

**Kessingland Parish Council**

# **Kessingland Neighbourhood Plan 2016-2030**



**Basic Conditions Statement**

**March 2016**



## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
	Supporting documents and evidence .....	1
	Key statements .....	1
<b>2</b>	<b>CONFORMITY WITH NATIONAL PLANNING POLICY .....</b>	<b>2</b>
	National Planning Policy Framework .....	2
<b>3</b>	<b>CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT .....</b>	<b>6</b>
<b>4</b>	<b>GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN .....</b>	<b>8</b>
<b>5</b>	<b>DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS.....</b>	<b>11</b>
<b>6</b>	<b>CONCLUSION .....</b>	<b>12</b>

## **1 INTRODUCTION**

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Kessingland Neighbourhood Plan (KNP) has been prepared in accordance with the Neighbourhood Planning General Regulations 2016 and how the basic conditions of neighbourhood planning and other considerations as prescribed by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Statement addresses each of the four 'basic conditions' required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.3 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
- 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;
  - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - 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); and
  - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

### **Supporting documents and evidence**

- 1.4 The KNP is supported by a Consultation Statement and this Basic Conditions Statement.

### **Key statements**

- 1.5 Kessingland Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for its own parish. The KNP expresses policies that relate to the development and use of land only within the neighbourhood area.
- 1.6 The neighbourhood area is contiguous with the parish boundary, as shown in the map accompanying the neighbourhood area designation application.
- 1.7 The KNP covers the period from 2016 to 2030.
- 1.8 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan.
- 1.9 The KNP does not relate to more than one neighbourhood area. It is solely related to the area of Kessingland as designated by Waveney District Council on 9<sup>th</sup> December 2013.
- 1.10 There are no other Neighbourhood Development Plans in place for the Kessingland neighbourhood area.

## 2 CONFORMITY WITH NATIONAL PLANNING POLICY

2.1 It is required that the Kessingland Neighbourhood Plan (KNP) has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF).

### National Planning Policy Framework

2.2 The NPPF in sections 183-185 refers to Neighbourhood Development Plans and seeks that those plans have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.

2.3 This section demonstrates that the KNP has regard to relevant policies within the NPPF in relation to:

- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Delivering a wide choice of high quality homes
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

2.4 The KNP has 10 principal objectives. We summarise them in Table 2.1 below and which NPPF goals each objective seeks to address.

2.5 Table 2.2 then provides a summary of how each policy in the KNP conforms specifically to the NPPF.

**Table 2.1: Assessment of KNP objectives against NPPF goals**

KNP Objective	Relevant NPPF goal
Focus development within and on the edge of the physical limits of Kessingland village.	Conserving and enhancing the natural environment
Prioritise the use of brownfield sites for development.	Conserving and enhancing the natural environment
Provide housing to address the needs of the community, particularly the need for affordable housing for people with a local connection to Kessingland.	Delivering a wide choice of high quality homes
Ensure that infill and backland development does not impact on the amenity of neighbours.	Requiring good design
Ensure that new developments provide sufficient off-road parking and that the design of new estate roads does not cause highway safety issues.	Requiring good design

KNP Objective	Relevant NPPF goal
Protect local green spaces of value to the community.	Promoting healthy communities/ Conserving and enhancing the natural environment
Minimise the risk of fluvial, sea and surface water flooding.	Meeting the challenge of climate change, flooding and coastal change
Provide new community and sports facilities, particularly for young people.	Promoting healthy communities
Protect the existing business base and give flexibility to new commercial enterprises that wish to start up in the parish.	Building a strong, competitive economy/ Ensuring the vitality of town centres
Protect the stock of tourist accommodation in Kessingland and avoid its loss to permanent residential occupancy.	Building a strong, competitive economy/ Ensuring the vitality of town centres

**Table 2.2: Assessment of how each policy in the KNP conforms to the NPPF**

No.	Policy title and reference	NPPF ref. (para.)	Commentary
1	PL1: Physical Limits Boundary	17, 55, 109	Defines the built up area boundary to ensure consistency with the need to deliver housing and to protect the open countryside beyond the urban edge from inappropriate uses.
2	H1: Affordable Housing	17, 50, 54, 177	Seeks to ensure that affordable housing availability is maximised, particularly for those with an established local connection to the parish.
3	H2: Residential infill and backland development	53	Seeks to resist the inappropriate development of sites in the built-up area where this would have an unacceptable impact on residential amenity.
4	SA1: Former Ashley Nurseries site	50, 54	Allocates a brownfield site outside the settlement boundary for residential development
5	SA2: Land at Laurel Farm West & South	50, 54	Allocates a site for residential development on the edge of Kessingland village. This includes land for improvements to playing fields and leisure provision as well as provision of play facilities.
6	SA3: Land at Laurel Farm East	50, 54	Allocates a site for residential development on the edge of Kessingland village for affordable housing to be held in perpetuity for local people.
7	TM1: Parking Standards for New Residential Development	39	Seeks to ensure parking standards are met for new residential developments, in the form of off road parking.
8	TM2: Design of Estate Roads and Parking Courts	17, 30, 32, 58	Identifies the need for demonstrated good design in the provision of parking forecourts and estate roads to promote safety and security.
9	BE1: Protection of Existing Commercial Premises or Land	17, 21, 22, 28, 37	Strongly encourages the protection of commercial premises against demolition or change of use, only when future employment use is possible.
10	BE2: Conversion of Vacant Premises for Employment	17, 28, 37	Seeks to ensure a diversity of land uses in KNP area by encouraging planning applications for employment activities on existing vacant commercial sites.

Kessingland Neighbourhood Plan  
Basic Conditions Statement

No.	Policy title and reference	NPPF ref. (para.)	Commentary
11	CI1: Provision of Leisure Facilities for Children and Young People	17, 70, 73	Identifies the need for services catering to demographic change relating to children and young people in Kessingland. Therefore it views favourably planning applications that provide appropriate leisure facilities.
12	CI2: Provision of Sports Facilities	17, 70, 73	Pursues the expansion of sports facilities in Kessingland in proportion with potential population growth in accordance with evidence from WDC.
13	CI3: Provision of an Early Years Centre, land off Francis Road	70	Allocates a site for a new Early Years Centre to provide additional support for local children.
14	CI4: Provision of additional car facilities, land off Church Road	50, 70, 171	Allocates land for an extension of an existing care facility in order to provide for the growing elderly population in Kessingland.
15	E1: Protection and Maintenance of Local Green Spaces.	74, 76, 77	Seeks to ensure the protection of 36 designated green spaces as identified by the local community providing valuable community infrastructure within Kessingland.
16	TO1: Protection of Tourist Accommodation	28	Pursues tourism as a key asset in the KNP area. It allocates a tourism protection areas and strongly advocates promotion for this use, unless a site can be demonstrated to be un-viable.
17	FD1: Minimising the Impact of Flooding from Development	17, 99, 100, 103	Aims to anticipate development's negative impact on potential flooding and water management and presumes that development proposals will mitigate these.

### 3 CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

- 3.1 The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and 'should be seen as a golden thread running through both plan-making and decision-taking.'
- 3.2 Table 3.1 below summarises how the objectives and policies in the KNP contribute towards sustainable development, as defined in the NPPF.

**Table 3.1: Assessment of KNP objectives and policies against sustainable development**

<b>Deliver Economic Sustainability</b>	
<b><i>NPPF Definition – 'Contribute to building a strong, responsive economy'</i></b>	
<b>KNP Objectives</b>	<ul style="list-style-type: none"> <li>Protect the existing business base and give flexibility to new commercial enterprises that wish to start up in the parish.</li> <li>Protect the stock of tourist accommodation in Kessingland and avoid its loss to permanent residential occupancy.</li> </ul>
<b>KNP Policies</b>	BE1: Protections of Existing Commercial Premises or Land BE2: Conversion of Vacant Premises for Employment TO1: Protection of Tourist Accommodation
<b>KNP Comments</b>	The KNP seeks to expand the business base and to increase tourism. In particular it seeks to protect the tourism sector in the village and places a focus on the retention of commercial properties.
<b>Deliver Social Sustainability</b>	
<b><i>NPPF Definition – 'Support strong vibrant and healthy communities'</i></b>	
<b>KNP Objectives</b>	<ul style="list-style-type: none"> <li>Provide new community and sports facilities, particularly for young people.</li> <li>Protect local green spaces of value to the community</li> <li>Provide housing to address the needs of the community, particularly the need for affordable housing for people with a local connection to Kessingland.</li> </ul>
<b>KNP Policies</b>	H1: Affordable Housing SA1: Former Ashley Nurseries site SA2: Land at Laurel Farm West & South SA3: Land at Laurel Farm East CI1: Provision of Leisure Facilities for Children and Young People CI3: Provision of an Early Years Centre, Land off Francis Road CI4: Provision of Additional Care Facilities, Land off Church Road
<b>KNP Comments</b>	The KNP seeks to maintain a thriving community within Kessingland, recognising that the community has certain social infrastructure needs (particularly related to the impact of demographic change and leisure provision) that must be addressed. This it seeks to achieve by allocating sites for housing development, leisure and play development, a new Early Years centre and a new old age care facility. It also seeks to protect existing assets such as designated green space and to maintain the character of the village through retention of tourist accommodation. Housing will meet the needs of the local community, specifically on site SA3.
<b>Deliver Environmental Sustainability</b>	
<b><i>NPPF Definition – 'Contribute to protecting and enhancing our natural, built and historic environment and mitigate and adapt to climate change'</i></b>	
<b>KNP Objectives</b>	<ul style="list-style-type: none"> <li>Protect local green spaces of value to the community.</li> <li>Minimise the risk of fluvial, sea and surface water flooding.</li> <li>Prioritise the use of brownfield sites for development.</li> </ul>

<b>KNP Policies</b>	H2: Residential Infill and Backland Development. TM1: New Parking Standards for Residential Development. TM2: Design of Estate Roads and Parking Courts. E1: Protection and Maintenance of Local Green Spaces. FD1: Minimising the Impact of Flooding from Development.
<b>KNP Comments</b>	The KNP seeks to protect the character of the village by requiring good design of new infill and backland development and by designating certain spaces as local green spaces which are of importance to the local community. It seeks to reduce flood risk, avoid adverse impacts of flooding and ensure a high quality environment is maintained through parking provision.

- 3.3 As demonstrated in Table 3.1, the strategic objectives of the Neighbourhood Development Plan are considered to comprise a balance of social, economic and environmental goals.
- 3.4 Waveney District Council considered that a Strategic Environmental Assessment (SEA) was required as it may have a significant impact upon the environment. However, it was considered that a Habitat Regulations Assessment was not required.

## **4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN**

- 4.1 The development plan currently consists of the following:
- 2009 Waveney District Council Core Strategy
  - 2011 Waveney District Council Development Management Policies
  - 2011 Suffolk Waste Core Strategy
  - 2008 Suffolk Minerals Core Strategy
- 4.2 The policies of relevance are shown in Table 4.1 below, along with a consideration of whether they represent the strategic policies of the development plan. Where they do, consideration is made of whether the KNP is in general conformity with them.
- 4.3 In addition, it is appropriate to consider the policies in the Waveney District Council Development Management Policies. We have also therefore considered the relevant policies within this document in Table 4.1.
- 4.4 Any policy that is not identified in Table 4.1 is not considered to be relevant to the KNP because the KNP does not have any policies that directly relate to it.
- 4.5 It is confirmed that there are no policies in the 2011 Suffolk County Council Waste Local Plan or the 2008 Suffolk Minerals Core Strategy that are relevant to the KNP.

**Table 4.1: Relevant strategic policies in the Waveny District Council Development Plan Documents**

Local Plan Policy	KNP policy
<b>Waveney District Council Core Strategy</b>	
CS01: Spatial Strategy	Policy PL1 prioritises the integrity of Kessingland’s settlement boundary, in order to maintain and improve the village’s distinctiveness.
CS02: High Quality and Sustainable Design	Policies TM1 and TM2 are concerned with improving the design of parking which pertains to specific issues related to Kessingland. In particular this relates to providing an alternative to on-street parking which is currently poorly managed within the design of existing developments.
CS03: Flooding and Coastal Erosion	Policy FD1 addressed the potential problems that flooding may cause with new developments and identifies methods for this to be achieved.
CS06: Community Based Regeneration	Policies CI3 and CI4 aim to provide needed community services which increase the forums in which residents are able to become involved in their community and address their needs whilst also physically regenerating Kessingland.
CS07: Employment	<p>Both Policies BE1 and BE2 encourage the protection of land and buildings used or that could be used for employment opportunities. If the site is vacant it is strongly preferred that the use be maintained in some capacity in order to promote diverse employment opportunities within the village.</p> <p>A potential impact of Policy TO1 which seeks to protect tourist accommodation is an increase in employment opportunities through the tourism industry.</p>
CS10: Retail, Leisure and Office Development.	<p>Policy CI1 identifies the need for an expanded leisure offer to reflect the demographic change predicted as a result of new development and natural momentum within Kessingland. In this instance it refers directly to young people. In addition to CI2 which puts for specific community needs in relationship to Sports Facilities including a Bowls Green and Tennis Courts.</p> <p>Policy TO1 specifically addresses the need to retain an element of tourism within Kessingland and maintain its character as a seaside resort.</p>
CS11: Housing	<p>Policy H1 addresses affordable housing priorities in Kessingland. Particular emphasis is placed upon providing affordable housing to those who have an established community connection first and foremost. In addition to young people, to increase the village’s economic productivity.</p> <p>Policy H2 develops further the requirements for residential infill and backland development, ensuring that character is retained in line with the surrounding built environment.</p>

Kessingland Neighbourhood Plan  
Basic Conditions Statement

Local Plan Policy	KNP policy
	Sites SA1-SA3 are allocated to address housing needs, including affordable housing.
CS13: Tourism	TO1 as previously mentioned aims to help build the tourist economy of Kessingland by retaining overnight accommodation and increasing visitors to the village.
CS14: Culture	Policy E1 seeks to preserve and improve 36 identifies green spaces in the village providing the soft infrastructure for an improvement in Kessingland's cultural life.
<b>Waveney District Council Development Management Policies</b> 	
DM02: Design Principles	Policy H2 promotes good design in backland and infill developments, with sensitivity to the local area in regard to parking and local character prioritised.
DM08: Existing Employment Areas and Other Employment Sites	Policies BE1 and BE2 enforce the protection of existing employment areas and only allows alternative uses where it has been demonstrated that the existing employment uses are no longer viable
DM15: Neighbourhood and Village Shops and Facilities	Policy BE1 seeks to protect commercial premises, including local shops and pubs.
DM18: Affordable Housing	Policy H1 addressed affordable housing specific to the local area predominantly targeting people of working age (31-64) who would want to stay in the area.
DM23: Hotels and Guest Houses	Policy TO1 designates a tourist accommodation protection area along the seafront, unless proven unviable.
DM25: Existing and Proposed Open Space	Policy E1 seeks to preserve and improve 36 identifies green spaces.

## 5 DOES NOT BREACH, AND IS COMPATIBLE WITH, EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

- 5.1 The Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 In December 2014 the KNP Group submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA) and an Appropriate Assessment under the EU Habitats Regulations of the draft KNP. In January 2015 Waveney District Council formally stated that an SEA was required and it is part of this formal submission. **In February 2016 it confirmed that a Habitat Regulations Assessment was not required.** 
- 5.3 These various documents are included as part of the evidence base accompanying the Neighbourhood Plan.

## **6 CONCLUSION**

- 6.1 The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Kessingland Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Kessingland Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.

