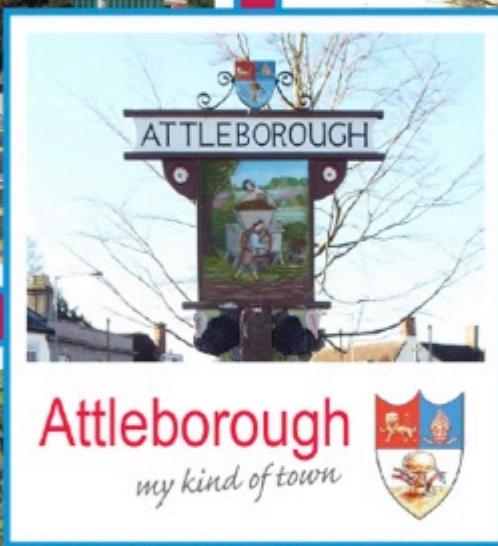
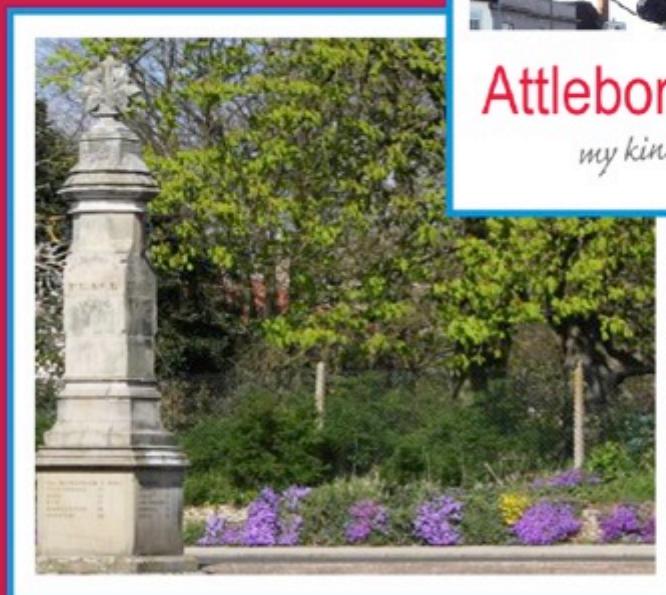


Attleborough

Neighbourhood Plan

2016 - 2036



Basic Conditions Statement

Abbreviations

The following abbreviations are used in this document

AHG	Attleborough Heritage Group
ANP	Attleborough Neighbourhood Plan
ANPSG	Attleborough Neighbourhood Plan Steering Group
ATC	Attleborough Town Council
BC	Breckland Council
LGA	Local Government Association
NCC	Norfolk County Council
NPPF	National Planning Policy Framework
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SME	Small and Medium-sized Enterprises
SUE	Strategic Urban Extension

Metric measurements are used throughout the ANP documents.

1m = 3.28ft (3' & 3.37") 1ft = 0.30m 1m² = 10.76sqft 1sqft = 0.093m².

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1. Introduction

1.1 This Basic Conditions Statement is submitted to Breckland Council (BC) with the Attleborough Neighbourhood Plan (ANP) for the next stage of the ANP, the Regulation 16 consultation, undertaken prior to examination.

1.2 It is the role of the independent Examiner to consider whether the ANP meets the “Basic Conditions” in section 2 below. The ANP sets out policies and presents proposals for a range of infrastructure including transport and traffic management, pedestrian and cycle ways, community facilities, play facilities and other issues where we see needs and opportunities for improving our neighbourhoods, in the short term, the medium term and the long term.

1.3 A Neighbourhood Plan needs to be in line with national planning policy. The main document that sets out national policy is the National Planning Policy Framework (the NPPF) published in 2012, which says that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Therefore the ANP must demonstrate how it contributes to the achievement of sustainable development. The NPPF, which taken as a whole constitutes the Government’s view of what sustainable development means in practice for planning, explains that there are three dimensions to sustainable development: economic, social and environmental. Whilst there is no legal requirement to do so, a Sustainability Appraisal (SA) was carried out in respect of the ANP, which also included the required Strategic Environmental Assessment, to demonstrate how the ANP meets the sustainability criteria. To conform with the Habitats Regulations a Screening Report was provided by BC.

1.4 The Attleborough Neighbourhood Plan when ‘made’ (following a referendum) will form part of the statutory Development Plan for the area.

2. The Basic Conditions

2.1 Only a Neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan). Click here for more details in this guidance.
- b. This does not apply to Neighbourhood Plans, only to Orders
- c. This does not apply to Neighbourhood Plans, only to Orders
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. Click here for more details in this guidance.
- e. 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). Click here for more details in this guidance.
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations. Click here for more details in this guidance.
- g. 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)". Click here for more details in this guidance."ⁱ

2.2 The requirement of point (f) above is that the ANP should not breach, and is compatible with EU obligations. A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into UK law, in order to be legally compliant. Strategic Environment Assessment and Habitat Regulations Assessment Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment has a bearing on neighbourhood plans. This Directive is often referred to as the Strategic Environment Assessment (SEA) Directive. Directive 15 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can also have a bearing on neighbourhood plans.

2.3 A screening opinion in respect of the need for Habitat Regulation Assessment (HRA) was therefore prepared by BC in October 2016 in consultation with the statutory bodies. This document concludes that ‘making’ the ANP, based on the draft, is likely to have no significant negative effects on the European Designated Sites as defined in the Conservation of Habitats and Species Regulations 2010 (2). The *Attleborough Neighbourhood Plan Habitat Regulation Assessment - Screening Report* BC September 2016 is available from the Town Hall.

2.4 The Human Rights Act encapsulates the European Convention on Human Rights (ECHR) and its articles into UK Law. In respect of Article 6 - the right to a fair and public hearing in determination of an individual’s rights and obligations - the process for preparing the ANP has involved considerable consultation over two years as set out in the Consultation Statement, and is fully compatible with this Article. In respect of Article 14 of the Conventions Rights and Freedoms - the enjoyment of rights and freedoms without discrimination on any ground, the policies and proposals of the ANP have been developed in consultation with the community and wider stakeholders to produce as inclusive a document as possible. The objectives and policies aim to ensure that all sections of the community in Attleborough have appropriate access to community services. The Consultation Statement confirms the compliance with this Human Rights EU legislation with careful attention to consulting a wide range of groups including those unable to attend the Town Hall exhibition held over the weekend of 13/14 August 2016, or who do not have access to a computer to see the documents. Young people have been extensively engaged at each stage in consultations, largely through the efforts of Attleborough Academy and a sub group of the ANPSG who attended assemblies to discuss the ANP and its themes.

2.5 The ANP runs to 2036, ten years later than the time period covered by the Core Strategy, but in line with the emerging BC Local Plan.

3. Legal Requirements

3.1 The legal requirements are set out in *The Planning and Compulsory Purchase Act 2004 38A (1) & (2) and 38B1(a) - (c)* (as amended by the *Localism Act 2011 Schedule 9 Part 2 (7)*).

Qualifying Body

3.2 Attleborough Town Council is the Qualifying Body.

Plan proposals

3.3 The Plan Policies and Proposals relate to planning matters (the use and development of land).

3.4 The policies do not relate to excluded development, county matters (Norfolk County Council's Minerals and Waste Core Strategy and Development Management Policies 2011 covering mineral extraction and waste development) or Nationally Significant Infrastructure Projects.

Plan Area

3.5 The ANP relates to the designated ANP area, and there are no other neighbourhood plans relating to this area. The ANP area designated is the entire Attleborough Town Council area plus a part of Besthorpe Parish Council, as shown in the ANP designation map. The decision notice by Breckland District Council Cabinet to support the application to undertake the ANP was issued on 11 November 2013, under the Localism Act 2011 Neighbourhood Planning (General) Regulations 2012. The consultation was observed for a period of six weeks up to 27 September 2013, in accordance with regulations.

Plan Period

3.6 The ANP has been produced to cover the period **2016 – 2036**.

4. Compliance with the NPPF

4.1 The 12 core principles of the NPPF Para 17, together with other NPPF paragraphs

NPPF Principles	ANP Policies	NPPF paragraphs
Principle 1 Genuinely Plan led	The ANP policies are planning policies, the projects are set out in a separate chapter.	Para 17
Principle 2 A creative exercise to enhance places where people live	ANP undertook widespread community engagement to produce policies	Para 17
Principle 3 Proactively driven supporting sustainable economic development, ...clear strategy for allocating sufficient land	ANP Policy LE.P1-6 H.P3 TC.P3 SLC.P1-5, SLC.P8	The NPPF para 21 calls for a strong competitive economy... and “identifying strategic sites to meet anticipated needs over the Plan period”
Principle 4 Seek to secure high quality design and a good standard of amenity	H.P4 ESD.P4-5	Para 58, 59, 60, 61, 62
Principle 5 ...take account of the characters...vitality of main urban areas...supporting rural communities	LE.P2-6 ESD.P1-4	Para 23 town centres
Principle 6 ..Transition to low carbon future...full account of flood risk...	TC.P2 ESDP.1-4	Para 14
Principle 7 Conserve and enhance natural environment and reduce pollution	ESD.P1-6	Para 108
Principle 8 Reuse previously developed land	LE.P2,	
Principle 9 Promote mixed-use developments	SLC.P8	
Principle 10 Conserve heritage assets	LE.P6	Para 58, 126
Principle 11 Actively manage patterns of growth...public transport, walking & cycling	H.P2 TC.P1 SLC.P4-5 ESD.P4	
Principle 12 Support local strategies to improve health, social & cultural wellbeing and deliver community & cultural facilities and services	H.P2 TC.P2 HSC.P1-2 EDP.P1 SLC.P1-8 ESDP.1, ESDP.4	Para 70

4.2 The ANP looks at a wide range of issues currently affecting Attleborough and also considers what will be required in the future to accommodate the planned growth in the Core Strategy. The key issues that were debated in developing the ANP relate directly to Para 17 of the NPPF Principles (Number in brackets):

- How new employment and investment will support the growth of the town (Principle 3)
- How the transport network of the town can be improved and adapted to accommodate the growth (Principle 11)
- What new community facilities should be provided and where they should go (Principle 12)
- How walking and cycling around the town should be improved (Principle 11)
- What open spaces and new green infrastructure are needed (Principle 7)
- Improving the design quality of new development (Principle 4)

ANP Employment Theme policies compared with NPPF

4.3 The background to the ANP is a desire to plan for employment for the town as it grows to enable it to be balanced, rather than become a commuter dormitory town.

“It is intended that the Plan should be community led and reflect the fact that we believe any major development in Attleborough should be driven by new employment opportunities, with the necessary infrastructure and services to support it. The vision and objectives reflect that aim, as does the composition of the Steering Group.”

ANP Statement Attleborough Town Council August 2013.

The ANP local economic policies LE.P1-LE.P4 link to policies to promote educational facilities EDP.P1 in order to develop new skills in the local workforce; to support the businesses in the area; and to allocate a new employment site well located for the strategic A11 corridor, all in line with NPPF Principles 1, 2 and 3 and NPPF Para 21. The ANP also has policies LE.P3 and LE.P4 with the aim of building a strong competitive town centre economy, supporting the growth of independent businesses, SMEs and retail and professional services in the town centre to serve the growing population. Supporting the vitality of the town centre is key to the ANP, whilst it also allows for more growth, and is compliant with NPPF Para 23.

Town Centre Polices for employment and also for protecting heritage assets

4.4 In growing the local economy, keeping this market town attractive is a key emphasis: therefore the ANP is seeking design and construction using appropriate sustainable technologies that will fit into the context of the existing historic buildings and their settings. This meets NPPF Principles 4, 6, 8,9, and12.

4.5 A key town centre site is identified for further discussions to develop a brief in policy LE.P2, and, SLC.P8. In LE.P4 the policy for expanding facilities elsewhere is that the town centre economy is not put at risk. This emphasis on design will add to policies in the NPPF and BC Core Strategy for design and for development in Conservation Areas and their settings. NPPF paragraph 58 in particular suggests there is legitimacy in the ANP policies LE.P6, EDS.P5 and P6 on design: requiring Neighbourhood Plans to develop “robust and comprehensive policies that set out the quality of development that will be expected for the area”. NPPF Para 62 supports using design review, and NPPF Para 66 supports the community involvement in design decisions.

Health and social care policies and policies to promote active, outdoor recreation

4.6 The ANP’s Health and Social Care objectives are closely aligned to the Sport, Leisure and Community Policies SLC.P1-5, and together aim to improve health and wellbeing, supporting both physical and mental wellbeing. The NPPF in Para 70 supports shared community provision, and integrated planning for shops, leisure facilities and sport and recreation. Our policies also seek to support community wellbeing by offering opportunities for walking, cycling and informal recreation. The policies ESD.P1 and ESD.P4 also support informal recreation opportunities. Policies in several ANP Themes therefore comply with this NPPF strand.

Biodiversity and Green Infrastructure policies

4.7 The NPPF paragraph 108 supports policy to enhance natural and local environment, seeking biodiversity gains, and protecting and enhancing valued landscapes. The ANP policies ESD.P1, ESD.P2 and ESD.P3 aim to mitigate climate change through encouraging more tree planting, and reinforcing protection to mature existing trees, promoting links to countryside in the form of ecological corridors and integrating sustainable drainage with recreational areas. NPPF Paras 76-77 support the identification of Local Green Spaces. Green Infrastructure (GI) and footpath links into the countryside, and suitable opportunities are being identified by the Qualifying Body in collaboration with Norfolk Wildlife Trust, developers and landowners. The use of green corridors and Linear Park policies are supported by NPPF para 117. The economic and tourism

benefits of GI, are suggested in paras 75 and 152 of the NPPF, and will be explored in the ANP through the evolving delivery strategy and emerging projects. There will be a strong emphasis on enhancing the Local Green Spaces – and those in particular referred to in EDS.P4 as Local Open Spaces.

Policies Conserving Historic Assets

4.8 Conserving and enhancing the historic environment and putting historic assets to viable use is supported in NPPF para 126. Design for listed buildings and in the Conservation Area should follow national policy, the Breckland Core Strategy policy DC17 and the emerging Local Plan policy when it replaces this. The findings of the document *Attleborough Neighbourhood Plan Character Assessment November 2015*, and supplementary maps, available from the Town Hall, will provide guidance on local distinctiveness in and around the ANP area.

Policies for infrastructure connectivity and timely provision

4.9 Contributing to sustainable development as required by the NPPF Para 14 will be implemented through a combination of policies, those relating to protecting the environment in para 4.7 above, and the historic environment in para 4.8 above, the policies seeking the strong and competitive economy set out in para 4.5 above, and the policies for pedestrian and cycle links and seeking infrastructure to support the Core Strategy housing growth allocation. The timely provision of such green and community infrastructure is in policy H.P2.

5. General conformity with the strategic policies

Core Strategy and emerging Local Plan

5.1 The ANP has been prepared with recognition of the Breckland Core Strategy, but also taking account of the emerging Breckland Local Plan (LP). The Core Strategy, adopted in 2009, outlines the vision and overall objectives for development in Breckland up to 2026, and sets out where new housing and other development should be focused. The ANP takes these as its starting point, together with the Core Strategy's three strands of spatial planning:

1. Sustainable Locations - Linking housing and employment at locations that are well served by transport, facilities and community services and are not at risk of flooding or harm to the integrity of Breckland's environment.
2. Sustainable Communities - Well designed spaces and places, where people can access work and services and enjoy themselves close to where they live with respect to the environment where they are located.
3. Sustainable Technologies - Building materials and methods which will help reduce the depletion of natural resources and emission of greenhouse gases and buildings which will last a long time through their flexibility and adaptability for other potential future uses.

5.2 ANP policies follow these three strands in the Breckland Core Strategy and the policies in the ANP are not strategic policies. Design policy follows CP11 in which Breckland Council expects all development within the District to be of the highest design quality in terms of both architecture and landscape, and “should have regard to good practice in urban design and fully consider the context within which it sits. It should embrace opportunities to enhance the character and appearance of an area and contribute to creating a sense of local distinctiveness”.

5.3 However the Core Strategy predicated the NPPF. The table below gives more detail on the conformity of ANP policies with both the NPPF and Core Strategy policies.

ANP Plan Policy	Regard to NPPF	General Conformity with Core Strategy BC
General	The ANP is plan led	
LE.P1	Principle 3 and town centre first policies.	CP3
LE.P2	Regard to Principle 3, 5 and town centre first policies	More detail than the Core Strategy conforms to town centre policy CP7
LE.P3	Regard to Principle 3, 5 and town centre first policies	More detail than the Core Strategy conforms to town centre policy CP7
LE.P4	Regard to Principle 3, 5 and town centre first policies	More detail than the Core Strategy conforms to town centre policy CP7
LE.P5	Regard to Principle 3, 5 and town centre first policies	More detail than the Core Strategy conforms to town centre policy CP7
LE.P6	Regard to Principle 3, 5 and town centre first policies and Principles 5, 9 and 10	More detail than the Core Strategy conforms to town centre policy CP7 and Breckland Core Strategy policy DC17 Conservation
H.P1	Regard to Principle 3, 5 and town centre first policies and Principles 2, 8	CP1
H.P2	Regard to Principle 3, 5 and town centre first policies and Principles 2, 8 and Principles 11, 12	CP1, CP4
H.P3, H.P4	Principle 3	CP1, CP4
TC.P1	Principle 11	CP1, CP4, CP13
TC.P2	Principles 6, 11 12	CP1, CP4, CP13
TC.P3	Principles 3 & 5	CP4
EDP.P1	Principle 12	CP4, CP5
HSC.P1	Principle 12	CP4
HSC.P2	Principle 12	CP4
SLC.P1	Principles 3 & 12	CP10. 11
SLC.P2	Principles 3 & 12	CP10. 11
SLC.P3	Principles 3 & 12	CP10. 11
SLC.P4	Principles 3, 11 and 12	CP6, 10, 11
SLC.P5	Principles 3, 11 and 12	CP5, 10
SLC.P6	Principle 12	CP5, 10
SLC.P7	Principle 12	CP5, 10
SLC.P8	Principles 3, 8,9,10, 12	CP5, 10
ESD.P1	Principles 5, 6, 7, 11, 12	CP5, CP6
ESD.P2	Principles 5, 6 & 7	CP5, CP6
ESD.P3	Principles 5, 6 & 7, and 10	CP5, CP6
ESD.P4	Principles 5, 6 & 7, and 10, 11, 12	CP5, CP6
ESD.P5	Principle 4	CP9, CP11
ESD.P6	Principle 4	CP9, CP11

6. EU Obligations

6.1 The basic conditions include a requirement to demonstrate how the Plan is compatible with EU obligations, which include the need to undertake a Habitat Regulations Assessment. The Qualifying Body requested a Screening Opinion from BC on the need for a Strategic Environment Assessment (SEA), and the document submitted set out the background on allocating an additional employment site. A copy is available from the Attleborough Town Hall. The response from BC, *Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination Attleborough Neighbourhood Plan*, March 2016, gave the view that an SEA could be needed as the employment allocation site had little detail at that time. They quoted the comments from the statutory consultees.

6.2 The ANP Sustainability Assessment (SA) incorporating the SEA and setting out how the ANP conforms to the EU requirements on habitats in Article 6(3) of the EU Habitats Directive was submitted to the statutory consultees for comment in the consultation period in July-August 2016. BC sent the response *The Attleborough Neighbourhood Plan Habitats Regulation Assessment Screening Report* September 2016 (in the SEA/SA and available as a pdf). The assessment suggests that there are likely to be no significant negative effects on the European Designated Sites resulting from the Policies detailed within the draft ANP. Therefore, based on the submitted draft, a full Habitat Regulations Assessment is not required.

6.3 The Consultation Statement sets out how the community engagement across ages and disabilities has been carried out to ensure the EU Human Rights obligations are met.

7. Conclusion

7.1 This submission draft ANP meets the basic conditions.

¹ Neighbourhood Planning (General) Regulations 2012, state that submitted Plans need to be accompanied by a statement explaining how the proposed Plan meets the ‘basic conditions’ set out in Schedule 4B of the 1990 Town and Country Planning Act.

Basic Conditions description from:

<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>

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