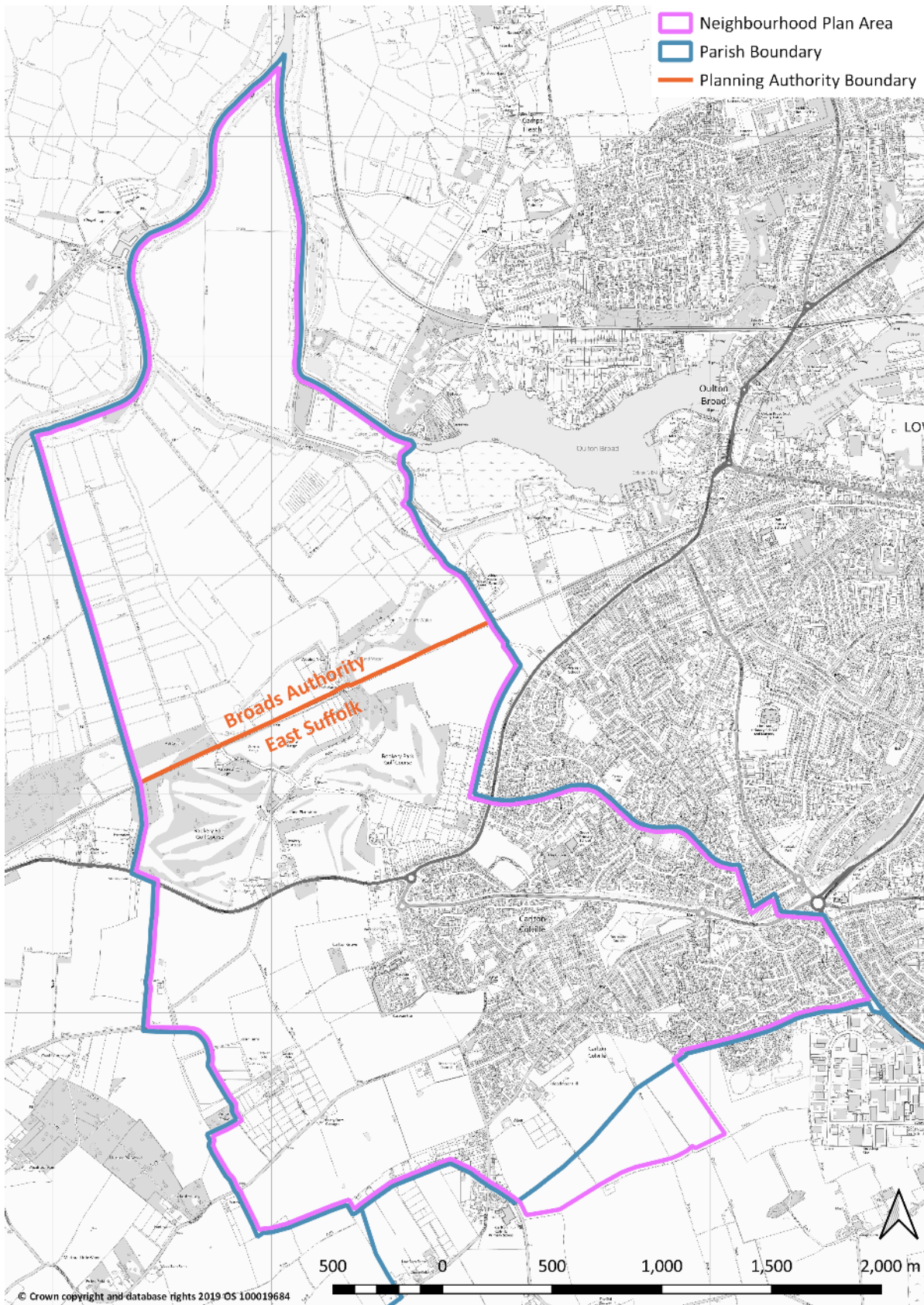
Key statements

- 1.5. The Plan sets out policies that relate to the development and use of land within only the Carlton Colville Neighbourhood Area. Part of the area lies in Waveney district (under the administration of East Suffolk Council) and part lies in the Broads Authority area. This is shown in Figure 1 below. This demonstrates compliance with Regulation 15(a) of the Neighbourhood Planning Regulations.
- 1.6. The Plan refers only to the administrative boundary of Carlton Colville. There are no other adopted Neighbourhood Development Plans that cover the Carlton Colville Neighbourhood Area.
- 1.7. Carlton Colville Town Council, as the qualifying body, has prepared the Plan, which covers all of the parish area of Carlton Colville and a small part of the parish area of Gisleham. This area was designated by Waveney District Council and the Broads Authority in June 2019.
- 1.8. The Carlton Colville Neighbourhood Plan Sub-Committee (being a sub-committee of the Town Council) has prepared the Plan to establish a vision for the future of the neighbourhood area. The community

¹ There are two further basic conditions, which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2020 to 2036.

Figure 1: Carlton Colville Neighbourhood Plan Area



The small area of land in the south where the pink (Neighbourhood Plan Area) line deviates from the blue (parish boundary) line is in the parish of Gisleham

2. Basic Condition (i) – Conformity with National Planning Policy

- 2.1. To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (‘NPPF’) and the Planning Practice Guidance (‘PPG’).

National Planning Policy Framework

- 2.2. The NPPF has 13 key objectives which are:
1. Delivering a sufficient supply of homes
 2. Building a strong, competitive economy
 3. Ensuring the vitality of town centres
 - 4 Promoting healthy and safe communities
 5. Promoting sustainable transport
 6. Supporting high quality communications
 7. Making effective use of land
 8. Achieving well-designed places
 9. Protecting Green Belt land
 10. Meeting the challenge of climate change, flooding and coastal change
 11. Conserving and enhancing the natural environment
 12. Conserving and enhancing the historic environment
 13. Facilitating the sustainable use of minerals
- 2.3. This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.4. The Plan has 10 objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the Carlton Colville NP objectives against NPPF goals

Plan objective	Relevant NPPF goal
<u>Objective 1:</u> Character – to secure high standards for new building layout and design that does not negatively impact the local heritage, community, landscape and views of the area	<ul style="list-style-type: none"> • Achieving well-designed places • Promoting healthy and safe communities • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment
<u>Objective 2:</u> Natural environment - to secure generous provision of open space that delivers a natural, green, open character, i.e. using a combination of open space, planted trees and natural features which minimises environmental impact and protects biodiversity	<ul style="list-style-type: none"> • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment

Plan objective	Relevant NPPF goal
<u>Objective 3:</u> Layout - to ensure development is integrated into the community rather than being a 'bolt-on'	<ul style="list-style-type: none"> • Achieving well-designed places • Promoting healthy and safe communities
<u>Objective 4:</u> Future proofing – to secure sustainable housing design that provides flexible space to support modern patterns of home working, play and multi-generational living as well as adequate off-street parking	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport • Achieving well-designed places
<u>Objective 5:</u> To ensure that adequate infrastructure is provided to serve the community, particularly relating to multifunctional sustainable drainage systems, healthy lifestyle, shopping and community facilities.	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change
<u>Objective 6:</u> To maximise the potential of the Country Park as a leisure asset.	<ul style="list-style-type: none"> • Promoting healthy and safe communities
<u>Objective 7:</u> To better link housing, employment and services safely by bicycle and on foot	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport
<u>Objective 8:</u> To ensure new development takes every opportunity to maximise the potential of existing wildlife habitats to thrive and achieve biodiversity net gain	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment
<u>Objective 9:</u> To ensure that development is designed to minimise the risk of flooding	<ul style="list-style-type: none"> • Meeting the challenge of climate change, flooding and coastal change
<u>Objective 10:</u> To maximise the potential of the Country Park as a haven for wildlife	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment

2.5. Table 2.2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

Table 2.2: Assessment of how each policy in the Carlton Colville NP conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
Policy CC1: High quality design	126, 127, 130	This policy contributes to the NPPF requirements of achieving well-designed places. It identifies the issues of particular importance relating to design and layout that should be taken into consideration by applicants when preparing planning applications.
Policy CC2: Particular views	126, 127, 130, 174	This policy contributes to the NPPF objectives of achieving well designed places and conserving and enhancing the natural environment. It seeks to preserve the setting of Carlton Colville in a rural landscape, specifically in relation to important views.
Policy CC3: Key Movement Routes	92, 104, 105, 106	This policy contributes to the NPPF objective of promoting sustainable transport. The policy seeks to enhance the main routes where walking and cycling can be significantly increased if appropriate infrastructure is provided.
Policy CC4: Car parking	92, 127, 130	This policy contributes to the NPPF objectives of achieving well designed places and promoting healthy and safe communities. It seeks to ensure that parking provision is unobtrusive, efficient, well-designed and does not impede pedestrians or other non-vehicle users of residential streets.
Policy CC5: Biodiversity net gain and wildlife-friendly development	161, 169, 174, 179	This policy contributes to the NPPF objectives of meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment. The policy seeks to ensure that SuDS are provided creatively and that biodiversity is maximised.
Policy CC6: Dark skies and lighting	185	This policy contributes to the NPPF objective of enhancing the natural environment. The policy seeks to ensure that light pollution is minimised through good design and the use of low impact lighting.
Policy CC7: Community provision at Bell Farm allocation	92, 93, 98, 126, 127	This policy contributes to the NPPF objectives of achieving well designed places and promoting healthy and safe communities. It seeks to establish principles for the location of particular uses, including a range of community infrastructure, and identifies the minimum level of allotment provision required.
Policy CC8: Carlton Colville Country Park	92, 93, 98, 126, 127, 179	This policy contributes to the NPPF objectives of achieving well designed places and promoting healthy and safe communities. It seeks to establish principles for the provision required by the community as part of the delivery of a country park.

3. Basic Condition (iv) – Contribution to Sustainable Development

- 3.1. The NPPF states in paragraph 11 that a presumption in favour of sustainable development is at the heart of the NPPF.
- 3.2. For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. The evidence base presented alongside the Plan, coupled with the reasoned justification for each policy in the Plan, demonstrates how the Plan guides development towards sustainable solutions.
- 3.3. Table 3.1 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1: Assessment of Carlton Colville NP objectives and policies against sustainable development

Deliver economic sustainability	
NPPF definition – ‘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.’	
CARLTON COLVILLE NP Objectives	Objective 5: To ensure that adequate infrastructure is provided to serve the community, particularly relating to multifunctional sustainable drainage systems, healthy lifestyle, shopping and community facilities Objective 6: To maximise the potential of the Country Park as a leisure asset.
CARLTON COLVILLE NP Policies	Policy CC7: Community provision at Bell Farm allocation Policy CC8: Carlton Colville Country Park
Commentary	The NPPF seeks to secure economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. Whilst having no policies that directly address economic matters such as employment sites, the Plan seeks to contribute indirectly to the local economy by ensuring new retail provision at Bell Farm is located at the heart of the development (CC7). Similarly, in establishing some fundamental principles and requirements for the proposed Country Park (CC8), it seeks to maximise the number of visitors to the area.

Deliver social sustainability	
NPPF definition – ‘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 present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’	
CARLTON COLVILLE NP Objectives	<p>Objective 1: Character – to secure high standards for new building layout and design that does not negatively impact the local heritage, community, landscape and views of the area</p> <p>Objective 3: Layout - to ensure development is integrated into the community rather than being a 'bolt-on'</p> <p>Objective 4: Future proofing – to secure sustainable housing design that provides flexible space to support modern patterns of home working, play and multi-generational living as well as adequate off-street parking</p> <p>Objective 5: To ensure that adequate infrastructure is provided to serve the community, particularly relating to multifunctional sustainable drainage systems, healthy lifestyle, shopping and community facilities</p> <p>Objective 6: To maximise the potential of the Country Park as a leisure asset</p> <p>Objective 7: To better link housing, employment and services safely by bicycle and on foot</p>
CARLTON COLVILLE NP Policies	<p>Policy CC1: High quality design</p> <p>Policy CC2: Particular views</p> <p>Policy CC3: Key Movement Routes</p> <p>Policy CC4: Car parking</p> <p>Policy CC7: Community provision at Bell Farm allocation</p> <p>Policy CC8: Carlton Colville Country Park</p>
Commentary	<p>One of the key objectives in the NPPF is to promote healthy communities, which incorporates social sustainability. The local community’s needs and interests can be met through the provision of a range of community facilities in the right places (CC7 and CC8).</p> <p>As recognised by the NPPF, good design is key as well. Policy CC1 seeks to ensure good design, with Policy CC2 ensuring that the attractive views are retained. Similarly, Policy CC4 seeks effective car parking provision so that it minimises its visual impact and the consequent impact of street parking on safety.</p> <p>CC3 seeks to protect and improve cycling and walking routes, which not only create a physically healthier community, but one that is also more inclusive and people-friendly.</p>

Deliver environmental sustainability	
NPPF definition – ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’	
CARLTON COLVILLE NP Objectives	<p>Objective 1: Character – to secure high standards for new building layout and design that does not negatively impact the local heritage, community, landscape and views of the area</p> <p>Objective 2: Natural environment - to secure generous provision of open space that delivers a natural, green, open character, i.e. using a combination of open space, planted trees and natural features which minimises environmental impact and protects biodiversity</p> <p>Objective 8: To ensure new development takes every opportunity to maximise the potential of existing wildlife habitats to thrive and achieve biodiversity net gain</p> <p>Objective 9: To ensure that development is designed to minimise the risk of flooding</p> <p>Objective 10: To maximise the potential of the Country Park as a haven for wildlife</p>
CARLTON COLVILLE NP Policies	<p>Policy CC3: Key Movement Routes</p> <p>Policy CC5: Biodiversity net gain and wildlife-friendly development</p> <p>Policy CC6: Dark skies and lighting</p> <p>Policy CC7: Community provision at Bell Farm allocation</p> <p>Policy CC8: Carlton Colville Country Park</p>
Commentary	<p>The natural environment and addressing climate change is of key importance to Carlton Colville and its community. Policy CC3 seeks to maximise the potential for walking and cycling instead of car travel.</p> <p>Policy CC5 seeks to ensure that new development enhances biodiversity and maximises the opportunity for development to be wildlife friendly. Alongside this, Policy CC6 recognises the intrinsically dark skies in the area and seeks to preserve these.</p> <p>New community provision also seeks to maximise the environmental benefits from development. Policy CC7 requires a minimum level of new allotment provision and Policy CC8 establishes certain principles for the new Country Park that aim to protect and enhance biodiversity.</p>

3.4 As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic and environmental goals. The policies in the Plan demonstrably contribute to achieving well-designed places, promoting a healthy and safe community and conserving and enhancing the natural and historic environment.

4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

- 4.1. The development plan currently consists of the following:
- 2019 Waveney Local Plan
 - 2019 Broads Local Plan
 - 2020 Suffolk Minerals and Waste Local Plan
- 4.2. Table 4.1 details the Carlton Colville NP policies alongside a consideration of how they are in general conformity with the strategic policies in the 2019 Waveney Local Plan and the 2019 Broads Local Plan. Where it is not clear whether a policy is strategic, a judgment has been made. Equally, there are a number of strategic policies in these documents which are not considered relevant to any of the policies in the Neighbourhood Plan. In such cases, these strategic policies have not been included.
- 4.3. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.4. It is confirmed that there are no policies in 2020 Suffolk Minerals and Waste Local Plan that the Carlton Colville NP policies have any relevance to.

Table 4.1: Assessment of conformity with strategic policies in the development plan

Local Plan Policy	Carlton Colville NP policy
Waveney Local Plan	
Policy WLP2.16 – Land South of the Street, Carlton Colville/ Giseham	Policy WLP2.16 outlines the requirements of one of the major strategic site allocations in Carlton Colville. The policies in the Neighbourhood Plan focus on shaping the growth required at this allocation; specifically Policy CC2 identifies a particular view on the site allocation – from Bloodmoor Hill – that should be preserved. Policy CC7 provides certain principles that should inform the detailed masterplanning of the uses allocated and specifically identifies a minimum amount of allotment space that should be delivered (WLP2.16 requires allotment provision). Similarly, Policy CC8 establishes some important principles for the proposed Country Park.
Policy WLP8.21 – Sustainable Transport	Policy WLP8.21 encourages development that improves walking and cycling. Policy CC3 seeks to enhance the main pedestrian and cycle routes through Carlton Colville.
Policy WLP8.22 – Built Community Service and Facilities	Policy WLP8.22 encourages the provision of new community facilities where they meet the needs of the community. Policy CC7 seeks to encourage the location of community facilities in the heart of the Bell Farm strategic allocation. It also establishes a minimum level of allotment provision which is otherwise a general requirement of Policy WLP2.16.
Policy WLP8.29 – Design Policy WLP8.32 – Housing Density and Design	Policy WLP8.29 seeks to ensure high quality design and Policy WLP8.32 requires development to reflect local character. Policy CC1 identifies what represents high quality design locally and describes the character of Carlton Colville. Also, in respect of parking provision, CC4 identifies the ways in which parking provision can reflect high quality design.
Policy WLP8.30 – Design of Open Spaces	Policy WLP8.30 requires open spaces to be designed so that they are integral to new developments. Policy CC7 identifies the uses that should be located at the heart of the Bell Farm strategic allocation.
Policy WLP8.33 – Residential Gardens and Urban Infilling	Policy WLP8.33 identifies the criteria where development on garden sites will be acceptable and states that neighbourhood plans can set their own policies. Policy CC1 identifies that such development will only be acceptable where it does not harm residential amenity.
Policy WLP8.34 – Biodiversity and Geodiversity	Policy WLP8.34 expects development to maintain, restore or enhance green networks and contribute positively to biodiversity. Policy CC5 identifies the specific design features which would be appropriate ways of enhancing biodiversity and wildlife networks in Carlton Colville.

Local Plan Policy	Carlton Colville NP policy
Policy WLP8.35 – Landscape Character	Policy WLP8.35 requires development to protect and, where possible, enhance visually sensitive skylines. Policy CC2 specifically identifies a number of views where such considerations are particularly important.
Broads Local Plan	
Policy SP2: Strategic flood risk policy	Policy SP2 requires all new development to implement SuDS principles. Policy CC5 requires SuDS provision and natural flood management techniques to specifically enhance biodiversity and ecosystems.
Policy DM8: Green infrastructure	Policy DM8 requires new development to enhance and integrate with the local green infrastructure network. Policy CC5 identifies the specific design features which would be appropriate ways of enhancing biodiversity and wildlife networks in Carlton Colville.
Policy SP6: Biodiversity	Policy SP6 requires development to demonstrate biodiversity gains wherever possible. Policy CC5 identifies the specific design features which would be appropriate ways of enhancing biodiversity and wildlife networks in Carlton Colville.
Policy DM13: Natural Environment	Policy DM13 requires development to protect biodiversity value. Policy CC7 seeks to ensure that the biodiversity value of SuDS is maximised.
Policy SP7: Landscape character	Policy SP7 requires development to be appropriate for the character and appearance of the Broads. Policy CC1 identifies what represents high quality design locally and describes the character of Carlton Colville.
Policy DM22: Light pollution and dark skies	Policy DM22 identifies specific light pollution zones that different parts of the Broads are located in. Policy CC6 acknowledges this and identifies specific standards that must be met.
Policy SP9: Recreational access around the Broads	Policy SP9 encourages the enhancement of the PROW network. Policy CC3 does the same as part of enhancing movement on foot and by bicycle.
Policy DM43: Design	Policy DM43 identifies certain principles for securing high quality design. Policy CC1 seeks to ensure high quality design that reflects the character of Carlton Colville.

5. Basic Condition (vi) – Conformity with EU Obligations

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In February, the draft Neighbourhood Plan was subject to an initial screening report prepared by East Suffolk Council. This was published for consultation with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the Carlton Colville Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. Following feedback from the statutory bodies, East Suffolk Council issued its screening opinion in April 2022, which considered that an SEA would not be required.
- 5.2. The Screening Opinion has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.3. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

6. Basic Condition (vii) – Conformity with the Prescribed Conditions

- 6.1. Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2. In February 2022, an HRA Screening Report was prepared by East Suffolk Council and published for consultation with Natural England, being the relevant statutory body. Following feedback from Natural England, East Suffolk Council issued its screening opinion in April 2022, which considered that an HRA would not be required because the Plan is not likely to have significant impacts on European protected species or sites.
- 6.3. The Screening Report including the responses from the statutory body has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7. Conclusion

- 7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Carlton Colville Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Carlton Colville Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.




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