

# Lavenham NP2 2023 - 2037

## Post Examination Decision Statement

Dated: 20 May 2024



**Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

### Decision:

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant local planning authority to decide what action to take in response each recommendations made by the Independent Examiner and to publish its decision on that matter. This statement fulfills that purpose.

The Lavenham Neighbourhood Plan 2016 - 2031 (LNP1) was adopted by Babergh District Council in September 2016. It was one of the first such plans to be adopted. In mid-2020, Lavenham Parish Council initiated a review of their adopted plan, placing action on climate change as one of its key themes. Their review plan, known colloquially as LNP2, covers the period 2023 - 2037.

The submission draft LNP2 has been independently examined by Janet L Cheesley BA (Hons) DipTP MRTPI. The Examiners first task was to determine whether or not the modifications made to LNP2 were so substantial or significant enough that they changed the nature of the made plan (LNP1). Noting in particular that LNP2 set out a new vision, a new plan period, and that it contained a number of new climate change related policies, she concluded that this was the case, i.e., that LNP2 would require both examination and a new referendum.

The exam report itself recommends a number of additional modifications to the plan and that, subject to these being made, that LNP2 meets the Basic Conditions and should proceed to a referendum. In particular, it explains that supporting text can be used to set out the communities preference regarding the size of residential schemes but that that the plan itself must also contribute towards sustainable development.

Having considered all of the proposed modifications in the Examiners Report, and having also taken into account the views of the Parish Council on this matter, it is the District Councils decision that:

*LNP2 as modified to incorporate all of the modifications set out in the Independent Examiners Report dated 11 April 2024 complies with the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended).*

*Lavenham Parish Council are therefore instructed to amend their plan accordingly and, subject to the satisfactory completion of that task, the District Council will advance LNP2 to a local referendum covering the parish of Lavenham.*



## **Background:**

LNP2 has been prepared in accordance with the relevant regulations. The key stages were:

- Publication by the Parish Council of their Regulation 14 Pre-submission draft Plan for consultation between 8 December 2022 and 1 February 2023
- In May 2023, submission of LNP2 to Babergh District Council, which was then made available for consultation between 3 July and 18 August 2023. Among the submitted documents was a statement from the Parish Council which setting out the changes made to the plan and acknowledgement that these would require both examination and a referendum
- Starting in late November 2023, independent examination of the Plan. The examination phase included two focused consultation periods which were relevant to the basic condition tests. The final Examination Report was issued on 11 April 2024

The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended). In order to satisfy them a Plan must:

- have regard to national policies & advice contained in guidance issued by the Sec. of State,
- contribute to the achievement of sustainable development,
- be in general conformity with the strategic policies contained in the Development Plan for the area of the authority, *and*
- not breach and be otherwise compatible with EU obligations and human rights requirements.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) also prescribes the following basic condition:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).

LNP2 has been independently screened. The HRA Screening Report (October 2022) concluded that an Appropriate Assessment was not required as no likely significant effects were predicted, either alone or in-combination with other plans or projects. After consulting Natural England on the screening report, the District Council issued its HRA Determination Notice in February 2023.

## **Next steps:**

We will publish the referendum version of the LNP2 (i e., the version incorporating all of the required modifications) as soon as it is practical to do so. A decision on the date of the referendum will also be announced at the proper time.

## **References:**

1. The Independent Examiners Report on LNP2:  
<https://www.babergh.gov.uk/documents/d/babergh/lavenham-np2-exam-report-apr24>
2. LNP2 Examination Correspondence document:  
[https://www.babergh.gov.uk/documents/d/babergh/lavenham\\_np2\\_exam\\_correspondence](https://www.babergh.gov.uk/documents/d/babergh/lavenham_np2_exam_correspondence)
3. LNP2 1<sup>st</sup> focused consultation documents:  
[https://www.babergh.gov.uk/documents/d/babergh/lavenham\\_np2\\_basic\\_condition\\_reps](https://www.babergh.gov.uk/documents/d/babergh/lavenham_np2_basic_condition_reps)
4. LNP2 2<sup>nd</sup> focused consultation documents:  
<https://www.babergh.gov.uk/documents/d/babergh/lavenham-np2-focused-consultation-reps-jan24>