

## **APPENDIX B**

### **Proposed Local Planning Authority Comments to Pre Submission Newmarket Neighbourhood Plan 22nd June 2018 Version 29 (Pre Sub NNP).**

The significant progress that has been made on the Newmarket Neighbourhood Plan (NNP) since the May 2018 draft V20 previously commented on is noted and welcomed. However before the NNP is formally submitted FHDC would recommend that the comments below are addressed:

#### **Section 1: The Neighbourhood Plan Process in Newmarket**

##### **1.2 Plan Area** Page 6.

**Comment:** It is suggested that paragraph 1.2.1 is amended to better reflect the changes resulting from Exning Parish Council's boundary change and area designation. The second sentence could be amended to read. *'The final designated area includes the whole of the parish of Newmarket with the addition of the areas identified on the map below within the parish of Exning for which Newmarket Town Council are authorised to act.'*

#### **Section 2: Newmarket's heritage and character**

##### **2.2. Overview of the modern town** Page 10.

**Comment:** Paragraph 2.2.3 – The second sentence as worded is illogical and should be reconsidered. It suggests that population growth might not be sustainable as the town has lost a number of services in the past. Additional services and facilities are normally secured through growth and higher levels of growth are likely to make services more viable. Policy CS13 – Infrastructure and Developer Contributions of the Forest Heath Core Strategy aims to ensure that improvements to infrastructure, services and community facilities and secured to mitigate the impact of development.

#### **Section 3: Framework for future development**

##### **3.1. Requirements** Page 11.

**Comment:** The factual amendments to the paragraph 3.1.1 are noted and welcomed.

##### **3.2. Constraints**

**Comment:** Paragraph 3.2.1 the bullet points listed raise more issues than environmental and horseracing constraints and it is suggested an amendment is made to reflect this.

#### **Section 4: Objectives and Policies**

Paragraph 4.2 - The list of objectives 1 – 6 are supported and welcomed.

##### **Objective 1: To promote and maintain the character of the town**

##### **Policy NKT1: Key Views** – Page 17

**Comment:** The inclusion of the key views from the Newmarket Conservation Area is welcomed. However the view from Warren Hill is not listed in the appraisal as a large part of Warren Hill is in East Cambridgeshire and therefore outside of the Forest Heath and Newmarket Neighbourhood Plan Area.

Are there other views other than those in the conservation area appraisal that are worthy of protection – has an assessment of the landscape and views around Newmarket been undertaken to ensure all important views are included? By including a list in the policy there is a danger it will be considered definitive and a view will not be regarded as ‘key’ if not included on the list.

It is noted that the proposals map has not been included with the Pre Sub NNP and we may therefore have further comments on this Policy and or its spatial expression.

The Governments Guidance on Neighbourhood Planning in Paragraph: 049 Reference ID: 41-049-20140306 advises that *‘Before the formal pre-submission consultation takes place a qualifying body should be satisfied that it has a complete draft neighbourhood plan or Order.’* The Pre Sub NNP is not considered complete without a map or maps defining the Key Views.

See <https://www.gov.uk/guidance/neighbourhood-planning--2#consulting-on-and-publicising-a-neighbourhood-plan-or-order>

**Policy NKT2: St. Mary’s Square and St. Mary’s Churchyard.** Page 20.

**Comment:** If NTC wish to see this area designated as local green space and an environmental improvement area the neighbourhood plan gives the opportunity to do so. It is suggested the first sentence is redrafted to state *‘St Mary’s Square and St. Mary’s Churchyard is designated as...’*

Criteria f. The wording of this criteria is repetitive and it is suggested it is redrafted.

Any allocation proposing the redevelopment of the buildings in this area would require the cooperation of the landowner and residents – have they been contacted and do you have evidence of support for the proposal?

It is recommended that the extent of the allocation is shown on the accompanying map with a border and or shading defining the area.

**Policy NKT3: Newmarket Conservation Area Appraisal.** Page 22.

**Comment:** The adopted Newmarket Conservation Area Appraisal will be a material consideration in the determination of any development proposal coming forward in the conservation area. The identification of a feature in the appraisal highlights its significance as a material consideration. This policy does not add to West Suffolk Joint Development Management Policies Document (JDMPD) Policy DM17: Conservation Areas or guidance in Section 12 of the NPPF: Conserving and enhancing the historic environment and it is recommended that it be deleted.

Historic England publish guidance on how the historic environment can be considered in the neighbourhood planning process including policy writing.

See: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

**Policy NKT4: Shop Fronts.** Page 23.

**Comment:** This policy would benefit from some additional supporting text giving context. Shopfronts are addressed by policies DM17 and DM38 of the West Suffolk JDMP local plan document however

this document was drafted before the shopfront design guide and it is not referenced in its policies. The guidance is a material consideration when determining any relevant application and the reference and support to the shopfront design guide in this policy is welcomed.

**Community Action 5: Supplementary Shop Front Policy**

**Comment:** The initiative to write a supplementary shop front policy specifically to Newmarket is welcomed if it adds a local, Newmarket specific dimension to the district wide shopfront design guide. A supplementary shop front policy would have little weight if brought forward as a community action and not adopted as supplementary planning guidance by the LPA. If adequately researched, evidenced and appropriately worded the Neighbourhood Plan would be the best vehicle to bring such a policy forward and it is suggested that consideration is given to carrying out further work to do this. If NTC wish to pursue the production of a Newmarket specific guide the LPA would be happy to offer support by discussing proposed content and routes / requirements for adoption by the LPA.

**Policy NKT5: A Town Museum/Arts Centre/Tourist Information. Page 23.**

**Comment:** A policy allocating a site / building requires the building owners to agree to the proposed uses, and confirm the building's availability. FHDC own this site and has recently carried out an options appraisal for various uses including the community uses suggested. A museum, arts centre and tourist information use were found to be commercially unviable and a residential use for the buildings fronting Palace Street and office use for the buildings to the rear is the councils preferred option. The Coach House cannot therefore be considered available or deliverable for the proposed uses in the NNP at this time. It is recommended that the policy be reworded more generically removing references to the Coach House and stating 'that appropriate proposals for a mix of visitor attractions including ..... will be supported'.

**Community Action 7: Archaeology. Page 24.**

**Comment:** It is suggested Suffolk County Council Archaeology are consulted on the wording of this community action to ensure it is achievable and does not repeat or conflict with West Suffolk JDMP DM20 and section 12 of the National Planning Policy Framework (NPPF).

**Policy NKT6: Market. Page 25.**

**Comment:** The wording of this policy needs further consideration to clarify what it is trying to achieve. The policy as drafted does not give clear guidance and it is suggested it could be made more positive with wording stating that appropriate proposals for an enhanced market will be supported in the town centre and that the loss or change of use of the existing market space will not be permitted unless it can be demonstrated the use is no longer viable or that a replacement site is identified of at least equivalent standard in a suitable location.

**Community Action 8: Market. Page 25.**

**Comment:** The term 'any future development' is all-encompassing. It is suggested the type / location of development which will be expected to enhance the market experience is defined.

**Equine Treadmills:** Recent discussions with NTC and Jockey Club Estates has raised the potential need for a policy on equine treadmills, particularly when sited near residential areas. It is suggested the NNP is well placed to advance such a policy within its neighbourhood plan and if the NTC wish to take this forward they liaise with JCE and West Suffolk planning officers.

## **Objective 2: To Improve and Promote Residents' Health & Well-Being**

### **Policy NKT7: Hospital site.** Page 26.

**Comment:** The provisions of this policy are addressed by JDMPD Policy DM47: Community Facilities and Services and it is suggested that it is deleted.

### **Policy NKT8: Education sites.** Page 27.

**Comment:** The provisions of this policy are addressed by JDMPD Policy DM47: Community Facilities and Services and it is suggested that it is deleted.

### **Policy NKT9: Special educational needs provision.** Page 28.

**Comment:** The wording of this policy needs further consideration. Has the support of the landowner been secured? If the site is viable and deliverable the policy should be worded to make a designation rather than 'should be designated'. If the viability or deliverability of the site is uncertain it is suggested the policy is worded more generically without reference to the police station and old court buildings giving support to appropriate proposals for a centre for special educational needs. The need for a policy and a community action addressing the same issue is questioned and it is suggested depending on the approach adopted only one is retained. The FHDC Corporate response (Appendix C) should also be considered in relation to the deliverability of the policy as drafted with reference to the implications of the application for the former police station site to be considered an Asset of Community Value.

### **Community Action 10: Community Hubs.** Page 29

**Comment:** This community action would benefit from supporting text to set the context and explain the need / evidence for such a facility.

### **Policy NKT11: Community Sports and Recreation Area.** Page 31.

**Comment:** This policy has the potential to conflict with Policy SA6(d) in the FHDC Site Allocations Local Plan. Any development of this site that jeopardises the delivery of 50 dwellings on the former school site would not be supported by the LPA. Conflict might be avoided between the SALP and NNP if the NNP allocation for a shared community sports and recreation area includes the tennis courts and former playing fields and does not include the proposed housing site.

The extent of the site allocation needs to be clearly shown on the inset map or a proposals map with its boundary defined.

A deliverable policy requires the site owners to agree to the proposed use, and confirm the site's availability for such. The site owners (SCC) are supportive of the St Felix site residential allocation for 50 dwellings within the Submission SALP for Forest Heath with a proviso that the existing open space is to be retained. This document is now under Examination and no modifications are proposed in relation to the St Felix site and therefore the SALP allocation has considerable weight. It is recommended that NTC secure the support of SCC and George Lambton if this allocation is to be retained.

Sport England should be consulted regarding the proposed development of a sports hall on the existing playing field. Loss of the playing fields to built development and associated infrastructure such as car parks etc. should be kept to a minimum, or must meet their strict Exception criteria.

The retention of this site for informal recreation is also extremely important as there is a greater shortage of this in Newmarket compared to formal pitch provision.

The designation of Local Green Space is welcomed and it is suggested that the designation of other valued areas that meet the relevant criteria are considered for designation in the town. If Local Green Space is to be designated in the plan it is suggested a policy covering the aims of designation is also included in the neighbourhood plan. Further advice on identification, designation and appropriate policies can be found on the link below:

[https://neighbourhoodplanning.org/wp-content/uploads/8-LOCALITY\\_NP-Green-space-HMJS-08.06.18.pdf](https://neighbourhoodplanning.org/wp-content/uploads/8-LOCALITY_NP-Green-space-HMJS-08.06.18.pdf)

Please also refer to the FHDC Corporate response (Appendix C) regarding relevant open space/ facilities surveys and Strategies that FHDC (and West Suffolk Councils) already have available, which may assist NTC.

#### **Policy NKT12: Cinema.** Page 33

**Comment:** The wording of this policy should be reconsidered. As worded it is not a useable land use policy and merely suggests that a site 'should' be allocated rather than identifying a viable and deliverable site for allocation. Alternatively if no site has been identified it is suggested the policy is reworded to support appropriate proposals for a cinema in the High Street or Guineas shopping area. Consideration should be given to include the possible provision of a cinema in an expanded policy / allocation for the Guineas Shopping Centre. See comments to Policy NKT31.

#### **Open Spaces.** Page 33.

**Comment:** The purpose of the map on page 34 is unclear. It would benefit from a title and some annotation – Is it intended to show the location of open space in the town? It is suggested consideration should be given to the designation of local green spaces and the inclusion of a related policy as mentioned in comments to NMKT11 above. Please also consider the findings of the *Forest Heath District Council - Evidence paper for Single Issue Review (SIR) of Core Strategy Policy CS7 and Site Allocations Local Plan - Accessible Natural Greenspace Study, (January 2017)*, see:

[https://www.westsuffolk.gov.uk/planning/Planning\\_Policies/local\\_plans/upload/16-11-23-Accessible-Green-Space-Study-Jan-17.pdf](https://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/upload/16-11-23-Accessible-Green-Space-Study-Jan-17.pdf)

### **Objective 3: To value and protect our environment**

#### **Policy NKT13: Trees.** Page 38

**Comment:** A tree policy is supported. For the policy to be positively prepared it is recommend that the reference to significant surgery is deleted.

It is also suggested the reference to planting in playgrounds is removed as mature trees and some native species can be an issue if they are close to or overhang formal play areas/ equipment although planting is desirable in other greenspace areas.

#### **Community Action 21.** Page 38

**Comment:** The undertaking to audit the trees in the town and establish an on-going planting programme is welcomed. NTC may wish to liaise with the Woodland Trust in this regard.

**Policy NKT14: Air Quality.** Page 39

See comments from the Council's Environment Officer regarding air quality and the AQMA in the West Suffolk corporate response to the Pre Sub NNP, (Appendix C).

**Policy NKT15: Biodiversity.** Page 40

**Comment:** The measures listed are considered to be ecological enhancements. National and District planning policy (JDMPD Policy DM12) encourages this approach and if locally this is considered to be a priority, then a policy adding further detail of appropriate measures is supported. However the wording should be carefully considered. It is suggested '*as necessary and where appropriate*' is added after '*buildings*' as all locations or building types may not be suitable for the measures proposed.

**Policy NKT16: Yellow Brick Road Linear Park.** Page 41

**Comment:** A policy concerning the Yellow Brick Road is welcomed. It would be helpful to identify the designation on an inset map or the policies map. The requirement that the YBRLP 'must be maintained' at the end of the policy would benefit from clarification – does this statement aim to retain the YBRLP or keep it in good condition?

**Objective 4: To develop sustainable housing within the boundary of the designated area**

**Policy NKT17: Sustainable design features.** Page 43

**Comment:** The policy requirements duplicate Core Strategy policies CS4 and CS5 and JDMPD policies DM2, DM7, and DM46. In addition it is not clear how encouraging parking provision over the minimum standard is a sustainable design feature as this will promote car usage rather than other more sustainable forms of transport in the town. If NTC desire different parking standards than that supported by the Highway Authority then they should evidence this requirement, demonstrate that this has been approved by SCC as Highways Authority and explain why Newmarket has a different parking need than the rest of the district / county. Overall, this policy does not add to existing planning policy and it is recommended that it be deleted or suitable evidence to substantiate a local need for any requirement that NNP identifies beyond existing national and local policy requirements is researched to justify revised policy requirements.

**Community Action 31.** Page 43

**Comment:** The wording of this action needs to be carefully considered – A 'major' planning application is for residential 10+ dwellings, development on a site larger than half a hectare, or (a) building(s) exceeding 1000m<sup>2</sup>; and for offices, industrial and retail uses, new buildings exceeding 1000+ m<sup>2</sup> or sites of 1+ hectare; and greater than 10+ Gypsy / traveller pitches. 'Any major new development' suggests that all land uses are covered by this Community Action.

**Infrastructure** Page 43

**Comment:** The supporting text in paragraph 4.6.4 deals with connectivity and a more walkable environment and does not relate to the policy it precedes which deals with broadband. This text

might sit better under the pedestrian and cycle route heading on page 46 and alternative supporting text for the draft broadband policy NKT18 could be provided.

**Policy NKT18: Broadband.** Page 44

**Comment:** This policy would benefit from some supporting text setting the context and evidencing the need for the policy. In addition the following points should be given consideration: How future-proof is this policy for technological changes? It would be advisable to seek advice from technology infrastructure providers about alternative “future” options to fibre/ high speed broadband. Otherwise, if high speed broadband is replaced by alternative technology prior to the proposed end of the Plan period of 2031, the policy will no-longer be useable.

**Policy NKT19: Affordable Housing.** Page 44

**Comment:** The amendments to this policy from the previous draft are welcomed. There is a small typo in the second sentence and it is suggested the word ‘in’ is deleted. The policy might benefit from cross reference to JDMPD Policy DM22 if seeking to ensure the appropriate design of affordable housing. See also Strategic Housing’s comments in relation to helpful text within the Affordable Housing SPD – contained within comments on this policy in Appendix C.

**Policy NKT20: Dwelling Statements.** Page 44.

**Comment:** The policy would benefit from additional supporting text to set the context and to explain what is meant by a dwelling statement. NTC could within the supporting text advice applicants to refer to the Strategic Housing Authority (West Suffolk Councils) regarding any affordable housing mix. West Suffolk already seek to require all new residential development to meet the National Technical standards for internal/ external space – this policy could refer to the National Technical space standards to be consistent. Please also refer to the Corporate FHDC response in Appendix C.

**NKT21: Travel Plans Policy.** Page 44

**Comment:** The 16<sup>th</sup> April Main Modification 18 to the Submission Site Allocations Local Plan puts forward the following text in relation to development proposals in Newmarket.

*‘Permission will only be granted for development proposals where applicants can demonstrate that the transport impact of each proposal (including cumulative impacts where appropriate) on horse movements in the town, together with impacts on other users of the highway, has been assessed to: (i) determine whether the proposal results in material adverse impacts; and*

*(ii) where necessary, to identify any measures necessary to mitigate the individual (and, where appropriate, cumulative) transport impacts of development (which may include contributions to upgrading horse crossings and measures to raise awareness of the special circumstances and highway safety issues in Newmarket where appropriate).’*

It is considered this modification in combination with any EIA and JDMPD Policy 45 that requires Travel plans/ Assessments for major developments or where the proposed development is *likely to generate significant traffic movements and have significant transport implications* makes the proposed policy NKT21 unnecessary and it is suggested it be deleted.

Should NTC be minded to retain a policy it would benefit from supporting text giving context, and a reasoned justification for the policy’s requirements. The wording should be given further

consideration – why are only major residential schemes asked for a travel plan when other forms of major development create vehicle movements?

**Community Action 26: Community Land Trust and 27: Emergency Housing** Page 44

**Comment:** The amendments to this action from previous drafts are noted and welcomed. However it is suggested this Action and Community Action 27: Emergency Housing would benefit from some supporting text giving a reasoned and evidenced justification and that they might sit better in the document if placed under ‘Housing for all’ rather than ‘Traffic considerations’. In addition, additional emergency housing for homeless people has recently been secured by West Suffolk in Newmarket. It is recommended that NTC liaise with the Strategic Housing team at West Suffolk regarding community action 27 if it is to be retained.

**Objective 5: To develop a sustainable transport network**

**Comment:** It is suggested Suffolk County Council as the Highways Authority and the Newmarket Vision Transport Group are consulted on the Neighbourhood Plan in general and this section specifically.

**Community Action 28: A14/142 Junction.** Page 46

**Comment:** The Highway Authority have schemes in place and have applied for funding to Highways England to address this issue. Both bodies are already aware of the junction. Consideration should be given as to what NTC is seeking to achieve with this action and if it is worth retaining.

**Policy NKT22: Pedestrian and Cycle Network** Page 46

**Comment:** This policy should be evidence based – has a study been undertaken identifying the deficiencies in the existing provision and have feasibility studies been undertaken for the identified roads for cycle ways? Much of Policy 31 relates to highways land and potentially goes beyond the remit of a development plan policy and might be better expressed as a community action. The advice of SCC as Highways Authority should be sought.

**Policy NKT23: Cambridge-Bottisham Cycle Way** Page 47

**Comment:** This policy relates to land outside of Newmarket’s designated area, potentially goes beyond the remit of a development plan policy and might be better expressed as a community action. The advice of SCC as Highways Authority should be sought.

**Policy NKT24: Cycle Racks.** Page 47.

**Comment:** The provision of cycle racks in appropriate locations is supported however it is not clear how this policy would be applied or implemented in relation to an application for development. It should be noted that it is within NTCs powers to provide cycle racks under part 12 of the General Permitted Development Order although if not on NTC land, the permission of the landowner is still required and as such a policy seems unnecessary. It is suggested the policy is deleted.

**Policy NKT25: Movement on Newmarket High Street.** Page 47

**Comment:** The aim of this policy is supported however as worded the policy seems to be expressing an aspiration of NTC rather than an implementable planning policy, as public realm enhancements or highways works are normally carried out by the relevant authorities they do not require planning



permission. This issue might be better included in a general policy or community action supporting the delivery of a high quality public realm in Newmarket High Street through the production of a public realm design strategy prepared in conjunction with the LPA and SCC as Highways Authority. This could list the issues any strategy should address. It is suggested this policy might sit better in Community Action 37: Public Realm.

**Community Action 30 Safety at Junctions.** Page 48

**Comment:** It is suggested NTC liaise with SCC as Highways Authority – do they concur that there are “safety issues”? The “safety issues” should be defined and evidenced in supporting text.

**Policy NKT26: Railway Station.** Page 50

**Comment:** The amendments to this policy are noted and welcomed.

**Policy NKT27: Bus Station.** Page 50

**Comment:** It is suggested that this policy refers to future ‘redevelopment’ of the bus station.

**Policy NKT28: Coach Park.** Page 50

**Comment:** What evidence supports this allocation? The landowner’s agreement (George Lambton Trust) to this allocation is needed or the policy cannot be considered deliverable. A map of this proposed allocation needs to be provided. There is a potential conflict with strategic policies protecting open space designations within the FH Local plan (Policies CS13, and DM42) dependent on the extent of the loss of open space. If it results in a loss of playing fields, or land capable of being a playing field then the allocation will also need to comply with Sport England’s playing field policy. If considered justified and deliverable the policy should be reworded to positively make an allocation e.g. ‘land at ... is allocated for ...’

***Policy NKT29: Enhancement and continued provision of car parks.*** Page 51

**Comment:** Please refer to the feedback from West Suffolk’s property and car parking services within Appendix C to confirm if these policy aspirations are supported by the land owner and/ or are achievable?

**Community Action 35: Parking.** Page 52

**Comment:** The wording of this community actions should be carefully considered – it is beyond NTC’s remit to ensure that criteria a, b, c, d and f are implemented.

**Community Action 36: Taxis.** Page 53

**Comment:** This action requires further clarity and is not deliverable as currently drafted. In addition, the FHDC Corporate response (Appendix C) demonstrates that West Suffolk’s property and car parking services cannot support this community action due to Traffic Regulation Orders in relation to the use of land within public car parks.

**Objective 7: To create a vibrant, attractive town centre which enhances Newmarket as a major tourist destination**

**Community Action 37: Public Realm** Page 54

**Comment:** It is suggested consideration is given to incorporating the wording of Policy NKT25 into point 'b' of this Community Action. Consideration needs to be given to the wording of points 'a' and 'b' as ensuring that they are achieved is beyond the remit of NTC. This action is not realistic or achievable as drafted.

**Policy NKT32: Guineas Shopping Centre** Page 55

**Comment:** If this policy is an allocation its extent should be shown on the policies map accompanying the NP. Is the policy based on evidence/ a design appraisal/ discussion with the landowner? The Guineas shopping centre is raised in other policies and community actions such as NKT12 cinema, NKT27 bus station, Community Action 35 parking etc. It is suggested that all the evidenced Neighbourhood Plan requirements for this site are combined into one, criteria based policy / allocation. Depending on the scale and complexity of the proposal, a Development Brief or Masterplan may also be required.

**Policy NKT32: Proportion of retail units** Page 55

**Comment:** JDMPD Policy DM35 already covers balancing retail/ non-retail uses within primary shopping areas. Does NTC have robust evidence that the existing policy is not appropriate to Newmarket and if so where and why is it not appropriate? If there is no evidence, the policy as drafted conflicts with strategic Policy DM35 does not meet the necessary requirements and should be deleted. If the policy is justifiable and retained, then: the area where it is applicable needs to be defined in the text, (and possibly on an inset map), and the wording carefully reconsidered. Supporting text should set the context and provide a reasoned justification for the policy. The policy as drafted is unusable. Good advice on how to write planning policies can be found on the 'our neighbourhood' website. See:

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How\\_to\\_write\\_planning\\_policies.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_planning_policies.pdf)

**Policy NKT33: Attractive entrances to the town** Page 55

**Comment:** Section 7 of the NPPF requires high quality design and para 58 gives advice on design policies in local and neighbourhood plans, at a local level Core Strategy Policy CS5, JDMPD policies DM2 and DM22 also address design issues, and require proposals to have regard to the locality. These policies would be applied to any applications coming forward, and it is not clear how Policy NKT33 policy adds to them. If retained, careful consideration needs to be given to rewording the policy so it can effectively be used to determine development proposals/ planning applications. The exact location and extent of the gateways should be defined on an inset or proposals map.

**Additional Information:**

In order to meet the requirements of the neighbourhood planning regulations a '**Consultation Statement**' should be submitted with the neighbourhood plan at submission stage (Regulation 15) setting out as a minimum who was consulted and how, together with the outcomes of the consultation. Planning Aid have produced advice on producing a Consultation Statement which NTC may find helpful, and this may be found on:

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches\\_to\\_writing\\_a\\_consultation\\_statement1.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches_to_writing_a_consultation_statement1.pdf) and,

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How\\_to\\_write\\_a\\_consultation\\_statement.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_a_consultation_statement.pdf)

A '**basic conditions statement**' is also required. This should set out how your neighbourhood plan meets the requirements of each basic condition and other legal tests. It will be used by both the LPA and independent examiner to determine if your plan meets the basic conditions and can proceed to referendum. In particular, it considers whether a neighbourhood plan contributes to the achievement of sustainable development. Planning Aid have produced advice on producing a Basic Conditions Statement which you may find helpful and this can be found on:

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How\\_to\\_write\\_a\\_basic\\_conditions\\_statement.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_a_basic_conditions_statement.pdf) and,

[https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches\\_to\\_writing\\_a\\_basic\\_conditions\\_statement1.pdf](https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/Approaches_to_writing_a_basic_conditions_statement1.pdf)

**EU regulations:** One of the basic conditions for a neighbourhood plan is that it does not breach, and is otherwise compatible with, EU obligations.

The EU regulations include:

- Directive 2001/42/EC on Strategic Environmental Assessments,
- Directive 92/43/EEC on the conservation of fauna and flora (habitats) and
- Directive 2009/147/EC on the conservation of wild birds (species).

**Strategic Environmental Assessments (SEA)** - European Union Directive 2001/42/EC4 was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the SEA Regulations.

To meet this condition with regard to strategic environmental assessment (SEA), a neighbourhood planning group needs to have either a statement of reasons as to why SEA is not required, or, where an SEA is deemed necessary, an environmental report (and non-technical summary) which documents the findings of the SEA. A copy of the statement, or environmental report must be submitted with the neighbourhood plan proposal and made available to the independent examiner. Guidance is available at [https://neighbourhoodplanning.org/wp-content/uploads/2016/09/160602-TOOLKIT\\_SEA\\_FINAL\\_Oct-2016.pdf](https://neighbourhoodplanning.org/wp-content/uploads/2016/09/160602-TOOLKIT_SEA_FINAL_Oct-2016.pdf)

A Screening Report is necessary to determine whether or not the content of the Newmarket Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. This has been requested by Newmarket Town Council from Forest Heath District Council and at the time of writing is being prepared.

A **Sustainability Appraisal** (usually required for local plan documents under [Section 19 of the Planning and Compulsory Purchase Act 2004](#)) is not legally required for Neighbourhood Plans. However it should be noted the qualifying body (Newmarket Town Council) must demonstrate how its Neighbourhood Plan will contribute to achieving sustainable development.

**Habitats Regulations Assessment (HRA)** - has its origins in European law under the Habitats Directive 92/43/EEC on the conservation of fauna and flora (habitats) and parts of Directive 2009/147/EC on the conservation of wild birds (species). This has been translated into UK law via The Conservation of Habitats and Species Regulations 2017. The HRA's purpose is to ensure that the neighbourhood plan will not result in significant damage to designated wildlife sites. These

designated sites are those which are considered to be internationally important for nature conservation and wildlife and are often referred to as *Natura 2000* sites.

A Habitats Regulations Assessment screening is required to determine whether the plan is likely to have a significant effect on any European site, either alone or in combination with other plans or projects. If the conclusion is that the plan is likely to have a significant effect on a European site then an Appropriate Assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be undertaken. If a plan is one which has been determined to require an Appropriate Assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment. For Neighbourhood Plans, a HRA screening would normally be undertaken at the same time as a SEA screening. Newmarket Town Council have requested that FHDC undertake the HRA screening and at the time of writing is being prepared.

The Neighbourhood Plan should also demonstrate how it meets the Human Rights obligations.