

Swainsthorpe Neighbourhood Plan Basic Conditions Statement

To accompany Swainsthorpe Neighbourhood Plan submission
version, for examination

May 2026

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1. Introduction

- 1.1 When submitting a Neighbourhood Plan to the Local Authority (in this case South Norfolk Council), it is a requirement that the Plan be accompanied by a number of supporting documents. One of these is commonly referred to 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 South Norfolk Council and the Independent Planning Examiner, to assist in making this assessment about the basic conditions.

2. Legal Requirements

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

Qualifying Body: The Swainsthorpe Neighbourhood Development Plan being submitted by a qualifying body – Swainsthorpe Parish Council. Swainsthorpe Parish Council was confirmed as a qualifying body by South Norfolk Council in August 2024, when the Swainsthorpe Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Swainsthorpe Neighbourhood Development 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 Swainsthorpe Neighbourhood Plan states the time-period for which it is to have effect (from 2026-2046) a period of 20-years.

Excluded Development: The Swainsthorpe Neighbourhood Development Plan policies do not relate to excluded development. The Swainsthorpe Neighbourhood Development 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 Neighbourhood Plan: The Swainsthorpe Neighbourhood Development Plan relates to the Swainsthorpe Parish Council's

Neighbourhood Area and to no other area. There are no other Neighbourhood Plans in place relating to that Neighbourhood Area.

Mitigation of and adaptation to Climate Change: In so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change. The Swainsthorpe Neighbourhood Development Plan contains Policy SWS1: Design. Criterion j of the policy requires all new development to demonstrate that it is responding to climate change and aim to meet the highest standards of energy efficiency by reducing its carbon dependency. New development should also as a minimum, meet the highest levels of water efficiency.

Local Nature Recovery Strategies (LNRS): In so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area. The Adoption of the Norfolk Local Nature Recovery Strategy came some time into the preparation of the Swainsthorpe Neighbourhood Plan. However, Policy SWS6: Biodiversity makes reference to the LNRS Habitat Maps and directs biodiversity enhancement and net gain to areas in the parish identified in the LNRS as Areas that Could Become of Particular Importance for Biodiversity (ACBs).

3. 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 and paragraph 102 (1) of the Levelling Up and Regeneration Act 2023) 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 insofar as the order grants planning

permission for development that affects the building or its setting (not applicable in respect of the Swainsthorpe Neighbourhood Plan).

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area it is appropriate to make the order (applies in relation to Conservation Areas only) insofar as the order grants planning permission for development in relation to buildings or land in the area (not applicable in respect of the Swainsthorpe Neighbourhood Development Plan)

(d) The making of the Plan contributes to the achievement of sustainable development (see below)

(e) NEW: The making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.

Note: The Levelling up and Regeneration Act 2023, introduces a replacement Basic Condition (enacted in March 2026) to replace the former Basic Condition that the neighbourhood plan should be in general conformity with the strategic policies contained in the development plan for the area.

(f) The making of the Plan does not breach and is otherwise compatible with EU obligations (see below)

(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. For clarification it should be noted that b) and c) above are not applicable to the Swainsthorpe Neighbourhood Development Plan and refer to 'Neighbourhood Orders' only.

4. Compliance with Basic Condition a)

- 4.1 Table 1 below provides an appraisal of the extent to which the Swainsthorpe Neighbourhood Plan has regard to national policy,
- 4.2 The Neighbourhood Plan policies were drafted to be in conformity with the National Planning Policy Framework published in December 2024. The table below assesses the degree of regard that the Swainsthorpe Neighbourhood Development Plan policies have had to NPPF 2024 (Column B).
- 4.3 Whilst the Basic Condition which requires conformity with the strategic policies for the area has been removed, it is still helpful to see the relationship between the Swainsthorpe Neighbourhood Plan and those other adopted policies, and this is shown in Columns C, D and E.
- 4.4 The adopted Development Plan for Swainsthorpe comprises a number of documents. The Greater Norwich Local Plan (GNLP) was adopted in March 2024. South Norfolk Council has an adopted Development Management Policies Document (DMPD 2015) and a Site-Specific Allocations and Policies Document (SSAPD 2015).
- 4.5 During the production of the Neighbourhood Plan, other policies for the area were under-going revision. South Norfolk has produced site specific policies affecting villages in the District; the South Norfolk Village Clusters Housing Allocation Plan (SNVCHAP) has recently completed its Examination but is yet to be formally adopted. The SNVCHAP identifies sites for housing in South Norfolk's villages and will allocate sites for the majority of the 'at least 1,200 new homes' that are to be delivered in the district's village clusters by 2038. Swainsthorpe is identified as falling within a village cluster with nearby Newton Flotman. The SNVCHAP does not make any site-specific allocations in Swainsthorpe, and the Cluster's allocation is made over two sites in Newton Flotman which are not affected by this Neighbourhood Plan as they are outside of the Neighbourhood Area.
- 4.4 The appraisal shown in Table 1 below demonstrates that the Swainsthorpe Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy.

Assessment of policies in the Swainsthorpe Neighbourhood Plan against national and adopted local strategic policies

<p>Column A</p> <p>Swainsthorpe Neighbourhood Development Plan Policy</p>	<p>Column B</p> <p>National Planning Policy Framework 2024 (NPPF)</p>	<p>Column C</p> <p>Greater Norwich Local Plan 2024 (GNLP)</p>	<p>Column D</p> <p>South Norfolk Development Management Policies 2015 (DMPD)</p>	<p>Column E</p> <p>South Norfolk Site Specific Allocations and Policies Document 2015 (SSAPD)</p>
<p>Policy SWS1: Design</p>	<p>This policy reflects NPPF Section 12 which indicates that the creation of high quality, sustainable buildings and places is fundamental to planning.</p> <p>Policy SWS1 is supported by the Swainsthorpe Design Guidance and Codes and is consistent with the emphasis in NPPF paragraphs 132 and 133. The policy seeks to ensure that all new development should reflect the parish's local distinctiveness and character and be physically integrated where possible.</p>	<p>This policy is consistent with GNLP Policy 2 – Sustainable Communities, which requires new development to create beautiful, well-designed places, which respect the character of the local area and seek to enhance it through appropriate design.</p>	<p>This policy is consistent with Policy DM 1.4 of the DMPD which seeks to promote high quality design and local distinctiveness and Policy DM 3.8 which sets out the design principles that all development is subject to.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>

<p>Policy SWS2: New Development</p>	<p>This policy is consistent with NPPF paragraph 30 which indicates that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area.</p> <p>In addition, the policy also includes criteria which new housing development would need to comply with which would allow for windfall development within the settlement boundary over and above the existing commitment. Furthermore the policy also allows for new development to take place outside of settlement boundaries subject to meeting additional criteria.</p> <p>The policy is also consistent with NPPF paragraph 75 which refers to windfall sites.</p>	<p>This policy is consistent with GNLP Policy 1 which sets out the settlement hierarchy and indicates that the South Norfolk Village Cluster Housing Allocations Plan will provide specific guidance for those settlements.</p> <p>Policy SWS2 reflects Swainsthorpe's position in the settlement hierarchy</p>	<p>This policy is consistent with DMPD Policy 1.3 The sustainable location of new development which indicates that development in Service Centres will take place on allocated sites or within the development boundaries.</p> <p>Policy SWS2 seeks to focus new development within the defined settlement boundaries. established settlement boundaries.</p>	<p>This policy is consistent with page 256 of the SSAPD which describes the form and character of the parish and defines the development boundary.</p>
<p>Policy SWS3: Connections</p>	<p>This policy is consistent with paragraph 96 (c) of the NPPF</p>	<p>This policy is consistent with GNLP Policy 2</p>	<p>This policy is consistent with</p>	<p>The SSAPD does not contain an</p>

<p>and Rights of Way</p>	<p>which encourages walking and cycling and paragraph 108 (c) which promotes walking and cycling as a preferred transport option.</p> <p>Policy SWS3 encourages the creation of new connections for pedestrians and cyclists and seeks to create better connections both within the settlement, to existing facilities and also out in the countryside.</p>	<p>Sustainable Communities which ensure safe, and convenient and sustainable access for all, including by non-car modes, to on-site and local services and facilities including such as schools, health care, shops, recreation/ leisure/community/faith facilities and libraries; encourage walking, cycling and public transport through the layout of development; and integrate parking to avoid it dominating the streetscape or being a hazard.</p>	<p>Adopted DMPD Policy DM 3.10 Promotion of sustainable transport which requires that all development should support sustainable transport and development objectives, utilise all opportunities to integrate with local sustainable transport networks, be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to the location.</p>	<p>equivalent or corresponding policy.</p>
<p>Policy SWS4: Heritage</p>	<p>This policy reflects NPPF paragraph 216 which outlines the approach to assessing the impact of applications on non-designated heritage assets.</p>	<p>This policy is consistent with GNLP Policy 3 Environmental Protection and Enhancement which requires development proposals to enhance the</p>	<p>This policy is consistent with Adopted DMPD Policy DM 4.10 Heritage Assets which requires all</p>	<p>The SSAPD does not contain an equivalent or corresponding policy</p>

Column A Swainsthorpe Neighbourhood Development Plan Policy	Column B National Planning Policy Framework 2024 (NPPF)	Column C Greater Norwich Local Plan 2024 (GNLP)	Column D South Norfolk Development Management Policies 2015 (DMPD)	Column E South Norfolk Site Specific Allocations and Policies Document 2015 (SSAPD)
Policy SWS4 continued	<p>'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'</p> <p>The policy identifies 16 Non-Designated Heritage Assets in Swainsthorpe which are important to the local character of the area.</p>	<p>built and historic environment including avoiding harm to designated and non-designated heritage assets, including their setting, having regard to their level of significance.</p> <p>Policy SWS4 identifies 16 Non-Designated Heritage Assets in Swainsthorpe which are important to the local character of the area.</p>	<p>development proposals to have regard to the historic environment and take account of the contribution which heritage assets make to the significance of an area and its sense of place.</p>	<p>continued</p>

Column A Swainsthorpe Neighbourhood Development Plan Policy	Column B National Planning Policy Framework 2024 (NPPF)	Column C Greater Norwich Local Plan 2024 (GNLP)	Column D South Norfolk Development Management Policies 2015 (DMPD)	Column E South Norfolk Site Specific Allocations and Policies Document 2015 (SSAPD)
Policy SWS5: Green spaces	<p>This policy reflects NPPF paras 107-109 which advocates "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them".</p> <p>Policy SWS5 proposes 5 spaces proposed for protection and identification as LGS.</p>	<p>There is no specific GNLP policy that refers to local green spaces.</p>	<p>The DMPD contains Policy 4.4 which relates to locally important open spaces. The policy makes reference to a number of specific spaces, however none of these are within this Neighbourhood Plan area.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>

<p>Policy SWS6: Biodiversity</p>	<p>This policy is consistent with paragraph 187 (d) of the NPPF which requires planning policies to minimise impacts on and provide net gains for biodiversity. In addition, paragraph 192 (b) of the NPPF refers to the pursuit of opportunities for measurable biodiversity net gains.</p> <p>Policy SWS6 identifies the important natural features of the parish and provides support for biodiversity net gain in new developments and identifies areas for potential enhancement.</p>	<p>This policy is broadly consistent with Policy 2 Sustainable Communities which seeks to create and contribute to multi-functional green infrastructure links, whether provided on-site or off-site, including through landscaping, street trees and other tree planting, to make best use of site characteristics and integrate into the surroundings, having regard to relevant taking account of local green infrastructure strategies and delivery plans.</p> <p>This policy is consistent with GNLP Policy 3 – Environmental Protection and enhancement which requires development proposals to enhance the natural environment whilst avoiding harm to designated and non-designated assets of the natural environment. In</p>	<p>This policy is consistent with Policy 4.8 of the DMPD which promotes the retention and conservation of significant biodiversity features including trees and hedgerows.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>
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<p>Policy SWS6 Continued</p>	<p>continued</p>	<p>addition, development will deliver net biodiversity gain through the provision of on-site or off-site natural features, creating new or enhancing existing green infrastructure networks that have regard to and help to achieve the local green infrastructure strategies. It should be demonstrated that the gain to biodiversity is a significant enhancement (at least a 10% gain) compared to the existing situation.</p>	<p>continued</p>	<p>continued</p>
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Column A Swainsthorpe Neighbourhood Development Plan Policy	Column B National Planning Policy Framework 2024 (NPPF)	Column C Greater Norwich Local Plan 2024 (GNLP)	Column D South Norfolk Development Management Policies 2015 (DMPD)	Column E South Norfolk Site Specific Allocations and Policies Document 2015 (SSAPD)
Policy SWS7:Floodrisk	<p>This policy reflects NPPF paragraph 170 which encourages development to be directed away from areas of flood risk and should not increase flood risk elsewhere.</p> <p>Policy SWS7 identifies specific areas of localised flooding within the parish and contains specific support for the inclusion of SUDs within new developments to protect against flooding and pollution and also to provide biodiversity benefits.</p>	<p>This policy is consistent with GNLP Policy 2 – Sustainable Communities, which seeks avoid locating inappropriate development in areas at risk of flooding by applying the sequential and exceptions tests and ensuring that flood risk is not increased elsewhere. Sustainable drainage systems should be incorporated unless there is clear evidence that this would be inappropriate.</p>	<p>This policy is consistent with Policy 4.2 of the DMPD which seeks to ensure that sustainable drainage measures are fully integrated within design to manage any surface water arising from development proposals, and to minimise the risk of flooding on the development site and in the surrounding area.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>

<p>Policy SWS8: Important Views</p>	<p>This policy reflects NPPF paragraph 187 b) which recognises the intrinsic character and beauty of the countryside.</p> <p>The policy identifies nine important views that it is considered should be protected from development that would have an adverse impact upon the identified view. Justification for the identified views is included in the supporting text to the policy.</p>	<p>This policy is consistent with GNLP Policy 3 – Environmental Protection and Enhancement, which requires ‘development proposals to enhance the natural environment whilst avoiding harm to designated and non-designated assets of the natural environment.</p> <p>Policy SWS8 identifies nine important views that it is considered should be protected from development that would have an adverse impact upon the identified view.</p>	<p>This policy is consistent with Policy DM 4.5 of the DMPD which requires that development should respect, conserve and where possible, enhance the landscape character of its immediate and wider environment. Development proposals that would cause significant adverse impact on the distinctive landscape characteristics of an area will be refused.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>
<p>Policy SWS9: Mitigating the impacts of major energy projects</p>	<p>The NPPF does not contain specific guidance on this issue.</p>	<p>The GNLP does not contain specific policy on this issue</p>	<p>The DMPD does not contain specific guidance on this issue</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>

<p>Policy SWS10: Community Facilities</p>	<p>This policy is consistent with the criteria set out in paragraph 98 which requires planning policies to plan to provide the social, recreational and cultural facilities and services that the community needs. In addition, planning policies should aim to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.</p> <p>Policy SWS seeks to ensure that the existing community infrastructure in the parish is retained and aims to resist the loss of community facilities unless it can be demonstrated that the need for the facility no longer exists, is no longer viable or suitable alternative provision exists elsewhere. The policy also identifies priorities for new facilities.</p>	<p>There is no specific GNLP policy that refers to the protection of existing community facilities. Policy 4 of the GNLP – Strategic Infrastructure, emphasises the need to support the timely delivery of infrastructure to support growth and Policy 2 Sustainable Communities promotes an inclusive, resilient and safe community through the provision of facilities and services commensurate with the scale and type of the development; and the design and layout of development.</p>	<p>This policy is consistent with Policy 3.16 of the DMPD which seeks to protect existing community facilities through a criteria-based policy. The criteria relate to viability, alternative provision and consistency with community led plans in the area.</p>	<p>The SSAPD does not contain an equivalent or corresponding policy.</p>
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5. Compliance with Basic Condition d)

- 5.1 The NPPF 2024 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.¹ The appraisal of the Swainsthorpe Neighbourhood Development Plan policies against NPPF policies presented above demonstrates how policies in the Neighbourhood Plan comply with the NPPF and therefore deliver sustainable development.
- 5.2. The NPPF states that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Economic, social, and environmental objectives

- 5.3 These objectives give rise to the need for the planning system to perform a number of roles as defined by the NPPF and set out below.
- 5.4 The objectives and policies contained within the Swainsthorpe Neighbourhood Plan contribute towards each of these three objectives and cumulatively contribute to the achievement of sustainable development. How they achieve this is summarised below, Unsurprisingly, there is a degree of cross-over between policies and many contribute to more than one of the sustainable development objectives e.g., **SWS1 Design** which contributes to both social and environmental objectives.
- 5.5 The plan has been formulated with Sustainable Development at its heart and looks forward with an eye on the legacy created for future generations. The vision itself refers to the importance of new development being environmentally sustainable.

Vision statement

Swainsthorpe will retain and enhance the strong community spirit. The peace, tranquility and wildlife of the village will be maintained.

Any new buildings will be well designed, environmentally sustainable and respect the character of Swainsthorpe.

Positive mitigation measures will be sought to offset the impact of new energy and infrastructure projects in the parish.

¹ Resolution 42/187 of the United Nations General Assembly

There will be good footpaths, cycleways and bridleways which provide connections both within the parish and beyond, accessible for all users.

Our existing views (particularly the iconic views of St Peter's Church) and green spaces will be valued, protected and enhanced.

5.6 The plan contains a set of five objectives which are identified in order to deliver the vision. These have been refined over time through consultation. The objectives cover the following themes: Development and Design, Access, Environment and Community. The objectives are as follows:

Subject area	Objectives
Development and design objective	Objective 1: To support very limited infill development within the settlement boundary that is well-designed, environmentally sustainable and respects the character of Swainsthorpe.
Access objective	Objective 2: To encourage safe, convenient and accessible pedestrian, cycle, equine and vehicular access within Swainsthorpe parish and to surrounding parishes.
Environment objectives	Objective 3: To protect and enhance the heritage and natural environment of Swainsthorpe. Objective 4: To mitigate against detrimental change, including new energy and infrastructure projects.
Community objective	Objective 5: To ensure Swainsthorpe maintains social cohesion with the right facilities for the future needs of the community.

5.7 The objectives each support development whilst recognising the important of safeguarding and enhancing the special qualities that contribute to the specific character of Swainsthorpe. These objectives when taken together cover the same extent as the sustainability objectives of the planning system as outlined in the NPPF.

5.8 The following table helps to further demonstrate the Plan's comprehensive contribution to sustainable development.

NPPF Sustainable Development	Contribution through Swainsthorpe Neighbourhood Plan Policies
<p>NPPF 2024</p> <p>An economic objective: to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places, and at the right time to support growth, innovation, and improved productivity; and by identifying and co-ordinating the provision of infrastructure.</p>	<p>Objective 1: To support very limited infill development within the settlement boundary that is well-designed, environmentally sustainable and respects the character of Swainsthorpe.</p> <p>Objective 5: To ensure Swainsthorpe maintains social cohesion with the right facilities for the future needs of the community</p> <p>Policy SWS2: New development: Allows for new development in Swainsthorpe appropriate in scale to the area.</p>
<p>NPPF 2024</p> <p>A social objective: to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</p>	<p>Objective 1: To support very limited infill development within the settlement boundary that is well-designed, environmentally sustainable and respects the character of Swainsthorpe.</p> <p>Objective 2: To encourage safe, convenient and accessible pedestrian, cycle, equine and vehicular access within Swainsthorpe parish and to surrounding parishes.</p> <p>Objective 4: To mitigate against detrimental change, including new energy and infrastructure projects.</p> <p>Policy SWS1: Design: Encourages new development to reflect the local distinctiveness of the parish and enhance its overall quality.</p> <p>Policy SWS2: New development: Allows for new development appropriate in size and scale to the area.</p> <p>Policy SWS3: Connections and rights of way: Encourages development to include safe and accessible new connections.</p> <p>Policy SWS4: Heritage : Seeks to protect the existing cultural heritage of the parish</p>

	<p>Policy SWS5: Green spaces: Identifies and protects existing green spaces of community importance in the parish.</p> <p>Policy SWS7: Flood risk: Identifies areas in the parish at risk of flooding and encourages sustainable drainage systems.</p> <p>Policy SWS9: Mitigating the impacts of major energy projects. Identifies the potential landscape, biodiversity and community impacts of major energy projects</p> <p>Policy SWS10: Community facilities. Protects the existing community facilities in the parish and identifies priorities for new facilities.</p>
<p>NPPF 2024</p> <p>An environmental role: to protect and enhance our natural, built, and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>Objective 3: To protect and enhance the heritage and natural environment of Swainsthorpe.</p> <p>Objective 4: To mitigate against detrimental change, including new energy and infrastructure projects.</p> <p>Policy SWS1: Design: Encourages a high standard of design which reflects the local distinctness and character of the parish .</p> <p>Policy SWS4: Heritage: Protects the existing historic assets of the parish</p> <p>Policy SWS5: Green spaces: Protects existing green spaces in the parish</p> <p>Policy SWS6: Biodiversity: Protects the existing natural assets of the parish and identifies areas for biodiversity enhancement.</p> <p>Policy SWS7: Flood risk: Identifies areas of the parish at risk from localised flooding and encourages the use of sustainable drainage systems.</p> <p>Policy SWS8: Important views: Identifies the most important public views in the parish which any new development should seek to observe.</p> <p>SWS9: Mitigating the impacts of major energy projects: Identifies the potential landscape, biodiversity and community impacts of major energy projects.</p>

6. Compliance with Basic Condition e)

- 6.1 In March 2026, a new Basic Condition e) was introduced which replaced the former e) which required a Neighbourhood Plan to demonstrate that it was in general conformity with strategic local policy and does not have the effect of preventing development from taking place which is proposed in the development plan.
- 6.2 The new Basic Condition which was introduced under the auspices of the Levelling Up and Regeneration Act 2023, requires Neighbourhood Plans to demonstrate the following:
- e) The making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.*
- 6.3 In relation to the Swainsthorpe Neighbourhood Plan, there are no specific housing allocations made in the strategic policies for the parish – either adopted or emerging. Policy SWS2 of the Neighbourhood Plan allows for new development in the parish (including infill and windfall) consistent with the settlement hierarchy and the adopted settlement boundary as set out in the GNLP and DMPD and SSAPD . Furthermore the Neighbourhood Plan policies are worded to be consistent with the emerging SNVCHAP which is yet to be adopted.
- 6.4 The Swainsthorpe Neighbourhood Plan is therefore considered to satisfy this basic condition.

7. Compliance with Basic Condition f)

- 7.1 The statement below demonstrates how the Swainsthorpe Neighbourhood Development Plan is compliant with Basic Condition f) specifically that it does not breach and is compatible with EU obligations.
- 7.2 As outlined above, this is the Basic Conditions Statement which accompanies the Submission Version of the Swainsthorpe Neighbourhood Plan.
- 7.3 South Norfolk Council recommends that the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening processes be undertaken prior to Pre-Submission stage. The SEA Screening Report was produced by consultants working on behalf of the Parish Council and the HRA Screening Assessment was carried out by South Norfolk Council. Both Screening Reports were carried out on the on the Pre-Submission Version of the Neighbourhood Plan in October 2025.
- 7.3 The SEA screening report concluded that the Swainsthorpe Neighbourhood Plan is not likely to have significant environmental effects and full SEA is not required. There are no site allocations within the Neighbourhood Plan.
- 7.4 The three statutory consultation bodies, Historic England, Natural England and the Environment Agency were consulted over a 5-week consultation period regarding the screening outcomes of this report in November 2025, in accordance with regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 7.6 Responses were received from Natural England, Historic England and the Environment Agency. All were in agreement that full SEA is not required. The responses can be seen in Appendix A of the updated Screening Report which accompanies the submission of the Plan.
- 7.7 Based on the assessment undertaken in the SEA Screening Report and the responses received from the consultation bodies, South Norfolk considers that it is unlikely that significant environmental effects and/or significant effects on European sites will arise from implementation of the Swainsthorpe Neighbourhood Plan, and therefore that a Strategic Environmental Assessment is not required. The Determination Statement from South Norfolk can be seen in Appendix B of the SEA Screening Report dated January 2026.

Human Rights

7.8 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. It should be noted that the community consultation undertaken by the Neighbourhood Plan Steering Group on behalf of the Parish Council as Qualifying body far exceeds the statutory requirements as laid out in the regulations and therefore meets this Basic Condition.

8. Compliance with Basic Condition g)

- 8.1 An additional basic condition is prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 as follows:

“The making of the Neighbourhood Development Plan is not likely to have any 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 and projects)”.

- 8.2 There are no European Designated Sites within Swainsthorpe Parish and the closest is being approximately 4km south-west of the parish – Flordon Common, designated as Norfolk Valley Fen SAC). The HRA screening report produced by South Norfolk in November 2025 considered whether the Swainsthorpe Neighbourhood Plan policies could have likely significant effects either alone or in combination. The HRA Screening Report concluded that:

“The screening assessment suggests that there will be no likely significant effect of the proposed Swainsthorpe Neighbourhood Plan on European designated sites, and therefore that a full Appropriate Assessment is not required. None of the proposed policies within the draft Neighbourhood Plan allocates any sites for future development in the parish. The majority of the policies are development management policies that seek to shape and influence future proposals. Those policies that do relate to specific sites are those that seek to protect Local Green Spaces, deal appropriately with flooding issues, protect specific community facilities, and preserve important views and heritage features”.

- 8.3 Natural England were invited to comment on the HRA Screening Report and in their response dated 19th December 2025, indicated that the organisation agrees there is not likely to be any significant effect from the proposed policies within the Neighbourhood Plan on European designated sites

- 8.4 The HRA Screening Report was updated in January 2026, as a consequence of the response from Natural England which is an appendix to that report.

- 8.5 In light of the HRA Screening Report and taking into account the response from Natural England, South Norfolk Council confirmed in its SEA and HRA Determination Statement from January 2026 that that the Swainsthorpe Neighbourhood Plan is ‘screened out’ from further

assessment under the Habitats Regulations 2017 and an Appropriate Assessment is not required.

- 8.6 Swainsthorpe Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.