

Babergh District Council



Lavenham NP2 2023 - 2037

Basic Conditions consultation and responses

Following the publication of the new National Planning Policy Framework (in September 2023), and the adoption of the Joint Local Plan Part 1 by Babergh District Council (in November 2023), a focused consultation exercise was undertaken on whether or not these two events had any implications for the Lavenham NP2 document with regard to it meeting two of the basic condition tests. Those tests were:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, *and*
- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

The consultation period ran from Monday 27 November to Monday 11 December 2023. A copy of the consultation letter follows this page.

Three representations were received. These are listed below and copies of their responses are also attached.

Ref No.	Consultee
(1)	Lavenham Parish Council
(2)	National Highways
(3)	Water Management Alliance

Our ref: Lavenham NP2 - Basic Conditions Letter

Date: Friday 24 November 2023

Sent by e-mail

Dear Sir / Madam

1. Lavenham Neighbourhood Plan 2

2. Focused consultation: General conformity with Basic Conditions (27 Nov to 11 Dec 2023)

We are contacting you because you are a statutory consultee or because you made a representation on the submission draft Lavenham Neighbourhood Plan 2 (LNP2). We published the latter for consultation between 3 July and 18 August this year.

All neighbourhood plans must meet a number of basic conditions before they can be proceed to a local referendum or, where appropriate, otherwise be adopted. These include:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, *and*
- e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

Since our consultation on LNP2 ended, two events have taken place that we consider now need bringing to your attention. The first of these was the publication of the new National Planning Policy Framework (the NPPF) on 5 September 2023. The second is our formal adoption of Part 1 of the Babergh & Mid Suffolk Joint Local Plan. Both may be relevant to the basic conditions test.

On behalf of the LNP2 Examiner, we are inviting you to revisit the submission draft LNP2 document and to consider the following question:

‘Does publication of the new NPPF and/or the adoption of the Joint Local Plan Part 1 have any implications for LNP2 with regard to it meeting the relevant basic condition tests?’

Additional guidance notes are provided overleaf. Please read and understand these before deciding whether or not to respond.

This focused consultation exercise will end at 4:00pm on Monday 11 December 2023.

Yours faithfully

Paul Bryant
Neighbourhood Planning Officer | Planning & Building Control
Babergh & Mid Suffolk District Councils
T: 01449 724771 / M: 07860 829547
E: communityplanning@baberghmidsuffolk.gov.uk



Babergh and Mid Suffolk District Councils
Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Additional guidance notes

- A link to the submission draft LNP2 can be found under the ‘Previous stages...’ section of our website: <https://www.babergh.gov.uk/web/babergh/w/lavenham-neighbourhood-plan>. There is also a link to the Basic Conditions Statement (April 2023) that was submitted along with the Plan.
- This is a focused consultation. As stated, the question is: ***‘Does the publication of the new NPPF and/or our adoption of the Joint Local Plan Part 1 have any implications for the LNP2 with regard to it meeting the relevant basic condition tests?’***
- If you have previously submitted a written representation on LNP2 that is unaffected by either the revised NPPF or by our adoption of JLP Part 1, you do not need to re-submit your comments. The Examiner has a copy of these and will take them into account.
- This is not an opportunity to submit new comments or to provide additional information connected to any previously made representation that is not relevant to the question being asked.
- At the end of the consultation, all valid representations will be shared with the Examiner and with Lavenham Parish Council. The latter will be given an opportunity to respond to any new issues raised. Your representation(s) and any response from the Parish Council will be published on website.
- **Comments should be sent by email to:** communityplanning@baberghmidsuffolk.gov.uk. If that is not possible, please post them to: LNP2 Consultation, c/o Mr Paul Bryant, Spatial Planning Team, Babergh District Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
- **All comments must arrive by the stated deadline.**

National Planning Policy Framework (5 Sept 2023)

The latest version of the NPPF can be found on the ‘.gov.uk’ website by following the link below: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The updates appear in Chapter 14 (Meeting the challenge of climate change, flooding and coastal change), and relate specifically to policy on planning for onshore wind development in England. They seek to address some of the barriers to gaining consent for onshore wind turbine proposals.

Within LNP2, you may wish to look at Objective 3: Renewable Energy Infrastructure, and at Policies LAV5: Lavenham renewable energy and low carbon infrastructure and LAV 13: A spatial strategy for Lavenham.

Joint Local Plan Part 1 (2018 - 2037)

On Tuesday 21 November Babergh District Council adopted the Joint Local Plan Part 1 (JLP Part 1) as part of its Development Plan. See our website for details: <https://www.babergh.gov.uk/joint-local-plan>

The policies in JLP Part 1 replace most of the saved policies from the Babergh Local Plan (2006) and the policies in the Babergh Core Strategy (2014). Where policies have been saved, these also form part of the Development Plan. See <https://www.babergh.gov.uk/web/babergh/w/saved-policies> for a ‘live’ list of all saved policies.

When LNP2 was submitted to us in May 2023, the most up to date version of the JLP would have been our Proposed Modifications Consultation document (dated March 2023). This was a track-change document setting out all the main modifications to the JLP that our Inspectors considered were necessary to ensure that it was sound and legally compliant. LNP2 contains a number of references to the JLP, including the Proposed Modifications document.

[Ends]

(1) Lavenham Parsh Council

By e-mail

Rec'd: 15 December 2023
From: Andrew Smith (Clerk to Lavenham PC)
To: Paul Bryant (BMSDC), Janet Cheesley (LNP2 Examiner)
cc: Irene Mitchell (Chair - Lavenham PC), Roy Mawford (Chair - LNP2 Revision Group), Rachel Hogger (Modicum Planning), Caileigh Gorzelak (BMSDC)
Subject: RE: Lavenham NP2 Basic Conditions consultation

Dear Paul and Janet,

The Parish Councils representations are below.

With best wishes

Andrew Smith
Clerk to Lavenham Parish Council

The Parish Council wishes to draw the LNP2 Examiner's attention to specific changes to JLP1 Policy SP03, from its Proposed Modifications version to the adopted Plan.

The specific changes are to Clause 2 of Policy SP03, which previously said that:

... Outside of the settlement boundaries, development will normally only be permitted where the site is allocated for development, or in a made Neighbourhood Plan, or is specifically permitted by other relevant policies of this Plan, or it is in accordance with paragraph 80 of the NPPF (2021)

Clause 2 of Policy SP03 now says that:

... Outside of the settlement boundaries, development will normally only be permitted where:

- a) The site is allocated for development, or*
- b) It is accordance with a made Neighbourhood Plan, or*
- c) it is in accordance with one of the policies of this Plan listed in Table 5*
- d) it is in accordance with paragraph 80 of the NPPF (2021)*

The LNP2 Basic Conditions Statement compared its Submission Version policies against the JLP1 Proposed Modifications version policies.

LNP2 Policy LAV 13 says

Policy LAV 13: A spatial strategy for Lavenham

1. Proposals within the Lavenham Settlement Boundary defined in Map 7 will be supported provided they accord with other provisions in the development plan (see glossary).
2. Outside the Settlement Boundary, development will be restricted to:
 - a. Rural exception sites on the edge of the Settlement Boundary where such a scheme accords with Policy LAV 17 of this Plan.
 - b. Development for agriculture, horticulture, outdoor recreation, essential education infrastructure and other uses that need to be located in the countryside.
 - c. Replacement dwellings or conversions allowed for in the Local Plan.

- d. Uses appropriate to supporting a rural economy (rural employment uses) where such uses need to be located in the countryside and where they comply with other provisions in the development plan.
 - e. Residential development that complies with one or more of the exceptional circumstances set out in paragraph 80 of the National Planning Policy Framework (NPPF) 2021 (see glossary).
3. In addition, standalone renewable energy infrastructure or other infrastructure that will facilitate low carbon living in the Lavenham community will be supported outside the Settlement Boundary, subject to the scheme being located outside the Lavenham Area of Local Landscape Sensitivity (see Map 14). The following requirements will apply:
 - a. Landscape mitigation measures to be incorporated to ensure development is sensitively screened and assimilated into its surroundings in line with Policy LAV 35 of this plan; and
 - b. Impacts to the setting of Lavenham's historic core and Lavenham's landscape character to be fully considered, demonstrated through the submission of a Townscape Impact Assessment/Built Heritage Statement as applicable and a Landscape and Visual Impact Appraisal. Proposals which will have an unacceptable impact on heritage assets and landscape character after considering mitigation will not be supported.
 4. Based on the objective to retain Lavenham's sense of place, scale and physical coherence as a vibrant village, and regardless of location, the community strongly prefer residential development schemes to be no greater than 12 units, notwithstanding the majority of sites will be suitable for much smaller schemes. Larger residential schemes are also less likely to be acceptable due to the landscape, visual and townscape sensitivity of the village.

The Parish Council recognises that new JLP1 Table 5 helpfully clarifies Policy SP03. But now the table is included, and JLP1 is adopted, the Parish Council considers it would be prudent for minor clarifications to LNP2 Policy LAV 13 to be suggested. These clarifications would enable LNP2 to be more easily understood in relation to the Local Plan context, including how it is intended to differ. Specifically:

- Clause 2a could be clarified to read: *Rural exception sites ~~on the edge of the settlement boundary that are adjacent to the settlement boundary and well-connected to key services~~, where ~~such a scheme accords~~ community-led and rural exception housing schemes accord with Policy LAV 17 of this Plan.*
- Clause 2c could be clarified to read: *Replacement dwellings or residential extensions or annexes or conversions, allowed for in the Local Plan, but excluding infill developments.*

END

* * * * *

Sent 18 December 2023
To: Andrew Smith (Clerk to Lavenham PC), Janet Cheesley (LNP2 Examiner)
cc: Irene Mitchell (Chair - Lavenham PC), Roy Mawford (Chair - LNP2 Revision Group), Rachel Hogger (Modicum Planning), Caileigh Gorzelak (BMSDC)
Subject: RE: Lavenham NP2 Basic Conditions consultation

Dear Andrew, Janet, (All)

I confirm safe receipt of your e-mail [above]. The proposed amendments seem reasonable but we will be guided by Janet in this matter as part of her overall examination of this plan.

Kind regards,

Paul Bryant (Neighbourhood Planning Officer | Planning & Building Control, BMSDC)



(2) National Highways

Our ref: NH/23/03882 Lavenham NP2 + Basic Conditions
Your ref: Lavenham NP2 Review - Basic Conditions Letter

Lavenham NP2 Review Consultation
c/o Spatial Planning Policy Team
Babergh Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich, Suffolk, IP1 2BX

Shamsul Hoque
National Highways
Spatial Planning
Operations (East)
Woodlands
Manton Lane
Bedford MK41 7LW

11 December 2023

Via email to: communityplanning@baberghmidsuffolk.gov.uk

Dear Sir/Madam,

1. LAVENHAM NEIGHBOURHOOD PLAN 2 REVIEW 2023 - 2037

2. FOCUSED CONSULTATION: GENERAL CONFORMITY WITH BASIC CONDITIONS

Thank you for your correspondence, received on 24 November 2023, notifying National Highways of the consultation above.

National Highways is responsible for the operation, maintenance, and improvement of the Strategic Road Network (SRN) in England on behalf of the Secretary of the State. In the area within and surrounding the Lavenham Neighbourhood Plan, we have responsibility for the trunk road A14, part of the Strategic Road Network (SRN).

According to the "Lavenham Neighbourhood Plan 2 Submission Version 2023-2037" document, Lavenham parish settlement location is remotely located from the nearest National Highways SRN Road. Therefore, National Highways does not have any comment on this.

We have also reviewed the supporting document titled, "Lavenham Neighbourhood Plan Modification Plan Proposal Basic Conditions Statement" dated April 2023. The Neighbourhood Plan does not conflict with the requirement and aspiration of the Emerging Joint Local Plan policies. In relation to the 'Focus consultation: General Conformity with Basic Conditions' mentioned in the consultation subject, National Highways do not have any comment

Please contact us at PlanningEE@nationalhighways.co.uk if you require any clarification.

Yours faithfully,

S. H.

Shamsul Hoque Assistant Spatial Planner

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

(3) Water Management Alliance

By e-mail

Rec'd: 24 November 2023

Subject: RE: Notice of consultation - Lavenham NP2 & the Basic Conditions (ends Mon 11 Dec '23)

Good afternoon,

Thank you for consulting the Water Management Alliance (WMA) on Lavenham NP2 and the Basic Conditions. The parish of Lavenham lies outside of the Internal Drainage Districts of all WMA Member Boards, as well as their wider watershed catchments. Therefore, we have no comments to make.

Kind regards,

Ellen



Ellen Moore, BSc (Hons)

Sustainable Development Officer

Water Management Alliance

dd: 01553 819630 | ellen.moore@wlma.org.uk

Registered office: Pierpoint House, 28 Horsley's Fields, Kings Lynn, Norfolk, [PE30 5DD](https://www.gov.uk/zip-codes/pe305dd)

t: 01553 819600 | e: info@wlma.org.uk | www.wlma.org.uk

What3Words: [caring.employ.visit](https://www.what3words.com/caring.employ.visit)

WMA members: [Broads Drainage Board](#), [East Suffolk Water Management Board](#), [King's Lynn Drainage Board](#), [Norfolk Rivers Drainage Board](#), [South Holland Drainage Board](#), [Waveney, Lower Yare and Lothingland Drainage Board](#)

In Association with: [Pevensey and Cuckmere Water Level Management Board](#)

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Defenders of the Lowland Environment

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