

WALKERN NEIGHBOURHOOD PLAN 2021 - 2033

Basic Conditions Statement

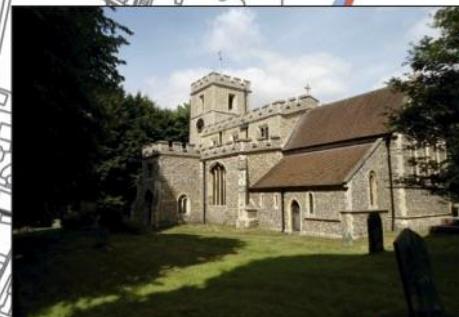


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Walkern Neighbourhood Plan

Basic Conditions Statement

1 Introduction

- 1.1 This statement has been prepared by Walkern Parish Council to accompany the submission to the local planning authority, East Hertfordshire District Council.
- 1.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Walkern Neighbourhood Plan must satisfy six “basic conditions” before it can come into force. The plan must:
 - Have appropriate regard to national planning policy
 - Contribute to the achievement of sustainable development
 - Be in general conformity with the strategic policies in the development plan for the local area
 - Not breach and otherwise be incompatible with European Union (EU) Regulations, including human rights requirements and not be likely to have a significant effect on a European site or European offshore marine site, or UK equivalent
 - Meet the prescribed legal requirements
 - Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- 1.3 This statement confirms that the Walkern Neighbourhood Plan, 2021 - 2033, submitted by Walkern Parish Council, meets all the necessary requirements.

2 Legal Requirements

- 2.1 The Walkern Neighbourhood Plan revision (‘the Neighbourhood Plan’) is submitted by Walkern Parish Council, the qualifying body, which is entitled to submit a neighbourhood plan for the Walkern Neighbourhood Plan Area.
- 2.2 The Neighbourhood Plan is a community-led framework for the future development and growth of the parish, originally prepared by Walkern Neighbourhood Planning Group and overseen by the Parish Council. The revision of the Neighbourhood Plan has been compiled by the Parish Council with assistance from a planning consultant. The preparation of the Plan has been informed by an extensive evidence base which includes the results of public consultations, mapping, and data from public records.
- 2.3 Within both the national and local frameworks, the Neighbourhood Plan is concerned with the development and use of land. The policies laid out in the Neighbourhood Plan relate to planning matters and have 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), the Neighbourhood Planning (General) Regulations 2012 (as amended), and the Neighbourhood Planning Act 2017 (as amended). They provide a practical framework for the guidance of the Local Planning Authority in making decisions on planning applications in the Neighbourhood Plan Area.

- 2.4 The whole parish of Walkern was formally designated as a Neighbourhood Plan Area through an application made under the Neighbourhood Planning (General) Regulations 2012 (part 2 S6) and approved by East Herts District Council on 6th January 2015. The Neighbourhood Plan Area is shown in Figure 1.
- 2.5 The Neighbourhood Plan relates to the Walkern Neighbourhood Plan Area. There are no other neighbourhood plans in place within the area and the area does not overlap (but lies adjacent to) any other neighbourhood plan area.
- 2.6 To ensure that the last of the Basic Condition above in paragraph 1.2 has been met, a Strategic Environmental Assessment (SEA) Screening Report was submitted to East Herts Council. Following East Herts consultation with the three prescribed statutory bodies, on the Screening Report, East Herts Council issued a Screening Determination confirming that the Walkern Neighbourhood Plan Review is unlikely to have significant environmental effects. The determination along with responses from each consultee are attached at [Appendix A](#).

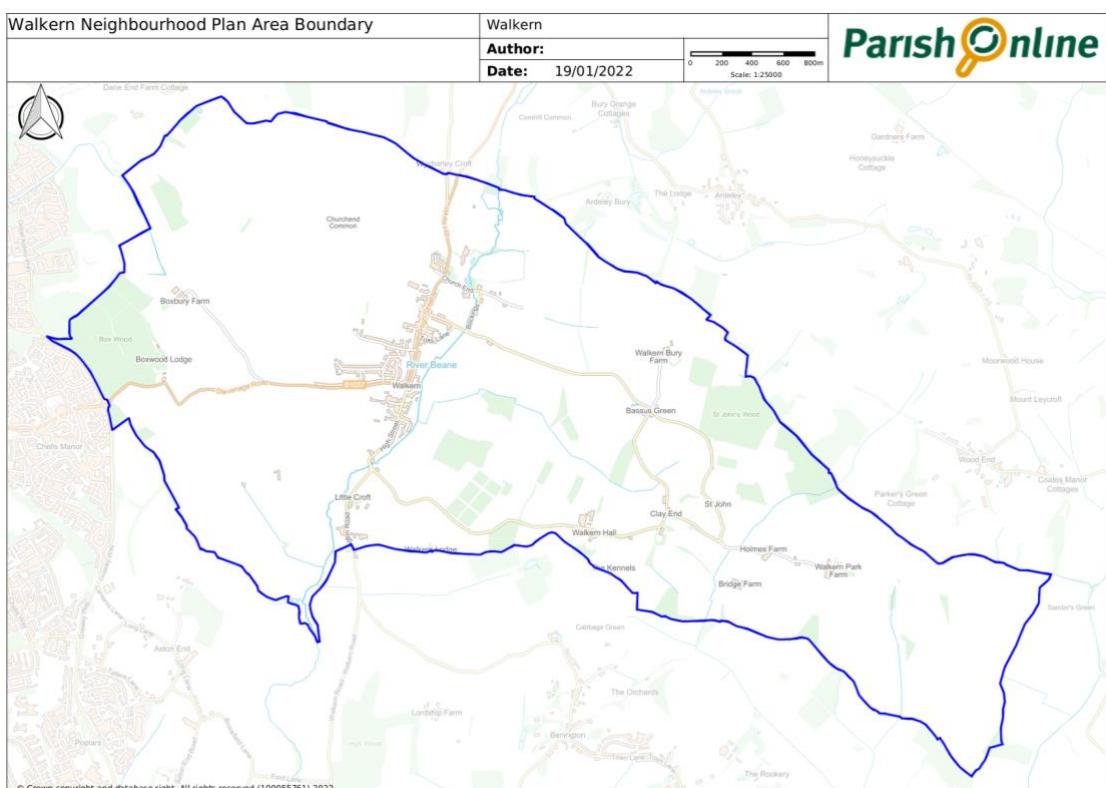


Figure 1 Neighbourhood Plan Area

3 Key Requirements

3.1 The National Planning Policy Framework 2021 (NPPF) calls for neighbourhood plans to support the delivery of strategic policies (Paragraph 13) and apply a presumption in favour of sustainable development (Paragraph 11). In accordance with national policy, the Plan seeks to promote sustainable development and embraces a range of social, economic, and environmental issues. It sets out a vision for the designated area, coupled to a range of planning objectives, policies, and proposals.

- 3.2 The Neighbourhood Plan aims to meet the needs and demands of the local community, conserving the rural feel of the parish and to further enhance the well-being of new and existing residents, as well as ensuring that all development is sustainable.
- 3.3 In accordance with the NPPF, it is important that the planning policies have three overarching objectives that are both interdependent and dependent. These objectives are economic, social and environmental objectives (Paragraph 8).
- 3.4 The economic objective refers to building a 'strong responsive and competitive economy' through supporting growth and innovation, identifying and coordinating the provision of infrastructure, and ensuring that there is sufficient land of the right types in the right places (Paragraph 8a).
- 3.5 The social objective is 'to build and support a strong, vibrant and healthy community, by ensuring that the number of homes is sufficient in terms of quantity and is able to meet the needs of the current and future generations; and fostering a well-designed and safe built environment, with accessible services and open spaces which reflect the present and future needs; as well as supporting communities' health, social and cultural well-being (Paragraph 8b).
- 3.6 The environmental objective ensures that the natural, built and historic environment is protected and enhanced, a process which includes 'making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy' (Paragraph 8c).
- 3.7 The policies in the Neighbourhood Plan satisfy the criteria that the NPPF provides as laid out below:
 - Economic Policies
 - 3.8 Business is important in Walkern, and local businesses are supported by the village community. Policies in the Plan seek to balance the needs of business with social sustainability and the environment. Policy WLK16 recognises the need for new businesses and Policy WLK17 provides criterion for the diversification of farm businesses provided they are appropriate to the rural setting of Walkern.
 - Social Policies
 - 3.9 Social policies include accessibility of housing (Policies WLK12 - WLK15) including affordability and design; sustainable transport provision (Policy WLK19) on mitigating traffic impact and ensuring sustainable modes of travel; and health and wellbeing policies for open space and providing for healthy activities (WLK8 and WLK20).
 - Environmental Policies
 - 3.10 Environmental policies feature prominently in the Plan. They cover the protection of the landscape, views, heritage, biodiversity and Local Green Space designations (Policies WLK2 - WLK10), and housing design including renewable energy (Policy WLK15).

4 Contributing to Achieving Sustainable Development

4.1 The NPPF affirms, “the purpose of the planning system is to contribute to the achievement of sustainable development” (Paragraph 7). Neighbourhood plans should apply a presumption in favour of sustainable development. The policies in the Walkern Neighbourhood Area Plan support sustainable development by:

- Providing a framework containing policies which guide new housing developments in the Parish up to 2033
- Protecting the character of the built environment and rural landscape setting by protecting views and valuable heritage assets
- Ensuring that new building meets high sustainability and design standards
- Encouraging appropriate local enterprise
- Promoting the use of sustainable modes of transport
- Proposing improved leisure facilities
- Preserving and enhancing woodlands, hedges, and green spaces
- Protecting and promoting biodiversity when considering new development

4.2 The NPPF also states that planning policies should be prepared with the active involvement of local highway authorities so that strategies and investment for supporting sustainable transport and development patterns are aligned (paragraph 104b). Hertfordshire’s Local Transport Plan 2018 - 2031 (the LTP) is guided by four principles: the application of technology, cost effectiveness, integrating land use and transport planning, and encouraging modal shift and active travel e.g., cycling and walking. Policies in the Neighbourhood Plan have been prepared having regard to these principles, considering the village location and the lack of sustainable public transport available to residents.

5 Conformity with Strategic Policies in the Local Plan

5.1 At the time of preparing this document, the current local plan was the East Herts District Plan October 2018. These policies are referred to in the Neighbourhood Plan. The Strategic Objectives of the District Plan form the basis of the District Plan Policies. [Appendix B](#) shows how the Neighbourhood Plan policies help to achieve these overarching District objectives.

5.2 The Neighbourhood Plan has been prepared having regard to the policies of the East Herts District Plan, adopted in October 2018. It consists of a written statement and a policies map, which is depicted on an Ordnance Survey base.

5.3 The Neighbourhood Plan policies are in accordance with the relevant strategic policies in the East Herts District Plan October 2018. [Appendix C](#) shows which of the Neighbourhood Plan policies relate to the strategic District Plan policies listed below:

INT1 (Presumption in Favour of Sustainable Development)
DPS1 (Housing, Employment and Retail Growth)
DPS2 (The Development Strategy 2011-2033)
DPS3 (Housing Supply 2011-2033)
DPS4 (Infrastructure Requirements)
DPS5 (Neighbourhood Planning)
GBR1 (Green Belt)
GBR2 (Rural Area Beyond the Green Belt)
VILL1 (Group 1 Villages)
HOU1 (Type and Mix of Housing)
HOU2 (Housing Density)
HOU3 (Affordable Housing)
HOU4 (Rural Exception Affordable Housing Sites)
ED1 (Employment)
ED2 (Rural Economy)
DES2 (Landscape Character)
TRA1 (Sustainable Transport)
CFLR1 (Open Space, Sport and Recreation)
CFLR2 (Local Green Space)
NE1 (International, National and Locally Designated Nature Conservation Sites)
NE3 (Species and Habitats)
HA1 (Designated Heritage Assets)
CC1 (Climate Change Adaptation)
CC2 (Climate Change Mitigation)
WAT1 (Flood Risk Management)
WAT5 (Sustainable Drainage)
EQ4 (Air Quality)

5.4 The Neighbourhood Plan has been prepared in consultation and cooperation with the local planning authority, East Herts Council.

5.5 There is duty and a commitment by the District Council to review its planning policies whenever the need is demonstrated. Walkern Parish Council has reviewed their Neighbourhood Plan and will continue to monitor its effectiveness and ensure that the policies laid out in the Plan remain in general conformity with the adopted East Herts District Plan October 2018 or a new Local Plan prepared by the District Council.

6 Compatibility with Human Rights and EU Legislation

6.1 The proposals and policies in the Neighbourhood Plan are compatible with the human rights legislation and all the existing requirements of European Law or UK equivalents.

7 Summary

7.1 It is a legal requirement that Walkern Parish Council submit this statement. It confirms that the submitted Walkern Neighbourhood Plan meets the basic conditions required of a neighbourhood plan as defined in current neighbourhood planning legislation.

8 Appendices

[APPENDIX A](#): East Herts Council SEA/HRA Screening Determination

[APPENDIX B](#): Table indicating how the policies in Walkern Neighbourhood Plan help to achieve the strategic objectives in the East Herts District Plan 2011 - 2033

[APPENDIX C](#): Table indicating how the policies in the Walkern Neighbourhood Plan are in accordance with the strategic policies in the East Herts District Plan 2011 - 2033

Appendix A: East Herts SEA Screening Determination

The response letters from the three statutory consultees are attached below pending the issue of a determination from East Herts Council.

●  **HNL Sustainable Places** 18 May 2022 at 13:52
[External] RE: SEA Screening consultation - Revised Walkern Neighbourhood Plan
To: Laura Guy

Dear Laura,

Thank you for consulting us on the Neighbourhood Plan consultation for Walkern.

We have had to prioritise our limited resource and focus on strategic plans where the environmental risks and opportunities are highest. We attach our advice note which sets out our substantive response to Neighbourhood Plan consultations including Strategic Environmental Assessment screening and scoping.

We recognise that Neighbourhood Plans provide a unique opportunity to deliver enhancements to the natural environment at the local level. This advice note sets out the key environmental issues, within our remit, which should be considered. It also references sources of data you can use to check environmental features.

We hope this is helpful as you prepare evidence and the Neighbourhood Plan itself.

If you have any feedback, please let us know.

Kind regards,

Isabel Smith
Planning Advisor, Hertfordshire & North London Sustainable Places
Environment Agency | Alchemy, Bessemer Road, Welwyn Garden City, Hertfordshire, AL7 1HE
Tel: 02077142206

HNL SustainablePlaces@environment-agency.gov.uk

Pronouns : she/her ([why is this here ?](#))



Creating a better place for people and wildlife 

Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!
If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who will be a single point of contact for you at the EA, giving you detailed specialist advice. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

Figure 2 Environment Agency Response



Natural England

[External] FAO Ms Laura Guy
To: Laura Guy

16 May 2022 at 11:10

REF: Revised Walkern Neighbourhood Plan - SEA Screening



Planning Ref: Revised Walkern Neighbourhood Plan - SEA Screening
Our Ref: 391694

Dear Ms Guy

Thank you for your consultation request regarding the SEA Screening report for the revised Walkern Neighbourhood Plan.

Please find attached Natural England's response to this request.

Regards

Sharon Jenkins
Operations Delivery
Consultation Team
Natural England
County Hall
Spackley Road
Worcester
WR5 2NP

Tel: 0300 060 3900
Fax: 0300 060 1544

www.gov.uk/natural-england

<mailto:consultations@naturalengland.org.uk>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)



consultations@naturalengland.org.uk | www.gov.uk/natural-england

Figure 3 Natural England Response

● **EJ** James, Edward
[External] RE: SEA Screening consultation - Revised Walkern Neighbourhood Plan
To: Laura Guy

9 June 2022 at 16:31

Dear Laura,

Thank you for inviting Historic England to comment on this consultation. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process. Therefore we welcome this opportunity to review the Screening Report for this plan. For the purposes of this consultation, Historic England will confine its advice to the question, "Is it (the revised Walkern Neighbourhood Plan) likely to have a significant effect on the historic environment?". Our comments are based on the information supplied with the Screening Opinion.

The Screening Report indicates that the Council considers that the plan will not have any significant effects on the historic environment. We note that the plan does not propose to allocate any sites for development.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England considers that in relation to potential impacts on the historic environment the preparation of a Strategic Environmental Assessment is **not required**.

The views of the other two statutory consultation bodies should be taken into account before the overall decision on the need for an SEA is made.

I should be pleased if you can send a copy of the determination as required by REG 11 of the Environmental Assessment of Plans and Programmes Regulations 2004.

We should like to stress that this opinion is based on the information provided by you with your correspondence. To avoid any doubt, this does not reflect our obligation to provide further advice on later stages of the SEA process and, potentially, object to specific proposals which may subsequently arise (either as a result of this consultation or in later versions of the plan) where we consider that, despite the SEA, these would have an adverse effect upon the environment.

Historic England strongly advises that the conservation and archaeological staff of the relevant local authorities are closely involved throughout the preparation of the plan and its assessment. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the Historic Environment Record (HER), how the allocation, policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

Please do contact me, either via email or the number below, if you have any queries.

Kind regards,

Edward

Edward James
Historic Places Adviser - East of England
Historic England

Direct Line: 01223 582 746
Mobile: 07833 718 273


Historic England
Downlands 101 Downlands Avenue | Cambridge | CB9 8PU

Figure 4 Historic England Response

Policy and Implementation

- ▶ 01279 655261
- ▶ www.eastherts.gov.uk
- ▶ East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ



Thursday, 03 November 2022

Dear Ms Broady,

Strategic Environmental Assessment and Appropriate Assessment Screening Report for the Walkern Neighbourhood Plan Review

I write to advise that on the 6th October 2022 it was agreed that the Parish Council be advised that:

- (a) In accordance with Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, the District Council, as the responsible authority, has determined that an environmental assessment of the emerging Walkern Neighbourhood Plan Review is not required as it is unlikely to have significant environmental effects. In making this determination, the District Council has had regard to Schedule 1 of the Regulations and has carried out consultation with the consultation bodies; and
- (b) The emerging Walkern Neighbourhood Plan Review for is unlikely to have a significant effect upon a Natura 2000 designation and therefore does not require an HRA.

This decision was subject to a call-in period which expired on Thursday 13th October.

The screening decision can be viewed on the Council's website: [Decision - Walkern Neighbourhood Plan Revision 2021-2033. Draft Pre-Submission SEA Screening Report \(NKD22/14\) - East Herts District Council](#)

If you require any further information please do not hesitate to contact me.

Kind regards,

Laura Guy
Principal Planning Officer
Planning Policy

Figure 5 East Herts Council SEA Decision Letter

Appendix B: WALKERN Policies Mapped to the Strategic Objectives in East Herts District Plan 2011–2033

Table indicating how the policies in Walkern Neighbourhood Plan help to achieve the strategic objectives in the East Herts District Plan 2011 - 2033

District Plan Strategic Objectives	Neighbourhood Plan Policies
Mitigate the effects of climate change	WLK7, WLK11, WLK15
Encourage safe and vibrant mixed communities	WLK11, WLK15, WLK20, WLK21
Balance the housing market	WLK1, WLK12, WLK13, WLK14
Protect the countryside & historic environment and promote good design	WLK2, WLK3, WLK4, WLK5, WLK10, WLK11, WLK15
Foster entrepreneurship	WLK16, WLK17, WLK18
Improve access and sustainable transport	WLK19
Maintain and improve existing facilities and provide new facilities	WLK20, WLK21
Improve health and wellbeing and reduce health inequalities	WLK8, WLK10, WLK21
Protect and enhance environmental assets including biodiversity	WLK6, WLK7, WLK9, WLK10
Provide necessary infrastructure	WLK1, WLK19

Appendix C: WALKERN Policies Mapped to the Strategic Policies in East Herts District Plan 2011–2033

Table indicating how the policies in the Walkern Neighbourhood Plan are in accordance with the strategic policies in the East Herts District Plan 2011 - 2033

District Plan Strategic Policies	Neighbourhood Plan Policies
INT1 Sustainable Development	All
DPS1 Housing, Employment and Retail Growth	WLK1, WLK12-WLK14, WLK16-WLK18
DPS2 Development Strategy	WLK1,
DPS3 Housing Supply	WLK1, WLK12-WLK14,
DPS4 Infrastructure Requirements	WLK1, WLK11, WLK15, WLK21
DPS5 Neighbourhood Planning	All
GBR1 Green Belt	WLK1, WLK2,
GBR2 Rural Area Beyond the Green Belt	WLK1, WLK2, WLK13
VILL1 Group 1 Villages	WLK1
ED2 Rural Economy	WLK16, WLK17, WLK18
DES2 Landscape Character	WLK2, WLK3, WLK9, WLK10, WLK11
TRA1 Sustainable Transport	WLK8, WLK19, WLK20
CFLR1 Open space, Sport and Recreation	WLK8, WLK9, WLK10, WLK11, WLK20
CLFR2 Local Green Space	WLK10
NE1 Designated Nature Conservation	WLK6, WLK10
NE3 Species and Habitats	WLK6, WLK7, WLK9
HA1 Designated Heritage Assets	WLK3, WLK4, WLK5
CC1 Climate Change Adaption	WLK7, WLK11, WLK15
CC2 Climate Change Mitigation	WLK7, WLK11, WLK15
WAT1 Flood Risk Management	WLK9, WLK11, WLK15
WAT5 Sustainable Drainage	WLK11, WLK15
EQ4 Air Quality	WLK15, WLK19