

# Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan (JNP)

## Basic Conditions Statement



Hall Farm, Croxton

January 2018

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## 1.0 Introduction

- 1.1 When submitting a Neighbourhood Plan to the Local Authority (in this case Breckland District Council), it is a requirement that a number of supporting documents accompany it. One of these is commonly known as the 'Basic Conditions Statement'. Only a Neighbourhood Plan that meets each of the basic conditions can be put to referendum and if successful be used to assist in the determination of planning applications.
- 1.2 This Basic Conditions Statement is prepared for use by Breckland District Council and the Independent Planning Examiner, to make this assessment about the basic conditions.

## 2.0 Legal requirements

**Legal Requirements:** The Neighbourhood Plan is compliant with The Planning and Compulsory Purchase Act 2004 38A (1) & (2) and 38B1(a) ---(c).

**Qualifying Body:** The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan is being submitted by a qualifying body, (Croxton and Brettenham & Kilverstone Parish Councils).

**A Neighbourhood Development Plan:** The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan is a neighbourhood development plan. It relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

**The time-period covered:** The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan states the period for which it is to have effect (to 2036).

**Excluded development:** The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan policies do not relate to excluded development. The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan 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.

**Area of the Joint Neighbourhood Plan:** The Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan relates to the Croxton and Brettenham & Kilverstone Parish Councils' Joint Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area.

### 3.0 **Basic Conditions**

3.1 Paragraph 8 (2) of Schedule 4B in the Town and Country Planning Act 1990 (as amended by Schedule 10 of the Localism Act 2011) sets out a series of requirements that Neighbourhood Plans must meet. These ‘basic conditions’ are set out below:

3.2 A draft plan meets the basic conditions if –

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan (see below).
- (b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order (applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting (not applicable in this case).
- (c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order (applies in relation to a conservation area only) in so far as the order grants planning permission for development in relation to buildings or land in the area (not applicable in this case).
- (d) The making of the plan contributes to the achievement of sustainable development (see below).
- (e) The making of the 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 (see below)
- (f) The making of the plan does not breach and is otherwise compatible with EU obligations (see below), and
- (g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with, in connection with the proposal for the plan (see below).

3.3 Where applicable each of these basic conditions is addressed below. It should be noted that b) and c) above are not applicable to the Joint Neighbourhood Plan and refer to “Neighbourhood Orders” only.

**4.0 a) Having regard to National policies and advice and e) Conformity with Strategic Policies in the Development Plan**

- 4.1 The table below provides an appraisal of the extent to which the Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan has regard to national policy and is in general conformity with strategic local policy. It appraises the draft Neighbourhood Plan policies against policies contained within the National Planning Policy Framework NPPF (column A), the Adopted Core Strategy for Breckland 2009, (referred to as BCS in column B), the Emerging Breckland Local Plan – Pre-Submission Publication September 2017 (referred to as BLP in column C) and the Adopted Thetford Area Action Plan 2012 (referred to as TAAP in column D).
- 4.2 In summary, the appraisal demonstrates that the Croxton and Brettenham & Kilverstone Joint Neighbourhood Plan has appropriate regard and is in general conformity with national and local strategic policy.

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JNP Policy	NPPF	Breckland Core Strategy 2009 (BCS)	Emerging Breckland Local Plan 2017 (BLP)	Thetford Area Action Plan 2012 (TAAP)
<p><b>JNP<sub>1</sub> Housing Design and Materials</b></p>	<p>This policy reflects NPPF Paragraph 56, 57 and 58 by “requiring high quality design which should reflect local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation” Also, paragraph 126, the desirability of new development making a positive contribution to local character and distinctiveness.</p>	<p>This policy is consistent with Core Strategy CO14 (h), to protect the form and character of a settlement from inappropriate proposals. This policy conforms with Core Strategy Policy CP11, development within the District to be of the highest design quality in terms of both architecture and landscape. It 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.</p>	<p>This policy conforms with the emerging Local Plan Policy COM01 Design, in its identification of key factors such as form and character, and density, height, massing and scale. Also, all design proposals must preserve or enhance the existing character of the area. Particular regard, should be given to reinforcing locally distinctive patterns of development, landscape and culture and complementing existing buildings.</p>	<p>This policy is consistent with Policy TH20, the Strategic Design Principles for the SUE, which seeks to reinforce local character, ensure development will be of high quality design and create a sense of place.</p>
<p><b>JNP<sub>2</sub> Housing Density</b></p>	<p>This policy Reflects NPPF Paragraph 56, 57 and 58</p>	<p>This policy conforms with Core Strategy CO14 (h), to protect the</p>	<p>This policy is consistent with Emerging Local Plan</p>	<p>This policy is consistent with Policy TH20, the</p>

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	<p>by “requiring high quality design which should reflect local character”.</p> <p>Also, paragraph 126, the desirability of new development making a positive contribution to local character and distinctiveness.</p>	<p>form and character of a settlement from inappropriate proposals</p>	<p>Policy, COM03. The design and layout will optimise the density of the development to a level which is appropriate and justified for the locality</p>	<p>Strategic Design Principles for the SUE, which seeks to reinforce local landscape character, will be of high quality design and create a sense of place. Density will reflect local circumstances and access to services and facilities.</p>
<p><b>JNP3 Enhancing village gateways and protecting local landscape character</b></p>	<p>This policy reflects NPPF Paragraph 109, “the Planning system should contribute to and enhance the natural and local environment by, protecting and enhancing valued landscapes”</p>	<p>This policy conforms with Core Strategy Policy CP11, the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character.</p>	<p>This policy conforms with the emerging Local Plan Policy ENV05, development should have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man--made features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and</p>	<p>This policy is consistent with Policy TH20, the Strategic Design Principles for the SUE, which seeks to respond to the landscape setting and respect and reinforce local landscape character.</p>

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			woodland or rivers, streams or other topographical features.	
<b>JNP4 Integrating the SUE</b>	<p>This policy Reflects NPPF Paragraph 56, 57 and 58 by requiring high quality design which should reflect local character. Also, paragraph 126, the desirability of new development making a positive contribution to local character and distinctiveness.</p>	<p>This policy is consistent with Core Strategy Policy CP1, providing a mix of Housing sizes, types and tenures to meet the needs of the District’s communities. Also, Policy DC2, all residential proposals will secure an appropriate mix of dwelling size, type and tenure in order to meet the needs of Breckland’s Citizens and create sustainable communities.</p>	<p>This policy conforms with the emerging Local Plan Policy COM01, form and character, and density, height, massing and scale. Also, all design proposals must preserve or enhance the existing character of the area. Particular regard should be given to reinforcing locally distinctive patterns of development, landscape and culture and complementing existing buildings. In addition, development should provide a range of choice that will promote and instil vitality into an area. This might be interpreted as a mixture of tenure and housing types within</p>	<p>This policy is consistent with Policy TH20, the Strategic Design Principles for the SUE, which seeks to reinforce local landscape character, will be of high quality design and create a sense of place. Density will reflect local circumstances and access to services and facilities.</p>



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			residential development. Also, COM03, “the design and layout will optimise the density of the development to a level which is appropriate and justified for the locality”.	
<b>JNP5 Historic Environment</b>	This policy Reflects NPPF Paragraph 61 ‘planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment’. Also, the whole of NPPF Section 12 ‘Conserving and Enhancing the historic environment’. Paragraph 128 states, ‘In determining	This policy conforms with Core Strategy Policy CP6, In particular the protection, conservation and management of historic landscape, archaeological and built heritage assets. Also, policy DC17, requiring any development that will affect a Listed Building or Conservation Area to be subject to comprehensive assessment of potential impacts.	This policy conforms with the emerging Local Plan Policy ENV07, Proposals that would affect the significance of a heritage asset will not be accepted for consideration unless they provide sufficient information for that impact to be assessed.	This policy is consistent with Policy TH20, the Strategic Design Principles for the SUE, which seeks to reinforce local landscape character, development will be of high quality design and create a sense of place.  It is also consistent with TH23 which refers to undesignated assets of heritage interest.

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	<p>applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.</p> <p>The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.</p> <p>As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development</p>			
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	Is proposed includes or has the potential to include Heritage Assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”			
<b>JNP6 Natural Environment</b>	This policy reflects NPPF paragraph 109 which requires that the natural and local environment should be protected and enhanced. Impacts on biodiversity should be minimised and net gains provided. If significant harm resulting from a development cannot be avoided, adequately mitigated or compensated for, it should be refused. It also recognises that sites	This policy is consistent with Core Strategy Policy CP10 Natural Environment which seeks to restrict development that fails to exploit opportunities to incorporate biological or ecological features. CP10 specifically talks about the Breckland SPA and the Stone Curlew buffer zone and seeks to prevent development that would have a significant adverse impact on the integrity of the SPA and limit development within the buffer zone.	This Policy is in conformity with Policy ENV02 which seeks to give the highest level of protection to sites of European importance for nature conservation. Policy ENV03 specifically deals with the Brecks SPA, the 1500m Stone Curlew buffer and the direct and indirect impacts of increased recreational pressure brought about by new housing development.	This policy is consistent with Policy TH9 of the TAAP which seeks to manage the potential urban effects on key biodiversity sites and monitor the impact of recreation and urban effects resulting from the changes in Thetford on the qualifying features of key sites; and the management of key sites in response to visitor pressure and urban effects.

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	identified under the Birds or Habitats Directive are not subject to the presumption in favour of sustainable development			
<b>JNP7 Transport and Highway Safety</b>	This policy reflects NPPF Paragraph 35, giving priority to pedestrian and cycle movement.	This policy conforms with Core Strategy Policy CP13, Cycleway and pathway networks will be developed to improve choice of travel and to ensure safe access to developments on foot and by bicycle. Improvements to public transport networks will be encouraged.	This policy conforms with the emerging Local Plan Policy TR01, as it includes provision for improved public transport, encouraging walking and cycling, through links to existing routes.	This policy is consistent with TAAP Policy TH12 and TH25 in respect of the Thetford Loops which refers to improved opportunities for cycling. The policy is also consistent with TH29 which refers to improvements to the local road network.
<b>JNP8 Community Facilities</b>	This policy reflects NPPF paragraph 70, re delivery of social, recreational and cultural facilities and services and to promote the retention and development of local services and community	This policy conforms with Core Strategy Policy CP14, “services will be supported and their enhancement or the provision of new services encouraged. Where necessary, facilities will be protected from the pressures of development. Where new services are proposed in rural	This policy Conforms with the emerging Local Plan Policy COM04, “the creation, enhancement and expansion of community facilities will be supported in accordance with the	This policy is consistent with TAAP Policy TH31 which refers to new facilities within the SUE, Policy TH33 which refers to Education provision in the SUE, TH34 which refers to Health provision

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	<p>facilities in villages, such as local shops, meeting places, places of worship. and open spaces This policy reflects NPPF Section 8, and Plan--making, Paragraph 156, the provision of health, security, community and cultural infrastructure and other local facilities</p>	<p>villages that fulfil a community need and can demonstrate reducing rural isolation, they will be supported". This policy Conforms with Core Strategy Policy CP4 (a), the Improvement of health and social care facilities at other market towns and service centre villages.</p>	<p>development strategy where this would enhance the existing offer, benefit the local economy and be of a suitable scale and type for its location".</p>	<p>and, TH35 which refers to Community Buildings,</p>
<p><b>JNP9 Employment</b></p>	<p>This policy reflects NPPF Paragraph 28, supporting economic growth in rural areas, in order to, create jobs and prosperity – support the sustainable growth and expansion of all types of business and enterprise in rural areas.</p>	<p>This policy conforms with Core Strategy Policy CP3 (a), Development proposals which contribute to the creation and retention of a wide range of job opportunities.</p>	<p>This policy conforms with the emerging Local Plan Policy EC03 regarding employment areas, “no significant detrimental impact on the amenity of neighbouring land uses and the character of the area by virtue of increased levels of noise, odour, emissions, or dust”.</p>	<p>There is no policy in the TAAP that deals with the protection of rural employment sites although this policy does not conflict with any TAAP policies.</p>

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<p><b>JNP10 Surface Water Drainage and Flooding</b></p>	<p>This policy reflects paragraph 100 of the NPPF which urges avoidance of inappropriate development in areas at risk of flooding and paragraph 103 which seeks to ensure that development is not permitted that would increase flood risk elsewhere.</p>	<p>This policy is consistent with Core Strategy Policy DC13 on Floodrisk which seeks to prevent development from taking place in areas at risk of flooding.</p>	<p>This policy is consistent with Policy ENV09, which seeks to minimise the risk of flooding, mitigate the risk through the use of SUDs principles and ensure that existing flooding issues are not exacerbated, nor new ones created.</p>	<p>This policy is consistent with Policy TH17 which seeks to reduce the risks of flooding from new development either through preventing the creation of a new flooding risk or from exacerbating an existing flood issue.</p>
<p><b>JNP11 Avoiding the Coalescence of Settlements</b></p>	<p>This policy reflects NPPF Paragraph 109, ‘the planning system should contribute to and enhance the natural and local environment by, protecting and enhancing valued landscapes, geological conservation interests and soils’</p>	<p>This policy conforms with Core Strategy Policy CP11, “the landscape of the District will be protected for the sake of its own intrinsic beauty and its benefit to the rural character “</p>	<p>This policy conforms with the emerging Local Plan Policy ENV05, Protection and Enhancement of Landscape which requires that land should only be released for development where the impact on landscape is minimal. The policy recognises the need for high protection to be given to the Brecks landscape qualities of natural and man-made</p>	<p>This policy is consistent with TAAP Policy TH21 which refers to the importance of locally distinctive landscapes and features and Policy TH20, the Strategic Design Principles for the SUE, which seeks to reinforce local landscape character, will be of high quality design and create a sense of place</p>

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			features within the landscape, including a consideration of individual or groups of natural features such as trees, hedges and woodland or rivers, streams or other topographical features.	
<b>JNP12 Character Appraisal for Croxtan</b>	This policy is consistent with the whole of NPPF Section 12 'Conserving and Enhancing the historic environment'.	This policy is consistent with Policy DC17, requiring any development that will affect a Listed Building or Conservation Area to be subject to comprehensive assessment.	This policy conforms with The emerging Local Plan Policy ENV07, Proposals that would affect the significance of a heritage asset will not be accepted for consideration unless they provide sufficient information for that impact to be assessed.	This policy is consistent with TAAP Policy TH21 which refers to the importance of locally distinctive landscapes and features it is also consistent with TH23 which refers to undesignated assets of heritage interest.
<b>JNP13 Greens, Open Spaces and undeveloped areas</b>	This policy is consistent with paragraphs 73-78 which protect existing open spaces and encourages local communities through	This policy is consistent with Policy DC11 of the Adopted Core Strategy which protects green spaces identified in the District Open Space Assessment 2015,	This policy is consistent with Policy ENV04 which seeks to protect existing open spaces as well as recognises the value that Local Green Spaces can	There is no specific policy within the TAAP that refers to the protection of open spaces and villages greens outside of the TAAP area however the

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	neighbourhood plans to identify for special protection green areas of particular importance to them.	which includes sites in Croxton, Brettenham and Kilverstone,	have to local communities.	importance of the green infrastructure corridor provided by the Little Ouse River is recognised in paras 12.42 -12.49.
<b>JNP14 Brettenham &amp; Kilverstone Alms Houses</b>	This policy Reflects NPPF paragraph 54, “local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing.”	This policy is consistent with Policy DC5, “in order to meet local rural housing need, new affordable housing development may be permitted in rural settlements of 3,000 population or less, on small sites which would not otherwise be released for housing”.	This policy is consistent with Emerging Local Plan Policy HOU.14 which allows for affordable housing in rural areas to accommodate a need.	There is no specific policy in the TAAP which refers to development outside of the TAAP area
<b>JNP15 Character Area Appraisal for Brettenham &amp; Kilverstone</b>	This policy is consistent with the whole of NPPF Section 12 ‘Conserving and enhancing the historic environment’	This policy is consistent with Policy DC17, requiring any development that will affect a Listed Building or Conservation Area to be subject to comprehensive assessment.	This policy conforms with the emerging Local Plan Policy ENV07, “Proposals that would affect the significance of a heritage asset will not be accepted for consideration unless they provide sufficient information for that impact to be assessed.”	This policy is consistent with TAAP Policy TH21 which refers to the importance of locally distinctive landscapes and features it is also consistent with TH23 which refers to undesignated assets of heritage interest.



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<p><b>JNP16</b>  <b>Areas for enhancement in Brettenham and Kilverstone</b></p>	<p>This policy is consistent with NPPF Section 12, Paragraph 126, “Planning positively for local character and Distinctiveness”.</p>	<p>This policy conforms with the Core Strategy CO14 (h), to protect the form and character of a settlement from inappropriate proposals</p>	<p>This policy conforms with the emerging Local Plan Policy HOU.04 Rural Area which seeks to restrict development in rural areas to within settlement boundaries.</p>	<p>This policy is consistent with TAAP Policy TH39 which refers to development within the Settlement boundary for Thetford (This site is currently inside the settlement boundary).</p>
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<p><b>An environmental role:</b>          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;</p>	<p><b>JNP3: Enhancing village gateways and protecting local landscape character – protecting and enhancing the local natural environment</b></p> <p><b>JNP5: Historic Environment – protecting and enhancing the Historic Environment</b></p> <p><b>JNP6 Natural Environment – protecting and improving biodiversity and the natural environment</b></p> <p><b>JNP11: Avoiding the Coalescence of Settlements – protecting the natural environment</b></p> <p><b>JNP12: Character Appraisal for Croxton – positively protecting and enhancing the historic environment</b></p> <p><b>JNP13: Greens. Open Spaces and undeveloped areas – protecting the natural environment</b></p> <p><b>JNP15: Character Area Appraisal for Brettenham &amp; Kilverstone – protecting and enhancing the historic environment</b></p>
<p><b>A social role:</b>          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;</p>	<p><b>JNP1: Housing Design and Materials – creating a high quality built environment</b></p> <p><b>JNP2: Housing Density – creating a high quality built environment</b></p> <p><b>JNP4: Integrating the SUE – creating a high-quality environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being</b></p> <p><b>JNP8: Community Facilities – ensuring that the community has accessible and</b></p>

	<p><b>appropriate local facilities to support community health, social and cultural well-being</b></p> <p><b>JNP<sub>10</sub>: Surface Water Drainage and Flooding – ensuring a high quality built environment that supports the community’s needs</b></p> <p><b>JNP<sub>14</sub>: Brettenham &amp; Kilverstone Alms Houses – ensuring that community housing needs are met, and that the standard of built environment is of high quality</b></p> <p><b>JNP<sub>16</sub>: Areas for enhancement in Brettenham and Kilverstone – contributing to a high quality built environment.</b></p>
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## **6.0 f) Compatibility with EU Obligations**

- 6.1 The statement below demonstrates how the Joint Neighbourhood Plan does not breach and is compatible with EU obligations.
- 6.2 As the Joint Neighbourhood Plan includes policies and proposals relating to land use and development, it was recommended by Breckland District Council that the SEA Screening process be undertaken. The JNP area is also an area renowned for its international and national nature conservation designations as well as covering an area of very high landscape value.
- 6.3 Breckland Council carried out an SEA Screening in April 2016 and January 2017. The original screening was carried out at a very early stage before any policies had been fully formed. It was therefore difficult to determine whether the sensitive environment would be adversely affected, and a precautionary approach was indicated. Further work was undertaken on firming up policy direction and therefore the impacts could be more readily assessed. The January 2017 Screening Re-determination confirmed that an SEA was not required. The assessment was carried out with regard to the Conservation Objectives of those European Sites deemed to be within relative proximity of the Joint Neighbourhood Plan Area.
- 6.4 The screening report indicated that no European Sites will be significantly affected by the policies described in the Neighbourhood Plan and this was confirmed in a response provided by Natural England who were consulted on the screening report.
- 6.5 In addition, the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The accompanying Consultation Statement sets out the process followed in terms of community involvement.

## **7.0 g) Prescribed Matters**

- 7.1 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).”

- 7.2 Natural England has been consulted on the informal draft JNP and has contributed to the SEA Screening Opinion. They were also consulted at REG 14 stage. There are a wide range of national and international designations within the Parishes however the JNP is not promoting additional development and the policy wording contains appropriate safeguards which have taken on board suggestions made through the informal and formal consultation processes. The Parish Councils therefore consider that the Neighbourhood Plan meets the additional prescribed basic condition.

This document was produced on behalf of Croxton and Brettenham & Kilverstone Parish Councils by:  
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