

GREAT BEALINGS NEIGHBOURHOOD PLAN

'A Village in a Landscape'

BASIC CONDITIONS STATEMENT

1. INTRODUCTION

Great Bealings Parish Council (the Parish Council) has submitted its proposed Neighbourhood Plan (the 'Plan' or the 'Neighbourhood Plan'), to Suffolk Coastal District Council (SCDC), in order that SCDC can arrange for the Plan's examination to take place.

As stated in clause 15-(1)(d) of the Neighbourhood Planning (General) Regulations 2012, it is required that when a plan proposal is submitted to the local planning authority it includes: "*a statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act*".

With regard to neighbourhood plans, Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 states the following (excluding certain paragraphs as required by section 38C of the Planning and Compulsory Purchase Act 2004):

"(1) The examiner must consider the following:

- (a) whether the draft neighbourhood plan meets the basic conditions (see sub-paragraph (2)),*
- (b) whether the draft neighbourhood plan complies with the provision made by or under sections 38A and 38B of this Act,*
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood plan relates, and*
- (d) such other matters as may be prescribed.*

(2) A draft neighbourhood plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood plan,*
- (b) the making of the neighbourhood plan contributes to the achievement of sustainable development,*
- (c) the making of the 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),*
- (d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and*
- (e) prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.*

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood plan is compatible with the Convention rights)."

This document has been written to show that the Neighbourhood Plan as submitted has met the above requirements and conditions.

2. MEETING THE LEGAL REQUIREMENTS

This section of this document shows how the requirements of paragraphs 8(1) and 8(6) of Schedule 4B of the Town and Country Planning Act 1990 are met (with the exception of paragraph 8(1)(a) which is dealt with in Section 3 of this report).

1(b) The examiner must consider whether the draft neighbourhood plan complies with the provision made by or under sections 38A and 38B of this Act.

The full wording of sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 can be found in Appendix 1.

The table below shows how the provisions of the various parts of these sections have been followed and their requirements have been met:

Paragraph Number	How the provision has been followed /the requirement has been met
Section 38A	
(1)	The Parish Council is a qualifying body for the purposes of initiating the making of a neighbourhood plan. The Parish Council successfully applied to SCDC (the planning authority) to designate their entire parish as a Neighbourhood Area to allow for a neighbourhood plan to be produced. Notification that the Great Bealings Parish Neighbourhood Area had been so designated was received from SCDC in December 2012.
(2)	If adopted, the Neighbourhood Plan will be a neighbourhood plan guiding land use and development in the designated area.
(3)-(12)	The remaining paragraphs of the section deal with procedures that are to happen once the plan has been submitted to the planning authorities. It is assumed that these procedures will be carried out according to the regulations by the relevant bodies.
Section 38B	
(1)(a)	The Neighbourhood Plan is intended to have a life of 10 years to 2026 at which point it should be revised as appropriate in terms of wider Government policy and any revised Local Plan issued by SCDC.
(1)(b)&(6)	The Neighbourhood Plan does not relate to excluded development.
(1)(c)	The Neighbourhood Plan relates only to the designated Great Bealings Parish Neighbourhood Area.
(2)	There is no other neighbourhood plan in place in the designated neighbourhood area.
(3)	It is accepted that if a policy conflicts with any other statement or information in this Neighbourhood Plan, then the policy takes precedence.
(4)&(5)	These provisions are not applicable to the Parish Council as they relate to processes that the planning authorities and Secretary of State are responsible for.

1(c) The examiner must consider whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood plan relates.

The Parish Council considers that given the consultation that took place with neighbouring parishes to determine if they wished to join the designated Neighbourhood Area, which suggestion they all declined, and given the ‘Other Village’ status of the parish, there is no need to extend the area for the referendum. This Neighbourhood Plan is not proposing a level of growth or change that would have any such impact on any area outside the parish.

1(d) The examiner must consider such other matters as may be prescribed.

There are no other matters that need to be considered.

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft Plan is compatible with the Convention rights).

It is considered that the plan is compatible with the EU Convention on human rights.

3. MEETING THE CONDITIONS

This section shows how the neighbourhood plan meets the ‘basic conditions’ required by Paragraph 8(2) of Schedule 4B of the Town and Country Planning 1990 Act.

(2)(a) A draft neighbourhood plan meets the basic conditions if having regard to national policies and advice contained in guidance by the SoS, it is appropriate to make the plan.

In March 2012, the National Planning Policy Framework (NPPF), its related technical guidance, and planning policy for traveller sites were published. Collectively, they replaced the suite of Planning Policy Statements (PPSs) and Planning Policy Guidance Notes (PPGs) and represent the government’s policy on land use planning.

Of particular relevance to neighbourhood planning are paragraphs 183-185, which set out how neighbourhood plans should be prepared and what they should facilitate. Importantly, paragraph 183 explains that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”

What the above makes clear is that the Neighbourhood Plan must contain a clear vision that the plan itself must deliver. Our Plan does contain a central vision - encapsulated by the strapline: ‘A Village in a Landscape’ - which has been subject to considerable community consultation (see the Consultation Statement submitted in tandem with this statement and the Plan itself) that has heavily influenced the policies contained in the Neighbourhood Plan.

The Plan has been prepared so as to be consistent with the NPPF.

The Great Bealings Neighbourhood Plan – given that the parish is an ‘Other Village’ and ‘countryside’ (as defined in Policies SP28 and SP29 in the SCDC Core Strategy) - supports and adopts the relevant SCDC policies in the context of Paragraph 28 of the NPPF, subject to the conditions set out in the Plan’s policies.

Paragraph 43 of the NPPF concerns the need to encourage the expansion of telecommunications system and provide access to high speed broadband. The Great Bealings Neighbourhood Plan has noted as a matter outside the scope of the Plan itself that the supply of high speed broadband is an objective of the Parish Council.

Paragraph 50 of the NPPF relates to the need to deliver a wide choice of homes of the size and type required, and to provide affordable housing where a need for this has been identified. Policy BE2 in the Great Bealings Neighbourhood Plan supports the provision of a small scale development of affordable housing as indicated by the Housing Needs survey carried out in the village.

Paragraphs 56 to 58 of the NPPF aim to ensure that new housing developments are of good design, that they create and sustain an appropriate mix of uses including incorporation of green and other public spaces, that they support local facilities and transport networks, and that they respond to local character and history and reflect the identity of local surroundings and materials. Policy BE1 fully supports this objective. Furthermore Policy BE1 promotes the use of good quality materials and sustainable construction in relation to any new development.

Paragraph 114 of the NPPF calls for protection of existing networks of biodiversity and green infrastructure, and paragraph 117 states what should be done to minimise the effects of development on biodiversity. The Great Bealings Neighbourhood Plan has been structured specifically to meet this objective. A comprehensive survey was carried out by Suffolk Wildlife Trust which identified important landscape features, habitats, and green corridors. These have been built into an interlocking group of Landscape Protection Areas – fully supportive of the existing Special Landscape Area designation of the majority of the parish – around which we have written policy to give full effect to the requirements of Paragraph 114 as set out above.

(2)(d) A draft neighbourhood plan meets the basic conditions if the making of the plan contributes to the achievement of sustainable development.

Great Bealings is designated as an ‘Other Village’ under policies SP19 and SP28 of SCDC’s adopted Local Plan. That means that it has no local services and therefore lacks the infrastructure that would support a requirement to set aside land for housing or other development. It is considered to be part of the countryside.

The Plan therefore considers the landscape setting of the village and has written policies designed to protect and enhance the natural environment and context of the village, recognising the built character of the village in relationship to that setting, and adding supportive local detail to the existing Local Plan policies, both adopted and 'saved' (as for example in the case of the existing Special Landscape Area which covers much of the village), so as to comply with SCDC's overarching objectives in a local context.

The natural features of the area are the defining characteristics of the village that residents enjoy and appreciate. This is not an attempt to prevent the evolution of the built environment, or to prevent farmers and others from carrying out permitted development as allowed. In fact the Plan argues that such an approach should assist farmers who might wish to apply for support under agri-environmental schemes. Equally the sustainability of a small rural village is enhanced if the use of the existing housing stock can be adapted over time, subject to appropriate controls, so as to allow home working, bed and breakfast accommodation, etc. It is however intended that the policies in the Plan should channel and control such development so as to protect and enhance the natural setting of the village, its landscape characteristics, and the biodiversity we enjoy. The Plan thus addresses land use in the context of an 'Other Village' in ways that both protect what exists today and underwrite the wider objectives of SCDC's Local Plan.

Furthermore the sustainability appraisal and settlement assessment work of SCDC that underpins the spatial strategy and settlement hierarchy set out in their Core Strategy is relevant to the approach to development taken in the Great Bealings Neighbourhood Plan:

- No restriction of permitted development is proposed.
- The natural evolution of the way the built environment responds to modern demands is understood, and policies have been set to allow such change to happen in a way that does not threaten the setting and context of the village.
- The Plan reflects the value of the landscape and the economic and social well-being underlined by the SCC's 'Suffolk's Nature Strategy'.
- SCDC's policies regarding development in an 'Other Village' as set out in DM3 and SP28 are supported.

(2)(e) A draft neighbourhood plan meets the basic conditions if the making of the 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).

The Great Bealings Neighbourhood Plan is written to be in conformity with the strategic policies in SCDC's adopted Core Strategy and Local Plan saved policies, and to sit alongside SCDC's emerging Site Allocations and Area Specific Policies document. The District Council's Site Allocations and Area Specific Policies document sets out its relationship with Neighbourhood Plans.

(2)(f) A draft Neighbourhood Plan meets the basic conditions if the making of the Plan does not breach, and is otherwise compatible with, EU obligations.

It is not considered that a Strategic Environmental Assessment is needed because:

- The Great Bealings Neighbourhood Plan (the Plan) adds detail to SCDC's adopted core strategy and supporting policies, which have already been subject to a Strategic Environmental Assessment and a Habitats Regulations Assessment.
- The Plan does not allocate land for development because the designated plan area is categorised as an 'Other Village' under policies SP19 and SP28 of SCDC's adopted Local Plan. That means that it has no local services and therefore lacks the infrastructure that would support a requirement to set aside land for housing or other development. It is considered to be part of the countryside.
- The Plan is otherwise compliant with SCDC's adopted Local Plan and thus considered to be in compliance with relevant EU regulations.

(2)(g) A draft Neighbourhood Plan meets the basic conditions if prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposals put forward in the Plan.

As a result of the work undertaken, the Parish Council and the planning authority are of the view that this condition has been met.

It is considered that all the prescribed conditions have been met and all the prescribed matters have been complied with.

Great Bealings Parish Council
June 2016

Appendix 1 – Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004

38A Meaning of “neighbourhood development plan”

- (1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan.
- (2) A “neighbourhood development plan” is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.
- (3) Schedule 4B to the principal Act, which makes provision about the process for the making of neighbourhood development orders, including:
 - (a) provision for independent examination of orders proposed by qualifying bodies, and
 - (b) provision for the holding of referendums on orders proposed by those bodies, is to apply in relation to neighbourhood development plans (subject to the modifications set out in section 38C(5) of this Act).
- (4) A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made:
 - (a) must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan, and
 - (b) if paragraph (a) applies, must make the plan as soon as reasonably practicable after the referendum is held.
- (5) If:
 - (a) there are two applicable referendums under that Schedule as so applied (because the plan relates to a neighbourhood area designated as a business area under section 61H of the principal Act), and
 - (b) in one of those referendums (but not the other) more than half of those voting have voted in favour of the plan, the authority may (but need not) make a neighbourhood development plan to which the proposal relates.
- (6) The authority are not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- (7) Regulations made by the Secretary of State may make provision as to the procedure to be followed by local planning authorities in cases where they act under subsection (6).
- (8) The regulations may in particular make provision:
 - (a) for the holding of an examination,
 - (b) as to the payment by a local planning authority of remuneration and expenses of the examiner,
 - (c) as to the award of costs by the examiner,
 - (d) as to the giving of notice and publicity,
 - (e) as to the information and documents that are to be made available to the public,
 - (f) as to the making of reasonable charges for anything provided as a result of the regulations,
 - (g) as to consultation with and participation by the public, and
 - (h) as to the making and consideration of representations (including the time by which representations must be made).
- (9) The authority must publish in such manner as may be prescribed:
 - (a) their decision to act under subsection (4) or (6),
 - (b) their reasons for making that decision, and
 - (c) such other matters relating to that decision as may be prescribed.
- (10) The authority must send a copy of the matters required to be published to:
 - (a) the qualifying body that initiated the process for the making of the plan, and
 - (b) such other persons as may be prescribed.
- (11) If a neighbourhood development plan is in force in relation to a neighbourhood area:
 - (a) a qualifying body may make a proposal for the existing plan to be replaced by a new one, and
 - (b) the process for the making of the replacement plan is the same as the process for the making of the existing plan.

(12) For the purposes of this section:

“local planning authority” has the same meaning as it has in Part 2 (see section 37), but the Broads Authority are to be the only local planning authority for the Broads,

“neighbourhood area” has the meaning given by sections 61G and 61I(1) of the principal Act,

“prescribed” means prescribed by regulations made by the Secretary of State, and

“qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the principal Act, as applied by section 38C of this Act.

38B Provision that may be made by neighbourhood development plans

(1) A neighbourhood development plan:

- (a) must specify the period for which it is to have effect,
- (b) may not include provision about development that is excluded development, and
- (c) may not relate to more than one neighbourhood area.

(2) Only one neighbourhood development plan may be made for each neighbourhood area.

(3) If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

(4) Regulations made by the Secretary of State may make provision:

- (a) restricting the provision that may be included in neighbourhood development plans about the use of land,
- (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
- (c) prescribing the form of neighbourhood development plans.

(5) A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State.

(6) Section 61K of the principal Act (meaning of “excluded development”) is to apply for the purposes of subsection (1)(b).