

Lowestoft NDP

Basic Conditions Statement

January 2024 **Draft**

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## **1 Introduction**

1.1 The legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:

- i. Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B.
- ii. Planning and Compulsory Purchase Act 2004: ss 38A-C.
- iii. Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended).

1.2. As part of the formal submission of the Lowestoft Neighbourhood Development Plan (LNDP) for Examination, there is a requirement for Lowestoft Town Council, as the 'qualifying body', to demonstrate that it has complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as Amended). Regulation 15 requires the submission neighbourhood development plan to be accompanied by "a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act". This Statement accompanies the submission to the local planning authority, East Suffolk Council, of the HNBP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.3 This statement has been prepared in order to demonstrate compliance with these basic conditions. Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the "Basic Conditions" that the neighbourhood plan must comply with as:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
4. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
5. 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);
6. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
7. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).

1.4 In addition the Plan must meet the requirements of human rights law.



Figure 1

#### *Key statements*

1.5 The Lowestoft NDP (LNDP) has been prepared by the Lowestoft Neighbourhood Plan Working Group a sub committee of Lowestoft Town Council. East Suffolk Council (ESC), as the local planning authority, designated the Lowestoft Neighbourhood Area on 10<sup>th</sup> December 2018 to enable Lowestoft Town Council to prepare the Lowestoft NDP.

1.6 The Lowestoft NDP sets out policies that relate to the development and use of land within the Lowestoft Neighbourhood Area. The Lowestoft Neighbourhood Area as designated is shown in Figure 1 above.

1.7 The Lowestoft NDP does not relate to more than one neighbourhood area. It is solely related to the Lowestoft Neighbourhood Area designated by ESC in December 2018.

1.8 There are no other 'made' Neighbourhood Development Plans that cover the Lowestoft Neighbourhood Area.

1.9 The Plan covers the period up to 2036 to conform to the timescale of the Waveney Local Plan. The Lowestoft NDP Working Group has prepared the Plan through engagement with local people which identified objectives for the future of the Town and puts forward policies and proposals to safeguard built and natural assets and to bring forward land for housing to implement these objectives

#### *Supporting documents and evidence*

1.10 The LNDP is also supported by a Consultation Statement, a Sustainability Appraisal incorporating Strategic Environment Assessment (with accompanying Screening and Scoping Reports), this Basic Conditions Statement, and an extensive evidence base.

## **2. Basic Condition 1 – Conformity with National Planning Policy**

2.1. To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPGs).

2.2. The NPPF (2023) has 16 sections which are:

- Achieving Sustainable Development
- Plan making
- Decision making
- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Supporting high quality communications
- Making effective use of land
- Achieving Well Designed and Beautiful Places
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change

- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Facilitating the sustainable use of minerals

2.3. This section explains how the LNDP contributes to meeting NPPF objectives and also notes the specific national policies that the Lowestoft NDP is intended to support and supplement.

2.4. The LNDP has 6 objectives which are summarised in Table 2.1 alongside the sections of the NPPF that each objective addresses:

*Table 2.1 – HNDP objectives and the NPPF*

Lowestoft NDP Objective	Relates to these NPPF sections
To enhance the town centre as a distinctive destination for shoppers and visitors	Conserving and enhancing the historic environment.  Achieving Well Designed Places  Building a strong, competitive economy
To create a 21 <sup>st</sup> Century, mixed use waterfront	Achieving Well Designed Places  Delivering a sufficient supply of new homes
To promote investor and business confidence in Lowestoft	Building a strong, competitive economy
To achieve a sustainable economy and promote enterprise and innovation	Promoting healthy and safe communities  Building a strong, competitive economy
To create a high quality and sustainable environment	Achieving Well Designed and Beautiful Places  Meeting the challenge of climate change, flooding and coastal change
To deliver heritage-led economic development	Building a strong, competitive economy  Conserving the historic environment
To achieve a balanced and sustainable transport provision	Promoting healthy and safe communities

To protect and enhance green spaces, green infrastructure and parks	Promoting healthy and safe communities  Conserving and enhancing the natural environment
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2.5 Table 2.2 sets out how each policy of the LNDP meets the objectives of the NPPF:

*Table 2.2 – LNDP Policies and the NPPF*

Lowestoft NDP Policy	Relevant NPPF Paragraph	Relationship to the Plan
LOW1 – East Point Pavilion	<p>Para 131 – The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</p> <p>Para 132 – Plans should ...set out a clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable.</p>	East Point Pavilion is a key site on the seafront and the policy sets out some key requirements should the current building be redeveloped in the future.
LOW2 – Kirkley Water Front	<p>Para 131 – The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</p> <p>Para 132 – Plans should ...set out a clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable.</p> <p>Para 60 – it is important that a sufficient amount and variety of land can come forward where it is needed ....The overall aim should to meet as much of an area’s identified housing need as possible, including with an appropriate mix of house types for the local community.</p>	This is the major (re) development site in the Town in a sensitive waterfront location. The policy sets out key development principles for the site and the overall requirement for a high quality development with a strong waterfront identity.

<p>LOW3 – Lowestoft Town Centre and Historic High Street</p>	<p>Para 90 – Planning policies....should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation. Planning policies should ....define the extent of town centres and primary shopping areas. Para 195 – Heritage assets.....are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. Para 124 e) support opportunities to use the airspace above existing residential and commercial premises for new homes.</p>	<p>The Town Centre is an important local asset which has a key role to play in the regeneration of the Town. It contains a range of historic buildings and is set in a Conservation Area. The policy seeks to support change while as the same time protecting heritage assets and the Conservation Area as a whole from the historic and visual interest of the area. It sets out the uses that as acceptable within the Town Centre.</p>
<p>LOW4 – Kirkley District Shopping Centre</p>	<p>As above</p>	<p>Kirkley District Shopping Centre is a secondary centre mainly serving communities in the southern half of the Town. The objectives of the policy are the same as for the Town Centre.</p>
<p>LOW5 – Historic Town Hall Regeneration</p>	<p>Para 195 – Heritage assets.....are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. Para 196 – Plans should set out a positive strategy for ...heritage assets most at risk through neglect, decay and other threats. The strategy should take into account ....the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.</p>	<p>Lowestoft Town Hall – a Grade II listed building - dates from 1857-1914 and is the most prominent architectural landmark in the historic old town of Lowestoft. It celebrates and represents Lowestoft at the height of its late 19th century prosperity and embodies the civic pride of the Victorian town. It has been vacant since 2015 and it is crucial to the regeneration of the northern part of the Town Centre that it is refurbished and brought back into beneficial use.</p>



<p>LOW6 – Residential Development</p>	<p>Para 60 – it is important that a sufficient amount and variety of land can come forward where it is needed ....The overall aim should to meet as much of an area’s identified housing need as possible, including with an appropriate mix of house types for the local community.          Para 70 – small and medium sized sites can make an important contribution to meeting the housing requirements of an area....          Para 124 e) support opportunities to use the airspace above existing residential and commercial premises for new homes.</p>	<p>There is only one large site suitable for housing in the Plan area so its important that this policy supports small scale development within the Town centre, through conversions above shops, infill and redevelopment sites within residential areas.</p>
<p>LOW7 – Former Lowestoft Hospital Site</p>	<p>Para 195 – Heritage assets.....are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations.          Para 196 – Plans should set out a positive strategy for ...heritage assets most at risk through neglect, decay and other threats. The strategy should take into account ....the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.</p>	<p>The policy sets out development principles for the development of this important historic building dating from 1882.</p> <p>(Not listed?)</p>
<p>LOW8 – Residential Mix and Standards</p>	<p>Para 159 – New development should be planned for in ways that ...b) help to reduce greenhouse gases emissions, such as through its location, orientation and design, Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.</p>	<p>The policy sets out a range of standards for new residential development including the need for affordable housing to be tenure blind, the need for house types to reflect local need, the need for positive design and energy efficiency.</p>

	<p>Para 60 - ....it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.....</p> <p>Para 63 – .....the size, type and tenure of housing need for different groups....should be reflected in planning policies. The groups include (but are not limited to) those who require affordable housing; families with children; older people ; students; people with disabilities.....</p>	
<p>LOW9 – Design and Character</p>	<p>Para 131 – The creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...</p> <p>Para 132 – Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.....</p> <p>Para 135 f) – create places that are safe, inclusive and accessible and which promote health and well being, with high standard of amenity for existing and future users and where crime and disorder, and fear of crime, do not undermine the quality of life...</p> <p>Para 96 – Planning policies ....should aim to achieve healthy inclusive and safe places and beautiful buildings which ...promote social interaction ...for example through street layouts that allow for easy pedestrian and cycle connections....are safe</p>	<p>This policy sets out a range of requirements for development to ensure high quality, local distinctiveness, attractive public realm, community safety and sustainable transport.</p>

	<p>and accessible ....enable and support healthy lifestyles ...for example through the provision of safe and accessible green infrastructure...</p> <p>Para 108 c) opportunities to promote walking, cycling and public transport use are identified and pursued.</p>	
LOW10 – Green Infrastructure, Urban Green Spaces and Biodiversity	<p>Para 180 – Planning policies....should contribute to and enhance the natural and local environment by ....d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</p> <p>Para 185 – To protect and enhance biodiversity and geodiversity, plans should: b promote the conservation, restoration and enhancements of priority habitats, ecological networks ...and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>	This policy sets out how development can improve and maintain green spaces and increase biodiversity.
LOW11- Infrastructure	<p>Para 34 – Plans should set out the contributions expected from development....</p> <p>Para 100 – To ensure faster delivery of other public service infrastructure local planning authorities should work proactively ....to plan for required facilities....</p>	This policy seeks an contribution to the infrastructure requirements set out in the Lowestoft Infrastructure Plan.
LOW12 – Port Development		This policy seeks to ensure that economic development of the Port area is mitigated by environmental improvements.
LOW 13 – North Lowestoft Conservation Area	<p>Para 196 – Plans should set out a positive strategy for the conservation and enjoyment of the historic environment...</p> <p>Para 203 – In determining planning applications, local planning authorities should</p>	This policy sets out the considerations for development within the North Lowestoft Conservation area to ensure its historic character is protected and enhanced.

	<p>take account of ....the desirability of sustaining and enhancing heritage assets and putting them to viable uses consistent with their conservation ...the positive contribution (conservation) can make ..including their economic vitality.</p> <p>Para 206 – any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification...substantial loss or harm to grade II listed buildings should be exceptional and to grade I and II* listed buildings should be wholly exceptional.</p> <p>Para 208 – (when considering) the effect of an application on the significance of a non designated heritage asset – a balanced judgement will be required...</p>	
LOW14 – South Lowestoft and Kirkley Conservation Area	As above	This policy sets out the considerations for development within the South Lowestoft and Kirkley Conservation Area to ensure its historic character is protected and enhanced.
LOW15 – Local Heritage	As above	This policy promotes the preservation and enhancement of designated and non designated assets in general and specifically the South Pier.
LOW16 – Strategic Green Landscape	Para 180 – Planning policies....should contribute to and enhance the natural and local environment by ....c. maintaining the character of the undeveloped coast, while improving public access to it where appropriate.	This policy identifies a Strategic Green Landscape within which development should enhance its open and green character.
LOW17 – Local Green Spaces	Para 105 – the designation of land as Local Green Space through ....neighbourhood plans allows communities to	This policy identifies LGS in accord with national policy

	<p>identify and protect green areas of particular importance to them. ....LGS should be ...capable of enduring beyond the end of the Plan period.</p> <p>Para 106 – LGS designation should only be used where the green space is – a) reasonably close to the community it serves; b) demonstrably special to a local community; c) local in character and not an extensive tract of land.</p>	
<p>LOW18 – Recreational and Sports Spaces</p>	<p>Para 102 – Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities.....</p> <p>Para 103 – Existing open space, sports and recreational buildings and land, including playing fields should not be built on unless .....(its) shown surplus to requirements, the loss would be replaced or the development is for alternative sport and recreational provision.</p>	<p>This policy protects recreational and sports areas in accord with national policy.</p>
<p>LOW19 – Balanced Transport Provision</p>	<p>Para 108 – Transport issues should be considered from the earliest stages of plan-making – c) opportunities to promote walking, cycling and public transport are identified and pursued; e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes , and contribute to making high quality places.</p> <p>Para 110 – Planning policies should: d) provide for attractive and well designed walking and cycling networks with supporting facilities such as secure cycle parking.</p>	<p>This policy promotes sustainable transport and seeks to ensure the needs of pedestrian and cyclists are fully taken into account in development.</p>

LOW20 – Local Energy Schemes	Para 160 – To increase the use and supply of renewable and low carbon energy and heat plans should – provide a positive strategy for energy from these sources....	This policy supports local energy schemes subject to a number of criteria to protect local environments.
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2.6. The LNDP has not sought to contain policies on all types of development.

### **3. Basic Condition 4 – Contribution to Sustainable Development**

3.1. Tables 3.1 – 3.3 summarise how the objectives and policies in the LNDP contribute towards sustainable development, as defined in the NPPF. Many of the objectives and policies of the LNDP overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

*Table 3.1 – NPPF economic objective - To help build a strong, responsive and competitive economy*

NNDP Objectives	To create a 21 <sup>st</sup> Century, mixed use waterfront To promote investor and business confidence in Lowestoft To achieve a sustainable economy and promote enterprise and innovation
LNDP Policies	LOW1 – East Point Pavilion LOW2 – Kirkley Water Front LOW3 – Lowestoft Town Centre and Historic High Street LOW4 – Kirkley District Shopping Centre LOW5 – Historic Town Hall Regeneration
Comments	The LNDP supports a number of key economic development proposals and seeks to enable the viability of the two shopping centres

*Table 3.2 – NPPF social objective – ‘to support strong, vibrant and healthy communities’, foster ‘well-designed, beautiful and safe places with accessible services and open spaces’ and to ‘support communities’ health, social and cultural well-being’*

LNDP Objectives	To achieve a balanced and sustainable transport provision To protect and enhance green spaces, green infrastructure and parks
LNDP Policies	LOW2 – Kirkley Water Front LOW3 – Lowestoft Town Centre and Historic High Street LOW4 – Kirkley District Shopping Centre

	LOW6 – Residential Development LOW7 – Former Lowestoft Hospital Site LOW8 – Residential Mix and Standards LOW9 – Design and Character LOW10 – Green Infrastructure, Urban Green Spaces and Biodiversity LOW11-Infrastructure LOW16 – Strategic Green Landscape LOW17 – Low Green Spaces LOW18 – Recreational and Sports Spaces LOW19 – Balanced Transport Provision
Comments	A key objective of the LNDP is to safeguard and enhance the environment by retaining and improving open spaces and raising design standards to support the health and well being of residents and visitors.

*Table 3.3 – NPPF environmental objective – To protect and enhance our natural, built and historic environment.*

LNDP Objectives	To create a high quality and sustainable environment To protect and enhance green spaces, green infrastructure and parks
LNDP Policies	LOW2 – Kirkley Water Front LOW3 – Lowestoft Town Centre and Historic High Street LOW4 – Kirkley District Shopping Centre LOW5 – Historic Town Hall Regeneration LOW7 – Former Lowestoft Hospital Site LOW8 – Residential Mix and Standards LOW9 – Design and Character LOW10 – Green Infrastructure, Urban Green Spaces and Biodiversity LOW12 – Port Development LOW 13 – North Lowestoft Conservation Area LOW14 – South Lowestoft and Kirkley Conservation Area LOW15 – Local Heritage LOW16 – Strategic Green Landscape LOW17 – Low Green Spaces LOW20 – Local Energy Schemes
Comments	Many of the policies of the LNDP seek to protect and enhance the natural, built and historic environment.

#### **4. Basic Condition 5 – General Conformity with the Strategic Policies of the Development Plan**

4.1. Table 4.1 compares the policies of the LNDP with the adopted Waveney Local Plan and draws conclusions on conformity.

*Table 4.1: Assessment of conformity with policies in the Waveney Local Plan*

LNDP Policy	Waveney Local Plan Policies	LNDP conformity.
LOW1 – East Point Pavilion	WLP 8.16 New Hotels and Guest Houses are supported in Town Centre locations and sea fronts including Lowestoft.	LOW 1 provides guidance about suitable uses for East Point Pavilion should it be redeveloped including ‘...for other tourist and visitor uses’. NB presume hotels would be acceptable under this policy?
LOW2 – Kirkley Water Front	<p>WLP2.4 Kirkley Waterfront – (only part is within the LNDP area) contains a range of site specific criteria for management of the development including that development should be in conformity with the Sustainable Urban Neighbourhood and Kirkley Waterfront Development Brief. It states that revisions to guidance can be made through Neighbourhood Plans.</p> <p>WLP 8.32 Housing Density and Design requires the best use of sites enhance distinctiveness an character an inclusion and enclosure of space.</p>	<p>LOW2 also requires conformity with the Development Brief and sets out some development principles that add detail to and complement WLP2.4.</p> <p>It requires high quality development, active frontages and creative architectural design inconformity with WLP 8.32.</p>
LOW3 – Lowestoft Town Centre and Historic High Street	<p>WLP2.3 Peto Square – the area around the railway station is allocated for mixed use development for restaurants, drinking establishments, leisure and retail uses.</p> <p>WLP 2.7 Former Battery Green Park proposes a comprehensive redevelopment off this site which comprises a vacant multi Storey car park retail and a surface level car park. Development control criteria require high quality development with active frontages.</p> <p>WLP 2.9 Historic High Street and Scores Area seeks to conserve the area through heritage based regeneration to compliment the Town Centre. Design guidance</p>	<p>The Town Centre area includes Peto Square and seeks to guide the type and quality of development. It does not preclude the uses proposed in WLP 2.3. LOW3 is therefore complementary to WLP2.3.</p> <p>LOW 3 identifies the Town Centre area which includes the Battery Green Park area. The criteria it contains to guide development are consistent with WLP 2.7.</p> <p>This area is within the wider area identified in LOW 3 which contains a range of criteria to guide development which are complementary to</p>



	<p>can be provided as part of a neighbourhood plan.</p> <p>WLP 8.18 New Town Centre Use Development states that town centre boundaries and primary shopping areas are defined on the policies map and defines uses [old use classes order] that would be acceptable within town centre boundaries.</p> <p>WLP 8.19 Vitality and Viability of Town centres describes restrictions on the change of use to residential from shopping and related uses in primary shopping frontages and secondary shopping frontages. Neighbourhood plans can set their own requirements for the mix of units within these frontages provided the effect of the requirements supports the vitality and viability of the town centre.</p>	<p>the guidance contained in WLP 2.9.</p> <p>LOW 3 uses the same boundaries as defined in WLP 8.18.</p> <p>LOW 3 support development in lowest off town centre providing it enhances or causes no harm to its vitality and attractiveness.</p>
<p>LOW4 – Kirkley District Shopping Centre</p>	<p>WLP 2.1 2 Kirkley District Shopping Centre permits town centre uses, describes acceptable changes of use, specifies that non Class A uses will not normally be permitted and that there should be no adverse effect on the character of the area.</p> <p>NB the area does not seem to be defined on the policies map</p> <p>WLP 8.20 Local Shopping Centres restricts changes of use between use classes [old old E classes order].</p>	<p>LOW 4 is a positive policy that protects the conservation area and listed buildings, proposes that conditions on hours of usage may be necessary to protect residential amenity, supports conversion to flats on upper floors and describes acceptable use classes.</p> <p>The proposals for residential uses upper floors may be contrary to the district local plan policy restricting flat conversions? Check with ESC</p> <p>LOW 4 provides guidance about suitable development including appropriate uses</p>

		and is consistent with WLP 8.20
LOW5 – Historic Town Hall Regeneration	See below	
LOW6 – Residential Development	WLP 8.4 restricts the conversion of properties into flats or houses in multiple occupation (HMO's) in the defined flat saturation zones. There are 4 in Lowestoft – London Rd South, Denmark Street, Kirkley Cliffe Rd and Windsor Street.	LOW 6 supports new residential development including the conversion of upper storeys above shops and the redevelopment of existing residential buildings, as long as there is no conflict with policies restricting HMO. <b>This policy may not be in conformity with WLP8.4 re flats in the FSZs.</b>
LOW7 – Former Lowestoft Hospital Site	WLP 2.8 Former Lowestoft Hospital identifies the site for residential development requiring parts of the building to be retained.	LOW 7 sets out development control criteria for this site with more detail regarding the reversal of unsympathetic past alterations, layout and massing, materials, etc. It also requires the same parts of the building to be retained. It is therefore complementary to WLP 2.8. <b>NB low 7 does not specify residential development.</b>
LOW8 – Residential Mix and Standards	<p>WLP 8.1 Housing Mix requires mix to be based on evidence of local needs and that normally 35% of homes should be one or two bedrooms. Neighbourhood plans can set out more detailed proposals based on evidence.</p> <p>WLP 8.2 Affordable Housing includes a requirement that affordable housing should be indistinguishable from market housing in terms of location appearance, etc.</p> <p>WLP 8.31 Lifetime Design requires residential design to support the needs of older people. On sites of 10 dwellings or more 40% should meet M4 (2) part M of building regulations.</p>	<p>LOW 8 states that mix quality and choice should be based on evidence of local need including the need for housing suitable for the elderly, such as accessible and adaptable homes built to M4(2) an M4(3) standards.</p> <p>LOW8 (3) requires that affordable housing should be an integral part of a scheme/tenure blind.</p> <p>LOW 8 is consistent with and complementary to WLP8.1, 8.2 and 8.31.</p>

	WLP 8.34 Biodiversity and Geodiversity requires development to maintain restore or enhance green infrastructure and positively contribute towards biodiversity with any compensatory habitats equal or greater in size.	LOW 8 [5] requires positive design and landscape features to reduce carbon footprint and promote biodiversity with support for superior environmental performance which lower running costs.
LOW9 – Design and Character	WLP 8.29 Design sets a requirement for high-quality design and criteria including a clear understanding of the form and character of the built historic and natural environment and protection of the amenity of the wider environment. Neighbourhood plans are encouraged to set out design policies which respond to local circumstances. WLP 8.34 Biodiversity and Geodiversity requires development to maintain restore or enhance green infrastructure and positively contribute towards biodiversity with any compensatory habitats equal or greater in size.	LOW 9 requires development to be locally distinctive and sustainable, proportional to the scale and nature of the scheme, responding to heritage, topography, landscape and other features of the site amongst a list of comprehensive criteria. Positive design and landscaping standards to reduce carbon footprint and promote biodiversity.  <b>NB LOW 8 and 9 contain exactly the same words</b>
LOW10 – Green Infrastructure, Urban Green Spaces and Biodiversity	WLP 8.30 Design of Open Spaces provides criteria for the creation of open space within urban areas	LOW 10 requires urban green space to be provided as an attractive setting for development.
LOW11- Infrastructure		
LOW12 – Port Development	WLP2.2 Power Park supports port related development, off shore energy uses and public realm improvements.  WLP 2.10 Inner Harbour Port area supports port and associated uses and seeks to minimise noise with landscaping improved public realm and parents.	LOW12 covers the same area and requires the environmental impact of development in the area to be mitigated. It is therefore complements WLP2.2 and WLP 2.10.  <b>NB small area to the south of LL not in LNDP area.</b>
LOW 13 – North Lowestoft Conservation Area	WLP 2.9 Historic High Street and Scores Area seeks to conserve the area through heritage based regeneration to compliment the	LOW 13 covers the same area as WLP 2.9 and contains criteria to preserve or enhance the character and

	Town Centre. Design guidance can be provided as part of a neighbourhood plan.	appearance and special architectural interest of the area. It specifies that development should not encroach onto the Scores or harm their character. The policies are complementary.
LOW14 – South Lowestoft and Kirkley Conservation Area	See below	
LOW15 – Local Heritage	See below	
LOW16 – Strategic Green Landscape	<p>WLP2.5 East of England Park – describes the intention to establish a destination park with pavilion, cafe, sculpture and play facilities.</p> <p>WLP 8.21 Protection of Open Spaces states there is a presumption against development involving the loss of open space with criteria including replacement with equivalent or better.</p> <p>WLP 8.35 Landscape Character requires that development is informed by distinctive character areas. Development should enhance, according to a set of criteria, including special qualities and local distinctiveness</p>	<p>Part of the area of the proposed Park is within the Strategic Green Landscape identified in policy LOW16 which requires development to support it's amenity recreation and environmental value. The uses proposed in WLP 2.5 are consistent with this policy which supports the aims of WLP8.21 to restrict the loss of open space.</p> <p>???</p>
LOW17 – Local Green Spaces	WLP 8.21 protection of open spaces states there is a presumption against development involving the loss of open space with criteria including replacement with equivalent or better.	LOW 17 identifies 18 Local Green Spaces for protection and sets criteria for considering suitable development.
LOW18 – Recreational and Sports Spaces	WLP 8.21 protection of open spaces states there is a presumption against development involving the loss of open space with criteria including replacement with equivalent or better.	LOW 18 protects identified recreation and sports spaces.

LOW19 – Balanced Transport Provision	WLP 8.21 sustainable transport requires that development proposals should be designed to encourage travel using non car modes. A list of criteria is provided including access to facilities by walking cycling and public transport.	LOW 19 Balanced Transport Provision requires balanced and sustainable connections with pedestrians and cyclists prioritised.
LOW20 – Local Energy Schemes	WLP 8.27 Renewable and Low Carbon Energy support supports neighbourhood plans identifying suitable areas for such uses where there is no impact on residential and business amenity	LOW 20 provides detailed criteria for considering local energy schemes.
LOW 3 Lowestoft Town Centre and Historic High Street; LOW 4 Kirkley District Shopping centre; LOW 5 Historic Town Hall Regeneration; LOW13 North Lowestoft Conservation Area; LOW14, South Lowestoft and Kirkely Conservation Area; LOW 15 local heritage	WLP 8.37 Historic Environment requires that development should conserve or enhance heritage assets. WLP 8.38 Non-designated Heritage Assets states that the Council maintains a list of such assets and that new uses which cause substantial harm will not be permitted unless all other options for the use of the building are exhausted. WLP 8.39 Conservation Areas states that proposals should be assessed against conservation area appraisals. Detailed criteria for considering the demolition of non listed buildings in a conservation area and criteria for replacement of windows and doors etc where Article 4 Directions are in place are provided.	LOW 3 and 4 require reuse and refurbishment of listed buildings and non heritage assets [consider changing wording here] to preserve buildings and settings and require the enhancement of architectural or historic interest of the area. LOW 5 requires that conversion work should conserve or better reveal the significance of the listed building. LOW 13 and 14 provide detailed criteria to protect the conservation area and listed/non designated heritage assets.

## **5. Basic Condition 6 – Conformity with EU Obligations**

5.1. The LNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Human Rights Act contains a number of articles which are potentially relevant to neighbourhood planning such as:

- the right to respect for private and family life.
- freedom of expression.
- prohibition of discrimination.

5.2 Both non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Working Group was mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. These initiatives are documented in the accompanying Consultation Statement. The neighbourhood plan has, therefore, been prepared to represent the views of the whole community.

5.3 The LNDP has therefore had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

5.4 An assessment of the potential impact of the Plan on the environment is required by law. The Screening found that the residential development allocated through the Plan could have a range of environmental effects both during and after the construction period. A Strategic Environmental Assessment was therefore found to be required.

5.5 The Strategic Environmental Assessment found that the only significant effects likely to arise in implementation of the LNDP are positive in nature and relate to the SEA theme of community wellbeing.

## **6. Basic Condition 7 – Conformity with the Prescribed Conditions**

6.1. Under Directive 92/43/EEC, also known as the Habitats Directive<sup>4</sup>, it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments (HRA). An appropriate assessment (AA) is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.

6.2. An HRA Screening Report was commissioned by ESC which found that the LNDP was not likely to have significant impacts on European protected species or sites.

## **7. Conclusion**

7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Eye Neighbourhood Plan and all the policies therein.

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