

Edwardstone Neighbourhood Plan

Basic Conditions Statement

March 2024

To accompany the Neighbourhood Plan Submission draft for Examination

Contents

1. Introduction	3
2. Legal requirements	3
3. Basic Conditions	4
4. Compliance with Basic Conditions a) and e)	5
5. Compliance with Basic Condition d)	13
6. Compliance with Basic Condition f)	18
7. Compliance with Basic Condition g)	19

1. Introduction

- 1.1 When submitting a Neighbourhood Plan to the Local Authority (in this case Babergh District Council), it is a requirement that the Plan be accompanied by a number of supporting documents. One of these is commonly referred to as the 'Basic Conditions Statement.' Only a Neighbourhood Plan that meets each of the basic conditions can be put to referendum and if successful, be used to assist in the determination of planning applications.
- 1.2 This Basic Conditions Statement is prepared for use by Babergh District Council and the Independent Planning Examiner, to assist in making this assessment about the basic conditions.

2. Legal Requirements

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

Qualifying Body: The Edwardstone Neighbourhood Development Plan being submitted by a qualifying body – Edwardstone Parish Council. Edwardstone Parish Council was confirmed as a qualifying body by Babergh District Council on 30th March 2021 when the Edwardstone Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Edwardstone Neighbourhood Development Plan is a neighbourhood development plan. It relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The time-period covered: The Edwardstone Neighbourhood Plan states the time-period for which it is to have effect (from 2022-2037) a period of 15-years.

Excluded Development: The Edwardstone Neighbourhood Development Plan policies do not relate to excluded development. The Edwardstone Neighbourhood Development Plan does not deal with County Matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

Area of the Neighbourhood Plan: The Edwardstone Neighbourhood Development Plan relates to the Edwardstone Parish Council's Neighbourhood Area and to no other area. There are no other Neighbourhood Plans in place relating to that Neighbourhood Area.

3. Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B in the Town and Country Planning Act 1990 (as amended by Schedule 10 of the Localism Act 2011 and paragraph 102 (1) of the Levelling Up and Regeneration Act 2023) sets out a series of requirements that Neighbourhood Plans must meet. These 'basic conditions' are set out below:

3.2 A draft Plan meets the basic conditions if –

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan (see below).
- (b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order (applies in relation to a Listed Building only insofar as the order grants planning permission for development that affects the building or its setting (not applicable in respect of the Edwardstone Neighbourhood Plan).
- (c) Having special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area it is appropriate to make the order (applies in relation to Conservation Areas only) insofar as the order grants planning permission for development in relation to buildings or land in the area (not applicable in respect of the Edwardstone Neighbourhood Development Plan)
- (d) The making of the Plan contributes to the achievement of sustainable development (see below)
- (e) The making of the 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). (see Section 4 below).

Note: The Levelling up and Regeneration Act 2023, introduces a replacement Basic Condition to replace (e) above as follows, which is yet to be formally enacted but nevertheless has been considered by this statement:

- e) (a) the making of the order/Plan would not have the effect of preventing development from taking place which*
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and*
 - (ii) if it took place, would provide housing*

- (f) The making of the Plan does not breach and is otherwise compatible with EU obligations (see below)
- (g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with, in connection with the proposal for the plan (see below)

- 3.3 Where applicable each of these basic conditions is addressed below. For clarification it should be noted that b) and c) above are not applicable to the Edwardstone Neighbourhood Development Plan and refer to 'Neighbourhood Orders' only.

4. Compliance with Basic Conditions a) and e)

- 4.1 The following table provides an appraisal of the extent to which the Edwardstone Neighbourhood Plan has regard to national policy, is in general conformity with strategic local policy and does not have the effect of preventing development from taking place which is proposed in the development plan.
- 4.2 The Neighbourhood Plan policies were drafted to be in conformity with the National Planning Policy Framework. The table below assesses the degree of regard that the Edwardstone Neighbourhood Development Plan policies have had to the NPPF, in this case the most recent version published in December 2023 (Column B).
- 4.3 During the production of the Neighbourhood Plan, the strategic policies for the area were under-going revision. The Babergh Core Strategy was adopted in 2014. This has now largely been replaced by the Babergh-Mid Suffolk Joint Local Plan (Part 1) (BMSJLP) which was adopted in November 2023 and contains the strategic policies and development management policies for the two districts except for the spatial distribution/settlement hierarchy, open spaces, and site-specific allocations. Part 2 will contain those other elements and work began on this in early 2024 with a Call for Sites.
- 4.4 Currently there are no proposed developments contained in the adopted development plan for Edwardstone.
- 4.5 The Policies contained within the Edwardstone Neighbourhood Plan have been assessed for their conformity against the existing Development Plan – Part 1 of the BMSJLP (Column C) and any relevant saved policies from previous development plan documents as identified in the Babergh Live Policies List November 2023, where applicable.
- 4.6 The appraisal is shown in the table below and in summary, the appraisal demonstrates that the Edwardstone Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy and does not have the effect of preventing development from taking place which is proposed in the development plan.

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

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
<p>EDW1: Location and scale of new housing development</p>	<p>This policy is consistent with NPPF paragraph 29 which indicates that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area.</p> <p>There is no indicative housing local housing requirement for the parish up to 2037. The Neighbourhood Plan identifies that at February 2022 there were unimplemented permissions for 9 dwellings in the parish. Some of these have since been constructed and one further dwelling is under construction at February 2024. Approximately 5 dwellings are still yet to be constructed.</p> <p>In addition, the policy also includes criteria which new housing development would need to comply with which would allow for windfall development within the settlement boundaries of Mill Green and Sherbourne Street over and above the existing commitment. Furthermore the policy also allows for new development to take place outside of settlement boundaries subject to meeting additional criteria consistent with NPPF paragraph 84.</p> <p>The policy is also consistent with NPPF paragraph 71 which refers to windfall sites.</p>	<p>This policy is consistent with Joint Local Plan Policy SP03: Sustainable location of new development, which indicates that new housing development will come forward through extant planning permissions, allocations in made Neighbourhood Plans, windfall development in accordance with the relevant policies of the Plan or Neighbourhood Plans and any allocations which are made in the forthcoming Part 2 Plan.</p> <p>Policy SP03 makes it clear that within settlement the principle of development is established in accordance with the relevant policies of this Plan. Outside of the settlement boundaries, development will normally only be permitted subject to criteria. The approach and criteria used in both LP03 and EDW1 are consistent.</p> <p>The BMSJLP does not identify any specific proposals for housing within the parish, neither does Policy EDW1 prevent</p>

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
		appropriate future development from coming forward.
EDW2: Housing Mix and Affordable Housing	<p>This policy reflects NPPF para 63 which advises that planning policies should establish, assess and reflect, the need, the size, type and tenure of housing needed for different groups in the in the community. These groups include “those who require affordable housing, families with children, older people (including those who require retirement housing, housing with care and care homes), students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”. The policy reflects the results of consultation with the local community.</p> <p>This policy is consistent with paragraph 73 and 82 of the NPPF which encourage community led housing developments and rural exceptions sites, promoting responsiveness to local circumstances and to support housing that reflects local needs including supporting opportunities to bring forward rural exceptions sites which will provide affordable housing to meet local needs</p>	<p>This policy is consistent with BMSJLP Policy SP02 Affordable Housing which supports the delivery of affordable housing and indicates that the future mix of tenure, size and type of new affordable housing should be informed by local housing needs surveys or other relevant evidence.</p> <p>Policy EDW2 is also consistent with JLP Policy LP06 which allows for specific types of housing to accommodate specific needs. This policy is consistent with BMSJLP Policy LP07 Community Led and Rural Exceptions Housing which supports rural exception sites</p>
EDW3: Design	<p>This policy reflects NPPF para 135 which sets out the design criteria that development should meet for example “visually attractive as a result of good architecture, layout and appropriate and effective landscaping”., “sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change” ...”create places that are safe, inclusive...with a high standard of</p>	<p>This policy is consistent with BMSJLP Policies LP23 and LP24 which seek high quality design, which takes account of design elements such as scale, height, massing, and density together with residential amenity issues such as parking, landscaping, sustainability and designing out crime.</p>

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>amenity...and where crime and the fear of crime do not undermine the quality of life or community cohesion or resilience”</p> <p>Policy EDW3 contains clear criteria relating to layout, scale, local character, landscaping, wildlife, layout, materials, sustainability and accessibility, Secure by Design, parking, and storage.</p> <p>The Policy is supported by the Edwardstone Design Codes and Guidance document.</p>	<p>This policy reflects BMSJLP Policy LP24 which refers to the need for new development to be harmonious in its location and respond to the existing character and context.</p> <p>The policies contain clear criteria relating to density, layout, gardens, landscaping, amenity, connections, Secure by Design, parking, and storage.</p>
EDW4: Pollution and Amenity	<p>This policy is consistent with NPPF paragraph 191 a)-c) which requires planning policies to ensure that new development is appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment. This includes impacts relating to noise from development, impacts upon amenity and light pollution on intrinsically dark landscapes and nature conservation.</p> <p>Policy EDW4 seeks to address issues relating to amenity arising from new development including noise, air, dust, and vibration. The policy also seeks to protect the existing dark skies of the parish and provides criteria for controlling light pollution.</p>	<p>This policy reflects BMSJLP Policy LP17 which requires proposals to be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, etc , along with the associated mitigation measures</p> <p>In addition, Policy EDW4 is consistent with BMSJLP Policy LP24 Design and residential Amenity criterion i) which covers issues of pollution, noise, dust, vibration etc</p>
EDW5: Energy Sustainability and Climate Change	<p>This policy is consistent with paragraph 153 of the NPPF which requires plans to take a proactive approach to mitigating and adapting to climate change.</p>	<p>This policy is consistent with BMSJLP Policy LP25 Energy Sources, Storage and Distribution which provides support for renewable and low carbon, decentralised and community energy generating proposals subject to criteria.</p>

<p>Edwardstone Neighbourhood Development Plan Policy (A)</p>	<p>NPPF December 2023 (B)</p>	<p>Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)</p>
	<p>This policy is consistent with NPPF paragraph 160 which requires plans to provide a positive strategy for energy from renewable and low carbon sources.</p> <p>The policy provides for appropriate renewable, decentralised and community energy generating development subject to compliance with criteria.</p>	<p>Policy EDW5 takes a similar approach with additional criteria relating to unidentified ALLS.</p>
<p>EDW6: Protecting and Enhancing Biodiversity</p>	<p>This policy reflects NPPF paragraph 180 a) which requires planning policies to enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Furthermore NPPF paragraph 180 d) requires that policies minimise impacts on and provide net gains for biodiversity.</p> <p>Policy EDW6 seeks to retain existing biodiversity features and species on site, gives guidance on enhancement and requires proposals to provide a net gain for biodiversity, targeting enhancements to specific areas within the parish. The policy also identifies specific site within the parish of biodiversity value.</p>	<p>This policy is consistent with BMSJLP Policy LP16 Biodiversity and Geodiversity which requires development to follow a hierarchy of seeking firstly to; enhance habitats, avoid impacts, mitigate against harmful impacts, or as a last resort compensate for losses that cannot be avoided or mitigated for.</p> <p>Development should protect designated and, where known, potentially designated sites. Development which is likely to have an adverse impact upon designated and potential designated sites, or that will result in the loss or deterioration of irreplaceable biodiversity or geological features, or habitats (such as ancient woodland and veteran/ancient trees) will not be permitted unless there is no alternative.</p>

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
EDW7: Heritage Assets	<p>This policy reflects NPPF paragraphs 195 to 214 which seek to conserve and enhance the historic environment.</p> <p>Policy EDW7 covers designated heritage assets such as listed buildings and archaeological features. It outlines the approach to assessing the impact of applications on designated heritage assets. This policy reflects NPPF paragraph 209 which outlines the approach to assessing the impact of applications on non-designated heritage assets. ‘In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’</p> <p>Policy EDW7 identifies The Icehouse as a Non Designated Heritage Asset.</p>	<p>This policy is consistent with BMSJLP Policy LP19 The Historic Environment which recognises the importance of safeguarding and enhancing the Historic Environment. It also recognises the importance of the contribution that designated and non-designated heritage assets can make to the character of an area and its sense of place and provides guidance for assessing the impact of applications on non-designated heritage assets.</p>
EDW8: Landscape	<p>This policy reflects NPPF para 180 a) and b) which requires planning policies to ‘protect and enhance valued landscapes ...’and recognise the intrinsic character and beauty of the countryside’.</p> <p>Policy EDW8 seeks to protect the visual and scenic value of the landscape in the parish.</p>	<p>This policy reflects BMSJLP Policy LP17 which refers to the need for new development to integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and</p>

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
		tranquil areas), subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures.
EDW9: Community Facilities	<p>This policy seeks to retain existing community facilities is consistent with criterion c of paragraph 97 which urges planning policies to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.</p> <p>Policy EDW9 seeks to retain the existing community facilities within the parish and provides support for proposals that would increase or enhance their benefit to the local community.</p>	This policy is consistent with BMSJLP Policy LP28` which supports the provision of new community facilities and also protects existing facilities unless criteria relating to viability and alternative provision can be satisfied.
EDW10: Local Green Spaces	<p>This policy reflects NPPF paras 105-107 which advocate “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”</p> <p>Policy EDW10 proposes five Local Green Spaces in the parish which have been against the criteria in the NPPF.</p>	This policy reflects BMSJLP paragraph 16.06 which refers to the designation of Local Green Space in Neighbourhood Plans.
EDW11: Accessibility	This policy is consistent with NPPF paragraph 114 c) which seeks to create secure and attractive places which minimise the scope for conflict between pedestrians, cyclist, and vehicles.	This policy is consistent with BMSJLP Policy LP29 Safe Sustainable and Active Transport which encourages walking and cycling and

Edwardstone Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>This policy is also consistent with paragraph 116 c) which seeks to create places that are safe, secure, and attractive which minimise the scope for conflict between pedestrians, cyclists, and vehicles.</p> <p>Policy EDW11 aims to increase opportunities for walking and cycling, protect existing Rights of Way.</p>	<p>the creation of new and safe routes and links for pedestrians and cyclists.</p>

5 Compliance with Basic Condition d)

5.1 The NPPF 2023 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.¹ The appraisal of the Edwardstone Neighbourhood Development Plan policies against NPPF policies presented above demonstrates how policies in the Neighbourhood Plan comply with the NPPF and therefore deliver sustainable development.

5.2. The NPPF states that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives.

Economic, social, and environmental objectives

5.3 These objectives give rise to the need for the planning system to perform a number of roles as defined by the NPPF and set out below.

5.4 The objectives and policies contained within the Edwardstone Neighbourhood Plan contribute towards each of these three objectives and cumulatively contribute to the achievement of sustainable development. How they achieve this is summarised below, Unsurprisingly, there is a degree of cross-over between policies and many contribute to more than one of the sustainable development objectives e.g., **EDW3 Design** which contributes to both social and environmental objectives.

5.5 The plan has been formulated with Sustainable Development at its heart and looks forward with an eye on the legacy created for future generations. The vision itself refers to delivering a sustainable, enduring, environmental, affordable, and high-quality legacy.

A Vision for Edwardstone

In 2037, Edwardstone will still be a small, secluded, peaceful and safe place with protected open spaces, big skies, open views, and valued community facilities.

New development will respect and enhance the existing rural character and agricultural heritage of the distinct hamlets and surrounding countryside, protect, and encourage biodiversity and be environmentally sustainable in the context of the climate emergency.

5.6 The plan contains a set of four objectives which are identified in order to deliver the vision. These have been refined over time through consultation. The objectives cover four themes Housing, Environment, Landscape, Access & Community Objectives. The objectives are as follows:

¹ Resolution 42/187 of the United Nations General Assembly

Objective 1: To ensure that all new development is sustainable in terms of its scale and location, meets proven local needs and complements the existing character of the parish.

Objective 2: To protect and enhance the natural environment, wildlife, and built heritage of the parish.

Objective 3: To maintain the existing peace and tranquility of the parish, whilst protecting its distinctive rural landscape character.

Objective 4: To protect the parish’s existing community facilities and green spaces and to improve pedestrian accessibility both within Edwardstone and with neighbouring parishes.

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

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

NPPF Sustainable Development	Contribution through Edwardstone Neighbourhood Plan Policies
<p>NPPF 2023</p> <p>An economic objective: to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places, and at the right time to support growth, innovation, and improved productivity; and by identifying and co-ordinating the provision of infrastructure.</p>	<p>Objective 1: To ensure that all new development is sustainable in terms of its scale and location, meets proven local needs and complements the existing character of the parish.</p> <p>Objective 4: To protect the parish’s existing community facilities and green spaces and to improve pedestrian accessibility both within Edwardstone and with neighbouring parishes.</p> <p>Policy EDW1: Location and Scale of new housing development. This policy sets out the criteria that new housing growth in the parish would need to meet.</p> <p>Policy EDW5: Energy Sustainability and Climate change. This policy contains support for renewable and community energy schemes subject to criteria.</p> <p>Policy EDW9: Community Facilities. This policy seeks to protect the existing community infrastructure in the parish and provides support for new or enhanced facilities.</p>

<p>NPPF 2023</p> <p>A social objective: to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p>	<p>Objective 1: To ensure that all new development is sustainable in terms of its scale and location, meets proven local needs and complements the existing character of the parish.</p> <p>Objective 4: To protect the parish’s existing community facilities and green spaces and to improve pedestrian accessibility both within Edwardstone and with neighbouring parishes.</p> <p>Policy EDW1: Location and Scale of new housing development. This policy sets out the criteria that new housing growth in the parish would need to meet.</p> <p>Policy EDW2: Housing Mix and Affordable Housing. This policy sets out the preferred mix of new housing for the parish required to ensure a balance between housing and population. The policy provides support for affordable housing subject to criteria.</p> <p>Policy EDW3: Design. This policy sets out the design criteria new development is expected to meet in order to create well designed, safe and beautiful places.</p> <p>Policy EDW4: Pollution and Amenity. This policy supports dark skies and seeks to protect them within the parish and also seeks to protect the amenity of residents in terms of various forms of pollution.</p> <p>Policy EDW5: Energy Sustainability and Climate change. This policy contains support for renewable and community energy schemes subject to criteria.</p> <p>Policy EDW9: Community Facilities. This policy seeks to protect the existing community infrastructure in the parish and provides support for new or enhanced facilities.</p> <p>Policy EDW10: Local Green Spaces. This policy identifies a number of spaces within the parish which are important to the community and require protection.</p> <p>Policy EDW11: Accessibility. This policy provides support for measures that contribute to the health and wellbeing of residents by encouraging walking and cycling.</p>
<p>NPPF 2023</p> <p>An environmental role: to protect and enhance our natural, built, and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including</p>	<p>Objective 1: To ensure that all new development is sustainable in terms of its scale and location, meets proven local needs and complements the existing character of the parish.</p> <p>Objective 2: To protect and enhance the natural environment, wildlife, and built heritage of the parish.</p> <p>Objective 3: To maintain the existing peace and tranquility of the parish, whilst protecting its distinctive rural landscape character.</p>

<p>moving to a low carbon economy.</p>	<p>Policy EDW3: Design. This policy sets out the design criteria new development is expected to meet in order to create well designed, safe and beautiful places.</p> <p>Policy EDW4: Pollution and Amenity. This policy supports dark skies and seeks to protect them within the parish and also seeks to protect the amenity of residents in terms of various forms of pollution.</p> <p>Policy EDW5: Energy Sustainability and Climate change. This policy contains support for renewable and community energy schemes subject to criteria.</p> <p>Policy EDW6: Protecting and enhancing biodiversity. This policy seeks to protect and enhance the nature conservation assets in the parish and identifies important features for protection whilst supporting biodiversity net gain.</p> <p>Policy EDW7: Heritage Assets. This policy sees to protect the heritage asset so the parish including those below ground. The policy identifies a non-designated heritage asset for specific protection.</p> <p>Policy EDW8: Landscape. This policy seeks to protect the scenic value of the landscape of the parish and identifies an area in the parish as an Area of Local Landscape Sensitivity.</p>
--	--

6. Compliance with Basic Condition f)

- 6.1 The statement below demonstrates how the Edwardstone Neighbourhood Development Plan is compliant with Basic Condition f) specifically that it does not breach and is compatible with EU obligations.
- 6.2 As outlined above, this is the Basic Conditions Statement which accompanies the Submission Version of the Edwardstone Neighbourhood Plan.
- 6.2 Babergh District Council recommends that the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening processes be undertaken at Pre-Submission stage. The SEA and HRA Screening Assessments were carried out on the Pre-Submission Version of the Neighbourhood Plan by consultants LUC acting on behalf of Babergh District Council in November 2023 .
- 6.3 The SEA Screening Report takes into account the latest regulations, guidance and court judgements relating to this area including CJEU People Over Wind v Coillte Teoranta C-323/17 which rules that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats site. The HRA Screening Report therefore does not consider mitigation measures within the assessment of Likely Significant Effects resulting from the Edwardstone Neighbourhood Development Plan. The Screening report also considers the impact of the judgement CJEU Holohan C- 461/17, which imposes more detailed requirements in the competent authority at Appropriate Assessment Stage.
- 6.4 The SEA screening report produced by LUC concludes at paragraph 2.42 that the Edwardstone Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.
- 6.5 Consultation on the Screening Report was carried out with Natural England, Historic England, and the Environment Agency in December 2023 and January 2024. Natural England agreed with the conclusion of the Screening Report and confirmed in its response dated 20th December 2023, that *“It is Natural England’s advice, on the basis of the material supplied with the consultation, that:*
- *significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,*
 - *significant effects on Habitats sites¹, either alone or in combination, are unlikely.*
- The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs (‘candidate SACs’, ‘possible SACs’, ‘potential SPAs’) or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.”*
- 6.6 Historic England also agreed with the Screening Report conclusions and their response from 12th January 2024, stated: “On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.”

- 6.7 No response was received from the Environment Agency.
- 6.8 Babergh’s Screening Determination dated February 2024 therefore concluded that:
“In the light of the SEA Screening Report (Nov 2023) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Edwardstone Neighbourhood Plan (October 2023) does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.”

Human Rights

- 6.9 In addition, the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The accompanying Consultation Statement sets out the process followed in terms of community involvement.
- 6.10 It is therefore concluded that this Basic Condition has been complied with.

7. Compliance with Basic Condition g)

- 7.1 An additional basic condition is prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 as follows:
“The making of the Neighbourhood Development Plan is not likely to have any significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2010 (2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (3)), (either alone or in combination with other plans and projects)”.
- 7.2 The Habitats Regulation Assessment screening report produced by LUC notes in paragraphs 4.25 and 4.26 that the Edwardstone Neighbourhood Plan does not allocate any sites for residential or other forms of built development. Instead, policies set out criteria that any development proposals that come forward must meet. Should schemes which are supported by the Edwardstone Neighbourhood Plan move forward, individual project-level HRAs should be carried out to determine any likely significant effects.
- 7.3 The LUC HRA Screening Report goes on to conclude that since none of the policies of the Edwardstone Neighbourhood Plan are expected to directly result in development, they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result of the plan. Paragraph 5.1 of the report concludes that: “
*“ At the Screening stage of HRA, no likely significant effects are predicted on European sites as a result of the Edwardstone Neighbourhood Plan, either alone or in combination with other policies and proposals” and that:
“An Appropriate Assessment is not required for the Edwardstone Neighbourhood Plan as none of the policies will result in development and likely significant effects from the plan can therefore be ruled out.”*

7.4 Natural England were invited to comment on the HRA Screening Report and its conclusions. In their response dated December 2023, it was indicated that:
“It is Natural England’s advice, on the basis of the material supplied with the consultation, that:

- *significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,*
- *significant effects on Habitats sites¹, either alone or in combination, are unlikely.*

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs (‘candidate SACs’, ‘possible SACs’, ‘potential SPAs’) or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined”.

7.6 Babergh issued their HRA Screening Determination in February 2024 and in it concluded that:

“In light of the HRA Screening Report (November 2023) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Edwardstone Neighbourhood Plan is ‘screened out’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.”

7.7 It is therefore concluded that this additional basic condition has been complied with.