

# Hitcham Neighbourhood Plan Basic Conditions Statement

To accompany Hitcham Neighbourhood Plan  
submission version, for examination

**February 2025**

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# 1. Introduction

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- 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

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**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 Hitcham Neighbourhood Development Plan being submitted by a qualifying body – Hitcham Parish Council. Hitcham Parish Council was confirmed as a qualifying body by Babergh District Council in January 2020, when the Hitcham Neighbourhood Plan Area was designated.

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

**Excluded Development:** The Hitcham Neighbourhood Development Plan policies do not relate to excluded development. The Hitcham 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 Hitcham Neighbourhood Development Plan relates to the Hitcham 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

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- 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 Hitcham 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 Hitcham 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 Hitcham Neighbourhood Development Plan and refer to 'Neighbourhood Orders' only.

## 4. Compliance with Basic Conditions a) and e)

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- 4.1 The following table provides an appraisal of the extent to which the Hitcham 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 published in December 2023 and which was revised in December 2024. The table below assesses the degree of regard that the Hitcham Neighbourhood Development Plan policies have had to NPPF 2024 (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 which replaced a number of policies from the 2006 Adopted Babergh Local Plan. The Babergh-Mid Suffolk Joint Local Plan (Part 1) (BMSJLP) 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.
- 4.4 Currently there are no proposed developments contained in the adopted development plan for Hitcham.
- 4.5 Therefore the Policies contained within the Hitcham Neighbourhood Plan have been assessed for their conformity against the existing Development Plan – Part 1 of the BMSJLP (Column D) and any relevant saved policies from previous development plan documents as identified in the Babergh Live Policies List November 2023.
- 4.6 The appraisal is shown in the table below and in summary, the appraisal demonstrates that the Hitcham 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 Hitcham Neighbourhood Plan against national and local strategic policies**

<b>Hitcham Neighbourhood Development Plan Policy (A)</b>	<b>NPPF December 2024 (B)</b>	<b>Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)</b>
<p><b>Policy HIT1: New housing development</b></p>	<p>This policy is consistent with NPPF paragraph 30 which indicates that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area.</p> <p>The indicative local housing requirement for the parish as confirmed by Babergh is 17 dwellings up to 2037. This figure is met by existing commitments in the parish.</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 boundary 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.</p> <p>The policy is also consistent with NPPF paragraph 75 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.</p> <p>The approach and criteria used in both LP03 and BAL2 are consistent.</p>

Hitcham Neighbourhood Development Plan Policy (A)	NPPF December 2024 (B)	Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)
		<p>The BMSJLP does not identify any specific proposals for housing within the parish, neither does Policy HIT2 prevent appropriate future development from coming forward.</p>
<p><b>Policy HIT2: Housing Mix</b></p>	<p>This policy reflects NPPF paragraph 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 (including social rent), families with children, looked after 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”.</p> <p>Policy HIT3 reflects the results of consultation with the local community and is based on the results of the Hitcham Housing Needs Assessment produced by AECOM.</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 HIT2 is informed by the AECOM Housing Needs Assessment for the parish.</p>
<p><b>Policy HIT3: Affordable</b></p>	<p>This policy is consistent with paragraphs 76 and 82 of the NPPF which encourage community led housing</p>	<p>This policy is consistent with BMSJLP Policy LP07 Community Led and</p>



Hitcham Neighbourhood Development Plan Policy (A)	NPPF December 2024 (B)	Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)
<p><b>housing on rural exception and community-led housing sites</b></p>	<p>developments and rural exception 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>Policy HIT3 supports the principle of rural exception sites and community led housing and sets out criteria for their identification and for governing their implementation.</p>	<p>Rural Exceptions Housing which supports rural exception sites.</p> <p>Policy HIT3 is also consistent with JLP Policy LP06 which allows for specific types of housing to accommodate specific needs.</p>
<p><b>Policy HIT4: Design</b></p>	<p>This policy reflects NPPF paragraph 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 amenity...and where crime and the fear of crime do not undermine the quality of life or community cohesion or resilience”</p> <p>Policy HIT4 draws heavily on the Hitcham Design Guidelines and Codes produced by AECOM.</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. 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>

<b>Hitcham Neighbourhood Development Plan Policy (A)</b>	<b>NPPF December 2024 (B)</b>	<b>Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)</b>
<b>Policy HIT5: Built and Historic Environment</b>	This policy reflects Section 16 of the NPPF, Conserving and enhancing the historic environment which requires new development to sustain and enhance the significance of heritage assets and the positive contribution that heritage assets can make to sustainable communities and their economic vitality.	This policy is consistent with BMSJLP Policy LP19: 'The Historic Environment' which seeks to protect heritage assets (including Non-designated Heritage Assets) from development that would affect their heritage value and significance.
<b>Policy HIT6: Non-designated heritage assets</b>	<p>This policy reflects NPPF paragraph 216 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>The policy identifies eight Non-Designated Heritage Assets in the parish which are considered to make an important contribution to the local character of the area.</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 non-designated heritage assets can make to the character of an area and provides guidance for assessing the impact of applications on non-designated heritage assets
<b>Policy HIT7: Local Green Spaces</b>	This policy reflects NPPF paragraphs 106-108 which advocate "The designation of land as Local Green Space through local and neighbourhood plans allows communities to	This policy reflects BMSJLP paragraph 16.06 which refers to the designation of Local Green Space in Neighbourhood Plans.

Hitcham Neighbourhood Development Plan Policy (A)	NPPF December 2024 (B)	Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>identify and protect green areas of particular importance to them.”</p> <p>Policy HIT7 proposes six Local Green Spaces in the parish which have been assessed against the criteria in the NPPF.</p>	
<p><b>Policy HIT8: Landscape and important views</b></p>	<p>This policy reflects NPPF paragraphs 187 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 HIT8 identifies the specific landscape characteristics in the parish together with six specific important public views which new development should take account of.</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.</p>
<p><b>Policy HIT9: Dark Skies</b></p>	<p>This policy is consistent with NPPF paragraph 198 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>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>

Hitcham Neighbourhood Development Plan Policy (A)	NPPF December 2024 (B)	Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>Policy HIT9 seeks to address issues relating to dark skies and seeks to protect the existing dark skies of the parish and provides criteria for controlling light pollution.</p>	
<p><b>Policy HIT10: Natural Assets</b></p>	<p>This policy reflects NPPF paragraphs 187 a) which requires planning policies to enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Furthermore NPPF paragraph 187 d) requires that policies minimise impacts on and provide net gains for biodiversity.</p> <p>Policy HIT10 seeks to retain existing biodiversity features, habitats and species within the parish and provides guidance on enhancement and requires proposals to provide net gain for biodiversity, targeting enhancements to specific areas within the parish.</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.</p> <p>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</p>

Hitcham Neighbourhood Development Plan Policy (A)	NPPF December 2024 (B)	Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)
		be permitted unless there is no alternative.
<b>Policy HIT11: Accessibility and connectivity</b>	<p>This policy is consistent with NPPF paragraph 116 c) which seeks to create secure and attractive places which minimise the scope for conflict between pedestrians, cyclist, and vehicles.</p> <p>Policy HIT11 aims to increase opportunities for walking and cycling, together with ensuring that new routes are safe and attractive to all users.</p>	<p>This policy is consistent with BMSJLP Policy LP29 Safe Sustainable and Active Transport which encourages walking and cycling and the creation of new and safe routes and links for pedestrians and cyclists.</p>
<b>Policy HIT12: Community facilities</b>	<p>This policy seeks to retain existing community facilities is consistent with criterion c of paragraph 98 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 HIT12 identifies the existing community facilities in the parish together with potential new and enhanced facilities which is based on community consultation.</p>	<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.</p>
<b>Policy HIT13: Business and</b>	<p>This policy reflects NPPF paragraph 85 which requires planning policies and decisions to help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need</p>	<p>This policy is consistent with BMSJLP Policy LP09 Supporting a prosperous economy which supports new employment development in</p>

<b>Hitcham Neighbourhood Development Plan Policy (A)</b>	<b>NPPF December 2024 (B)</b>	<b>Babergh-Babergh Joint Local Plan (Part 1) Adopted November 2023 (C)</b>
<p><b>rural diversification</b></p>	<p>to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. It is also consistent with paragraph 88a which allows for "the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well designed, new buildings".</p> <p>Policy HIT13 supports new small scale rural business and expresses in principle support for community energy generating proposals.</p>	<p>appropriate locations including extensions to existing enterprises and also Policy LP10 which seeks to safeguard existing sites in employment use.</p>

## 5. Compliance with Basic Condition d)

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- 5.1 The NPPF 2024 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.<sup>1</sup> The appraisal of the Hitcham 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 Hitcham 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 crossover between policies and many contribute to more than one of the sustainable development objectives e.g., **HIT4 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.

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<sup>1</sup> Resolution 42/187 of the United Nations General Assembly

<b>VISION</b>	<p><b>A vision for Hitcham</b></p> <p>The parish of Hitcham will have a range of housing types and tenures to suit all ages, including Affordable Housing, supported by good rural village amenities. Development will be well designed, environmentally sustainable and fit within the character of the parish. Green spaces, the natural environment and local heritage will be protected, including the distinctive character of the individual hamlets. Hitcham will continue to be an attractive village that meets the developing needs of a community where people choose to live, work and visit.</p>
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5.6 The plan contains a set of six objectives which are identified in order to deliver the vision. These have been refined over time through consultation. The objectives cover the following themes: **Housing, Design, Environment, Community & Services and Business & Employment**. The objectives are as follows:

#### **Housing OBJECTIVE**

**Objective 1: To ensure that new residential development meets the needs of the parish by delivering smaller, affordable, energy efficient homes suitable for all ages which enable a mixed and sustainable community.**

#### **Design OBJECTIVE**

**Objective 2: To require new development within the parish to be sensitively designed and of high quality which respects the character of its immediate surroundings and reflects the distinctive character and identity of the village and the individual hamlets.**

#### **Environment OBJECTIVES**

**Objective 3: To preserve the rural character and tranquillity of the parish by protecting and enhancing the existing green spaces, built heritage, landscape and providing a measurable net gain in biodiversity.**

**Objective 4: To improve the health and well-being of the community through promoting accessibility to and the quiet enjoyment of the countryside.**

#### **Community and services OBJECTIVE**

**Objective 5: To sustain and enhance the important existing village facilities and support the development of appropriate new facilities.**



## Business and employment OBJECTIVE

### Objective 6: To support small scale rural enterprise, agricultural diversification and opportunities for homeworking.

- 5.7 The objectives each support development whilst recognising the importance of safeguarding and enhancing the special qualities that contribute to the specific character of Hitcham. 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 Hitcham Neighbourhood Plan Policies
<p><b>NPPF 2024</b></p> <p><b>An economic objective:</b> 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><b>Objective 1:</b> To ensure that new residential development meets the needs of the parish by delivering smaller, affordable, energy efficient homes suitable for all ages which enable a mixed and sustainable community.</p> <p><b>Objective 6:</b> To support small scale rural enterprise, agricultural diversification and opportunities for homeworking.</p> <p><b>Policy HIT1: New housing development.</b> This policy sets out the criteria for new housing growth in the parish which will be at a sustainable scale.</p> <p><b>Policy HIT13 Business and rural diversification.</b> This policy provides support for new and expanded rural businesses.</p>
<p><b>NPPF 2024</b></p> <p><b>A social objective:</b> to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-</p>	<p><b>Objective 1:</b> To ensure that new residential development meets the needs of the parish by delivering smaller, affordable, energy efficient homes suitable for all ages which enable a mixed and sustainable community.</p> <p><b>Objective 2:</b> To require new development within the parish to be sensitively designed and of high quality which respects the character of its immediate surroundings and reflects the</p>

<p>designed, and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;</p>	<p>distinctive character and identity of the village and the individual hamlets</p> <p><b>Objective 5:</b> To sustain and enhance the important existing village facilities and support the development of appropriate new facilities.</p> <p><b>Policy HIT1: New housing development.</b> This policy sets out the criteria for new housing in the parish and ensures it is compatible with the rural nature of the parish and its existing infrastructure.</p> <p><b>Policy HIT2: Housing Mix.</b> The policy provides support for a mix of housing in the parish including homes for families and housing that is capable of being adapted to meet changing needs. The policy is based on the Hitcham Housing Needs Assessment.</p> <p><b>Policy HIT3: Affordable housing on rural exception and community-led housing sites.</b> This policy provides support for housing that meets the specific housing needs of the parish.</p> <p><b>Policy HIT4: Design.</b> This policy which is based on the Design Guidelines and Codes sets out the criteria for ensuring new development is well designed, safe and accessible.</p> <p><b>Policy HIT7: Local Green Spaces.</b> This policy identifies six local green spaces in the parish which are demonstrably special to the local community.</p> <p><b>Policy HIT8: Landscape character and important views.</b> The policy identifies six important public views within the parish which new development should take account of.</p> <p><b>Policy HIT11: Accessibility and Connectivity.</b> This policy seeks to make the parish safer and more accessible and to contribute to the health and wellbeing of residents by improving physical connectivity for pedestrians and cyclists and protecting existing public rights of way.</p> <p><b>Policy HI12: Community facilities.</b> This policy provides support for existing community</p>
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	<p>facilities and identifies new and enhanced facilities for the parish.</p> <p><b>Policy HIT13: Business and rural diversification.</b> This policy provides support for existing business in the parish and for expansion. In addition it provides support for community energy generating proposals.</p>
<p><b>NPPF 2024</b></p> <p><b>An environmental role:</b> 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.</p>	<p><b>Objective 2:</b> To require new development within the parish to be sensitively designed and of high quality which respects the character of its immediate surroundings and reflects the distinctive character and identity of the village and the individual hamlets.</p> <p><b>Objective 3:</b> To preserve the rural character and tranquillity of the parish by protecting and enhancing the existing green spaces, built heritage, landscape and providing a measurable net gain in biodiversity.</p> <p><b>Objective 4:</b> To improve the health and well-being of the community through promoting accessibility to and the quiet enjoyment of the countryside.</p> <p><b>Policy HIT1: New housing development.</b> This policy seeks to control the scale and pattern of new development in the parish and ensure that it reflects its rural character.</p> <p><b>Policy HIT4: Design.</b> This policy, based on the Design Guidelines and Codes, seeks to ensure that new development is well designed, and reflects the local distinctiveness and character of the parish.</p> <p><b>Policy HIT5: Built and Historic Environment.</b> This policy provides guidance on protecting the historic assets of the parish including archaeology.</p> <p><b>Policy HIT6: Non Designated Heritage Assets.</b> The policy identifies eight Non Designated Heritage Assets in the parish which contribute to its special character.</p>

	<p><b>Policy HIT7: Local Green Spaces.</b> This policy identifies six Local Green Spaces which are demonstrably special to the local community.</p> <p><b>Policy HIT8: Landscape and Important Views.</b> The policy seeks to ensure that new development takes into account the characteristics, objectives and key design principles of the landscape character areas within the parish and prevent coalescence and loss of identity between separate areas of built settlement in the parish. The policy identifies six important public views which new development should take account of.</p> <p><b>Policy HIT9: Dark Skies.</b> The policy seeks to minimise light pollution in the parish and retain the existing dark skies to benefit both human health and biodiversity.</p> <p><b>Policy HIT10: Natural Assets.</b> The policy seeks to protect the parish's existing biodiversity habitats and species and ensure that new development delivers a net gain for biodiversity.</p> <p><b>Policy HIT12: Community Facilities.</b> This policy expresses support for a number of new community facilities including a nature reserve, community woodland/orchard, allotments and green spaces.</p> <p><b>Policy HIT13: Business and rural diversification.</b> This policy contains support for community energy generating proposals including district heating projects.</p>
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## 6. Compliance with Basic Condition f)

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- 6.1 The statement below demonstrates how the Hitcham 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 Hitcham Neighbourhood Plan.
- 6.3 Babergh District Council recommends that the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening processes be undertaken at or prior to Pre-Submission stage. The SEA and HRA Screening Assessments were prepared in May 2024, by consultants LUC acting on behalf of Babergh District Council. This was carried out prior to consultation on the Pre-Submission Version of the Neighbourhood Plan which took place between July and August 2024.
- 6.4 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 Hitcham 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.
- 6.5 The SEA screening report produced by LUC concludes that the Hitcham NP *“does not directly impact on land use through the allocation of sites for housing or other forms of development”* and *“that on this basis the Plan is unlikely to have significant environmental effects and full SEA is therefore not required.”*
- 6.6 Consultation on the Screening Report was carried out with Natural England, Historic England, and the Environment Agency in June 2024. All three environmental bodies agreed with the conclusion of the Screening Report and their responses are set out in the Appendices to the Screening Determination Notice produced by Babergh District Council in July 2024.

- 6.7 Babergh’s Screening Determination dated July 2024 therefore concluded that:

*“In light of the SEA Screening Report (May 2024) prepared by LUC and having also considered the responses to this from the three statutory consultees, it is our determination that the Hitcham Neighbourhood Plan 2024 - 2036 (Sept 2024) ‘does not require’ a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.”*

### **Human Rights**

- 6.8 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. It should be noted that the community consultation undertaken by the Neighbourhood Plan Steering Group on behalf of the Parish Council as Qualifying Body far exceeds the statutory requirements as laid out in the regulations and therefore meets this Basic Condition.

## 7. Compliance with Basic Condition g)

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- 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 HRA screening report produced by LUC in May 2024, considers whether the Pre-Submission Draft Hitcham Neighbourhood Plan policies could have likely significant effects either alone or in combination. The HRA Screening Report concludes that:

*“... no likely significant effects are predicted on European sites as a result of the Hitcham Neighbourhood Plan, either alone or in combination with other policies and proposals..”*

and that:

*“An Appropriate Assessment is not required.”*

- 7.3 Consultation on the Screening Report was carried out with Natural England and their response from June 2024 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 sites], 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”.*

- 7.4 Babergh District Council issued their HRA Screening Determination in July 2024 and in it concluded that:

*“In light of the HRA Screening Report (May 2024) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Hitcham Neighbourhood Plan is ‘screened out’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.”*

- 7.5 Hitcham Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.