

# **Lound with Ashby, Herringfleet and Somerleyton Neighbourhood Plan**

## **Basic Conditions Statement**

### **1 Introduction**

1.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by Section 38 A of the Planning and Compulsory Purchase Act 2004, requires Neighbourhood Plans to comply with a set of 'Basic Conditions', which refer, in particular, to how the Plan complies with former European, National and Local Planning Policy.

1.2 The Basic Conditions state that a Neighbourhood Plan should be made:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
- (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, it is appropriate to make the order,
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
- (d) the making of the order or (neighbourhood plan) contributes to the achievement of sustainable development,
- (e) the making of the order 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),
- (f) the making of the order does not breach, and is otherwise compatible with, former EU obligations, and
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

1.3 Section 3 of this chapter identifies how the Neighbourhood Plan is considered to be in compliance with European, National and Local Plan policy and provides sustainable policies.

### **2 Legislative Background and Requirements**

2.1 The Lound with Ashby, Herringfleet and Somerleyton Submission Neighbourhood Plan is being submitted by a qualifying body, namely Lound with Ashby, Herringfleet and Somerleyton Parish Councils.

2.2 The Plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set

out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

- 2.3 The Plan period mirrors that of the East Suffolk Council (Waveney) Local Plan. That period is from the Plan being made 2014 to 2036.
- 2.4 The Neighbourhood Plan proposal does not deal with County matters (mineral extraction and waste disposal), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area.

### **3 Compliance with Basic Conditions**

#### **3.1 National Planning Policy Framework 2019**

3.1.1 Basic condition 1 requires that: *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order”*. In other words, the Neighbourhood Plan should comply with national planning policy.

3.1.2 The following Table 1 sets down how each policy contained within the Neighbourhood Plan reflects and has taken into account the national planning policy contained within the National Planning Policy Framework 2019 (NPPF).

**Table 1: Neighbourhood Plan policy and relationship to national planning policy.**

#### **East Suffolk (Waveney) Local Plan 2019**

<b>Policy Number</b>	<b>Policy Title</b>	<b>NPPF Paragraph</b>	<b>Assessment</b>
LAHS 1	Housing Mix	59, 61,77.	Policy LAHS 1 supports the provision of smaller dwellings containing 1 – 2 bedrooms, reflecting the aspirations of local residents. This fully reflects relevant guidance within the NPPF which seeks to ensure that the needs of people with specific housing requirements are met and that size and tenure are adequately provided for. In rural locations the NPPF requires that housing development should be supported that reflects local needs.

LAHS 2	Development of Allocated Sites	124 - 129	Policy LAHS 2 expects developers of allocated sites to fully take into account of the AECOM Design Guidelines. This reflects the design guidance set down within the NPPF which requires that good design is achieved and reflects the characteristics of the locality and involves the use of local design codes or guides.
LAHS 3	Open space in new residential developments.	96, 97, 124, 125, 126, 127	Policy LAHS 3 seeks to ensure that where open space within new development is provided it maintains and enhances the character of the villages as well as providing access to existing footpaths. The NPPF supports this policy by requiring provision of open space in new development and that the design and layout of new development reflects both local aspirations and the defining characteristics of an area in accordance with paragraphs 125 – 127 of the NPPF.
LAHS 4	Design of new residential development.	124 - 132	Policy LAHS 4 requires that new development shall reflect the design and character of existing dwellings. The NPPF encourages Neighbourhood Plans to identify the 'special qualities' of particular areas and how this should be reflected in new development design. Planning policy is also expected to ensure that development is sympathetic to local character, history and setting (para 127).
LAHS 5	Provision of Public Rights of Way	96, 98.	The initial public consultation for the Neighbourhood Plan reflected a strong need to both retain and enhance the existing public footpath network within and adjoining the villages. Policy LAHS 5 seeks to achieve this aim and reflects paragraph 98 of the NPPF which clearly advocates protection and enhancement of public rights of way and access to them.

LAHS 6	Parking provision for new residential developments.	105, 106.	Policy LAHS 6 seeks to ensure that adequate off road parking is provided for new developments so reducing the need for on street parking. The NPPF notes that when setting local parking standards as well as considering the type and mix of development, accessibility, access to public transport and local car ownership levels are taken into account. Paragraph 106 also notes that maximum parking standards should only be set where they can be justified or are for localities well served by public transport. In a rural locality such as the Neighbourhood Plan area there is heavy reliance on the car by local residents and this should be reflected in the provision of car parking.
LAHS 7	Provision of a new Somerleyton village hall and changing room.	92, 96.	Policy LAHS 7 states a specific requirement for provision of a new Somerleyton village hall and changing room. This provision is supported within the East Suffolk Council (Waveney) Local Plan. Paragraph 92 of the NPPF expressly requires planning policy to plan positively for the provision of community facilities and sports venues. LAHS 7 therefore complies with the NPPF.
LAHS 8	Support of local community facilities.	91, 92, 96	Policy LAHS 8 seeks to retain and expand existing local services and facilities. Paragraphs 91, 92 and 96 of the NPPF require planning policy to plan positively for the provision of open space, community facilities and sports venues. LAHS 8 therefore complies with the NPPF.
LAHS 9	Support of local businesses	80 – 84, 112.	Policy LAHS 9 recognises the benefits to the local economy brought by rural tourism and leisure developments and recognises the need to improve high speed broadband and mobile telecommunications in rural locations. These aspirations are supported by the NPPF paragraphs 80 to 84 which requires policies to support economic

			<p>growth and allow specific areas to maximise existing strengths i.e. tourism. The NPPF requires policies to positively and proactively encourage sustainable economic growth, including within rural locations. Paragraph 112 of the NPPF requires planning policy to support the expansion on communication networks and full fibre broadband connections – again policy LAHS 9 reflects this policy.</p>
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### Broads Authority Local Plan 2019 – Strategic Policies

Policy No	Policy Title	Assessment
SP1	DCLG/PINS Model Policy	Planning applications that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
SP2:	Strategic flood risk policy	Development proposals that have an adverse impact on flood risk management will be refused.
SP3	Climate Change	Contribution to climate change arising from developments will be minimised by means of a reduction of greenhouse gas emissions (mitigation.) Proposals will be required to consider how climate change could impact development through its lifetime (adaptation and resilience)
SP5	Historic Environment	The historic environment of the Neighbourhood Plan area will be protected and enhanced. Key buildings, structures and features which contribute to the areas character and distinctiveness will be protected from (inappropriate) development or change.
SP6	Biodiversity	Development in the Neighbourhood Plan area which protects the integrity of the natural environment and demonstrates biodiversity gains particularly to habitats and species will be welcomed.
SP7	Landscape Character	Development proposals which conserve the character and appearance of the Neighbourhood Plan area and pay attention to the defining and distinctive qualities will be welcomed.
SP8	Getting to and around the Broads	Improvements to transportation and access to services within the Neighbourhood Plan area, which are

		compatible with sustainability and the special qualities of the area will be welcomed.
SP9	Recreational access around the Broads	Safe recreational access to the settlements and landscape within the Neighbourhood Plan area will be protected and improved.
SP10	A prosperous local economy	Proposals that contribute towards sustainable economic growth, prosperity and employment will be supported.
SP11	Waterside sites	The only waterside site in the neighbourhood Plan area is covered by the Broads Authority policies.
SP12	Sustainable tourism	Sustainable tourism within the Neighbourhood Plan area by the creation of high quality, inclusive, tourism attractions and their related infrastructures will be supported.
SP15	Residential development	<p>A. The Neighbourhood Plan group carefully considered the implication of carrying out a Housing Need survey in the Neighbourhood Plan area. However, when the practical limitations of creating useful statistics in a population where more than 50% of houses are rented this became impractical.</p> <p>B. The mix and type of houses for each proposal is described in LAHS 1</p> <p>C. Project Level Habitat Regulation Assessments will be needed to assess the implication on sensitive European sites. Mitigation measures may be needed</p> <p>D. Spatial strategy. East Suffolk Council will direct development to meet the amount of housing set out in the Neighbourhood Plan area.</p>

### 3.2 Sustainable Development

3.2.1 A Neighbourhood Plan or order is considered to meet Basic Condition part (d) *if the making of the order contributes to the achievement of sustainable development.*

3.2.2 Paragraph 8 of the NPPF provides three overarching objectives to ensuring sustainable development which include economic, social and environmental objectives. It states:

- a) *an economic objective – 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;*
- b) *a social objective – 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; and*
- c) *an environmental objective – 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.*

3.2.3 The following Table 2 sets down how each policy contained within the Neighbourhood Plan contributes to sustainable development as defined above.

**Table 2 – Sustainable Development**

<b>Policy Number</b>	<b>Policy Title</b>	<b>Assessment</b>
LAHS 1	Housing Mix	<p>Policy LAHS 1 supports the social dimension of sustainable development by ensuring that a significant proportion of new dwellings will contain 1 - 2 bedrooms, reflecting the aspirations and needs of local residents.</p> <p>Environmental impact is neutral.</p> <p>Economic effect is neutral.</p>
LAHS 2	Development of allocated sites	<p>Policy LAHS 2 supports the social dimension of sustainable development by ensuring provision of well-designed development, reflecting the needs and aspirations of local residents.</p> <p>Well-designed schemes take into account the impact on both the natural and historic environment. LAHS 2 meets the Environmental impact strand of sustainable development.</p> <p>Economic benefit is neutral.</p>
LAHS 3	Open space in new residential developments.	<p>Policy LAHS 3 meets the social dimension of sustainable development by encouraging the provision of open space to cater for the needs of existing and new local residents and providing access to the local footpath network supporting recreational activity.</p> <p>It meets the environmental dimension by maintaining and enhancing the character of the villages as well as providing access to existing footpaths.</p>

		Economic effect is neutral.
LAHS 4	Design of new residential development.	<p>Policy LAHS 4 seeks to ensure that new development reflects the design and character of existing dwellings thereby meeting the environmental dimension of sustainable development.</p> <p>Social effect is neutral.</p> <p>Economic effect is neutral.</p>
LAHS 5	Provision of Public Rights of Way	<p>The retention and enhancement of the existing public footpath network provides a social benefit by encouraging more walking and providing greater access to the adjoining countryside for residents.</p> <p>It provides an environmental contribution in reducing the need to travel by car.</p> <p>Economic effect is neutral.</p>
LAHS 6	Parking provision for new residential developments.	<p>Policy LAHS 6 seeks to ensure that adequate parking is provided for new developments so reducing the need for on street parking.</p> <p>Socially ensures that residents have adequate off street parking provision and reduces the potential for on street car accidents and local congestion.</p> <p>Environmentally off-street parking improves the appearance of the street scene helping to maintain local character.</p>
LAHS 7	Provision of a new Somerleyton village hall and changing room.	<p>Policy LAHS 7 states a specific requirement for provision of a new Somerleyton village hall and changing room. This policy meets the social dimension of sustainable development by seeking to provide additional, accessible facilities for local residents. It also contributes to improvements in health.</p> <p>It meets the environmental dimension by providing a local facility reducing the need for travel by car to locations elsewhere.</p> <p>There would be an economic benefit in terms of providing local employment in construction of the</p>

		facility and in the longer term by potentially increasing income to the local community.
LAHS 8	Support of local community facilities.	<p>This policy meets the social dimension of sustainable development by seeking to retain and provide additional, accessible facilities for local residents.</p> <p>It meets the environmental dimension by providing local facilities, reducing the need for travel by car to other destinations.</p> <p>There would be an economic benefit in terms of providing local employment and increasing income to the local community.</p>
LAHS 9	Support of local businesses	<p>Provides a social benefit in the provision of local employment opportunity.</p> <p>Provides an economic benefit in helping to support and encourage local business ventures, including tourism.</p> <p>Environmental benefit is neutral.</p>

3.2.4 The above table demonstrates that the Neighbourhood Plan contributes towards the three dimensions of sustainable development and fully reflects the key factors identified as important to the local area by residents.

### **3.3 East Suffolk Council (Waveney) Local Plan 2019 and Broads Local Plan 2019**

3.3.1 Part (e) of the Basic Conditions requires that: “the making of the order 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)”.

3.3.2 The following tables list the relevant strategic policies contained in both the East Suffolk Council (Waveney) and Broads Local Plans and describes how the Neighbourhood Plan is in general conformity with these policies.

**Table 3 – East Suffolk Council (Waveney) Local Plan March 2019**

<b>ESC (Waveney) Local Plan Strategic Policies</b>	<b>General conformity of Neighbourhood Plan with East Suffolk (Waveney) Local Plan.</b>
Policy WLP1.1 – Scale and Location of Growth	The Neighbourhood Plan supports the delivery of new housing and employment development in line with the proposed scale and location of growth as set down in WLP1.1. The proposed housing allocations identified within the East Suffolk Council (Waveney) Local Plan are replicated on the Neighbourhood Plan proposals maps.
Policy WLP1.2 – Settlement Boundaries.	As noted above housing allocations made in the Neighbourhood Plan replicates that of the Local Plan. The Neighbourhood Plan does not propose any alternative Settlement Boundaries to that contained in the East Suffolk Council (Waveney) Local Plan.
Policy WLP1.3 - Infrastructure	The Neighbourhood Plan contains a number of policies that encourage the provision and nature of infrastructure associated with new development. This includes provision of open space, footpaths and community facilities.
Policy WLP7.1 – Rural Settlement Hierarchy and Housing Growth.	<p>The development strategy for the rural areas contained in the East Suffolk Council (Waveney) Local Plan notes that 10% of the Districts housing growth will take place within the rural area. Of that 70% will be in the larger villages and 20% in the smaller villages. Somerleyton is identified as a ‘larger village’ and Lound as a ‘smaller village’. The size and number of housing allocations for these villages reflects this differentiation in size.</p> <p>As noted the Neighbourhood Plan replicates and supports the proposed housing allocations.</p>
Policy WLP7.5 – Land North of The Street, Somerleyton.	This housing allocation is supported and replicated in the Neighbourhood Plan.
Policy WLP7.6 – Mill Farm Field, Somerleyton.	This housing allocation is supported and replicated in the Neighbourhood Plan.

Policy WLP7.12 – Land East of The Street Lound.	This housing allocation is supported and replicated in the Neighbourhood Plan.
Policy WLP8.1 – Housing Mix	LAHS 1 reflects and supports policy WLP8.1 by requiring that at least 35% of new dwellings on a development site are 1 or 2 bed properties.
Policy WLP8.13 – New Employment Development.	Subject to specific criteria the East Suffolk Council (Waveney) Local Plan supports new employment development. The Neighbourhood Plan reflects and positively supports the policy of encouraging retention and expansion of business uses, including tourism development i.e. policy LAHS 9.
Policy WLP8.21 – Sustainable Transport	Policy WLP8.21 is supportive of sustainable development reducing the need where possible to use non-car modes of transport. In addition, it encourages integration with existing pedestrian, cycle and public rights of way as well as provision of adequate parking facilities. This policy is reflected and supported under Neighbourhood Plan policies LAHS 5 and LAHS 6.
Policy WLP8.22 – Built Community Services and Facilities.	Provides support for new community services and facilities subject to certain criteria. Neighbourhood Plan policies LAHS 7 and LAHS 8 which promote provision of a new village hall and community facilities are in accordance with WLP8.22.
Policy WLP8.29 - Design	This policy requires development to demonstrate high design quality which reflects local distinctiveness. Neighbourhood Plan policy LAHS 4 echoes this requirement that new development should reflect local traditional design styles and maintain and enhance local character. LAHS 3 also requires areas of open space to be carefully considered in terms of layout and again to respect existing character.
Policy WLP8.30 – Design of Open Spaces	Requires new open space to relate strongly to new and existing developments and to contribute strongly to local distinctive character. LAHS 3 requires areas of open space to be carefully considered in terms of layout and again to respect existing character.
Policy WLP8.32 – Housing Density and Design.	Requires new development to make best use of a site in a manner that protects or enhances the distinctiveness and character of the area. LAHS 4 again reflects this aspiration by requiring new design to reflect and respect existing architectural styles.

## **Broads Authority Local Plan 2019**

<b>Policy Number</b>	<b>General conformity of Neighbourhood Plan with Broads Authority Local Plan.</b>
Policy SP1 DCLG/PINS Model Policy	The Neighbourhood Plan clearly states that it must be in conformity with the relevant local Plan and in this respect the policies of the Neighbourhood plan comply.
Policy SP2 Strategic Flood Risk	A small part of the Neighbourhood Plan is within the Broads Authority area, which is subject to flooding, however the Neighbourhood Plan has been formed to ensure insofar as possible to not increase the risk of flooding to the Broads.
Policy SP3 Climate Change	The Neighbourhood plan has set out its objectives to protect and enhance the biodiversity of the plan area and to address climate change where possible.
Policy 5 The Historic Environment	The Grade II listed Smock Mill at Herringfleet is located within the Broads Authority area. The Broads have a similar status to a National Park and any development within this area will need to comply with the local plan. The Neighbourhood Plan has not designated any development in this area however any development adjacent to the Broads will be expected to comply with their plan, the provisions of the Neighbourhood plan and the NPPF.
Policy 6 Biodiversity	The Neighbourhood plan area is rural, and our objective is to maintain and protect its tranquil and rural nature. There is a need to protect the environmentally sensitive areas such as the River Waveney, the marshes in the Waveney valley, and the lakeside areas at Lound Waterworks long with the Broads Authority executive area. New developments will be expected to take into account and mitigate climate change via appropriate measures and further enhance biodiversity.
Policy SP7 Landscape Character	The Neighbourhood Plan area is rural in nature with open views across farmland and the Broads and all new development must take these views and landscape into account and mitigate for loss of any views or other landscape impacts if appropriate.
Policy SP8 Getting to and around the Broads	There is provision with the Neighbourhood Plan to retain existing Rights of Way and make improvements where possible. New developments must, where appropriate, include provision for connection to the existing network.
Policy SP9 Recreational Access around the Broads	There are a number of public rights of way surrounding the Broads which are popular with walkers and cyclists and access to these will not be affected by new development. The predominant access to the Broads is via the waterways and is popular with motorboats,

	<p>kayaks and paddle boarders. Access points to waterways will not be affected by new developments and allocated sites in the Neighbourhood Plan.</p>
<p>Policy SP10 A prosperous local economy</p>	<p>Tourism and visitors to Somerleyton Hall and the Broads ensure a vibrant and prosperous local economy. The Neighbourhood plan will support and improve local facilities and amenities and seek to encourage the growth of local businesses, particularly those providing facilities for leisure activities and local tourism.</p> <p>The Broads local Plan will accommodate any proposals for growth within the Broads Authority area and developments should accord with the provisions of the relevant local plan.</p>
<p>Policy SP 11 Waterside Sites</p>	<p>The Broads Local Plan requires a network of waterside sites in employment and commercial use to be maintained throughout the Broads. The Neighbourhood Plan supports this through its general principles.</p>
<p>Policy SP12 Sustainable Tourism</p>	<p>The Broads Local Plan seeks the enhancement and expansion of high quality and inclusive tourism attractions and related infrastructure. This has not been addressed via a Neighbourhood Plan policy but all developments should ensure that sustainability principles are adhered to where possible and the Neighbourhood Plan supports this via its general principles.</p>
<p>Policy SP15 Residential Development</p>	<p>The Neighbourhood Plan supports the allocation of two sites for development via the East Suffolk (Waveney) Local Plan 2019 and a further single site is allocated in the Neighbourhood plan. The Lound and Somerleyton, Suffolk, Masterplanning and Design Guidelines, AECOM, June 2019 has outlined the design principles for these sites.</p> <p>None of these sites are located within the Broads area, and the Neighbourhood Plan policies reflect this. There is an allocated site for residential mooring within the Broads however, this is excluded from the Design guide.</p>

### **3.4 Compliance with European Union Obligations**

- 3.4.1 Part (f) of the Basic Conditions requires that: *“the making of the order does not breach, and is otherwise compatible with, EU obligations”*.
- 3.4.2 In producing a Neighbourhood Plan it needs to be considered whether any relevant European Directives require further assessment work to be carried out to support the development of the Plan.
- 3.4.3 Specifically, the Strategic Environmental Assessment Directive (2001/42/EC) and the Habitats Directive (92/43/EEC) are relevant to the development of a Neighbourhood Plan.
- 3.4.4 These directives require consideration to be given as to whether the Neighbourhood Plan is likely to give rise to significant environmental effects or is likely to impact on any areas of protected habitat.
- 3.4.5 The process requires the Neighbourhood Plan to be ‘screened’ to establish if either a SEA or an Appropriate Assessment (AA) (in relation to the Habitats Directive) needs to take place.
- 3.4.6 SEA and HRA screening of the Plan was undertaken by East Suffolk Council and results, dated 20<sup>th</sup> February 2021, are available on the ESC website.