

RYBURGH NEIGHBOURHOOD PLAN

BASIC CONDITIONS STATEMENT

APRIL 2020

**Ryburgh Neighbourhood Plan
Working Group**

07876 588823

ryburghndp@gmail.com

www.ryburghpc.info/neighbourhood-plan

www.north-norfolk.gov.uk/ryburghnp

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CONTENTS

1 - Introduction.....	1
2 - Appraisal of the Basic Conditions.....	1

1. Introduction

1.1 this Basic Conditions Statement is prepared to fulfil the requirement of Para 15 (d) of The Neighbourhood Planning (General Regulations) 2012, and the requirement of Schedule 4B, Para 8(2) of the Town and Country Planning Act 1990 (as amended) the latter of which sets out a series of “basic conditions” as follows:

A draft Neighbourhood Plan shall:

- a) have regard “to national policies and advice contained in guidance issued by the Secretary of State.
- b) have special regard “to the desirability of preserving any listed building or its setting or any features of special architectural or historic importance that it possesses”.
- c) have special regard “to the desirability of preserving or enhancing the character or appearance of any conservation area”.
- d) “contribute to the achievement of sustainable development”.
- e) be “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) “not breach and is otherwise compatible with EU obligations”.
- g) ensure that “prescribed conditions are met” and “prescribed matters have been complied with” in relation thereto.

1.2 Each of these basic conditions is addressed below:

2. Appraisal of the Basic Conditions

2.1 (a) have regard “to national policies and advice contained in guidance issued by the Secretary of State and (e) be “in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)”

The tables that follow provide an appraisal of the extent to which the Ryburgh Neighbourhood Plan (RNP) fulfils these conditions. It compares the Plan’s policies against the National Planning Policy Framework (NPPF), the adopted NNDC Development Plan (Adopted Core Strategy) and the emerging Local Plan for North Norfolk District Council (NNDC) and utilises NNDC’s conformity advice issued through its Neighbourhood Planning Guidance Note No2. In summary, the appraisal demonstrates that the RNP has appropriate regard and is in general conformity with national and local strategic policy.

RNP policy	Regard to NPPF (1)	Regard to adopted NNDC Development Plan (2)	Conformity with the emerging Local Plan (3)
Policy 1: Traffic Safety	This policy reflects NPPF’s social objective to achieve sustainable development ‘by fostering a well-designed and safe built environment (Para.8(b) of NPPF) This policy is designed to promote a healthy and	Policy SS4 looks to the delivery of sustainable development and to ensure the protection and enhancement of ...built environmental assets. Policy SS6 provides that “permission for development will not be	Policy SD14 requires that development proposals address the use of sustainable transport appropriate to its particular location which is at the heart of RNP policy 1.

	<p>safe community and reflects Paras.91-95 of NPPF.</p> <p>This policy considers transport issues in accordance with Para.102 of NPPF and seeks to actively manage the pattern of growth in relation to those issues (Para.103 of NPPF).</p> <p>This policy seeks to achieve well designed places and ensure that future development will create safe, inclusive and accessible places (Para.127 of NPPF)</p>	<p>granted unless there is sufficient capacity in existing local infrastructure to meet the additional requirements”.</p> <p>Policy EC3 provides that extensions to existing businesses in the countryside will be permitted where it is of a scale appropriate to the existing development and <u>would not have a detrimental effect on the character of the area.</u></p> <p>Policy CT5 requires that traffic generated by a proposal “be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety”.</p>	
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Conclusion: This policy adds local distinction to the strategic direction set in both the Core Strategy and emerging Local Plan. By addressing the capacity constraints and issues on the highway the approach seeks to accord with the adopted development plan by providing clarification upon the implementation and compliance with SS6 and CT5

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging Local Plan
<p>Policy 2: Safeguarded Land for Public Access</p>	<p>This policy reflects the NPPF’s instruction in relation to Open Space and Recreation to the effect that planning policies “should protect and enhance public rights of way and access” (Para’s 96 and 98 of NPPF)</p>	<p>Policy SS4 Environment speaks to the creation of “green networks to link urban developments to the countryside”.</p> <p>Policy SS6 Access and Infrastructure provides: that “adequate provision of infrastructurewill be provided through: protection and enhancement of existing provision/facilities where possible”.</p> <p>“New development should assist with creation of a network of accessible green space and provide links to public transport and walking and cycling networks”.</p>	<p>Policy SD7 provides for the safeguarding of land for sustainable transport and in particular the former railway track bed identified in RNP Policy 2.</p>

Conclusion: The policy identifies appropriate land to safeguard, thereby adding local distinctiveness. It is in line with the approach taken in 'Community and Transport' adopted policies CT1 and with CT7.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging local plan
RNP Policy 3: Infill Housing in Great Ryburgh	<p>The policy to support infill housing within a specified Settlement Boundary at Great Ryburgh is in accord with the achieving of sustainable development and the economic, social and environmental objectives expressed in Para.8 of the NPPF.</p> <p>In rural areas the NPPF states that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. To promote sustainable development in rural areas housing should be located where it will enhance or will support local services, maintain the vitality of rural communities.</p> <p>Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services [Paras. 77 and 78]</p>	<p>Policy SS2 Development in the Countryside permits extensions and replacement of dwellings and other (not relevant) exceptions but prohibits all other proposals.</p> <p>It is contended that RNP Policy 3 is in general conformity with the NNDC Development Plan having regard to Planning Practice Guidance (Ref ID:41-074-20140306). The NNDC has declared itself to be supportive of additional appropriate small scale growth in parishes through neighbourhood planning where it is demonstrated there is a local need.</p>	<p>Policy SD2 declares that the NNDC is supportive of Community led Development and advises that Neighbourhood Plans can be used as a way to promote additional development in an area beyond that which is proposed in the District Council's Plan or to add locally distinctive policies which complement and support the delivery of the strategic policies of a Local Plan.</p>

Conclusion: The approach allows for small scale growth within the defined settlement boundary in line with local need and with national policy contained in NPPF and the national Planning Practice Guidance (PPG). Further explanation of the NNDC position is to be found in its response dated 18.09.2019 to the pre-submission consultation. The approach is seen as in general conformity by NNDC because it sets a positive vision and provides for an appropriate level of growth in support of the rural location and the needs and ambitions of the community. The approach is in line with the emerging direction of the Local Plan which sets specific policies encouraging local communities to plan for additional growth at a scale appropriate to its location.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Regard to NPPF
<p>Policy 4: Landscape Character and</p> <p>Policy 5: Protection and Enhancement of Local Habitats, Landscape and Amenity.</p>	<p>Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes (Para.170 of the NPPF) Plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure. (Para.171). To protect and enhance biodiversity and geodiversity, plans should: (a) identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks.....wildlife corridors and stepping stones that connect them....and (b) promote the conservation, restoration and enhancement of priority habitats(Para. 174)</p>	<p>A Landscape Character Assessment has been prepared by NNDC which will be used to implement Policy EN2 ‘Protection and Enhancement of Landscape and Settlement Character’ of the emerging Local Plan. (Para.2.6.4) Policy EN2 sets out the strategic approach to the protection and enhancement of the landscape and settlement character and the NNDC LCA provides the high level character assessments and information on the <u>broad</u> valued features of the landscape types. RNP Policies 4 and 5 add local distinctiveness by ensuring the more local evidence and specific assessment of the local landscape features through the RLCA by C. Yardley be taken into effect in decision making.</p>	<p>Para 180 of the NPPF requires planning policies to limit the effect of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Planning practice guidance to the NPPF (Paragraph:001 Reference ID:31-001-20191101) recognises the importance of dark landscapes and acknowledges the need to limit the impact of light pollution.</p>

Conclusion: The approach sets out local considerations in relation to landscape and settlement character adding to the broad approach of the NNDC LCA and is in conformity with the adopted Core Strategy and emerging Local Plan. It also reflects the approach envisaged in the NPPF.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging Local Plan
<p>Policy 6: Dark Night Skies</p>	<p>Para 180 of the NPPF requires planning policies to limit the effect of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Planning practice guidance to the NPPF (Paragraph:001 Reference ID:31-001-20191101) recognises the importance of dark landscapes and acknowledges the need to limit the impact of light pollution.</p>	<p>Policy EN13 requires all development proposals to minimise, and where possible reduce, allforms of pollution, including light....pollution.</p>	<p>Policy ENV10 requires that for all new development consideration be given to general amenity impact issues including all forms of nuisance such as artificial light pollution. Paragraph 8.81 reflects upon the reasons for constraint upon artificial lighting levels and acknowledges that the North Norfolk coast boasts some of the darkest skies in the country and that the lack of artificial light helps the coast to retain its rural character and overall tranquillity.</p>

Conclusion: The Policy reflects the rural location of Great and Little Ryburgh and the objective of the community to care for the tranquillity of the village given the particular circumstances of the village. The approach is in accordance with national and local policy.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging Local Plan
<p>Policies 7, 8 and 9: Protection and Enhancement of Local Habitats (1) & (2) and the Ecological Network</p>	<p>Each of Policies 7, 8 and 9 are concerned with the conservation and enhancing of the natural environment and are compliant with and add local particularity to NPPF Paras. 170 to 177. Policy 7 is concerned with the land which is the flood plain, green corridor and the tributaries of the River Wensum. Policy 8 is concerned with other habitat sites within the Neighbourhood Area. Policy 9 supports habitat connectivity.</p>	<p>Core Strategy Policy SS4 requires ‘all development proposals to ...ensure protection and enhancement of natural and built environmental assets’. The land which is the subject of Policy 7 is recognised as a core area of diversity (as ‘River Buffer’) in the North Norfolk Ecological Report referred to in Para 2.6.7 of the Core Strategy and is the subject (with other land) of the recommendations in that report for protection.</p>	<p>Each of the Policies 7, 8 & 9 are compliant with Policy ENV4 ‘Biodiversity and Geology’ and add local particularity.</p>

Conclusion: The policies add local definition and interpretation to both national and local district policies and are considered to be in general conformity with the strategic approaches outlined in the adopted and emerging local plans. Further, they add clarity and depth around what planning applications should consider in relation to the natural environment.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging Local Plan
<p>Policy 10: Open Land</p>	<p>Para. 170 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by ...' protecting and enhancing valued landscapes ...(in a manner commensurate with their...identified quality in the development plan).</p>	<p>Core Strategy policies 'protect existing open space and areas designated for environmental purposes' (Para 2.6.2. North Norfolk Core Strategy) Policy SS4 provides that open spaces and areas of biodiversity interest will be protected from harm and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged.</p>	<p>Policy 10 seeks the designation of the land described therein as an 'Open Land Area' as envisaged by Policy ENV7 as land making an important contribution to the appearance of the Neighbourhood Area.</p>

Conclusion: By identifying the important open land areas that define the landscape and character of the Parish the RNP Policy is adding to the strategic approaches in the adopted Core Strategy and emerging Local Plan, adding clarity and ensuring local considerations are incorporated into decisions.

RNP Policy	Regard to NPPF	Regard to NNDC adopted Development Plan	Conformity with the emerging Local Plan
<p>Policy 11 Archaeology</p>	<p>Para.189 of the NPPF provides that 'where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation'. Policy 11 will impose a specific consultation requirement</p>	<p>Strategic Policy EN8 reads ; 'where required development proposals affecting sites of known archaeological interest will include an assessment of their implications and ensure that provision is made for the preservation of important archaeological remains'. Policy 11 complements the strategic policy.</p>	<p>Policy ENV11 provides 'Development proposals that would affect ...any known or possible archaeological sites will be required to provide, in the form of a heritage statement, sufficient information proportionate to the importance of the asset and the impact off the proposed development, to enable any impact to be accurately assessed'</p>

	prior to determination of a proposal		Policy 11 complements the emerging Local Plan policy.
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Conclusion: The approach compliments Policy EN8 and introduces a specific measure in its consideration of the Historic environment that is appropriate based upon local character and history.

2.2 (b) have special regard “to the desirability of preserving any listed building or its setting or any features of special architectural or historic importance that it possesses”

Response: Part of the village of Great Ryburgh is in a Conservation Area as designated by NNDC and there are adequate policies in the adopted Core Strategy that cover the historic environment (Namely EN8), as such the proposed Ryburgh Neighbourhood Plan policies does not include any additional provision around this subject.

2.3 (c) have special regard “to the desirability of preserving or enhancing the character or appearance of any conservation area”

Response: Part of the village of Great Ryburgh is in a Conservation Area as designated by NNDC and there are adequate policies in the adopted Core Strategy that cover the historic environment (Namely EN8). Policy RNP3 sets a positive approach for appropriate small scale growth that, when taken as a whole with the wider development plan provides an appropriate response. The proposed NP does not include any further reference or specific policy on this matter.

2.4 (d) The making of the order contributes to the achievement of sustainable development

Response: The NPPF states that the policies in paras. 18-219 of the document, taken as a whole, constitute the Government’s view on what ‘sustainable development’ means in practice for the planning system. The appraisal of the proposed Ryburgh Neighbourhood Plan policies against the NPPF policies presented in table form above demonstrates that the policies in the proposed plan comply with the tone and intention of the NPPF and therefore constitute policies that promote ‘sustainable development’.

The NPPF also states that ‘sustainable development’ is made up of three objectives: economic, social and environmental. The policies in the proposed Ryburgh Neighbourhood Plan can be seen from the table below to contribute to these objectives and therefore, cumulatively, towards the achievement of sustainable development.

NPPF Objectives	Contribution through Ryburgh Neighbourhood Plan policies to the NPPF objectives.
<p>(A) An economic role: 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</p>	<p>Policy 1: Traffic Safety By the coordination of traffic infrastructure to a sustainable balance within the community as a whole. Policy 3: Infill Housing in Great Ryburgh</p>
<p>(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.</p>	<p>Policy 1: Traffic Safety Policy 2: Safeguarded Land for Public Access Policy 3: Infill Housing in Great Ryburgh. Policy 10: Open Land</p>
<p>(C) An environmental objective: to contribute to protecting and enhancing our natural, built and historic environment.</p>	<p>Policy 4: Landscape Character Policy 5: Protection and Enhancement of Local Habitats. Landscape and Amenity Policy 6: Dark Night Skies Policies 7, 8 and 9: Protection of Ecology Policy 11: Archaeology</p>

Conclusion: In line with the Vision Statement of the RNP the aim of the Plan is to promote sustainable development that will benefit the community whilst conserving and promoting the particular landscape and ecology that characterises the neighbourhood area.

The RNP includes policies that seek to add local distinctiveness and contribute to each of the three strands of Sustainability, which cumulatively contribute to the achievement of sustainable development in the neighbourhood planning area. In particular Policy 3 proposes small scale growth in order to assist in the sustainability of the village in accordance with that envisaged for rural areas in the NPPF and the clear expectations that neighbourhood plans should seek to meet local needs when aligned with the strategic approach of the overall development plan.

Policies 4-11 provide a basis from which to consider the specific local dimensions of the environment, which when combined strategic approach of the Core Strategy ensure that the policies contribute to sustainable development.

2.5 (f) “not in breach and is otherwise compatible with EU obligations”

Response: A Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA), screening assessments have been carried out by the appropriate competent authority in order to confirm compliance with EU obligations.

The screening assessments were carried out in January/February 2020 and consulted on for a five week period by NNDC with the statutory bodies. Following the consultation NNDC issued both an SEA and HRA screening determination which confirmed that the authority was satisfied that the draft Neighbourhood Plan was compatible with EU obligations. The screening reports and determination form part of this submission.

The HRA screening assessment was carried out with regard to the conservation objectives of those European sites deemed to be within relative proximity of the Ryburgh Neighbourhood Area. The screening report indicated that no European sites will be significantly affected by the policies of the Ryburgh Neighbourhood Plan and this was confirmed in a screening opinion provided by Natural England which was subsequently incorporated into the screening determination issued by NNDC.

The Ryburgh Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

2.5 (g) ensure that “prescribed conditions are met” and “prescribed matters have been complied with “in relation thereto.

Response: This Basic Conditions Statement is required to show conformity with the above mentioned conditions and matters which are set out in the Planning and Compulsory Purchase Act 2004, Section 38A (1) and (2) and Section 38B 1(a) to (c) as follows:-

S38A(1) - *that the neighbourhood plan is initiated by a qualifying body.* The draft Ryburgh Neighbourhood Plan is submitted by Ryburgh Parish Council which was duly recognised as a qualifying body when the parish area was designated as a neighbourhood area by NNDC on 3rd April 2017.

S38A(2) - *that the draft Ryburgh Neighbourhood Plan is a ‘neighbourhood development plan’ as defined.* The draft Ryburgh Neighbourhood Plan relates to the use and development of land and has been prepared in accordance with the statutory requirements of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and is therefore a neighbourhood development plan as required.

S38B1(a) - *the period for which it is to have effect.* The draft Ryburgh Neighbourhood Plan states the period for which it is to have effect to be “for the period ending 2036 and on a date aligned with the emerging North Norfolk Local Plan”.

S38B1(b) - *that it does not relate to excluded development.* The draft Ryburgh Neighbourhood Plan does not relate to excluded development. It does not deal with County matters (mineral extraction or waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

S38B1(c) - *that it relates to only one neighbourhood area.* The draft Ryburgh Neighbourhood Plan relates only to the Ryburgh Neighbourhood Area which is the parish of Ryburgh.