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## Tilney All Saints

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# Neighbourhood Plan Period 2020-2036 Basic Conditions Statement

**Abstract** This document is the Basic Conditions Statement for Tilney All Saints Neighbourhood Plan

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## Related Documents

Reference 1 Tilney All Saints Neighbourhood Plan

This publication is available at: <https://tilneyallsaintspc.wixsite.com/taspc/neighbourhood-plan>

Reference 2 Tilney All Saints Neighbourhood Plan Consultation Statement

This publication is available at: <https://tilneyallsaintspc.wixsite.com/taspc/neighbourhood-plan>

Reference 3 Tilney All Saints Neighbourhood Plan Evidence Base and Key Issues

This publication is available at: <https://tilneyallsaintspc.wixsite.com/taspc/neighbourhood-plan>

Reference 4 Tilney All Saints Neighbourhood Plan Character Appraisal

This publication is available at: <https://tilneyallsaintspc.wixsite.com/taspc/neighbourhood-plan>

Reference 5 Tilney All Saints Neighbourhood Plan Strategic Environmental Assessment Screening Assessment

Reference 6 Town and Country Planning Act 1990 (as amended by the Localism Act 2011)

Reference 7 Neighbourhood Planning Regulations 2012

Reference 8 King’s Lynn and West Norfolk Borough Council’s Local Development Framework Core Strategy

Reference 9 National Planning Policy Framework

Reference 10 European - Conservation of Habitats and Species Regulations 2012

Reference 11 European - Offshore Marine Conservation Regulations 2007

Reference 12 BCKLWN - Site Allocations and Development Management Policies Plan (SADMP) Adopted September 2016

Reference 13 BCKLWN Strategic Flood Risk Assessment (SFRA) 2019

Reference 14 Norfolk Strategic Planning Framework 2018

Reference 15 NCC Living Well Homes

Reference 16 Norfolk Insight

Reference 17 East Inshore and East Offshore Marine Plans

## 1. INTRODUCTION

- 1.1. This Basic Conditions Statement has been prepared to accompany the Tilney All Saints Neighbourhood Plan 2020 – 2036 (TASNP).
- 1.2. The purpose of the statement is to demonstrate that TASNP meets the legal requirements for a neighbourhood plan and the five basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Development Plans by Section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.3. The five basic conditions 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.
- 1.4. There is one prescribed basic condition for NDPs, 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)”*.
- 1.5. This statement confirms that:
  - The legal compliance requirements have been met (Section 2);
  - TASNP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
  - TASNP contributes to sustainable development (Section 4);
  - TASNP is in general conformity with the strategic policies contained in the Local Plan Core Strategy (2011) and the Site Allocations and Development Management Policies Plan (Section 5);
  - TASNP 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);
  - TASNP meets the prescribed conditions for NDPs (Section 7).

## 2. LEGAL AND REGULATORY COMPLIANCE

- 2.1. TASNPs relates to the area that was designated by the Borough Council of King's Lynn and West Norfolk (BCKLWN) as a Neighbourhood Area in June 2016. The neighbourhood plan relates only to this area, which is contiguous with the parish boundary. No other Neighbourhood Development Plan has been or is being made for the area. TASNPs has been prepared by Tilney All Saints Parish Council who is the qualifying body.
- 2.2. TASNPs sets out policies in relation to development and 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 the Regulation 14 (pre-submission) consultation was consistent with the specific regulatory requirements, as detailed in the Consultation Statement. In relation to this, the draft Neighbourhood Plan was published on the TASNPs website, advertised in the Lynn News and a flyer was sent to every resident, business and landowner in the area. Two consultation events were held at which informal discussions could take place and hard copies of the plan could be viewed. These were also available locally from members of the working group. Comments were invited online, via email or in writing. A copy was also sent to statutory consultees, some of whom responded.
- 2.3. TASNPs covers the period 2020 to 2036, which aligns with the Local Plan Core Strategy. It also includes a map of the designated area, see **Appendix A** of this report.
- 2.4. TASNPs does not include provision about development that is 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.

### 3. DUE REGARD TO THE NPPF

- 3.1. National planning policy is set out in the National Planning Policy Framework (NPPF). The most recent version was published in February 2019. TASNPs have 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.
- 3.2. **Figure 1** demonstrates how TASNPs have 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 1: National Planning Policy Framework**

TASNPs Policy	NPPF Cross-References	Comments
General	Para 8, para 13, para 15, para 16, para 28 and 29, para 31, para 32, para 34, Section 12.	<p>The plan 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 that is outside of the current strategic policies set in the BCKLWN Local Plan Core Strategy. It supports these strategic policies as shown in <b>Figure 2</b>.</p> <p>TASNPs provide 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>TASNPs include non-strategic policies for infrastructure and community facilities, design principles, conserving and enhancing the natural and historic environment and other development management matters such as residential car parking.</p> <p>It is supported by a robust but proportionate evidence base. This is available in a separate document (Evidence Base and Key Issues). Key aspects of this are presented in the supporting text of policies.</p>

TASNP Policy	NPPF Cross-References	Comments
		<p>The plan will have no significant environmental impacts. SEA was screened out by BCKLWN (see <b>Section 6</b>).</p> <p>Some of the policies encompass design, with the emphasis on achieving a rural feel. Policy 1.3 is the main policy, but others are also relevant including 2.1, 2.4, and 4.2.</p>
Policy 1.1 Strategic gap between High End and All Saints	Section 15, para 170	The policy seeks to protect the intrinsic character and beauty of the countryside by preserving the gap between the main two areas of settlement.
Policy 1.2 Housing mix	Para 8, 11, 61, 62 and 77. Section 9.	<p>This policy will help ensure future development meets the needs of the community, including those with specific needs such as older people.</p> <p>It takes a positive approach to affordable housing proposals outside of the development boundary, whilst supporting good sustainable accessibility.</p>
Policy 1.3 Design	Section 12	This policy requires good design that reinforces local distinctiveness whilst encouraging innovation.
Policy 1.4 Street lighting	Section 14, para 180. Section 15.	This policy helps to reduce the need for energy and thereby mitigates climate change. It reduces light polluting impacts on amenity, tranquillity, dark skies and wildlife.
Policy 1.5 Affordable housing	Para 8, para 11, para 61 & 62, para 71 and para 77	This policy will help to ensure a sufficient range of homes will be available to meet the needs of the community. It positively seeks to provide for the community, especially those needing affordable housing.
Policy 2.1 Heritage	Para 8, section 12, Section 16	The policy will support protection of the historic environment. It aims to ensure that any development reflects the historic character of the parish.
Policy 2.2 Flooding and surface water drainage	Section 14	This policy will help to adapt to climate change. Tilney All Saints is in an area of high flood risk, which is managed by a network of drains and ditches and other water courses. It is important not to undermine this network.
Policy 2.3 Natural environment – farmland	Para 170	This policy aims to direct development away from the best and most versatile land in agricultural use.

TASNP Policy	NPPF Cross-References	Comments
Policy 2.4 Natural environment – ecology	Para 8, Section 15.	This policy protects and enhances the natural environment and improves biodiversity. There is an expectation that development delivers a net gain in biodiversity and supports a network of green infrastructure.
Policy 3.1 Tilney All Saints primary school	Section 8 including para 94, para 83	The policy supports the principle of school expansion and the retention of an accessible and valued local service. It supports a prosperous rural economy.
Policy 3.2 Village hall	Para 83, para 92.	The policy supports the retention and development of accessible local services and community facilities, and therefore the rural economy. It plans positively for the provision of community facilities.
Policy 3.3 Local Green Space	Section 8, Para 8 and Para 99-101	The policy supports the protection of green open spaces and designates local green space.
Policy 3.4 Millennium Green	Section 8	The policy protects Millennium Green as a local green space for continued enjoyment by the community, encouraging recreational and health benefits.
Policy 3.5 Glebe Estate Playing Field	Section 8	The policy protects the playing field as a local green space and supports improved facilities for community benefit.
Policy 3.6 Allotment land	Section 8	This policy protects the allotments as a local green space that supports healthy lifestyles within the community.
Policy 4.1 Sustainable transport	Para 8, Para 91, Section 9, Section 14, Para 181	This policy supports improved sustainable access to services and supports a healthy and active lifestyle. It promotes sustainable transport which should reduce greenhouse gas emissions as well as air and noise pollution.
Policy 4.2 Car parking	Section 9, para 105	The policy does not set out maximum parking standards. The requirements for off-road parking have been set to reflect the high levels of car ownership, level of public transport provision, the local road network and availability of services locally. Overall it aims to improve traffic flow through the village by ensuring adequate off-road parking.
Policy 4.3 Transport infrastructure and services	Section 9, para 91	This policy promotes improvements to encourage sustainable access to services, supporting healthy and active lifestyles.

<b>TASNP Policy</b>	<b>NPPF Cross-References</b>	<b>Comments</b>
Policy 5.1 Economic development	Section 6, Para 92	The policy supports sustainable economic development, new business and services.
Policy 5.2 Broadband	Section 10, Para 112, 127 and Section 15	The policy supports new communications equipment whilst seeking to retain the rural landscape character.
Policy 5.3 Renewable energy	Section 14	This policy supports proposals to increase renewable energy which will help to meet the challenge of climate change.



## 4. SUSTAINABLE DEVELOPMENT

- 4.1. Sustainable development is defined as 'development that meets the needs of the present without compromising the ability of future generations to meet their own need'. 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.
- 4.2. This is captured by Paragraph 8 of the NPPF in particular, which summarises the three inter-dependent objectives. Figure 1 includes a number of references to NPPF Paragraph 8, demonstrating the policies in TASNPs that have due regard to these over-arching objectives.
- 4.3. The NPPF as a whole represents sustainable development, and Figure 1, sets out that the TASNPs are very consistent with the NPPF. It should therefore be the case that the TASNPs will help to deliver sustainable development in Tilney All Saints through delivering the economic, social and environmental objectives.
- 4.4. TASNPs are positively prepared, reflecting the presumption in the NPPF in favour of sustainable development, but they seek to manage development pressures to ensure that, in addition to economic and growth considerations, reasonable environmental and social considerations are taken into account.

## 5. GENERAL CONFIRMITY WITH LOCAL STRATEGIC POLICIES

5.1. The BCKLWN's Local Plan Core Strategy (2011) comprises the strategic policies of relevance to the TASNPN. There are a small number of policies in the Site Allocations and Development Management Policies Plan (DM Policies) 2016 which also relate. Figure 2 sets out how TASNPN is in general conformity with these local strategic policies.

**Figure 2: General conformity with local strategic policies**

TASNPN Policy	Strategic policy cross-references	Comments
Policy 1.1 Strategic gap between High End and All Saints	CS01	The policy seeks to protect the intrinsic character and beauty of the countryside by retaining the gap between Tilney All Saints (TAS) and Tilney High End.
Policy 1.2 Housing mix	CS06, CS09, CS14	The policy will help ensure housing development, type, size, tenure, in the parish meets the needs of the community, including those with specific housing needs such as older people/less mobile residents. It will ensure that the local character of the village is retained through development.
Policy 1.3 Design	CS01, CS06, CS08, CS09, CS12, CS13	This policy sets out requirements for high standards of design to ensure the local character of the village is retained through development. The policy is supportive of linear infill development within the parish.
Policy 1.4 Street lighting	CS01, CS06	Focus on retaining dark skies and the rural character of TAS through avoiding the introduction of street lighting.
Policy 1.5 Affordable housing	CS09, CS14, DM2, DM8	The policy takes a positive approach to affordable housing proposals outside the development boundary, whilst supporting good sustainable accessibility and priority allocation to meet local need.
Policy 2.1 Heritage	CS01, CS08, CS12	The policy supports retention of the local character and historic environment within TAS.
Policy 2.2 Flooding and surface water drainage	CS01, CS08, CS12, CS14	The policy will support adaptation to climate change. Tilney All Saints is surrounded by an area of high flood risk, which is managed by a network of drains, ditches and water courses. The policy seeks to ensure these are not undermined. It supports implementation of sustainable drainage systems.
Policy 2.3 Natural environment –	CS01, CS06, CS08	The policy aims to direct development away from the best and most versatile land in current or

TASNP Policy	Strategic policy cross-references	Comments
farmland		recent farming use, protecting the countryside.
Policy 2.4 Natural environment – ecology	CS01, CS06, CS08, CS14	Policy to support protection of biodiversity. It is supportive of the provision of green space to safeguard wildlife and of habitat creation.
Policy 3.1 Tilney All Saints primary school	CS01, CS06, CS14	The policy is supportive of appropriate infrastructure provision to meet local need and encourage sustainable communities.
Policy 3.2 Village hall	CS01, CS06, CS13	The policy supports the provision of community infrastructure, encouraging sustainability and promoting quality of life.
Policy 3.3 Local Green Space	CS01, CS06, CS08, CS12, CS13,	The policy supports retention of green open spaces, designating local green spaces important to the character, wildlife and enjoyment of local people. These support healthy lifestyles, and add to the network of green infrastructure.
Policy 3.4 Millennium Green	CS01, CS06, CS12, CS13	The policy supports the retention of Millennium Green as a green open space for the enjoyment of residents and visitors. It encourages healthy lifestyles and recreation.
Policy 3.5 Glebe Estate Playing Field	CS01, CS06, CS12, CS13	This policy supports the retention of the playing field as a green open space for the enjoyment of residents and visitors. It encourages healthy lifestyles and recreation.
Policy 3.6 Allotment land	CS01, CS06, CS12, CS13, DM16	The policy supports retention of the allotments as a green open space for the enjoyment of residents. It encourages healthy lifestyles and self-sufficiency will support adaptation to climate change.
Policy 4.1 Sustainable transport	CS11, CS14	The policy is supportive of appropriate sustainable transport infrastructure being delivered alongside development. It includes delivery of electric charging points.
Policy 4.2 Car parking	CS14	The policy sets out a minimum for residential parking, aiming to improve traffic flow/management and road safety through better off-street parking. Standards have been set that reflect high levels of car ownership, level of public transport provision, the local road network and availability of services locally.
Policy 4.3 Transport infrastructure and services	CS11, CS14	This policy will ensure any development in TAS is accompanied by appropriate transport infrastructure.
Policy 5.1 Economic development	CS01, CS06, CS10	The policy supports sustainable economic development, micro and small business within the village’s development boundary. It positively seeks to provide for the development needs of

TASNP Policy	Strategic policy cross-references	Comments
		the community.
Policy 5.2 Broadband	CS01	This policy supports proposals for superfast broadband to enable a sustainable rural community and address infrastructure needs.
Policy 5.3 Renewable energy	CS08, DM20	The policy seeks to support the generation of energy from renewable sources, allowing for these unless they detract from the rural character of the area.

## 6. EU OBLIGATIONS

- 6.1. A Screening Opinion request was made to BCKLWN as to whether Strategic Environmental Assessment would be required. This was supported by a short report and assessment. BCKLWN confirmed in March 2019, following consultation with the Statutory Environmental Bodies, Natural England, Environment Agency and Historic England, that TASNPN would not be likely to have significant environmental effects. It was also concluded that with regard to a Habitats Regulations Assessment that an Appropriate Assessment would not be required. There are no internationally designated nature conservation sites (Special Protection Area, Special Areas of Conservation or Ramsar Sites) within the TASNPN area or a 15km buffer. The following was received from BCKLWN:

*“The Borough Council is of opinion that a full environmental assessment of the Tilney All Saints Draft Neighbourhood Plan is not required. Having consulted the relevant statutory bodies, it has reached the view because, as per regulations 5(6), the plan constitutes a minor modification to the adopted (2011) King’s Lynn and West Norfolk Core Strategy, and, having regard to Schedule 1, is unlikely to have environmental effects.*

*The Borough Council is also of the opinion that an appropriate assessment of the Tilney All Saints Draft Neighbourhood Plan is not required. It has reached this view with regard to the neighbourhood plan’s need to be in general conformity with the Core Strategy (itself subject the HRA), and with a Habitats Regulations Assessment\* of similar potential development in Tilney All Saints and nearby settlements of Terrington St Clement and Clenchwarton which concluded that such development was not likely to have a significant effect on any relevant designated European site. (\*Habitats Regulations Assessment report accompanying the proposed King’s Lynn and West Norfolk Site Allocations and Development Policies DPD, submitted to PINS 23rd April 2015).”*

- 6.2. TASNPN 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. TASNPN is highly unlikely to be incompatible because it has been prepared within the existing framework of statute, and national planning policy and guidance. In accordance with established process, its preparation has included consultation with the local community.

## 7. PRESCRIBED CONDITIONS

- 7.1. There is one prescribed basic condition for NDPs 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)”*.
- 7.2. As described in Section 6 above, BCKLWN determined that they are of the opinion that TASNPs ‘was not likely to have a significant effect on any relevant designated European Site’ and therefore screened out a Strategic Environmental Assessment and a Habitats Regulations Assessment.

APPENDIX A – TILNEY ALL SAINTS NEIGHBOURHOOD AREA

