

Shaping Hadleigh's Future

Statement of Basic Conditions



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1. Introduction

- 1.1 Under the Localism Act 2011, Babergh District Council (BDC) designated Hadleigh Town Council a qualifying body to prepare a Neighbourhood Plan for within the approved designated area within Hadleigh.
- 1.2 This Statement of Basic Conditions is a required supporting document and sets out how the Town Council's Neighbourhood Plan Sub-Committee and its associated working groups to demonstrate how the proposed Hadleigh Neighbourhood Plan meets the requirements of the Town and Planning Act 1990 (as amended) regarding the development of a Neighbourhood Plan.
- 1.3 This Statement of Basic Conditions is intended for use by Babergh District Council and the Independent Examiner to assist in making an assessment.
- 1.4 The Plan sets out policies that relate to the development and use of land within only the Hadleigh Neighbourhood Area. This is shown in Figure 1.
- 1.5 The Hadleigh Neighbourhood Plan Group has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2022 to 2033.

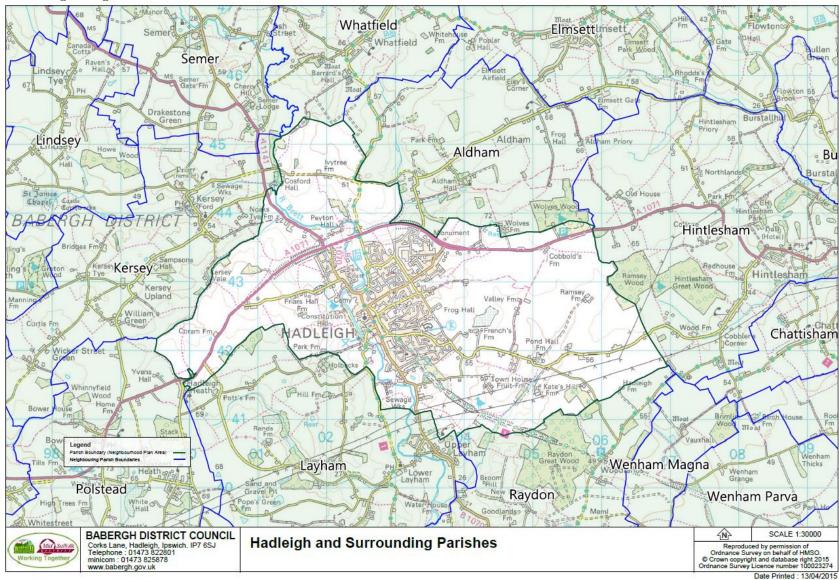
2. Legal Requirements

- 2.1 The Neighbourhood Plan is compliant with The Planning and Compulsory Purchase Act 2004 38A (1) & (2) and 38B (a)-(c).
- 2.2 The Hadleigh Neighbourhood Plan is being submitted by a qualifying body Hadleigh Town Council who were confirmed as a qualifying body by Babergh District Council on 30th June 2015, when the Hadleigh Neighbourhood Plan Area was designated (see appendix).
- 2.3 The Hadleigh Neighbourhood 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.
- 2.4 The Hadleigh Neighbourhood Plan states the time-period for which it is to have effect until 2037.
- 2.5 The Hadleigh Neighbourhood Plan policies do not relate to excluded development, 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.
- 2.6 The Hadleigh Neighbourhood Plan relates to the Town 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 Outline

- 3.1 Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) outlines the Basic Conditions (Paragraph: 065 Reference ID: 41-065-20140306 of Neighbourhood Planning Guidance www.gov.uk) as:
 - 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).
- 3.2 Where applicable these Basic Conditions are addressed forthwith, noting that whilst b) and c) are technically not applicable to Hadleigh Neighbourhood Plan and refer to "Neighbourhood Orders" only, they have very much been considered within the Neighbourhood Plan as Hadleigh is rife with listed buildings, special historic interest and a large conservation area.

Figure 1: Hadleigh Neighbourhood Plan Area



4. Hadleigh Neighbourhood Plan Addressing Basic Conditions

- a. Conformity with the National Planning Policies and Strategic Policies in the Local Plan
- 4.1 The making of the Hadleigh Neighbourhood Plan is in general conformity with the strategic policies.
- 4.2 Paragraphs 28-30 of the National Planning Policy Framework (NPPF) 2021 relate to Neighbourhood Plans:
 - "Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

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 policies¹⁸.

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."

18 Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers there

- 4.3 The Plan has been prepared with policies covering a range of local and detailed topics. The Plan focusses primarily on design principles conserving and enhancing the natural and historic environment and the provision of infrastructure and community facilities. It does not set out housing numbers or any housing allocations.
- 4.4 The Plan can only have been prepared with a view to influencing planning decisions. With that in mind, it does not suggest any less development that that which is detailed in the Joint Local Plan. A shared vision, and objectives to fulfil that vision, has been created with public consultation (see Consultation Statement supporting document) and can be viewed in the Plan. Sustainable development is a key feature throughout the policies of the Plan and in the vision and objectives.
- 4.5 The provision of paragraph 30 stating that the Neighbourhood Plan takes precedence over existing non-strategic policies in the Joint Local Plan will come into effect once the Plan is made.
- 4.6 The following tables set out responses to the Objectives of Sustainable Development, how each policy in the Hadleigh Neighbourhood Plan conforms to specific NPPF criteria and advice. Where a policy is not identified in the table, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

2021 Objectives of Sustainable Development	How the Plan Shows Regard
"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"	The Plan supports this objective with its own objectives 7. Deliver high quality, very low carbon, energy efficient and climate-resilient development, both in new build and renovation; and 8. Provide additional safe cycling and walking infrastructure to reduce car dependency. Both supporting the JLP.
Policies and commentary	High quality and low carbon development is important to the community of Hadleigh, both in terms of what development looks like and how it is laid out. Policy HAD1 identifies the character of the area and the design principles that will maintain this. Policy HAD11 establishes support for co-housing schemes which would also provide a range of shared facilities and common spaces.
	Furthermore policies HAD7 and HAD8 address the need for low carbon development and the potential for community energy which also interlinks with environmental objectives.
"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"	The Plan supports this objective through its own objectives 1. Provide a full range of community services and facilities for residents and visitors of all ages; 3. Protect, expand and enhance areas of nature and biodiversity and linkages between them, both in public and private spaces; 6. Ensure that Hadleigh's town centre continues to thrive and serves the community as its needs change; 8. Provide additional safe cycling and walking infrastructure to reduce car dependency; and 9. Ensure housing meets the range of needs of the community and is well integrated with it.
Policies and commentary	There is a recognition of the need to provide opportunities to support Hadleigh's local economy. This would protect local jobs so fewer people would have to drive out of Hadleigh to access services and facilities in other places. This will also help to sustain the vitality of Hadleigh's unique, historic High Street

	and community buildings. HAD12 seeks to provide for existing facilities to provide for the needs of residents and the visitor economy to enhance and protect its existing retail premises and market. Policy HAD13 supports sports and leisure provision which is strongly identified as
	important by the Hadleigh community.
"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"	The Plan supports this objective through its own objectives 3. Protect, expand and enhance areas of nature and biodiversity and linkages between them, both in public and private spaces; 4. Protect existing green spaces and provide usable green spaces in new development; 7. Deliver high quality, very low carbon, energy efficient and climate-resilient development, both in new build and renovation; and 8. Provide additional safe cycling and walking infrastructure to reduce car dependency.
Policies and commentary	Development must ensure that it provides a net gain in biodiversity (Policy HAD3) and be appropriately landscaped (Policy HAD4) to encourage biodiversity and nature corridors.
	HAD5 seeks to designate Local Green Spaces to ensure protection of our natural environment and minimal disruption to those that are important for views, flood defence, and social use.
	Policy HAD2 then protects specific views of value to the community. In a rural location, access to the countryside is importance for exercise and mental wellbeing. Policy HAD10 seeks to enhance access to the countryside. Within the settlement, improvements to walking and cycling will decrease car use for short journeys and policy HAD9 encourages this.

Policy Title and Reference	Relevant NPPF Paragraph references	How the Plan Shows Regard
HAD1: Design & Character	131, 132, 133, 134, 135	This policy contributes to the NPPF requirement of good design in the built environment. National policy encourages

		neighbourhood plans to develop design policies that demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the area's character.
HAD2: Landscape & Views	131, 132, 135, 180	This policy contributes to the NPPF objectives of achieving well designed places and conserving and enhancing the natural environment. It seeks to preserve the setting of Hadleigh in a rural landscape, specifically in relation to important views.
HAD3: Biodiversity- led & Wildlife- Friendly Design	124, 158, 167, 175, 180, 185, 186	This policy contributes to the NPPF objectives of meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment as it seeks to ensure that biodiversity is maximised, and that development protects trees, shrubs and hedgerows of amenity value and protect those with existing habitats.
HAD4: Green/Blue Corridors & Verges	174, 175, 179, 191	As part of the NPPF requirement to preserve and enhance the natural environment, this policy seeks to protect the biodiversity habitat created by roadside verges.
HAD5: Local Green Spaces	105, 158, 191	The NPPF seeks to retain access to a network of high quality open spaces and opportunities for physical activity to promote wellbeing. This policy identifies a number of important open spaces that help contribute to that network. This policy also aids in the mitigating measures of flood risk and biodiversity loss as well as identifying and protecting tranquil areas prized for their recreational and amenity value to the community.
HAD6: Non- Designated Heritage Assets	195, 198	A key objective of the NPPF is to conserve and enhance the historic environment and for the Local Planning Authorities to maintain or have access to a historic environment record. This policy seeks to conserve and enhance heritage assets of local importance in Hadleigh and set out a list to be used by the LPA.
HAD7: Low Carbon 160, 162, 163, Development 164, 165		The policy supports the national objective of designing development to minimise its

HAD8: Community	160, 161	negative impact on climate change and encourages exceeding expectations to mitigate flooding risk and displacement and using the optimum responses for build quality and efficiency options. This policy seeks to encourage a series
Energy	100, 101	of environmentally sustainable design features aimed at minimising energy consumption through a community-led scheme for renewable energy.
HAD9: Enhancing Walking & Cycling	108, 109, 110	This policy supports the NPPF in its objective to promote sustainable travel. The policy encourages improvement proposals to cycling and walking in Hadleigh and in particular when with regard to inclusion for all.
		Main walking and cycling routes should be linked with new developments and increased if appropriate infrastructure is provided.
		These promote healthy and safe travel options.
HAD10: Access To The Countryside	96, 108, 110	This policy seeks to protect and enhance the public rights of way network for all users and to provide safe walking and cycling connections and bridleways.
HAD11: Co- Housing Schemes	70, 82	This policy supports the NPPF objective of meeting the housing requirement and needs of a mix of sites and local needs in a rural area, and co-housing could be community-led if the opportunity is presented.
HAD12: Hadleigh Town Centre	90, 91, 92, 94	This policy contributes to the NPPF objectives of promoting healthy and safe communities and ensuring the vitality of town centres. It establishes a series of principles relating to the enhancement and accessibility of the public realm in the town centre and it encourages proposals to deliver solutions that incorporate these principles.
		It also addresses temporary uses within the town centre and expansion of the market that provides a vital service to the local community.

HAD13: Sports &	102, 103	The NPPF seeks to retain, improve, and
Leisure Provision	102, 100	enhance access to high-quality facilities for physical and wellbeing activities. This policy seeks to deliver improvement expansion and or new provision to serve the town.
		the town.

- b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest (Orders only)
- 4.7 This Basic Conditions applies only to Neighbourhood Development Orders.
- 4.8 However, it would be prudent to acknowledge here that Hadleigh has a many number of listed buildings and special architectural and historic interests. Reference to this is throughout the Plan and in particular focussed heavily upon in the Character Assessment supporting document, Housing Design Codes supporting document and Shop Front Design Codes supporting document, brought through to many policies including those around heritage and the town centre. Hadleigh Society have produced a Local List which the Neighbourhood Plan commends.
- c. Having special regard to the desirability of preserving or enhancing character or appearance of any conservation area (Orders only)
- 4.9 This Basic Condition applies only to Neighbourhood Development Orders.
- 4.10 However, it would be prudent to acknowledge here that Hadleigh Neighbourhood Plan references the protection and enhancement of it's conservation area throughout the Plan and in particular focussed heavily upon in the Character Assessment supporting document, Housing Design Codes supporting document and Shop Front Design Codes supporting document.

d. Conformity to the achievement of sustainable development

- 4.11 Under paragraph 4.5 above, the table sets out how the Plan contributes to the achievement of sustainable development against the three principal sustainability objectives in the NPPF.
- 4.12 In the NPPF there is a presumption in favour of sustainable development. Hadleigh Neighbourhood Plan provides for this favourably, promoting a sustainable pattern of development to meet the needs of the JLP and attempting to influence the alignment of infrastructure and community facilities with such growth.
- 4.13 For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that 'sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions.' Babergh District Council has screened for the need for both a Strategic Environmental Assessment and a Habitats Regulations Assessment. Both screening reports consider that the Plan guides development towards sustainable solutions and does not have any significant negative effects. The Screening Reports have been submitted at Regulation 16 stage as part of the evidence base supporting the Plan and should be read alongside this Basic Conditions Statement.

4.14 As demonstrated above, the strategic objectives of the Plan are considered to comprise a balance of social, economic, and environmental goals. The policies in the Plan demonstrably contribute to sustainable development in respect of building a strong, responsive economy, supporting a strong, vibrant, and healthy community, and protecting and enhancing the natural and historic environment.

e. General conformity with the strategic policies of the Development Plan

- 4.15 The development plan currently consists of Babergh and Mid Suffolk's Joint Local Plan Part 1, adopted in November 2023.
- 4.16 The table overleaf details the relevant Joint Local Plan Part 1 (November 2023) policies and consideration of how the Hadleigh Neighbourhood Plan are in general conformity.
- 4.17 Where a policy is not identified in the table, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

Strategic Policies of the Babergh and Mid Suffolk Joint Local Plan (JLP) Part 1 (November 2023)	General Conformity of the Neighbourhood Plan
SP01 Housing needs	The Town Council accepts and supports the role of Hadleigh as supporting the policies for housing needs within the Local Plan. Hadleigh Neighbourhood Plan is not seeking to detract or add from the allocations in the Local Plan.
SP02 Affordable Housing	Hadleigh Neighbourhood Plan does not seek to comment on this policy thereby tacitly supporting the JLP policy.
SP10 Climate Change	Policies HAD2, HAD3, HAD4, HAD5, HAD7 and HAD8 all support the JLP strategic policy which supports proactive approaches to flood risk and mitigation measures, sustainable development, tree-planting and biodiversity net gain.
L11 Retail and Town Centres	Policy HAD12 and HAD6 have regard to the strategic policy and provides specific measures for Hadleigh when having a regard for its historic and conservation history and the potential new and temporary uses that may benefit the town and wider district area including enhancements for the market.
LP15 Environmental Protection & Conservation	In policy HAD12, the supporting document for shopfront, signage and advertising point gives regard to light pollution and conserving the environment in which the heritage centre is set.

LP16 Biodiversity & Geodiversity	Policy HAD3 pertains to conserving and enhancing the natural environment as it seeks to ensure that biodiversity is maximised and encourages developers to go beyond the minimum requirement set out in the JLP. It also seeks to encourage development to protect trees, shrubs and hedgerows of amenity value and protect those with existing habitats.
LP17 Landscape	Policies HAD2, HAD4, HAD5 and HAD10 support the JLP policy for Landscape as they identify and seek protect areas of special landscape character and visual amenities within and from the view of Hadleigh.
LP19 The Historic Environment	Policy HAD6, with the inclusion of the Hadleigh Local List as prepared by Hadleigh Society supports this strategic policy.
LP23 Sustainable Construction and Design	Neighbourhood Plan policies HAD7 and HAD11 seek to address and enhance the points in the strategic policy and provide a best-case scenario to be strived for with regard to making the fullest contribution to the mitigation of climate change through design and energy uses.
LP24 Design and Residential Amenity	Policies HAD1, HAD6 and HAD11 seek to complement LP24 and have special regard to the wider townscape and safeguarding of the historic assets and natural and built features of merit.
LP28 Services and Facilities within the Community	Policies HAD12 and HAD13 pay regard to the services and facilities that are existing and require enhancing and those that may be required in the future.
LP29 Safe, Sustainable and Active Transport	Policy HAD9 supports LP29 strategic policy and seeks to encourage safe and sustainable travel routes to be built into the infrastructure plans of new developments in Hadleigh as well as using those to encourage new and existing residents to use cars less and have a positive impact on air quality in Hadleigh by using active transport modes.

f. Conformity with EU Obligations

- 4.18 The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.
- 4.19 EU obligations which have been incorporated into UK Law and which are relevant to the Plan are:
 - 4.19.1 Directive 2001/42/EC Strategic Environmental Assessment
 - 4.19.2 The Environmental Assessment of Plans and Programmes Regulations 2004
- 4.20 In January 2024, a screening report was prepared by Babergh District Council. This was consulted on with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the Hadleigh Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 4.21 The various SEA screening documents, including the responses from the statutory bodies, has been submitted at Regulation 15 stage as part of the evidence base for the Plan.
- 4.22 The SEA determination in Babergh District Council's report states that "In the light of the SEA Screening Report (Oct 2023) prepared by LUC and having carefully considered the responses to this from the three statutory consultees, it is our determination that the Hadleigh Neighbourhood Plan (September 2023) 'does not require' a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004."
- 4.23 Note also that a Landscape and Biodiversity Study was conducted by Suffolk Wildlife Trust and a Landscape Appraisal was conducted by consultant Lucy Batchelor-Wylam (both submitted with the Plan as supporting documents).

g. Conformity with the Prescribed Conditions

- 4.24 Under Directive 92/43/EEC, also known as the Habitats Directive¹, it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether it is necessary to undertake an assessment, a screening process is followed.
- 4.25 An HRA Screening was undertaken by Babergh District Council in January 2024. This was consulted on with Natural England and the Environment Agency. Babergh District Council's concluded "that The Screening Report concludes that '... no likely significant effects are predicted on European sites as a result of the Hadleigh Neighbourhood Plan, either alone or in combination with other policies and proposals..' and that: "An Appropriate Assessment is not required for the Hadleigh Neighbourhood Plan as none of the policies will result in development and likely significant effects from the plan can therefore be ruled out."

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¹ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': http://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043.

- 4.26 It can therefore be concluded that the Hadleigh Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.
- 4.27 The various HRA screening documents, including the responses from the statutory bodies, has been submitted at Regulation 15 stage as part of the evidence base for the Plan.

5. Conclusion

5.1 The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Hadleigh Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Hadleigh Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.

6. Appendix: Designation Notice from Babergh District Council

Place Directorate

Responsible for the Economy and the Environment



Town & Country Planning Act 1990 Neighbourhood Planning Regulations (General) Regulations 2012 (As amended)

On 2nd April 2015 Hadleigh Town Council applied to Babergh District Council to designate the whole of the Town boundary (north and south wards) as a Neighbourhood Area for preparing a Neighbourhood

A map identifying the designated area can be viewed at: www.babergh.gov.uk/HadleighNDP

The application was made under Regulation 5 of the above regulations. Comments were invited on the application between Monday 1st June 2015 and 4:00pm on Monday 29th June 2015. The reason for the delay between receiving the application and publication was due to the pre-election period and to enable wide circulation of the proposal within the area.

As per the regulations the consultation process was conducted in the following manner to bring the area application to the attention of people who live, work or carry out business in the area to which the area application relates: Hadleigh Community News which is distributed to the majority of households in the area (June 2015 edition distributed on 1st June 2015); Newspaper press release printed in the East Anglian Daily Times (15/06/15) and Sudbury Free Press (11/06/15); social media releases; notices on the Town noticeboards; directly notifying local businesses and landowners/planning agents (previously known to Babergh District Council). The area application and map of the area were placed online at www.babergh.gov.uk/HadleighNDP and hard copies were available for public inspection at Babergh District Council offices. Consultation bodies as per Schedule 1 of the above regulations were also consulted out of courtesy to bring the prospect to their earliest attention.

A total of five responses were received to the area consultation which included general advice and support. This level of response does not differ from the previous area designation consultations conducted by Babergh District Council. A number of different consultation techniques have previously been used to contact all households and there has been no change to the level of response. It is thought that this is because of the nature of the consultation in that there is less interest in a proposed Area that follows a pre-existing Town Boundary. Once the Town Council starts to identify issues for the Neighbourhood Plan the level of response is expected to increase.

As no material objections were received, the Head of Economy can designate the Neighbourhood Area through delegated powers awarded by Strategy Committee in July 2013. Under Regulation 7 of the above regulations (as amended) and following the statutory consultation period, the District Council has designated the application area as a Neighbourhood Area in order to facilitate the preparation of a Neighbourhood Development Plan by Hadleigh Town Council.

Peter Burrows Head of Economy

Babergh and Babergh District Council

Dunow

30 June 2015

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