

ALDHAM

NEIGHBOURHOOD PLAN

2018-2036



BASIC CONDITIONS STATEMENT
MAY 2019

Prepared by Aldham Parish Council

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1 Introduction

1.1 As part of the formal submission of the Aldham Neighbourhood Plan (ANP) for Examination, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority, Babergh District Council, of the ANP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). Regulation 15 requires a submission neighbourhood development plan to be accompanied by *"a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act"*.

1.2 This statement has been prepared in order to confirm compliance with these basic conditions as follows:

Section 2 identifies the legislative requirements for the 'basic conditions';

Section 2 identifies the legislative requirements for the 'basic conditions';

Section 3 identifies the basic conditions and reviews how the neighbourhood plan meets these requirements;

Section 4 confirms that the neighbourhood plan is compatible with the European Convention Rights.

It is considered that the neighbourhood plan (NNP) complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the “basic Conditions” that the neighbourhood plan must comply with.

2.2 Paragraph 8 (1) states that the examiner must consider:

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (e) such other matters as may be prescribed.

2.3 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions tests.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.

2.5 On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute a new basic condition which states:

- 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.

Meeting the Legal Requirements

Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	NP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan".	Compliance with Sections 38A and 38B is demonstrated in the following rows.
	Section 38A(1) "any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan."	The Neighbourhood Plan has been submitted by Aldham Parish Council, a qualifying body (as defined in the Localism Act 2011).
	Section 38A(2) A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."	The ENP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Aldham, as designated by Babergh District Council on 27 October 2017. The boundary of the Neighbourhood Area is shown in the NP.
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the NP.
	Section 38B1(a) The Neighbourhood Development Plan "Must specify the period for which it is to have effect."	The plan period of the ENP is from 2016 to 2036.
	Section 38B1(b) A Neighbourhood Development Plan "may not include provision about development that is excluded development."	The ENP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The ENP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by Babergh District Council on 27 October 2017.
	Section 38B(2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NP's in place in this neighbourhood area.
	Section 38B(3) If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or	There are no conflicts within the ENP

Requirement	Interpretation	NP response
	information in the plan, the conflict must be resolved in favour of the policy.	
	<p>Section 38B(4)(a)</p> <p>Regulations made by the Secretary of State may make provisions for “restricting the provision that may be included in Neighbourhood Development Plans about the use of land.”</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012.</p>	The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the ENP.
	<p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions “requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations.”</p>	A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the ENP. In both cases it was considered that the Aldham Neighbourhood Plan will not have significant environmental effects and that no European sites would be affected by the policies described in the ENP.
	Section 38B, which include paragraphs 38B(4)(c), 5 & 6,	The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement
4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area	This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.	The ENP relates solely to land that falls within the Parish of Aldham.
4B 8 (1)(e) Other Matters 3.28.	This requires the examiner to consider such other matters as may be prescribed	There are no other prescribed matters.
Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018	These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.	The SEA and HRA Screening Opinion has concluded that an Appropriate Assessment of the Plan is not required.

3. Compliance with Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement. The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area; and
- Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

National Policy

3.2 The Neighbourhood Plan must have appropriate regard to national policy. The following section describes how the NNP relates to the National Planning Policy Framework (NPPF) which was originally published in 2012 and most recently amended in February 2019. The February 2019 NPPF has been used as the basis to assess the NNP. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to three overarching objectives:

- a) 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 coordinating the provision of infrastructure;*
- b) 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including 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.*

3.3 The NPPF contains thirteen topic-based chapters in which more detailed policy guidance is set out for plan making and decision taking. Table 1, below, identifies how the NNP meets the basic condition of having regard to the NPPF by assessing the Plan against the principles for each of the topic-based chapters.

Table 1 - Compatibility of the plan’s vision, objectives and policies against the NPPF Core Principles

NPPF Topic	Newmarket NP Policies
Delivering a sufficient supply of homes	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development Policy ALD3 – Land west of Hadleigh Road Policy ALD4 – Land north of The Street Policy ALD5 – Affordable Housing on Rural Exception Sites
Building a strong, competitive economy	Policy ALD1 – Spatial Strategy
Ensuring the vitality of town centres	None
Promoting healthy and safe communities	None
Promoting sustainable transport	Policy ALD1 – Spatial Strategy
Supporting high quality communications	None
Making effective use of land	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development
Achieving well-designed places	Policy ALD3 – Land west of Hadleigh Road Policy ALD4 – Land north of The Street
Protecting Green Belt land	None
Meeting the challenge of climate change, flooding and coastal change	Policy ALD3 – Land west of Hadleigh Road Policy ALD4 – Land north of The Street
Conserving and enhancing the natural environment	Policy ALD6 – Local Green Space Policy ALD7 – Mitigating the Impact of Development on Protected Habitats
Conserving the historic environment	None
Facilitating the sustainable use of minerals	None

How the purpose of ENP policies achieve sustainable development

3.4 The table below identifies the purpose of each policy in the ANP and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
ALD1	To set out the strategy for the location of growth in Aldham during the plan period	Ensures that new development is located close to existing village facilities and minimises the development of agricultural land in remote
ALD2	Identifies the amount of new housing growth that will take place in the neighbourhood area and how this growth will be delivered.	Provides certainty in terms of the amount and location of new housing in the village to ensure that the identified housing needs are met.

Policy	Purpose	Outcome
ALD3	Allocates land at Hadleigh Road for housing development.	Contributes to meeting the housing need on a site in close proximity to services and facilities.
ALD4	Allocates land north of The Street for housing development.	Contributes to meeting the housing need on a site in close proximity to services and facilities.
ALD5	Enables affordable housing that meets local needs to be built as an "exception".	Will help people with a local connection remain in the village rather than move away to find
ALD6	Designates a space that meets the NPPF Local Green Space criteria	Protects the identified that has an identifiable local importance to the village.
ALD7	Identifies how the impact of development on protected habitats will be mitigated	Contributes to protecting and enhancing the natural environment

General conformity with the strategic policies contained in the development plan

- 3.5 The Aldham Neighbourhood Plan (ANP) must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan currently in force is the Babergh Core Strategy (February 2014) and the saved policies of the Babergh Local Plan (Babergh Local Plan Alteration No.2 adopted June 2006).

Babergh District Council has announced its intention to prepare a new joint local plan with Mid Suffolk District Council to cover the two local planning authority areas. From 21 August 2017 to 10 November 2017 the Councils consulted on the Babergh and Mid Suffolk Joint Local Plan - Consultation Document (Regulation 18 Stage). No further consultation on the Local Plan had been undertaken at the time that the Neighbourhood Plan was submitted. Given that the Joint Local Plan is unlikely to be adopted before the examination of the Neighbourhood Plan takes place, the Neighbourhood Plan will be examined against the currently adopted development plan documents.

Compatibility of the ENP with the Strategic Policies of the Development Plan

- 3.6 The Government's Planning Practice Guidance states:

"Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic"

- 3.7 A significant number of policies in the Babergh Local Plan (2006) are officially "saved" by direction of the Secretary of State in accordance with the Planning and Compulsory Purchase Act 2004. In total these amount to over 90 policies. Babergh District Council has not identified which of the saved local plan policies are of a strategic nature. In the absence of this, we have assessed compatibility of ANP policies against all policies that are considered relevant to Aldham. Those that are not considered relevant are listed in Appendix A of this statement.

- 3.8 The table below provides details of the policies in the development plan, a link to the ENP policy (where relevant) and a narrative of conformity of the ENP with the development plan.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Babergh Core Strategy 2014		
CS1 Applying the Presumption in Favour of Sustainable Development in Babergh	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development Policy ALD3 – Land west of Hadleigh Road Policy ALD4 – Land north of The Street Policy ALD5 – Affordable Housing on Rural Exception Sites Policy ALD6 – Local Green Space Policy ALD7 – Mitigating the Impact of Development on Protected Habitats	All policies in the Neighbourhood Plan are positively worded to encourage sustainable development to take place in the village
CS2 Settlement Pattern Policy	Policy ALD1 – Spatial Strategy	The policy identifies Aldham as a Hinterland Village that will “accommodate some development to help meet the needs within them”. The Neighbourhood Plan accords with this policy.
CS3 Strategy for Growth and Development	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development	The policy identifies the amount of economic and housing growth that will be planned for in Babergh, specifically the amount of housing across all hinterland villages. The Neighbourhood Plan provides a positive response to this policy.
CS11 Strategy for Development for Core and Hinterland Villages	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development Policy ALD3 – Land west of Hadleigh Road Policy ALD4 – Land north of The Street	The policy provides detailed guidance on the function of hinterland villages and criteria for the consideration of new development proposals. Policy ALD1 has had particular regard to this policy in determining the location for new development in the village and ALD2 identifies the amount of new housing and how that will be delivered during the plan period.
CS12 Sustainable Design and Construction Standards	No specific policies apply	Most the policy relates to new homes on larger scale developments which is not applicable to Aldham. However, the policy also requires non-residential development to achieve BREEAM “excellent” standard. The Neighbourhood Plan does not conflict with this policy.
CS13 Renewable / Low Carbon Energy	No specific policies apply	The Policy encourages the use of on-site low and zero carbon technologies on new or existing buildings. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
CS14 Green Infrastructure	Policy ALD6 – Local Green Space	The policy protects and enhances green infrastructure. The Neighbourhood Plan contains a policy to protect an identified Local Green Space.
CS15 Implementing Sustainable Development in Babergh	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development	The Core Strategy policy sets out criteria for the principles of sustainable development by which all proposals will be assessed. does not conflict with this policy.
CS16 Town, Village and Local Centres	No specific policies apply	The policy provides for new retail, leisure, tourism, cultural and office development at an appropriate scale in village centres. While Aldham does not have an identifiable village centre, the Neighbourhood Plan does seek to protect and enhance existing facilities.
CS17 The Rural Economy	No specific policies apply	The policy supports a range of economic initiatives in the rural area. The Neighbourhood Plan does not conflict with this policy.
CS18 Mix and Types of Dwellings	No specific policies apply	The policy states that the mix, type and size of the housing development will be expected to reflect established need. The Neighbourhood Plan does not conflict with this policy.
CS19 Affordable Homes	Policy ALD5 – Affordable Housing on Rural Exception Sites	The policy sets requirement for the provision of 35% affordable housing on development sites. The national guidance subsequently introduces a threshold of developments of 10 homes, below which affordable housing should not be sought. The Neighbourhood Plan does not conflict with the policy or the national guidance.
CS20 Rural Exception Sites	Policy ALD5 – Affordable Housing on Rural Exception Sites	The policy enables the provision of affordable housing adjacent or well related to development boundaries in hinterland villages. The Neighbourhood Plan supports this policy but adds criteria that are specific to Aldham, including demonstrating local connection.
CS21 Infrastructure Provision	No specific policies apply	The policy seeks to protect, safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities. The Neighbourhood Plan does not conflict with this policy.
CS22 Monitoring	No specific policies apply	The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Babergh Local Plan (2006) Saved Policies		
EN22 Light Pollution - Outdoor Lighting	No specific policies apply	The policy seeks to minimise the provision of outside lighting and any glare or spillage to a minimum. The Neighbourhood Plan does not conflict with this policy.
EN26 Telecommunications	No specific policies apply	The policy sets out criteria for the consideration of proposals for new telecommunications equipment. The Neighbourhood Plan does not conflict with this policy.
HS05 Replacement Dwellings	No specific policies apply	The policy provides criteria by which proposals for the replacement of dwellings in the countryside will be considered. The Neighbourhood Plan does not conflict with this policy.
HS28 Infilling	Policy ALD1 – Spatial Strategy Policy ALD2 – Housing Development	The policy states in which circumstances development on infill plots will not be permitted. The Neighbourhood Plan does not conflict with this policy.
HS31 Public Open Space (Sites of 1.5 ha and above)	No specific policies apply	The policy requires a proportion of larger housing sites to be public open space. It is unlikely that such large sites will come forward in Aldham, but the Neighbourhood Plan does not conflict with this policy.
HS32 Public Open Space (New dwellings on sites up to 1.5ha)	No specific policies apply	The policy requires proposals for all new residential development, ranging from a single dwelling up to the development of a 1.5 hectare site, to provide open space and play equipment in proportion to the number of dwellings to be built. The Neighbourhood Plan does not conflict with this policy.
HS33 Extensions to Existing Dwellings	No specific policies apply	The policy provides criteria by which proposals for house extensions will be considered. The Neighbourhood Plan does not conflict with this policy.
HS35 Residential Annexes	No specific policies apply	The policy provides criteria by which proposals for self-contained annexes will be considered. The Neighbourhood Plan does not conflict with this policy.
HS39 Special Needs Housing	No specific policies apply	The policy states that proposals for nursing, residential care, rest homes and sheltered housing and extensions to such homes should be provided in towns or defined sustainable villages. Aldham is not defined as a sustainable village. The Neighbourhood Plan does not conflict with this policy.
HS40 Special Needs Housing: Conversions/Change of Use	No specific policies apply	The policy states that proposals for change of use of a dwelling/building to nursing/residential/rest home or to accommodation for the mentally or physically handicapped should be provided in towns or defined sustainable villages. Aldham

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
		is not defined as a sustainable village. The Neighbourhood Plan does not conflict with this policy.
EM02 General Employment Areas – Existing and New Allocations	No specific policies apply	The policy states that proposals for employment related development able to demonstrate a positive effect on town (or village) centre vitality and viability will be permitted. The Neighbourhood Plan does not conflict with this policy.
EM19 High Technology Employment Provision	No specific policies apply	The policy makes provision for how proposals for high technology employment provision will be considered. The Neighbourhood Plan does not conflict with this policy.
EM20 Expansion/Extension of Existing Employment Uses	No specific policies apply	The policy provides for the expansion of existing employment uses subject to certain provisions. The Neighbourhood Plan does not conflict with this policy.
EM24 Retention of Existing Employment Sites	No specific policies apply	The policy sets out criteria by which the redevelopment of existing or vacant employment land will be considered. The Neighbourhood Plan does not conflict with this policy.
SP04 Shopping in Local Centres and Villages	No specific policies apply	The policy seeks the retention of shopping in villages. The Neighbourhood Plan identifies those premises that will be protected.
SP05 Farm Shops	No specific policies apply	The policy provides criteria for the consideration of proposals for farm shops. The Neighbourhood Plan does not conflict with this policy.
CR04 Special Landscape Areas	No specific policies apply	The policy sets out how proposals for development in the Special Landscape Area will be permitted. There are Special Landscape Areas within the Neighbourhood Area but the Neighbourhood Plan does not conflict with this policy.
CR07 Landscaping Schemes	No specific policies apply	The policy requires a high standard of landscaping for any development permitted in the countryside. The Neighbourhood Plan does not conflict with this policy.
CR08 Hedgerows	No specific policies apply	The policy seeks the protection of hedgerows in development proposals or suitable mitigation schemes. The Neighbourhood does not conflict with this policy.
CR09 Agricultural Reservoirs	No specific policies apply	The policy provides criteria for the consideration of such proposals. The Neighbourhood Plan does not conflict with this policy.
CR10 Change of use from Agricultural Land	No specific policies apply	The policy provides criteria for the consideration of proposals for the change of use from agricultural land to domestic gardens. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
CR13 Removal of Agricultural Occupancy Restrictions	No specific policies apply	The policy provides criteria for the consideration of proposals to remove the agricultural occupancy restrictions imposed by a condition of planning permission. The Neighbourhood Plan does not conflict with this policy.
CR18 Buildings in the Countryside – Non Residential	No specific policies apply	The policy provides criteria for the consideration of proposals for converting barns, or other redundant or under-used buildings in the countryside, to industrial, business, community or recreational uses. The Neighbourhood Plan does not conflict with this policy.
CR19 Buildings in the Countryside – Residential	No specific policies apply	The policy provides criteria for the consideration of proposals for the conversion of barns or other redundant or under-used buildings in the countryside into dwellings or holiday accommodation. The Neighbourhood Plan does not conflict with this policy.
CN01 Design Standards	No specific policies apply	The policy requires development proposals to be of appropriate scale, form, detail, design and construction materials. The Neighbourhood Plan does not conflict with this policy.
CN03 Open Space within Settlements	Policy ALD6 – Local Green Space	The policy states that development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted. The Neighbourhood Plan reinforces this policy by identifying a Local Green Space.
CN04 Design & Crime Prevention	No specific policies apply	The policy seeks to ensure that development is designed to deter vandalism and crime. The Neighbourhood Plan does not conflict with this policy.
CN06 Listed Buildings - Alteration/Extension/Change of Use	No specific policies apply	The policy provides criteria for the consideration of proposals for the alteration (including part demolition), extension or change of use of listed buildings. The Neighbourhood Plan does not conflict with this policy.
RE06 Small and Medium - Scale Recreation	No specific policies apply	The policy addresses proposals for small or medium-scale recreation facilities and change of use to recreation in the countryside. The Neighbourhood Plan does not conflict with this policy.
RE07 Large Scale Recreation	No specific policies apply	The policy states that large scale recreational facilities will only be permitted adjacent to Sudbury, Hadleigh and Ipswich. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
TP15 Parking Standards – New Development	No specific policies apply	The policy states that development proposals should provide parking in accordance with the adopted standards. The Neighbourhood Plan does not conflict with this policy.
TP16 Green Travel Plans	No specific policies apply	The policy requires proposals for development that employ more than 25 people to prepare and implement a Travel Plan. The Neighbourhood Plan does not conflict with this policy.

4. Compatibility with European Union Obligations and Human Rights

Environmental Impact and Habitat Regulations

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.
- 4.3 In accordance with Regulation 9 of the Regulations, as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, Aldham Parish Council requested Babergh District Council, as the responsible body, to consider whether an environmental assessment of the emerging Aldham Neighbourhood Plan is required. The District Council subsequently made this determination following consultation with the statutory consultees. The determination is set out in reports "Aldham Neighbourhood Plan Strategic Environmental Assessment Screening Determination" and the "Aldham Neighbourhood Plan Habitats Regulations Screening Determination" both dated April 2019.
- 4.4 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) these documents are also submitted to Babergh District Council alongside the Neighbourhood Development Plan.

Human Rights

- 4.5 The public consultation process for the Aldham Neighbourhood Plan has been wide and inclusive and has included direct engagement with the local community. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 4.6 The overall purpose of the Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the parish, in order to meet the needs expressed and address the issues identified. In order to confirm that the ENP does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 4.7 This section assesses the Submission Neighbourhood Plan to ensure that Aldham Parish Council is satisfying its statutory duties in this regard. An assessment has been made on whether the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. The purpose of each of the policies in the Neighbourhood Plan is identified, and their likely impact on persons with protected characteristics is assessed.

Impact of Aldham Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome
ALD1	To set out the strategy for the location of growth in Aldham during the plan period	Ensures that Aldham plans positively for the amount and location of new development required in the village during the plan period. Broadly positive impact for persons with certain protected characteristics.
ALD2	Identifies the amount of new housing growth that will take place in the neighbourhood area and how this growth will be delivered.	Ensures that Aldham meets its identified housing need. Broadly positive impact for persons with certain protected characteristics.
ALD3	Allocates land at Hadleigh Road for housing development.	Policy makes provision for housing development during the lifetime of the Plan. Broadly positive impact for persons with certain protected characteristics.
ALD4	Allocates land north of The Street for housing development.	Policy makes provision for housing development during the lifetime of the Plan. Broadly positive impact for persons with certain protected characteristics.
ALD5	Enables affordable housing that meets local needs to be built as an "exception".	Contributes to meeting identified housing need in suitable locations in close proximity to the village centre. Broadly positive impact for persons with certain protected characteristics.
ALD6	Designates a space that meets the NPPF Local Green Space criteria	Ensures that locally identified green spaces that meet the national criteria are protected from inappropriate development. Broadly positive impact for persons with certain protected characteristics.
ALD7	Identifies how the impact of development on protected habitats will be mitigated	Contributes to protecting and enhancing the natural environment Neutral impact for persons with certain protected characteristics.

Certain protected characteristics are not affected by the ENP, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.

APPENDIX A - Adopted and saved development plan policies that do not apply to Aldham Neighbourhood Plan

The following policies in the Babergh Development Plan (Core Strategy and Local Plan) are not appropriate to Aldham, either because they are not of a strategic nature or do not apply to the village and have therefore not been assessed in this Basic Conditions Statement.

Babergh Core Strategy 2014
CS4 Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard
CS5 Strategic Broad Location – East of Sudbury / Great Cornard
CS6 Hadleigh
CS7 Strategic Site Allocation - Babergh Ipswich Fringe
CS8 Sproughton Strategic Employment Site Allocation
CS9 Wherstead Strategic Employment Site Allocation
CS10 Brantham Regeneration Area Allocation

Babergh Local Plan (2006) Saved Policies
HS11 Head Lane, Great Cornard
HS12 William Armes Factory, Cornard Road, Sudbury
HS13 High Bank, Melford Road, Sudbury
HS14 Peoples Park, Sudbury
HS15 Grays Close, Hadleigh
HS16 Gallows Hill, Hadleigh
HS17 Carsons Drive, Great Cornard
HS18 Bures Road, Great Cornard
HS19 Rotherham Road, Bildeston
HS20 Friends Field/Tawney Rise, Bures
HS21 Goodlands Farm, Daking Avenue, Boxford
HS22 Folly Road, Great Waldingfield
HS23 Church Farm, Whatfield
HS24 Church Lane, Sproughton
HS25 Land at Crownfield Road, Glemsford
EM03 Land to south-east of Lady Lane Hadleigh
EM04 Former 'British Sugar' Sproughton
EM05 Wherstead Office Park, Wherstead
EM06 Land at Brantham Industrial Area
EM07 Land at Bures Road, Great Cornard
EM08 Warehousing & Distribution
EM09 Leisure & Sport at Employment Areas
EM11 Notley Enterprise Park, Raydon/Great Wenham
EM12 Bull Lane/Acton Place
EM13 Pond Hall Industrial Estate, Hadleigh
EM14 Tentree Road, Great Waldingfield
EM15 Off Brook Street, (E W Downs) Glemsford
EM16 London Road, Capel St Mary
EM17 Sprites Lane, Ipswich Western Fringe

EM18 Land on the east bank of the River Orwell
EM21 Redundant Airfields
EM23 Workshop Scale Employment Sites
SP03 Retail Development Outside Town Centres
CR02 AONB Landscape
CR14 Houseboats - Estuarial/or Inland Waters
CR15 Houseboats at Pin Mill
CR16 Jetties at Pin Mill
CR22 Proposed LNR Belstead
CR24 Village Schools
CN08 Development in or near conservation Areas
CN14 Historic Parks & Gardens – National
CN15 Historic Parks & Gardens – Local
RE04 Quay Lane, Sudbury Open Space
RE05 Shawlands Avenue Great Cornard
RE11 Land between A137, A14 and The Strand, Wherstead
RE13 Gt Cornard Country Park
RE14 Stour & Orwell Estuaries
RE15 Moorings and Marinas
RE16 Land-based Sailing Facilities on Estuaries
RE17 Land-based Facilities at Alton Water
RE18 Rivers Stour and Gipping
TP04 New Cycle Links
TP05 New Cycle Link – Sproughton
TP07 Expansion of Copdock Park & Ride Facility
TP08 Proposed Park and Ride – Wherstead
TP10 Sudbury Western Bypass route protection
TP13 Lorry Parking in Hadleigh
TP18 Airports
TP19 Boxford Community Car Park
SD01 Principal Shopping Area
SD02 Mixed Use Areas - Business & Service
SD03 Mixed Use Areas - Shopping and Commerce
SD04 Mixed Use Areas – Residential Development
SD05 Bus/Rail Interchange
SD06 Land around Bus Station & Borehamgate Precinct
SD07 Land to rear of Market Hill
SD08 North St/Gainsborough Rd Junction
SD10 Bus Station
SD11 Industrial Areas
SD13 Walnut Tree Hospital
SD14 Market Hill, New Service Road
SD15 Alternative Hospital Site
HD01 Shopping - Foodstore between Pound Lane and Bridge Street
HD03 Prime Shopping Area
HD05 Hadleigh Health Centre
CP01 Chilton Mixed Use Development Package
CP02 Chilton Cemetery

ALDHAM

NEIGHBOURHOOD PLAN

2018-2036

