

Walpole Cross Keys Neighbourhood Plan Review 2022- 2038

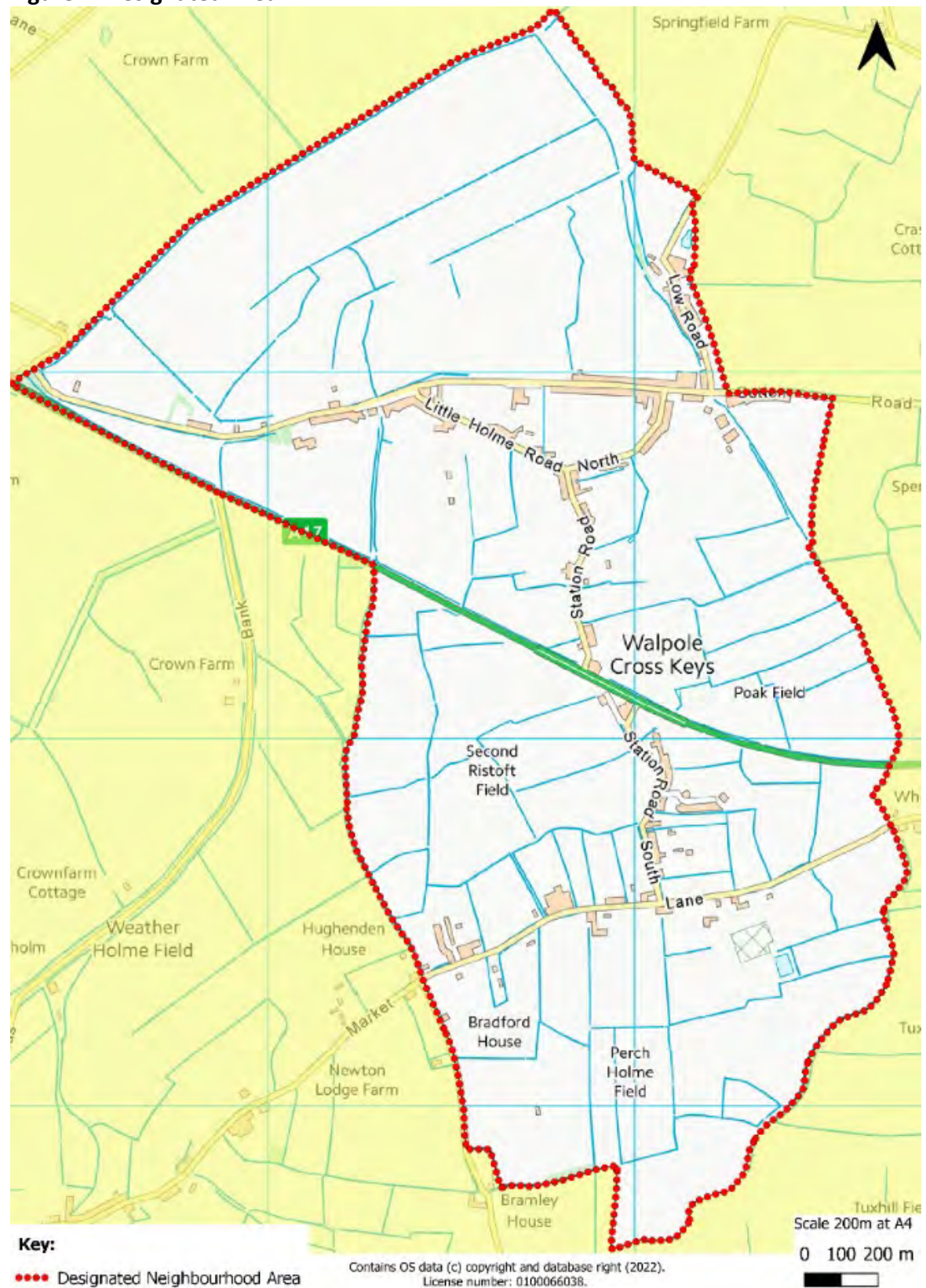
Statement of Basic Conditions
August 2025



Table of Contents

SECTION 1: INTRODUCTION.....	2
SECTION 2: LEGAL AND REGULATORY COMPLIANCE	3
SECTION 3: DUE REGARD TO THE NPPF.....	3
SECTION 4: SUSTAINABLE DEVELOPMENT.....	11
SECTION 5: GENERAL CONFORMITY WITH LOCAL STRATEGIC POLICIES.....	11
SECTION 6: EU OBLIGATIONS.....	16
SECTION 7: PRESCRIBED CONDITIONS.....	17

Figure 1: Designated Area



Section 1: Introduction

1. This Basic Conditions Statement has been prepared by [Collective Community Planning](#) on behalf of Walpole Cross Keys Parish Council to accompany the Walpole Cross Keys Neighbourhood Development Plan 2022-2038 (WCKNDP).

The purpose of the statement is to demonstrate that WCKNDP 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.

2. 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.
3. 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”*.
4. This statement confirms that:
 - The legal compliance requirements have been met (section 2);
 - WCKNDP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - WCKNDP contributes towards sustainable development (Section 4);
 - WCKNDP is in general conformity with the strategic policies contained in the local plan for King’s Lynn & West Norfolk (Section 5).
 - WCKNDP 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
 - WCKNDP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

5. WCKNDP 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.
6. WCKNDP is a neighbourhood plan for the parish of Walpole Cross Keys within West Norfolk. The parish already has an adopted neighbourhood plan however has reviewed this. The qualifying body for WCKNDP is the Parish Council. WCKNDP includes a map of the designated area, see **Figure 1** of this report.
7. WCKNDP 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 the Regulation 14 (Pre-Submission) consultation was consistent with the specific regulatory requirements, as detailed in the Consultation Statement.
8. WCKNDP covers the period 2022-2038 which is in general conformity with the Local Plan for King's Lynn and West Norfolk (2016-2040).
9. WCKNDP 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.

Section 3: Due Regard to the NPPF

10. National planning policy is set out in the NPPF. The version relevant to this plan was published in December 2024. WCKNDP 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 29 to 31, but there is relevant policy throughout other parts of the NPPF.
11. **Figure 2** demonstrates how WCKNDP 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

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
General	NPPF: - Section 2 (Achieving sustainable development) Para 8, Para 11 - Section 3 (Plan-making) Para 15-16, Para 29-31 - Section 5 (Delivering a sufficient supply of homes) Para 61, 63 - Section 8 (Promoting healthy and safe communities) Para 96, Para 103-108 - Section 9 (Promoting sustainable transport) Para 109-112, - Section 12 (Achieving well-designed places) Para 131-136, 139 - Section 14 (Meeting the challenge of climate change, flooding, and coastal change) Para 161-162,170 - Section 15 (Conserving and enhancing the natural environment) Para 187-188 PPG: - Healthy & Safe Communities- PPG Paragraph: 001 Reference ID:53-001-20190722 - Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306 - Green Infrastructure- Paragraph: 005 Reference ID: 8-005-20190721, Paragraph: 006 Reference ID: 8-006-20190721 - Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722 - Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001	WCKNDP 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 plan. It supports these strategic policies as shown in Figure 3. WCKNDP provides a framework for addressing housing needs such as affordable housing and housing mix 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 other consultees, as set out in the Consultation Statement. WCKNDP includes non-strategic policies for housing, design codes and principles, conserving and enhancing the natural environment, community facilities and transport related matters. WCKNDP is supported by a Statement of Modifications Document and by a proportionate evidence base which includes the Evidence Base Paper, Walpole Cross Keys Housing Needs Assessment 2023, Walpole Cross Keys's Guidance and Codes Document 2023 and Key Views Assessment. Key aspects of this evidence are presented in the supporting text of the policies. Some of the policies encompass design considerations and codes, with the emphasis on achieving high quality design that is in keeping with local character. Policy 5 is the main policy for design and

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
		Appendix B is the AECOM Design Checklist which can be found in the main NDP submission document.
Policy 1: New Residential Development in the Neighbourhood Development Plan Area	- Section 5 (Delivering a sufficient supply of homes) Para 60, 63	This policy sets out that proposals for new residential development will need to meet set criteria including being within or adjacent to the development boundaries set in the NP, take account of the development considerations in table 1 and compromises a form of infill. Encourages the development to be small scale starter homes and should not be on viable agricultural land. This policy was in the current adopted NP, however, has been slightly amended. This policy conforms with the NPPF Para 60 and 63 which sets out how planning policies should reflect the different needs regarding size, type, and tenure in the community. The community stated the need for starter homes and smaller homes in initial consultations.
Policy 2: Extensions, Outbuildings and Conversions (including residential and commercial use)	NPPF Para 29-30	As set out in NPPF Para 30, neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. This policy aims to ensure that future development is in keeping with the character of the village in line with the Walpole Cross Keys Design Guidance and Code 4.
Policy 3: Housing Mix	NPPF - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64	This policy will help ensure future development meets the needs of the community, including providing a mix of houses which can be easily adaptable for older residents and will provide a smaller number of bedrooms to help enable

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
	Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722	residents to get on the housing ladder such as younger people. The policy follows the guidance proposals taken from the Housing Needs Assessment to help achieve a balanced mix of housing to meet the needs of the community. This policy conforms with the NPPF Para 60 and 63 which sets out how planning policies should reflect the different needs regarding size, type, and tenure in the community.
Policy 4: Affordable Housing	NPPF - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63 Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722	The policy follows the guidance proposals taken from the Housing Needs Assessment to help achieve a balanced mix of housing to meet the needs of the community. It specifically breaks up the affordable home ownership and affordable rent expected within Walpole Cross Keys. This policy conforms with the NPPF Para 63 which states how the established local housing need should be reflected in planning policies. The type of affordable housing required in the WCKNDP policy should be in line with the Walpole Cross Keys Housing Needs Assessment 2023 unless more up to date evidence is presented in an application.
Policy 5: Design	NPPF - Section 3- Plan making Para 28 - Section 12 Achieving well-designed places, para 131-134 Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001	This policy encourages all development to be designed to high quality standards and be in conformity with the design codes and guidance document 2023. It sets out detailed clauses and the design aspects which development should have regard to including materials, roofline, and boundary treatments. The policy conforms to the NPPF and PPG by setting out as listed above a clear design vision to meet local aspirations for

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
		the WCKNDP and the expectation applications are to follow.
Policy 6: Residential Parking Standards	NPPF - Section 9 Promoting sustainable transport Para 108, 110 - Section 12 Achieving well-designed places, para 131, 132	This policy states that residential developments should consider the appropriate points made under the design codes document. The NPPF allows for local communities to develop design policies in neighbourhood plans to reflect local aspirations and develop codes and guidance for development.
Policy 7: Flood Risk and Water Management	NPPF - Section 14 Meeting the challenge of climate change, flooding, and coastal change Para 161-162 Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306 Flooding- PPG Paragraph: 063 Reference ID: 7-063-20140306	This policy will help to adapt to climate change and ensure that flood risk is managed appropriately and sustainably with a focus on SuDS and also the guidance from the Design Codes Document. The NPPF in Para 162 how plans should take a proactive approach to mitigate and adapt to climate change taking in account flood risk.
Policy 8: Important Local Views	NPPF - Section 3 Plan-making Para 28 - Section 12 Achieving well-designed places Para 131-132, 135 - Section 15 Conserving and enhancing the natural environment Para 180, 191 PPG Paragraph: 036 Reference ID: 8-036-20190721	In the NPPF and PPG the intrinsic character and beauty of the countryside is recognised and PPG states that it is important to identify policies where landscapes have a particular local value. Planning policies and decisions should ensure that developments will be sympathetic to the local character including the built environment and landscape setting. This policy conforms with the NPPF and PPG by protecting important local views and ensuring proposals are expected to demonstrate that they are designed and sited to avoid harm to the identified important views and the landscape setting they sit within. Plans and design policies should be developed with local communities so they reflect local aspirations and

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
		neighbourhood plan groups play an important role in identifying special qualities in their areas to reflect what they would expect from developments (NPPF Para 132). This policy conforms with the NPPF by doing the above, the community chose these local views as part of initial engagement, the views were explored by the steering group and consulted upon again at Regulation 14.
Policy 9: Dark Skies	NPPF Section 15 Conserving and enhancing the natural environment Para 191 PPG Light Pollution Para 001 Reference ID: 31-001-20191101, Para 005	This policy addresses the presumption against unnecessary lighting that will result in the loss of night-time dark skies. It keeps in mind the need for footway lighting for security and safety reasons. It conforms with the NPPF which sets out that policies should ensure new development limits the impact of light pollution within dark landscapes.
Policy 10: Employment Related or Agricultural and Horticultural Related Development	NPPF Section 6 Building a strong, competitive economy Para 88	This policy encourages and supports development or the redevelopment of existing business sites for employment uses and agricultural and horticultural purposes. It also encourages employment related uses and development related to the agricultural and horticultural sector coming forward on suitable sites. The NPPF Para 88 states that planning policies should enable the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings. It also states policies should enable development/ diversification of agricultural and other land based rural businesses and sustainable rural tourism.
Policy 11: Brownfield Sites	NPPF Section 11 Making effective use of land Para 124,125	This is a general policy that supports the enhancement or redevelopment of the Site at Old Station for industrial

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
		development where a proposal accords with the relevant policies in the NP. The site is brownfield. The NPPF Para 125 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Para 125c states planning policies should give substantial weight to the value of using suitable brownfield land within settlements for needs. This policy adds supports to this strategic approach.
Policy 12: Protection of Community Services	NPPF Section 8 Promoting healthy and safe communities Para 96, 97	This policy protects a list of community facilities within the parish. It conforms with the NPPF which states that planning policies should guard against the unnecessary loss of valued facilities and services particularly where it would reduce the community's ability to meet its day-to-day needs. Facilities protected in this policy include day to day needs such as the primary school and village hall.
Policy 13: Transport and Access	NPPF Section 9 Promoting sustainable transport Para 109	This policy encourages improvements to the road network provided that access to existing public transport and footpaths are not compromised. As well as this proposals should ensure that any requirements generated by the proposed development do not cause significant harm to the highway network, existing highway verges or dykes and development proposals for sites that include Public Rights of Way or are adjacent to them should protect and incorporate them into the scheme. The NPPF Para 109 states how transport issues should be considered from the earliest stages of plan making so that for example 109e opportunities to promote walking, cycling and public transport use

WCKNDP Policy	NPPF (and PPG) Cross References	Comments
		are identified and pursued and 109f the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.

Section 4: Sustainable Development

12. 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.
13. This is captured by Paragraph 8 of the NPPF in particular, which summarises the three interdependent objectives. The NPPF as a whole represents sustainable development, and **Figure 2** sets out that WCKNDP is very consistent with the NPPF. It should therefore be the case that WCKNDP will help to deliver sustainable development in Walpole Cross Keys through delivering the economic, social, and environmental objectives.
14. WCKNDP 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.

Section 5: General Conformity with Local Strategic Policies

15. It is a requirement that WCKNDP 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.
16. The WCKNDP area falls within one local authority area, the Borough Council of King’s Lynn and West Norfolk (BCKLWN). The Local Plan (2021-2040) contains strategic policies of relevance for this neighbourhood plan.
17. **Figure 3** reviews each policy in the submitted WCKNDP with respect to the current strategic local plan policies.

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

Figure 3: General Conformity with Local Strategic Policies (and non-strategic)

WCKNDP Policy	Local Plan 2021-2040	Comments
Policy 1: New Residential Development in the Neighbourhood Development Plan Area	LP02- Residential Development on Windfall Sites	This policy sets out that proposals for new residential development will need to meet set criteria including being within or adjacent to the development boundaries set in the NP, take account of the development considerations in table 1 and compromises a form of infill. Encourages the development to be small scale starter homes and should not be on viable agricultural land. This policy generally conforms with the Local Plan LP02 which places Walpole Cross Keys as a smaller village and hamlet within the settlement hierarchy. Smaller Villages and Hamlets have very limited services and facility provision. Growth will be delivered through committed developments. There may also be the delivery of additional growth through windfall development via planning applications and/or allocations in Policy LP03 - Neighbourhood Plans over the Plan period. The WCK NDP does not allocate land in line with LP03. The aim of Policy 1 is to keep new development located in the development boundaries of the parish. Local Plan Policy LP02 sets out that new residential development outside of development boundaries would be supported in Tier 1-4 in line with other criteria. However, Walpole Cross Keys falls within Tier 6 so development outside of the boundaries in our parish would not be supported by the Local Authority.
Policy 2: Extensions, Outbuildings and Conversions (including	LP18- Design and Sustainable Development	Policy 2 adds local detail to Policy LP18 which sets out that new development will be required to demonstrate its ability to respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and materials

WCKNDP Policy	Local Plan 2021-2040	Comments
residential and commercial use)		and access will enhance the quality of the environment. Policy 2 goes further to state that materials for alterations and extensions should have regard to Walpole Cross Keys Design Code 4.
Policy 3: Housing Mix	• LP28- Affordable Housing	Policy 3 has additional local detail that will help ensure housing development meets the needs of the community within our parish. This is in conformity with local plan policies such as LP28 which require that the type, size, and tenure of new housing should reflect the needs of the area, based on the most up to date Housing Needs Assessment covering Walpole Cross Keys.
Policy 4: Affordable Housing	• LP28- Affordable Housing	Policy 4 adds further detail to LP28 to ensure affordable housing is provided in rural areas and following the most up to date Housing Needs Assessment for the area.
Policy 5: Design	• LP06- Climate Change • LP18- Design and Sustainable Development	High standards of design are required through this policy. This is in conformity with the local plan design policies which promote the same principles around high-quality design including appropriate use of scale, height, materials, and layout.
Policy 6: Residential Parking Standards	• LP14- Parking Provision in New Development • LP21- Environment, Design and Amenity	This policy states that residential developments should consider the appropriate points made under the design codes document. This policy adds further detail to the Local Plan Policies covering parking such as LP14 which sets out detail in line with Norfolk County Council parking standards and LP21 which states development proposals should demonstrate that safe access can be provided, and adequate parking facilities are available.
Policy 7: Flood Risk and Water Management	• LP06- Climate Change	The policy ensures development is designed to manage surface water in a sustainable way, with an emphasis of measures that will also benefit the natural

WCKNDP Policy	Local Plan 2021-2040	Comments
		environment. This conforms with LP06 which sets out that development proposals should adapt and mitigate the impacts of climate change by incorporating appropriate water efficiency and water recycling measures to minimise the potential for drought and climatic impacts.
Policy 8: Important Local Views	Policy LP19- Environmental Assets- Green Infrastructure, Landscape Character, Biodiversity and Geodiversity	Policy 8 identifies key views to be protected, with proposals required to demonstrate they are sited and designed to avoid or mitigate harm to the views. The policy conforms with LP19 by protecting environmental assets, the landscape value and having regard to visual impact.
Policy 9: Dark Skies	Policy 21- Environment, Design and Amenity	This policy addresses the presumption against unnecessary lighting resulting to the loss of night-time dark skies in this rural character area. It keeps in mind the need for footway lighting for security and safety reasons with the landscape in mind. It conforms with LP21 which states proposals will be assessed against light pollution when considering amenity and design.
Policy 10: Employment Related or Agricultural and Horticultural Related Development	LP07- The Economy	This policy encourages and supports development or the redevelopment of existing business sites for employment uses and agricultural and horticultural purposes. It also encourages employment related uses and development related to the agricultural and horticultural sector coming forward on suitable sites. This policy conforms with the Local Plan Policy LP07 since the council will support rural economy and diversification through a rural exception approach to new development (including expansion and/or diversification of existing businesses) within the countryside and through a

WCKNDP Policy	Local Plan 2021-2040	Comments
		criteria-based approach to retaining employment land and premises.
Policy 11: Brownfield Sites	• LP18- Design and Sustainable Development	This is a general policy that supports the enhancement or redevelopment of the Site at Old Station for industrial development where a proposal accords with the relevant policies in the NP. The site is brownfield. The policy conforms with the Local Plan LP18 since new development will be required to demonstrate its ability to optimise site potential, making the best use of land including the use of brownfield land.
Policy 12: Protection of Community Services	• LP39- Community facilities	This policy provides local detail which adds to Policy LP39. It lists community facilities in Walpole Cross Keys the parish wishes to protect.
Policy 13: Transport and Access	• LP06- Climate Change • LP13- Transportation	This policy encourages improvements to the road network provided that access to existing public transport and footpaths are not compromised. As well as this, proposals should ensure that any requirements generated by the proposed development do not cause significant harm to the highway network, existing highway verges or dykes and development proposals for sites that include Public Rights of Way or are adjacent to them should protect and incorporate them into the scheme. This policy is in general conformity with the Local Plan since LP06 states where relevant new development should be located in areas to minimise the need to travel and maximise the ability to make journeys via sustainable modes of transport and ensure new development is designed and adapted to incorporate climate change and flood risk resilience. The policy encourages improvements to

WCKNDP Policy	Local Plan 2021-2040	Comments
		the road network and not causing significant harm to highway verges or dykes which play a part in flood risk resilience. The policy generally conforms with the Local Plan Strategic Policy LP13 which states development proposals should demonstrate that they have been designed to provide for safe and convenient access for all modes. Policy 13 adds more detail of a non-strategic nature which is relevant to the parish to ensure new developments do not harm the current highway network and improve public footpaths.

Section 6: EU Obligations

18. As background, a Screening Opinion request was made to BCKLWN in mid-2024 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 WCKNDP 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 not be required. This was supported by BCKWLN (as the lead planning authority) who undertook a screening exercise in consultation with the Statutory Environmental Bodies (SEBs) in June-July 2024. The SEBs agreed that an SEA was not required and the BCKWLN issued their determination statement in September 2024.
19. In June 2025, John Slater was appointed as an independent examiner for the Walpole Cross Keys Neighbourhood Plan Review. During his initial assessment, the examiner raised potential concerns that the Walpole Cross Keys Neighbourhood Plan Review process did not fully comply with certain procedural requirements as set out in the Neighbourhood Planning Regulations, especially in relation to its treatment as a review of an existing plan. Following the examiner's advice, and in agreement with both the Parish Council and the Borough Council, it was decided to suspend the examination and recommence the consultation process, starting again from Regulation 14.
20. The Regulation 14 consultation was re-run for six weeks alongside a screening exercise in consultation with the Statutory Environmental Bodies (SEBs) between 4 July and 15 August 2025 by Walpole Cross Keys Parish Council as the qualifying body. The SEA consultation was supported by an updated short report and assessment. In this the

WCKNDP 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 **not be required**.

21. Historic England and Natural England agreed that an SEA **was not required**. The Environment Agency did not respond.

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

23. WCKNDP 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. WCKNDP 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 WCKNDP does not breach and is compatible with EU Regulations including:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive);
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive);
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders; and
- Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

Section 7: Prescribed Conditions

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 WCKNDP to determine whether it will have 'likely significant effects' upon internationally designated habitat sites. This was **screened out** as not having any likely significant effects.