



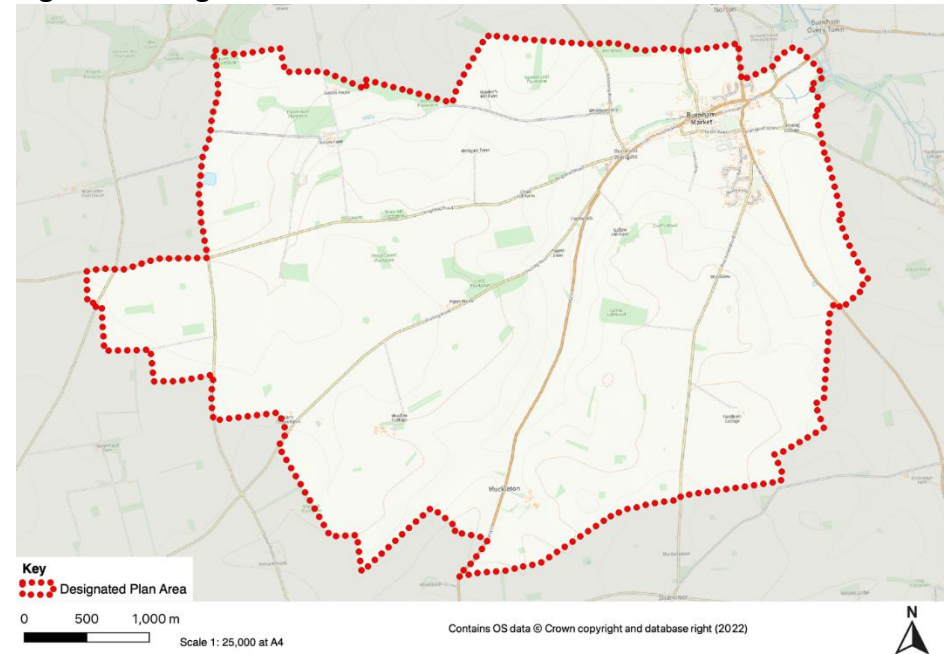
Neighbourhood Development Plan

Statement of Basic Conditions
December 2022

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Figure 1: Designated Area



Section 1: Introduction

1. This Basic Conditions Statement has been prepared by [Collective Community Planning](#) on behalf of Burnham Market Parish Council to accompany the Burnham Market Neighbourhood Development Plan 2022-36 (BMNDP).

The purpose of the statement is to demonstrate that BMNDP meets the legal requirements for a Neighbourhood Plan and the five basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, as applied to

Neighbourhood Development Plans by Section 38A of the Planning and Compulsory Purchase Act 2004.

2. The five basic conditions that a neighbourhood plan is expected to meet are:
 - a) 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;
 - b) The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - c) 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);
 - d) The making of the neighbourhood development plan does not breach, and is otherwise compatible with EU obligations; and
 - e) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.

3. There is one prescribed basic condition for Neighbourhood Development Plans, in relation to e) above, 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) or a European offshore marine site (as defined in the Offshore*

Marine Conservation (Natural Habitats, &c.) Regulations 2007), either alone or in combination with other plans or projects”.

4. This statement confirms that:
 - The legal compliance requirements have been met (section 2);
 - BMNDP has had due regard to national policies and advice contained in guidance issued by the Secretary of State (Section 3);
 - BMNDP contributes towards sustainable development (Section 4);
 - BMNDP is in general conformity with the strategic policies contained in the local plan for King’s Lynn & West Norfolk (Section 5).
 - BMNDP does not breach and is otherwise compatible with EU obligations, and that its making is not likely to have a significant effect on the environment, either alone or in combination with other plans or projects (Section 6); and
 - BMNDP meets the prescribed conditions for Neighbourhood Development Plans (Section 7).

Section 2: Legal and Regulatory Compliance

5. BMNDP has been prepared in accordance with The Neighbourhood Planning (General) Regulations 2012 (as amended). The plan also has regard to policies within the National Planning Policy Framework (NPPF) and guidance from the National Planning Practice Guidance (NPPG). The NPPG

largely reflects the Regulations, providing further guidance as to how such requirements can be met.

6. BMNDP is a neighbourhood plan for the parish of Burnham Market within West Norfolk. No other neighbourhood plan has or is being made for this area. The qualifying body for BMNDP is the Parish Council. BMNDP includes a map of the designated area, see **Figure 1** of this report.
7. BMNDP sets out policies in relation to development and the use of land in the designated neighbourhood area and which has been prepared in accordance with the statutory provisions. Initial consultations had due regard to guidance whilst the Regulation 14 (Pre-Submission) consultation was consistent with the specific regulatory requirements, as detailed in the Consultation Statement.
8. BMNDP covers the period 2022-2036 which is in general conformity with the timeframes for the strategic policies in the relevant emerging Local Plan for King's Lynn and West Norfolk (2016-2036).
9. BMNDP does not include provision of development types that are excluded development, such as minerals and waste matters,

nationally significant infrastructure projects or other prescribed development under Section 61K of the Town and Country Planning Act 1990.

Section 3: Due Regard to the NPPF

10. National planning policy is set out in the NPPF. The most recent version was published in July 2021. BMNDP has been prepared with the policies and guidance contained within the NPPF at its core. The NPPF sets out more specific guidance on neighbourhood plans at Paragraphs 28 to 30, but there are relevant policy throughout other parts of the NPPF.
11. **Figure 2** demonstrates how BMNDP has had regard to national policy by cross referencing its policies against national policy and guidance. It should be noted that the table is not exhaustive and there may be other cross-references that are not included.

Figure 2: National Planning Policy Framework

BMNDP Policy	NPPF (and PPG) Cross References	Comments
General	<p>NPPF:</p> <ul style="list-style-type: none"> - Section 2 (Achieving sustainable development) Para 8, Para 11 - Section 3 (Plan-making) Para 15, Para 28, - Section 5 (Delivering a sufficient supply of homes) Para 60, 67 - Section 8 (Promoting healthy and safe communities) Para 92, Para 100 - Section 9 (Promoting sustainable transport) Para 104, 105, 106, 130 - Section 12 (Achieving well-designed places) Para 127, Para 130, - Section 14 (Meeting the challenge of climate change, flooding, and coastal change) Para 153, 169 - Section 15 (Conserving and enhancing the natural environment) Para 174, 183, 185 - Section 16 (Conserving and enhancing the historic environment) Para 190 <p>PPG:</p> <ul style="list-style-type: none"> - Healthy & Safe Communities- PPG Paragraph: 001 Reference ID:53-001-20190722 	<p>BMNDP will help to deliver sustainable growth that meets the economic, social, and environmental objectives. It provides a suite of policies that will shape and direct development outside of the current strategic policies set out in the prevailing local plan. It supports these strategic policies as shown in Figure 3.</p> <p>BMNDP provides a framework for addressing housing needs such as principal residency, and other economic, social, and environmental priorities, and has been a platform for local people to shape their surroundings. It has been prepared positively and has engaged the community in different ways and other consultees, as set out in the Consultation Statement.</p> <p>BMNDP includes non-strategic policies for housing, design codes and principles, conserving and enhancing the natural and historic environment, community facilities and sustainable transport related matters.</p> <p>The neighbourhood plan does not allocate any sites for development.</p> <p>It is supported by a proportionate evidence base which includes the Evidence Base Paper, Burnham Market Housing Needs Assessment 2022, Burnham Market Design Guidance and Codes Document 2022, Local Green Space Assessment, Key Views Assessment and Issues</p>

	<ul style="list-style-type: none"> - Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306 - Green Infrastructure- Paragraph: 005 Reference ID: 8-005-20190721, Paragraph: 006 Reference ID: 8-006-20190721 - Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722 - Housing for older and disabled people: PPG Paragraph: 008 Reference ID: 63-008-20190626, PPG Paragraph: 009 Reference ID: 63-009-20190626 - Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001 - Local Green Space PPG paragraph: 006 Reference ID: 37-006-20140306, Para 009 Reference ID: 37-009-20140306, Para 013 Reference ID: 37-013-20140306, Para 014, Para 015, Para 017 - Historic Environment Designated Heritage Assets PPG Paragraph: 023 Reference ID: 18a-023-20190723 - Non-Designated Heritage Assets- PPG Paragraph: 040 Reference ID: 18a-040-20190723 	<p>and Options paper. Key aspects of this evidence are presented in the supporting text of the policies.</p> <p>Some of the policies encompass design considerations and codes, with the emphasis on achieving high quality design that is in keeping with local character. Policy 6 is the main policy for design and Appendix B is the AECOM Design Checklist which can be found in the main NDP submission document.</p>
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<p>Policy 1: Housing Mix</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 <p>Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722</p> <p>Housing for older and disabled people: PPG Paragraph: 008 Reference ID: 63-008-20190626, PPG Paragraph: 009 Reference ID: 63-009-20190626</p>	<p>This policy will help ensure future development meets the needs of the community, including providing a mix of houses which can be easily adaptable for older residents and will provide a smaller number of bedrooms to help enable residents to get on the housing ladder such as younger people. The policy follows the guidance proposals taken from the Housing Needs Assessment to help achieve a balanced mix of housing to meet the needs of the community.</p> <p>This policy conforms with the NPPF Para 62 which sets out how planning policies should reflect the different needs regarding size, type, and tenure in the community.</p>
<p>Policy 2: Affordable Housing</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Para 8, Para 11, - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 <p>Housing needs of different groups: PPG Paragraph: 001 Reference ID: 67-001-20190722</p>	<p>The policy follows the guidance proposals taken from the Housing Needs Assessment to help achieve a balanced mix of housing to meet the needs of the community. It specifically breaks up the affordable home ownership and affordable rent expected within Burnham Market.</p> <p>This policy conforms with the NPPF Para 63 which states how planning policies should specify the type of affordable housing required in line with the Burnham Market Housing Needs Assessment.</p>
<p>Policy 3: Furnished Holiday Lets and Second Homes</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 5 (Delivering a sufficient supply of homes) Para 60, 62, 63, 64 	<p>This policy will help ensure future development built in the parish meets the needs of the community by being for principal residency. This is to ensure that the future housing stock is not taken for furnished holiday lets or second home ownership which comprise a significant proportion of the current housing stock, making it difficult for local people to buy or rent in the area. The policy has been</p>

		<p>informed through resident views and evidence from Council Tax and VOA data.</p> <p>This policy conforms with the NPPF Para 62 which sets out how planning policies should reflect the different needs regarding size, type, and tenure in the community.</p>
Policy 4: Replacement Dwellings	NPPF Para 29	<p>The purpose of this policy is to satisfy the objective and the views of residents in maintaining a supply of smaller homes and restricting the loss of plot sizes to large homes which are then out of reach for local people. This policy aims to ensure that future development more effectively meets community needs and is in keeping with the character of the village.</p>
Policy 5: Extensions, outbuildings (including garages) and annexes	NPPF Para 29	<p>The purpose of this Policy is to ensure people have the flexibility to extend and improve their property for different needs whilst limiting the creation of excessively large houses which are damaging the balance of Burnham Market's housing stock as established in the Housing Needs Assessment (2022).</p> <p>As set out in NPPF Para 29, neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. This policy aims to ensure that future development more effectively meets community needs and is in keeping with the character of the village.</p>
Policy 6: Design	NPPF	<p>This policy encourages all development to be designed to high quality standards and be in conformity with the design codes and</p>

	<ul style="list-style-type: none"> - Section 12 Achieving well-designed places, para 127,130 <p>Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306</p> <p>Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001</p>	<p>guidance document. It sets out detailed clauses in line with the character areas in Burnham Market and the design aspects which development should have regard to including density, materials, roofline, and boundary treatments. It is also welcoming of innovation and sustainable building design.</p> <p>The policy conforms to the NPPF and PPG by setting out as listed above a clear design vision to meet local aspirations for the BMNDP and the expectation applications are to follow.</p>
Policy 7: Residential Car Parking	<p>NPPF</p> <ul style="list-style-type: none"> - Section 9 Promoting sustainable transport Para 104, 105, 108 - Section 12 Achieving well-designed places, para 127,130 	<p>This policy states that residential developments should consider the appropriate points made under the design codes document and the car parking standards in the prevailing guidance by the Norfolk County Council. The Local Plan SADMP (2016) Policy DM17 and emerging Plan LP14 sets out the same minimum standards as set out in Policy 7.</p> <p>The policy conforms with the NPPF since Para 108.</p>
Policy 8: Biodiversity and Green Corridors	<p>NPPF</p> <ul style="list-style-type: none"> - Para 8, - Section 11 Making effective use of land Para 120 - Section 15 Conserving and enhancing the natural environment Para 174, 179 <p>Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306</p>	<p>This policy sets out that all development will need to demonstrate at least 10% net gain in biodiversity and sets out criteria on how to achieve this including delivering significant improvements to green infrastructure across the BMNDP area. This will support the health and resilience of wildlife, which is essential in maintaining and enhancing its ability to provide the wealth of ecosystem services, such as water retention and climate regulation, which we rely on. Green infrastructure is also vital to human health and wellbeing and a crucial element of adapting to climate change.</p>

	<p>Green Infrastructure- Paragraph: 005 Reference ID: 8-005-20190721, Paragraph: 006 Reference ID: 8-006-20190721</p> <p>Natural Environment Para: 020, 021, 022 Reference ID: 8-020-20190721</p>	<p>The policy also sets out how in the proposed green corridors that development must demonstrate an improvement or enhancement of habitat connectivity.</p> <p>The NPPF encourages net gain through planning policies and the PPG states how plans can be used to set out a suitable approach to biodiversity net gain and how it will be achieved.</p>
<p>Policy 9: Local Green Space</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 2 Achieving sustainable development Para 8 - Section 8 Promoting healthy and safe communities Paras 101-103 - Section 13 Protecting Green Belt land <p>Green Infrastructure PPG Paragraph: 005 Reference ID: 8-005-20190721</p> <p>Local Green Space PPG paragraph: 006, 009, 013 to 017 Reference ID: 37-006-20140306, Para 009 Reference ID: 37-009-20140306, Para 013 Reference ID: 37-013-20140306,</p>	<p>The policy supports the protection of local green open spaces and designates these in accordance with the NPPF requirements such as being demonstrably special and consistent with national green belt policy. The spaces chosen in the BMNDP are to help protect and enhance the natural and built environment which supports the communities needs such as their physical, mental, and social health/wellbeing by safeguarding these open spaces which support the communities current and future needs.</p> <p>A robust process was undertaken throughout following the NPPF, PPG and Locality guidance on understanding the types of greenspaces which would be suitable for recreational, natural, or historic reasons. Potential sites were identified by residents in initial engagement, explored further by the steering group and consulted on further at Regulation 14 in discussion with the landowners, community, and stakeholders. All these green spaces were considered in close proximity to the village and the community it serves.</p> <p>Local Green Space policy should conform with that for Green Belt. Appendix C of the BMNDP sets out clear justification where Policy 9 diverts from Green Belt policy.</p>

<p>Policy 10: Protection of Important Local Views</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 12 Achieving well-designed places Para 127, 130 - Section 15 Conserving and enhancing the natural environment Para 174 <p>PPG Paragraph: 036 Reference ID: 8-036-20190721</p>	<p>In the NPPF and PPG the intrinsic character and beauty of the countryside is recognised and PPG states that it is important to identify policies where landscapes have a particular local value. Planning policies and decisions should ensure that developments will be sympathetic to the local character including the built environment and landscape setting. This policy conforms with the NPPF and PPG by protecting important local views and ensuring proposals are expected to demonstrate that they are designed and sited to avoid harm to the identified important views and the landscape setting they sit within.</p> <p>Plans and design policies should be developed with local communities so they reflect local aspirations and neighbourhood plan groups play an important role in identifying special qualities in their areas to reflect what they would expect from developments (NPPF Para 127). This policy conforms with the NPPF by doing the above, the community chose these local views as part of initial engagement, the views were explored by the steering group and consulted upon again at Regulation 14.</p>
<p>Policy 11: Dark Skies</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 15 Conserving and enhancing the natural environment Para 185 <p>PPG Light Pollution Para 001 Reference ID: 31-001-20191101, Para 005</p>	<p>This policy addresses the presumption against unnecessary lighting that will result in the loss of night-time dark skies. It keeps in mind the need for footway lighting for security and safety reasons.</p> <p>It conforms with the NPPF which sets out that policies should ensure new development limits the impact of light pollution within dark landscapes and nature conservation areas.</p>

<p>Policy 12: Surface Water Management</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 14 Meeting the challenge of climate change, flooding, and coastal change Para 153 <p>Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306</p> <p>Flooding- PPG Paragraph: 063 Reference ID: 7-063-20140306</p>	<p>This policy will help to adapt to climate change and ensure that surface water is managed appropriately and sustainably with a focus on SuDS with also the guidance from the Design Codes Document.</p>
<p>Policy 13: Protection of Community Facilities</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 8 Promoting healthy and safe communities Para 93 	<p>This policy protects a list of community facilities within the parish. It conforms with the NPPF which states that planning policies should guard against the unnecessary loss of valued facilities and services particularly where it would reduce the community's ability to meet its day-to-day needs. Facilities protected in this policy include day to day needs such as the dentist, doctors' surgery, post office and vets.</p>
<p>Policy 14: Implementing Walking and Cycling Routes</p>	<p>NPPF</p> <ul style="list-style-type: none"> - Section 9 Promoting sustainable transport Para 104, 105 and Para 130 - Section 14 Meeting the challenge of climate change, flooding, and coastal change Para 153 <p>Design: process and tools- PPG Paragraph: 002 Reference ID: 26-002-20191001</p> <p>Climate Change PPG Paragraph: 001 Reference ID: 6-001-20140306</p> <p>Healthy & Safe Communities- Paragraph: 001 Reference ID:53-001-20190722</p>	<p>Policy 14 supports proposals that improve walking and cycling infrastructure, including schemes that make use of the disused railway line. It also sets out mapped circular routes which could be created or improved.</p> <p>This policy supports the shift towards creating a low carbon economy, where there are reasonable opportunities for an improved walking and cycling network that will encourage people to walk more and use their cars less often, thereby reducing CO₂ emissions. This policy conforms to the expectation that neighbourhood plans will contribute to the achievement of sustainable development as set out in the NPPF and PPG.</p>

Policy 15: Burnham Market Conservation Area	NPPF - Section 16 Conserving and enhancing the historic environment Para 190	Policy 15 conforms with the NPPF as it takes a positive approach to preserving the conservation area and enjoyment of the historic environment. It sets out clauses to ensure development proposals will make a positive contribution to the local character and distinctiveness by use of traditional local materials, features, building arrangements and considering the significance of heritage assets and important unlisted buildings.
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Section 4: Sustainable Development

12. A widely accepted definition of sustainable development is ‘development that meets the needs of the present without compromising the ability of future generations to meet their own need’¹. It is about ensuring better quality of life for everyone, now and for generations to come. In doing so, social, environmental, and economic issues and challenges should be considered in an integrated and balanced way.
13. This is captured by Paragraph 8 of the NPPF in particular, which summarises the three interdependent objectives. **Figure 2** includes a number of references to NPPF para 8, demonstrating the policies in BMNDP that have due regard to these overarching objectives.

14. The NPPF as a whole represents sustainable development, and **Figure 2** sets out that BMNDP is very consistent with the NPPF. It should therefore be the case that BMNDP will help to deliver sustainable development in Burnham Market through delivering the economic, social, and environmental objectives.
15. BMNDP 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.

Section 5: General Conformity with Local Strategic Policies

16. It is a requirement that BMNDP is in general conformity with the relevant local strategic policies. The Guidance on

¹ United Nations: Report of the World Commission on Environment and Development: Our Common Future, March 1987

Neighbourhood Planning sets out what is meant by general conformity. When considering whether a policy is in general conformity, a qualifying body, independent examiner, or local planning authority, should consider the following:

- Whether the neighbourhood plan policy of development proposal supports and upholds the general principle that the strategic policy is concerned with;
- The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

17. The BMNDP area falls within one local authority area, the Borough Council of King’s Lynn and West Norfolk (BCKLWN). The local plan for this area contains the strategic policies of relevance for this neighbourhood plan, these are:

- Core Strategy (2011-2026)
- Site Allocations and Development Management Policies Document (2016-2026)

18. The BCKLWN has an emerging local plan and covers the time period 2016-2036. The emerging local plan is at an advanced

stage and is currently at Examination, and therefore holds some weight.

19. **Figure 3** reviews each policy in the submitted BMNDP with respect to the current strategic local plan policies.

Figure 3: General Conformity with Local Strategic Policies (and non-strategic)

BMNDP	Local Plan	Comments
Policy 1: Housing Mix	CS01 Spatial Strategy CS02 Settlement Hierarchy CS09 Housing Distribution CS13 Community and Culture	Policy 1 has additional local detail that will help ensure housing development meets the needs of the community within the Key Rural Service Centre (CS02). This is in conformity with local plan policies such as CS09 which require that the type, size, and tenure of new housing should reflect the needs of the area, based on the most up to date Housing Needs Assessment covering Burnham Market.
Policy 2: Affordable Housing	CS06 Development in Rural Areas CS09 Housing Distribution CS14- Infrastructure Provision	Policy 2 focuses further on CS06 and CS09 to ensure affordable housing is provided in rural areas and following the most up to date Housing Needs Assessment for the area.
Policy 3: Second Homes and Furnished Holiday Lets	CS09 Housing distribution	Policy 3 is to tackle the level and impact of furnished holiday lets and second homes in Burnham Market. This is raised as a sustainability issue in the Core Strategy 2011. As stated in CS09 proposals for housing must take appropriate account of the needs identified in the most up to date housing needs assessment, which is the Burnham Market HNA; this shows that there is a real affordability issue in the area which compounded by second homes and furnished holiday lets taking up a large proportion of the existing housing stock.
Policy 4: Replacement Dwellings	CS08 Sustainable Development DM5- Enlargement or Replacement of Dwellings in the Countryside	Policy 4 requires proposals for replacement dwellings to reflect the context and character of the surrounding area, particularly with regard to density. This conforms with CS08 and DM5 which requires proposals to be of an appropriate density that considers local factors.

<p>Policy 5: Extensions, outbuildings (including garages) and annexes</p>	<p>DM5- Enlargement or Replacement of Dwellings in the Countryside DM7- Residential Annexes</p>	<p>Policy 5 adds local detail to DM7, requiring proposals for annexes to share the same access, parking, and garden. Policy 5 goes further to state that extensions and conversions must follow the Design Code BF06, and planning conditions will also be imposed to prevent the use for holiday accommodation unless such use is an explicit part of a planning application in accordance with Policy 3.</p>
<p>Policy 6: Design</p>	<p>CS06 Development in Coastal Areas CS08 Sustainable Development CS12- Environmental Assets CS14- Infrastructure Provision DM15- Environment, Design and Amenity</p>	<p>High standards of design are required through this policy. This is in conformity with the local plan design policies which promote the same principles around high-quality design including appropriate use of scale, height, materials, and layout.</p>
<p>Policy 7: Residential Parking Standards</p>	<p>DM17- Parking Provision in new development</p>	<p>This policy states that adequate off-street parking should be made for all residential developments and the car parking standards in the prevailing guidance by the Norfolk County Council will be taken as the minimum number of spaces required. The policy conforms with DM17 since the NCC standards for new dwellings are required here too.</p>
<p>Policy 8: Biodiversity and Green Corridors</p>	<p>CS08 Sustainable Development CS14- Infrastructure Provision DM19 Green Infrastructure/Habitats Monitoring and Mitigation</p>	<p>This conforms with policy in the local plans, which requires the protection of environmental assets, enhance links between areas of biodiversity importance and creation of networks of habitats and green infrastructure.</p>
<p>Policy 9: Local Green Spaces</p>	<p>CS08 Sustainable Development DM22- Protection of Local Open Space</p>	<p>This policy designates Local Green Spaces to be protected. This is in conformity with CS08 and DM22 which seek to protect area of open space, which is valued for reasons such as landscape character, recreational value, biodiversity, cultural value and so on.</p>

Policy 10: Protection of Important Local Views	CS08 Sustainable Development DM15- Environment, Design and Amenity	Policy 10 identifies key views to be protected, with proposals required to demonstrate they are sited and designed to avoid or mitigate harm to the views. The policy conforms with DM15 by protecting environmental assets, the landscape value and having regard to visual impact.
Policy 11: Dark Skies	CS08 Sustainable Development DM15- Environment, Design and Amenity	This policy addresses the presumption against unnecessary lighting resulting to the loss of night-time dark skies in this rural character area. It keeps in mind the need for footway lighting for security and safety reasons with the landscape in mind. It conforms with the local plan which encourages and supports proposals to protect the landscape character and distinctive features.
Policy 12: Surface Water Management	CS08 Sustainable Development CS14 Infrastructure Provision	The policy ensures development is designed to manage surface water in a sustainable way, with an emphasis of measures that will also benefit the natural environment. This conforms with CS08 which promotes and encourages opportunities to integrate the use of water saving devices and where applicable through S106 obligations include SuDS development proposals.
Policy 13: Protection of Community Facilities	DM9- Community facilities	This policy provides local detail which adds to Policy DM9. It lists community facilities in Burnham Market the parish wishes to protect through DM9.
Policy 14: Implementing walking and cycling routes	CS08 Sustainable Development CS11- Transport CS14- Infrastructure Provision DM19- Green Infrastructure/Habitats Monitoring and Mitigation Emerging LP12- Disused Railway Tracks	This conforms with the local plan policies which seek to promote sustainable modes of travel and direct infrastructure improvements accordingly. This links with DM19 as green infrastructure networks are important to the health and wellbeing of local people and biodiversity so improved routes within the countryside.

Policy 14: Burnham Market Conservation Area	CS08 Sustainable Development DM15- Environment, Design and Amenity	This policy sets out a positive strategy for protecting and enhancing the character, integrity, and appearance of heritage assets. The policy generally conforms with DM15 which states development must protect and enhance the amenity of the wider environment including its heritage and cultural value.
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Section 6: EU Obligations

20. A Screening Opinion request was made to BCKLWN as to whether Strategic Environmental Assessment and Appropriate Assessment (see **section 7**) were required. This was supported by a short report and assessment. In this the BMNDP was assessed for likely significant effects upon the environment in light of the plan characteristics, the effects and area characteristics, including the environmental areas listed under Schedule 2 Part 6 of the EA Regulations (2004). The assessment recommended that SEA and HRA appropriate assessment would not be required. This was supported by BCKWLN (as the lead planning authority) who undertook a screening exercise in consultation with the Statutory Environmental Bodies (SEBs). The SEBs agreed that an SEA was not required.

21. The BCKLWN Screening Outcome was:

The Borough Council prepared this document as a preliminary screening opinion. The statutory bodies, the Environment Agency, Historic England, and Natural England, as required within the SEA and HRA screening process, were consulted upon this over 6 weeks (3rd August – 14th September 2022, inclusive). Through ongoing discussions and engagement with the qualifying body and the statutory bodies, the Borough Council has reached a conclusion on the matter of the screening report.

The consultation responses of the statutory bodies have underpinned the Local Planning Authority's evaluation and conclusions. The statutory bodies' consultation responses are appended in full to this report. The assessments contained within this report are based upon the Borough Council's preliminary screening opinion and the consultation responses received from the statutory bodies. They clearly identify that, based upon the information available; there is not the potential for significant environmental effects to arise from the implementation of the proposals in the emerging Neighbourhood Plan for Burnham Market.

Based upon the assessment above and the responses from the statutory consultation bodies, the Borough Council has concluded that:

- *The Burnham Market Neighbourhood Plan does not require a full Strategic Environmental Assessment (SEA); and*
- *The Burnham Market Neighbourhood Plan does not require an Appropriate Assessment, under the Habitat Regulations.*

22. **Section 7** of this report considers the requirement for Appropriate Assessment.

23. BMNDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. BMNDP is highly likely to be compatible because it has been prepared within the existing framework of statute, and national planning policy and guidance. In accordance with established processes, its preparation has included consultation with the local community.

24. In conclusion, the BMNDP does not breach and is compatible with EU Regulations including:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive);
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive);
- Directive 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). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders; and
- Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

Section 7: Prescribed Conditions

25. There is one prescribed condition for Neighbourhood Development Plans identified in Schedule 2 of the Neighbourhood Planning (General) Regulations 2012:

“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) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007), either alone or in combination with other plans or projects”.

26. A Habitats Regulations Assessment (HRA) considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which occur as a result of the plan or project being put in place, approved, or authorised. Where likely significant effects are identified, alternative options should be examined to avoid any potential damaging effects.

27. HRA is a step-by-step decision-making process. It can be broken down into four stages. Screening; Appropriate Assessment; Alternative solutions; imperative reasons of overriding public interest and compensatory measures.

28. A screening assessment was undertaken on BMNDP (2022) to determine whether it will have 'likely significant effects' upon internationally designated habitat sites. This was **screened out** as not having any likely significant effects.