

Marshland St James
Neighbourhood Development Plan
2022-2038

Statement of Basic Conditions

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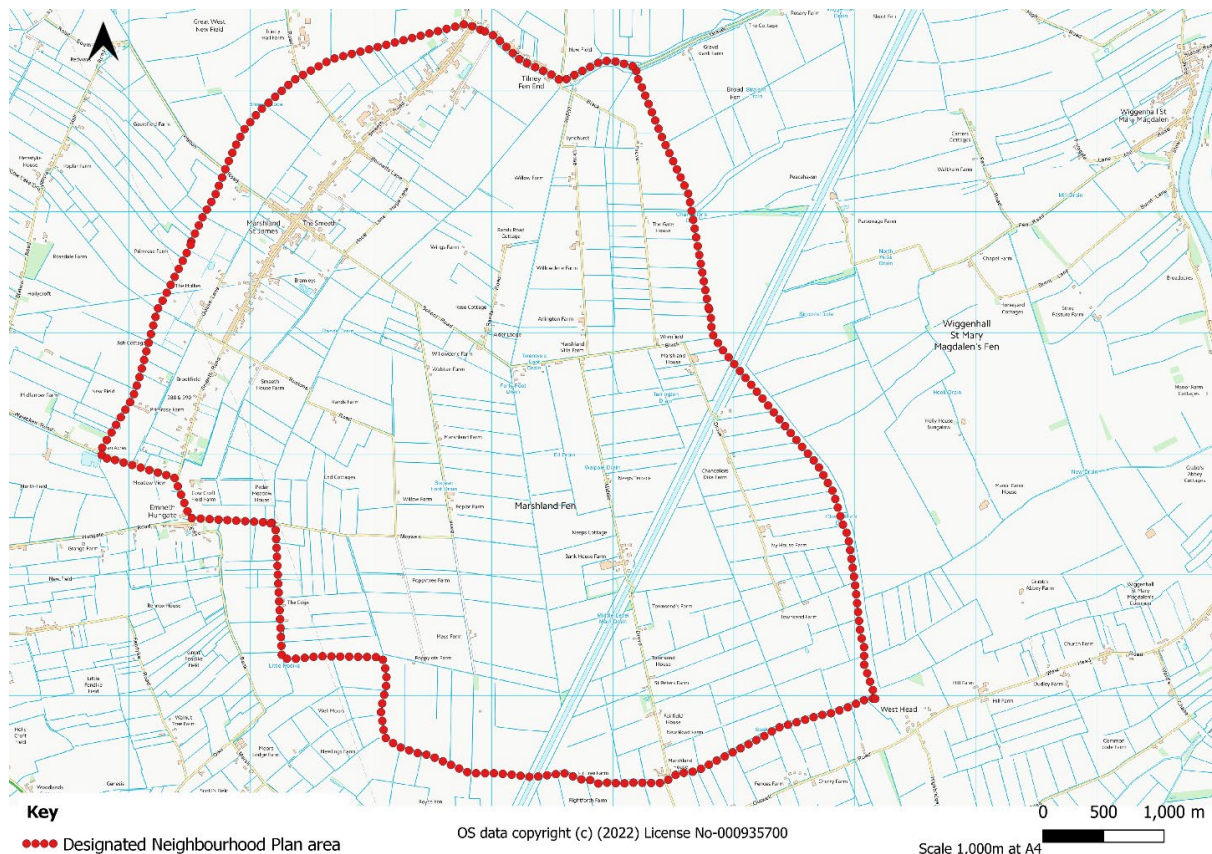


Figure 1: Designated Area

Section 1: Introduction

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

The purpose of the statement is to demonstrate that MSJNDP 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);
 - MSJNDP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - MSJNDP contributes towards sustainable development (Section 4);
 - MSJNDP is in general conformity with the strategic policies contained in the local plan for King’s Lynn & West Norfolk (Section 5).
 - MSJNDP 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
 - MSJNDP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

5. MSJNDP 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. MSJNDP is a neighbourhood plan for the parish of Marshland St James within West Norfolk. The parish does not have an adopted neighbourhood plan. The qualifying body for MSJNDP is the Parish Council. MSJNDP includes a map of the designated area, see **Figure 1** of this report.
7. MSJNDP 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. MSJNDP covers the period 2022-2038 which is in general conformity with the timeframes for the strategic policies in the relevant emerging Local Plan for King’s Lynn and West Norfolk (2021-2040).

9. MSJNDP 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 2023. MSJNDP 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 28 to 30, but there is relevant policy throughout other parts of the NPPF.
11. **Figure 2** demonstrates how MSJNDP 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

MSJNDP Policy	NPPF (and PPG) Cross References	Comments
General	<p>NPPF:</p> <ul style="list-style-type: none"> - Section 2 (Achieving sustainable development) Para 8, Para 11 - Section 3 (Plan-making) Para 15-16, Para 28, - Section 5 (Delivering a sufficient supply of homes) Para 60, 67 - Section 8 (Promoting healthy and safe communities) Para 96, Para 104-107 - Section 9 (Promoting sustainable transport) Para 108-110, - Section 12 (Achieving well-designed places) Para 131-132, 136, 139 <p>PPG:</p> <ul style="list-style-type: none"> - 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 	<p>MSJNDP will help to deliver/support 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.</p> <p>MSJNDP provides a framework for addressing housing needs such as 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 and other consultees, as set out in the Consultation Statement.</p> <p>MSJNDP includes non-strategic policies for housing, design codes and principles, community facilities and sustainable transport related matters.</p> <p>It is supported by a proportionate evidence base which includes the Evidence Base Paper, Marshland St James Housing Needs Assessment 2022 and Marshland St James’s Guidance and Codes Document 2022. Key aspects of this evidence are presented in the supporting text of the policies.</p> <p>Some of the policies encompass design considerations and codes, with the emphasis on achieving high quality design that is in keeping with local character.</p>
MSJ1: New Services,	NPPF	MSJ1 welcomes further provision of community services, facilities, and

MSJNDP Policy	NPPF (and PPG) Cross References	Comments
Facilities and Employment Opportunities	<p>Section 8 Promoting healthy and safe communities Para 96, 97</p>	<p>employment opportunities within the parish, ideally with these well located to the main settlement.</p> <p>MSJ1 conforms with the NPPF because planning policies should help create the conditions in which businesses can invest, expand and adapt. 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.</p>
MSJ2: Protection of Community Facilities	<p>NPPF Section 8 Promoting healthy and safe communities Para 96, 97</p>	<p>MSJ2 protects 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.</p>
MSJ3: Housing Mix	<p>NPPF</p> <ul style="list-style-type: none"> - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 <p>Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722</p>	<p>MSJ3 will help ensure future development meets the needs of the community, including the need to provide smaller unit housing. It is based on proportionate evidence presented in the Housing Needs Assessment (2022).</p> <p>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.</p>
MSJ4: Affordable Housing	<p>NPPF</p> <ul style="list-style-type: none"> - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 <p>Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722</p>	<p>MSJ4 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. The policy reflects local need as evidenced in the latest local HNA (2022) and sets out local connection criteria for First Homes which is allowed as set out in</p>

MSJNDP Policy	NPPF (and PPG) Cross References	Comments
		the PPG. This conforms with the NPPF by having a planning policy which specifies the affordable housing required and need for the community.
MSJ5: Design	<p>NPPF</p> <ul style="list-style-type: none"> - Section 3- Plan making Para 28 - Section 12 Achieving well-designed places, para 131-134 <p>Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001</p>	<p>MSJ5 encourages all development proposals to be designed to a high standard and be in conformity with the design codes and guidance document 2022. It sets out detailed clauses and the design aspects which development should have regard to, including materials, roofline, and boundary treatments.</p> <p>The policy conforms to the NPPF and PPG by setting out as listed above a clear design vision to meet local aspirations for the MSJNDP and the expectation applications are to follow. The NPPF (December 2023) Para 134 states that design codes can be prepared at a neighbourhood scale and can carry weight in design making. They should be produced either as part of a plan or as supplementary planning documents.</p>
MSJ6: Residential Parking Requirements	<p>NPPF</p> <ul style="list-style-type: none"> • Section 9 Promoting sustainable transport Para 108, 110 • Section 12 Achieving well-designed places, para 131, 132 	<p>MSJ6 adds further local detail to the existing local plan requirements, reflecting the Marshland St James and the Design Guidance and Codes Document (2022).</p> <p>The NPPF allows for local communities to develop design policies in neighbourhood plans to reflect local aspirations and develop codes and guidance for development.</p>
MSJ7: Footway Improvements	<p>NPPF</p> <p>Section 9 Promoting sustainable transport Para 108</p>	<p>MSJ7 requires development proposals to contribute towards improving footway provision.</p> <p>The NPPF Para 108 states how transport issues should be considered from the earliest stages of plan making so that for example 108c opportunities to promote</p>

MSJNDP Policy	NPPF (and PPG) Cross References	Comments
		walking, cycling and public transport use are identified and pursued. The policy conforms with the NPPF by setting out expectations to improve accessibility to walking in the parish.

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 MSJNDP is very consistent with the NPPF. It should therefore be the case that MSJNDP will help to deliver sustainable development in Marshland St James through delivering the economic, social, and environmental objectives.
14. MSJNDP 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 MSJNDP 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 MSJNDP area falls within one local authority area, the Borough Council of King’s Lynn and West Norfolk (BCKLWN). The local plan for this area contains the strategic policies of relevance for this neighbourhood plan, these are:
 - Core Strategy (2011-2026)
 - Site Allocations and Development Management Policies Document (2016-2026)
17. The BCKLWN has an emerging local plan and covers the time period 2016-2040. The emerging local plan is at an advanced stage and is planning to be adopted spring 2025.

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

18. **Figure 3** reviews each policy in the submitted MSJNDP with respect to the current strategic local plan policies.

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

MSJNDP Policy	Local Plan <ul style="list-style-type: none"> • Core Strategy (CS) (2011) Site Allocations and Development Management Policies Document (SADMP)(2016)	Comments
MSJ1: New Services, Facilities and Employment Opportunities	<ul style="list-style-type: none"> • CS06- Rural Areas • DM9- Community facilities 	<p>MSJ1 welcomes further provision of community services, facilities, and employment opportunities within the parish, ideally with these well located to the main settlement.</p> <p>This policy conforms with the Local Plan policies since the strategy for rural areas in CS06 is to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity. DM9 encourages the retention of existing community facilities and the provision of new facilities particularly in areas with poor levels of provision.</p>
MSJ2: Protection of Community Facilities	<ul style="list-style-type: none"> • DM9- Community facilities 	MSJ2 protects community facilities within the parish. This policy accords with the Local Plan Policy DM9.
MSJ3: Housing Mix	<ul style="list-style-type: none"> • CS01 Spatial Strategy • CS02 Settlement Hierarchy • CS06 Development in Rural Areas • CS09 Housing Distribution • CS13 Community and Culture 	MSJ3 has additional local detail that will help ensure housing development meets the needs of the community within our smaller village or hamlet (CS02). This is in conformity with local plan policies such as CS09 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 Marshland St James.
MSJ4: Affordable Housing	<ul style="list-style-type: none"> • CS06 Development in Rural Areas • CS09 Housing Distribution • CS14- Infrastructure Provision 	MSJ4 focuses further on CS06 and CS09 to ensure affordable housing is provided in rural areas and following the most up to date Housing Needs Assessment for the area.
MSJ5: Design	<ul style="list-style-type: none"> • CS06 Development in Rural Areas 	High standards of design are required in MSJ5. This is in conformity with the local

MSJNDP Policy	Local Plan <ul style="list-style-type: none"> Core Strategy (CS) (2011) Site Allocations and Development Management Policies Document (SADMP)(2016)	Comments
	<ul style="list-style-type: none"> CS08 Sustainable Development CS12- Environmental Assets CS14- Infrastructure Provision DM15- Environment, Design and Amenity 	plan design policies which promote the same principles around high-quality design including appropriate use of scale, height, materials, and layout.
MSJ6: Residential Parking Requirements	<ul style="list-style-type: none"> DM17- Parking Provision in new development 	MSJ6 adds further local detail to the existing local plan requirements, such as DM17, reflecting the Marshland St James and the Design Guidance and Codes Document (2022).
MSJ7: Footway Improvements	<ul style="list-style-type: none"> CS11- Transportation 	<p>MSJ7 requires development proposals to contribute towards improving footway provision.</p> <p>The policy generally conforms with the Local Plan Strategic Policy CS11 which states near the end of the policy that development proposals should demonstrate that they have been designed to provide for safe and convenient access for all modes.</p>

Section 6: EU Obligations

19. A Screening Opinion request was made to BCKLWN in mid-2024 as to whether Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) (see **section 7**) were required. This was supported by a short report and assessment. In this the MSJNDP 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 an SEA and HRA 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 to July 2024. The SEBs agreed that an SEA was not required and the BCKWLN issued their determination statement on 3 September 2024.

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

21. MSJNDP 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. MSJNDP 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.
22. In conclusion, the MSJNDP 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

23. 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)".

24. 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.
25. 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.

26. A screening assessment was undertaken on MSJNDP (2024) 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.