

# OLD HUNSTANTON NEIGHBOURHOOD PLAN



2021-2036

# Basic Conditions Statement

## 1. Introduction

1.1 This statement has been prepared to accompany the submission version of the Old Hunstanton Neighbourhood Plan in accordance with Regulations 15 (1)(d) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.1.2 The statement explains how the Old Hunstanton Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. More specifically it shows how the Plan:

- Meets the legislative requirements set out in Sections 38A and 38B of the Town and Country Planning Act 1990 and
- Meets the basic conditions which require that:
  - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
  - The making of the plan contributes to sustainable development
  - The making of the plan is in general conformity with the strategic policies contained in the development plan for the area
  - The making of the plan does not breach, and is otherwise compatible with, EU obligations
  - The making of the neighbourhood development plan does not breach the requirements in Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d)

## 2. The Legislative Requirements

### 2.1 Qualifying Body

2.1.1 Old Hunstanton Parish Council is the qualifying body for the preparation of the Old Hunstanton Neighbourhood Plan.

### 2.2 The Neighbourhood Area

2.2.1 The Neighbourhood Area is the whole of the Parish of Old Hunstanton. There are no other neighbourhood plans within the neighbourhood area of Old Hunstanton. The process for the designation of the Neighbourhood Area is described in the Consultation Statement. The neighbourhood plan area does not overlap with any other neighbourhood plans.

### 2.3 The time period

2.3.1 The Old Hunstanton Neighbourhood Plan clearly states that it relates to the period 2021-2036. The end date was chosen to coincide with the end date for the emerging West Norfolk Local Plan.

## 2.4 Excluded Development

2.4.1 The Neighbourhood Plan does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in section 61K of the Town and Country Planning Act 1993.

### **3 Basic Conditions.**

3.1 Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.

3.1.1 Table 1 below explains the relationship of the Old Hunstanton Neighbourhood Plan (OHNP) and each of its policies to national guidance contained mainly in the National Planning Policy Framework (NPPF) July 2021 and Planning Practice Guidance (PPG)

3.2 The making of the plan contributes to sustainable development

3.2.1 The National Planning Policy Framework July 2021 states that “The purpose of the planning system is to contribute to the achievement of sustainable development”. It summarises sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

3.2.2 Within sustainable development the NPPF 2021 identifies three overarching objectives:

- an economic objective,
- a social objective and
- an environmental objective.

All of the policies in the Old Hunstanton Neighbourhood Plan have been formulated with the intention of contributing to sustainable development.

3.3. The Neighbourhood Development Plan for Old Hunstanton aims to align with

- Borough Council of King’s Lynn and West Norfolk Local Development Framework Core Strategy 2011 (CS)

- Borough Council; of King’s Lynn and West Norfolk Site Allocations and Development Management Policies Plan

2016 (SADMP)

- Norfolk County Council Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010-2026 (adopted September 2011) • Minerals Site Specific Allocations Development Plan Document (DPD) (adopted October 2013, amendments adopted December 2017)

- Waste Site Specific Allocations Development Plan Document (DPD) (adopted October 2013)

3.3.1. None of the policies in the Plan impinge on any of the site-specific policies in the Minerals and Waste Plans.

3.3.2. Table 3 Below identifies for each policy the relevant policies in the CS and SADMP and explains the relationship of the Policy to the strategic policies

3.3.3. The Borough Council submitted its emerging Local Plan in March 2022. While a neighbourhood plan is not required to conform to the policies of an emerging plan, it should take account of the evidence which is informing it.

#### **4 Human Rights.**

4.1 None of the policies are in contradiction of, or breach any policies on, human rights. See the pre-screening form for equality impact assessment for confirmation and details.

#### **5 EU Obligations - Strategic Environmental Assessment and Habitats Regulation Assessment.**

5.1 PPG indicates that Neighbourhood plans may require assessment in relation to the Habitat Regulations 2017. In order to determine whether the plan is likely to have a significant environmental effect and to determine whether the plan is likely to cause significant negative effects on a designated protected European Site (Natura 2000 sites) a screening assessment is necessary. A screening assessment for both the requirements for a strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) was undertaken by the Borough Council of King's Lynn and West Norfolk. The screening assessments concluded that the Old Hunstanton Neighbourhood Plan does not require a Habitats Regulation Assessment. This opinion is backed up by comments received from statutory consultees. The making of the plan therefore does not breach EU obligations.

#### **TABLES.**

Table 1: Old Hunstanton Neighbourhood Plan policies in relation to National Planning Policy and Guidance

Table 2: The relationship between the policies in the Old Hunstanton Neighbourhood Plan and the Borough Council of Kings Lynn and West Norfolk Local Development Framework Core Strategy 2011 (CS) and Site Allocations and Development Management Policies Plan 2016 (SADMP)

Table 3: The relationship of the policies of the Old Hunstanton Neighbourhood Plan with the adopted Core Strategy and Site Allocations and Development Management Development Plan Documents.

**Table 1: Old Hunstanton Neighbourhood Plan in relation to National Planning Policy Framework and Guidance.**

OHNP Policies	Relevant National Policy and Guidance	Conformity with NPPF Policies
<p><b>Creating a sustainable community:</b> To control and manage new and impending developments in such a way that Old Hunstanton maintains a safe and inclusive community where people want to live now and in the future.</p>	Policies 92, 93	<ul style="list-style-type: none"> <li>• Supporting a prosperous rural community.</li> <li>• Promoting a healthy community to achieve healthy, inclusive and safe Places.</li> </ul>
<p><b>Reduce flood risk:</b> To ensure that any future developments will help reduce flood risk. To conserve and enhance water quality and quantity, drainage, biodiversity and flood risk management</p>	Policy 152	<ul style="list-style-type: none"> <li>• Supporting a prosperous rural economy.</li> <li>• Promoting healthy communities.</li> <li>• Conserving and enhancing the natural environment.</li> </ul>
<p><b>New housing as permanent dwelling:</b></p>	Policy 66	<ul style="list-style-type: none"> <li>• Meeting the local needs.</li> </ul>
<p><b>Natural Environment:</b> To preserve and enhance the natural environment, particularly with regard to conservation areas, green spaces, drainage and AONB.</p>	Policies 174, 175, 176, 177	<ul style="list-style-type: none"> <li>• Promoting healthy communities.</li> <li>• Conserving and enhancing the natural environment.</li> </ul>
<p><b>Business development:</b></p>	Policies 81, 84	<ul style="list-style-type: none"> <li>• Supporting a prosperous rural community</li> </ul>
<p><b>Historic environment:</b> To preserve and protect the historic and heritage assets of Old Hunstanton.</p>	Policies 189, 190	<ul style="list-style-type: none"> <li>• Conserving and enhancing the historic environment.</li> </ul>
<p><b>Dark skies:</b> To preserve the natural environment and support wildlife.</p>	Policy 180	<ul style="list-style-type: none"> <li>• Conserving and enhancing</li> <li>• the natural environment.</li> </ul>
<p><b>Mobile phone and broadband provision:</b></p>	Policies 114, 115	Promoting advanced, high quality and reliable communications infrastructure.

**Table 2 Comparison of the Neighbourhood Plan to the three objectives of Sustainable Development.**

<b>Policy</b>	<b>Economic</b>	<b>Social</b>	<b>Environmental</b>
<b>1 Development Boundary</b>	Protects tourism. Supports construction where appropriate.	Maintains the desired village environment.	Protects countryside especially AONB
<b>2 Settlement Breaks</b>	Protects tourism.	Improves the social enjoyment of the environment.	Enhances environment and protects wildlife.
<b>3 Large Scale Development</b>	Village character is key in attracting tourism.	Protection of playing fields. Maintains character of Old Hunstanton.	Maintains character whilst protecting the environment.
<b>4 Conservation Area</b>			Will protect significant designated heritage sites.
<b>5 Non-Designated Heritage Areas</b>			Will protect significant non-designated heritage sites.
<b>6 New Housing As Permanent Dwellings</b>	Facilitates new economic activity in the village.	Protects village life from large numbers of holiday homes thus supporting local services and community life.	
<b>7 Consultation</b>	Allows village to develop to meet local needs.	Preserves feelings on control over the social atmosphere.	
<b>8 Community Facilities</b>	Protects community facilities.	Protects community facilities.	
<b>9 Infill Development</b>		Protects character and reduced impact of new buildings	Stops overcrowding thus providing more space for nature.
<b>10 Demolition and Replacement Dwellings</b>		Protects character and reduced impact of new buildings	Stops overcrowding thus providing more space for nature.

<b>11 Design, Style and Materials</b>	Helps promote attractive environment for tourism. Attracts higher quality building development.	Maintains the village atmosphere.	Low impact materials produce environmental benefits.
<b>12 Height of Replacement and New Buildings</b>	Helps promote attractive environment for tourism	Maintains the village atmosphere. Development sympathetic to local character	
<b>13 Water and Drainage</b>	Will help prevent economic damage.		Supports sustainable urban drainage systems (SuDS).
<b>14 Groundwater The River Hun, Ditches and Ponds</b>		Provides recreational value where the public have access.	Provides for flood risk management.
<b>15 Mobile Phone and Broadband Provision</b>	Will support business development with better connectivity.	Will improve working from home and leisure use.	May impact on area with more masts. Construction may cause problems.
<b>16 Existing and New Businesses</b>	Supports economic development.	Likely to provide local jobs.	Policy designed to limit environmental damage but some may be inevitable.
<b>17 Advertising and Signage</b>		Protects village image.	Supports dark sky policy.
<b>18 Protection and Enhancement of the Natural Environment and Landscape</b>	Encourages tourism		Protects the environment.
<b>19 Dark Night Skies</b>			Protects the environment.
<b>20 Green Spaces</b>		Enhances villager's enjoyment of surroundings.	Protects the environment.

**Table 3 The relationship of the policies of the Old Hunstanton Neighbourhood Plan with the adopted Core Strategy and Site Allocations and Development Management Development Plan Documents**

<b>Policy</b>	<b>Relevant CS policies</b>	<b>Relevant SADMP Policies</b>
<b>Policy 1 – Development boundary</b>	New developments in Old Hunstanton shall be encouraged to be located within the existing village development boundary as defined by Borough Council of Kings Lynn & West Norfolk’s SADMP (Map 2).	As defined by Borough Council of Kings Lynn & West Norfolk’s SADMP. The policy supports development within settlement boundaries where it is consistent with other Local Plan policies. The policy is consistent with Policy DM2 which supports development within settlement boundaries where it is consistent with other Local Plan policies. It adds to this policy by identifying considerations relevant in Old Hunstanton.
<b>Policy 2 – Settlement Breaks</b>	The policy is consistent with the small-scale infilling to meet local needs envisaged in Policy CS06.	
<b>Policy 3 - Large Scale Development</b>	The policy is consistent with the small-scale infilling to meet local needs envisaged in Policies CS06 and CS09 by providing strict control over any possible large-scale development.	SADMP Section G.67.4 Does not support Large Scale development - Based on the Council's preferred method of distributing new development Old Hunstanton would receive an allocation of six new houses including one affordable home.
<b>Policy 4 - Conservation Area</b>	Policy CS 12 refers to the importance of preserving and enhancing the historic environment.	DM15 States that the development must protect and enhance the amenity of the wider environment including its heritage and cultural value.
<b>Policy 5 – Non-</b>	The policy is in general conformity with and local detail to CS12 which refers to the importance of the	Policy DM15 includes assessing against a number of factors including heritage impact;



<b>Designated Heritage Areas</b>	qualities and characteristics of the historic environment.	
<b>Policy 6 - New Housing as Permanent Dwellings</b>		Whilst there is not a policy within the local plan relating to the requirement for principal residence, other NDP's in the Borough have also identified the need to include such a policy and it is supported by BCKLWN.
<b>Policy 7 - Consultation</b>	Key to CS vision. 8. Residents are active and engaged in their communities, helping to identify and respond to local needs.	Public Involvement A.0.14 "The Borough Council has encouraged the involvement of local people and businesses in the development of its planning policies" This involvement should extend to local planning.
<b>Policy 8 - Community Facilities</b>	The policy is consistent with Policy CS13 which supports development which will "protect retain or enhance sports leisure and recreation facilities, including children's playgrounds and resists the loss of cultural facilities."	Policy DM 9 – Community Facilities The Council will encourage the retention of existing community facilities and the provision of new facilities.
<b>Policy 9 - Infill Development</b>	The policy is consistent with the small-scale infilling to meet local needs envisaged in Policies CS06 and CS09.	The policy accords with the encouragement given to windfall sites. The criteria to evaluate proposals used in the policy are consistent with those in the NPPF.
<b>Policy 10 - Demolition and Replacement Dwellings</b>	CS08 Sustainable Development All new development in the borough should be of high quality design. New development will be required to demonstrate its ability to respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment.	DM15 sets out criteria against which applications should be assessed to protect the local environment.
<b>Policy 11 - Design, Style and Materials</b>	CS06 Development in rural areas sets out the importance of maintaining local character and a high quality of environment. Policy 11 reflects and builds on this and is in general conformity with the requirement in Policy CS08 Sustainable development to "respond to the context and	Policy DM15 – Environment Design and Amenity sets out criteria against which applications should be assessed to protect the local environment.

	character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment”.	
<b>Policy 12 - Height of Replacement and new Buildings</b>	CS06 Development in rural areas sets out the importance of maintaining local character and a high quality of environment.	Policy DM15 – Environment Design and Amenity sets out criteria against which applications should be assessed to protect the local environment.
<b>Policy 13 - Water and Drainage</b>	CS14 includes the need for Sustainable Drainage Systems.	Policy DM 15 – Environment, Design and Amenity does include assessment on water quality.
<b>Policy 14 - Groundwater, the River Hun, Ditches and Ponds</b>	CS14 includes the need for Sustainable Drainage Systems.	Policy DM 15 – Environment, Design and Amenity does include assessment on water quality.
<b>Policy 15 - Mobile Phone and Broadband Provision</b>	CS01 encourage economic growth	Policy DM 9 – Community Facilities The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision
<b>Policy 16 - Existing and New Businesses</b>	Policy is in general conformity with Policy CS10 the Economy which supports new employment generating uses in rural areas where they are within or adjacent to villages, consistent in size and scale with the area and do not have harmful environmental effects.	
<b>Policy 17 - Advertising and Signage</b>	CS06 Development in Rural Areas The strategy for rural areas includes the need to “maintain local character and a high quality environment.”	Policy DM 15 – Environment, Design and Amenity Development must protect and enhance the amenity of the wider environment including its heritage and cultural value.
<b>Policy 18 - Protection and Enhancement of the Natural Environment and Landscape</b>	Policy 18 is in general conformity with Policy CS12 which supports proposals to “protect and enhance our...landscape character” and requires that “The design of new development should be sensitive to the surrounding area, and not	Policy DM15 states that development must protect and enhance the amenity of the wider environment including its heritage and cultural value

	detract from the inherent quality of the environment.”	
<b>Policy 19 - Dark Night Skies</b>	No specific CS policy relating to dark skies but consistent with Policy CS12 aim to “conserve special qualities” and encourage biodiversity.	Policy DM15 states that development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused. This includes light pollution.
<b>Policy 20 – Green Spaces</b>	Consistent with Policy CS12 requirement to “protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area” Policy CS13 for “proposals that protect, retain or enhance sports, leisure and recreation facilities.”	Policy DM22 encourages the designation of Local Green Spaces where they meet the national criteria.