



# Neighbourhood Planning Guidance

## **NPG 2 - Conformity Advice:**

### **Basic Conditions & Strategic Policies**

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## 1 Purpose

- 1.1 This guidance note provides communities undertaking neighbourhood planning with advice around conformity with the strategic policies of the Local Plan and the required Basic Conditions tests which neighbourhood plans are examined against. In doing so the guidance draws on national policy and guidance through the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) and details the strategic considerations of the adopted Local Plan (and emerging new Local Plan) that neighbourhood planners need to be aware of.
  - 1.2 NNDC have produced a suite of additional guidance aimed at supporting local communities in North Norfolk who are undertaking neighbourhood planning. These are based around specific check sheets and frequent topics that Parish & Town Councils have sought to include in neighbourhood plans. They are designed to provide background information and guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidence in a positive and realistic way which, if followed, will provide more certainty at the examination stage. These guides can be found on the Council's web site: [www.north-norfolk.gov.uk/neighbourhoodplans](http://www.north-norfolk.gov.uk/neighbourhoodplans)
  - 1.3 In addition, those producing neighbourhood plans should refer to the national Planning Practice Guidance which provides the government guidance and parameters around planning. <https://www.gov.uk/government/collections/planning-practice-guidance>
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## 2 Background Context

- 2.1 This note provides advice on conformity with the strategic policies and the required Basic Conditions tests in line with the **National Planning Policy Framework** and the **Planning Practice Guidance**<sup>1</sup>. Local planning authorities are required to set out clearly their strategic policies. This guidance note provides the strategic framework for neighbourhood planning, sets out the policy context for conformity tests by the local authority and that of the independent examiner. All neighbourhood plans must demonstrate this conformity in order to meet certain "Basic Conditions" at examination.

**Paragraph 29** of the National Planning Policy Framework (NPPF) states that:

*"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies."*

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<sup>1</sup> National Planning Practice Guidance Paragraph: 077 Reference ID: 41-077-20140306

**Paragraph 30** of the NPPF goes on to say that:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently”.*

- 2.2 A neighbourhood plan can seek to add local distinction to reflect the specific Neighbourhood Area as long as the approach is justified and evidenced. Neighbourhood plans should address the issues in each defined area (i.e. they are locally distinctive) and add value to the existing policy framework. They should not repeat national policy or seek to duplicate existing non-strategic process and policies. Local Plan policies are part of the development plan and will be taken into consideration whether they are included in your neighbourhood plan or not. Neighbourhood plans can include policies that differ from non-strategic local planning policies and or introduce new policies - providing they are in general conformity with the strategic priorities and strategic local planning policies.
- 2.3 It is also important to remember that only policies dealing with land use can form part of a neighbourhood plan. The starting point should be to develop a good understanding of the District’s planning policies and how these relate to the Neighbourhood Plan Area and issues identified.

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### 3 Process

- 3.1 The Council encourages neighbourhood plan groups to seek early and continuous engagement and dialogue with planning officers around emerging neighbourhood plan topic areas and policy wording. Groups should seek informal feedback during the development of the Plan and prior to the formal pre-submission consultation, which is required under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. It is at this stage that formal comments on the approach, structure, content and policies will be provided by the Council.
- 3.2 Following the pre-submission consultation, and once the Council has received a proposed plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, the Council is required to formally review the proposed plan and submission documents against the Legal Framework. Once satisfied that this has been followed we will then invoke Regulation 16 which consists of publishing the proposed neighbourhood plan, seeking representations on it from those who live, work or carry on business in the Neighbourhood Area, and appointing an independent examiner. The examiner will assess whether the plan meets the Basic Conditions and recommends whether or not the plan should proceed to referendum.

- 3.3 The examiner may recommend modifications that are necessary to ensure that the plan meets the Basic Conditions before it can proceed to referendum. Significant modifications may trigger a need to return the plan to an earlier stage.
- 3.4 The examiner’s report carries considerable weight, but it is not binding. As the Local Authority, NNDC has the final responsibility for determining whether the plan meets the Basic Conditions, whether any modifications are necessary and should be consulted on, and consequently whether to proceed to the referendum stage.
- 3.5 **It is therefore important that there is an understanding early on around conformity with the Basic Conditions and the existing and emerging development plan.**
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## 4 Basic Conditions

- 4.1 Only a draft Neighbourhood Plan that meets each of the “**Basic Conditions**” can be put to a referendum and be “made”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions for *Neighbourhood Development Plans* are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
  - 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. This applies only to Orders.
  - 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. This applies only to Orders.
  - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
  - e. the making of the order (or neighbourhood 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).
  - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
  - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 4.2 The National Planning Practice Guidance (PPG) provides comprehensive online guidance for the planning system which all Plans should be in general conformity with. In many cases the guidance adds detail and interpretation of the NPPF which neighbourhood planners need to consider e.g. for those neighbourhood plans considering additional site allocations or designation of Local Green Space, the guidance provides criteria based methodologies that

should be followed. Failure to apply these will result in non-compliance and have serious implications for the emerging Neighbourhood Plan.

4.3 When considering if a policy is in general conformity the PPG at Reference ID: 41-074-20140306 advises both neighbourhood planning groups and any appointed examiner what is meant by general conformity with the strategic policies contained in the Local Plan and the following should be considered:

- whether the neighbourhood plan policy or 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 or development proposal 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 and the evidence to justify that approach.

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## 5 North Norfolk Development Plan & Emerging Local Plan

5.1 Planning legislation<sup>2</sup> requires that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The Development Plan for North Norfolk currently comprises:

- The Core Strategy incorporating Development Control Policies (2008);
- The Site Allocations Development Plan Document (2011);
- The North Norfolk Design Guide, Supplementary Planning Document (2008);
- The North Norfolk Landscape Character Assessment, SPD (2009);
- The Norfolk Minerals and Waste Development Framework (2010 – 2026)

5.3 Further information on the Development Plan is available at:

[www.north-norfolk.gov.uk/planningpolicy](http://www.north-norfolk.gov.uk/planningpolicy)

### Emerging Local Plan

5.4 An emerging Local Plan does not constitute part of the statutory development plan. However, it still needs to be considered by neighbourhood planning groups as, not only does it show the direction of travel for strategic policies, it will provide the framework for future decisions to be based and can be used to identify areas where neighbourhood planners, subject to appropriate evidence, may wish to develop local policies to supplement and accord with the emerging Local Plan. A good neighbourhood plan will remain more up to date and relevant if it also considers conformity to an emerging Local Plan.

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<sup>2</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

5.5 The following needs to be considered in relation to the emerging Local Plan:

- The more developed an emerging Local Plan is the more weight it carries in decision making;
- the evidence behind an emerging Local Plan remains relevant and is likely to form part of the evidence base for any neighbourhood plans e.g. in relation to any housing target requested by a neighbourhood plan group;
- where local and neighbourhood plans have conflicting policies, the later plan will carry more weight. To avoid the risk of policies in a neighbourhood plan being superseded by a later adopted Local Plan, it is necessary for the two plans to work in a complementary way;
- Neighbourhood plans should not seek to duplicate policies and approaches detailed in the Local Plan or emerging Local Plan but add local distinction and a further level of consideration to ensure locally evidenced issues are addressed

5.6 Government advice is clear and the Planning Practice Guidance states that:

*“Where a neighbourhood plan is brought forward before an up to date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging Neighbourhood Plan*
- *the emerging Local Plan*
- *the adopted Development Plan*

*with appropriate regard to national policy and advice.”*

5.7 The Council consulted on the First Draft Local Plan (Part 1) and Alternatives Considered documents from May - June 2019. These advanced documents included the emerging policies and the options considered along with the required Sustainability Appraisal, Interim Habitats Regulation Assessment and a number of background papers, all of which are relevant to emerging neighbourhood plans. These Plans, background papers and the evidence base supporting the emerging Plan can be found on the Council’s web site in the Local Plan Document library: [www.north-norfolk.gov.uk/documentlibrary](http://www.north-norfolk.gov.uk/documentlibrary)

5.8 The Council encourages all neighbourhood plan groups to seek early and consistent engagement with the Council throughout the process of writing a neighbourhood plan.

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## 6 The Strategic Policies

6.1 Guidance is provided at national level for identifying strategic policies both within the NPPF and national Planning Practice Guidance (PPG) (Paragraph: 076 Reference ID: 41-076-20190509 revision date May 2019).

6.2 As above it is also worth noting that the Strategic Policies of the Council are changing and in order to future proof any emerging Neighbourhood Plan should have regard to and also be

in general conformity with the emerging Local Plan. Similarly, Local Plans should not seek to duplicate non-strategic approaches detailed in neighbourhood plans. It is recommended that close dialogue is maintained with the Council around emerging policy areas.

- 6.3 The Council has used Criteria 1 - 5 below, contained in the NPPF, and criteria a - f below, contained in the national PPG, to identify the Strategic Policies contained in the North Norfolk Development Plan.
- 6.4 The NPPF, para 20 & 21 advises that Local Plans set out the strategic priorities and that the strategic policies set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:
- 1) Housing (including affordable housing), employment;
  - 2) Retail, leisure and other commercial development;
  - 3) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
  - 4) Community facilities (such as health, education and cultural infrastructure); and,
  - 5) Conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation
- 6.5 When reaching a view on whether a policy is a strategic policy the national PPG states that the following are useful considerations:
- a. Whether the policy sets out an overarching direction or objective;
  - b. Whether the policy seeks to shape the broad characteristics of development; the scale at which the policy is intended to operate;
  - c. Whether the policy sets a framework for decisions on how competing priorities should be balanced;
  - d. Whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy;
  - e. In the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy;
  - f. Whether the Local Plan identifies the policy as being strategic
- 6.6 Where policy elements are identified as non-strategic, neighbourhood plans will be able to shape and direct sustainable development in their area as long as they do not seek to duplicate existing non-strategic process and policies at a local and national level and the approach is justified through supporting evidence. **Some policies of the Development Plan although not strategic in their entirety do contain elements that reflect and support the overarching strategic approach. In such cases neighbourhood plans could seek to add further elements of local distinctiveness. However, it is recommended that options and**

topic areas are discussed with the Planning Policy team during policy formation and that there is adequate justification and evidence to substantiate proposed approaches.

### List of Strategic Policies

6.7 The Council will use the following table to assess emerging neighbourhood plans in its assessment of conformity:

Policy In Core Strategy & Development Management Policies DPD		Comments	NPPF Guidance	PPG Guidance
SS1	Spatial Strategy for North Norfolk	Strategic policy	1	A,B,C,D,F
SS2	Development in the Countryside	Strategic policy	1	A,B,C,F
SS3	Housing Distribution	Strategic policy	1	A,B,C,D,F
SS4	Environment	Strategic policy	5	A, C, D,F
SS5	Economy	Strategic policy	1	A,C,D,F
SS6	Access and Infrastructure	Strategic policy	3	A, B, F
SS7 - 14	Town Strategies	Strategic policy	2,3,4	A,B,D,F
HO1	Dwelling Mix &Type	Part strategic Policy setting overarching objective.  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements.		A,B,D
HO2	Affordable Housing	Strategic Policy	1	A,C,D,E
H03	Affordable Housing In the countryside	Part Strategic Policy setting overarching objective which should be met as a minimum  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements		B, D

HO4	Sites for Gypsies & Travellers and Travelling Showpeople	Strategic Policy	1	A,B,C
HO5	Agricultural, Forestry and other Occupational Dwellings in the Countryside	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies		
HO6	Removal of Agricultural, Forestry and other occupancy conditions	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies.		
HO7	Making the most efficient use of Land (Density)	Strategic policy	1	A,B,C
HO8	House extensions and replacement dwellings in the countryside	Policy that local community could add local distinctiveness subject to appropriate evidence		
HO9	Conversion and re use of rural buildings as dwellings  Updated December 2012	Strategic policy		A, B, C
EN1	Norfolk Coast Area of Outstanding Natural Beauty and the Broads	Strategic policy	5	A,B,C,D
EN2	Protection and Enhancement of Landscape and Settlement Character	Strategic policy	5	A,B
EN3	Undeveloped Coast	Strategic policy		A,B,C
EN4	Design	Part strategic policy seeking to shape broad characteristics of development.  Policy that local community could, <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements		B,D
EN5	Public Realm	Policy that local community could add local distinctiveness subject to		

		appropriate evidence		
EN6	Sustainable Construction and Energy Efficiency	Policy that local community could add local distinctiveness subject to appropriate evidence and alignment to national policies <sup>3</sup>		
EN7	Renewable Energy	Policy that local community could add local distinctiveness subject to appropriate evidence		
EN8	Protecting and Enhancing the Historic Environment	Strategic policy	5	A,B
EN9	Biodiversity & Geology	Strategic policy	5	A
EN10	Development and Flood Risk	Strategic policy	3,5	A,C
EN11	Coastal Erosion	Strategic policy	3	C
EN12	Relocation and replacement of development affected by Coastal Erosion Risk	Strategic policy	3,5	A, B,C
EN13	Pollution and Hazard Prevention and Minimisation	Strategic policy	5	A,B,C
EC1	Farm Diversification	Policy that local community could add local distinctiveness subject to appropriate evidence		
EC2	The Re use of Buildings in the Countryside	Strategic Policy		A, B, C
EC3	Extensions to Existing Businesses in the Countryside	Policy sets in part an overarching direction.  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence	1	A,B

<sup>3</sup> Note: National policy allows only prescribed standards through the new technical standards applied through Building Regulation to be enacted through Local Plans and Neighbourhood Plans.

EC4	Redundant Defense Establishments	Policy sets in part an overarching direction.  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence & subject to adherence to strategic policies on location of sustainable development		A,B,C
EC5	Location of Retail and Commercial Leisure Development	Strategic Policy	2	A,C
EC6	Public Car Parking Provision	Strategic Policy	4	A
EC7	The Location of New Tourism Development	Strategic Policy	2	A, B
EC8	Retaining an Adequate Supply and Mix of Tourist Accommodation	Strategic Policy	2	C
EC9	Holiday and Seasonal Occupancy Conditions	Policy that local community could add local distinctiveness subject to appropriate evidence		
EC10	Static and Touring caravan and Camping Sites	Strategic Policy	2	B,D
CT1	Open Space Designations	Policy sets in part an overarching direction.  Policy that local community <b>could in part</b> add local distinctiveness subject to appropriate evidence and general conformity with overarching policies <sup>4</sup>	5	A,C
CT2	Developer Contributions	Strategic Policy	1,2,3,	A, B,D
CT3	Provision and Retention of Local Facilities and Services	Policy that local community could review adding local distinctiveness subject to appropriate evidence		
CT4	Telecommunications	Strategic Policy	3	A,C

<sup>4</sup> Neighbourhood plans can seek to designate Local Green Space through an assessment in compliance with guidelines issued in national policy and guidance

CT5	The Transport impact of New Development	Strategic Policy	5	A,C
CT6	Parking Provision (Standards)	Policy that local community could add local distinctiveness subject to appropriate evidence		
CT7	Safeguarding Land for Sustainable Transport Uses	Policy setting overarching objective around sustainable transport links  Policy that local community could <b>in part</b> add local distinctiveness subject to appropriate evidence and general conformity to strategic elements	3,4,5	C
<b>Policy in Site Allocations DPD</b>				
C01-WEY09	Site allocations	Strategic policies and allocations <sup>5</sup>	1,2,3,4,5	A,B,C,& or E,F
Tattersett Business Park	Employment land at Tattersett Business Park	Strategic for the delivery of jobs and employment uses that may otherwise be difficult to accommodate elsewhere.	1	A,B,

## 7 Other Matters

7.1 By law Neighbourhood Plans cannot deal with minerals or waste issues.

7.2 Neighbourhood planning has its own set of Regulations which set out the legal matters relating to the neighbourhood planning process. These are:

- [The Neighbourhood Planning \(General\) Regulations 2012;](#)
- [The Neighbourhood Planning \(General\) \(Amendment\) Regulations, 2015;](#)
- [The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations, 2016;](#)
- [The Neighbourhood Planning Act, 2017;](#)
- [The Neighbourhood Plan \(Referendums\) Regulations, 2012;](#)
- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2013](#)

<sup>5</sup> Neighbourhood plans can seek to plan positively for growth and allocate additional growth subject to general conformity with the strategic policies. Particular attention should be given to the overall spatial strategy.

- [The Neighbourhood Planning \(Referendums\) \(Amendment\) Regulations 2014](#)
- [The Neighbourhood Plan \(Referendums\) \(Amendment\) Regulations, 2016;](#)
- [The Neighbourhood Planning \(Prescribed Dates\) Regulations, 2012.](#)

7.3 Legislation can be obtained at <http://www.legislation.gov.uk>