

LAWSHALL NEIGHBOURHOOD PLAN 2016-2036

Basic Conditions Statement January 2017



Youth Club Collage of Lawshall buildings – unveiled at 1st Community Consultation Nov 2015

Lawshall Parish Council

Loving our village – past, present, future!



Prepared for Lawshall Neighbourhood Plan Team by
Places4People Planning Consultancy
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Contents

1	Introduction	4
2.	Legal Requirements	5
3.	Compliance with Basic Conditions	8
4.	Compatibility with European Union Obligations and Human Rights	25
	Adopted development plan policies that do not apply to Lawshall Neighbourhood Plan	26

Tables:

Table 1.	Compatibility of the plan's vision, objectives and policies against the NPPF Core Principles
Table 2	How the plan contributes towards achieving sustainable development
Table 3:	The purpose and outcome of each Neighbourhood Plan (NP) policy with regard to sustainable development
Table 4:	Analysis of the Babergh Local Plan objectives against the NP (Neighbourhood Plan) objectives
Table 5:	Commentary on how the NP conforms to Local Plan strategic policies
Table 6:	Commentary on how the NP conforms to saved policies from the 2006 Local Plan
Table 7:	Impact of Objectives of the NP on Persons with Protected Characteristics

1 Introduction

1.1 As part of the formal submission of the Lawshall Neighbourhood Plan (LNP) for Examination, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority, Babergh District Council, of the LNP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). Regulation 15 requires a submission neighbourhood development plan to be accompanied by *"a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act"*.

1.2 This statement has been prepared in order to confirm compliance with these basic conditions as follows:

Section 2 identifies the legislative requirements for the 'basic conditions';

Section 3 identifies the matters that the appointed examiner must consider and confirms how the Lawshall Neighbourhood Plan (LNP) responds to them;

Sections 4 to 9 set out the basic conditions and review how the Lawshall Neighbourhood Plan (LNP) meets these requirements;

Section 10 confirms that the Lawshall Neighbourhood Plan (LNP) is compatible with the Convention Rights.

It is considered that the Lawshall Neighbourhood Plan (LNP) complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the “basic Conditions” that the Lawshall Neighbourhood Plan (LNP) must comply with.

2.2 Paragraph 8 (1) states that the examiner must consider:

- (a) whether the draft LNP meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft LNP complies with the provision made by or under sections 38A and 38B of this Act,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft LNP relates, and
- (e) such other matters as may be prescribed.

2.3 Paragraph 8 (2) states that a draft neighbourhood plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood plan,
- (d) the making of the neighbourhood plan contributes to the achievement of sustainable development,
- (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),
- (f) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions tests.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.

Meeting the Legal Requirements

Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	NP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the “Meaning of Neighbourhood Development Plan”.	Compliance with Sections 38A and 38B is demonstrated in the following rows.

Requirement	Interpretation	NP response
	Section 38A(1) “any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan.”	The LNP has been submitted by Lawshall Parish Council, a qualifying body (as defined in the Localism Act 2011),
	Section 38A(2) A “Neighbourhood Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”	The LNP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Lawshall, as designated by Babergh District Council on 8 December 2015. The boundary of the Neighbourhood Area is shown in the LNP
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the LNP
	Section 38B1(a) The Neighbourhood Development Plan “Must specify the period for which it is to have effect.”	The plan period of the LNP is from 2016 to 2036
	Section 38B1(b) A Neighbourhood Development Plan “may not include provision about development that is excluded development.”	The LNP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The LNP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as ratified by Babergh District Council on 8 December 2015.
	Section 38B(2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NP’s in place in this neighbourhood area.
	Section 38B(3) If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.	There are no conflicts within the LNP
	Section 38B(4)(a) Regulations made by the Secretary of State may make provisions for	The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process

Requirement	Interpretation	NP response
	<p>“restricting the provision that may be included in Neighbourhood Development Plans about the use of land.”</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012.</p>	of making the LNP.
	<p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions “requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations.”</p>	A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the LNP. In both cases it was considered that the Lawshall Neighbourhood Plan will not have significant environmental effects and that no European sites would be affected by the policies described in the LNP.
	Section 38B, which include paragraphs 38B(4)(c), 5 & 6,	The remaining requirements are not of relevance to this Basic Conditions Statement
4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area	This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.	The LNP relates solely to land that falls within the Parish of Lawshall.
4B 8 (1)(e) Other Matters 3.28.	This requires the examiner to consider such other matters as may be prescribed	There are no other prescribed matters.

3. Compliance with Basic Conditions

- 3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement. The Regulations state that the Neighbourhood Plan will have met the basic conditions if it:
1. Has regard to national policies and advice contained in guidance issued by the Secretary of State;
 2. Contributes to the achievement of sustainable development;
 3. Is in general conformity with the strategic policies of the development plan for the area; and
 4. Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

National Policy

- 3.2 The Lawshall Neighbourhood Plan (LNP) must have appropriate regard to national policy. The following section describes how the LNP relates to the National Planning Policy Framework (NPPF, March 2012). The NPPF is framed around a basic premise of the presumption in favour of sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system, including the LNP, where appropriate to:

- contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

- 3.3 The NPPF, based on its principle of the presumption in favour of sustainable development, contains 12 core planning principles and 13 sustainability goals. The following section identifies how the LNP meets the basic condition of having regard to the 12 core planning principles.

Core Planning Principles appraisal

NPPF Core Principle	Lawshall NP Objectives (as identified in Section 8 of the NP)	Lawshall NP Policies
Plan-led	All the LNP objectives apply this approach	The Plan defines a positive Vision to plan for and manage change during the plan period
Enhance and improve places	<p><u>Village Character:</u></p> <ul style="list-style-type: none"> Protecting the rural nature of the village Rural feel will be intact <p><u>Amenities and Services:</u></p> <ul style="list-style-type: none"> Protection and improvement of services including village shop and sports & play facilities <p><u>Historic Heritage:</u></p> <ul style="list-style-type: none"> Incorporation of traditional features into some new homes <p><u>New housing:</u></p> <ul style="list-style-type: none"> New homes accommodated without destroying the rural fabric or character <p><u>Infrastructure:</u></p> <ul style="list-style-type: none"> Resolving school parking, flooding and internet/phone communications <p><u>Youth:</u></p> <ul style="list-style-type: none"> Providing homes and facilities to encourage young people to remain in the village 	<p>Policy LAW 1 defines the strategy for the location of new development</p> <p>Policy LAW 2 identifies that new homes within the built-up area boundary must ensure an appropriate level of services, facilities and infrastructure are available or can be provided.</p> <p>Policy LAW 3 requires proposals to be accompanied by a Landscape Visual Impact Assessment and does not support proposals that will harm a settlement gap, have an adverse impact on the environment or would result in the coalescence of settlements</p> <p>Policy LAW 6 protects importance recreation and green spaces</p> <p>Policy LAW 7 protects existing natural assets</p> <p>Policy LAW 8 protects and maintains features of biodiversity value</p> <p>Policy LAW 9 protects open and undeveloped gaps that separate the distinct settlements in the village</p> <p>Policy LAW 10 defines and protects the Special Landscape Area</p> <p>Policy LAW 11 seeks to protect identified heritage assets</p> <p>Policy LAW 12 proposes the identification of local heritage assets</p> <p>Policy LAW 13 sets out design principles by which proposals for new development will be considered</p> <p>Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities</p>
Economic Development	<p><u>Infrastructure:</u></p> <ul style="list-style-type: none"> Resolving internet and phone communications issues 	Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities
High quality design and standard of amenity	<p><u>Amenities and Services:</u></p> <ul style="list-style-type: none"> Protection and improvement of services including village shop and sports & play facilities <p><u>Historic Heritage:</u></p> <ul style="list-style-type: none"> Incorporation of traditional features into some new homes 	<p>Policy LAW 6 protects importance recreation and green spaces</p> <p>Policy LAW 13 sets out design principles by which proposals for new development will be considered</p> <p>Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities</p>

NPPF Core Principle	Lawshall NP Objectives (as identified in Section 8 of the NP)	Lawshall NP Policies
Character	<p><u>Village Character:</u></p> <ul style="list-style-type: none"> • Protecting the rural nature of the village • Rural feel will be intact <p><u>Historic Heritage:</u></p> <ul style="list-style-type: none"> • Incorporation of traditional features into some new homes <p><u>New housing:</u></p> <ul style="list-style-type: none"> • New homes accommodated without destroying the rural fabric or character 	<p>Policy LAW 1 defines the strategy for the location of new development</p> <p>Policy LAW 3 requires proposals to be accompanied by a Landscape Visual Impact Assessment and does not support proposals that will harm a settlement gap, have an adverse impact on the environment or would result in the coalescence of settlements</p> <p>Policy LAW 6 protects importance recreation and green spaces</p> <p>Policy LAW 9 protects open and undeveloped gaps that separate the distinct settlements in the village</p> <p>Policy LAW 10 defines and protects the Special Landscape Area</p> <p>Policy LAW 11 seeks to protect identified heritage assets</p> <p>Policy LAW 12 proposes the identification of local heritage assets</p> <p>Policy LAW 13 sets out design principles by which proposals for new development will be considered</p>
Climate change and flood risk	<p><u>Infrastructure:</u></p> <ul style="list-style-type: none"> • Solutions to flooding issues achieved 	<p>Policy LAW 13 sets out design principles by which proposals for new development will be considered, including a requirement that development would not result in water run-off that would add to or create surface water flooding</p> <p>Policy LAW 16 sets out specific requirements to ensure that proposals for new development do not result in the loss of open watercourse which are required for flood management</p>
Conserving and enhancing the natural environment	<p><u>Village Character:</u></p> <ul style="list-style-type: none"> • Protecting the rural nature of the village • Rural feel will be intact • Woods will be more abundant with wildlife and biodiversity <p><u>New housing:</u></p> <ul style="list-style-type: none"> • New homes accommodated without destroying the rural fabric or character 	<p>Policy LAW 3 requires proposals to be accompanied by a Landscape Visual Impact Assessment and does not support proposals that will harm a settlement gap, have an adverse impact on the environment or would result in the coalescence of settlements</p> <p>Policy LAW 6 protects importance recreation and green spaces</p> <p>Policy LAW 7 protects existing natural assets</p> <p>Policy LAW 8 protects and maintains features of biodiversity value</p> <p>Policy LAW 9 protects open and undeveloped gaps that separate the distinct settlements in the village</p> <p>Policy LAW 10 defines and protects the Special Landscape Area</p>
Using brownfield land	<p><u>New housing:</u></p> <ul style="list-style-type: none"> • New homes accommodated without destroying the rural fabric or character 	<p>Policy LAW 1 defines the strategy for the location of new development</p> <p>Policy LAW 2 identifies that new homes within the built-up area boundary must ensure an appropriate level of services, facilities</p>

NPPF Core Principle	Lawshall NP Objectives (as identified in Section 8 of the NP)	Lawshall NP Policies
	<ul style="list-style-type: none"> Homes built within or adjoining the built-up areas or as infilling within identified clusters 	and infrastructure are available or can be provided.
Promoting mixed use	<u>Amenities and Services:</u> <ul style="list-style-type: none"> Protection and improvement of services including village shop and sports & play facilities 	Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities
Conserving heritage	<u>Historic Heritage:</u> <ul style="list-style-type: none"> Incorporation of traditional features into some new homes <u>New housing:</u> <ul style="list-style-type: none"> New homes accommodated without destroying the rural fabric or character 	Policy LAW 11 seeks to protect identified heritage assets Policy LAW 12 proposes the identification of local heritage assets Policy LAW 13 sets out design principles by which proposals for new development will be considered
Sustainable transport	<u>Amenities and Services:</u> <ul style="list-style-type: none"> Protection and improvement of services including village shop and sports & play facilities 	Policy LAW 13 requires proposals to maintain or enhance the safety of the highway network
Health and social and cultural well being	<u>Amenities and Services:</u> <ul style="list-style-type: none"> Protection and improvement of services including village shop and sports & play facilities 	Policy LAW 13 sets out design principles by which proposals for new development will be considered Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities

The Sustainability Policies in the National Planning Policy Framework (NPPF)

- 3.4 The following section compares the thirteen Sustainable Development themes of the NPPF with the objectives and policies of the Lawshall Neighbourhood Plan (LNP).

1. Building a strong, competitive economy

Given the size of Lawshall and its local planning status as a Hinterland Village, any local economic growth is going to be small in scale and compatible with the local environment. Local opportunities do exist, for example at the primary school and The Willows residential care home.

Policy LAW 14 protects existing services and facilities from being lost and encourages the provision of additional facilities

2. Ensuring the vitality of town centres

There is currently no shop open in Lawshall but there is a public house. A community action in the LNP seeks to reopen the village shop.

Policy LAW 14 specifically seeks to resist the loss of the village pub, the village shop and the village hall unless specific criteria are satisfied.

3. Supporting a prosperous rural economy

The neighbourhood plan acknowledges the importance of encouraging appropriate business opportunities in the parish, although there were some reservations within the community about allowing more business without having regard to the distinct environmental character of the area. The LNP encourages the improvement of mobile phone signals and broadband speed and these are included as a community action. The policies of the local plan, in particular the Babergh Core Strategy, are considered sufficient for the consideration of specific proposals for business development.

Policy LAW 13 sets out design principles by which proposals for new development, including business development, will be considered

4. Promoting sustainable transport

The rural location of Lawshall and the infrequency of bus services means that it is difficult to reduce car journeys, especially for work. However, the implementation of improved broadband speeds and mobile phone reception will enable more home working for those that can do so.

Policy LAW1 seeks to focus new development within or adjoining the existing village settlement boundary thereby reducing journey lengths to use local services and facilities and reducing carbon emissions.

5. Supporting high quality communications infrastructure

The neighbourhood plan, and the work leading to its preparation, has identified the need to prioritise the improvement of mobile phone reception and broadband speed. In particular, the neighbourhood plan is targeting the introduction of a high speed broadband network available to all its local residents and businesses and an improved mobile telephone infrastructure.

6. Delivering a wide choice of high quality homes.

Paragraph 50 of the NPPF requires plans to cater for current and future needs, to identify size, type and tenure, and to provide affordable housing where needed. The LNP does not make any site allocations for new housing development, but does contain policies which enable the development of new homes throughout the plan period appropriate to its designation in the Babergh Core Strategy as a “hinterland village” as well as making provision for the development of affordable housing on rural exception sites. Policies LAW1, LAW2, LAW3, LAW4 and LAW5 address:

- the spatial strategy;
- location of new development;
- housing mix; and
- affordable housing provision.

7. Requiring good design.

Although Lawshall does not have a designated conservation area, the distinct character of settlements having evolved around greens and the array of historic buildings within them requires that new development responds to these circumstances and is of the highest quality.

Policy LAW13 sets out design principles by which proposals for new development will be considered and specifically requires proposals to reflect local characteristics to which the supporting text refers.

8. Promoting healthy communities

The LNP seeks to ensure that any development is proportionate to local need in accordance with the villages strategic policy designation as a “hinterland village”.

Policy LAW6 protects specified recreation and other green spaces across the village, while Policy LAW14 protects the much-valued facilities in the village including the village hall. Many of these, such as the open spaces and extensive community woodlands, will make a significant contribution to maintaining and improving the health and well-being of residents.

9. Protecting Green Belt land

The Lawshall Neighbourhood Area does not include any designated green belt.

10. Meeting the challenge of climate change, flooding and coastal change

The LNP addresses climate change in a number of areas. Policy LAW1 seeks to focus new development within or adjoining the existing Built Up Area Boundaries, where existing services and facilities are located, thereby reducing journey lengths to use them and thereby contributing to a reduction in carbon emissions. Policy LAW13 sets out design principles by which proposals for new development will be considered and requires, as appropriate, the incorporation of sustainable design and construction measures as well as the inclusion of energy efficiency measures.

Surface water flooding has been identified as a problem in parts of the village and Policy LAW16 sets out specific requirements to ensure that proposals for new development do not result in the loss of open watercourse which are required for flood management

11. Conserving and enhancing the natural environment

Extensive supportive work has been undertaken to identify the natural habitats and features that are locally significant in the neighbourhood plan area. Character Assessment has identified features such as ancient hedgerows and woodlands that are home to a wide range of species. The LNP, and specifically Policies LAW7 and LAW8 protects existing natural assets

and features of biodiversity value, including the Frithy Wood SSSI. The importance of the community woodlands in the village is highlighted in the LNP, not only for the opportunity for access for residents but also for the wide range of species that are present within them

An area of previously designated Special Landscape Area exists in the village and extends to join the Special Landscape Area in St Edmundsbury that was recently reconfirmed in the adoption of their Core Strategy. Policy LAW10 defines and protects the Special Landscape Area from inappropriate development.

12. Conserving and enhancing the historic environment.

While Lawshall doesn't have a designated conservation area, there are a number of listed buildings in the village and additional buildings have been identified as being of note and worthy of inclusion in a "local list".

Policy LAW 11 seeks to protect identified heritage assets and Policy LAW12 proposes the identification of local heritage assets.

13. Facilitating the sustainable use of minerals

Mineral extraction is excluded development and is therefore not dealt with in the LNP.

Achieving Sustainable Development

3.5 The Lawshall Neighbourhood Plan (LNP) is required to contribute to the achievement of sustainable development, as defined in the NPPF and summarised elsewhere in this Basic Conditions Statement. Paragraph 7 of the National Planning Policy Framework states that there are three dimensions to sustainable development:

- to contribute to building a strong, responsive and competitive economy,
- to support strong, vibrant and healthy communities; and
- to contribute to protecting and enhancing the natural, built and historic environment.
-

The following statements identify how the LNP delivers sustainable development.

How the LNP Vision and Objectives, as set out in Section 8, relate to the three NPPF dimensions of sustainable development

NPPF Component	LNP Vision and Objectives
Economic	<p>Amenities and Services</p> <ul style="list-style-type: none"> • Those amenities and services most valued today will still be 'alive and well' and, where appropriate, up-graded for everyone's benefit and enjoyment. • We will long have had a thriving village shop again and the sports and play facilities will have been improved and expanded. <p>Infrastructure</p> <ul style="list-style-type: none"> • Internet and phone communication systems will be up to speed and will have encouraged small rural set ups and new local businesses.

NPPF Component	LNP Vision and Objectives
Social	<p>Amenities and Services</p> <ul style="list-style-type: none"> • Those amenities and services most valued today will still be ‘alive and well’ and, where appropriate, up-graded for everyone’s benefit and enjoyment. • We will long have had a thriving village shop again and the sports and play facilities will have been improved and expanded. <p>Youth</p> <ul style="list-style-type: none"> • We will have listened to the needs of our young people and suitable accommodation will have been built for them.
Environmental	<p>Village Character</p> <ul style="list-style-type: none"> • The rural nature of our village will have been preserved - with its winding lanes, rolling fields, wide views, and distinct hamlets some of which, as today, will still have their own greens. • Family farms will still abound and the tranquil setting, dark night skies and rural feel will still be intact. • Frithy Wood and Forest for Our Children (Golden Wood & Crooked Wood) will be even more abundant with wildlife and boast even higher and more enviable biodiversity. <p>Historic Heritage</p> <ul style="list-style-type: none"> • Preservation of our built heritage will still be of key importance and this will be reflected in traditional features being incorporated into some of our new homes. <p>Infrastructure</p> <ul style="list-style-type: none"> • Solutions to flooding issues will have been achieved and flooding will be a problem only of the past.

How the purpose of LNP policies achieve sustainable development

3.6 The table below identifies the purpose of each policy in the LNP and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
LAW1	To set out the strategy for the location of growth in Lawshall during the plan period	Ensures that new development is located close to existing village facilities and minimises the development of agricultural land in remote locations.
LAW2	Provide certainty of housing development within the BUAB	Allows for development of new homes in BUAB thereby limiting possibilities of agricultural land take.
LAW3	Guide where housing development outside the BUAB would be allowed	Provides strict guidance on the location of new homes to minimise the environmental impact of new homes in the countryside.
LAW4	To encourage a mix of house types in the village that better reflects the need.	Encourages the provision of smaller homes to meet the needs of first time buyers and an ageing population rather than them having to move out of the village.
LAW5	To ensure that affordable housing schemes are available firstly to local people	Will help people with a local connection remain in the village rather than move away to find affordable homes.

Policy	Purpose	Outcome
LAW6	Protect recreational and other important open spaces	Contributes to facilitating healthy lifestyles.
LAW7	Protecting existing natural environment assets	Contributes to protecting and enhancing the natural environment
LAW8	Protecting and maintaining features of biodiversity value	Contributes to protecting and enhancing the natural environment
LAW9	Maintain settlement gaps	Protects locally distinct character of Lawshall which has developed as a series of hamlets
LAW10	Protect area of special landscape	Protects and enhances character of this distinct area of local landscape and its wider connectivity into St Edmundsbury to the north.
LAW11	To ensure that new development has regard to the character and setting of heritage assets	Ensures that development does not have a detrimental impact or cause unacceptable harm to the heritage assets
LAW12	Protecting the character of locally important and distinct heritage assets	Ensures that development does not have a detrimental impact or cause unacceptable harm
LAW13	To ensure that proposals for new development are of high quality and respect local characteristics and circumstances	Preserves and enhances the distinctiveness, character and sense of place of Lawshall's built environment.
LAW14	To protect existing community facilities and services in the village	Maintains existing village services and reduce the need to drive out of the village for day to day needs.
LAW15	To ensure that any future expansion of the primary school provides for sufficient of-street parking for child drop-off and pick-up	Management of the impact of the growth of the primary school on traffic and the amenity of local residents

General conformity with the strategic policies contained in the development plan

- 3.7 The Lawshall Neighbourhood Plan (LNP) must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan currently in force for the LNP is the Babergh Core Strategy (February 2014) and the saved policies of the Babergh Local Plan (Babergh Local Plan Alteration No.2 adopted June 2006).

Babergh District Council has announced its intention to prepare a new joint local plan with Mid Suffolk District Council to cover the two local planning authority areas. Consultation on Issues and Options to be considered in the Joint Local Plan took place between January and March 2015 and the District Council's Strategy Committee approved a new Local Development Scheme on 6 June 2016 (yet to be published on the Council's Planning Policy pages) that would see the Joint Local Plan being submitted for examination to the Secretary of State in July 2017. However, given the early stages of preparation, there is no requirement for the LNP to be in conformity with anything published in relation to the Joint Local Plan.

Vision of LNP and the Babergh Core Strategy 2014

The Babergh Core Strategy 2008 Vision states that:

Babergh will continue to be an attractive, high quality place in which to live and work, and to visit. The local character and distinctiveness of South Suffolk will be further enhanced by a strong economy and healthier environment providing the framework for a well connected network of places that is made up of mixed and balanced communities.

The LNP Vision is set out below with an indication as to how it conforms with the Core Strategy Vision.

LNP Vision	Conformity with Core Strategy Vision
Village Character	
The rural nature of our village will have been preserved - with its winding lanes, rolling fields, wide views, and distinct hamlets some of which, as today, will still have their own greens.	Conforms
Family farms will still abound and the tranquil setting, dark night skies and rural feel will still be intact.	Conforms
Frithy Wood and Forest for Our Children (Golden Wood & Crooked Wood) will be even more abundant with wildlife and boast even higher and more enviable biodiversity.	Conforms
Amenities and Services	
Those amenities and services most valued today will still be 'alive and well' and, where appropriate, up-graded for everyone's benefit and enjoyment.	Conforms
We will long have had a thriving village shop again and the sports and play facilities will have been improved and expanded.	Conforms
Historic Heritage	
Preservation of our built heritage will still be of key importance and this will be reflected in traditional features being incorporated into some of our new homes.	Conforms
New Housing	
This will have not exceeded what can be comfortably absorbed without destroying the parish's rural fabric and character.	Conforms
It will have been built within or adjoining the defined built-up areas or as sensitive and proportional infillings within the identified clusters (hamlets).	Conforms
Infrastructure	
The school parking issues troubling today will long have been solved.	Conforms
Internet and phone communication systems will be up to speed and will have encouraged small rural set ups and new local businesses.	Conforms
Solutions to flooding issues will have been achieved and flooding will be a problem only of the past.	Conforms

LNP Vision	Conformity with Core Strategy Vision
Youth	
Last but not least - we will have listened to the needs of our young people and suitable accommodation will have been built for them.	Conforms
Those who wished to, will have been able to remain in the village – thereby ensuring that in 2036 there will still be a continuance of diverse demographics and a lively thriving village community enjoyed by all.	Conforms

Compatibility of the LNP with the Strategic Policies of the Development Plan

3.8 The Government’s Planning Practice Guidance states:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

3.9 A significant number of policies in the Babergh Local Plan (2006) are officially “saved” by direction of the Secretary of State in accordance with the Planning and Compulsory Purchase Act 2004. In total these amount to over 90 policies. Babergh District Council has not identified which of the saved local plan policies are of a strategic nature. In the absence of this, we have assessed compatibility of LNP policies against all policies that are considered relevant to Lawshall. Those that are not considered relevant are listed in Appendix A of this statement.

3.10 The table below provides details of the policies in the development plan, a link to the LNP policy (where relevant) and a narrative of conformity of the LNP with the development plan.

Local Plan Strategic Policy	LNP Policy	Comment
Babergh Core Strategy 2014		
CS1 Applying the Presumption in Favour of Sustainable Development in Babergh	LAW1 – Lawshall’s Settlement Pattern Policy LAW2 – Housing Development within the Built-Up Area Boundaries LAW3 – Housing Development outside the Built-Up Area Boundaries LAW4 – Housing Mix LAW5 – Affordable Housing on Rural Exception Sites LAW6 – Important Recreation and Green Space LAW7 – Protecting Existing Natural Environment Assets LAW8 - Protecting and Maintaining Features of Biodiversity Value LAW9 – Settlement Gaps LAW10 – Special Landscape Area LAW11 – Protection of Heritage Assets LAW12 – Local Heritage Assets LAW13 – Design Principles LAW14 - Community Facilities and Services LAW15 – Infrastructure LAW16 – Flood Management	All policies in the LNP are positively worded to encourage sustainable development to take place in the village
CS2 Settlement Pattern Policy	LAW1 – Lawshall’s Settlement Pattern Policy LAW2 – Housing Development within the Built-Up Area Boundaries LAW3 – Housing Development outside the Built-Up Area Boundaries	The policy identifies Lawshall as a Hinterland Village that will “accommodate some development to help meet the needs within them”. The LNP n accords with this policy.
CS3 Strategy for Growth and Development	LAW1 – Lawshall’s Settlement Pattern Policy LAW2 – Housing Development within the Built-Up Area Boundaries LAW3 – Housing Development outside the Built-Up Area Boundaries	The policy identifies the amount of economic and housing growth that will be planned for in Babergh, specifically the amount of housing across all hinterland villages. The LNP provides a positive response to this policy.
CS11 Strategy for Development for Core and Hinterland Villages	LAW1 – Lawshall’s Settlement Pattern Policy LAW2 – Housing Development within the Built-Up Area Boundaries LAW3 – Housing Development outside the Built-Up Area Boundaries	The policy provides detailed guidance on the function of hinterland villages and criteria for the consideration of new development proposals. Policy LAW1 has had particular regard to this policy in determining the location where new housing would be allowed in the village.
CS12 Sustainable Design and Construction Standards	LAW13 – Design Principles	Most of the policy relates to new homes on larger scale developments which is not applicable to Lawshall. However, the policy also requires non-residential development to achieve BREEAM “excellent” standard. The LNP does not conflict with this policy.

Local Plan Strategic Policy	LNP Policy	Comment
CS13 Renewable / Low Carbon Energy	LAW13 – Design Principles	The Policy encourages the use of on-site low and zero carbon technologies on new or existing buildings. The LNP does not conflict with this policy.
CS14 Green Infrastructure	LAW6 – Important Recreation and Green Space LAW7 – Protecting Existing Natural Environment Assets LAW8 - Protecting and Maintaining Features of Biodiversity Value LAW10 – Special Landscape Area	The policy protects and enhances green infrastructure. The LNP contains policies that positively protects green infrastructure and encourages more provision.
CS15 Implementing Sustainable Development in Babergh	LAW1 – Lawshall’s Settlement Pattern Policy LAW2 – Housing Development within the Built-Up Area Boundaries LAW3–Housing Development outside the Built-Up Area Boundaries LAW6 – Important Recreation and Green Space LAW7 – Protecting Existing Natural Environment Assets LAW8 - Protecting and Maintaining Features of Biodiversity Value LAW9 – Settlement Gaps LAW10 – Special Landscape Area LAW11 – Protection of Heritage Assets LAW12 – Local Heritage Assets LAW13 – Design Principles LAW14 - Community Facilities and Services LAW15 – Infrastructure LAW16 – Flood Management	The policy sets out criteria for the principles of sustainable development by which all proposals will be assessed. The LNP contains a number of policies that will specifically contribute to achieving this policy.
CS16 Town, Village and Local Centres	LAW14 - Community Facilities and Services	The policy provides for new retail, leisure, tourism, cultural and office development at an appropriate scale in village centres. While Lawshall does not have an identifiable village centre, the LNP does seek to protect and enhance existing facilities.
CS17 The Rural Economy	LAW1 – Lawshall’s Settlement Pattern Policy LAW14 - Community Facilities and Services	The policy supports a range of economic initiatives in the rural area. The LNP refers to this policy but neither repeats or contradicts it.
CS18 Mix and Types of Dwellings	LAW4 – Housing Mix	The policy states that the mix, type and size of the housing development will be expected to reflect established need. The LNP has identified specific needs locally and reflects this in Policy LAW4.
CS19 Affordable Homes	LAW5 – Affordable Housing on Rural Exception Sites	The policy sets requirement for the provision of 35% affordable housing on development sites. The national guidance subsequently introduces a threshold of developments of 10 homes, below which affordable housing should not be sought. The LNP does not conflict with the policy or the national guidance.

Local Plan Strategic Policy	LNP Policy	Comment
CS20 Rural Exception Sites	LAW5 – Affordable Housing on Rural Exception Sites	The policy enables the provision of affordable housing adjacent or well related to development boundaries in hinterland villages. The LNP supports this policy but adds criteria that are specific to Lawshall, including demonstrating local connection.
CS21 Infrastructure Provision	LAW14 - Community Facilities and Services LAW15 – Infrastructure	The policy seeks to protect, safeguard and enhance existing services, facilities and amenities that are important to the sustainability of local communities. The LNP identifies specific infrastructure in the village that should be protected or enhanced.
CS22 Monitoring	No specific policies apply	The LNP has a section on how it will be monitored.

Babergh Local Plan (2006) Saved Policies		
EN22 Light Pollution - Outdoor Lighting	LAW13 – Design Principles	The policy seeks to minimise the provision of outside lighting and any glare or spillage to a minimum. The Neighbourhood Plan does not conflict with this policy.
EN26 Telecommunications	LAW15 – Infrastructure	The policy sets out criteria for the consideration of proposals for new telecommunications equipment. The Neighbourhood Plan does not conflict with this policy.
HS05 Replacement Dwellings	LAW3 – Housing Development outside the Built-Up Area Boundaries	The policy provides criteria by which proposals for the replacement of dwellings in the countryside will be considered. The Neighbourhood Plan does not conflict with this policy.
HS28 Infilling	LAW13 – Design Principles	The policy states in which circumstances development on infill plots will not be permitted. The Neighbourhood Plan does not conflict with this policy.
HS31 Public Open Space (Sites of 1.5 ha and above)	LAW6 – Important Recreation and Green Space	The policy requires a proportion of larger housing sites to be public open space. It is unlikely that such large sites will come forward in Lawshall, but the Neighbourhood Plan does not conflict with this policy.
HS32 Public Open Space (New dwellings and Amended HS16 Sites up to 1.5ha)	LAW6 – Important Recreation and Green Space	The policy requires proposals for all new residential development, ranging from a single dwelling up to the development of a 1.5 hectare site, to provide open space and play equipment in proportion to the number of dwellings to be built. The Neighbourhood Plan does not conflict with this policy.
HS33 Extensions to Existing Dwellings	LAW13 – Design Principles	The policy provides criteria by which proposals for house extensions will be considered. The Neighbourhood Plan does not conflict with this policy.
HS35 Residential Annexes	LAW13 – Design Principles	The policy provides criteria by which proposals for self-contained annexes will be considered. The LNP does not conflict with this policy.

Local Plan Strategic Policy	LNP Policy	Comment
HS39 Special Needs Housing	No specific policies apply	The policy states that proposals for nursing, residential care, rest homes and sheltered housing and extensions to such homes should be provided in towns or defined sustainable villages. Lawshall is not defined as a sustainable village. The LNP does not conflict with this policy.
HS40 Special Needs Housing: Conversions/Change of Use	No specific policies apply	The policy states that proposals for change of use of a dwelling/building to nursing/residential/rest home or to accommodation for the mentally or physically handicapped should be provided in towns or defined sustainable villages. Lawshall is not defined as a sustainable village. The LNP does not conflict with this policy.
EM02 General Employment Areas – Existing and New Allocations	No specific policies apply	The policy states that proposals for employment related development able to demonstrate a positive effect on town (or village) centre vitality and viability will be permitted. The LNP does not conflict with this policy.
EM19 High Technology Employment Provision	No specific policies apply	The policy makes provision for how proposals for high technology employment provision will be considered. The LNP does not conflict with this policy.
EM20 Expansion/Extension of Existing Employment Uses	No specific policies apply	The policy provides for the expansion of existing employment uses subject to certain provisions. The LNP does not conflict with this policy.
EM24 Retention of Existing Employment Sites	No specific policies apply	The policy sets out criteria by which the redevelopment of existing or vacant employment land will be considered. The LNP does not conflict with this policy.
SP04 Shopping in Local Centres and Villages	LAW14 - Community Facilities and Services	The policy seeks the retention of shopping in villages. The LNP identifies those premises that will be protected.
SP05 Farm Shops	LAW14 - Community Facilities and Services	The policy provides criteria for the consideration of proposals for farm shops. The LNP does not conflict with this policy.
CR04 Special Landscape Areas	LAW10 – Special Landscape Area	The policy sets out how proposals for development in the Special Landscape Area will be permitted. The LNP repeats this policy due to the potential loss of this designation, as referred to in the subsequent Babergh Core Strategy.
CR07 Landscaping Schemes	LAW13 – Design Principles	The policy requires a high standard of landscaping for any development permitted in the countryside. The LNP does not conflict with this policy.
CR08 Hedgerows	LAW13 – Design Principles	The policy seeks the protection of hedgerows in development proposals or suitable mitigation schemes. The LNP identifies specific Ancient Hedgerows that should be protected.
CR09 Agricultural Reservoirs	No specific policies apply	The policy provides criteria for the consideration of such proposals. The LNP does not conflict with this policy.

Local Plan Strategic Policy	LNP Policy	Comment
CR10 Change of use from Agricultural Land	LAW13 – Design Principles	The policy provides criteria for the consideration of proposals for the change of use from agricultural land to domestic gardens. The LNP does not conflict with this policy.
CR13 Removal of Agricultural Occupancy Restrictions	No specific policies apply	The policy provides criteria for the consideration of proposals to remove the agricultural occupancy restrictions imposed by a condition of planning permission. The LNP does not conflict with this policy.
CR18 Buildings in the Countryside - Non Residential	LAW13 – Design Principles	The policy provides criteria for the consideration of proposals for converting barns, or other redundant or under-used buildings in the countryside, to industrial, business, community or recreational uses. The LNP does not conflict with this policy.
CR19 Buildings in the Countryside – Residential	LAW13 – Design Principles	The policy provides criteria for the consideration of proposals for the conversion of barns or other redundant or under-used buildings in the countryside into dwellings or holiday accommodation. The LNP does not conflict with this policy.
CR24 Village Schools	LAW15 – Infrastructure	Then policy provides support for the use of closed village schools for community uses in the first instance. The LNP is supportive of the retention of the primary school.
CN01 Design Standards	LAW13 – Design Principles	The policy requires development proposals to be of appropriate scale, form, detail, design and construction materials. The LNP reinforces this policy by providing a local context.
CN03 Open Space within Settlements	LAW6 – Important Recreation and Green Space LAW9 – Settlement Gaps	The policy states that development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted. The LNP reinforces this policy by identifying locally important open spaces and important settlement gaps.
CN04 Design & Crime Prevention	LAW13 – Design Principles	The policy seeks to ensure that development is designed to deter vandalism and crime. The LNP does not conflict with this policy.
CN06 Listed Buildings - Alteration/Extension/Change of Use	LAW11 – Protection of Heritage Assets LAW12 – Local Heritage Assets	The policy provides criteria for the consideration of proposals for the alteration (including part demolition), extension or change of use of listed buildings. The LNP does not conflict with this policy.
RE06 Small and Medium - Scale Recreation	LAW6 – Important Recreation and Green Space LAW14 - Community Facilities and Services	The policy addresses proposals for small or medium-scale recreation facilities and change of use to recreation in the countryside. The LNP does not conflict with this policy.

Local Plan Strategic Policy	LNP Policy	Comment
RE07 Large Scale Recreation	No specific policies apply	The policy states that large scale recreational facilities will only be permitted adjacent to Sudbury, Hadleigh and Ipswich. The LNP does not conflict with this policy.
TP15 Parking Standards – New Development	LAW13 – Design Principles	The policy states that development proposals should provide parking in accordance with the adopted standards. The LNP does not conflict with this policy.
TP16 Green Travel Plans	LAW15 – Infrastructure	The policy requires proposals for development that employ more than 25 people to prepare and implement a Travel Plan. The LNP does not conflict with this policy.

4. Compatibility with European Union Obligations and Human Rights

Environmental Impact and Habitat Regulations

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available

Human Rights

- 4.3 The public consultation process for the Lawshall Neighbourhood Plan has been wide and inclusive, as prescribed by our Community Engagement Strategy and has included direct engagement with community organisations. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 4.4 The Lawshall Neighbourhood Plan will not have negative impacts upon groups with protected characteristics; indeed many of the policies contained within the Plan seek to cater for the needs of people with protected characteristics in the Plan area. The Lawshall Neighbourhood Plan's vision, objectives and policies all aim to foster community cohesion and social inclusion.

APPENDIX A

Adopted and saved development plan policies that do not apply to Lawshall Neighbourhood Plan

The following policies in the Babergh Development Plan (Core Strategy and Local Plan) are not appropriate to Lawshall, either because they are not of a strategic nature or do not apply to the village and have therefore not been assessed in this Basic Conditions Statement.

Babergh Core Strategy 2014

CS4 Chilton Woods Strategic Land Allocation and Strategy for Sudbury / Great Cornard
CS5 Strategic Broad Location – East of Sudbury / Great Cornard
CS6 Hadleigh
CS7 Strategic Site Allocation - Babergh Ipswich Fringe
CS8 Sproughton Strategic Employment Site Allocation
CS9 Wherstead Strategic Employment Site Allocation
CS10 Brantham Regeneration Area Allocation

Babergh Local Plan (2006) Saved Policies

HS11 Head Lane, Great Cornard
HS12 William Armes Factory, Cornard Road, Sudbury
HS13 High Bank, Melford Road, Sudbury
HS14 Peoples Park, Sudbury
HS15 Grays Close, Hadleigh
HS16 Gallows Hill, Hadleigh
HS17 Carsons Drive, Great Cornard
HS18 Bures Road, Great Cornard
HS19 Rotherham Road, Bildeston
HS20 Friends Field/Tawney Rise, Bures
HS21 Goodlands Farm, Daking Avenue, Boxford
HS22 Folly Road, Great Waldingfield
HS23 Church Farm, Whatfield
HS24 Church Lane, Sproughton
HS25 Land at Crownfield Road, Glemsford
EM03 Land to south-east of Lady Lane Hadleigh
EM04 Former 'British Sugar' Sproughton
EM05 Wherstead Office Park, Wherstead
EM06 Land at Brantham Industrial Area
EM07 Land at Bures Road, Great Cornard
EM08 Warehousing & Distribution
EM09 Leisure & Sport at Employment Areas
EM11 Notley Enterprise Park, Raydon/Great Wenham
EM12 Bull Lane/Acton Place
EM13 Pond Hall Industrial Estate, Hadleigh
EM14 Tentree Road, Great Waldingfield
EM15 Off Brook Street, (E W Downs) Glemsford
EM16 London Road, Capel St Mary
EM17 Sprites Lane, Ipswich Western Fringe
EM18 Land on the east bank of the River Orwell
EM21 Redundant Airfields

EM23 Workshop Scale Employment Sites
SP03 Retail Development Outside Town Centres
CR02 AONB Landscape
CR14 Houseboats - Estuarial/or Inland Waters
CR15 Houseboats at Pin Mill
CR16 Jetties at Pin Mill
CR22 Proposed LNR Belstead
CN08 Development in or near conservation Areas
CN14 Historic Parks & Gardens – National
CN15 Historic Parks & Gardens – Local
RE04 Quay Lane, Sudbury Open Space
RE05 Shawlands Avenue Great Cornard
RE11 Land between A137, A14 and The Strand, Wherstead
RE13 Gt Cornard Country Park
RE14 Stour & Orwell Estuaries
RE15 Moorings and Marinas
RE16 Land-based Sailing Facilities on Estuaries
RE17 Land-based Facilities at Alton Water
RE18 Rivers Stour and Gipping
TP04 New Cycle Links
TP05 New Cycle Link – Sproughton
TP07 Expansion of Copdock Park & Ride Facility
TP08 Proposed Park and Ride – Wherstead
TP10 Sudbury Western Bypass route protection
TP13 Lorry Parking in Hadleigh
TP18 Airports
TP19 Boxford Community Car Park
SD01 Principal Shopping Area
SD02 Mixed Use Areas - Business & Service
SD03 Mixed Use Areas - Shopping and Commerce
SD04 Mixed Use Areas – Residential Development
SD05 Bus/Rail Interchange
SD06 Land around Bus Station & Borehamgate Precinct
SD07 Land to rear of Market Hill
SD08 North St/Gainsborough Rd Junction
SD10 Bus Station
SD11 Industrial Areas
SD13 Walnut Tree Hospital
SD14 Market Hill, New Service Road
SD15 Alternative Hospital Site
HD01 Shopping - Foodstore between Pound Lane and Bridge Street
HD03 Prime Shopping Area
HD05 Hadleigh Health Centre
CP01 Chilton Mixed Use Development Package
CP02 Chilton Cemetery