

Leavenheath  
Neighbourhood Plan  
**Basic Conditions Statement**

To accompany the Leavenheath Neighbourhood Plan  
submission version, for examination

**January 2022**

**Updated August 2022**

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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 Leavenheath Neighbourhood Development Plan being submitted by a qualifying body – Leavenheath Parish Council. Leavenheath Parish Council was confirmed as a qualifying body by Babergh District Council on 8<sup>th</sup> May 2019 when the Leavenheath Neighbourhood Plan Area was designated.

**A Neighbourhood Development Plan:** The Leavenheath 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 Leavenheath Neighbourhood Plan states the time-period for which it is to have effect (from 2022-2037) a period of 16 years.

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

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4.1 The following table provides an appraisal of the extent to which the Leavenheath 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 assess the degree of regard that the Leavenheath 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 Leavenheath 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. At the time of the submission of the Neighbourhood Plan, the BMSJLP was undergoing examination.

4.5 In summary, the appraisal demonstrates that the Leavenheath Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy.

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

Column A Leavenheath 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)
LEAV1: Views of Community Importance	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	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.  Policy LEAV1 seeks to protect the individual character and landscape setting of Leavenheath through the identification of	This policy is consistent with Saved Policy CR04 of the BLP 2006, which indicates that development proposals in Special Landscape Areas will only be permitted where they: maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal, and are designed and sited so as to harmonise with the landscape setting.	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

	character and beauty of the countryside’.	important views and is consistent with this objective.		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.
<b>LEAV2: Local Green Spaces</b>	<p>This policy reflects NPPF paras 101-103 which advocates ‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them’.</p> <p>The spaces proposed for protection have been</p>	<p>Policy LEAV2 identifies and protects nine Local Green Spaces. There is no specific reference to Local Green Spaces within the adopted Core Strategy.</p> <p>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</p>	<p>This policy is consistent with Saved Policy CN03 of the BLP 2006, which seeks to resist 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>This policy reflects JLP paragraph 16.04 which refers to the designation of Local Green Space in neighbourhood Plans.</p>

	assessed against the criteria in the NPPF.	character and opportunities to enhance these features will be promoted.		
<b>LEAV3: Landscape and Biodiversity</b>	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'.	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.	This policy is consistent with Saved Policy CR04 of the BLP 2006, which indicates that development proposals in Special Landscape Areas will only be permitted where they: maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal; and are designed and sited so as to harmonise with the landscape setting. The supporting text to the policy defines the valleys of the rivers Glem, Box, Brett and Chad Brook as SLA. Policy LEAV3 continues the merits of the SLA designation but defines it as an Area of Local Landscape Sensitivity.	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

			<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:</p> <p>hedgerows are retained in full, or suitable mitigation such as replacement planting and management programmes are proposed.</p>	<p>example by use of materials which complement the local individual landscape character, archaeological and historic patterns of settlement, and land use and designations. Development should protect designated and, where known, potentially designated sites. 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 be supported.</p>
<p><b>LEAV4: Surface Water Drainage</b></p>	<p>This policy is consistent with paragraph 153 of the NPPF which requires plans to take a proactive approach to</p>	<p>This policy is consistent with Core Strategy Policy CS15: Sustainable Development which seeks the incorporation of Sustainable</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</p>

	<p>mitigating and adapting to climate change.</p> <p>This policy also reflects NPPF para 159 which encourages development to be directed away from areas of flood risk and should not increase flood risk elsewhere.</p> <p>Policy LEAV4 identifies 12 areas within the parish that are known locally to flood and encourages development in their immediate locality to mitigate its own flooding and drainage impacts.</p>	<p>Drainage Systems within new developments, requires new developments to mitigate their own flood risks and minimise surface water run-off.</p>		<p>and encourages development proposals to mitigate their flood risk and surface water impacts.</p>
<p><b>LEAV5:</b> Location, size and rate of housing 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>This policy is consistent with Core Strategy Policy CS2 Settlement Pattern and policy which identifies Leavenheath as a hinterland village in the settlement hierarchy. The policy indicates that in the</p>	<p>This policy is consistent with Saved Policy HS28 of the BLP 2006, which sets out the circumstances in which proposals for infill development will be refused. The impacts on the environment and the</p>	<p>This policy is consistent with Joint Local Plan Policy SP03 Settlement Hierarchy which identifies Leavenheath as comprising three hamlets – Harrow Street, High Road and Honey Tye. A</p>

	<p>The Neighbourhood Plan does not make any specific allocations but instead includes criteria that new housing development needs to meet. The policy allows for windfall development within the settlement boundary and immediately adjacent to it, which would be over and above the existing commitment of 44 dwellings that is provided for in the emerging Joint Local Plan.</p>	<p>countryside, outside the ...Hinterland Villages..., development will only be permitted in exceptional circumstances subject to a proven justifiable need. 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 LEAV5 sets out the criteria for assessing new housing development proposals in Leavenheath which include environmental and heritage impacts, physical relationship to the built-up area of the village</p>	<p>character of the area, residential amenity and highway safety are identified constraints. In addition, this policy is consistent with Saved Policy CN03 of the BLP 2006, which seeks to resist 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>settlement boundary is defined for all three. 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 44 dwellings for Leavenheath. The NDP allows for additional dwellings above this requirement in the form of windfall sites within the settlement boundary or immediately adjacent to it. In addition it sets out criteria that would need to be satisfied by proposals.</p>
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		and impact on community infrastructure.		
<b>LEAV6: Pattern of growth and strategic gaps between hamlets</b>	<p>This policy is consistent with NPPF paragraph 130 c) which seeks to ensure that development proposals are sympathetic to local character and history including the surrounding built environment and landscape setting and 174 (b) which recognises the intrinsic character and beauty of the countryside.</p> <p>This policy seeks to ensure that the physical form of new development is well related to the existing settlement pattern and respects the distinct separation of the identified hamlets.</p>	<p>This policy is consistent with Core Strategy Policy CS3: Strategy for Growth and Development which supports development proposals that are appropriate in scale, character and nature to their location and with Policy CS15: Sustainable Development which seeks to ensure that proposals for development respect the landscape, important space and historic views of the locality.</p>	<p>This policy is consistent with Saved Policy HS28 of the BLP 2006, which sets out the circumstances in which proposals for infill development will be refused. The impacts on the environment and the character of the area, residential amenity and highway safety are identified constraints. In addition, this policy is consistent with Saved Policy CN03 of the BLP 2006, which seeks to resist 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>This Policy is consistent with JLP Policy LP01: Windfall development in hamlets and dwelling clusters, which seeks to ensure that development would not result in the loss of gaps between settlements.</p>
<b>LEAV7: Housing Size, Type and Tenure</b>	<p>This policy reflects NPPF para 62 which advises that planning policies should reflect the needs of 'those</p>	<p>The policy is consistent with Core Strategy Policy CS18 which indicates that the mix and size of housing types to</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</p>

	<p>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, for older people and for those with specialist needs.</p> <p>The policy is based on the findings of the Housing Needs Assessment and from consultation carried out with local residents.</p>	<p>be provided should reflect identified local needs. Policy LEAV7 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 family of housing, starter homes and affordable housing.</p>		<p>greatest need for housing is for 2, and 3 bedroomed accommodation. Policy LEAV7 specifically refers to 3-bedrooms and family housing for Leavenheath. The policy is also consistent with JLP Policy SP02 Affordable Housing which seeks to maximise affordable housing provision on qualifying sites. Policy LEAV7 is also consistent with JLP Policy LP06 which allows for specific types of housing to accommodate specific needs. LEAV7 is based on consultation carried out with local residents and the results of the Housing Needs Assessment.</p>
<b>LEAV8: Non-designated heritage assets</b>	<p>This policy reflects NPPF paragraph 203 which outlines the approach to assessing the impact of applications on non-</p>	<p>This policy is consistent with Policy CS15: Sustainable Development which requires proposals for development</p>	<p>There is no directly comparable policy from the saved policies of the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP21: The Historic Environment which seeks to protect heritage assets (including Non-designated</p>

	<p>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 six Non-Designated Heritage Assets within the parish that are important to the local character of the area.</p>	<p>to ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment.</p>		<p>Heritage Assets) from development that would affect their heritage value and significance.</p>
<p><b>LEAV9: Design Principles (including the Leavenheath Design Guidelines and Codes)</b></p>	<p>This policy reflects NPPF para 130 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</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,</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>The Neighbourhood Plan policy is supported by the Leavenheath Design Guidelines and Codes document.</p>

	<p>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>The policy is supported by the Leavenheath Design Guidelines and Codes document.</p>		<p>density or form which would be out of keeping with adjacent and nearby dwellings or other buildings. The policy is supported by the Leavenheath Design Guidelines and Codes document.</p>	
<p><b>LEAV10: Walking and cycling</b></p>	<p>This policy is consistent with paragraph 92 (c) of the NPPF which supports healthy lifestyles through encouraging walking and cycling and paragraph 104 (c) which promotes walking and cycling as a preferred transport option.</p>	<p>This policy is consistent with Policy CS15: Sustainable Development which seeks to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars.</p>	<p>There is no directly comparable policy from the saved policies of the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP32: Safe, Sustainable and Active Travel, which requires all new developments to maximise uptake in sustainable transport modes, including walking and cycling.</p>

	<p>This policy seeks to provide an enhanced and joined up network of public footpaths, cycleways and bridleways. It seeks to protect existing public rights of way and encourage new paths between and within new developments.</p>			
<p><b>LEAV11:</b> <b>Traffic and road safety</b></p>	<p>This policy is consistent with NPPF paragraph 111 which indicates that development should only be prevented on highways grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The policy requires development proposals to identify the level of additional traffic generated and the potential impacts on pedestrians, cyclists and road safety.</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>There is no directly comparable policy from the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP32; Safe, Sustainable and Active Travel, which requires larger developments to be supported by Transport Assessments.</p>

<p><b>LEAV12:</b> Recreational space</p>	<p>This policy is consistent with paragraph 98 of the NPPF which recognises the health and well being benefits for the community of having access to open spaces. The NPPF also identifies that information from open space assessments should be used determine what open space and sport/recreation provision is needed. This policy is supported by the Babergh Mid Suffolk Open Space Assessment which identifies a shortfall within Leavenheath of parks and recreation grounds, amenity green space and children’s play area. The policy requires new major developments to include on site provision in consultation with the community.</p>	<p>This policy is consistent with Core Strategy Policy CS14: Green Infrastructure which indicates that the provision new green infrastructure is a key consideration on major development sites.</p>	<p>This policy is consistent with Saved Policies HS31 and HS32 of the BLP 2006, which require proposals for residential development on sites of 1.5 hectares and above to provide 10% of the gross site area as public open space. In addition, proposals for all new residential development, ranging from a single dwelling up to the development of a 1.5 hectare site, will be required to provide open space and play equipment in proportion to the number of dwellings to be built.</p>	<p>This policy is consistent with JLP Policy LP26: Design and Residential Amenity which requires that proposals incorporate high levels of public open space.</p>
<p><b>LEAV13:</b> Protection of existing</p>	<p>This policy is consistent with paragraph 8b of the NPPF which outlines the social</p>	<p>This policy is consistent with Core Strategy Objective 7: Support Rural Communities,</p>	<p>There is no directly comparable Saved Policy from the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP31` which supports the provision of</p>

<p>community infrastructure</p>	<p>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'. 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>local services and facilities which seeks to ensure that key services are retained or improved and that rural services are supported in a way which matches the identified need.</p>		<p>new community facilities and also protects existing facilities unless criteria relating to viability and alternative provision can be satisfied.</p>
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	<p>The policy seeks to retain existing community facilities is also consistent with criterion c of paragraph 93 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><b>LEAV14:</b> <b>Convenience</b> <b>/small shop</b></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>This policy is consistent with NPPF para 93 which states</p>	<p>This policy is consistent with Core Strategy Objective 7: Support Rural Communities, local services and facilities which seeks to ensure that key services are retained or improved and that rural services are supported in a way which matches the identified need.</p>	<p>There is no directly comparable Saved Policy from the BLP 2006.</p>	<p>This policy is consistent with JLP Policy LP31` which supports the provision of new community facilities.</p>

	<p>'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. Policy LEAV14 supports proposals that would deliver a small/convenience shop that serves the day to day needs of the community. The identification of a shop has come through community consultation.</p>			
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## 5. d) Achieving Sustainable Development

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- 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.<sup>1</sup> The appraisal of the Leavenheath 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 Leavenheath 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. LEAV9: Design Principles 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 developing in a way that is sustainable and sensitive to the needs of residents and to the natural environment.

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

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Leavenheath will be one community of three hamlets and the surrounding countryside. It will be a more connected, cohesive and rural parish. It will be developed in a way that is sustainable and sensitive to its residents' needs and location, its character and the natural environment, particularly the Area of Outstanding Natural Beauty. It will be a place where all generations can live now and in the future.

- 5.6 The plan contains a set of four objectives which are identified in order to deliver the vision. These have been refined over time through consultation. The objectives are grouped in four themes: Environment & Landscape, Development & Design, Access, and Community Infrastructure.

**Environment and Landscape**

Objective 1: To protect and enhance the green open character and biodiversity of the parish, whilst enabling access to the countryside

**Development and Design**

Objective 2: To ensure that any future development is sustainable, well designed, suitably located, compliments and enhances the character of Leavenheath.

**Access**

Objective 3: To encourage safe walking and cycling within and beyond Leavenheath parish.

**Community Infrastructure**

Objective 4: To enable a cohesive joined up community with appropriate community and sports infrastructure.

- 5.7 The objectives each support development whilst recognising the important of safeguarding and enhancing the special qualities that contribute to the specific character of Leavenheath.

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

NPPF Sustainable Development	Contribution through Leavenheath Neighbourhood Plan Policies
<p><b>NPPF 2021</b>  <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 2:</b> To ensure that any future development is sustainable, well designed, suitably located, compliments and enhances the character of Leavenheath.</p> <p><b>Policy LEAV5: Location, size and rate of housing development.</b> This policy supports new housing development subject to criteria.</p>
<p><b>NPPF 2021</b>  <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-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><b>Objective 2:</b> To ensure that any future development is sustainable, well designed, suitably located, compliments and enhances the character of Leavenheath.</p> <p><b>Objective 3:</b> To encourage safe walking and cycling within and beyond Leavenheath parish.</p> <p><b>Objective 4:</b> To enable a cohesive joined up community with appropriate community and sports infrastructure.</p> <p><b>Policy LEAV1: Views of community importance.</b> This policy seeks to protect views that are considered to be important to the community.</p> <p><b>Policy LEAV2: Local Green Spaces.</b> This policy identifies 9 Local Green Spaces that are 'demonstrably special to the community and hold a particular local significance'.</p> <p><b>Policy LEAV4: Surface water drainage.</b> This policy identifies 12 locations where there are surface water drainage issues. The locations have been identified by the community through consultation.</p> <p><b>Policy LEAV5: Location, size and rate of housing development.</b> This policy supports the development of new housing subject to criteria governing highway safety, impacts on heritage and natural environment, design and layout.</p>

	<p><b>Policy LEAV7: Housing size, type and tenure.</b> This policy aims to create a mixed community by supporting housing that meets local needs. The policy has been informed by a specific Housing Needs Assessment and community preferences expressed through consultation.</p> <p><b>Policy LEAV9: Design principles (including the Leavenheath Design Guidelines and Codes).</b> This policy encourages proposals that respond positively to creating an attractive parish. Proposals will be guided and informed by the Leavenheath Design Guidelines and Codes which is a supporting document to the Neighbourhood Plan.</p> <p><b>Policy LEAV10: Walking and cycling.</b> This policy promotes an enhanced and joined up network of public rights of way that includes footpaths and cycle routes.</p> <p><b>Policy LEAV11: Traffic and road safety.</b> This policy requires the developers of major schemes to identify the level of additional traffic that is likely to be generated, and the impact of this traffic on pedestrians, cyclists, road safety, Quiet Lanes and private and public parking within the parish. It also identifies areas where high levels of speeding takes place in order to improve community safety.</p> <p><b>Policy LEAV12: Recreational space.</b> This policy seeks to remedy the existing shortfall in the provision of open space by requiring the provision of onsite recreational green space in new developments including unformal spaces, play equipment and/or sports facilities. Such provision should be determined in consultation with the local community.</p> <p><b>Policy LEAV13: Protection of existing community infrastructure,</b> This policy seeks to protect existing community infrastructure (church, hall, pub) from proposals that would result in their loss unless equivalent or enhanced provision can be made elsewhere in the parish.</p>
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	<p><b>Policy LEAV14: Convenience/small shop.</b> This policy supports the provision of a new shop to meet the day to day needs of the local community.</p>
<p><b>NPPF 2021</b>  <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 1:</b> To protect and enhance the green open character and biodiversity of the parish, whilst enabling access to the countryside.</p> <p><b>Objective 2:</b> To ensure that any future development is sustainable, well designed, suitably located, compliments and enhances the character of Leavenheath.</p> <p><b>Objective 3:</b> To encourage safe walking and cycling within and beyond Leavenheath parish.</p> <p><b>Policy LEAV1: Views of community importance.</b> This policy identifies five important views that are considered to have an importance to the community due to their scenic beauty or contribution to the character of the parish. The views have been identified through community consultation.</p> <p><b>Policy LEAV2: Local Green Spaces.</b> This policy identifies nine local green spaces that are considered to have a local significance or be demonstrably special to the community they serve by virtue of their wildlife value, their historic significance, their recreational value, or their tranquillity and beauty. The spaces have been identified through community consultation.</p> <p><b>Policy LEAV3: Landscape and biodiversity.</b> This policy seeks to protect the scenic value of the landscape and defines an Area of Local Landscape Sensitivity (ALLS). In addition, it aims to protect and retain features of biodiversity value and encourages a net gain in biodiversity through the creation or new habitats or the reparation of existing fragmented habitats.</p> <p><b>Policy LEAV4: Surface water drainage.</b> This policy identifies locations known to have surface water drainage issues and seeks to avoid their exacerbation by encouraging new development to mitigate its own flooding and drainage impacts.</p>

	<p><b>Policy LEAV6: Pattern of growth and strategic gap between hamlets.</b> This policy seeks to retain the general undeveloped nature of the parish and ensure that the existing gaps between hamlets are maintained, in order to protect their individual character.</p> <p><b>Policy LEAV8: Non-designated Heritage Assets.</b> This policy identifies six non-designated heritage assets that have been identified through community consultation as contributing to the heritage and character of Leavenheath.</p> <p><b>Policy LEAV9: Design principles (including the Leavenheath Design Guidelines and Codes.</b> This policy seeks to ensure that development proposals respond positively to the aesthetic qualities of each of the hamlets and is supported by the Leavenheath Design Guidelines and Codes document which seeks to encourage high quality design. The policy also contains support in principle for Net Zero carbon new homes.</p>
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## 6. f) Compatibility with EU Obligations

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- 6.1 The statement below demonstrates how the Leavenheath Neighbourhood Development Plan does not breach and is compatible with EU obligations. The United Kingdom formally left the European Union on the 31st January 2020, which was followed by an 11-month transition period that expired on 31<sup>st</sup> 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 original HRA Screening Assessment was carried out by Place Services and the SEA Screening Assessment was undertaken by LUC.

### Strategic Environmental Assessment (SEA)

- 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 Leavenheath 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 September 2021. The SEA screening report produced by LUC at that time notes that, although the parish contains sensitive environmental assets, it does not allocate sites for housing or other development but, instead, focuses on ensuring that development is delivered in a way that safeguards the environmental assets. The report concluded that:

*'it is considered that the Leavenheath NDP is unlikely to have significant environmental effects and that full SEA is therefore not required'.*

- 6.5 The report's recommendation being that the Leavenheath Neighbourhood Development Plan can be 'screened out' for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC.
- 6.6 Consultation on the Screening Report was carried out with Natural England, Historic England, and the Environment Agency. Responses were received from Natural England and Historic England, both agreeing with the conclusions of the report.
- 6.7 The SEA Screening Notice issued by Babergh District Council on 25<sup>th</sup> January 2022, therefore concluded the following:

*"In the light of the SEA Screening Report prepared by Land Use Consultants, and the responses from the two statutory bodies, it is determined that the Leavenheath Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004".*

#### **Habitats Regulation Assessment (HRA)**

- 6.8 The HRA screening took place during the same timescale. The HRA Screening report produced by Place Services in December 2021, concluded that

*'Policies LEAV5 and LEAV12 in this draft Neighbourhood Plan are to be assessed further as both have been assigned to Category C (Likely Significant Effect) due to predicted recreational impacts from the Plan. These policies need to progress to Appropriate Assessment to consider Stage to allow consideration of mitigation being embedded into the Plan. Although the Plan does not allocate land for development, there will be a need for any residential development subsequently coming forward to be subject to a project level HRA and secure sufficient avoidance and mitigation measures, to avoid a Likely Significant Effect on any Habitats sites at planning application stage. Further Stage 2 Appropriate Assessment is therefore required under the UK Conservation of Habitats and Species Regulations 2017 (as amended). The Leavenheath Neighbourhood Plan Regulation 14 Pre-submission Draft may only be made after having ascertained that it will not result in adverse effect on integrity*

*of the Habitats Sites within scope of this assessment. This 2nd stage is an iterative process as measures can be incorporated in order to be able to ascertain that there is no adverse effect on the integrity, before re-screening and making a final assessment”.*

6.9. The Appropriate Assessment was then carried out by Place Services and consultation on both the Screening Report and Appropriate Assessment was carried out with Natural England. In their response Natural England: “agree[d] with the conclusion of the screening process ...” and “Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures summarised in section 4.6 of the Habitats Regulations Assessment (HRA) are appropriately secured.”

6.10 The HRA Screening Notice issued by Babergh District Council on the 25<sup>th</sup> January 2022, concluded:

*“In the light of the Screening Report prepared by Place Services it is determined that the Leavenheath Neighbourhood Plan is ‘screened-in’ for further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is required.*

*An **Appropriate Assessment** has been carried out and the recommendations and conclusion of that are:*

*The Habitats Sites that have been considered within this HRA are:*

- *Stour and Orwell Estuaries SPA; and*
- *Stour and Orwell Estuaries Ramsar site;*

*Potential impact pathways between the above Habitats Sites and the Leavenheath Neighbourhood Plan Regulation 14 Pre-submission Draft have been identified, considered and assessed for predicted recreational disturbance from the Plan alone.*

*With regards to **recreational disturbance**, all residential development within the Plan area is predicted to result in additional recreational impacts from increased visitor pressure on the Stour and Orwell Estuaries SPA and Ramsar site. In 2016, Natural England proposed a strategic approach to LPAs and recommended identifying the scale of the disturbance and implementing measures to mitigate impacts through the preparation of a joint Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Annex 1 of the Natural England advice to Babergh District Council includes advice on green infrastructure requirements for large residential developments. Any*

*residential development coming forward, will therefore need to meet this advice.*

*This AA has recommended a number of wording amendments to the Leavenheath Neighbourhood Plan Regulation 14 Pre-submission Draft. These include the following types of changes:*

- *Recommended policy wording changes particularly with reference to Annex 1 of Natural England's advice in relation to greenspace requirements for development of more than 50 units and the need for a project level HRA for all residential development within the 13km ZOI.*

*Where policies do not identify specific locations, set a fixed level of development, or the potential for significant effects relates to the possibility of development coming forward in a particular location, or with particular characteristics is likely, the risks may be simply avoided with straightforward clarifications, which remove any uncertainty.*

*The recommendations to amend or add text to the policy include an explanation of how the policy should be implemented to avoid Adverse Effect on Integrity of the Stour & Orwell Estuaries SPA and Ramsar site. This does not exclude the need for project level HRA but enables a conclusion of no adverse effects on integrity at the Plan level, because the identified risks to Habitats sites have been removed. Project level HRA provides a means of checking for any further risks unforeseen at the Plan level, and for developing project specific mitigation measures in greater detail within a project level AA. The recommendations from the Appropriate Assessment are precautionary, to ensure that the Leavenheath Neighbourhood Plan Regulation 14 Pre-submission Draft identifies clear mitigation needs and protects the Habitats sites from any project level impacts."*

- 6.11 The required wording changes to Policies LEAV5 and 12 have been made to the Regulation 16 Version of the Plan and it is therefore compliant with the requirements of these HRA and SEA requirements.

## **Rescreening**

- 6.12 In April 2022, Babergh District Council wrote to a number of Neighbourhood Plan Groups (including Leavenheath) advising that full SEA of their Neighbourhood Plans was in fact required due to the fact that the HRA Screening processes had triggered the need for Appropriate Assessment. This was despite the SEA Screening process not having the same conclusion.

- 6.13 Babergh Council agreed to re-screen all plans caught in this position for clarity and the revised SEA and HRA Screening Reports both undertaken by LUC, were received in June 2022 and July 2022 respectively. The SEA Screening Report ‘screened out’ the need for full SEA. The HRA report concluded that Appropriate Assessment was not required.
- 6.14 After consultation with the environmental bodies, Babergh Council subsequently reissued updated SEA and HRA Screening Determination Notices in August 2022. The HRA determination notice confirmed that Policies LEAV5 and LEAV12 required some modification (see paragraph 6.11 above) together with paragraph 5.4.16 of the Neighbourhood Plan. These amendments have been made to the relevant Neighbourhood Plan policies and paragraph and the updated Neighbourhood Plan is compliant with the requirements of the SEA and HRA Screening processes.

### Human Rights

- 6.12 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

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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 Natural England has been consulted on the pre-submission version of the Leavenheath Neighbourhood Plan and has contributed to the SEA and HRA Screening Opinions. There are few national and international designations within close proximity to Leavenheath and the Leavenheath Parish Council

therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.