

Thornham
Neighbourhood Development Plan
2020-2026



Basic Conditions Statement

February 2020

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1 INTRODUCTION

1.1.1 This statement has been prepared to accompany the submission version of the Thornham Neighbourhood Plan in accordance with Regulations 15 (1)(d) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.1.2 The statement explains how the Thornham Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. More specifically it shows how the Plan:

- Meets the legislative requirements set out in Sections 38A and 38B of the Town and Country Planning Act 1990 and
- Meets the basic conditions which require that:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
 - The making of the plan contributes to sustainable development
 - The making of the plan is in general conformity with the strategic policies contained in the development plan for the area
 - The making of the plan does not breach, and is otherwise compatible with, EU obligations
 - The making of the neighbourhood development plan does not breach the requirements in Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d)

2 THE LEGISLATIVE REQUIREMENTS

2.1 Qualifying Body

2.1.1 Thornham Parish Council is the qualifying body for the preparation of the Thornham Neighbourhood Plan.

2.2 The Neighbourhood Area

2.2.1 The Neighbourhood Area is the whole of the Parish of Thornham. The process for the designation of the Neighbourhood Area is described in the Consultation Statement.

2.3 The time period

2.3.1 The Thornham Neighbourhood Plan clearly states that it relates to the period 2020-2036. The end date was chosen to coincide with the end date for the emerging West Norfolk Local Plan.

2.4 Excluded Development

2.4.1 The Neighbourhood Plan does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in section 61K of the Town and Country Planning Act 1990.

3 THE BASIC CONDITIONS

3.1 Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

3.1.1 Table 1 below explains the relationship of the Thornham Neighbourhood Plan (TNP) and each of its policies to national guidance contained mainly in the National Planning Policy Framework (NPPF) July 2018 and Planning Practice Guidance (PPG)

Table 1: Thornham Neighbourhood Plan policies in relation to National Planning Policy and Guidance.

Thornham NP Policy	Relevant National Policy and Guidance	How the Thornham Neighbourhood Plan (SNP) relates to National Policy and Guidance
General	NPPF 28-30 PPG Reference ID:41-040 and 041-29160211	TNP has taken the opportunity to develop a shared vision and to develop policies for development which are consistent with strategic development plan policies. The Working Group has consulted with the Borough Council throughout the preparation of the Plan to ensure that the Plan provides enough housing to meet the needs of the adopted Local Plan and take account of the housing needs which will be addressed by the emerging Local Plan All of the policies in the TNP are based on evidence and reasoned justification which is presented in the Plan or its appendices. The policies have been drafted to reflect the characteristics of Thornham and the issues that are relevant to it. They do not seek to repeat national or strategic Local Plan policies
D1 Design Principles for new development	NPPF 127	The policy has regard to national policy in seeking high quality design that is sympathetic to local character.
H1 Infill development within the development boundary	NPPF 68 c) NPPF 127 PPG Reference ID: 67-009-20170722	The policy accords with the encouragement given to windfall sites. The criteria to evaluate proposals used in the policy are consistent with those in the NPPF. This recognises the potential of villages to contribute towards the provision of new house as required by the PPG but also takes account of the sensitivity of the environment having regard to the Area of Outstanding Natural Beauty and the European designated sites.

Thornham NP Policy	Relevant National Policy and Guidance	How the Thornham Neighbourhood Plan (SNP) relates to National Policy and Guidance
H2 Housing development outside the development boundary	NPPF 77 and 79	The policy is consistent with the encouragement of rural exception sites in the NPPF and with other national policy for development in the countryside. Consideration was given to the potential for a rather larger “entry level exception site” but not pursued as footnote 34 to paragraph 71 Of the NPPF precludes these in the AONB.
H3 Size of dwellings	NPPF 61	The policy responds to evidence of the Strategic Housing Market Assessment and the opinions expressed by local residents and is thus consistent with NPPF 61.
H4 Replacement dwellings and H5 Extensions to existing dwellings	NPPF 127 Town and Country Planning (General Permitted Development)(England) Order 2015 Part 1 of Schedule 2 Classes A-D	Many relatively small houses in Thornham have been replaced by much larger houses. These policies seek to strike an appropriate balance between the legitimate and understandable aspiration to improve living space and the need to retain a reasonable housing mix which includes some smaller dwellings and to be sympathetic to the rural and relatively spacious character of the village, recognising that in many cases extensions may be permitted development.
EMP1 Existing and new businesses	NPPF 83 and 84	The policy supports national policy by encouraging new employment subject to criteria to respect the character of the village. The policy is open ended so far as the location of businesses is concerned consistent with NPPF 84.
EMP2 Working from Home	NPPF 61, 77 and 83a)	While these paragraphs do not refer directly to homeworking they do refer to the need to be sensitive to local needs and provide for a wide range of business types. The proportion of people working from home in Thornham is much higher than the national average, reflecting the relatively remote location.
EMP3 Intensive Agricultural Units	NPPF83b) and 180	While the NPPF gives general support for the development and diversification of agriculture, this should not be at the expense of the natural environment or the living conditions of nearby residents.
EMP4 Tourism related development	NPPF 83 c), 172-177	The policy is consistent with the general support given by paragraph 83c) for sustainable tourism and leisure developments which respect the character of the countryside, while recognising the importance attached by paragraphs 172 and 173 to the protection of Areas of Outstanding Natural Beauty and important habitats sites.
EMP5 New Parking Provision	NPPF 83	The provision of adequate parking is essential to support the local economy and to manage the impact of economic activity on the natural and residential environment.

Thornham NP Policy	Relevant National Policy and Guidance	How the Thornham Neighbourhood Plan (SNP) relates to National Policy and Guidance
C1 New and Existing Community Facilities	NPPF 83 d) and 92	By seeking to maintain the limited range of facilities in the village, the Plan is consistent with national policy.
L1 Important Views	NPPF 170 a) & b) and 172	The relationship of Thornham to the surrounding countryside is a defining characteristic of the village. Distinctive views across the saltmarsh to the north and the open higher ground to the south, out of and towards the village capture the distinctive qualities of the AONB.
L2 Local Green Spaces	NPPF 99-101	The Local Green Spaces which have been identified in this policy have all been evaluated against the criteria in paragraph 100 and the policy to be applied to them is consistent with paragraph 101.
L3 Dark Skies	NPPF 180 c)	Policy L3 aims to limit the impact of light pollution on the dark skies which characterise Thornham and its surroundings, consistent with national guidance.
HA1 Development affecting the Conservation Area	NPPF 189 -202	By setting out specific considerations to be taken into account in proposals in the Conservation Area, the policy is consistent with and complements the approach in Section 16 of the NPPF.
HA2 Unlisted buildings and features of historic interest	NPPF 194-202 PPG: How should Heritage Issues be addressed in Neighbourhood Plans? Reference ID:18a-007-20140306	The Plan does not seek to replicate national policy for designated heritage assets but identifies listed buildings and provides information on their significance as recommended in the PPG. The Plan also identifies other buildings which are considered to be of interest which should be taken into account in any planning decisions.
EN1 Solar Energy Farms	NPPF 151 PPG: Do criteria based policies have a role in planning for renewable energy? Reference ID:5-	The Policy has regard for the Policy in the NPPF by recognising both the potential of large scale solar energy and the possible adverse impact on the open landscape of the AONB. The policy also has regard to the PPG which recognises the particular importance of the visual impact of large scale renewable energy installations in AONBs .

Thornham NP Policy	Relevant National Policy and Guidance	How the Thornham Neighbourhood Plan (SNP) relates to National Policy and Guidance
	007-20140306 and What are the particular considerations that relate to large scale ground-mounted solar photovoltaic farms? Reference ID: 5-013-20150327	
P1 Pedestrian Routes	NPPF 102 c), 104 d) and 110 a) and c)	This policy recognises the contribution of a good network of footpaths to sustainable development.

3.2 The making of the plan contributes to sustainable development

- 3.2.1 The National Planning Policy Framework states that “The purpose of the planning system is to contribute to the achievement of sustainable development”. It summarises sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”
- 3.2.2 Within sustainable development the NPPF identifies three overarching objectives: an economic objective, a social objective and an environmental objective. All of the policies in the Thornham Neighbourhood Plan have been carefully formulated with the intention of contributing to sustainable development and the vision and objectives of the Plan recognise the inter-related nature of the three objectives of sustainable development. Table 2 shows and explains how the Thornham Neighbourhood Plan contributes to the three objectives of sustainable development.

Table 2 How Thornham Neighbourhood Plan contributes to the three objectives of Sustainable Development

Key	Positive impact	Neutral impact	Negative impact
Policy	Economic	Social	Environmental
D1	Village character is a key element of its attraction to visitors	Maintains and enhances quality of life of residents	Maintains and enhances the character of the village
H1	Supports construction and local services	Provides for some new housing	Protects AONB, designated sites and village character
H2	Supports construction and local services	Provides for some affordable housing to meet local needs	Potential for some adverse environmental impact but mitigated by policy
H3		Contributes to need for smaller dwellings	

Policy	Economic	Social	Environmental
H4		Meets need for houses and prevents loss of smaller dwellings	Prevents over intensification of development
H5		Meets need for houses and prevents loss of smaller dwellings	Prevents over intensification of development
EMP1	Supports expansion of existing businesses and the creation of new ones		
EMP2	Facilitates new economic activity within the village	Encourages permanent occupation of dwellings which supports local services and community life	
EMP3	Potential for some intensification of agriculture		
EMP4	Provides for additional jobs and income from tourism	Community can benefit from improved facilities and attractions	
EMP5	Additional parking can support local economy	Parking a facility for local people and prevents harm from on street parking	Potential positive effects from reduced on street parking but possible adverse effect of increased parking area
C1	Improved local facilities can provide job opportunities	Local facilities support community life	
L1			Maintenance of important views
L2		Long term protection of spaces important to life of village	Protects spaces important to character of village
L3			Dark skies important to rural character and policy may encourage improvement of existion lighting

Policy	Economic	Social	Environmental
HA1			Policy will help maintain and enhance character of Conservation Area
HA2			Policy will help to retain significant non-designated heritage assets
EN1			Provides for renewable energy while protecting environment
P1		Improved footpath network benefits community	

3.2.3 The table demonstrates that almost all of the policies will make a positive contribution to sustainable development. In the few cases where there is the potential for a negative effect the extent of this is mitigate by the detailed criteria of the policy.

3.3. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area

3.3.1. The development plan for Thornham comprises

- Borough Council of King’s Lynn and West Norfolk Local Development Framework Core Strategy 2011 (CS)
- Borough Council; of King’s Lynn and West Norfolk Site Allocations and Development Management Policies Plan 2016 (SADMDPD)
- Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (adopted September 2011)
- Minerals Site Specific Allocations Development Plan Document (DPD) (adopted October 2013, amendments adopted December 2017)
- Waste Site Specific Allocations Development Plan Document (DPD) (adopted October 2013)

3.3.2. None of the policies in the Plan impinge on any of the site specific policies in the Minerals and Waste Plans.

3.3.3. Table 3 Below identifies for each policy the relevant policies in the CS and

DMDPD and explains the relationship of the Policy to the strategic policies.

Table 3 The relationship of the policies of the Thornham Neighbourhood Plan with the adopted Core Strategy and Site Allocations and Development Management Development Plan Documents

Policy	Relevant CS policies	Relevant SADMP policies
D1 Design Principles for New Development	CS06 sets out the strategic approach to development in rural areas and the focus in Policy D1 on good quality design is consistent with the aim in CS06 to “maintain local character and a high quality environment” CS08 Sustainable development sets out the importance of good design and policy D1 interprets this with specific requirements to reflect the character of Thornham	DM15 sets out criteria against which applications should be assessed to protect the local environment . policy D1 is consistent with its approach but amplifies the criteria with specific regard to Thornham.
H1 Housing Development within the development boundary	The policy is consistent with the small-scale infilling to meet local needs envisaged in Policies CS06 and CS09.	The policy is consistent with Policy DM2 which supports development within settlement boundaries where it is consistent with other Local Plan policies. It adds to this policy by identifying considerations relevant in Thornham.
H2 Housing development outside the development boundary	Policy CS06 provides for “exception housing in accordance with criteria to support the housing strategy”.	Policy DM2 provides for affordable housing outside settlement boundaries in accordance with the approach to exception sites in Policy CS06 Policy H2 identifies local criteria to apply to such sites.
H3 Size of dwellings	The policy is consistent with the requirement in Policy CS09 for new housing to reflect up to date evidence of housing need with respect to	No directly relevant policies.

Policy	Relevant CS policies	Relevant SADMP policies
	the type size and tenure of dwellings.	
H4 Replacement dwellings	The policy is in general conformity with criteria in policy CS08 which require new development to “respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment;”	Policy DM5 seeks to control replacement dwellings in the countryside to ensure that they “reflect the scale and character of their surroundings”. By addressing this issue within the settlement boundary as well, Policy H6 does not conflict with it.
H5 Residential Extensions	As Policy H4	As Policy H4
EMP 1 Existing and New Businesses	Policy in general conformity with Policy CS10 which supports new employment generating uses in rural areas where they are within or adjacent to villages, consistent in size and scale with the area and do not have harmful environmental effects.	No directly relevant policies
EMP 2 Working from Home	No directly relevant policies but the approach is in general conformity with the principles of Policy CS08 relating to sustainable development	No directly relevant policies
EMP 3: Intensive Agricultural Units	No directly relevant policies but the approach is in general conformity with the principles of Policy CS08 relating to sustainable development.	No directly relevant policies
EMP 4: Tourism related	Policy CS10 also supports	Policy DM11 strictly controls

Policy	Relevant CS policies	Relevant SADMP policies
development	tourism related development in suitable locations where it would support the local economy and Policy EMP4 is consistent with this approach.	the provision of new holiday accommodation, particularly in the AONB. And where it would affect European sites. The approach outlined in Policy EMP4 is in general conformity with this.
EMP 5: New Parking Provision	No directly relevant policies but the approach is in general conformity with the principles of Policy CS08 relating to sustainable development.	No directly relevant policies.
C1: New and existing community facilities	The policy is consistent with Policy CS13 which supports development which will “protect retain or enhance sports leisure and recreation facilities, including children’s playgrounds and resist the loss of cultural facilities.”	Policy is similar to Policy DM9, but adds local detail by identifying relevant facilities.
L1: Important Views	Policy E1 is in general conformity with Policy CS12 which supports proposals to “protect and enhance our...landscape character.” and requires that “The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.”	No directly relevant policies
L2: Local Green Spaces	Consistent with Policy CS12 requirement for “protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area” and with support in Policy CS13 for “proposals that protect, retain or enhance sports, leisure and recreation facilities.”	Policy DM22 encourages the designation of Local Green Spaces where they meet the national criteria.

Policy	Relevant CS policies	Relevant SADMP policies
L3: Dark Skies	No specific CS policy relating to dark skies but consistent with Policy CS12 aim to “conserve special qualities” and encourage biodiversity.	No directly relevant policies
HA1: Development affecting the Conservation Area	Policy CS 12 refers to the importance of preserving and enhancing the historic environment. This policy reinforces the significance of the Draft Conservation Area Character Statement which has never been formally adopted.	The policy amplifies Policy DM15 for the purposes of the Thornham Conservation Area.
HA2: Unlisted buildings and features of historic interest	The policy is in general conformity with and local detail to CS12 which refers to the importance of the qualities and characteristics of the historic environment.	As above
EN1: Solar Energy Farms	CS08 supports the generation of energy from renewable sources unless there are unacceptable environmental impacts. Policy EN1 outlines what those impacts might be in the context of Thornham.	The policy is consistent with policy DM20 which sets out a range of criteria for renewable energy projects.
P1: Pedestrian Routes	CS11 refers to the importance of safe routes for pedestrians and the priority to be given to pedestrian movement in new development.	No directly relevant policies

3.4 The making of the plan does not breach, and is otherwise compatible with, EU obligations.

(i) Strategic Environmental Assessment

3.4.1 PPG indicates that “In some limited circumstances, where a Neighbourhood Plan is likely to have significant environmental effects it may require a strategic environmental assessment”, subsequently referred to as SEA. A SEA requires the preparation of an Environmental Report. In order to determine whether the plan is likely to have a significant environmental effect, a screening assessment is necessary.

3.4.2 Regulation 15 of the Neighbourhood Planning Regulations requires that the submission of a Neighbourhood Plan must include:

“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or

(ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.

3.4.3 In May 2019, the Borough Council of King’s Lynn and West Norfolk prepared a preliminary screening report in order to determine whether a Strategic Environmental Assessment was necessary. The screening report was carried out in accordance with the methodology set out in the Practical Guide to the Strategic Environmental Assessment Directive 2005. This report concluded that the Plan was unlikely to have significant environmental effects and that a full Strategic Environmental Assessment was therefore not required. The draft screening opinion was the subject of consultation with the statutory consultation bodies. Responses were received from all three bodies. These confirmed that the plan was unlikely to have significant environmental effects and that SEA was therefore not required.

(ii) Habitats Regulations Assessment

3.4.4 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read that:

3.4.5 “The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017”.

3.4.6 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that: “(1) Where a land use plan -

“is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-

making authority must, before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site's conservation objectives."

3.4.7 Regulation 106 of the CHSR requires that:

"A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required."

3.4.8 The Screening Report prepared by BCKLWN also includes a screening of the need for an Appropriate Assessment under the Habitats Regulations. It identifies that the nearest Natura 2000 sites that could be affected are:

- North Norfolk Coast Ramsar Site
- North Norfolk Site of Special Scientific Interest (SSSI)
- North Norfolk Coast Special Area of Conservation (SAC)
- North Norfolk Coast Special Protection Area (SPA – European significance)
- North Norfolk Heritage Coast (national significance)
- Holme Dunes National Nature Reserve (national significance)
- The Wash and North Norfolk European Marine Sites (EMS)

3.4.9 The report notes that the Thornham Neighbourhood Plan provides for a very small amount of residential development which will result from organic, infill growth and an allocation of five dwellings. It considers the possibility that this development could have some negative impact on the EU Protected sites. It concludes, however, that the plan does not make new allocations for development and that the scale of development envisaged does not exceed that in provided for in the adopted Core Strategy and Site Allocations and Development Management Development Plan Documents, which have already been subject to an Appropriate Assessment under the Habitats Regulations.

3.4.10 For the above reasons, the screening report concludes that the Neighbourhood Plan is expected to have a positive effect on the Protected Sites and that a Habitats Regulations Assessment is not required.

3.4.11 A recent legal judgement (People over wind and Sweetman v Coillte Teoranta (C-323/17) has highlighted the way in which screening assessments of the need for Appropriate Assessment should be carried out. It concludes that the need for Appropriate Assessment should not be screened out on the basis of mitigation measures contained in the plan proposal.

3.4.12 The policies in the Neighbourhood Plan are judged to have a significant positive effect on the Protected Sites and no new mitigation measures over and above those already in place as a result of the SADMP SEA/HRA are proposed. The screening assessment is thus consistent with the Sweetman v Coillte Teoranta ruling.

3.4.13 Before making the screening determination the Borough Council consulted the three statutory bodies (Environment Agency, Natural England and Historic England). Their comments were taken into account in the production of the final screening report. The Report is submitted as a separate document and the responses of the Statutory

Consultees are attached to it.

Conclusion

3.4.14. The final Screening report dated July 2019 contains a determination that neither SEA or Appropriate Assessment under the habitats regulations is necessary. The Table on pages 9-11 of the screening report may be read as the statement of the reasons for this conclusion that is required by the Neighbourhood Planning Regulations with regard to SEA. The making of the Plan therefore does not breach and is compatible with EU obligations.

4 HUMAN RIGHTS

4.1.1 Nothing in the Plan infringes on the European Convention on Human rights.