

Holbrook Neighbourhood Plan **Basic Conditions Statement**

To accompany the Holbrook Neighbourhood Plan
submission version, for examination

October 2022

Contents

1. Introduction	3
2. Legal requirements	3
3. Basic Conditions	3
4. Regard to National policies and advice & strategic policies In the Development Plan	4
5. Achieving Sustainable Development	20
6. Compatibility with EU Obligations	26
7. Prescribed Matters	29

1. Introduction

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

2. Legal Requirements

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

Qualifying Body: The Holbrook Neighbourhood Development Plan being submitted by a qualifying body – Holbrook Parish Council. Holbrook Parish Council was confirmed as a qualifying body by Babergh District Council on 6th April 2018 when the Holbrook Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Holbrook 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 Holbrook Neighbourhood Plan states the time-period for which it is to have effect (from 2021-2037) a period of 16 years.

Excluded Development: The Holbrook Neighbourhood Development Plan policies do not relate to excluded development. The Holbrook 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 Holbrook Neighbourhood Development Plan relates to the Holbrook Parish Council's Neighbourhood Area and to no other area. There are no other Neighbourhood Plans in place relating to that Neighbourhood Area.

3. Basic Conditions

- 3.1 Paragraph 8(2) of Schedule 4B in the Town and Country Planning Act 1990 (as amended by Schedule 10 of the Localism Act 2011) 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 Holbrook 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 Holbrook 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 below).
 - (f) The making of the Plan does not breach and is otherwise compatible with EU obligations (see below) and,
 - (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 Holbrook Neighbourhood Development Plan and refer to ‘Neighbourhood Orders’ only.

4. a) Having regard to National Policies and Advice and e) Conformity with Strategic policies in the Development Plan

- 4.1 The following table provides an appraisal of the extent to which the Holbrook Neighbourhood Plan has regard to national policy and is in general conformity with strategic local policy.
- 4.2 The Neighbourhood Plan policies were drafted to be in conformity with the National Planning Policy Framework published in February 2019 and revised in July 2021. The table below assesses the degree of regard that the Holbrook Neighbourhood Development Plan policies have had to NPPF 2021 (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. (Column C). The Core Strategy replaced a number of policies from the Babergh Local Plan (2006) but not all and therefore the Holbrook Neighbourhood Plan has been assessed against the remaining Saved Policies from the previous Local Plan (Column D). The replacement of the Core Strategy is the Babergh and Mid Suffolk Joint Local Plan (BMSJLP) and the assessment against the emerging policies is in (Column E).
- 4.4 The Pre-Submission Version of the BMSJLP was published for public consultation on 12th November 2020 and submitted for Examination on the 31st March 2021. Examination hearings took place in July, September, November, and December 2021. On 16th December 2021, an Exploratory Meeting was held with the Planning Inspectors at which the District Councils agreed that it is necessary to split the Joint Local Plan into two parts. The Part 1 document will contain all strategic policies (less Policy SP04 – Housing Spatial Distribution) and all development management policies (less Policy LP30 – Designated Open Spaces). Current settlement boundaries and open space designations would be saved from existing adopted policy and carried forward into the Part 1 document. The Part 2 document would contain Policy SP04 – Housing Spatial Distribution and Policy LP30 – Designated Open Spaces and would include identifying residential site allocations; updated settlement boundaries; updated Gypsy and Traveller and Travelling Show people policy and any necessary allocations; and open space designations. The timetable for the Part 2 Joint Local Plan will be set out in an updated Local Development Scheme to be adopted by the Councils in the first part of 2022.
- 4.5 In summary, the appraisal demonstrates that the Holbrook Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy.

Assessment of policies in the Holbrook Neighbourhood Plan against National and Local strategic policies

Column A Holbrook Neighbourhood Development Plan Policy	Column B NPPF 2021	Column C Babergh Core Strategy 2014 (BCS)	Column D Babergh Local Plan Alteration No.2 (2006) Saved Policies	Column E Babergh Mid Suffolk Joint Local Plan Pre- Submission Version (November 2020)
HNP01: Housing Development	<p>This policy is consistent with NPPF paragraph 29 which indicates that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area.</p> <p>The Neighbourhood Plan does not make any specific allocations for new housing. The Housing requirement for the parish has been met through existing commitments. This policy indicates that the settlement boundaries will be the focus for new development within the Neighbourhood Area. The policy allows for windfall development within the settlement boundary and for conversions. The plan achieves the local housing requirement for Holbrook as set out in the emerging BMSJLP of 65</p>	<p>This policy is consistent with Core Strategy Policy CS2 Settlement Pattern and policy which identifies the main part of Holbrook as a Core Village in the settlement hierarchy and Lower Holbrook as a hamlet. . Core Villages were identified to act as a focus for development within their functional cluster and, where appropriate, site allocations to meet housing and employment needs were to be made in the Site Allocations document.</p> <p>Policy CS11 Strategy for Development of Core and Hinterland Villages sets out specific criteria against which proposals for new housing development would need to score positively to be permitted. These include landscape and heritage impacts, need, physical relationship with the built-up area of the village.</p>	<p>There is no directly comparable policy from the BLP 2006.</p>	<p>This policy is consistent with Joint Local Plan Policy SP03 Settlement Hierarchy which identifies Holbrook as a Core Village where development will come forward as a result of allocations in the Local Plan or the Neighbourhood Plan or as suitable windfall development.</p> <p>This policy is also consistent with the housing allocation shown in the table on page 43 of the Joint Local Plan which indicates a figure of 65 dwellings for Holbrook. The NDP allows for additional dwellings above this requirement in the form of infill and windfall sites within the settlement.</p>

<p>HNP02: Housing Mix</p>	<p>This policy reflects NPPF para 62 which advises that planning policies should reflect the needs of 'those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes'. The policy makes provision for families and for older people.</p> <p>The policy is based on the findings of the Housing Needs Assessment and from consultation carried out with local residents.</p>	<p>The policy is consistent with Core Strategy Policy CS18 which indicates that the mix and size of housing types to be provided should reflect identified local needs.</p> <p>Policy HNP02 is based on consultation carried out with local residents and on the results of the Housing Needs Assessment and specifically refers to homes at the smaller end of family housing, and affordable housing.</p>	<p>There is no directly comparable policy from the BLP 2006.</p>	<p>This policy is consistent with paragraph 06.08 of the emerging Joint Local Plan which indicates that the greatest need for housing is for 2, and 3 bedroomed accommodation. Policy HNP02 specifically refers to smaller affordable homes. The policy is also consistent with JLP Policy SP02 Affordable Housing which seeks to maximise affordable housing provision on qualifying sites.</p> <p>Policy HNP02 is based on consultation carried out with local residents and the results of the Housing Needs Assessment.</p>
<p>HNP03: Infill Development</p>	<p>This policy is consistent with NPPF paragraph 29 which indicates that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area.</p> <p>The Neighbourhood Plan does not make any specific allocations for new housing but does allow for new infill development subject to the criteria set out in the policy.</p>	<p>This policy is consistent with Policy CS11 Strategy for Development of Core and Hinterland Villages sets out specific criteria against which proposals for new housing development would need to score positively to be permitted. These include landscape and heritage impacts, need, physical relationship with the built-up area of the village. Policy HNP04 allows for new infill development subject to the criteria set out in the policy.</p>	<p>This policy is consistent with Policy HS02 which allows for new housing in certain villages in the form of infill development providing that there is no adverse impact on, the scale and character of the village; residential amenity; landscape characteristics, particularly in Areas of Outstanding Natural Beauty and Special Landscape Areas; the availability of services and facilities; highway safety; the natural and built</p>	<p>This policy is consistent with Joint Local Plan Policy SP03 Settlement Hierarchy which identifies Holbrook as a Core Village where development will come forward as a result of allocations in the Local Plan or the Neighbourhood Plan or as suitable windfall development</p>

			<p>environment, particularly conservation areas, listed buildings, biodiversity and archaeological remains.</p> <p>Policy HNP03 allow infill development subject to similar criteria.</p>	
<p>HNP04: Royal Hospital School</p>	<p>This policy is consistent with NPPF paragraph 81 which indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt.</p> <p>In addition, this policy is consistent with NPPF para 93 which states ‘To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;’</p>	<p>There is no specifically comparable policy contained in the Core Strategy.</p>	<p>There is no specific comparable policy in the BLP 2006</p>	<p>There is no specific comparable policy in the emerging JLP 2020.</p>

	<p>This policy is consistent with paragraph 8b of the NPPF which outlines the social objective of the NPPF and specifically highlights the need for 'accessible services and open spaces that reflect current and future needs and supports communities' health, social and cultural well-being'</p> <p>The policy is supportive of acceptable proposals for expansion of the School.</p>			
HNP05: Design	<p>This policy reflects NPPF paragraphs 126- 130 which set 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</p>	<p>There is no specifically comparable policy in the Core Strategy (this was to be saved for the Development Management DPD which is now superseded by the emerging JLP).</p>	<p>This policy is consistent with Saved Policy HS28 of the BLP 2006 which requires that the Planning applications for infilling or groups of dwellings will be refused where the layout provides an unreasonable standard of privacy, garden size or public open space; and the proposal is of a scale, density or form which would be out of keeping with adjacent and nearby dwellings or other buildings.</p>	<p>This policy is consistent with JLP Policy LP26 in that both seek high quality design, which is appropriate to the area.</p>

	<p>quality of life or community cohesion or resilience.’</p> <p>The policy sets out the design criteria that proposal should be seeking to meet and encourages design that reflects local distinctiveness.</p>			
<p>HNP06: Protection of Important Views</p>	<p>This policy reflects NPPF para 130 b) and c) which require planning policies to ensure that developments are ‘visually attractive as a result of ‘appropriate and effective landscaping’...and are sympathetic to ...the surrounding built environment and landscape setting’. In addition paragraph 174 a) of the framework which advocates ‘protecting and enhancing valued landscapes’ and NPPF paragraph 174 b) which recognises the need to contribute to and enhance the intrinsic character and beauty of the countryside’.</p>	<p>This policy is consistent with Core Strategy Objective 6 which seeks to protect/conservate and enhance: local character, built, natural and historic environment including archaeology, biodiversity, landscape, townscape, shape, and scale of communities; the quality and character of the countryside.</p> <p>Policy HNP06 seeks to protect the individual character and landscape setting of Holbrook through the identification of important public views and is consistent with this objective.</p>	<p>This policy is consistent with the saved Policy CR02 of the BLP 2006, which seeks to safeguard the landscape of the Areas of Outstanding Natural Beauty through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies.</p> <p>Policy HNP06 seeks to protect the individual character and landscape setting of Holbrook through the identification of important public views.</p>	<p>This policy reflects JLP Policy LP19 which refers to the need for new development to integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas), subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures. Proposals should also enhance and protect landscape character and values and heritage assets such as locally characteristic landscape features, for example, by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement, and land use and designations.</p>

<p>HNP07: Preservation of Dark Skies</p>	<p>This policy is consistent with NPPF paragraph 185 c) which indicates that planning policies and decision should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.</p>	<p>There is no specifically comparable policy in the Core Strategy</p>	<p>This policy is consistent with Saved Policy EN22 of the BLP 2006, which seeks to control outdoor lighting subject to criteria covering the need for the lighting for security and safety purposes, and minimising glare and light spillage.</p> <p>Policy HNP07 seeks to cover similar issues with specific criteria</p>	<p>This policy reflects JLP Policy LP19 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, use of materials and colour, along with the associated mitigation measures';</p>
<p>HNP08: Landscape Protection</p>	<p>This policy is consistent with paragraph 174 a) of the framework which advocates 'protecting and enhancing valued landscapes' and NPPF paragraph 174 b) which recognises the need to contribute to and enhance the intrinsic character and beauty of the countryside'.</p> <p>Policy HNP08 recognises the importance and value of the landscape of the parish and its location within the AONB.</p>	<p>This policy is consistent with Core Strategy Policy CS15: Sustainable development which requires development proposals to respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces, and historic views.</p>	<p>This policy is consistent with the saved Policy CR02 of the BLP 2006, which seeks to safeguard the landscape of the Areas of Outstanding Natural Beauty through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies.</p> <p>Policy HNP08 recognises the importance and value of the areas of the parish and its location within the AONB</p>	<p>This policy reflects JLP Policy LP19 which refers to the need for new development to integrate positively with the existing landscape character of the area and reinforce the local distinctiveness and identity of individual settlements. Proposals must be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas), subject to siting, design, lighting, use of materials and colour, along with the associated mitigation measures. Proposals should also enhance and protect landscape character and values and heritage assets such as locally characteristic landscape features, for example, by use of materials which complement the local individual landscape</p>

				character, archaeological and historic patterns of settlement, and land use and designations.
HNP09: Protection of Woodlands	This policy is consistent with NPPF paragraph 174 b) which refers to the importance of protecting trees and woodland.	This policy is consistent with Policy CS15: Sustainable Development which requires development proposals to respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces, and historic views. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological, and geological interest.	There is no directly comparable policy in the BLP 2006.	This policy reflects JLP paragraph 15.23 which refers to 'landmarks and distinctive field patterns with associated hedges, woodlands, and copses of trees, as well as areas of tranquillity, dark skies and strong rural character.'
HNP10: Protection of Heritage Assets	This policy reflects paragraphs 194-197 and 202 and 203 of the NPPF which requires applicants to describe and understand the significance of any heritage assets that are likely to be affected by development proposals. The special character of designated heritage assets such as Conservation Areas and non-designated heritage assets, should be preserved and enhanced by development proposals	This policy is consistent with Policy CS15: Sustainable Development which requires development proposals to respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces, and historic views.	This Policy is consistent with BLP 2006, Saved Policy CN06 Listed Buildings which seeks to ensure that Proposals for the alteration (extension or change of use of buildings of Special Architectural or Historic Interest (including curtilage structures), should preserve the historic fabric and special character of the building and will cause the minimum possible impact. Policy HNP10 only supports proposals that may affect the	This policy is consistent with JLP Policy LP21: The Historic Environment which seeks to protect heritage assets (including Non-designated Heritage Assets) from development that would affect their heritage value and significance.

	<p>Policy HNP10 sets out criteria for how the significance of heritage assets including the non- designated heritage assets can be protected and reinforced.</p>		<p>character, significance and setting of the parish's designated and non- designated heritage assets subject to certain criteria.</p>	
<p>HNP11: Gardens and amenity</p>	<p>This policy is consistent with NPPF paragraph 124 d) which refers to the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.</p> <p>The policy seeks to ensure that new dwellings have access to areas of private amenity space including gardens.</p>	<p>There is no specifically comparable policy in the Core Strategy</p>	<p>This policy is consistent with Saved Policy HS28 of the BLP 2006 which requires that the Planning applications for infilling or groups of dwellings will be refused where the layout provides an unreasonable standard of privacy, garden size or public open space; and the proposal is of a scale, density or form which would be out of keeping with adjacent and nearby dwellings or other buildings.</p>	<p>This policy is consistent with JLP Policy LP26 Design and Residential Amenity which seeks to provide a reasonable standard of accommodation for future occupants in terms of privacy and adequate facilities such as bin storage (including recycling and re-use bins), secure cycle storage and garden space.</p> <p>Policy HNP11 seeks to maximise the benefits to health and wellbeing derived from private amenity space and gardens.</p>
<p>HNP12: Sustainable drainage and Floodrisk</p>	<p>This policy is consistent with paragraph 153 of the NPPF which requires plans to take a proactive approach to mitigating and adapting to climate change.</p> <p>This policy also reflects NPPF para 159 which encourages development to be directed</p>	<p>This policy is consistent with Core Strategy Policy CS15: Sustainable Development which seeks the incorporation of Sustainable Drainage Systems within new developments, requires new developments to mitigate their own flood risks and minimise surface water run-off.</p>	<p>There is no directly comparable policy from the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP29: Flood risk and vulnerability which seeks to divert development away from areas at risk of flooding and encourages development proposals to mitigate their flood risk and surface water impacts.</p>

	<p>away from areas of flood risk and should not increase flood risk elsewhere.</p> <p>Policy HNP12 encourages development to use Sustainable Drainage Systems and requires development to mitigate its own flooding and drainage impacts.</p>			
HNP13: Biodiversity	<p>This policy is consistent with paragraph 179 which seeks to safeguard local wildlife rich habitats and wider ecological networks and promotes the conservation, restoration and enhancement of priority habitats, ecological networks, and the pursuit of measurable net gains for biodiversity.</p> <p>Policy HNP13 requires development proposals to protect and enhance existing ecological networks and wildlife corridors, retain existing features of biodiversity value, and provide a net gain in biodiversity through the creation of new habitats, the restoration of existing networks and their connectivity.</p>	<p>This policy is consistent with Core Strategy Policy CS15: Sustainable development, which requires development proposals to respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces, and historic views.</p> <p>In addition Policy CS15 supports proposals that would increase the connectivity of habitats and the enhancement of biodiversity.</p>	<p>This policy is also consistent with Saved Policy CR07 which requires that new planting must link with existing features to provide wildlife 'corridors' and may also involve creating woodland in appropriate circumstances and saved Policy CRO8 which requires that development ensures that hedgerows are retained in full, or suitable mitigation such as replacement planting and management programmes are proposed.</p>	<p>This policy is consistent with Emerging JLP Policy SP09 Enhancement and Management of the Environment which requires development to support the enhancement and management of the environment including environmental protection measures, such as biodiversity net gain...</p> <p>In addition, Emerging JLP Policy LP18: Biodiversity and Geodiversity which seeks to protect irreplaceable features, encourage the enhancement of ecological features and networks, and secure a net gain for biodiversity.</p>
HNP14: Local Green Spaces	<p>This policy reflects NPPF paras 101-103 which advocates 'The designation of land as Local</p>	<p>Policy HNP14 identifies and protects 14 Local Green Spaces. There is no specific reference to</p>	<p>This policy is consistent with Saved Policy CN03 of the BLP 2006, which seeks to resist</p>	<p>This policy reflects JLP paragraph 16.04 which refers to the designation of Local</p>

	<p>Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them'.</p> <p>The 14 spaces proposed for protection have been assessed against the criteria in the NPPF and the assessments are in the Appendices.</p>	<p>Local Green Spaces within the adopted Core Strategy. Paragraph 3.3.4.1. of the Core Strategy which falls under the section relating to Environmental Enhancement indicates that open space/landscape schemes will be encouraged to reflect locally distinctive landscape character and opportunities to enhance these features will be promoted.</p>	<p>development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages.</p>	<p>Green Space in neighbourhood Plans.</p>
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5. d) Achieving Sustainable Development

- 5.1 The NPPF 2021 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.¹ The appraisal of the Holbrook 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 Holbrook Neighbourhood Plan contribute towards each of these three objectives and cumulatively contribute to the achievement of sustainable development. How they achieve this is summarised below, Unsurprisingly, there is a degree of cross-over between policies and many contribute to more than one of the sustainable development objectives e.g. HNP5: Design which contributes to both social and environmental objectives.
- 5.5 The plan has been formulated with Sustainable Development at its heart and looks forward with an eye on the legacy created for future generations. The vision itself refers to the need for the parish to grow sustainably in the future whilst maintaining the community and protecting the important environmental assets of landscape and wildlife for future generations.

VISION 2037	<i>Through fact-based investigations, public consultations, and housing needs assessment, we seek to ensure that the Parish of Holbrook grows sustainably in the future, maintaining its vibrant community, protecting the AONB, wildlife, biodiversity an , improving the infrastructure, while retaining its rural characteristics for generations to come.</i>
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- 5.6 The plan contains a set of five cross cutting objectives which are identified in order to deliver the vision. These are:

Objective 1: To seek to establish and maintain for a sustainable future, a balance between housing, recreational growth, and the environment

Objective 2: To conserve and enhance the unique special character and landscape of the Parish and ensure that it does not coalesce with neighbouring villages / Parishes

¹ Resolution 42/187 of the United Nations General Assembly.

Objective 3: To respect the existing Areas of Outstanding Natural Beauty, heritage and nature conservation assets that typify the character of the Parish

Objective 4: To determine the requirement of the right type of homes, of the right tenure, in the right place that meets the needs of our community, in areas that are the most appropriate in terms of their impact on the village, and that provide for the potential number of homes that would satisfy the requirements in the emerging Babergh / Mid-Suffolk Joint Local Plan.

Objective 5: To ensure that the rural employment base is, where possible, retained and the supporting infrastructure for rural working is considered

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 Holbrook.

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

NPPF Sustainable Development	Contribution through Holbrook Neighbourhood Plan Policies
<p>NPPF 2021 An economic objective: to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places, and at the right time to support growth, innovation, and improved productivity; and by identifying and co-ordinating the provision of infrastructure.</p>	<p>Objective 5: To ensure that the rural employment base is, where possible, retained and the supporting infrastructure for rural working is considered</p> <p>Policy HNP04 Royal Hospital School allows for the future expansion of the school for educational purposes to secure its long-term future as an asset to the area.</p>
<p>NPPF 2021 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.</p>	<p>Objective 1: To seek to establish and maintain for a sustainable future, a balance between housing, recreational growth, and the environment</p> <p>Objective 4: To determine the requirement of the right type of homes, of the right tenure, in the right place that meets the needs of our community, in areas that are the most appropriate in terms of their impact on the village, and that provide for the potential number of homes that would satisfy the requirements in the emerging Babergh / Mid-Suffolk Joint Local Plan</p> <p>Policy HNP01 Housing Development sets out the strategy for future housing in the parish commensurate with its position in the settlement hierarchy.</p>

	<p>Policy HNP02 Housing Mix seeks to create a balanced community with support for affordable housing and smaller housing suitable for young families and dwellings suitable for older people.</p> <p>Policy HNP03 Infill Development allows for small new scale infill development inside the settlement boundary</p> <p>HNP04 Royal Hospital School allows for the expansion of the school for educational purposes and encourages community use.</p> <p>HNP05 Design sets out the criteria for creating high quality design in the parish that reflects its local distinctiveness</p> <p>HNP11 Gardens and Amenity encourages the provision of outdoor amenity areas and gardens that help to improve health and wellbeing.</p> <p>HNP12 Sustainable drainage and flood risk encourages the use of sustainable drainage schemes to prevent flooding but also for biodiversity benefits and seeks to direct development away from areas known to flood.</p>
<p>NPPF 2021 An environmental role: to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>Objective 1: To seek to establish and maintain for a sustainable future, a balance between housing, recreational growth, and the environment</p> <p>Objective 2: To conserve and enhance the unique special character and landscape of the Parish and ensure that it does not coalesce with neighbouring villages / Parishes</p> <p>Objective 3: To respect the existing Areas of Outstanding Natural Beauty, heritage and nature conservation assets that typify the character of the Parish</p> <p>Policy HNP05 Design supports proposals for good design that reflects the parish's local distinctiveness. The policy sets out the criteria to be met to achieve good design.</p> <p>Policy HNP06 Protection of Important Views seeks to protect important views within the parish. 13 views are identified. The policy also sets out criteria for the conversion of existing buildings within the landscape.</p> <p>Policy HNP07 Preservation of Dark Skies seeks to control light pollution, spillage and glare and provides guidance for new outdoor lighting required for safety or security purposes.</p>

	<p>Policy HNP08 Landscape Preservation seeks to protect the landscape of the parish within the AONB and the Additional project area. It also provides guidance on communication masts.</p> <p>Policy HNP09 Protection of Woodlands seeks to protect the woodlands within the parish which are distinctive characteristic of the landscape and an important habitat.</p> <p>Policy HNP10 Protection of Heritage Assets seeks to protect the designated and non-designated heritage assets in the parish.</p> <p>Policy HNP11 Gardens and Amenity seeks to ensure that new developments include access to outdoor amenity and garden space for the well-being of residents.</p> <p>Policy HNP12 Sustainable Drainage and Floodrisk encourages the use of sustainable drainage schemes to prevent flooding but also for biodiversity benefits and seeks to direct development away from areas known to flood.</p> <p>Policy HNP13 Biodiversity supports new development where it will provide a net gain in biodiversity. It also seeks to ensure that the recreation and disturbance impacts of new developments on protected nature conservation sites are controlled.</p> <p>Policy HNP14 Local Green Spaces identifies 14 spaces for protection as Local Green Spaces. Each space has been assessed against the NPPF criteria.</p>
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6. f) Compatibility with EU Obligations

- 6.1 The statement below demonstrates how the Holbrook Neighbourhood Development Plan does not breach and is compatible with EU obligations. The United Kingdom formally left the European Union on the 31st of January 2020, which was followed by an 11-month transition period that expired on 31st December 2020. Basic Condition (f) of the Neighbourhood Plan Regulations 2012 requires that the making of a Neighbourhood Plan should not breach nor be incompatible with European Obligations. These include those relating to environmental matters such as Habitats and Species.
- 6.2 Babergh District Council recommends that the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening processes be undertaken at Pre-Submission stage. The HRA Screening Assessment was carried out by Place Services and the SEA Screening Assessment was undertaken by Land Use Consultants (LUC).
- 6.3 The SEA Screening Report takes into account the latest regulations, guidance and court judgements relating to this area including CJEU People Over Wind v Coillte Teoranta C-323/17 which rules that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a plan or project is likely to result in significant effects on a Habitats site. The HRA Screening Report therefore does not consider mitigation measures within the assessment of Likely Significant Effects resulting from the Holbrook Neighbourhood Development Plan. The Screening report also considers the impact of the judgement CJEU Holohan C- 461/17, which imposes more detailed requirements in the competent authority at Appropriate Assessment Stage.
- 6.4 Babergh District Council undertook the SEA Screening Process in Autumn 2021 into early 2022, and the SEA screening report was produced by LUC in November 2021. It notes that:
- “The Holbrook Neighbourhood Plan does not allocate sites for housing or other forms of development. The Holbrook Neighbourhood Plan covers the period up to 2037. Effects of the Holbrook Neighbourhood Plan are expected to be indirect (due to not allocating sites) but long-term and permanent. Cumulative effects could result from the Holbrook Neighbourhood Plan in combination with development that takes place in the surrounding towns and villages, although the Holbrook Neighbourhood Plan does not allocate sites for housing or other forms of development.”*
- 6.5 The Screening report concludes at paragraph 2.26 and 2.27 :
- “The Holbrook Neighbourhood Plan sets out a vision and detailed planning policies to shape development in the parish up to 2037 and decision makers will need to consider the criteria of these policies when determining future applications in the parish. It does not directly impact on land use through the allocation of sites for housing or other forms of development.*
- On this basis, it is considered that the Holbrook Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.”***
- 6.6 Consultation on the Screening Report was carried out with the Environment Agency (EA), Historic England (HE), and Natural England (NE) in November and December 2021. Natural England (25th November 2021) and Historic England (6th December

2021) both responded and confirmed that they agreed with the scoping conclusion of the Screening Report that Strategic Environmental Assessment was not required.

- 6.7 However in April 2022, Babergh District Council advised the Neighbourhood Plan Working Group that due to the Habitats Regulation Assessment Process triggering the need for an Appropriate Assessment, that they had been advised by their consultants that full Strategic Assessment was required. (See Section 7 for further detail). The outcome was a delay to the Neighbourhood Plan which also affected other Neighbourhood Plans in the same position. Babergh sought further advice and agreed that all such Neighbourhood Plans should be re-screened for both SEA and HRA.
- 6.8 In June and July the results of the re-screening were received. The conclusion of both being that full SEA of the Holbrook Neighbourhood Plan was not required. The SEA Screening opinion concluded at paragraph 2.27 that:
'it is considered that the Holbrook Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.'
- 6.9 Babergh consulted the three environmental bodies on the reports in July-August 2022. Natural England and Historic England responded to the consultation and indicated that they were content with the conclusion that SEA was not required and this was confirmed by Babergh when they issued their revised Screening Direction in September 2022.

Human Rights

- 6.10 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.

7. g) Prescribed matters

- 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 Screening for Habitats Regulation Assessment was carried out at the same time as the SEA Screening. The HRA Screening Report produced on behalf of Babergh District Council by Place Services in December 2021 stated that:
*"HRA / AA work undertaken at the Local Plan level indicates that recreational and other forms of disturbance is a predicted pathway for development in the Plan area to impact on the SPA & Ramsar sites within the scope of the HRA as the Parish lies within the Zones of Influence.
The Holbrook Neighbourhood Plan also does not allocate land for residential development within ZOIs of Suffolk Coast RAMS. However, future large residential*

development could result in a Likely Significant Effects alone from predicted recreational disturbance.

*The Neighbourhood Plan needs additional policy text to comply with Natural England's advice to avoid predicted recreational impacts from large scale residential development when considered alone and secure mitigation before considering predicted recreational pressure in combination with other plans and projects. It is therefore considered that this impact pathway should be screened in for further assessment as Likely Significant Effects from the Neighbourhood Plan resulting from recreational and other disturbance impacts on Habitats sites needs to be **screened in** for further assessment when considered either alone or in combination".*

- 7.3 The need for an Appropriate Assessment was therefore triggered. Place Services also undertook the Appropriate Assessment.
- 7.4 At Screening stage, the following Habitats Sites were listed as having the potential for Likely Significant Effects as a result of recreational disturbance from residential development in combination with other plans and projects:
- Stour and Orwell Estuaries SPA and Ramsar

In addition, the following Policies were listed as having the potential for Likely Significant Effects as a result of recreational disturbance:

- HNP03 – Infill Development
- HNP13 – Biodiversity

- 7.5 The HRA Screening stage identified that, without mitigation, further consideration was required at the Appropriate Assessment stage to determine whether the Holbrook Neighbourhood Plan Regulation 14 Pre-Submission Consultation Draft, either alone or in-combination with other plans and projects, would adversely affect the integrity of Habitats sites as a result of the recreational disturbance potential impact pathway, i.e. this HRA recommended that HNP 13 should be assessed further as it was assigned to Category C due to predicted recreational impacts from the Plan alone.
- 7.6 In applying the HRA Test 2 –the integrity test at AA stage -, based on the proximity to Habitats (European) sites, and in order to be in accordance with the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), the report stated that mitigation needs to be embedded in the Plan in relation to residential developments of more than 50 dwellings to avoid impacts from recreational disturbance from the development alone. Therefore, the HRA recommended that the policy text is altered for Policy HNP 13.
- 7.7 In addition, the HRA recommended that the policy text in bullet point (a) of HNP 03: Infill Development is amended to include the following words (underlined): They must be sensitive to the proximity to the AONB, AONB Additional Project Area, heritage assets, heritage coast, SPA, Ramsar site and SSSI.
- 7.8 Embedded mitigation measures for projects (planning applications) will need to be considered in project level HRA/AA reports assessed by Babergh Council and secured by way of a legal agreement attached to any planning consent. Therefore, there will be no need for further assessment for this Neighbourhood Plan.

- 7.9 Although the Plan does not allocate land, the HRA considered it necessary, given that the Parish includes the Stour & Orwell Estuaries SPA and Ramsar site, that the policy text should include reference to Natural England's advice. It should also specify the need for a project level Habitats Regulations Assessment for any new development to first assess the adverse effects from the development alone and consider whether mitigation measures can avoid adverse effects on integrity.
- 7.10 The competent authority, in this case Babergh DC, therefore needs to apply the Integrity test to the Plan alone and it can now consider mitigation measures to assess if the Holbrook Neighbourhood Plan Regulation 14 Pre-submission Consultation Draft can avoid AEOI on the Habitats sites screened in at Stage 1 HRA. These are Stour and Orwell Estuaries SPA and Ramsar site.
- 7.11 Wetland birds are vulnerable to disturbance, albeit some birds can become habituated to some kinds of disturbance, usually where the source of disturbance occurs in a predictable way. However, it will vary according to the species concerned.
- 7.12 At Screening stage the following Habitats Sites were listed as having the potential for Likely Significant Effects as a result of recreational disturbance from residential development, when the Plan is considered alone. At Screening stage, the following Policy was screened in as having the potential for creating Likely Significant Effects as a result of recreational disturbance:
- Stour and Orwell Estuaries SPA and Ramsar site
 - HNP 13: Biodiversity – Recreational disturbance Avoidance and Mitigation
- 7.13 It was therefore considered that relevant residential development of more than 50 dwellings in Holbrook requires mitigation to avoid adverse impacts on the integrity of the Habitats sites within scope through increased recreational pressure, when considered alone. It should be noted that the Neighbourhood Plan does not propose this level of development and indeed its policies do not allow for this scale of development, in Holbrook. Holbrook's position in the settlement hierarchy would make this level of development unusual.
- 7.14 The AA therefore recommended that HNP 13: Biodiversity is amended to refer to the Natural England advice on natural greenspace requirements for residential development of more than 50 units to avoid adverse effect on integrity on the Stour & Orwell Estuaries SPA and Ramsar site from the Plan alone
- 7.15 The AA has recommended amendments to the Holbrook Neighbourhood Plan Regulation 14 Pre-submission Draft. These include the following changes:

Policy HNP 13

It is therefore recommended that HNP 13: Biodiversity is amended to refer to Natural England's advice on natural greenspace requirements for residential development of more than 50 units to avoid adverse effects on integrity on the Stour & Orwell Estuaries SPA and Ramsar site from the Plan alone. This can be amended as follows: ***“Recreational disturbance Avoidance and Mitigation Strategy” (RAMS) and “the integrity of the Habitats (European) sites”.***

“On-site natural greenspace must be provided for any residential development of more than 50 units in order to avoid adverse effects on integrity on the Stour & Orwell Estuaries SPA and Ramsar site, in accordance with the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)”.

7.16 Policy HNP 03:

The recommendations from the Appropriate Assessment are precautionary, to ensure that the Holbrook Neighbourhood Plan Regulation 14 Pre-submission Consultation Draft identifies clear mitigation needs and protects the Habitats sites from any project level impacts.

In addition, at Screening Stage it was recommended that the policy text in bullet point (a) of HNP 03: Infill Development is amended to include the following words (underlined):

“They must be sensitive to the proximity to the AONB, AONB Additional Project Area, heritage assets, heritage coast, SPA, Ramsar site and SSSI”.

7.17 The AA concluded that :

“Subject to the above recommendations being incorporated, and Natural England’s review, this HRA Screening Report including Appropriate Assessment concludes that the Holbrook Neighbourhood Plan Regulation 14 Pre-Submission Consultation Draft is not predicted, with the mitigation secured, to result in any Adverse Effect on the Integrity of the Habitats sites in scope, either alone or in combination with other plans and projects. “

Re-screening

- 7.18 As referred to in paragraph 6.7 above, Babergh District Council wrote to a number of Neighbourhood Plan Groups in April 2022, (including Holbrook) advising that full SEA was in fact required due to the fact that the HRA Screening had triggered the need for Appropriate Assessment. Babergh agreed to re-screen all plans and the revised HRA Screening Report undertaken by LUC was received in July 2022. The report recommended that Policy HNP13 Biodiversity and its supporting text be amended to refer to the Deben Estuary SPA and Ramsar Site. This amendment has been made to the submission version of the Holbrook Neighbourhood Plan as shown below:

Recreational disturbance Avoidance and Mitigation Strategy” (RAMS) and “the integrity of the Habitats (European) sites.

On-site natural greenspace must be provided for any residential development of more than 50 units in order to avoid adverse effects on integrity on the Stour & Orwell Estuaries SPA and Ramsar site, and the Deben Estuary SPA and Ramsar Site in accordance with the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

- 7.19 Consultation with Natural England on the outcome of the revised HRA Screening Report took place during August 2022 and in their response dated 19th August 2022, Natural England confirmed that Policy HNP13 Biodiversity, should include reference to the Deben Estuary SPA and Ramsar site, as it is also within the 13 zone of influence for the Suffolk Coast RAMS.
- 7.20 Furthermore, Natural England advised that for larger scale residential developments within the 13 km Suffolk Coast RAMS zone of influence (50 units +, or equivalent, as a guide), the policy text could align with Natural England’s minimum open space/green infrastructure recommendations for developments of this size.

- 7.21 The HRA Screening Determination Notice issue by Babergh District Council in September 2022, concluded at Section 5: “ In light of the HRA Screening Report (July 2022) prepared by LUC, and the response to this from the statutory consultee, it is determined that the submission draft Holbrook Neighbourhood Plan is ‘screened-out’ for further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required. Furthermore, the District Council will work with Holbrook Parish Council to implement the recommendation regarding appropriate additional wording for policy HNP13: Biodiversity”.
- 7.22 Discussions have taken place between the Neighbourhood Plan Working Group and Babergh District Council and an appropriate form of wording for Policy HNP13 has been agreed and the policy has been amended accordingly.