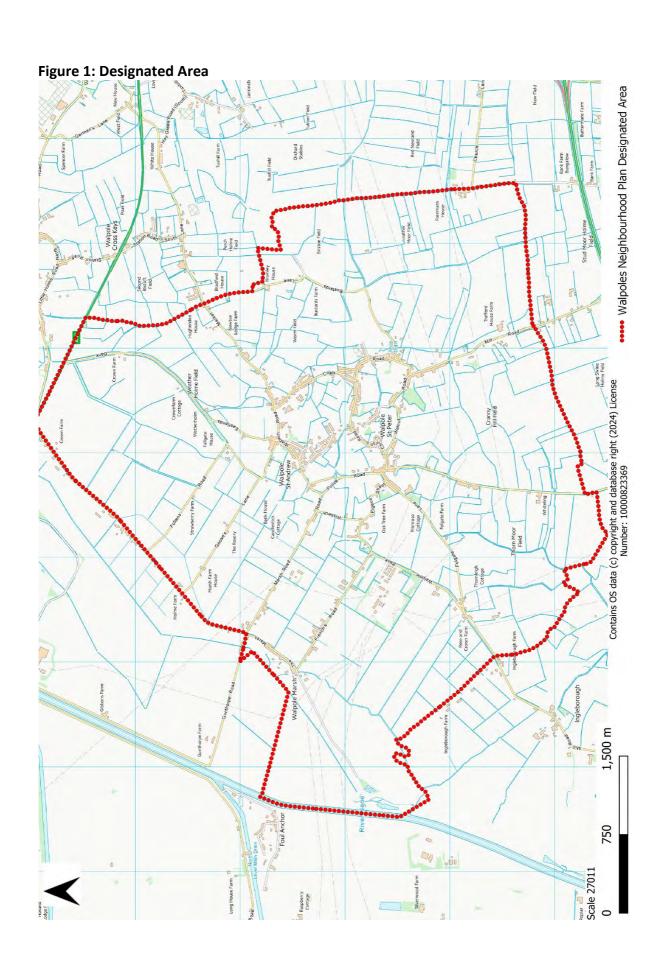
The Walpoles Neighbourhood Plan 2022-2036



Statement of Basic Conditions

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Section 1: Introduction

 This Basic Conditions Statement has been prepared by <u>Collective Community Planning</u> on behalf of Walpole Parish Council to accompany the Walpole Neighbourhood Development Plan 2022-2036 (WNDP).

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

Section 2: Legal and Regulatory Compliance

- 5. WNDP 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. WNDP is a neighbourhood plan for the parish of Walpole within West Norfolk. The parish does not have an adopted neighbourhood plan. The qualifying body for WNDP is the Parish Council. WNDP includes a map of the designated area, see **Figure 1** of this report.
- 7. WNDP 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. WNDP covers the period 2022-2036 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 (2016-2040).
- WNDP 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. WNDP 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 WNDP 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

WNDP Policy	NPPF (and PPG) Cross References	Comments
General	NPPF:	WNDP will help to deliver sustainable
	 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 Section 14 (Meeting the 	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 . WNDP 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
	challenge of climate change, flooding, and coastal change) Para 157, 158, 165 - Section 15 (Conserving and enhancing the natural environment) Para 180-182	community other consultees, as set out in the Consultation Statement. WNDP includes non-strategic policies for housing, design codes and principles, conserving and enhancing the natural environment, community facilities and
	 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 	It is supported by a proportionate evidence base which includes the Evidence Base Paper, Walpole Housing Needs Assessment 2023, Walpole's Guidance and Codes Document 2023 and Local Green Space Assessment. Key aspects of this evidence are presented in the supporting text of the policies. Some of the policies encompass design
	 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 	considerations and codes, with the emphasis on achieving high quality design that is in keeping with local character. Policy 3 is the main policy for design and Appendix B is the AECOM Design Checklist

WNDP Policy	NPPF (and PPG) Cross References	Comments
		which can be found in the main NDP submission document.
Policy 1: Housing Mix	 NPPF Para 8, Para 11, Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722 	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 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 2: 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. This policy conforms with the NPPF Para 63 which states how planning policies should specify the type of affordable housing required in line with the Walpole Housing Needs Assessment.
Policy 3: 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.

WNDP Policy	NPPF (and PPG) Cross References	Comments
		The policy conforms to the NPPF and PPG by setting out as listed above a clear design vision to meet local aspirations for the WNDP and the expectation applications are to follow.
Policy 4: Biodiversity and Green Corridors	NPPF • Para 8c • Section 11 Making effective use of land Para 120, 123 • Section 12 Achieving well-designed places, Para 136 • Section 15 Conserving and enhancing the natural environment Para 180, 185 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 Natural Environment Para: 020, 021, 022 Reference ID: 8-020-20190721	Policy ensures importance is given to areas of wildlife such as priority habitat. Policy details that developments where possible within or adjacent to an existing green corridor should use features to enhance the area by incorporating wildlife friendly design features and habitat connectivity. This policy will support the health and resilience of wildlife, which is essential in maintaining and enhancing its ability to provide the wealth of ecosystem services, such as water retention and climate regulation, which we rely on. Green infrastructure is also vital to human health and wellbeing and a crucial element of adapting to climate change. The NPPF Para 180 states planning policies should contribute to protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity. Para 185 also goes further to say that plans must identify and map local wildlife rich habitats and wider ecological networks for biodiversity. Promoting the enhancement or restoration of priority habitats, ecological networks and species also allows opportunities for securing measurable net gain for biodiversity (Para 185b). PPG states how plans can be used to set out a suitable approach to delivering biodiversity net gain at a local level.

WNDP Policy	NPPF (and PPG) Cross References	Comments
Policy 5: Trees	NPPF Para 8c Section 12 Achieving well-designed and beautiful places Para 136 Section 15 Conserving and enhancing the natural environment Para 180	Policy sets out that details proposals have to consider for existing, replacement and new trees such as favouring native trees and replacing trees on a 2 to 1 ratio requirement. The NPPF makes note how trees make an important contribution to the character and quality of environments and can help mitigate and adapt to climate change. Para 136 states how planning policies should take opportunities to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Para 180 states planning policies should recognise the intrinsic character of the countryside and wider benefits including trees and woodland.
Policy 6: Local Green Spaces	NPPF Para 8c • Section 2 Achieving sustainable development Para 8 • Section 8 Promoting healthy and safe communities Paras 105-107 • Section 13 Protecting Green Belt land Green Infrastructure PPG Paragraph: 005 Reference ID: 8-005-20190721 Local Green Space PPG paragraph: 006, 009, 013 to 017 Reference ID: 37-006-20140306, Para 009 Reference ID: 37-009-20140306, Para 013 Reference ID: 37-013-20140306	This policy supports the protection of local green spaces and designates these in accordance with NPPF requirements. The spaces designated will help protect and enhance the natural and built environment. A robust process was undertaken to designate the areas, following the NPPF, PPG and Locality guidance on understanding the types of greenspaces which would be suitable for recreational, natural, or historic reasons. Potential sites were identified by residents in initial engagement, explored further by the steering group and consulted on further at Regulation 14 in discussion with the landowners, community, and stakeholders. All these green spaces were considered in close proximity to the village and the community it serves.

WNDP Policy	NPPF (and PPG) Cross References	Comments
Policy 7: 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 8: Water Management (SuDS)	NPPF - Section 14 Meeting the challenge of climate change, flooding, and coastal change Para 157, 158 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 158 how plans should take a proactive approach to mitigate and adapt to climate change taking in account flood risk.
Policy 9: Protection of Community Facilities	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 churches, community centre, primary school and parish hall.
Policy 10: Renewable Energy, Low Carbon Technologies and Associated Infrastructure	NPPF Section 14 Meeting the challenge of climate change, flooding and coastal change Para 157, 161	This policy sets out that planning applications for renewable energy or associated infrastructure such as battery energy storage, solar or wind farm developments or substations is encouraged and should consider a set of criteria including being well screened, include onsite parking, does not have an adverse impact on the character of the area and being appropriate to the scale of the project.

WNDP Policy	NPPF (and PPG) Cross References	Comments
		The NPPF Para 157 states that the planning system should support the transition to a low carbon future including renewable and low carbon energy and associated infrastructure. Para 161 states local planning authorities should support community led initiatives for renewable and low carbon energy or other strategic policies that are being taken forward through neighbourhood planning.
		Policy 10 generally conforms with the NPPF by acknowledging and supporting applications for low carbon energy.

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 WNDP is very consistent with the NPPF. It should therefore be the case that WNDP will help to deliver sustainable development in Walpole through delivering the economic, social, and environmental objectives.
- 14. WNDP 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 WNDP 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 WNDP 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

8. Figure 3 reviews each policy in the submitted WNDP with respect to the current strategic local plan policies.		

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

WNDP Policy	Local Plan	Comments
- WHO Folicy	• Core Strategy (CS) (2011) Site Allocations and Development Management Policies Document (SADMP)(2016)	Comments
Policy 1: Housing Mix	 CS01 Spatial Strategy CS02 Settlement Hierarchy CS09 Housing Distribution CS13 Community and Culture DM3- Development in the Smaller Villages and Hamlets 	Policy 3 has additional local detail that will help ensure housing development meets the needs of the community within our smaller village or hamlet (CSO2). This is in conformity with local plan policies such as CSO9 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.
Policy 2: Affordable Housing	 CS06 Development in Rural Areas CS09 Housing Distribution CS14- Infrastructure Provision 	Policy 4 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.
Policy 3: Design	 CS06 Development in Rural Areas CS08 Sustainable Development CS12- Environmental Assets CS14- Infrastructure Provision DM15- Environment, Design and Amenity 	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 4: Biodiversity and Green Corridors	 CS08 Sustainable Development CS14- Infrastructure Provision DM19 Green Infrastructure/Habitats Monitoring and Mitigation 	This conforms with policy in the local plans, which requires the protection of environmental assets, enhance links between areas of biodiversity importance and creation of networks of habitats and green infrastructure.
Policy 5: Trees	 CS08 Sustainable Development 	This conforms with policy in the local plans, which requires the protection of environmental assets.
Policy 6: Local Green Spaces	 CS08 Sustainable Development 	This policy designates Local Green Spaces to be protected. This is in conformity with

WNDP Policy	Local Plan Core Strategy (CS) (2011) Site Allocations and Development Management Policies Document (SADMP)(2016)	Comments
	DM22- Protection of Local Open Space	CS08 and DM22 which seek to protect area of open space, which is valued for reasons such as landscape character, recreational value, biodiversity, cultural value and so on.
Policy 7: Dark Skies	 CS08 Sustainable Development DM15- 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 the local plan which encourages and supports proposals to protect the landscape character and distinctive features.
Policy 8: Water Management (SuDS)	 CS08 Sustainable Development CS14 Infrastructure Provision 	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 environment. This conforms with CS08 which promotes and encourages opportunities to integrate the use of water saving devices and where applicable through S106 obligations include SuDS development proposals.
Policy 9: Protection of Community Services	DM9- Community facilities	This policy provides local detail which adds to Policy DM9. It lists community facilities in Walpole the parish wishes to protect.
Policy 10: Renewable Energy, Low Carbon Technologies and Associated Infrastructure	CS08 Sustainable Development	This policy sets out that planning applications for renewable energy or associated infrastructure such as battery energy storage, solar or wind farm developments or substations is encouraged and should consider a set of criteria including being well screened, include onsite parking, does not have an adverse impact on the character of the

WNDP Policy	Local Plan Core Strategy (CS) (2011) Site Allocations and Development Management Policies Document (SADMP)(2016)	Comments
		area and being appropriate to the scale of the project. Policy CS08 promotes and encourages opportunities to achieve high standards of sustainability and energy efficiency including the reduction of on-site emissions by generation of cleaner energy. It also sets out that the Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits. Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.

Section 6: EU Obligations

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

- 21. WNDP 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. WNDP 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 WNDP 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.

