

**FILBY
NEIGHBOURHOOD PLAN
2020-2030**

Statement of Basic Conditions

October 2020

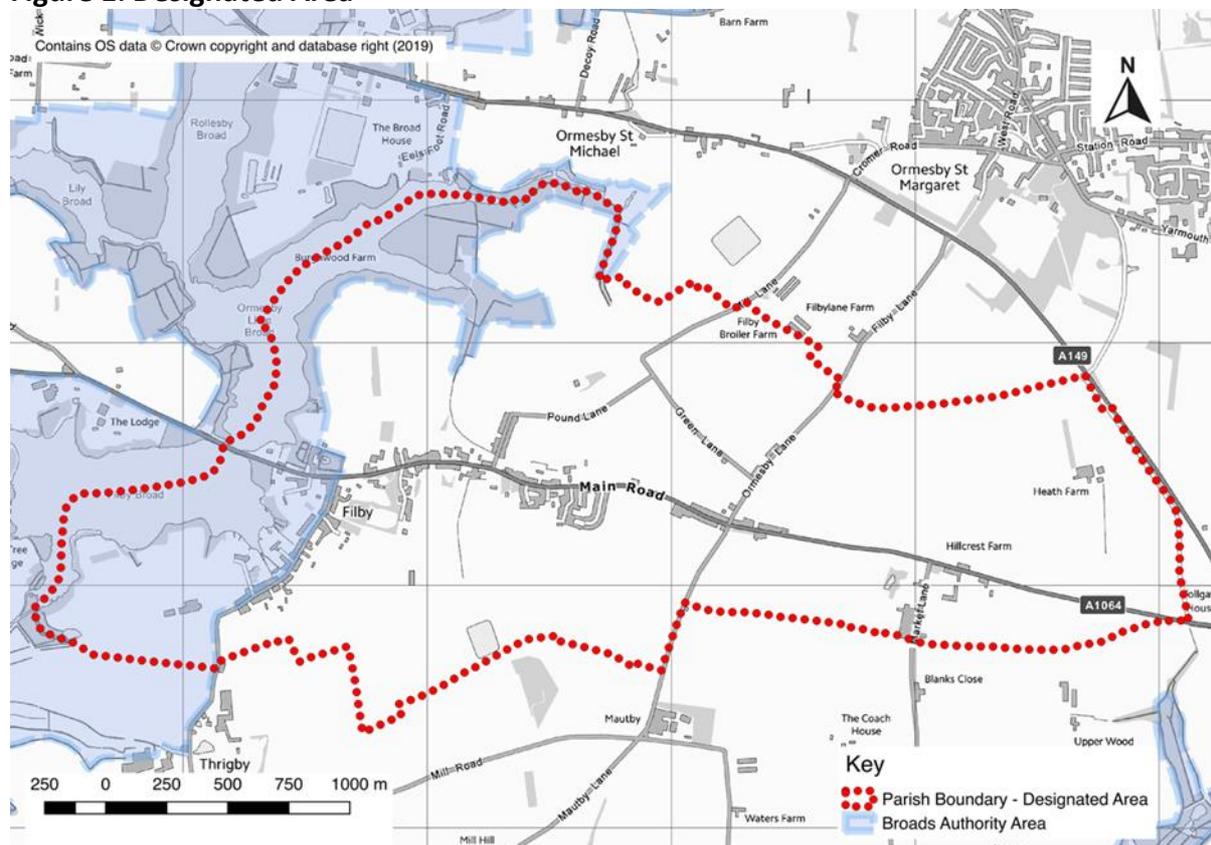
Section 1: Introduction

1. This Basic Conditions Statement has been prepared by [Collective Community Planning](#) on behalf of Filby Parish Council to accompany the Filby Neighbourhood Plan 2020-30 (FNP).
2. The purpose of the statement is to demonstrate that the FNP 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.
3. The five basic conditions 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.
4. 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”*.
5. This statement confirms that:
 - The legal compliance requirements have been met (section 2);
 - FNP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - FNP contributes towards sustainable development (Section 4);
 - FNP is in general conformity with the strategic policies contained in the Great Yarmouth Borough Council (GYBC) and Broads Authority (BA) Local Plans (Section 5);
 - FNP 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
 - FNP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

6. FNP relates to the whole parish area that was designated by GYBC and the BA as a Neighbourhood Area. The Neighbourhood Plan relates only to this area, which is contiguous with the parish boundary. No other Neighbourhood Development Plan has or is being made for this area. FNP has been prepared by Filby Parish Council which is the qualifying body.
7. FNP includes a map of the designated area, see **Figure 1** of this report.
8. FNP 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 Regulation 14 (Pre-Submission) consultation was consistent with the specific regulatory requirements, as detailed in the Consultation Statement.
9. FNP covers the period 2020-30 which is in general conformity with the differing timeframes for the strategic policies in the current Local Plans for GYBC (2013-30) and the BA (2015-36).
10. FNP does not include provision about development that is 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.

Figure 1: Designated Area



Section 3: Due Regard to the NPPF

11. National planning policy is set out in the National Planning Policy Framework (NPPF). The most recent version was published in February 2019. FNP 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.
12. **Figure 2** demonstrates how FNP 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

FNP Policy	NPPF Cross References	Comments
General	Para 8, para 13, para 15, para 16, para 28 and 29, para 31, para 34, Section 12.	<p>FNP will help to deliver 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 Plans. It supports these strategic policies as shown in Figure 3.</p> <p>FNP provides a framework for addressing housing needs 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>FNP includes non-strategic policies for housing, design principles, conserving and enhancing the natural environment and other development management matters.</p> <p>It is supported by a robust but proportionate evidence base. This is available in a separate document. Key aspects of this are presented in the supporting text of the policies.</p> <p>Some of the policies encompass design considerations, with the emphasis on achieving a rural feel. Policy HO2 is the main policy, but others include E5 and BE1.</p>

FNP Policy	NPPF Cross References	Comments
H1: Housing mix	Para 8, 11 and 61	This policy will help ensure future development meets the needs of the community including the provision of smaller homes to meet younger people looking to get on the housing ladder, and older people looking to downsize.
H2: Design	Para 102, Para 122, Section 12, para 148 Government Report – “Electric Vehicle Charging in Residential and Non-Residential Buildings” (July 2019)	This policy requires high quality design, with new development in keeping with that of the village, in particular blending with its historic nature. However, contemporary and innovative design is encouraged, as is energy efficiency. The policy requires an appropriate density with sufficient outdoor space. There is a requirement for electric vehicle charging points which might be superseded if this is incorporated into building regulations.
E1: Habitat for Wildlife and E2: Trees and Hedgerows	Para 8, Section 15	This policy protects and enhances the natural environment and requires biodiversity improvement as part of all development, including to deliver the identified ecological network. Trees and hedgerows receive particular protection
E3: Local Green Space	Section 8, Para 8 and Paras 99-101	The policy supports protection of local green open spaces and designates local green spaces in accordance with the NPPF requirements such as being demonstrably special, consistent with national green belt policy.
E4: Dark Skies	Para 180	Aims to retain dark skies to support wildlife and enjoyment of the night sky
E5: Landscape Character	Section 15, Para 170	This policy aims to direct development away from the best and most versatile land in agricultural use, and retain people’s enjoyment of the rural landscape
E6: Managing Surface Water	Section 14	This policy will help to adapt to climate change and ensure that surface water is managed appropriately and sustainably.
BE1: Heritage Assets	Section 16	This policy intends to set out a positive strategy for conserving Filby’s heritage, especially identified non-designated heritage assets.
BE2: Filby Village Gap	Section 15, para 170	The policy seeks to protect the intrinsic character and beauty of the countryside by preserving the gap between the two built up areas of settlement.
AT1: Sustainable Transport	Section 9, and para 91	The policy promotes improvements to encourage safe and convenient walking within the parish, as well as public transport

FNP Policy	NPPF Cross References	Comments
AT2: Traffic and Speed	Section 9, such as para 102	Aims to improve highway safety

Section 4: Sustainable Development

13. Sustainable development is defined as ‘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.
14. This is captured by Paragraph 8 of the NPPF in particular, which summarises the three interdependent objectives. **Figure 2** includes a number of references to NPPF para 8, demonstrating the policies in FNP that have due regard to these overarching objectives.
15. The NPPF as a whole represents sustainable development, and **Figure 2** sets out that FNP is very consistent with the NPPF. It should therefore be the case that FNP will help to deliver sustainable development in Filby through delivering the economic, social and environmental objectives.
16. FNP 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

17. It is a requirement that FNP 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 of 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 or Order and the evidence to justify that approach.

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

18. The FNP area falls within two local authority boundaries, Great Yarmouth Borough Council (GYBC) and the Broads Authority (BA). The map at **Figure 1** demonstrates the area which falls within the Broads Authority Executive Area.
19. Both GYBC and BA have current Local Plans of which FNP is in general conformity. Great Yarmouth Local Plan Core Strategy 2013-30 and Local Plan for the Broads 2015-36 contain the strategic policies of relevance for this neighbourhood plan. **Figure 3** reviews each policy with respect to the Core Strategy Policies and also relevant Development Management Policies from the BA Local Plan.
20. At the time of writing this statement GYBC are at Regulation 19 publication for their Local Plan Part 2 (LPP2). Although limited weight will be given to LPP2 at this time ahead of its Examination, it does contain some important strategic policies including UCS3 (Revised housing target), GSP1 (Development Limits), GSP2 (Neighbourhood Plan Target), GSP5 (Habitat Protection), GSP6 (Green Infrastructure), GSP7 (Cycling & pedestrian routes), and GSP8 (Planning obligations). In response to feedback from GYBC, FNP has been developed to reflect the emerging policies and in **Figure 3** below reference has also been made to how FNP is in conformity with the policies referenced above.

Figure 3: General Conformity with Local Strategic Policies

FNP Policy	GYBC Local Plan Cross-references	BA Local Plan Cross-references	Comments
H1: Housing mix	CS3	SP15, DM41	Policy provides additional local detail that will help ensure housing development meets the needs of the community based on the proportionate evidence base produced for the neighbourhood plan.
H2: Design	CS3, CS4, CS9, CS10, CS12 Policy I1 in emerging part 2	DM8, DM23, DM43, SP3	Development expected to be of a high-quality design and enhance the character of the immediate area, with particular reference to the historic and eclectic architectural character of the village. Pointers given to ensure residential development blends well with existing. Innovative design and high environmental standards supported, including electric charging points for vehicles.
E1: Habitat for Wildlife and E2: Trees and Hedgerows	CS9, CS11 Emerging LPP2: GSP5	SP6, DM8, DM13	This policy ensures that all new development contributes towards biodiversity improvement, incorporating natural features. including to deliver the identified ecological network. Trees and hedgerows receive particular protection. In conformity with the emerging LPP2 policy GSP5, this policy seeks to protect and enhance the conservation of key European wildlife sites.
E3: Local Green Space	CS11	DM7, DM8	This policy supports retention of green open spaces, designating local green spaces important to the character, wildlife and enjoyment of local people. These support healthy lifestyles and add to the network of green infrastructure locally.
E4: Dark Skies	A2 and E4 in the emerging part 2	DM22, DM23, DM24, and others. Also map at Appendix I. Trinity Broads generally has very good dark skies.	Aims to retain dark skies to support wildlife, enjoyment of the night sky and protect the rural character

FNP Policy	GYBC Local Plan Cross-references	BA Local Plan Cross-references	Comments
E5: Landscape Character	CS6, CS11, A2 and E4 in the emerging Part 2	SP4	The policy seeks to protect viable arable land where soils are identified as Grade 1 or 2, thus protecting geodiversity and the local economy. Retain key views for people’s enjoyment of the rural landscape. The policy aims to ensure general conformity with the BA policy SP4 Soils, which also protects grade 3a.
E6: Managing Surface Water	CS11, CS12, CS13	SP2, DM2, DM5, DM6, DM43	The policy ensures development is designed to reduce flood risk and manage surface water in a sustainable way.
BE1: Heritage Assets	CS9, CS10	SP5	This policy ensures that new development relates well to the built and historic characteristics of Filby, thus providing additional local detail to the local plans, especially identified non-designated heritage assets..
BE2: Filby Village Gap	CS6, CS11	N/A	The policy seeks to respect the local landscape character by preserving the gap between the two built up areas of the parish.
AT1: Sustainable Transport	CS9, CS16	SP8	This policy supports the provision of safe and convenient routes for pedestrians, with infrastructure to be delivered alongside development.
AT2: Traffic and Speed	Policy GSP8: Planning obligations	DM23	Aims to improve highway safety in accordance with Policy GSP8, but adds a local dimension by referring to the key area of safety concern in the parish

Section 6: EU Obligations

21. A Screening Opinion request was made to GYBC 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 FNP 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 would not be required. This was supported by GYBC who undertook a screening and scoping exercise in consultation with the Statutory Environmental Bodies.

22. The GYBC Screening Opinion Conclusion was:

*In accordance with the 'Strategic Environmental Assessment Directive' and the Environmental Assessment of Plans and Programmes Regulations (2004), the Borough Council is satisfied to conclude that through the information submitted by the SEA Screening Assessment (subject to the above suggested amendments) and the statutory body responses along with this Screening Opinion, the draft Filby Neighbourhood Plan is **not likely to have significant environmental effects**. The main reasons for this conclusion are that the draft neighbourhood plan:*

- *generally conforms to the adopted Core Strategy*
- *is to operate at relatively small scales of development or land use*
- *does not contain allocations*
- *generally offers limited opportunity for new development*
- *recognises its sensitive landscape and largely seeks to conserve and enhance its environmental assets.*

The draft Filby Neighbourhood Plan is therefore 'screened out'.

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

24. FNP 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. FNP 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.

25. In conclusion, the FNP 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

26. 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”.

27. 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.

28. 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.

29. A screening assessment was undertaken on FNP (draft April 2019) to determine whether it will have 'likely significant effects' upon internationally designated habitat sites. While the designated plan area does include The Broads Special Area of Conservation (SAC), the draft Neighbourhood Plan does not allocate sites for development. Many of the policies seek to conserve and enhance the natural environment.

30. HRA Screening Opinion Conclusion was:

*As Competent Authority and in accordance with the Conservation of Habitats and Species Regulations 2017, the Borough Council identifies **no 'likely significant effects'** on nearby internationally protected wildlife sites (particularly The Broads SAC) resulting from the draft Filby Neighbourhood Plan either alone or in combination with other projects and programmes. No 'appropriate assessment' or full 'Habitat Regulations Assessment' is therefore required.*