

# Chelmondiston Neighbourhood Development Plan

## Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)



**Chelmondiston Parish Council**

With assistance from



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## 1.0 Introduction

1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)<sup>1</sup> sets out that only a draft neighbourhood plan or order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.*
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.*
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.*
- e. the making of the order (or 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).*
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

1.2 This Basic Conditions Statement sets out how the Chelmondiston Neighbourhood Development Plan (CNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the CNDP independent Examiner.

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

## **2.0 Legal Requirements**

### **2.1 The Submission Plan is being submitted by a qualifying body**

This Submission Plan is being submitted by a qualifying body, namely Chelmondiston Parish Council (CPC). The area was designated by Babergh District Council on 23<sup>rd</sup> March 2018 - <https://www.babergh.gov.uk/planning/neighbourhood-planning/neighbourhood-planning-in-babergh/chelmondiston-neighbourhood-plan/>

### **2.2 What is being proposed is a neighbourhood development plan**

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and subsequent amendments.

### **2.3 The proposed neighbourhood plan states the period for which it is to have effect**

The CNDP states the period for which it is to have effect. That period is from 2020 to 2036 (the same plan period as the Babergh and Mid Suffolk Joint Local Plan).

### **2.4 The policies do not relate to excluded development**

The CNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### **2.5 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.**

The CNDP relates to the designated Chelmondiston neighbourhood area and to no other area. There are no other neighbourhood plans relating to that neighbourhood area. The designated neighbourhood plan area has the same boundary as that for the Parish Council at the time of the designation and is shown on Map 1 in the CNDP.

### 3.0 Basic Conditions

**Basic Condition a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan**

3.1 The CNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, February 2019)<sup>2</sup>.

**Achieving Sustainable Development (NPPF, section 2)**

3.2 Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

3.3 Table 1 sets out how the CNDP delivers the 3 overarching Objectives:

**Table 1 Delivering Sustainable Development**

NPPF Overarching Objectives	CNDP Policies and Proposals
<p><i>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;</i></p>	<p>Policy CP1 seeks support new housing development within the settlement boundaries for Chelmondiston, Pin Mill and Lings Lane. Policy CP8 seeks to protect the area's community facilities, these include two key businesses in the area – the two public houses.</p> <p>In a similar way, Policy CP10 seeks to protect the area's key business uses – by identifying and setting development management policy for these sites.</p>

<sup>2</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	CNDP Policies and Proposals
<p><i>b) a <b>social objective</b> – 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;</i></p>	<p>The CNDP supports this national planning policy objective by:</p> <ul style="list-style-type: none"> <li>• Supporting new housing development within defined settlement boundaries (CP1);</li> <li>• Protecting Local Green Spaces (CP5) – a number of which are used for recreation and are places that allow people to meet outdoors;</li> <li>• Protecting other open spaces (CP6) – many of which provide opportunities for informal recreation and places for people to meet;</li> <li>• Protecting and supporting enhancement to community facilities (CP8); and</li> <li>• By protecting sport and recreation facilities (CP10).</li> </ul>
<p><i>c) an <b>environmental objective</b> - 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.</i></p>	<p>The CNDP supports this national planning policy objective in the following ways by:</p> <ul style="list-style-type: none"> <li>• Setting development management policy for Pin Mill Conservation Area (CP3);</li> <li>• Identifying and seeking to apply appropriate planning protection for the area’s non-designated heritage assets (CP4);</li> <li>• Protecting Local Green Space (CP5);</li> <li>• Protecting other open spaces (CP6); and</li> <li>• Conserving and enhancing biodiversity and valued landscapes (CP7).</li> </ul>

### Plan Making (NPPF, section 3)

3.4 In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the CNDP addresses each of these in turn.

**Table 2 Plan Making**

NPPF Plan Making	CNDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The CNDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	The CNDP has been prepared positively to support new development and to protect key environmental assets. The plan is both aspirational and deliverable.
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;	<p>All the policies have been prepared through an extensive and thorough approach to community engagement. This has led to regular and constructive involvement of the local community in the plan-making process.</p> <p>The accompanying Consultation Statement sets out the details of the extensive and wide ranging community consultation and engagement activities which have been undertaken at all stages of the CNDP's preparation.</p> <p>At each consultation stage representations have been considered carefully and appropriate amendments to the CNDP made.</p>
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;	The CNDP policies and proposals have been prepared by a Steering Group on behalf of the Parish Council, with support from a planning consultant and planning officers at Babergh District Council.

NPPF Plan Making	CNDP
	Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	<p>Updates and documents have been provided on the CNDP website at all stages of plan preparation:</p> <p><a href="http://chelmondiston.onesuffolk.net/httpswww-gov-ukguidanceneighbourhood-planning-2/">http://chelmondiston.onesuffolk.net/httpswww-gov-ukguidanceneighbourhood-planning-2/</a></p> <p>Responses by email were invited at informal and formal consultation stages.</p>
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The CNDP has been amended and updated to reduce duplication with policies in the development plan. Again, it is understood that the Examination may lead to further changes to policies and supporting text.

### The Plan Making Framework (NPPF, section 3)

- 3.5 Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The CNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) and the saved policies of the Babergh Local Plan Alteration No.2 (2006). In line with guidance contained in National Planning Practice Guide (NPPG) the CNDP has also had appropriate regard to the emerging policies in the Babergh Mid Suffolk Joint Local Plan.

### Non-strategic policies (NPPF, Section 3)

- 3.6 Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the



area or undermine those strategic policies. The CNDP does not undermine the strategic planning policies for Babergh it seeks to set more local non-strategic policies to tackle more local issues to help retain the area and various settlements' local identity and distinctiveness.

- 3.7 Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

#### **Delivering a sufficient supply of homes (NPPF, section 5)**

- 3.8 Paragraph 65 sets out that strategic policies should also 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. The Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) identifies a number of Core and Hinterland villages, Chelmondiston is identified as one of the Hinterland villages (Policy CS2). Within the core and hinterland villages 1,050 new homes will be provided 2011-2031 – this figure is not disaggregated by individual settlement (Policy CS3). The emerging Joint Local Plan identifies a housing target for Chelmondiston of 52 dwellings April 2018 to March 2037 (Policy SP04).

#### **Promoting healthy and safe communities (NPPF, section 8)**

- 3.9 Paragraph 91 of NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The CNDP includes policies to protect local green and other open spaces (Policies CP5 and 6); to protect and enhance community facilities (CP8); and recreation sites (CP10).

#### **Promoting sustainable transport (NPPF, section 9)**

- 3.10 Transport issues should be considered from the earliest stages of plan-making (Paragraph 102). This is so that opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. Paragraph 104 of NPPF sets out that planning policies should provide for high quality walking and cycling networks and supporting facilities such as cycle parking. The CNDP does not include a planning policy covering these matter but does contain a number of non-planning actions under CP OBJECTIVE 7 - To ensure that the area has appropriate levels of infrastructure, some of which carry forward actions identified earlier in the Village Design Framework (VDF).

#### **Achieving well-designed places (NPPF, section 12)**

- 3.11 Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that 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 plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The CNDP includes Policy CP2 that seeks to encourage good design, including design that protects the character of the neighbourhood area's distinctive settlements; and Policy CP3 that sets out a development management policy for Pin Mill Conservation Area.

**Meeting the challenge of climate change, flooding and coastal change (NPPF, section 14)**

- 3.12 The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (NPPF, paragraph 148). Policy CP2 of the CNDP seeks to promote good design, including features that reduce carbon emissions and increase water efficiency and features that reduce the risk of flooding. Policy CP1 seeks to direct new housing to areas at the lowest risk of flooding.

**Conserving and enhancing the natural environment (NPPF, section 15)**

- 3.13 Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. The CNDP includes policies to protect Local Green Space (CP5) and other open spaces, and biodiversity and valued landscapes (CP7).

**Conserving and enhancing the historic environment (NPPF, section 16)**

- 3.14 Paragraph 184 advises 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. Paragraph 18 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The CNDP includes policy for Pin Mill Conservation Area (CP3) and non-designated heritage assets (CP4) and archaeology.

**Basic condition b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural historic interest**

- 3.15 The CNDP took account of designated heritage assets during its preparation, including the area's conservation area and listed buildings.

*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area**

3.16 The NDP area includes the Pin Mill Conservation Area.

*[Note: this Basic Condition only applies to neighbourhood development orders but has been included for the sake of completeness].*

**Basic condition d. Contributes to the achievement of sustainable development**

3.17 The Submission CNDP contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

**Basic condition e. In general conformity with strategic local planning policy**

3.18 The Submission CNDP is in general conformity with strategic Local Plan policies contained in the adopted Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) and the saved policies of the Babergh Local Plan Alteration No.2 (2006). Table 3 sets out the way that the neighbourhood plan conforms to the relevant strategic planning policies in the adopted plans.

**Table 3 General Conformity with Strategic Planning Policies in the Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) and the saved policies of the Babergh Local Plan Alteration No.2 (2006).**

<b>Chelmondiston NDP Policies</b>	<b>Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)</b>	<b>Babergh Local Plan Alteration No.2 (2006) (Local Plan)</b>	<b>General Conformity</b>
<p><u>Policy CP1 New Housing Development within Settlement Boundaries</u></p> <p>Proposals for new housing development will be supported where they come forward within the defined settlement boundaries for Chelmondiston, Pin Mill and Lings Lane (as shown on the Policies Map) and where they are</p>	<p>CS2 Settlement Pattern Policy</p> <p>CS3 Strategy for Growth and Development</p> <p>CS11 Strategy for Development for Core and Hinterland Villages</p> <p>CS15 Implementing Sustainable Development in Babergh</p>	<p>HS02 Villages</p> <p>HS03 Non-Sustainable and Sustainable Villages</p>	<p>Policy CP1 is in general conformity with Core Strategy Policy CS2. Policy CS2 sets the settlement strategy for Babergh up to 2031:</p> <p>“Most new development (including employment, housing, and retail, etc.) in Babergh will be directed sequentially to the towns /</p>

<b>Chelmondiston NDP Policies</b>	<b>Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)</b>	<b>Babergh Local Plan Alteration No.2 (2006) (Local Plan)</b>	<b>General Conformity</b>
<p>both consistent with the designation of those areas within the adopted settlement hierarchy and other policies in this Plan. Proposals for development located outside of the settlement boundaries will only be permitted in exceptional circumstances subject to proven justifiable need.</p> <p>The sequential test will be applied to development proposals to direct development to sites with the lowest risk of flooding.</p>			<p>urban areas, and to the Core Villages and Hinterland Villages identified below. In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new /enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans.”</p> <p>Chelmondiston is identified as a Hinterland Village.</p> <p>The CNDP continues to support this strategy but takes account of emerging planning policy in the Joint Local Plan, and, therefore, uses the latest settlement boundaries identified for Chelmondiston, Pin Mill and Lings Lane.</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
			<p>Policy CP1 is in general conformity with Core Strategy Policy CS2 both policies seeking ensure development located outside of the settlement boundaries will only be permitted in exceptional circumstances subject to proven justifiable need.</p> <p>Policy CP1 is in general conformity with and supports Core Strategy Policy HS03 that seeks to deliver 1,050 new homes in the Core and Hinterland villages.</p> <p>Policy CP1 is consistent with the principles for development set out in Core Strategy Policy CS11: Strategy for Development for Core and Hinterland Villages.</p> <p>Policy CP1 is in general conformity with Core Strategy Policy CS15, in particular criterion xi that seeks to “minimise the exposure of people and property to the risks of all sources of</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
			<p>flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk”.</p> <p>The Local Plan identifies Chelmondiston as a Sustainable Village (Policy HS03). New development is acceptable in such villages (Policy HS02) provided there is no adverse impact on:</p> <p>“the scale and character of the village;</p> <ul style="list-style-type: none"> <li>• residential amenity;</li> <li>• landscape characteristics, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas;</li> <li>• the availability of services and facilities;</li> <li>• highway safety;</li> <li>• the natural and built environment, particularly conservation areas, listed buildings, biodiversity</li> </ul>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
			<p>and archaeological remains;  • space which is important to the village scene or an important recreational asset for the locality.”</p> <p>The CNDP is in general conformity with this approach to development.</p>
<p><u>Policy CP2 Design Principles</u></p> <p>All new development will be expected to respond positively to the key attributes of the neighbourhood area and the key local design features of the settlement within which it is located. Development will not be supported where it is of poor design that has a significant adverse impact on the character of the area.</p> <p>Innovation in the design of new buildings is encouraged; historical styles should not necessarily be replicated but designs should use locally distinctive materials or forms in new and interesting ways.</p>	<p>CS12 Sustainable Design and Construction Standards</p> <p>CS13 Renewable / Low Carbon Energy</p> <p>CS15 Implementing Sustainable Development in Babergh</p>	<p>HS02 Villages</p>	<p>Policy CP2 is in general conformity with Core Strategy Policy CS12 that sets sustainable design and construction standards (although these have been superseded).</p> <p>Policy CP2 is also in general conformity with Core Strategy policy CS13 and its encouragement for renewable and low carbon energy.</p> <p>Policy CP2 also provides more locally specific development management criteria that complement those in Core Strategy Policy CS15. And, in a similar fashion, adds locally specific criteria to those in Local Plan Policy HS02.</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>To ensure good design is achieved development should be designed to take account of and will be assessed against the following criteria, where relevant:</p> <p>(a) It reinforces local distinctiveness by demonstrating that it has taken account of, and responded to, good quality examples of street layouts, blocks and plots, building forms, materials (e.g. Suffolk Red Brick and weatherboarding, slate and tile for roofs) and detailing, building style and the vernacular of the settlement in which it is to be located including the design and scale of windows and glazing, doors and porches, eaves and gables, gates and boundary walls and fences;</p> <p>(b) It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and for larger proposals has had suitable regard to landscape setting and settlement pattern;</p> <p>(c) It conserves and/or creates new habitat, nesting and roosting opportunities for wildlife</p>			



Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>and creates wildlife corridors with other wildlife areas within and beyond the neighbourhood boundary where feasible and relevant to the development proposed;</p> <p>(d) It creates a feeling of spaciousness by incorporating new open spaces that are enclosed, integrated and overlooked by buildings and are in prominent useable locations</p> <p>(e) It protects and enhances the public rights of way network, where reasonable, and promotes accessibility for all, including those with mobility problems;</p> <p>(f) It includes appropriate boundary treatments that reflect local context for example by matching the materials, style and height of those of adjoining properties, when these are of good design quality;</p> <p>(g) It contributes to local identity, and sense of place. Proposals should not feature generic designs and should display how they take account of the locally distinctive character of the area in which they are to be</p>			

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>located within the Design &amp; Access Statement;</p> <p>(h) It respects the height of the immediate surrounding area. Where planning permission is required, future development will generally be expected to be no more than two storeys, have pitched roofs. Higher buildings will be supported where they are appropriate to their setting;</p> <p>(i) It uses, and where appropriate re-uses, local and traditional materials appropriate to the context of the site, or suitable artificial alternatives;</p> <p>(j) It includes features to reduce carbon emissions and increase water efficiency. Where such features are proposed they should be a sympathetic to the character of the surrounding area. In meeting this criterion applicants are encouraged to go beyond any standard set by Building Regulations relevant at the time or any standards set in Local Plan policy;</p> <p>(k) Extensions to existing dwellings should harmonise with the style, size, building materials</p>			

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>and character of surrounding properties;</p> <p>(l) Outbuildings should be of a style and size commensurate with the neighbouring buildings. Traditionally outbuildings have been brick or weather-boarded and with pitched tiled or slated roofs;</p> <p>(m) It has appropriate car parking in accordance with the County Council's adopted standards and, where possible, this is sited so that it is unobtrusive and does not dominate the street scene the visual impact of car parking should be minimised;</p> <p>(n) Development will not result in water run-off that would add to or create surface water flooding and unless inappropriate shall include the use of above ground open Sustainable Drainage Systems (SuDS), which could include wetland and other water features, which can help reduce flood risk whilst offering other benefits including water quality,</p>			

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>Poor design when assessed against the above criteria will not be supported.</p>			
<p><u>Policy CP3 Development within Pin Mill Conservation Area</u></p> <p>All new development within and affecting the setting of Pin Mill Conservation Area (Map 5) will be expected to maintain, and where possible enhance, the positive attributes of the Conservation Area and its setting. Where planning permission is required, development proposals will be supported where they:</p> <p>(a) Maintain the historic pattern of development by respecting the area’s historic street layouts, building plots and boundary treatments;</p> <p>(b) Use pitched roofs with cottage style dormer windows or flat roofs and which are of a good quality design and provide chimneys where appropriate;</p> <p>(c) Use ironwork or wood for gates and fences where appropriate;</p>	<p>Policy CS11: Strategy for Development for Core and Hinterland Villages</p> <p>Policy CS15: Implementing Sustainable Development in Babergh</p>	<p>CN08 Development in or near conservation areas</p>	<p>Policy CP3 sets more detailed development management policy for Pin Mill Conservation Area. In doing this it is in general conformity with Core Strategy Policy CS11 that seeks to ensure that “the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets) is assessed (criterion ii).</p> <p>Policy CP3 is in general conformity with Core Strategy Policy CS15 that seeks to “ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh’s built and natural environment within designated sites covered by statutory legislation, such as AONBs,</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>(d) Maintain existing buildings as far as practicable using original or sympathetic materials in any conversion;</p> <p>(e) Use matching replacement windows and new window openings to replicate those existing in the property (where these are of a style and material appropriate to the age and character of the building);</p> <p>(f) Consider the public realm so that areas attached to buildings that are easily visible from the public highway/footway, such as boundary walls/fences, public seating areas etc. reflect the nature of surrounding areas, and avoid formality and urban styles in informal rural settings.</p> <p>(g) Retain open spaces, mature trees and hedgerows; and</p> <p>(h) Where below ground works and investigations are required, include suitable archaeological investigations and records.</p>			<p>Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas.”</p> <p>Policy CP3 is in general conformity with the development management criteria in Local Plan Policy CN08 that’ development should “</p> <ul style="list-style-type: none"> <li>• preserve or enhance the character of the conservation area or its setting;</li> <li>• retain all elements and components, including spaces, which contribute to the special character of the area;</li> <li>• be of an appropriate scale, form, and detailed design to harmonise with its setting;</li> <li>• include fenestration which respects its setting;</li> <li>• use materials and components that complement or harmonise with the character and appearance of the area; and</li> </ul>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
			<ul style="list-style-type: none"> <li>• ensure that natural features such as trees and hedges are retained and integrated into any development proposals.”</li> </ul>
<p><u>Policy CP4 Development affecting non-designated heritage assets</u></p> <p>Development affecting the non-designated heritage assets in the area should conserve those assets in a manner appropriate to their significance. The following non-designated heritage assets have been identified.</p> <p>CP4/01        3 cottages of the former Alma Public House  CP4/02        Anchor Mill  CP4/03        Baptist Chapel  CP4/04        Boatyard Cottages  CP4/05        Old Coal Store  CP4/06        Dion’s Cottage  CP4/07        King’s Boatyard  CP4/08        Methodist Chapel  CP4/09        Old Bakery  CP4/10        Old Meeting Room  CP4/11        Pin Mill Sailing  Club Clubhouse  CP4/12        Red Lion Public House  CP4/13        Riverview Cottage</p>	<p>Policy CS15: Implementing Sustainable Development in Babergh</p>	<p>No relevant policy</p>	<p>Policy CP4 by protecting non-designated heritage assets in a manner appropriate to their significance is in general conformity with Core Strategy Policy CS15 that seeks to “ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh’s built and natural environment”.</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
CP4/14 Spring Cottage CP4/15 St Andrew's Church CP4/16 The Grange CP4/17 Village Hall			
<p><u>Policy CP5 Protecting Local Green Space</u></p> <p>The following Local Green Spaces are designated in this Plan and are shown on the Policies Map:</p> <p>CP5/1 – Pin Mill Common            CP5/2 – Cliff Plantation            CP5/3 – Pages Common            CP5/4 – Baptist Chapel Graveyard            CP5/5 – Community Orchard            CP5/6 – St Andrew's Churchyard            CP5/7 – Picnic site, Pin Mill Road</p> <p>Inappropriate development will only be permitted in very special circumstances, when potential harm to the local green space by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p>	<p>Policy CS14: Green Infrastructure</p> <p>Policy CS15: Implementing Sustainable Development in Babergh</p>	<p>CN03 Open Space within Settlements</p>	<p>Policy CP5 is in general conformity with Core Strategy Policy CS14 that seeks to ensure existing green infrastructure is protected and enhanced.</p> <p>Policy CP5 is also in general conformity with Core Strategy Policy CS15 that seeks to “make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district” (criterion ix); and “create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space” (criterion x).</p> <p>Policy CP5 is also in general conformity with and seeks to extend Local Green Space designation to some of the</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
			spaces identified under Policy CN03 of the Local Plan. Policy CN03 seeks to prevent the “the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.”
<p><u>Policy CP6 Protecting Other Open Spaces</u></p> <p>The following open spaces are identified on the Policies Map and should be protected:</p> <p>CP6/1 Corner Main Road and Church Road  CP6/2 Jubilee Garden  CP6/3 Corner Main Road / Woodlands  CP6/4 Corner Main Road / Woodlands in front of school playing field  CP6/5 End of Woodlands and Collimer Close cul-de-sac  CP6/6 End of Woodlands and Collimer Close cul-de-sac  CP6/7 Corner Church Road and St Andrew's Drive, opposite church yard</p>	<p>Policy CS14: Green Infrastructure</p> <p>Policy CS15: Implementing Sustainable Development in Babergh</p>	<p>CN03 Open Space within Settlements</p>	<p>Policy CP6 is in general conformity with Core Strategy Policy CS14 that seeks to ensure existing green infrastructure is protected and enhanced.</p> <p>Policy CP6 is also in general conformity with Core Strategy Policy CS15 that seeks to “make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district” (criterion ix); and “create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space” (criterion x).</p>



Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>CP6/8 St Andrew's Drive  CP6/9 Cul-de-sac end of St Andrew's Drive  CP6/10 End of SE branch of Woodlands  CP6/11 End of NW branch of Woodlands between road and footpath  CP6/12 End of NW branch of Woodlands, south of hairpin bend  CP6/13 Fork in Woodlands Road  CP6/14 Centre of Woodlands NE Spur  CP6/15 End of Woodlands, turn NE and left cul-de-sac</p> <p>Development that would result in the loss of small open spaces within the neighbourhood area will only be supported when:</p> <p>a) Equivalent or better provision is provided elsewhere within a suitable location; or  b) It can be clearly demonstrated by the applicant that the open space no longer performs a useful open space function in terms of the local environment, amenity, or active public recreation use.</p>			<p>Policy CP6 is also in general conformity with and identifies some of the same spaces identified under Policy CN03 of the Local Plan. Policy CN03 seeks to prevent the “the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted.”</p>

<b>Chelmondiston NDP Policies</b>	<b>Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)</b>	<b>Babergh Local Plan Alteration No.2 (2006) (Local Plan)</b>	<b>General Conformity</b>
<p><u>Policy CP7 Conserving and Enhancing Valued Landscapes and Biodiversity</u></p> <p>New development should conserve and enhance valued landscapes by:</p> <p>(a) Protecting in accordance with their significance the Suffolk Coast &amp; Heaths Area of Outstanding Natural Beauty, and designated biodiversity sites, including the Special Protection Area/Ramsar/Site of Special Scientific Interest;</p> <p>(b) Conserving and enhancing the landscape setting, landscape features and settlement pattern of the neighbourhood area;</p> <p>(c) Conserving and enhancing the areas of historic local woodland in the Parish (as shown in Appendix 3);</p> <p>(d) Where possible, conserving in situ known archaeological sites in the area and, where considered appropriate, based on relevant technical advice, undertaking a site survey based on this advice. Where such a survey reveals</p>	<p>CS15 Implementing Sustainable Development in Babergh</p>	<p>EN02 CWSs, RIGGS, LNRS</p> <p>EN04 Semi Natural Habitats</p> <p>CR01 Landscaping Quality CR02 AONB Landscape</p> <p>CR04 Special Landscape Areas</p>	<p>Policy CP7 is in general conformity with Core Strategy Policy CS15 that seeks to “ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh’s built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. and local designations such as Special Landscape Areas and County Wildlife Sites, and also local features and habitats that fall outside these identified areas.” Policy CP7 complements this approach by setting out local, development management criteria.</p> <p>Policy CP7 is also in general conformity with Local Plan Policy EN02 that seeks to protect County Wildlife Sites, Regionally Important Geological/Geomorphological</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Policies (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>evidence of archaeological remains these should be recorded, or where possible conserved in situ based on the advice of the relevant technical body;</p> <p>(e) Conserving and enhancing mature trees and hedgerows, or where removal is proposed as a last resort, offsetting by way of replacement planting of native species is provided elsewhere on site or within the neighbourhood plan area;</p> <p>(f) Where new planting and landscaping is proposed it should use native species and be designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, links to existing woodland and hedgerows;</p> <p>(g) Taking account of the impact of the development on significant views (see the Policies Map) and minimising any adverse impacts through a visual or other assessment where appropriate:</p> <p><b>CP7/1 Pin Mill viewed from the River Orwell</b></p>			<p>Sites or Local Nature Reserves; and Local Plan Policy EN04 that seeks the “protection and, wherever possible, the retention, of existing semi-natural features on the site, including rivers, streams, ponds, marshes, woodlands, hedgerows, trees, features of geological interest, and also including wildlife corridors and green wedges.”.</p> <p>Policy CS15 also goes on to state: “With regard to the SPAs, SACs and Ramsar sites any development that would have an adverse effect on the integrity of a European site including candidate / proposed sites either alone or in combination with other plans or projects will be refused (see Note 2 in Core Strategy).”</p> <p>Policy CP7 is also in general conformity with the landscape policies of the Local Plan: CR01 that seeks to protect landscape quality; CR02 that seeks to protect the AONB;</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>CP7/2 The Butt and Oyster from the riverside looking east  CP7/3 The Butt and Oyster from the riverside looking west  CP7/4 Orwell viewed from above - Church Path  CP7/5 Orwell Viewed from above - Page's Common  CP7/6 Open fields looking south towards Harkstead  CP7/7 Open fields looking south-east towards Rence Park  CP7/8 Open fields looking north towards Richardsons Lane  CP7/9 Open fields looking north towards Hill Farm and beyond.</p> <p>(h) Promote high quality residential design that respects local townscape and landscape character and reflects local vernacular building styles, layouts and materials, and which avoids over-manicured urban styles;  (i) Conserve existing landscape features such as trees, hedges, grassland and other landscape features as intrinsic</p>			<p>and Cr03 that seeks to protect special landscape areas.</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>parts of new development, which together afford the village a sense of enclosure;</p> <p>(j) Preserving the area's dark skies by minimising light pollution from internal and external lighting;</p> <p>(k) Seek to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, it enhances views of the settlement edge from the surrounding countryside and does not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping;</p> <p>(l) Seeking to conserve and enhance the integrity and fabric of historic buildings and their settings, particularly where new uses are proposed through the use of appropriate styles and sustainable locally distinctive materials; and by</p> <p>(m) Ensuring the protection of natural features and providing a net gain in biodiversity through, for example, the creation of new natural habitats including ponds, the planting of additional trees and</p>			

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>hedgerows (reflecting the character of the hedgerows) and restoring and repairing fragmented biodiversity networks. Proposals should take into account the mitigation hierarchy (avoid, mitigate or compensate).</p>			
<p><u>Policy CP8 – Protection and Enhancement of Community Facilities</u></p> <p>There will be a presumption in favour of the protection of existing facilities. Where permission is required, the change of use of local community facilities, as listed below, will only be permitted for other health, education or community type uses (such as village halls, local clubhouses, health centres, schools and children’s day nurseries), unless one of the following can be demonstrated:</p> <p>a) The proposal includes alternative provision, on a site within the locality, of equivalent or enhanced facilities. Such sites should be accessible by public</p>	<p>Policy CS11: Strategy for Development for Core and Hinterland Villages</p>	<p>CR20 Protecting Existing Village Facilities</p>	<p>Policy CP8 is in general conformity with Core Strategy Policy CS11 that seeks to safeguard facilities and services and foster new “community uses appropriate in scale and character to the role, function and appearance to their location will be encouraged in Core and Hinterland Villages, subject to other policies in the Core Strategy and Policies document, particularly Policy CS15, and other subsequent (adopted) documents as appropriate.”</p> <p>Policy CP8 is in general conformity with Local Plan Policy CR20 that seeks to protect existing village facilities.</p>

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>transport, walking and cycling and have adequate car parking; or  b) Satisfactory evidence is produced (including active marketing locally and in the wider area) that, over a minimum period of 12 months, it has been demonstrated that there is no longer a demand for the facility.</p> <p>The facilities are listed as follows and shown on the Policies Map:</p> <p>CP8/1 - The Red Lion  CP8/2 - The Butt and Oyster Inn  CP8/3 - St Andrews Church  CP8/4 - Peninsula Baptist Church  CP8/5 - Methodist Chapel  CP8/6 - Village Hall  CP8/7 - Chelmondiston Church of England Primary School  CP8/8 - Building for playgroup add to Policies Map.</p> <p>Proposals that would enhance the appearance, improve access and accessibility for all users to these facilities will be supported when they are in accordance with other development plan policies and the policies of the CNDP Plan.</p>			

<b>Chelmondiston NDP Policies</b>	<b>Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)</b>	<b>Babergh Local Plan Alteration No.2 (2006) (Local Plan)</b>	<b>General Conformity</b>
<p><u>Policy CP9 – Sport and Recreation Facilities</u></p> <p>The following recreation facilities also identified on the Policies Map will be protected:</p> <p>CP9/1 - Public Playing field.  CP9/2 - Primary School playing field.  CP9/3 - The allotments at the bottom of Pin Mill Road.  CP9/4 - Pin Mill Sailing Club Plus add to Policies Map</p> <p>Development proposals for the improvement of the existing recreation facilities on these sites will be supported when they would not have a significant adverse impact on residential amenity.</p> <p>Development proposals that would result in the loss of these facilities will only be supported when the applicant can demonstrate that the facility is no longer needed for recreational use or suitable alternative provision can be provided elsewhere within the neighbourhood area to an equivalent or better standard and</p>	<p>No relevant policy.</p>	<p>RE01 Sports Facilities</p> <p>RE02 New Playing Fields</p>	<p>Policy CP9 is in general conformity with Local Plan policies that support the improvement or the introduction of new sport and recreation facilities.</p>



Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
in a location that is in close proximity to the community it serves.			
<p><u>Policy CP10 - Local Business and Shops</u></p> <p>To ensure Chelmondiston remains a balanced, sustainable community with a mix of local jobs, homes and other facilities, the following existing commercial premises will be protected for continued business uses.</p> <p>CP10/1 - Law's Cottage  CP10/2 - His 'n' Hers  CP10/3 - Hill Farm Equestrian Centre  CP10/4 - King's Yard, Pin Mill  CP10/5 - Webb's Yard, Pin Mill  CP10/6 - Studio Art Gallery and Photographic Centre  CP10/7 - Hollingsworths (including Post Office)  CP10/8 - Orwell Stores</p> <p>Where planning permission is required, the conversion and re-use of rural buildings for employment use will be supported</p>	CS17 The Rural Economy		Policy CP10 is in general conformity with Policy CS17 of the Core Strategy. Policy CS17 identifies Chelmondiston as a settlement that Chelmondiston plays "an important role in tourism and leisure within the district, and appropriate new development that supports this role will be encouraged." Policy CP10 identifies the key local businesses to protected for employment purposes and development management criteria for the conversion of re-use of rural buildings; and criteria to minimise the environmental impact of business development.

Chelmondiston NDP Policies	Babergh Local Plan 2011-2031 Core Strategy and Polices (2014) (Core Strategy)	Babergh Local Plan Alteration No.2 (2006) (Local Plan)	General Conformity
<p>where such proposals are structurally sound and supported by a structural report as needed. Such development should not have a significant adverse impact on the area's natural and built environment and residential amenity. Development will not be supported where there is an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.</p> <p>Proposals for development of local businesses should seek to minimise their visual impact, especially those caused by open storage, vehicle parking, security fencing, signage and lighting.</p>			

**Basic condition f. Be compatible with EU obligations**

- 3.19 The Submission CNDP is fully compatible with EU obligations.
- 3.20 The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

**Strategic Environmental Assessment (SEA)**

- 3.21 To meet the 'basic conditions' which are specified by law a neighbourhood development plan must be compatible with EU obligations. Furthermore, as of 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.
- 3.22 A Strategic Environmental Assessment Screening was undertaken on the CNDP by Land Use Consultants on behalf of Babergh District Council in March 2020 (<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-SEA-Screening-Report-Mar20.pdf>). This concluded that:

*“On this basis, it is considered that the Chelmondiston NDP will not have significant environmental effects and that SEA is therefore not required.”*

- 3.23 The full report is submitted alongside the CNDP.

**Requirement for Habitats Regulations Assessment (HRA)**

- 3.24 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan's implementation.

- 3.25 The Habitat Regulations Screening was undertaken on the CNDP by Babergh District Council in November 2019 ([see https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-HRA-Screening-Report-Nov19.pdf](https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-HRA-Screening-Report-Nov19.pdf)). This concluded that:

*“Subject to Natural England’s review, this HRA Screening Report concludes that the Regulation 14 draft Chelmondiston Neighbourhood Development Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects.*

*The content of the Chelmondiston Neighbourhood Plan has therefore been screened out for any further assessment and Babergh DC can demonstrate its compliance with the UK Habitats Regulations 2017”.*

Natural England have subsequently confirmed that they concur with the conclusion of the HRA Screening. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore ‘screened out.’ (see <https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Chelmondiston-NP-HRA-Determination-May20.pdf>)

### **European Convention on Human Rights**

- 3.26 The Submission CNDP is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The CNDP has been produced in full consultation with the local community. The CNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.
- 3.27 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.
- 3.28 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.29 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission CNDP is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

- 3.30 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for neighbourhood plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.31 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Parish Council has developed the policies and proposals within the CNDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

**Basic condition g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).**

- 3.32 The prescribed conditions have therefore been met in relation to the Submission CNDP and prescribed matters have been complied with in connection with the proposal for the Plan.

**Chelmondiston Parish Council**

**With assistance from**



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**December 2020**