



## **Statement of Basic Conditions**

**March 2019**

## **Introduction**

This Basic Conditions Statement is one of the documents to be submitted to the local planning authority to meet the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

<http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

This document is accompanied by a Screening Determination which was undertaken by the Local Planning Authority in October 2018 in place of a formal Strategic Environmental Assessment (SEA).

This document is divided into two parts:

Part 1 : how the process for creating the Neighbourhood Plan meets the legal requirements

Part 2 : how the policies identified in the Neighbourhood Plan meet the Basic Conditions.

## **Terminology**

Throughout this document, the Mutford Neighbourhood Plan will usually be referred to as “the Mutford Plan” unless the context requires otherwise.

The East Suffolk – Waveney Local Plan (March 2019) will be referred to as ‘the Local Plan’.

The following abbreviations are also used:

MNP – Mutford Neighbourhood Plan

NPPF – National Planning Policy Framework (2018)

LP – East Suffolk - Waveney Local Plan (2019)

## Part 1 : Meeting the Legal Requirements of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004

### Section 38A

Section 38A is concerned with the meaning of “neighbourhood development plan”. The first two paragraphs are applicable.

**Paragraph (1)** *Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan*

Mutford Parish Council is a qualifying body for the purpose of making a Neighbourhood Development Plan. The whole parish was designated as a Neighbourhood Area on 14<sup>th</sup> September 2016.

**Paragraph (2)** *A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.*

When made, the Mutford Neighbourhood Plan (‘the Mutford Plan’) will become a statutory consideration for the local planning department and Planning Committee in determining all relevant planning applications in the Neighbourhood Area.

### Section 38B

Section 38B is concerned with the provision that may be made by neighbourhood development plans. The first three paragraphs are applicable

**Paragraph (1)** *A neighbourhood development plan—*

- a) must specify the period for which it is to have effect*
- b) may not include provision about development that is excluded development, and*
- c) may not relate to more than one neighbourhood area*

This Plan covers the designated area only and for the period until 2036. It does not include any excluded development. The designated area is the parish of Mutford (see map - page 4)

**Paragraph (2)** *Only one neighbourhood development plan may be made for each neighbourhood area*

The Mutford Plan is the only plan for this designated area.

**Paragraph (3)** *If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy*

It is accepted that if a Plan policy conflicts with any other statement of information in this Plan, then the policy will take preference.



## **Part 2 Meeting the Basic Conditions**

This Basic Conditions Statement sets out how the Mutford Plan has been prepared in accordance with The Neighbourhood Planning General Regulations 2012 and meets the statutory requirements set out in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and basic conditions as set out in paragraph 8(2)<sup>1</sup>.

<http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted#p00838>

This Statement addresses each of the seven ‘basic conditions’ required by the Regulations and explains how the submitted Plan meets the requirements of the conditions listed in paragraph 8(2).

These conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State.
- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.
- d) the making of the Neighbourhood Plan contributes to the achievement of sustainable development,
- e) the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of authority (the Local Plan)
- f) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.
- g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

Each of these is covered in separate sections below.

---

<sup>1</sup> Guidance has been provided by the Government website at:

<https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## Meeting the Basic Conditions as set out in Paragraph 8(2a)

*Condition 2(a). Having regard to national policies and advice contained in guidance issued by the Secretary of State.*

Mutford is a small rural parish comprising two main settlement areas and some outlying clusters of housing, set amidst open countryside. The most relevant aspects of the National Planning Policy Framework (NPPF) 2018 are as set out in Table 1.

For completeness, all sections of the NPPF are shown. Where no policies have been identified in the Mutford Plan, ‘n/a’ is used. This is either due to the NPPF describing processes to be followed by the Local Planning Authority (and so inappropriate for the Mutford Plan) or that the policies in the Local Plan are considered sufficient and do not require any local policy to be defined.

**Table 1: Alignment of the Mutford Plan policies with the NPPF**

Section	NPPF paragraph	Neighbourhood Plan compliance
1	Introduction 1-6	n/a
2	Achieving Sustainable Development 7-14	Para 8(a, b and c) [economic, social and environmental objectives] supported by  MNP.1 – Rural identity MNP.2 – Conserving the setting of the church MNP.9 – Rural tourism MNP.10 – Rural business
3	Plan Making 15-37	Para 28 [non-strategic policies]  MNP.1 – Rural identity MNP.3 – Dark skies
4	Decision Making 38-58	n/a
5	Delivering a sufficient supply of homes 59-79	Para 70 : [inappropriate development of residential gardens] is supported by  MNP.6 Backland development within settlement boundaries MNP.7 Backland development and Street Frontage  Para 78 [sustainable development in rural areas] is supported by two policies concerning development within the Settlement Boundaries:  MNP.5 Infill development within settlement boundaries and MNP.6 Backland development within settlement boundaries

		<p>Para 79 [avoiding development of isolated homes in the countryside] is supported by</p> <p>MNP.1 Rural Identity MNP.2 Conserving the setting of the Church</p>
6	<p>Building a strong, competitive economy 80-84</p>	<p>Paras 83(a) [rural business], 83(d) [services] and 84 [business needs] are supported by</p> <p>MNP.10 Rural business</p> <p>Para 83 (c) [rural tourism] is supported by</p> <p>MNP.9 Rural tourism accommodation within converted buildings</p>
7	<p>Ensuring the vitality of town centres 85-90</p>	n/a
8	<p>Promoting healthy and safe communities 91-101</p>	n/a
9	<p>Promoting sustainable transport 102-111</p>	<p>Para 102 (d) [environmental impacts of traffic] is supported by</p> <p>MNP.10 Rural business</p> <p>Para 108 (b) and (c) [safe access] is supported by</p> <p>MNP.8 Off-road parking</p>
10	<p>Supporting high quality communications 112-116</p>	n/a
11	<p>Making effective use of land 117-123</p>	<p>Paras 122 (d) [maintaining area character] and 123 (b) [minimum density] are supported by</p> <p>MNP.4 Housing density</p>
12	<p>Achieving well-designed places 124-132</p>	<p>Para 125 [clear design vision] is supported by all policies in the MNP in that they intend to provide clear additional guidance on development in the Mutford parish within the remit of the LP and NPPF.</p> <p>Para 127 (a) [Quality of area] is supported by</p> <p>MNP.1 Rural identity MNP.2 Conserving the setting of the church</p> <p>Para 127(c) [local character] is supported by</p>

		<p>MNP.4 Housing density  MNP.5 Infill within settlement boundaries  MNP.6 Backland development within settlement boundaries  MNP.7 Backland development and street frontage</p>
13	Protecting Green Belt land 133-147	n/a
14	Meeting the challenge of climate change, flooding and coastal change 148-169	n/a
15	Conserving and enhancing the natural environment 170-183	<p>Paras 170 (a) [protecting valued landscapes] and 172 [conserving landscape and scenic beauty] are supported by</p> <p>MNP.1 Rural identity  MNP.2 Conserving the setting of the Church  MNP.3 Dark skies</p>
16	Conserving and enhancing the historic environment 184-202	<p>Para 185 (a) [significance of heritage assets] is supported by</p> <p>MNP.2 Conserving the setting of the Church</p>
17	Facilitating the sustainable use of minerals 203-211	n/a
	Annex 1: Implementation	n/a

## Meeting the Basic Conditions as set out in Paragraph 8(2b)

*Condition 2(b): Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses.*

The Mutford Plan seeks to protect the significance of the Grade 1 Listed Building (Church of St. Andrew) within its' landscape setting.

Policy MNP.2 (Conserving the setting of the Church) defines an area within which the church stands; this comprises not just the church and graveyard (which are already identified by the Local Plan as Open Spaces) but also adjacent areas defined by hard landscape features.

The policy requires that all new development within the setting of the church will be required to avoid harmful impact on its setting, and that planning applications for all such developments must include a Heritage Statement to set out potential harmful impacts upon the significance of the church in its' setting.

## Meeting the Basic Conditions as set out in Paragraph 8(2c)

*Condition 2(c): Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.*

Mutford is a rural parish with areas of land potentially vulnerable to development, including some areas which are within the AONB. The Mutford Plan aims to ensure that these areas are conserved and enhanced for future generations to enjoy.

This is achieved by identifying policy MNP.1 (Rural Identity) to protect the open landscape between the two settlement boundaries of Mill Road and the crossroads and to ensure that existing trees and hedgerows will be retained where possible. Additionally, the policy requires that all new landscape planting should employ native species and should integrate the development into the surrounding landscape.

Taken together with

- policy MNP.2 (Conserving the setting of the Church),
- the protection offered by the AONB,
- the designation of the church, graveyard and adjacent cemetery as Open Space in the Local Plan (WLP8.23 – Protection of Open Space) and
- the presumption of the Local Plan of not building in the open countryside except in specific cases

the aim is to retain the current rural character as much as possible over the coming years.

## Meeting the Basic Conditions as set out in Paragraph 8(2d)

*Condition 2(d): The making of the Neighbourhood Plan contributes to the achievement of sustainable development.*

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. This term is defined in a resolution of the United Nations General Assembly and has special meaning. Principally it is to guide development to ensure that it is “meeting the needs of the present without compromising the ability of future generations to meet their own needs”.

The NPPF amplifies this simple definition in paragraph 8, stating that sustainable development has three dimensions. How the MNP is supporting these is shown below.

***Economic*** – *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.*

The LP identified an allocation of housing for the parish (policy WLP7.13) which is accepted in the MNP. This allocation by East Suffolk - Waveney would have been part of their strategic assessment in determining the location and type of housing required across the district. In this case it was for a development of approximately six semi-detached homes.

MNP.9 Rural tourism accommodation and MNP.10 – Rural business will both deliver economic and employment opportunities.

***Social*** – *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.*

The LP policy WLP7.13 will introduce approximately six semi-detached homes into a parish which has a mixture of different housing types. It is hoped that WLP7.13 will attract younger families to the parish and so improve the age balance of the community. MNP policies 1 and 2 are aimed at retaining open areas within the parish to maintain its’ rural character.

***Environmental*** – *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.*

The MNP contains policies to minimise adverse impacts on landscape, local green spaces and the setting of the Grade 1 listed church.

## Meeting the Basic Conditions as set out in Paragraph 8(2e)

*Condition 2(e): The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Local Plan (the local authority).*

The Mutford Plan has used the Local Plan as a framework for guiding its' policies and conforms with them throughout.

In Table 2, each of the MNP policies is listed and associated with the relevant guiding policies in the LP.

In all cases, the MNP policy provides additional local controls on development within the parish and does not conflict with the guiding LP policy or policies. These additional controls reflect the local circumstances which apply to Mutford.

The LP policies which are not referenced, and which would apply to developments in the parish, are considered sufficiently robust and do not require any additional local controls.

Table 2: Alignment of the Mutford Plan policies with the Local Plan (LP)

MNP Policy	Guiding LP Policies
MNP.1 Rural Identity	WLP1.2 (Settlement Boundaries) WLP8.7 (Small Scale Residential Development in the Countryside) WLP8.35 (Landscape Character) WLP8.36 (Coalescence of settlements)
MNP.2 Conserving the setting of the Church	WLP1.2 (Settlement boundaries) WLP8.23 (Protection of Open Space) WLP8.35 (Landscape Character) WLP8.37 (Historic Environment)
MNP.3 Dark skies	WLP8.35 (Landscape Character)
MNP.4 Housing density	WLP8.7 (Small scale Residential Development in the Countryside) WLP8.32 (Housing Density and Design)
MNP.5 Infill development within settlement boundaries	WLP8.29 (Design) WLP8.33 (Residential Gardens and Urban Infilling)
MNP.6 Backland development within settlement boundaries	WLP8.29 (Design) WLP8.33 (Residential Gardens and Urban Infilling)
MNP.7 Backland development and street frontage	WLP8.29 (Design) WLP8.33 (Residential Gardens and Urban Infilling)
MNP.8 Off-road parking	WLP7.13 (Land North of Chapel Road, Mutford) <i>WLP7.13 requires on-plot parking to be provided. MNP.8 uses this as precedent and strengthens the requirement due to significant issues with on-road parking on the restricted and narrow lanes in the parish.</i>
MNP.9 Rural tourism accommodation within converted buildings outside settlement boundaries	WLP8.15 (New Self-Catering Holiday Accommodation)
MNP.10 Rural business	WLP8.13 (New Employment Development)

## Meeting the Basic Conditions as set out in Paragraph 8(2f)

*Condition 2(f): The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.*

The Mutford Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

The Neighbourhood Plan Group submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA). This screening determination published on 25th October 2018 showed that a formal SEA was not required. The conclusion from the report is replicated below.

*The draft neighbourhood plan (v10.46) does not allocate land for built development and applies to a localised area. All of the policies reflect and implement strategic policies in the Waveney Final Draft Local Plan March 2018 which has been subject to Sustainability Appraisal including Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations Assessment. It is considered by Waveney District Council in consultation with Natural England, Environment Agency and Historic England that it is not necessary for a Strategic Environmental Assessment to be undertaken of the draft Mutford Neighbourhood Plan to ensure compliance with EU obligations.*

The SEA will be submitted as a supplementary document with the Basic Conditions Statement.

### Meeting the Basic Conditions as set out in Paragraph 8(2g)

*Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.*

The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended) are considered to be met by the policies within the Mutford Neighbourhood Plan and we believe complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

End