

Lawshall Neighbourhood Plan Review 2021 - 2037



Post-Examination Decision Statement

Dated: 6 March 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 recommendation made by the Independent Examiner in their report and to publish its decision on that matter. This statement fulfills that purpose.

The Lawshall Neighbourhood Plan 2016 - 2036 was adopted by Babergh District Council in October 2017. It was amongst the earliest such plans to be adopted by the Council. Subsequent changes to national and district level planning policy prompted Lawshall Parish Council, in late 2020, to begin the process of updating their Plan. Their new plan is known as the 'Lawshall Neighbourhood Plan Review 2021-2037' [the 'Review Plan'].

The submission draft Lawshall NP Review Plan has been independently examined by Ann Skippers BSc (Hons) MRTPI FRSA FHEA AoU. The Examiners first task was to determine whether or not the Review Plan contained modifications that were so significant or substantial as to change the nature of the made Plan. The Examiner concluded that this was not the case. Turning to the Review Plan itself, the Examiner found both the revised and new policies to be clearly worded, and that the clarity of thought and logical approach taken in the 2017 Plan had been retained. Some modifications have been recommended, but these are few and relate largely to matters of precision and clarity, for example, ensuring that the policy on rural exception sites has regard to the latest national planning guidance.

Having considered all of the proposed modifications, it is the District Councils decision that:

The Lawshall Neighbourhood Plan Review 2021 - 2037, as modified to incorporate all of the recommendations set out in the Independent Examiners Report dated 22 February 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).

Lawshall Parish Council are therefore instructed to amend their Review Plan in accordance with the Examiner's Report. Subject to the satisfactory completion of that task, and because the nature of the modifications mean that it is not necessary to hold a new local referendum on this Plan, the District Council will take the appropriate steps to 'make' (adopt) the Lawshall NP Review 2021 - 2037 as part of its development plan.



Background

The Lawshall NP Review has been prepared in accordance with the relevant regulations. The key stages are set out below:

- Publication by the Parish Council of their Regulation 14 pre-submission draft Review Plan for consultation between 15 October and 30 November 2022.
- In late June 2023, submission of the draft Review Plan to Babergh District Council, which was made available for public consultation between 2 August and 15 September 2023. Among the submitted documents was a statement from the Parish Council which identified what modifications had been made to the 2017 Plan and also set out the Parish Councils' opinion those changes would require the Plan to be examined but that it would not need to go to a new referendum.
- Commencing in early December 2023, independent examination of the Review Plan. The examination phase included two focused consultation periods which were relevant to the basic condition tests. The final Examination Report was issued on 22 February 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 and advice contained in guidance issued by the Secretary 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).

The Lawshall NP Review has been independently screened. The HRA Screening Report (November 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 Council issued its HRA Determination Notice in January 2023.

References:

1. Independent Examiners Report on the Lawshall NP Review:
<https://www.babergh.gov.uk/documents/d/babergh/lawshall-np-review-exam-report-feb24>
2. Lawshall NP Review Examination Correspondence document:
https://www.babergh.gov.uk/documents/d/babergh/lawshall_np_review_exam_correspondence
3. Lawshall NP Review 1st Focused Consultation documents:
https://www.babergh.gov.uk/documents/d/babergh/lawshall_np_review_basic_condition_reps_dec23
4. Lawshall NP Review 2nd Focused Consultation documents:
<https://www.babergh.gov.uk/documents/d/babergh/lawshall-np-review-focused-consultation-reps-jan24>