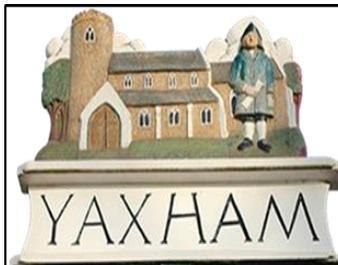


Neighbourhood Plan for Yaxham “NP4Yaxham” 2016-2036



Regulation 16
Accompanying Document 1 –
STATEMENT OF BASIC CONDITIONS
August 2016



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Neighbourhood Plan for Yaxham 2016-2036

Accompanying Document 3 Statement of Basic Conditions

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Abbreviations Frequently Used in the Plan

CLP - Community Led Plan, “Your Yaxham” 2013	NPG – National Planning Guidance
CWS – County Wildlife Site	NPPF – National Planning Policy Framework
DCLG – Department for Communities & Local Government	PAP – Parish Action Point, not a policy
LDF – Local Development Framework, Part of Breckland’s Development Plan Document (2009)	SAC – Special Area of Conservation
LPA – Local Planning Authority, Breckland DC	SEA – Strategic Environmental Assessment
LSC – Local Service Centre	SSSI – Site of Special Scientific Interest
NP4Yaxham - Yaxham Neighbourhood Plan	YVAA – Yaxham Village Amenities Association

Glossary of terms – see www.planningportal.co.uk/directory/4/a_to_z

1 Introduction

- 1.1 This statement has been prepared by the NP4Yaxham Working Group under the auspices of the Yaxham Parish Council to accompany its submission to the local planning authority (“LPA” – Breckland District Council) of the Yaxham Neighbourhood Plan Submission (“NP4Yaxham”) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”) as amended.
- 1.2 The policies described in the NP4Yaxham relate to the development and use of land in the designated NP4Yaxham area only. The plan period for the NP4Yaxham is 2016 to 2036 and it does not contain policies relating to excluded development, in accordance with the Regulations. The way in which the NP4Yaxham meets the Regulations and the Basic Conditions is set out in this Statement.
- 1.3 Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended by the Localism Act 2011 Schedule 10) sets out that Neighbourhood Development Plans must meet the following basic conditions¹:
- 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. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - c. 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).
 - d. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - e. 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).
- 1.4 Section 2 of this Statement sets out how the NP4Yaxham complies with the legal requirements as set out in *The Planning and Compulsory Purchase Act 2004 38A (1) (as inserted by the Localism Act 2011 Schedule 9 Part 2 (7))*. Section 3 sets out how the NP4Yaxham meets the basic conditions contained in Paragraph 8(2) above.

¹ <http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

2 Legal Requirements

2.1 The Plan is being submitted by a qualifying body

The NP4Yaxham has been submitted by the NP4Yaxham Working Group, a sub-Committee of Yaxham Parish Council² which is a qualifying body and entitled to submit a Neighbourhood Plan for its own Parish.

2.2 What is being proposed is a neighbourhood development plan

The NP4Yaxham contains policies relating to the development and use of land within the neighbourhood plan area and prepared in accordance with the statutory requirements in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

2.3 The proposed neighbourhood plan states the period for which it is to have effect

The NP4Yaxham states that the period which it relates to is from 2016 until 2036 as development plans should aim to cover at least a 15 year period (NPPF Paragraph 157). The period has been chosen to coincide with the plan period proposed by the LPA in its developing new Local Plan (the “emerging Local Plan”),³.

2.4 The policies do not relate to excluded development

The NP4Yaxham Working Group does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

NP4Yaxham relates solely to the civil parish of Yaxham, formally designated as a Neighbourhood Area by the LPA on 17th November 2015. It relates only to the parish of Yaxham and no other neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

2.6 It is not considered that there is any benefit or reason for extending the area for the referendum beyond the designated Neighbourhood Plan Area.

² Under section 102(4) of the Local Government Act 1972 as amended, see Planning Practice Guidance, Neighbourhood Planning Paragraph 15 Ref ID: 41-015-20160211 at www.planningguidance.communities.gov.uk

³ www.breckland.gov.uk/article/2455/Documents-Library-Publications

3 The Basic Conditions

- 3.1 The NP4Yaxham Working Group has been prepared having regard to national policies and advice set out in the National Planning Policy Framework (NPPF)⁴ and is in general conformity with the strategic policies contained in Breckland Council’s Adopted Core Strategy and Development Control Policies Development Plan Document, 2009, and associated Documents⁵ (“the Development Plan Document”). In addition it is in general conformity with the LPA’s emerging Local Plan⁶, which recently underwent its “Regulation 18” Consultation and to which the NP4Yaxham Working Group has responded⁷.
- 3.2 In drafting the NP4Yaxham the Working Group has left the NP4Yaxham silent where the NPPF, the Development Plan Document, and the preferred Policies set out in the emerging Local Plan Regulation 18 Consultation are deemed to adequately cover matters in Yaxham. The NP4Yaxham therefore seeks, where local consultation and circumstances require, to supplement and enhance the NPPF, the Development Plan Document and the emerging Local Plan as applied in Yaxham. The NP4Yaxham recognises that until Breckland can demonstrate a five year land supply then a limited number of policies within NP4Yaxham relating for example to settlement boundaries will remain in abeyance. In the event that having established a five-year land-supply Breckland ceases to be able to demonstrate such a continuing supply then a limited number of policies within NP4Yaxham will cease to have the weight they would otherwise until a five land-supply is restored.
- 3.3 In addition to the Policies set out in NP4Yaxham, there are a series of supplementary “Parish Action Points”. These are included because these issues matter to the community, but may not necessarily be achieved through formal planning policies, although their success could further support the principles set out in the NPPF and the objectives of the Development Plan Document and emerging Local Plan and the Policies in the NP4Yaxham. The “Parish Action Points” are not therefore required to be tested as to whether they meet the “Basic Conditions” prescribed, but are included for completeness. Land use planning policies and Parish Action Points are clearly distinguished from each other by text and colour, and can be found in the same sections of the NP4Yaxham where appropriate as they address different but complementary issues raised in consultation.
- 3.4 **Please note: This Plan Does Not Bring Forward Additional Sites for Development.**

⁴ <http://planningguidance.communities.gov.uk/>

⁵ <http://www.breckland.gov.uk/article/2455/Documents-Library-Publications>

⁶ <http://www.breckland.gov.uk/article/2455/Documents-Library-Publications>

⁷ <http://www.np4yaxham.com/input-from-the-lpa.html> np4yaxham_breckland_lp_response_160216

4 Having regard to national policies and advice

Building a strong, competitive economy (NPPF paras. 18 - 22)

- 4.1 The NP4YAXHAM proactively supports sustainable economic growth through Policy ECN1. These policies provide support and encouragement for small and micro businesses and those working from home, that is of a scale proportionate to the needs and function of Yaxham and the immediate area. Of the some 40 businesses identified in Yaxham, most are micro-businesses or working from home i.e. 1 in 10 properties supports an individual business. To provide certainty for all involved, Policy ECN1 sets out the criteria that would be used to assess acceptability.
- 4.2 It is felt that although economic development should be supported, this needs to be in the right places, especially for a quiet rural parish such as Yaxham. A key purpose of the planning system is establishing what development is acceptable and where it is acceptable in order to support sustainable and balanced growth and change. This is what Policy ECN1 does with respect to economic development. Supporting economic development of a scale consistent with the Development Plan Document and the emerging Local Plan. The NPPF seeks to encourage sustainable economic growth. The NP4Yaxham also encourages sustainable economic growth, helpfully setting out through Policy ECN1 in particular what will be considered as sustainable, particularly with respect to location, having regard to the aims of the NP4Yaxham as a whole, as well as other policies.
- 4.3 **Ensuring the vitality of town centres** (NPPF paras. 23 –27) – Not applicable.

Supporting a prosperous rural economy (NPPF para. 28)

- 4.4 The NP4Yaxham promotes a strong rural economy through Policy ECN1. In addition, Policy COM1 promotes the retention and development of local services and community facilities in the parish. The NP4Yaxham does not place a restriction on the type of rural business.

Promoting sustainable transport (NPPF paras. 29 –41)

- 4.5 The NP4Yaxham’s transport approach is to promote the use of sustainable transport. Parish Action Point PAP5 seeks to improve sustainable accessibility and connectivity within the parish to allow easy access for pedestrians and cyclists to key locations and services in the parish, and to the public transport network. Policy TRA1 should help to prioritise walking and cycling as modes of choice, complemented by PAP5, should help to promote a safe and secure environment.
- 4.6 PAP5 aims to deliver a key thrust of the NP4Yaxham, which is to retain and develop the walkability of the parish, in part by limiting conflict between traffic and pedestrians. Combined with TRA1 they seek to encourage development where it will not increase traffic significantly with the intention that residents should feel that walking on existing residential streets and lanes for local trips continues to be an attractive option.

The community views were very supportive of this aim of the NP4Yaxham to have a “walkable parish”. This should also deliver important health benefits as required by NPPF Paragraph 29, as well as reduce greenhouse gas emissions as per NPPF Paragraph 30.

- 4.7 Policy TRA1 provides for all new development to include consideration of the need to promote sustainable transport and minimise the generation of traffic, and particularly proposals to facilitate walking and cycling would be considered favourably.
- 4.8 Policies ECN1 and COM1, and Parish Action Points PAP5 and CAP7, encourage the use of sustainable transport by ensuring that new housing and any other permitted development includes measures to better enable easy access for pedestrians and cyclists.
- 4.9 Policy TRA2 seeks to set minimum car-parking arrangements for new developments based on the accessibility of the development, the type, mix and use of development, and the available local public transport. In a rural location with limited public transport, private cars will continue to be important and need to be able to be parked off-road, rather than littering and blocking highways. The parish is seeking to reduce private car-use within the parish, but because the parish is dependent on most of its services outside the parish, private car-use will continue to be a major component of the transport mix.

Supporting high quality communications infrastructure (NPPF para. 29)

- 4.10 Parish Action Point PAP7 support broadband connection infrastructure and supplements the emerging Local Plan E05 Telecommunications.

Delivering a wide choice of high quality homes (NPPF paras. 47 –55)

- 4.11 NP4Yaxham’s housing policies seek to help to deliver a choice of high quality homes and create a sustainable, inclusive and mixed community. The emphasis is on organic growth primarily through infill and brownfield land development within the settlement boundary and comfortably meets the requirement for a future land supply during the Plan period.
- 4.12 Delivering sustainable development in rural areas “needs to be responsive to local circumstances” (NPP para 54). In the Yaxham context this includes the need to ensure that infrastructure to support existing and new development is planned for together with the new development, rather than in isolation or as an add-on. The cumulative proposed development in Yaxham and neighbouring areas is significant and will place a major strain on existing infrastructure – hence Parish Action Point PAP1.
- 4.13 The NPPF also recognises that new development in rural areas should be located where it will enhance or maintain the vitality of rural communities (NPPF para 55). An important point for Yaxham in maintaining the vitality of the community and its

particular character is in ensuring the clear visible geographical breaks from larger neighbouring settlements – the large market town of Dereham to its north and the large parish of Mattishall to its east. This is the basis of Policy STR1 to prevent the coalescence of distinctly different settlements as it applies within the neighbourhood plan designated area. Parish Action Point PAP2 is to work with neighbouring parishes to help develop similar Policies within their civil parishes.

- 4.14 Policy HOU1 is intended to reinforce the presumption of development being preferred with settlement boundaries and discouraging isolated development in the gaps between identified settlements. Policies HOU2 and HOU3 seek to reflect the local circumstances (NPPF para 54) and allow housing developments where the density and scale reflects that of the immediate area of the parish. Policy HOU4 reinforces the preference for infill and brownfield land development ahead of green field development (NPPF para’s 17 and 111). Policy HOU5 seeks to provide for a mix of housing to reflect local needs in the context of local circumstances through recognising the rural nature of the parish, the context of the settlement, the immediate locality and requiring a mixture of housing – particularly smaller houses for those starting out on life and for those in later life.
- 4.15 As with all development proposals, a judgement will need to be made as to the planning balance given the benefits and harm, and so this introduces scope for flexibility. Nevertheless, the policy is important as it sets out an important consideration.

Requiring good design (NPPF paras. 56 – 68)

- 4.16 Good design is integral to the NP4Yaxham and an important consideration as there is strong support for retaining a sense of place and keeping Yaxham special and attractive. Policy HOU6 supports the principle that good design is a key aspect of sustainable development in Yaxham, and requires development to respond appropriately to the local character and distinctiveness (NPPF para 60) – and the supporting text references the use of “Built for LIFE 12”⁸. High quality design is welcomed, as is reflected in the supporting text of Policy HOU6, and exceptional design should be given considerable weight in such planning decisions (NPPF para 63). Strict prescriptive criteria have not been included, so as to provide developers with scope to be innovative in meeting the overall requirement (NPPF para 60). Policy ENV1 seeks to preserve the “Dark Skies” over Yaxham, and Policy ENV2 requires design in the conservation area to respect the cultural heritage and setting.

Promoting healthy communities (NPPF paras. 69 – 78)

- 4.17 A range of NP4Yaxham policies seek to ensure that Yaxham is a healthy, inclusive community. A key aim of the NP4Yaxham is to create a walkable parish where people

⁸ www.builtforlifehomes.org

will play, work and use the range of services available and which are supported by Policies TRA1, COM1, ENV3 and Parish Action Points PAP5 and PAP7.

Protecting Green Belt Land (NPPF paras. 79-92)

4.18 Not applicable to NP4Yaxham.

Meeting the challenge of climate change, flooding and coastal change (NPPF paras 93 – 108)

4.19 Policies ENV1, ENV3, ENV4, ENV5, ECN1, TRA1 and Parish Action Points PAP5 and PAP7 will contribute to reduce greenhouse gas emissions by promoting sustainable means of transport. Policy ENV4 aims to mitigate the risk of surface water flooding in Yaxham and Policy ENV5 the consequent risks of sewerage contamination. The Code for Sustainable Homes is now dealt with entirely by building regulations, but Policy HOU6 aims to strengthen the need to meet Government standards, and the supporting text references “Built for Life 12”⁹ ().

Conserving and enhancing the natural environment (NPPF paras. 109 – 125)

4.20 The NP4Yaxham’s strategic gap (STR1) and environmental policies contribute to and enhance the local natural environment by protecting valued landscape and minimising adverse impacts on biodiversity, and indeed seeking to make ecological gains. Policy ENV3 aims to protect the landscape by means of protecting hedgerows, which will also have an ecological gain. Policy ENV3 is also very supportive of development that enhances the ecological network and green infrastructure. Parish Action Point 4 reflects the high priority the residents give to maintaining the dark skies in the parish and avoiding light pollution.

Conserving and enhancing the historic environment (NPPF Paras. 126 – 141)

4.21 Policy HOU6 both aim to preserve and enhance the existing vernacular and historic setting of the parish by highlighting the essential rural character of the parish, the use of traditional materials, and historical context in which new development is proposed. Policy ENV2 places great value on the historic fabric and setting of the conservation area. This will enable decision makers to assess any potential harm or loss.

Facilitating the sustainable use of minerals (NPPF Paras 142-149)

4.22 Not applicable to NP4Yaxham.

Plan Making - Local Plans (NPPF Paras 150-157)

4.23 Not applicable to NP4Yaxham.

Using a proportionate evidence base (NPPF Paras. 158 to 177)

4.24 The NP4Yaxham was informed by an evidence base which has been produced as a separate document.

⁹ www.builtforlifelifehomes.org and <http://www.np4yaxham.com/external-bodies.html>

5 Achieving Sustainable Development

- 5.1 The NP4Yaxham 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.
- 5.2 This section of the Statement demonstrates how the NP4Yaxham fulfils the basic condition that the plan contributes to achieving sustainable development.
- 5.3 The NPPF sets out three dimensions to sustainable development:
- an economic role– contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 5.4 The ways in which the NP4Yaxham contributes to achieving the economic, social and environmental aspects of sustainable development are set out below:
- contributing to building a strong and competitive economy by supporting small businesses and supporting the viability and vitality of the local facilities and services (Policies ENC1, COM1 and COM2).
 - planning positively for housing growth to meet the needs of present and future generations (HOU1, HOU2, HOU3, HOU4, HOU5, HOU6 and HOU7).
 - supporting the provision of a mix of housing types and sizes that can meet the needs of a wide range of people and promote a healthy and inclusive community (Policies HOU5 and HOU7).
 - supporting new development where it relates well to the existing built up area of the parish and which incorporates pedestrian links and promotes an attractive and safe walking environment with good connectivity with the rest of the parish, thereby encouraging the use of sustainable transport (Policies HOU1, HOU2, HOU3, HOU4, HOU5, HOU6, HOU7, ENV3 and TRA1).

- promoting policies to protect Strategic Gaps, and local landscape features and biodiversity, which contribute toward the sense of place and quality of life in the area (Policies STR1, and ENV3).
- promoting policies which preserve the historic fabric of the parish (Policy ENV2).
- promoting policies which encourage the use of sustainable transport (Policies TRA1, ENV3 and HOU6).

5.5 Breckland Council late in the day (six months after commencement and meetings with the Council) was insistent that NP4Yaxham could only demonstrate that it had met the test of Sustainability through a Sustainability Appraisal. NP4Yaxham Working Group took the view, based on consultant advice, that this was not required by the regulations, and that as a small rural parish that was not bringing forward any additional sites for development that this was not required.

5.6 Government regulations require the Local Planning Authority to undertake a Sustainability Assessment for the development of its Local Plan to ensure that its policies support Sustainable Growth. Breckland Council is doing this as part of its emerging Local Plan. In turn the regulations do not formally require this of a Neighbourhood Plan – see below:

“There is no legal requirement for a neighbourhood plan to have a sustainability appraisal as set out in section 19 of the Planning and Compulsory Purchase Act 2004. However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this and the guidance on sustainability appraisal of Local Plans should be referred to.”¹⁰

5.7 Breckland District Council has offered the following guidance:

“On the matter of Sustainability Appraisal, we agree that the issue needs to be in the context of proportionality, and clearly we don’t want this to become burdensome when it doesn’t need to be. We have discussed that you will need to demonstrate how your neighbourhood plan contributes to sustainable development and you and your consultants should be satisfied that your preferred approach meets the basic condition.”¹¹

5.8 In order to demonstrate that the NP4Yaxham contributes to achieving sustainable development, the NP4Yaxham Working Group has commissioned a sustainability review of its policies. This gives consideration to the sustainability questions which form part of the framework for the emerging Breckland Local Plan Sustainability Appraisal. It should be used for information purposes only in order to better

¹⁰ <http://planningguidance.communities.gov.uk/> Planning Practice Guidance - Strategic environmental assessment and sustainability appraisal, Paragraph: 027 Reference ID: 11-027-20150209

¹¹ Email 6th April 2016, Neighbourhood Planning Officer

understand how the Draft Yaxham Neighbourhood Plan represents sustainable plan-making. The full Sustainability Statement is included in the NP4Yaxham Statement of Basic Conditions.

- 5.9 The methodology used for the Sustainability Statement is based on the Sustainability Appraisal framework for the emerging Breckland Local Plan to guide assessment against the objectives as set out. Against each of the sustainability objectives, consideration has been given as to whether each of the NP4Yaxham draft policies will have a positive effect i.e. will help to meet the objective, no effect or an adverse effect.
- 5.10 Most of the policies have either no effect on the sustainability objectives, or a positive effect. The area where there are the most marked positive effects is within the topic area of cultural heritage and landscape, and this is likely due to the fact that the majority of the Neighbourhood Plan’s policies focus on maintaining the character and landscape setting of the parish as protecting these assets is the predominant focus of the plan.
- 5.11 The conclusion of this review is that the NP4Yaxham does demonstrate that it contributes to sustainable development.
- 5.12 It should be noted that as NP4Yaxham does not bring forward any sites for consideration for development the Sustainability Statement has not assessed the LPA’s emerging Local Plan’s Site Specific Policies and Proposals¹².
- 5.13 The Sustainability Statement can be found in **Appendix 2**.

¹² <http://www.breckland.gov.uk/article/2455/Documents-Library-Publications> Preferred Directions Consultation Documents (Regulation 18) Part 2

6. General conformity with Breckland’s Development Plan Adopted Core Strategy

6.1. The Core Strategy and Development Control Policies Development Plan Document was adopted in 2009. It will be succeeded by the emerging Local Plan currently under development, once adopted. The existing Development Plan Document remains largely in force, except in so far as the NPPF supersedes it such as the requirement for a LPA to have a five-year land supply. The lack of such an identified land supply as in Breckland has nullified elements of the Core Strategy and specifically settlement boundaries. The NP4Yaxham recognises that until Breckland can demonstrate a five year land supply then a limited number of policies within NP4Yaxham relating for example to settlement boundaries will remain in abeyance. In the event that having established a five-year land-supply Breckland ceases to be able to demonstrate such a continuing supply then a limited number of policies within NP4Yaxham will cease to have the weight they would otherwise until a five land-supply is restored.

Section 1 Introduction

6.2. There are no policies in this section.

Section 2 Spatial Strategy

6.3. Policy SS1 Spatial Strategy. Yaxham is designated under this policy as a rural settlement with settlement boundaries. It is not therefore currently designated as a Local Service Centre. NP4Yaxham policies conform with this policy and none are in conflict with it. However, as already noted, with the advent of the NPPF, settlement boundaries have been rendered inoperative until a five year land supply can be demonstrated by Breckland to be in place. NP4Yaxham Policy STR1 Strategic Green Gaps Policy is consistent with this policy as is HOU1.

6.4. Section 3 Core Strategy Policies

Policy CP1 Housing requires no specific target for development of new dwellings for Yaxham. NP4Yaxham is not in conflict with this policy

Policy CP2 The Travelling Community – NP4Yaxham has no specific policy on this area.

Policy CP3 Employment – NP4Yaxham’s Policy ECN1 New Economic Development is consistent with the Core Strategy in seeking to encourage new business opportunities within Yaxham.

Policy CP4 Infrastructure – NP4Yaxham has no specific policy on this area.

Policy CP 5 Developer Obligations – NP4Yaxham’s Policy COM1 details the parish priorities for developer funding in the parish.

Policy CP 6 Green Infrastructure – this policy is very specific to new development. The NP4Yaxham Policy ENV3 extends this policy particularly to hedgerows, rights of way and Local Green Spaces.

Policy CP 7 Town Centres – this does not apply to Yaxham

Policy CP 8 Natural Resources – NP4Yaxham has no specific policy on this area.

Policy CP 9 Pollution and Waste – NP4Yaxham has no specific policy on this area.

Policy CP 10 Natural Environment and Policy CP 11 Protection & Enhancement of the Landscape – NP4Yaxham has various policies consistent with this approach. STR1 develops the concept of Strategic Gaps between settlements to prevent coalescence of settlements, but also particularly Strategic Gap 1 protects chalk valley of the Tud Rivers, local nature reserves, CWS and SSSI/SAC sites.

Policy CP 12 Energy – NP4Yaxham has no specific policy on this area.

Policy CP 13 Accessibility – NP4Yaxham seeks to encourage the minimisation of private-car-use and the encouragement of alternative modes of transport such as within the parish walking and cycling, and beyond the parish by public transport. A major block on more walking and cycling is the level of traffic flows, hence the NP4Yaxham Policy TRA1 Traffic and Sustainable Transport for new development.

Policy CP 14 Sustainable Rural Communities – NP4Yaxham’s whole purpose is to support the sustainability of its rural community through its strategic, housing, environmental, economic, transport and community benefit Policies and Parish Action Points. All of which appear to be in conformity with Policy CP14 and its various elements.

7. General conformity with the policies of the emerging Breckland Local Plan

- 7.1. The NP4Yaxham has been developed in general conformity with the emerging policies contained in the Breckland Local Plan as set out below.

Section 1 Introduction

- 7.2. Nothing in NP4Yaxham is in conflict with this section.

Section 2 Vision & Objectives

- 7.3. Nothing in NP4Yaxham is in conflict with this section.

Section 3 Spatial Development Strategy – Local Plan Policies PD01, PD02, PD03, PD04

- 7.4. These policies set the context for the whole Local Plan. PD03 designates Yaxham as a Local Service Centre with an allocation of 25 new dwellings during the Local Plan Period. Whilst both the Yaxham Parish Council and the NP4Yaxham Working Group, based on consultation, reject the designation of Yaxham as a Local Service Centre, the policies within NP4Yaxham are not inconsistent with this designation.
- 7.5. The NP4Yaxham Plan is for twenty years. Settlement boundaries may be amended during that period, for example when the emerging Local Plan is adopted, in a way that may partially overlap the boundary of the NP4Yaxham Policy STR1 Strategic Gaps. To avoid any confusion, or suggestion of conflict, if a parish or settlement boundary is amended in a way that it overlaps a Strategic Gap boundary, then the affected Strategic Gap boundary will be deemed to be amended to the extent of any such overlap.
- 7.6. PD05 Rural Areas is understood to apply to NP4Yaxham outside the designated settlement boundaries. NP4Yaxham Policies as they apply outside the settlement boundaries are not inconsistent with this designation. .

Section 4 Economic – Local Plan Policies

- 7.7. These Local Plan policies - PD06 Economic Development, PD07 Town Centre & Retail Strategy - do not apply to NP4Yaxham.

7.8. Section 5 Social – Local Plan PD08, PD09, PD10

PD08 Affordable Housing policy is supported by NP4Yaxham Policy HOU7 with the objective of retaining the availability of new Affordable Housing units within the parish.

- 7.9. PD09 Provision for Gypsies etc – NP4Yaxham does not propose any policies that affect this area.

7.10. PD10 Healthy Lifestyles – this is supported by NP4Yaxham Policy TRA1 seeking to minimise additional traffic flows from new developments through encouraging facilities for walking and cycling within the parish, COM1 sustaining and enhancing parish based services and facilities, and ENV3 protecting and encouraging Green Infrastructure.

7.11. **Section 6 Area Strategies** - This Section does not apply to NP4Yaxham.

Section 7 The Environment – Local Plan Policies ENV01, ENV02, ENV04

7.12. Green Infrastructure

ENV01 Green Infrastructure policy – this policy is amplified in NP4Yaxham in response to the specific local circumstances through STR1 Strategic Gaps Policy, ENV3 seeks to protect environmental assets and in particular hedgerows.

7.13. ENV02 Sites of... Conservation Importance – this policy is reinforced by STR1 Strategic Gaps Policy which helps to protect a number of CWS sites within the parish.

Open Space, Sport & Recreation

7.14. ENV04 Open Space, Sport & Recreation – is a wide-ranging policy which NP4Yaxham supports, and seeks to enable the application of the exception in the policy that provides the new provision of open space etc. to be provided off-site where this makes more sense in the local circumstances of a specific community in NP4Yaxham Policy COM1.

Local Green Space

7.15. NP4Yaxham seeks to designate four sites consistent with the NPPF.

Landscape Character

7.16. ENV05 Protection and Enhancement of the Landscape – this is at the core of NP4Yaxham’s Policy STR1 Strategic Green Gaps and Policy ENV3 Green Infrastructure applying specifically to the specific circumstances of Yaxham, with the designation of four Local Green Spaces.

Trees & Hedgerows

7.17. ENV06 Trees, Hedgerows and Development – this policy is reinforced locally in NP4Yaxham Policy ENV3 Green Infrastructure.

Historic Environment & Heritage Sites

7.18. ENV07 Designated Heritage Sites and ENV08 Non-Statutory Heritage Assets are expanded upon in the context of Yaxham’s specific circumstances in NP4Yaxham Policy ENV2 Conservation Area & Heritage Assets.

Flood Risk & Surface Water Drainage

- 7.19. ENV 09 Flood Risk & Surface Water Drainage – this policy is supplemented by NP4Yaxham Policies ENV4 and ENV5.

Renewable Energy

- 7.20. ENV 10 Renewable Energy development – NP4Yaxham does not have a separate policy.
- 7.21. ENV03 The Brecks, this policy does not apply to Yaxham (see Map 3.1, Breckland Adopted Core Strategy & Development Policies Development Plan Document, 2009 p59 - <http://www.breckland.gov.uk/content/document-library-publications>).

Section 8 Economy

- 7.22. E01 General Employment Areas, this policy does not apply to Yaxham.
- 7.23. E02 Employment Development outside General Employment Areas (incl Replacement of Rural Buildings) – NP4Yaxham does not have a separate policy.
- 7.24. E03 Farm Diversification – NP4Yaxham does not have a separate policy.
- 7.25. E04 Tourism Related Development – NP4Yaxham does not have a separate policy.
- 7.26. E05 Telecommunications – NP4Yaxham does not have a separate policy.
- 7.27. E06 Developer Contributions - NP4Yaxham policy COM1 supplements this policy to include the priorities in the parish for new open spaces and play areas.
- 7.28. E07 Advertising & Signage – NP4Yaxham Policy ENV1 Dark Skies seeks to enhance this policy by asking developments to minimise the effects of artificial light in a rural context.

Section 9 Transport

- 7.29. TR01 Sustainable Transport Network – NP4Yaxham Policy TRA1 supplements this policy through seeking to minimise additional traffic flow from new development and encourage walking and cycling. This is amplified by Parish Action point PAP5 Making the Parish more “Walkable”.

Section 10 Communities

- 7.30. COM01 Design, COM02 Protection of Amenity, and COM03 Principle of New Housing – NP4Yaxham Policies HOU1, HOU2, HOU3, HOU4, HOU5, HOU6, HOU7 and ENV3 seek to supplement the LP policies.
- 7.31. COM04 Community Facilities – NP4Yaxham policies COM1 and COM2 seek to apply the LP policy to the local circumstances of Yaxham, and are amplified by Parish Action Points PAP7 and PAP88.

8. EU obligations

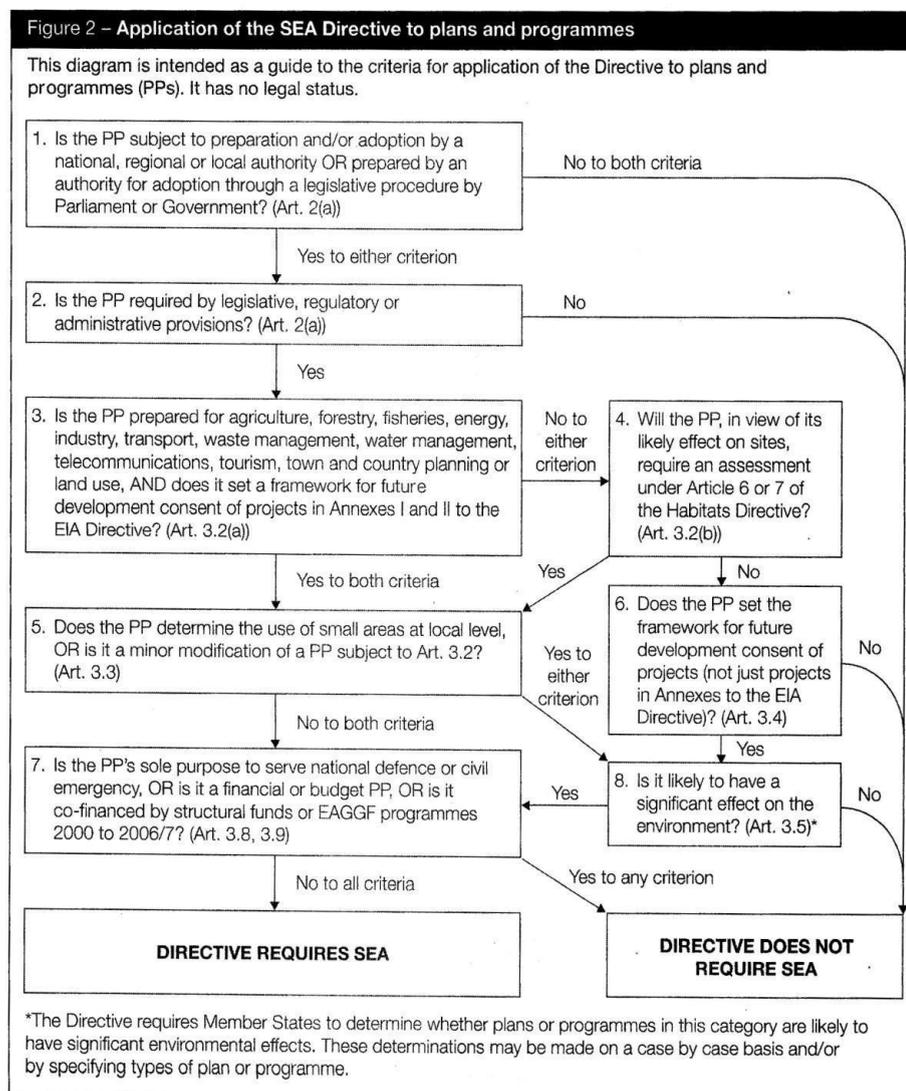
Strategic Environmental Assessment (SEA)

8.1. In some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may require a Strategic Environmental Assessment under the relevant EU Directive. DCLG planning guidance suggests that, whether a neighbourhood plan requires a strategic environmental assessment and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan.

8.2. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

See the diagram below for how to determine whether an SEA is required:



8.3. In the case of the NP4Yaxham:

- it does not allocate specific sites for development
- the neighbourhood plan area does not contain sensitive natural or heritage assets that may be affected by the proposals in the plan
- it does not have significant environmental effects as defined by the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004
- it does not contain significant proposals beyond those which have already been the subject of a SEA within the Sustainability Appraisal carried out for the emerging Breckland Local Plan Site Specific Allocations & Policies documents.

8.4. The following table applies the SEA screening process to NP4Yaxham:

Stage	Y/N	Resul	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Yes	Go to Stage 2.	The preparation of and adoption of the Yaxham Neighbourhood Plan (NP4YAXHAM) is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP4Yaxham is prepared by the Working Group under the auspices of Yaxham Parish Council (as the “authority”) and will be made by Breckland District Council as the local authority. The preparation of NPs is subject to The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (referendums) Regulations 2012.
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	No SEA	Communities have a right to be able to produce a Neighbourhood Plan. However communities are not required by legislative, regulatory or administrative purposes to produce a Neighbourhood Plan. However, if adopted would form part of the statutory development plan.
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art 3.2(a))	No	Go to Stage 3.	The NP4Yaxham will set a framework for future development consents or refusals, as part of the Breckland development plan. However, it does not anticipate being the tool to manage development of the scale and nature envisaged by Annex I and Annex II of the SEA Directive.

<p>4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))</p>	<p>No</p>	<p>Go to Stage 6.</p>	<p>There are no internationally designated nature conservation (SPA or SAC) sites within Yaxham parish. The nearest is the SSSI/SAC at Badley Moor to the north of the parish which the NP4Yaxham seeks to protect further through its Strategic Green Gap Policy. Any significant adverse effect on this site is therefore very unlikely.</p>
<p>6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art3.4)</p>	<p>Yes</p>	<p>Go to Stage 8.</p>	<p>The NP4Yaxham is to be used for determining future planning applications.</p>
<p>8. Is it likely to have a significant effect on the environment? (Art. 3.5)</p>	<p>No</p>	<p>No SEA</p>	<p>No significant adverse effects upon the environment have been identified as likely at this stage of the NP4Yaxham development process.</p> <p>No development will be proposed directly through the plan, as it will not allocate specific sites for development, but will identify general, broad locations where different development types would be most appropriate.</p> <p>The policies developed will aim to protect and enhance heritage assets, parish character, landscape setting, and biodiversity.</p> <p>They will also aim to reduce the risk of flooding, greenhouse gas emissions and air pollution, particularly from transport.</p>

8.5. The NP4Yaxham Working Group requested a screening opinion from Breckland District Council early in the plan-making process to determine whether or not an SEA was required. Breckland District Council concluded that the Neighbourhood Plan does not require a SEA and is compliant with EU obligations in terms of the Strategic Environmental Assessment Directive. The LPA SEA Screening Determination can be found in **Appendix 1**.

9. Habitats Directive

- 9.1. In accordance with the Habitats Directive and Regulations, all competent authorities must undertake a formal assessment of the implications of new plans or projects which are capable of affecting the designated interest features of European Sites before deciding whether to undertake, permit or authorise such a plan or project. This assessment comprises several distinct stages which are conveniently and collectively described as a ‘Habitats Regulations Assessment’ (or HRA). For all plans and projects, which are not wholly directly connected with, or necessary to, the conservation management of the site’s qualifying features, this will include formal screening for any Likely Significant Effects (either alone or in combination with other plans or projects). Where these effects cannot be excluded, assessing them in more detail through an appropriate assessment (AA) is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.
- 9.2. The HRA process must be fully applied before a plan or project which may affect a European Site(s) can be lawfully undertaken or authorised. Both Government and European Commission guidance on Habitats Regulations assessments highlight that when assessing plans and projects under the Habitats Regulations it is best practice for competent authorities to clearly reason and record their decision-making process and their conclusions, taking into account the precautionary principle where there is reasonable science-based uncertainty. This approach is further supported in both European and UK case law.
- 9.3. Natural England has been consulted and as a result the NP4Yaxham Working Group concluded that NP4Yaxham was unlikely to have any significant effects on the nearest Special Area of Conservation (SAC) site – the Norfolk Valley Fens SAC. The Habitats Directive was not considered to be relevant to the NP4Yaxham.

10. Convention on Human Rights

- 10.1. The Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights.

11. Other Basic Conditions

- 11.1. An additional basic condition is prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 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(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3) (either alone or in combination with other plans or projects).”

- 11.2. Natural England has been consulted during the drafting of the NP4Yaxham and there are no internationally or nationally designated nature conservation sites within Yaxham. The NP4Yaxham Working Group therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.

12. Consultation

- 12.1. The NP4Yaxham has been prepared with extensive input from the community and stakeholders as set out in the accompanying Consultation Statement. There was extensive consultation and engagement in identifying issues and objectives and the Pre-Submission NP4Yaxham has been consulted on as required by Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended. Responses have been recorded and changes have been made as set out in the Statement of Community Involvement. The Consultation Statement has been prepared by the NP4Yaxham Working Group and meets the requirements set out in Paragraph 15 (2) of the Regulations. NP4Yaxham and its accompanying documents are therefore submitted to the LPA to proceed to Regulation 16 consultation and then to Regulation 17 Examination.

Appendix 1 Breckland SEA Screening Determination

Appendix 2 Sustainability Statement – Small Fish Strategic Consultants



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