

BASIC CONDITIONS STATEMENT

WHITBURN NEIGHBOURHOOD PLAN SUBMISSION VERSION 2021 - 2036

August 2021

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

Contents:

1.0	Introduction	3
2.0	Submission Documents.....	3
3.0	Legislative Requirements.....	5
4.0	Basic Conditions	6
5.0	Conclusions	26

APPENDIX A: List of Strategic Policies

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

1.0 Introduction

1.1 This statement sets out how the Whitburn Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), hereafter referred to as ‘the Regulations’, and how the basic conditions have been met as prescribed by Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) (the 1990 Act). The statement has been prepared by Whitburn Neighbourhood Forum as the qualifying body for the designated neighbourhood plan area.

2.0 Submission Documents

2.1 All the documents required by part 5, paragraph 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) are included in the submission documents accompanying the Whitburn Neighbourhood Plan. Those requirements include provision of the following:

- A map or statement which identifies the area to which the proposed neighbourhood development plan relates
- A Consultation Statement
- The proposed neighbourhood development plan
- A statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act; (otherwise known as the Basic Conditions statement)
- An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; or where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for that determination.

2.2 Each of these requirements is submitted, and information provided below:

i) A map or statement which identifies the area to which the proposed neighbourhood development plan relates

2.3 A Policies Map is contained within the main body of the neighbourhood plan, showing detail in relation to relevant policy in the Plan. The Policies Map was produced by South Tyneside District Council for the Whitburn Neighbourhood Forum. It is considered that the maps included with the Neighbourhood Plan give enough clarity to give context to the policies.

2.4 The Policies Maps covers the Neighbourhood Area, and includes the following specific annotations contained in the Neighbourhood Plan Policies:

- Green Infrastructure: WNP7
- Key views: WNP2
- Local Green Spaces: WNP9
- Whitburn Conservation Area boundary: WNP4
- Whitburn village centre: WNP12
- Non-designated heritage assets: WNP5
- Biodiversity and Geodiversity: WNP6

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

- Community facilities: WNP11
- Recreational facilities and allotments: WNP10
- Transport infrastructure: WNP14

2.5 The Policies Map also shows the location of the designated Green Belt.

ii) A Consultation Statement

2.6 A Consultation Statement has been submitted with the Regulation 15 Draft Submission Whitburn Neighbourhood Plan. The Consultation Statement provides detail about consultation that was carried out in the area throughout the development of the Plan and how this consultation informed the development of policies in the Plan. The document contains details of the persons and bodies consulted about the neighbourhood plan; it explains how they were consulted, and it summarises the main issues and concerns raised by people and organisations who were consulted. It also describes how these concerns have been considered and subsequently addressed in policies and changes to policies in the neighbourhood plan.

2.7 It should be noted that direct consultation with the public in the latter stages of the plan was not possible due to the Covid-19 pandemic. Revised guidelines were issued by government with regard to consultation procedures during the pandemic, and these guidelines have been adhered to throughout.

iii) The proposed neighbourhood development plan

2.8 The Whitburn Neighbourhood Plan (Regulation 15 Submission Version 2021 – 2036) is submitted along with this statement.

iv) A statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act; (otherwise known as the Basic Conditions statement)

2.9 This statement is the Basic Conditions Statement. The basic conditions are identified in part 4 of this statement.

v) An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; or where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for that determination.

2.10 South Tyneside Council undertook an HRA screening of the draft Whitburn Neighbourhood Plan in November 2020, which concluded no likely significant effects. A further screening opinion was obtained in July 2021 based on the amended Regulation 15 submission version of the Whitburn Neighbourhood Plan. The Plan was again screened 'out'.

2.11 Whitburn Neighbourhood Forum undertook a SEA Screening Assessment in September 2020. This document was consulted upon with the relevant statutory bodies who agreed with the

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

outcome of the SEA Report which concluded that the draft Whitburn Neighbourhood Plan would not result in significant environmental effects and therefore would not require a full SEA Report. Following amendments to the draft Neighbourhood Plan, the Whitburn Neighbourhood Forum have undertaken a further SEA screening. Again, the Plan was screened 'out'.

- 2.12 Copies of both screening reports and consultation responses from the statutory bodies are submitted with the Plan.

3.0 Legislative Requirements

- 3.1 Legislative Requirements are set out in the Localism Act (2011), the Town and Country Planning Act (as applied to neighbourhood plans by section 38A and 38B of the Planning and Compulsory Purchase Act) and the Neighbourhood Planning (General) Regulations 2012 (as amended). Each requirement is addressed as follows:

i) The draft Plan is Being Submitted by a qualifying body

- 3.2 This draft Plan is submitted by Whitburn Neighbourhood Forum, the qualifying body. The Forum and Neighbourhood Plan area were designated on 25th January 2017. The Working Group consists of local representatives from the Neighbourhood Forum. More information about the Forum and the consultation exercises that have taken place throughout the process is contained in the Consultation Statement.
- 3.3 Copies of the Neighbourhood Area and Neighbourhood Forum designation documents are available on the South Tyneside District Council website.

ii) What is being proposed is a neighbourhood development plan

- 3.4 The Whitburn Neighbourhood Plan contains policies that relate to planning matters (the use and development of land) in the Whitburn Neighbourhood Area 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 (as amended).

iii) The proposed neighbourhood plan states the period for which it is to have effect

- 3.5 The draft Plan identifies a 16-year period to which it relates: 2021 to 2036. This is designed to fit in with the Plan period in the emerging South Tyneside Local Plan, which is currently at Regulation 18 stage, but will cover the same time period.

iv) The neighbourhood plan does not deal with excluded development such as strategic 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.

- 3.6 None of the policies in the Plan relate to excluded development.

v) The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

- 3.7 The Plan relates to the Whitburn Neighbourhood Area, which is the designated neighbourhood area. The Plan does not contain policies or proposals that relate to any other area. There are no other neighbourhood plans relating to this designated neighbourhood area.

vi) The Neighbourhood Development Plan only contains policies relating to the development and use of land.

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

3.8 The Neighbourhood Plan contains policies relating to the development and use of land. Other proposals that are not related to the development and use of land are contained in Part 7 of the Plan, entitled ‘Community Projects’.

4.0 Basic Conditions

4.1 A Neighbourhood Plan will be considered to have met the Basic Conditions if:

1. Having appropriate regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
2. The ‘making’ of the neighbourhood plan contributes to the achievement of sustainable development;
3. The ‘making’ of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. The ‘making’ of the neighbourhood plan does not breach, and is otherwise compatible with, retained EU obligations; and
5. Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans: Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic condition in addition to those set out in primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended)).

Basic Condition 1: Having appropriate regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan

4.2 National Planning Practice Guidance states (Paragraph: 070 Reference ID: 41-070-20140306):

‘A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.’

4.3 How the Whitburn Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State is contained in Table 1 which sets out particular national policies and guidance in the NPPF relevant to policies in the submission Whitburn Neighbourhood Plan.

4.4 Since the Plan was drafted, a revised NPPF has been issued (July 2021). The text in the Plan has been amended to refer to this latest version of the NPPF.

Basic Condition 2: The ‘making’ of the neighbourhood plan contributes to the achievement of Sustainable Development

4.5 The meaning of ‘sustainable development’ in this context is set out in paragraph 8 of the NPPF. Paragraph 8 identifies three objectives (economic objectives, social objectives and

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

environmental objectives); the combination of which, contribute to the achievement of sustainable development. 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

- 4.6 The vision for the Plan is strongly related to sustainability objectives set out in the NPPF. A number of objectives follow the vision. These objectives relate to housing, the built environment, the natural environment, green infrastructure, the Whitburn community and infrastructure as a whole.
- 4.7 The Plan contains 15 policies, which, in combination with community projects (set out separately in the Plan), seek to deliver the vision and the identified objectives, as well seeking to address the three areas of sustainable development identified in the NPPF: Delivering economic objectives, social objectives and environmental objectives. How the policies, in combination, deliver these objectives is summarised below:

Economic Objectives

‘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 coordinating the provision of infrastructure’ [para 8 NPPF]

- 4.8 There are no specific policies in the Plan to deliver economic objectives. However, the policies in combination seek to improve the environment which in turn will deliver economic benefits to the area by making it an attractive place to live and work. Policy WNP12 seeks to enhance the village centre in Whitburn, and by so doing, deliver improvements to the local economy which is reliant on a high-quality environment. A Neighbourhood Plan does not need to cover all areas as it is not a Local Plan. The lack of specific policies with regard to economic development does not mean that the plan does not still deliver on this element of sustainable development.

Social Objectives

‘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 a well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being’ [para 8 NPPF]

- 4.9 Policy WNP1 identifies what type of new housing development is needed to support the community in Whitburn;
- 4.10 Policy WNP10 seeks to retain and improve recreational facilities and allotments, whilst WNP11 specifically seeks to retain and improve community facilities within the Plan area. WNP12 is

¹ Resolution 42/187 of the United Nations General Assembly – referred in paragraph 7 of the NPPF

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

about Whitburn Village Centre and retaining the vibrant feel of the heart of Whitburn, as well as improving the public realm.

- 4.11 Policy WNP9 identifies Local Green Spaces, in the area which have a community value. Policy WNP14 seeks to promote walking and cycling routes in the area with knock on benefits for health and wellbeing for residents in the area.

Environmental Objectives

‘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.’

- 4.12 There are a number of policies in the Plan which seek to deliver environmental objectives. Some of these are cross-cutting and will also deliver social and economic benefits. Policy WNP3 seeks to encourage sustainable design, Policies WNP4 and WNP5 relate to the historic environment, Policy WNP6 is about protecting biodiversity and Policies WNP7 and WNP8 are about green infrastructure and local landscapes and seascapes. These policies have a strong emphasis on conserving the historic built environment and the natural environment.
- 4.13 Policy WNP9 lists the Local Green Spaces which are proposed in the Neighbourhood Area.
- 4.14 Policies WNP14 and WNP15 are about transport infrastructure and air quality, which are cross-cutting themes closely linked with the principles of sustainable development.
- 4.15 In combination, it is considered that this Plan will contribute to the achievement of sustainable development as defined in the NPPF and therefore meets the second Basic Condition. Table 1 assesses each policy in the Plan against the objective of delivering sustainable development.

Basic Condition 3: That the Neighbourhood Plan is in General Conformity with Strategic Local Policy

- 4.16 The Whitburn Neighbourhood Plan area lies entirely within South Tyneside District Council. South Tyneside District Council is in the process of preparing a new Local Plan. The Local Development Scheme document published in May 2019 states that it is anticipated that the Plan will be adopted in June/July 2021. Following the Covid pandemic it is likely that this time frame will be substantially delayed, and that the adopted Plan will not be in place until later in the year, or even into 2022.
- 4.17 At the time of writing this statement, the South Tyneside Local Plan (emerging) was at Regulation 18 (Pre-Publication Draft Local Plan) stage. Although the emerging Plan is not part of the current Development Plan, it is important to ensure that the Whitburn Neighbourhood Plan is consistent with the strategic objective in this emerging Local Plan, being mindful that the latest plan takes precedence in planning decision making, and it would be sensible to ensure that there are therefore no conflicts. There are no site allocations in the Whitburn Neighbourhood Plan, other than to identify landscape features and existing valued community and heritage assets. None of these designations will conflict with the emerging Local Plan. As the Local Plan is at a relatively early stage of production, a full assessment of the Whitburn Neighbourhood Plan against each of the policies has not been carried out as the Local Plan is likely to change before going out to Publication Draft (Regulation 19) consultation.

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

- 4.18 However, for the purposes of meeting the Basic Conditions as set out in the legislation, it is only necessary to ensure that the Whitburn Neighbourhood Plan has regard to policies in the current Development Plan.
- 4.19 South Tyneside District Council has provided the qualifying body with a list of policies in the current Development Plan that they consider to be ‘strategic’ for the purposes of meeting this basic condition and these are listed in Appendix A. These consist of all policies in the South Tyneside District Council Core Strategy (2007) and Policy DM1 in the Development Management Policies Document (Dec 2011). Other strategic policies are identified, but these are not in the Neighbourhood Area. Therefore, the only policies against which this Neighbourhood Plan is tested, are all policies in the Core Strategy, and Policy DM1 in the Development Management Policies DPD.
- 4.20 The neighbourhood plan must be in ‘general conformity’ with strategic policy. Paragraph 074² of the Planning Practice Guidance gives an explanation of what is meant by ‘general conformity’:
- ‘When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.
 - the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy.
 - whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.
 - the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.’
- 4.21 Each policy in the submission version of the Whitburn Neighbourhood Plan has been tested against the identified and relevant strategic policies in the current Development Plan.
- 4.22 The assessment is set out in Table 1 below. The conclusions in Table 1 are that there are no identified conflicts with strategic policies identified by South Tyneside District Council. An assessment of conformity with current national policy indicates there are no conflicts with national planning policy or planning practice guidance.

² PPG Reference ID: 41-074- 20140306

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

Table 1: Policies in the submission Whitburn Neighbourhood Plan tested against Basic Conditions 1, 2 and 3. No conflicts are identified.

Policy WNP 1: Housing		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Policy WNP1 is about housing. It supports the provision of a mix of housing to meet identified housing needs, in particular a need for small to medium sized family homes, homes for first time buyers and homes for older people.</p> <p>Paragraph 170 says that planning policies should protect and enhance valued landscapes. In this Plan, settlement boundaries are the key tool for achieving this objective, by preventing encroachment of development into valued areas of the countryside.</p> <p>Paragraph 65 of the National Planning Policy Framework (NPPF) requires ‘strategic policies’ to set out a housing requirement for designated Neighbourhood Areas which reflects the overall strategy for the pattern and scale of development, and any relevant allocations. A housing figure was given, but this was not achievable due to the amount of green belt surrounding Whitburn. For this reason, the Forum have not allocated land for housing. The policy therefore purely focusses on types of housing, and</p>	<p>Policy WNP1 meets sustainable development objectives, by supporting new housing in the Neighbourhood Area which meets an identified housing need. Although detailed figures will be set out in strategic policy; WNP1, using detailed evidence gathered in a Housing Needs Assessment, to identify what housing is needed in the area. Alongside other policies in the Plan, this contributes to the achievement of sustainable development.</p>	<p><u>South Tyneside Core Strategy (STCS) (2007)</u></p> <p>Policies in relation to housing are now somewhat out of date in the STCS. All the identified housing sites in the Neighbourhood Area have been delivered. The proposed Policy WNP1 does not however conflict with the STCS. Policy SC3 (Sustainable Housing Provision) seeks to manage the release of land for new housing development. It also seeks to maximise the use of previously developed land. Policy SC4 is about housing needs, mix and affordability. This policy seeks to create a more balanced mix of tenure and housing types. The Urban Fringe villages (which includes Whitburn) are encouraged to provide 2 bed starter and ¾ bed family homes. The policy requires a minimum of 25% of all new dwellings to be genuinely affordable. This policy is not entirely consistent with the NPPF; however, the aims of delivering housing to meet a local need, and delivering affordable housing are reflected in the Whitburn NDP which seeks to provide local detail to deliver strategic policies on housing.</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

meeting a housing need, rather than identifying sites.		<u>Policy DM1 in the Development Management Policies DPD</u> No conflict identified
--	--	--

Policy WNP 2: Whitburn Design Guidelines		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Chapter 12 of the NPPF is about achieving well-designed places. It states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</p> <p>Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can plan an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p> <p>Policy WNP2 sets out design guidelines for new built development in the Neighbourhood Area. It relies on the evidenc- based document ‘Whitburn Design Guidelines’ (April 2019), and seeks to incorporate key findings from that document into</p>	<p>Policy WNP2 contributes to the achievement of sustainable development, by seeking to conserve and enhance the character of the area through encouraging development which delivers high quality and sustainable design, with specific advice about what types of design are vernacular to different parts of the Neighbourhood Area through a well evidenced report.</p> <p>This policy seeks to ensure that all new development incorporates identified matters of significance related to the built and natural environment.</p> <p>This policy has regard to the NPPF and the purpose of the planning system in contributing to sustainable development.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Of particular relevance to this policy are policies ST2 (Sustainable Urban Living), and SC1 (Creating Sustainable Urban Areas). All these policies seek to encourage locally distinctive design, and WNP2 and the Design Guidelines give these policies a locally specific dimension.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflict identified. Part a) seeks to ensure new development reinforces local identify.</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

<p>policy, without being too prescriptive.</p> <p>The policy identifies Key Views (which are shown on the Policies Map) which gives local and site specific information about which views are valued most in the neighbourhood area.</p> <p>To this regard, it is considered that Policy WNP2 is in line with National Planning Policy which supports high quality and locally distinctive design. It is also in line with the National Design Guide, which seeks to encourage better and more distinctive design, and use Design Guides to secure locally relevant high-quality design.</p>		
--	--	--

Policy WNP3: Sustainable Design		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Chapter 12 of the NPPF is about achieving well-designed places. It states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.</p> <p>Chapter 14 is about meeting the challenge of climate change. It states that the planning system should support the transition to a low carbon future. This policy seeks to deliver good design,</p>	<p>Good design is a key aspect of sustainable development (para 126). This policy contributes to the achievement of sustainable development by encouraging and giving weight to proposals which are truly sustainable in terms of their design, construction and layout. This will have environmental benefits, and social benefits, through the encouragement to incorporate well-connected spaces with good</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy ST1 sets out a special strategy, but also states that the intention of the policy is to ensure the sustainability of settlements by reducing emissions which cause climate change. Policy ST2 (Sustainable living) sets out in some detail how new development can be sustainably provided, including through sustainable design, environmentally sound and energy efficient construction materials, on-site</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

<p>and secure sustainable development which delivers both these objectives.</p> <p>Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can plan an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p> <p>Policy WNP3 sets out a number of criteria which, in combination, will achieve sustainable design objectives. Although some of these criteria cannot be insisted on, the policy seeks to give these sustainable design matters significant weight in decision making. This requirement for sustainable design is compatible with the aims of the NPPF as it seeks to secure high quality and sustainable design, and to reduce impacts on climate change.</p> <p>The policy incorporates latest guidance set out in the NPPF with regard to landscaping, planting and trees in new development.</p> <p>The policy seeks to ensure delivery of renewable on-site generation and electric charging for vehicles; all these matters are compatible with</p>	<p>pedestrian/cycle access. All these matters, in combination with other policies in the Plan, contribute towards the aim of reducing carbon emissions and reducing the impacts of development on the climate.</p> <p>Paragraph 8 c) sets out that moving to a low carbon economy is part of the government’s environmental objectives for delivering sustainable development.</p>	<p>energy generation, etc. Policy WNP3 is not in conflict with ST2, or any other policies set out in the STCS.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflict identified. Part j) of DM1 seeks to encourage design to achieve lower carbon emissions, be energy efficient and maximise the use of renewable and low carbon energy sources.</p>
---	--	--

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

the government’s push for a low carbon economy (para 112 in relation to car charging points, para 8 moving to a low-carbon economy)		
---	--	--

Policy WNP4: Whitburn Conservation Area		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>The NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (para 189). Plans should set out a positive strategy for the conservation and enjoyment of the historic environment. This policy seeks to identify key elements of the Whitburn Conservation Area which particularly contribute to its significance. This is in line with the aims set out in the NPPF and NPPG.</p> <p>Paragraph 190 sets out that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. Part c) is about new development making a positive contribution to local character and distinctiveness in the historic environment.</p> <p>This policy seeks to identify specifically those</p>	<p>This policy contributes to the achievement of sustainable development by seeking to preserve the special identified qualities of the historic environment. The policy is based on robust evidence contained in the Conservation Area appraisal documents, as well as the Whitburn Heritage Character Assessment (2017). The policy will help ensure that new development respects the special local character of the Whitburn Conservation Area, thereby delivering on the aims of sustainable development insofar as they relate to the historic environment.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy SC1 (Creating Sustainable Urban Areas) refers in part a) to the importance of new development creating a strong sense of place by strengthening the distinctive historic and cultural qualities and townscape of towns and villages.</p> <p>Policy EA1 (Local Character and Distinctiveness) identifies the need to preserve the special and separate characters of the urban fringe villages (including Whitburn).</p> <p><u>Development Management Policies DPD (Dec 2011)</u></p> <p>No conflict identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

<p>character areas and special features which do make a positive contribution to local character and distinctiveness in the Whitburn conservation area. This is a locally distinctive policy based on a strong evidence base gathered through the Whitburn Conservation Area Character Appraisal and the Whitburn Heritage Appraisal</p>		
--	--	--

Policy WNP5: Non-designated heritage assets in Whitburn Neighbourhood Area

Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>See comments made in relation to WNP4. National Practice Guidance advocates the maintenance of a local list of non-designated heritage assets (NDHAs). Tyneside Council have a list of heritage assets, and this has been used by the Forum as evidence base for their policy. This approach is in line with guidance contained in NPPG. The list of NDHAs has been taken from a list provided in South Tyneside’s SPD 21: Locally Significant Heritage Assets (2011). In addition, another NDHA at the site of the Whitburn Lodge was added based on feedback from residents. This brings the importance of these assets to the fore, in the Neighbourhood Plan.</p>	<p>This policy contributes to the achievement of sustainable development by seeking to preserve the special identified qualities of the historic environment. The policy is based on robust evidence contained in the SPD on Locally Significant Heritage Assets, as well as other evidenced work carried out on behalf of the Forum by AECOM, and feedback from residents.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy EA1 is about Local Character and Distinctiveness. It seeks to preserve the special and separate characters of the urban fringe villages (including Whitburn).</p> <p>Policy SC1 is about creating sustainable urban areas; it seeks to create a strong sense of place by strengthening the distinctive historic and cultural qualities of villages.</p> <p>This policy seeks to deliver these strategic policies in a locally specific way.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

		No conflict identified
--	--	------------------------

Policy WNP6: Biodiversity and Geodiversity		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>The policy identifies wildlife sites and geological sites in the neighbourhood area, giving clarity on what natural resources there are.</p> <p>NPPF para 179 states that, to protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites for importance for biodiversity. Plans should also promote the conservation, restoration and enhancement of priority habitats, ecological networks and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 sets principles for determining planning applications in terms of their impact on biodiversity. These principles are reflected in Policy WNP6.</p>	<p>This policy contributes to the achievement of sustainable development by seeking to secure measurable net gains for biodiversity, and by ensuring that identified nature reserves with varying degrees of protection are identified within the policy. The provision of this information on a policies map as well will give clarity, and ensure these sites are protected in a manner consistent with their importance. The protection of these areas is fundamental to delivering sustainable development alongside other policies in the plan.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy EA3 is about Biodiversity and Geodiversity. The policy seeks to implement the Durham Biodiversity Action Plan and tackle habitat fragmentation by securing and enhancing the integrity of designated sites and by maintaining, enhancing and restoring biodiversity and geological conservation interests. The policy identifies a number of Priority Habitats. Policy WNP6 is consistent with the aims of Policy EA3, albeit taking a different approach to addressing a similar issue. No conflict is identified.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflict identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

Policy WNP7: Green Infrastructure Enhancement and Connectivity		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>This policy identifies areas of the Neighbourhood Area that provide Green Infrastructure.</p> <p>Paragraph 92 of the NPPF states that planning policies should aim to achieve places which enable and support healthy lifestyles. One of the ways this can be achieved is through the provision of green infrastructure.</p> <p>Paragraph 174 goes on to state, in part d) that plans, and policies should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</p> <p>Paragraph 179 states that, to protect and enhance biodiversity and geodiversity, plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, wildlife corridors and stepping stones that connect them, and to promote the conservation and restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>	<p>This policy contributes to the achievement of sustainable development by identifying areas of green infrastructure in Whitburn Neighbourhood Area and seeking to improve connectivity between these areas. This will not only deliver environmental benefits, but also social benefits for residents and visitors to the area and knock on economic benefits.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy EA3 (Biodiversity and Geodiversity) seeks to reduce the fragmentation of, and improve or extend existing Priority Habitats. Policy EA1 is about local character and distinctiveness, but part b) of that policy is about protecting and enhancing the openness of Green Belt. The policy identifies strategies for the Great North Forest.</p> <p>Policy SC6 is about providing for recreational open space, sport and leisure and part c) refers to supporting schemes that extend the Borough’s strategic Linked Open Space System into the wider countryside.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflict identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP8: Local Landscapes and Seascapes		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>NPPF Paragraph 145 is about planning positively for Green Belts; enhancing their beneficial use, and looking for opportunities to retain and enhance Green Belt landscapes.</p> <p>Paragraph 174 says that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. Part b) of Paragraph 174 is about recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; part c) is about maintaining the character of the undeveloped coast.</p> <p>The aim of Policy WNP8 is entirely consistent with relevant national planning policy.</p>	<p>This policy contributes to the achievement of sustainable development by ensuring that locally specific landscapes are identified and protected. These landscapes are valued locally and so have a social dimension as well as an environmental one.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy EA2 is about the Coastal Zone; part a) states that the Council will work with partners to conserve and enhance the character of the Undeveloped Coast as a high-quality natural environment and resource for biodiversity and outdoor recreation. The Coastal Zone is shown on the policies map. There are no other specific policies with regard to landscape, although the overall objective of the Council (No.16) is to ‘protect and enhance the quality and distinctiveness of the Borough’s land and landscapes’.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflict identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP9: Local Green Spaces		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>NPPF paragraph 101 gives local communities the opportunity to identify areas as Local Green Space, providing that the green space is in reasonably close proximity to the community it serves, and is demonstrably special to the local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife and where it is local in character and not an extensive tract of land. The Local Green Spaces identified in this Neighbourhood Plan meet the requirements set out above, and evidence is provided to demonstrate that in the form of background evidence papers, and information within the Plan itself. The policy states that the management of the Local Green Spaces should be consistent with those for green belts, as required in NPPF paragraph 103.</p> <p>The policy identifies 7 Local Green Spaces in the Neighbourhood Area. The evidence base report explains how these LGS meet the criteria set out in paragraph 102 of the NPPF.</p>	<p>The provision and retention of Local Green Spaces contributes to the achievement of sustainable development and is key to ensuring that the places people live have suitable access to green spaces. The spaces identified are highly valued by the local community.</p> <p>The areas identified are important to sustain a vibrant and healthy community and their designation is consistent with the principles of sustainable development.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Local Green Spaces did not exist (in the way they are now defined in planning policy) at the time the STCS was drafted. There are no conflicts identified.</p> <p><u>Development Management Policies DPD (Policy DM1):</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP10: Recreational facilities and allotments		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Chapter 8 of the NPPF is about promoting healthy and safe communities. Paragraph 92 states that planning policies should aim to achieve healthy, inclusive and safe places which <i>inter alia</i> enable and support healthy lifestyles, for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Some of these matters are addressed in other policies in the NP.</p> <p>Policy 93 states that planning policies should guard against the unnecessary loss of valued facilities and services.</p>	<p>This policy contributes to social and environmental objectives; some community facilities are of importance to local businesses also, so there are economic benefits also. These facilities will support a strong, vibrant and healthy community in Whitburn and support the communities' health, social and cultural well-being.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy SC6 (Providing for Recreational Open Space, Sport and Leisure) sets out the Council's proposals to promote the provision of high quality recreational open space, playing fields and outdoor sporting and play facilities. Policy WNP10 is consistent with the aims set out in that policy, providing a local dimension to the strategic nature of the policy.</p> <p>Policy SC2 (Reviving our Town Centres and other Shopping Centres) supports the provision of new sports facilities.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP11: Community Facilities		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Policy WNP11 identifies a specific set of community facilities. The policy sets out a presumption against the loss of these facilities, whilst allowing for change where these facilities are no longer required.</p> <p>NPPF para 93 states that planning policies should guard against the unnecessary loss of valued facilities and services. Research and evidence has been gathered to demonstrate that those facilities listed in Policy WNP11 are valued locally.</p>	<p>The identification, retention and improvement of community facilities is key to maintaining a thriving community and is consistent with the principles of sustainable development.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy SC6 is about providing for recreation, sport and leisure. Policy SC2 (Reviving our Town Centres and other Shopping Centres) supports the provision of new sports facilities. There are no specific policies about community facilities, but objective 21 in the STCS is ‘to promote equality and diversity and protect and strengthen community cohesion’. The proposed policy WNP11 is consistent with this (and other) objectives.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP12: Whitburn Village Centre		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>Policy WNP12 is consistent with principles in the NPPF for encouraging a healthy economy. The policy seeks to improve the character and appearance as well as the vitality of the village centre insofar as a policy can achieve such an aim. NPPF paragraph 86 states that planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations. The WNP defines the village centre shopping area, an area in which changes of use outside retail (Class E) will not be supported unless they meet specific criteria. The policy contains additional proposals to improve the appearance of the town centre and the public realm, which is consistent with national planning policy. The policy defines the Village Centre, which comprises the primary shopping area in Whitburn, and an evidence report has been produced to explain the rationale behind the</p>	<p>A healthy local economy has benefits for society and community cohesion. This policy seeks to strengthen and support the role of the village centre at the heart of Whitburn and seeks to improve the public realm and built environment thereby delivering on all three aspects of sustainable development. This policy does contribute to the achievement of sustainable development, alongside other policies in the Plan.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy SC2 is about Reviving Town Centres and Shopping Centres. The policy mainly relates to larger urban areas, rather than the villages. There are no conflicts identified with other policies in the STCS.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

designation.		
--------------	--	--

WNP13: Sewage and Drainage Infrastructure		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>This policy does have regard to National Planning policy and practice. A significant amount of evidence has been gathered to support the policy and is contained in the evidence base documents.</p> <p>NPPF para 28 states that non-strategic policies should be used by LPAs and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include <i>inter alia</i>, the provision of infrastructure at a local level. This policy is based on local evidence about specific local conditions with regard to sewage and drainage infrastructure. Additional reports have been commissioned to verify and confirm the evidence behind the policy approach. The policy is locally specific, identifying a particular issue in the Neighbourhood Area which should be a material consideration in any planning application that will result in an exacerbation of the identified problems in relation to pollution.</p>	<p>This policy contributes to the achievement of sustainable development, by seeking to ensure that future development has adequate infrastructure to ensure that there are no negative effects on the local environment. This will improve the local environment for wildlife, people and the economy.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>There are no specific policies in relation to sewage discharge. There are policies related to Sustainable Urban Drainage; Policy ST2 (Sustainable Urban Living) encourages the use of ‘sustainable urban drainage systems’ and water conservation features wherever possible.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP14: Transport Infrastructure		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>This policy seeks to provide locally specific information to manage potential transport impacts in the Neighbourhood Area. The policy also seeks to provide and improve non car-based forms of travel by identifying networks of cycle paths and footpaths that could be improved and connected.</p> <p>NPPF paragraph 104 states that transport issues should be considered from the earliest stages of plan-making so that potential impacts of development on transport networks can be assessed and so that the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains. This policy seeks to assist with this objective, by identifying specific issues at a local level that will require consideration in any future planning application. Paragraph 104 also states that opportunities to promote walking, cycling and public transport use should be identified and pursued. These specific opportunities are identified in Policy WNP14</p>	<p>This policy seeks to encourage non-car based forms of transport, delivering objectives for healthy lifestyles and a healthier environment. This is consistent with the principles of sustainable development. The policy also seeks to identify locally specific issues which could be mitigated against in future development proposals. In combination, these matters will improve the living environment for residents in the Neighbourhood Area making it a better place to live, work and visit.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy A1 is about improving accessibility. Although there are no specific elements of this policy that relate to Whitburn, the policy does refer to support for walking and cycling initiatives, and the need for Transport Assessments for major development proposals. Policy WNP14 sets out locally specific matters that would be relevant to consider in relation to any Transport Assessments that might be required.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified.</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

WNP15: Air Quality		
Basic Condition 1 (having regard to National Planning policy and Practice)	Basic Condition 2 (contributing to the achievement of sustainable development)	Basic Condition 3 (general conformity with strategic planning policy)
<p>NPPF paragraph 186 states that planning policies should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.</p> <p>This policy does have regard to the NPPF.</p>	<p>Any improvement in air quality is consistent with the principles of contributing to the achievement of sustainable development; this delivers benefits for people, the environment, and the economy.</p>	<p><u>South Tyneside Core Strategy (2007)</u></p> <p>Policy EA5 (Environmental Protection) is about pollution and flooding. The policy states that, to complement the regeneration of the Borough, the Council will control new development so that it acts to reduce levels of pollution, environmental risk and nuisance throughout the Borough. Part d) of the policy ensures that the individual and cumulative effects of development do not breach noise, hazardous substances or pollution limits.</p> <p>This objective is consistent with the proposed Policy WNP15.</p> <p><u>Development Management Policies DPD (Policy DM1)</u></p> <p>No conflicts identified</p>

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

Basic Condition 4: The ‘making’ of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations

- 4.23 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive),
- 4.24 The Conservation of Habitats and Species Regulations 2017 (the ‘Habitats Regulations’) requires that competent authorities assess the potential impacts of land use plans on the Natura 2000 network of European protected sites. This is to determine whether there will be any ‘likely significant effects’ on any European sites as a result of the plan’s implementation (either alone or ‘in combination’ with other plans or projects); and, if so, whether these effects will result in any adverse effects on that site’s integrity with reference to the site’s conservation objectives. The process by which the effects of a plan or programme on European sites are assessed is known as ‘Habitats Regulations Assessment’ (HRA).
- 4.25 In accordance with the Habitats Regulations, an HRA screening exercise was undertaken to identify the likely impacts of the Pre-Submission Draft Whitburn Neighbourhood Plan upon European sites, either alone or ‘in combination’ with other projects or plans, and to consider whether these effects are likely to be significant.
- 4.26 It was concluded that a Habitats Regulations Assessment would not be required.
- 4.27 The qualifying body also sought a screening opinion as to whether a Strategic Environmental Assessment would be required. The Whitburn Neighbourhood Plan was screened ‘out’ for SEA, in two separate screening opinions. The most recent screening report is included in the submission documents.

European Convention on Human Rights (ECHR)

- 4.28 The Whitburn Neighbourhood Plan is fully compliant with European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention.

Basic Condition 5: Regulation 32 of the Neighbourhood Planning Regulations 2012 (as amended)

- 4.29 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) add a basic condition for neighbourhood plans in addition to those set out in the primary legislation. (Regulation 33 applies to Neighbourhood Orders) Regulation 32 applies to Neighbourhood Plans and requires that: ‘the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.’
- 4.30 As stated above, the Whitburn Neighbourhood Plan was screened ‘out’ as it was not considered that the making of the Plan would breach the requirements of the Regulations set out above.

5.0 Conclusions

- 5.1 The evidence provided in this Basic Conditions Statement concludes that this submission version of the Whitburn Neighbourhood Plan (2021-2036) meets the Basic Conditions as set out in the Neighbourhood Planning Regulations (2012) (as amended).

Whitburn Neighbourhood Plan – Basic Conditions Statement – August 2021

APPENDIX A: LIST OF STRATEGIC POLICIES IN THE DEVELOPMENT PLAN

Provided by South Tyneside District Council by e-mail (South Tyneside Council, personal communication, 22 February 2021)

----- Forwarded message -----

From: [redacted]

Date: Monday, 22 February 2021

Subject: List of strategic policies

To: Whitburn Neighbourhood Forum <whitburnforum@gmail.com>

Hi [redacted],

The list of strategic policies from our adopted development plan is:

- All policies in the Core Strategy document (June 2007)
- Policy DM1 from the Development Management Policies (Dec 2011)
- Policy SA1 from the Site Specific Allocations (April 2012)
- Policy SS1 from the South Shields Area Action Plan (Nov 2008)
- Policy J1 from the Jarrow Area Action Plan (Sept 2010)
- Policy H1 from the Hebburn Area Action Plan (Oct 2008)

Kind Regards,

[redacted]