

# Leavenheath Neighbourhood Plan 2022 - 2037

## Post-Examination Decision Statement

Dated: 31 January 2023



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

### Summary

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 of the recommendations made by the Independent Examiner and to publish the decision on its website. This Decision Statement fulfills that purpose.

The submission draft 'Leavenheath Neighbourhood Plan 2022 - 2037' (the 'Plan') has been independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. The final report, issued on 1 December 2022, notes that the Plan does not allocate sites for residential development but does set out criteria to guide future development proposals. The report also set out a number of modifications to ensure clarity for decision makers, and concluded that subject to these modifications being made, the Plan meets the Basic Conditions and that it could proceed to a local referendum.

Following a period of further discussion, which was initiated by the Parish Council, it is Babergh District Council's recommendation that:

*'Leavenheath Parish Council make all the necessary modifications to their Neighbourhood Plan in accordance with the Independent Examiner's Report and, subject to the satisfactory completion of that task, this Plan will be advanced to a local referendum covering the parish of Leavenheath.'*

### Background

The Leavenheath Neighbourhood Plan has been prepared in accordance with the relevant regulations. The key stages are set out below:

- In May 2019, designation of the whole parish as a Neighbourhood Plan Area, which enabled the Parish Council (the 'qualifying body') to prepare its Plan
- Publication by the Parish Council of their Regulation 14 Pre-submission draft Plan for consultation between 6 September and 25 October 2021
- In February 2022, submission of the draft Plan to Babergh District Council. After re-screening, the Plan was made available for public consultation between 5 September and 4 November 2022
- Starting in November 2022, independent examination of the Plan. The Final Examination Report was issued on 1 December 2022



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 Leavenheath Neighbourhood Plan has been independently screened. Relevant to its content at the time, the screening concluded that an Appropriate Assessment was not required but it did include recommendations to amend the wording of two policies (LEAV5 and LEAV12) in relation to windfall development. After consulting Natural England on screening report etc. the Council issued its formal Determination Notice in August 2022.

## **Decision**

The Leavenheath Neighbourhood Plan 2022 - 2037, as modified to incorporate all the modifications set out in the Independent Examiners Report dated 1 December 2022, complies with the Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town & Country Planning Act 1990 (as amended) and should proceed to a local referendum.

The date of the referendum will be announced separately.

A 'Referendum Version' of the Neighbourhood Plan, i.e., the version incorporating all the required modifications, will be published either on the day the referendum is announced, or sooner if it is practical to do so.

## **References:**

1. Independent Examiners Report on the Leavenheath Neighbourhood Plan:

<https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Leavenheath-NP-Exam-Report.pdf>