

# ELMSETT NEIGHBOURHOOD PLAN FOCUSED REVIEW

## Basic Conditions Statement

March 2025





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# 1 Introduction

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

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

**Section 2** contains the Regulation 14 Modification Statement

**Section 3** identifies the legislative requirements for the 'basic conditions'

**Section 4** identifies how the Plan Objectives and Policies are in general conformity with the National Planning Policy Framework and the Strategic Policies of the adopted Local Plan.

**Sections 5** confirms that the neighbourhood plan is compatible with the Convention Rights.

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

1.3 A Neighbourhood Plan for Elmsett was formally made by Babergh District Council on 10 December 2019. As a result of the adoption of the Babergh and Mid Suffolk Joint Local Plan (Part 1) in November 2023, the Parish Council made a decision to review the Plan to amend Policy EMST1 – Spatial Strategy. The made Neighbourhood Plan policy was no longer in conformity with the strategic policies of the development plan. Although no other policies have been amended, the Review has provided an opportunity to update the content of the Plan and this has resulted in the deletion of Policy EMST3 – Land at Hadleigh Road, as the development referred to in that policy is almost complete at the time the Neighbourhood Plan Review is submitted to the District Council. To help with comparing between the policies of the made Neighbourhood Plan and the Review document, the following table explains the differences:

| Made Plan Policy | Plan Review Policy                |
|------------------|-----------------------------------|
| EMST1            | New Policy EMST1                  |
| EMST2            | No change EMST2                   |
| EMST3            | Deleted – development implemented |
| EMST4            | No change EMST3                   |
| EMST5            | No change EMST4                   |
| EMST6            | No change EMST5                   |
| EMST7            | No change EMST6                   |
| EMST8            | No change EMST7                   |

| Made Plan Policy | Plan Review Policy |
|------------------|--------------------|
| EMST9            | No change EMST8    |
| EMST10           | No change EMST9    |
| EMST11           | No change EMST10   |
| EMST12           | No change EMST11   |
| EMST13           | No change EMST12   |
| EMST14           | No change EMST13   |
| EMST15           | No change EMST14   |
| EMST16           | No change EMST15   |

## 2. Regulation 14 Modification Statement

- 2.1 This statement is made by Elmsett Parish Council (“the Qualifying Body”) pursuant to Regulation 14 (a) (v) of the Neighbourhood Planning (General) Regulations as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 and 2017.
- 2.2 Regulation 14 (a) (v) applies to a proposal to modify an existing “made” neighbourhood development plan. It requires that “in relation to a modification proposal, a statement setting out whether or not the qualifying body considers that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify, giving reasons for why the qualifying body is of this opinion”.
- 2.3 Government Planning Practice Guidance notes that there are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:
- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
  - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
  - Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

*Paragraph: 106 Reference ID: 41-106-20190509*

- 2.4 The Elmsett Neighbourhood Development Plan was made by Babergh District Council on 10 December 2019. The made Plan contains 16 planning policies covering:
- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• the location of development,</li><li>• housing development,</li><li>• an allocated site for housing,</li><li>• affordable housing,</li><li>• housing space standards,</li><li>• an area of local landscape sensitivity,</li><li>• the designation of local green spaces,</li><li>• protecting important views,</li></ul> | <ul style="list-style-type: none"><li>• the identification of a “special character area”,</li><li>• heritage assets,</li><li>• development design considerations,</li><li>• communications technology,</li><li>• employment sites,</li><li>• community facilities and services, and</li><li>• open space, sport and recreation facilities</li></ul> |
|--|---|
- 2.5 The Qualifying Body (Elmsett Parish Council) proposes to modify the existing made plan to amend Policy EMST 1 – Spatial Strategy to bring it into line with the recently adopted Babergh and Mid Suffolk Joint Local Plan Part 1.
- 2.6 The Qualifying Body considers that the nature of the modifications to be not so significant or substantial as to change the nature of the made Plan. It considers that the modifications would require examination but, subject to the decision of the independent examiner, would not require a referendum.

### 3. Legal Requirements

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

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

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

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

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

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

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

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

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

The Regulations substitute this with a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## Meeting the Legal Requirements

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

| Requirement  | Interpretation   | NP response   |
|--|--|---|
| 4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions  | This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.   | This is considered in detail in later sections of this Statement.   |
| 4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004 | This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan".   | Compliance with Sections 38A and 38B is demonstrated in the following rows.   |
|  | Section 38A(1)<br>"any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan."   | The Neighbourhood Plan Review has been submitted by Elmsett Parish Council, a qualifying body (as defined in the Localism Act 2011).  |
|  | Section 38A(2)<br>A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan." | The Neighbourhood Plan Review sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Elmsett, as designated by Babergh District Council on 10 December 2019. The boundary of the Neighbourhood Area is shown in the NP (Map 1). |
|  | Section 38A, Paragraphs (3) - (12)   | These paragraphs are not of relevance to the submission phase of the NP.  |
|  | Section 38B1(a)<br>The Neighbourhood Development Plan "Must specify the period for which it is to have effect."  | The plan period of the Neighbourhood Plan Review is from 2023 to 2037.  |
|  | Section 38B1(b)<br>A Neighbourhood Development Plan "may not include provision about development that is excluded development."  | The NP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004  |
|  | Section 38B1(c)<br>A Neighbourhood Development Plan may not relate to more than one neighbourhood area   | The NP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by Babergh District Council on 27 October 2017.  |
|  | Section 38B(2)<br>Only one Neighbourhood Development Plan may be made for each neighbourhood area.   | The Elmsett Neighbourhood Plan was made by Babergh District Council on 10 December 2019. When made, the Elmsett   |

| Requirement   | Interpretation   | NP response   |
|---|--|---|
|   |  | Neighbourhood Plan Review will replace the 2019 Plan.   |
|   | <p>Section 38B(3)</p> <p>If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.</p>   | There are no conflicts within the NP  |
|   | <p>Section 38B(4)(a)</p> <p>Regulations made by the Secretary of State may make provisions for "restricting the provision that may be included in Neighbourhood Development Plans about the use of land."</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012.</p> | The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the NP.  |
|   | <p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions "requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations."</p>   | A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the Neighbourhood Plan Review. In both cases it was considered that the Elmsett Neighbourhood Plan Review will not have significant environmental effects and that no European sites would be affected by the policies described in the NP. |
|   | Section 38B, which include paragraphs 38B(4)(c), 5 & 6,  | The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement   |
| 4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area   | This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.   | The NP relates solely to land that falls within the Parish of Elmsett.  |
| 4B 8 (1)(e) Other Matters 3.28.   | This requires the examiner to consider such other matters as may be prescribed   | There are no other prescribed matters.  |
| Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 | These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.  | The SEA Screening Opinion concluded that a full SEA was not required. The HRA screening concluded that no potential impacts were identified and therefore it was not necessary to proceed to the Appropriate Assessment stage.  |

## 4. Compliance with Basic Conditions

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

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

### National Policy

4.2 The Elmsett Neighbourhood Plan Review must have appropriate regard to national policy. The following section describes how the Plan relates to the National Planning Policy Framework (NPPF) which was originally published in 2012 and most recently amended in December 2024. It is the latter version of the NPPF that has been used as the basis to assess the Neighbourhood Plan Review in terms of its regard to national policies. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to three overarching objectives:

- a) "an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering 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*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

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

**Table 1 - Compatibility of the Plan's objectives and policies against the NPPF Core Principles**

| NPPF Core Principle        | Elmsett NP Objectives (as identified in Section 6 of the NP)  | Elmsett NP Policies  |
|----------------------------|---|--|
| Plan-led                   | All the ENP objectives apply this approach  | The Plan defines a positive Vision to plan for and manage change during the plan period  |
| Enhance and improve places | <p>1     Housing growth is appropriate in scale to the role of the village.</p> <p>3     New development is of a high-quality design, eco-friendly and of a scale that reinforces local character.</p> <p>4     Conserve and enhance the heritage assets of the parish.</p> <p>5     Protect and improve the features which contribute to historic character.</p> <p>7     Protect the important green spaces, woodland and countryside.</p> <p>8     Protect important views and links to the wider countryside.</p> | <p>Policy EMST1 seeks to manage the location of future growth and protect the countryside surrounding the village.</p> <p>Policy EMST2 identifies the amount of housing growth that will take place and the general location for this development.</p> <p>Policy EMST4 sets out space standards for new housing.</p> <p>Policy EMST5 identifies the preferred dwelling sizes in new developments.</p> <p>Policy EMST6 defines an area of local landscape sensitivity.</p> <p>Policy EMST7 identifies spaces that meet the NPPF Local Green Spaces criteria.</p> <p>Policy EMST8 seeks to protect important views from harm by inappropriate development.</p> <p>Policy EMST9 defines an important area of the village centre as a "special character area".</p> <p>Policy EMST10 seeks to protect built heritage assets.</p> <p>Policy EMST11 sets design criteria against which new development will be assessed.</p> <p>Policy EMST14 seeks to retain existing community facilities and uses from being lost</p> <p>Policy EMST15 protects existing open space, sport and recreation facilities and seeks their enhancement.</p> |
| Economic Development       | <p>9     Improve and sustain high quality local facilities for existing and future residents.</p> <p>10    Encourage opportunities for home working and local employment.</p>   | Policy EMST12 encourages suitable and sensitively located proposals for mobile phone masts   |

| NPPF Core Principle                              | Elmsett NP Objectives (as identified in Section 6 of the NP)   | Elmsett NP Policies  |
|--|--|--|
|  |  | Policy EMST13 protects existing employment sites from being lost to non-employment uses.   |
| High quality design and standard of amenity      | <p>2 New homes are designed to meet the long term needs of local residents.</p> <p>5 Protect and improve the features which contribute to historic character.</p> <p>7 Protect the important green spaces, woodland and countryside.</p> <p>8 Protect important views and links to the wider countryside .</p> | <p>Policy EMST7 identifies spaces that meet the NPPF Local Green Spaces criteria.</p> <p>Policy EMST8 seeks to protect important views from harm by inappropriate development.</p> <p>Policy EMST10 seeks to protect built heritage assets.</p> <p>Policy EMST11 sets design criteria against which new development will be assessed.</p> <p>Policy EMST14 seeks to retain existing community facilities and uses from being lost.</p> |
| Climate change and flood risk                    | <p>3 New development is of a high-quality design, eco-friendly and of a scale that reinforces local character.</p>   | Policy EMST11 sets design criteria against which new development will be assessed.   |
| Conserving and enhancing the natural environment | <p>6 Maintain the village's rural setting.</p> <p>7 Protect the important green spaces, woodland and countryside.</p> <p>8 Protect important views and links to the wider countryside.</p>   | <p>Policy EMST6 defines an area of local landscape sensitivity.</p> <p>Policy EMST7 identifies spaces that meet the NPPF Local Green Spaces criteria.</p> <p>Policy EMST8 seeks to protect important views from harm by inappropriate development.</p>   |
| Using brownfield land                            | There are no objectives of relevance to this core principle.   | <p>Policy EMST1 seeks to manage the location of future growth and protect the countryside surrounding the village.</p> <p>Policy EMST2 identifies the amount of housing growth that will take place and the general location for this development.</p>   |
| Promoting mixed use                              | There are no objectives of relevance to this core principle.   | Policy EMST14 seeks to retain existing community facilities and uses from being lost   |
| Conserving heritage                              | <p>4 Conserve and enhance the heritage assets of the parish.</p> <p>5 Protect and improve the features which contribute to historic character.</p>   | <p>Policy EMST11 defines an important area of the village centre as a "special character area".</p> <p>Policy EMST10 seeks to protect built heritage assets.</p>   |

| NPPF Core Principle                       | Elmsett NP Objectives (as identified in Section 6 of the NP)  | Elmsett NP Policies  |
|---|---|--|
| Sustainable transport                     | 5 Improve opportunities for home working and local employment.  | Policy EMST14 seeks to retain existing community facilities and uses from being lost   |
| Health and social and cultural well being | 7 Protect the important green spaces, woodland and countryside.<br>9 Improve and sustain high quality local facilities for existing and future residents. | Policy EMST7 identifies spaces that meet the NPPF Local Green Spaces criteria.<br><br>Policy EMST14 seeks to retain existing community facilities and uses from being lost<br><br>Policy EMST15 protects existing open space, sport and recreation facilities and seeks their enhancement. |

## How the purpose of the Neighbourhood Plan policies achieve sustainable development

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

| Policy | Purpose   | Outcome   |
|--------|---|---|
| EMST1  | To provide a strategy for the location of new development within the neighbourhood plan area.                                     | Ensures that new development is located close to existing village facilities and minimises the loss of agricultural land in remote        |
| EMST2  | Identifies the amount of new housing growth that will take place in the neighbourhood area and how this growth will be delivered. | Provides certainty in terms of the amount and location of new housing in the village to ensure that the identified housing needs are met. |
| EMST3  | Enables affordable housing that meets local needs to be built as an "exception".  | Will help people with a local connection remain in the village rather than move away to find affordable homes.                            |
| EMST4  | Sets minimum standards for the floorspace of new homes  | Ensures that new housing development is designed to meet the identified local needs of  |
| EMST5  | Sets standards for the size of homes on large sites   | Seeks to redress an imbalance in the size of homes in the village in order to support homes for smaller families.                         |
| EMST6  | Designates an area of Local Landscape Sensitivity   | Contributes to protecting and enhancing the natural environment   |
| EMST7  | Designates spaces that meet the NPPF Local Green Space criteria   | Protects spaces that have an identifiable local importance to the village.  |
| EMST8  | Identifies important views within the Plan Area that should be protected.   | Protects and enhances the character and setting of the village.   |
| EMST9  | Designates an area around The Green as a Special Character Area   | Recognises the locally important and distinct character of the historic and natural environment around The Green.                         |
| EMST10 | Protects designated heritage assets   | Ensures that development does not have a detrimental impact or cause unacceptable harm to the heritage assets                             |
| EMST11 | Provides criteria for the consideration of the impact of development proposals.   | Preserves and enhances the distinctiveness, character and sense of place of Elmsett's built environment.                                  |
| EMST12 | Encourages the improvement of mobile technology performance   | Improves connectivity to communications technology and reduces the need to travel.  |
| EMST13 | Supports the retention of existing employment sites.  | Ensures that a level of local employment opportunities remain reducing the need to travel for work.                                       |
| EMST14 | Supports the retention and improvement of community facilities and services in the village.                                       | Maintains existing village services and reduce the need to drive out of the village for day to day needs.                                 |
| EMST15 | Supports the improvement and protection of open space, sport and recreation facilities.   | Ensures that adequate and suitable sports and recreation facilities are provided in Elmsett.  |

## **General conformity with the strategic policies contained in the development plan**

- 4.5 The Neighbourhood Plan must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan currently in force is the Babergh and Mid Suffolk Joint Local Plan adopted in November 2023, which replaces most of the saved policies for previous local plans and alterations. A list of live policies is set out on the Babergh DC website.
- 4.6 The Government's Planning Practice Guidance states:
- "Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:
- whether the policy sets out an overarching direction or objective
  - whether the policy seeks to shape the broad characteristics of development
  - the scale at which the policy is intended to operate
  - whether the policy sets a framework for decisions on how competing priorities should be balanced
  - whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
  - in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
  - whether the Local Plan identifies the policy as being strategic"
- 4.7 The Joint Local Plan identifies which policies are strategic and others that are local, for the purposes of this statement the strategic policies have been assessed. The table below lists the strategic policies in the Joint Local Plan, a link to the Neighbourhood Plan policy (where relevant) and a narrative of conformity of the Neighbourhood Plan with the development plan.

**Table 2 - Compatibility of the Plan's policies with the strategic policies of the Local Plan**

| JLP Strategic Policy   | Neighbourhood Plan Policy  | Comment   |
|--|--|---|
| SP01 Housing Needs   | EMST1 – Spatial Strategy<br>EMST2 – Housing Development<br>EMST3 – Affordable Housing on Rural Exception Sites<br>EMST4 – Housing Space Standards<br>EMST5 – Housing Mix | The JLP identifies the minimum housing requirement for each district. The Neighbourhood Plan does not conflict with this requirement and supports development as appropriate to the scale and nature of the village.  |
| SP02 Affordable Housing  | EMST3 – Affordable Housing on Rural Exception Sites  | The JLP sets a requirement of 35% affordable housing on large sites or 25% on brownfield sites. The Neighbourhood Plan does not conflict with this requirement.   |
| SP03 The sustainable location of new development                 | EMST1 – Spatial Strategy   | The JLP does not identify a hierarchy of settlements across the two districts, this will be covered by the new Local Plan. This policy also relies on new housing development coming forward through neighbourhood plans, extant planning permissions and windfall sites. The Neighbourhood Plan does not conflict with this requirement. |
| SP04 Provision for Gypsy and Traveller and Travelling Showpeople | No specific policies apply   | The Neighbourhood Plan does not conflict with this requirement.   |
| SP05 Employment Land   | EMST13 - Employment Sites  | The JLP identifies strategic sites for employment uses. It supports additional employment sites being developed along strategic transport corridors. There are no strategic employment sites in the Neighbourhood Area and the Neighbourhood Plan supports the retention of non-strategic employment sites.                               |
| SP06 Retail and Town Centre Uses                                 | No specific policies apply   | The JLP policy relates to defined town centres, which does not include Elmsett.   |
| SP07 Tourism   | No specific policies apply   | The JLP supports the development of appropriate tourism enterprises. The Neighbourhood Plan does not conflict with this approach.   |

| JLP Strategic Policy                               | Neighbourhood Plan Policy  | Comment  |
|--|--|--|
| SP08 Strategic Infrastructure Provision            | EMST11 - Development Design Considerations<br>EMST12 – Communications Technology   | The JLP identifies specific strategic infrastructure projects and requires developments to make community infrastructure levy contributions. The Neighbourhood Plan does not conflict with this requirement.                 |
| SP09 Enhancement and Management of the Environment | EMST1 - Spatial Strategy<br>EMST6 – Area of local Landscape Sensitivity<br>EMST7 – Local Green Spaces<br>EMST8 – Protection of Important Views and Landscape Character | The JLP policy supports the enhancement and management of natural and local environment and provides for the mitigation of effects on protected habitat sites. The Neighbourhood Plan policies support the strategic policy. |
| SP10 Climate Change                                | EMST11 - Development Design Considerations   | The JLP policy sets requirements for the mitigation of the impacts of climate change. The Neighbourhood Plan does not conflict with this requirement.  |

## 5. Compatibility with European Union Obligations and Human Rights

### Environmental Impact and Habitat Regulations

- 5.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 5.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.
- 5.3 In accordance with Regulation 9 of the Regulations, as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, Elmsett Parish Council requested Babergh District Council, as the responsible body, to consider whether an environmental assessment of the emerging Neighbourhood Plan Review is required. Initial screening was undertaken on the original draft Neighbourhood Plan in December 2018 and determination notices were issued in January 2019. The screening concluded that a Strategic Environmental Assessment (SEA) and/or a Habitats Regulation Assessment (HRA) were not required.
- 5.4 In May 2024 the Parish Council requested the screening of those parts of the Plan that were being amended. Determination notices were issued in July 2024 which concluded that a full HRA and SEA were not required.

All reports together with the responses from the statutory consultees can be viewed at

<https://www.babergh.gov.uk/w/elmsett-neighbourhood-plan>

- 5.5 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) these documents are also submitted to Babergh District Council alongside the Neighbourhood Development Plan.

### Human Rights

- 5.6 The public consultation process for the Elmsett Neighbourhood Plan Review has been fully inclusive and has included direct engagement with the local community. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 5.7 The overall purpose of the Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the parish, and to meet the needs expressed and address the issues identified. To confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected

characteristics” are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 5.8 This section assesses the Submission Draft of the Neighbourhood Plan to ensure that Elmsett Parish Council is satisfying its statutory duties in this regard. An assessment has been made on whether the objectives and the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. The purpose of each of the objective and the policies in the Neighbourhood Plan are provided, and their likely impact on persons with protected characteristics is assessed.

**Table 3 - Impact of Objectives of Elmsett Neighbourhood Plan Review on Persons with Protected Characteristics**

| ENP Objectives  | Outcome for persons with Protected Characteristics  |
|---|---|
| Objective 1 Housing growth is appropriate in scale to the role of the village.  | Provides for new homes to be provided in the village.<br><br>Broadly positive impact for persons with certain protected characteristics.        |
| Objective 2 New homes are designed to meet the long term needs of local residents.                                    | Ensures that new homes meet local needs.<br><br>Positive impact on persons with protected characteristics.                                      |
| Objective 3 New development is of a high-quality design, eco-friendly and of a scale that reinforces local character. | Reduces impact of new development on the village and its environment.<br><br>Neutral impact for persons with certain protected characteristics. |
| Objective 4 Conserve and enhance the heritage assets of the parish.   | Promotes the preservation of the historic character of the village.<br><br>Neutral impact for persons with protected characteristics.           |
| Objective 5 Protect and improve the features which contribute to historic character.                                  | Promotes the preservation of the historic character of the village.<br><br>Neutral impact for persons with certain protected characteristics.   |
| Objective 6 Maintain the village’s rural setting.   | Seeks to reduce the impact of development on the environment.<br><br>Neutral impact for persons with protected characteristics.                 |
| Objective 7 Protect the important green spaces, woodland and countryside.   | Protects the environment from inappropriate development.<br><br>Neutral impact for persons with protected characteristics                       |
| Objective 8 Protect important views and links to the wider countryside.   | Seeks to reduce the impact of development on the environment.<br><br>Neutral impact for persons with certain protected characteristics.         |

| ENP Objectives   | Outcome for persons with Protected Characteristics   |
|--|--|
| Objective 9 Improve and sustain high quality local facilities for existing and future residents. | Ensures that appropriate local facilities are maintained for residents' use.<br><br>Broadly positive impact on persons with protected characteristics. |
| Objective 10 Encourage opportunities for home working and local employment.                      | Ensures that local opportunities for employment remain and are improved.<br><br>Broadly positive impact on persons with protected characteristics.     |

**Table 4 - Impact of Elmsett Neighbourhood Plan Review Policies on Persons with Protected Characteristics**

| Policy | Purpose   | Outcome   |
|--------|---|---|
| EMST1  | To set a strategy for where new development will take place in the village.   | Ensures that Elmsett plans positively for the amount and location of new development required in the village during the plan period.<br><br>Broadly positive impact for persons with certain protected characteristics. |
| EMST2  | Identifies how the housing need for the plan period will be delivered.  | Ensures that Elmsett meets its identified housing need.<br><br>Broadly positive impact for persons with certain protected characteristics.  |
| EMST3  | Enabling the provision of local needs affordable housing outside the settlement boundaries as an exception to policy. | Contributes to meeting identified housing need in suitable locations in close proximity to the village centre.<br><br>Broadly positive impact for persons with certain protected characteristics.                       |
| EMST4  | Sets minimum floorspace standards for new homes.  | Ensures that new homes are constructed to meet the current needs of users.<br><br>Broadly positive impact for persons with certain protected characteristics.   |
| EMST5  | Sets a standard for the delivery of smaller homes in larger developments.   | Reduces the imbalance of larger homes in the village.<br><br>Broadly positive impact for persons with certain protected characteristics.  |
| EMST6  | Identifies an area of local landscape sensitivity.  | Protects the important landscape setting of the village.<br><br>Neutral impact on persons with protected characteristics.   |
| EMST7  | Identifies and designates Local Green Spaces.   | Ensures that locally identified green spaces that meet the national criteria are protected from inappropriate development.<br><br>Broadly positive impact for persons with certain protected characteristics.           |

| Policy | Purpose   | Outcome   |
|--------|---|---|
| EMST8  | Protects important views into and out of the village.   | Ensures that the setting of the village in the within countryside is respected.<br><br>Neutral impact on persons with protected characteristics.                                    |
| EMST9  | Identifies an area of special historic and natural characteristics.                                 | Protects the designated area from unsympathetic development.<br><br>Neutral impact for persons with certain protected characteristics.  |
| EMST10 | Sets criteria for the consideration of development that could impact on designated heritage assets. | Protects designated assets from inappropriate development.<br><br>Neutral impact for persons with certain protected characteristics.  |
| EMST11 | Identifies criteria to be taken into account when considering development proposals                 | Reduces detrimental impact of development on the village and its environment and infrastructure.<br><br>Broadly positive for persons with certain protected characteristics.        |
| EMST12 | Supports sympathetic positioning of mobile phone infrastructure to improve coverage in the village. | Ensures that mobile phone masts do not have a detrimental impact on the countryside.<br><br>Neutral impact for persons with certain protected characteristics.                      |
| EMST13 | Identifies employment sites.  | Ensures that employment sites are not lost to other forms of development unless fully justified.<br><br>Broadly positive impact for persons with certain protected characteristics. |
| EMST14 | Protects existing community facilities and services from being lost.                                | Ensures that Elmsett has facilities and services to serve the local population.<br><br>Broadly positive impact for persons with certain protected characteristics.                  |
| EMST15 | Protects open space, sport and recreation facilities from being lost.                               | Ensures that Elmsett has open space facilities to serve the local population.<br><br>Broadly positive impact for persons with certain protected characteristics.                    |

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