

Hoxne NDP

Basic Conditions Statement

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1 Introduction

1.1 The legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:

- i. Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B.
- ii. Planning and Compulsory Purchase Act 2004: ss 38A-C.
- iii. Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended).

1.2. As part of the formal submission of the Hoxne Neighbourhood Development Plan (HNDP) for Examination, there is a requirement for Hoxne Parish Council, as the 'qualifying body', to demonstrate that it has complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as Amended). Regulation 15 requires the 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". This Statement accompanies the submission to the local planning authority, Mid Suffolk District Council, of the HNDP under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").

1.3 This statement has been prepared in order to demonstrate compliance with these basic conditions. Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the "Basic Conditions" that the neighbourhood plan must comply with as:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
4. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
5. The making of the neighbourhood development 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);
6. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
7. 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 prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).

1.4 In addition the Plan must meet the requirements of human rights law.

Key statements

1.5 The HNDP has been prepared by the Hoxne Neighbourhood Plan Working Group on behalf of Hoxne Parish Council. Mid Suffolk District Council (MSDC), as the local planning authority, designated the Eye Neighbourhood Area on 23rd August 2019 to enable Hoxne Parish Council to prepare the HNDP.

1.6 The HNDP sets out policies that relate to the development and use of land within only the Hoxne Neighbourhood Area. The Hoxne Neighbourhood Area as designated is shown in Figure 1 below.

1.7 The HNDP does not relate to more than one neighbourhood area. It is solely related to the Hoxne Neighbourhood Area designated by MSDC in August 2019.

1.8 There are no other 'made' Neighbourhood Development Plans that cover the Hoxne Neighbourhood Area.

1.9 The Plan covers the period from 2022-2037 to conform to the timescale of the Babergh and Mid . The HNDP Working Group has prepared the Plan through engagement with local people which identified objectives for the future of the Parish and puts forward policies and proposals to safeguard built and natural assets and to bring forward land for housing to implement these objectives

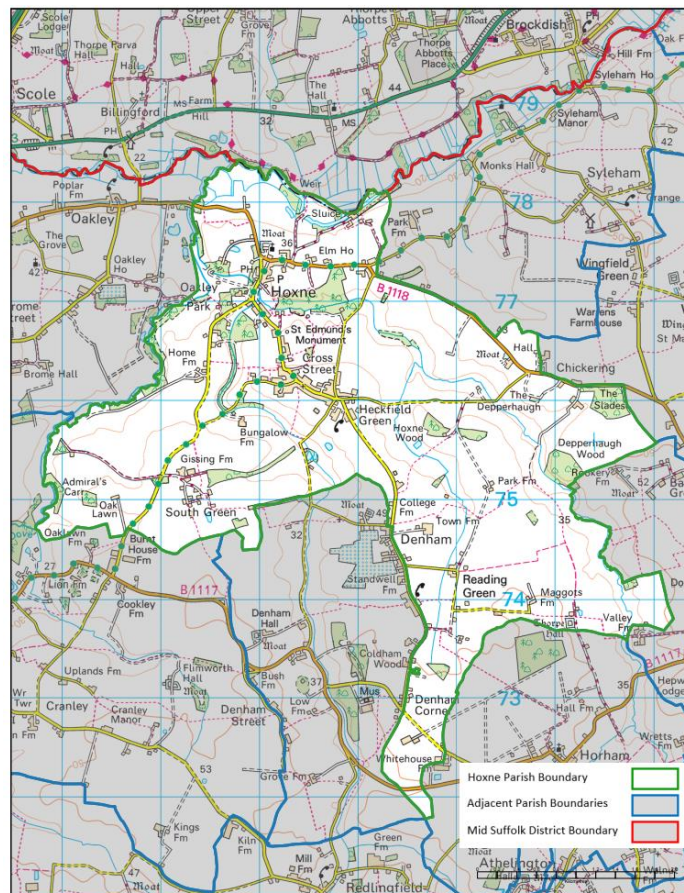


Figure 1 – The Designated Area

Supporting documents and evidence

1.10 The HNDP is also supported by a Consultation Statement, a Sustainability Appraisal incorporating Strategic Environment Assessment (with accompanying Screening and Scoping Reports), this Basic Conditions Statement, and an extensive evidence base which is available on the <http://www.hoxneneighbourhoodplan.co.uk/> website.

2. Basic Condition 1 – Conformity with National Planning Policy

2.1. To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPGs).

2.2. The NPPF has 16 sections which are:

- Achieving Sustainable Development
- Plan making
- Decision making
- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Supporting high quality communications infrastructure
- Making effective use of land
- Achieving Well Designed Places
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Facilitating the sustainable use of minerals

2.3. This section explains how the HNDP contributes to meeting NPPF objectives and also notes the specific national policies that the HNDP is intended to support and supplement.

2.4. The HNDP has 6 objectives which are summarised in Table 2.1 alongside the sections of the NPPF that each objective addresses:

Table 2.1 – HNDP objectives and the NPPF

HNDP Objective	Relates to these NPPF sections
Retain and protect the heritage and historic character of the village.	Conserving and enhancing the historic environment. Achieving Well Designed Places.
Maintain and improve its green spaces and surrounding landscape.	Conserving and enhancing the natural environment. Achieving Well Designed Places.
Support local services which underpin the cohesion of the community.	Promoting healthy and safe communities.
Create a safe environment with traffic managed.	Promoting healthy and safe communities.
Support small scale, high quality, new development suitable for younger households and older people.	Delivering a sufficient supply of homes. Achieving Well Designed Places.
Support small-scale high-quality business development appropriate to the village.	Building a strong, competitive economy. Achieving Well Designed Places.

2.5 Table 2.2 sets out how each policy of the HNDP meets the objectives of the NPPF:

Table 2.2 – HNDP Policies and the NPPF

HNDP Policy	Relevant NPPF Paragraph	Relationship to the Plan
Hox 1 Settlement Boundary	Para 80 planning policies should avoid the development of isolated homes in the countryside.	The plan establishes a settlement boundary outside of which new homes would not normally be allowed.
Hox 2 Heritage Assets	Para 189 Heritage assets ...are an irreplaceable resource and should be conserved in a manner appropriate to their significance.	The Plan identifies and protects heritage assets.
Hox 3 Design	Para 126 the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. Para 129 Design Guidelines and Codes can be prepared at a neighbourhood plan level.	The plan requires high quality design that respects local characteristics and requires development to take account of a local design code.

Hox 4 Protecting Key Views		The plan identifies key views that are important to the rural and historic character of the settlement.
Hox 5 Local Green Spaces	Para 101 the designation of Local Green Spaces allows communities to protect green areas of particular importance to them.	Seven local green spaces are identified.
Hox 6 Managing Change in the Landscape	Para 174 Planning policies should contribute to and enhance the natural and local environment by ...protecting valued landscapes.	The Plan seeks to maintain and enhance the characteristics of the landscape and identifies a valued local landscape for additional protection.
Hox 7 Biodiversity Networks	Para 174 Planning policies should contribute to and enhance the natural and local environment by ...minimising impacts and providing net gains in biodiversity. Para 179 Plans should identify, map and safeguard components of local wildlife rich habitats ...wildlife corridors that connect them.	The Plan seeks to protect and enhance ecological assets and achieve biodiversity net gain and reconnect networks.
Hox 8 Flood Risk	Para 153 plans should take a proactive approach to mitigating and adapting to climate change taking into account ...flood risk. Para 159 Inappropriate development in areas at risk of flooding should be avoided.	Areas of flood risk are identified in which development will not be supported.
Hox 9 Sustainable Construction	Para 126 the creation of high quality sustainable buildings and places is fundamental to what the planning process should achieve. Para 112 development should be designed to enable EV charging. Para 153 plans should take a proactive approach to mitigating and adapting to climate change.	The Plan requires development proposals to demonstrate a range of energy conservation measures.
Hox 10 Housing Allocations	Section 5 Delivering a sufficient supply of homes. Para 61 housing needs assessment.	The housing allocations in the plan take account of the need to provide for local housing needs.

Hox 11 Affordable Housing Provision	Para 63 where a need for affordable housing is identified policies should specify the type of affordable housing required.	The Plan identifies the number of affordable homes required to meet identified need.
Hox 12 House Types and Sizes	Para 62 ..the size, type and tenure of housing ...should be assessed and reflected in planning policies.	The Plan specifies the size and type of housing required to meet local needs.
Hox 13 Shreeves Farm	Para 69 supports the allocation for development of smalls and medium sized sites and brownfield development. Para 70 asks Neighbourhood planning groups to consider allocating small and medium sized sites. Para 98 access to high quality open spaces. Para 110 d it should be ensured that impacts on highway safety can be mitigated. Para 126 the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve.	Allocated sites meet a number of NPPF requirements.
Hox 14 Land between Denham Low Road and Hoxne Playing Field	Para 69 supports the allocation for development of smalls and medium sized sites. Para 70 asks Neighbourhood planning groups to consider allocating small and medium sized sites. Para 92 c. support healthy lifestyles such as sports facilities. Para 110 d it should be ensured that impacts on highway safety can be mitigated. Para 126 the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve.	Allocated sites meet a number of NPPF requirements.
Hox 15 Abbey Farm Business Site	Para 84 planning policies should enable the sustainable growth and expansion of businesses in rural area.	The Plan protects the only employment site in the village from alternative development.

Hox 16 Public Rights of Way	Para 92 c. support healthy lifestyles such as encouraging walking. Para 100 planning policies should protect and enhance public rights of way.	The Plan supports the maintenance and improvement of PROW.
Hox 17 Infrastructure Requirements'	Para 92 c. support healthy lifestyles such as sports facilities.	The plan specifies infrastructure requirements for sport and safety reasons.

2.6. The HNPD has not sought to contain policies on all types of development. Regarding housing supply it has utilised evidence of housing need through surveys and assessments..

3. Basic Condition 4 – Contribution to Sustainable Development

3.1. Tables 3.1 – 3.3 summarise how the objectives and policies in the HNPD contribute towards sustainable development, as defined in the NPPF. Many of the objectives and policies of the HNPD overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1 – NPPF economic objective - To help build a strong, responsive and competitive economy

Objectives	Support small-scale high-quality business development appropriate to the village.
Policies	Hox 15 Abbey Farm Business Site.
Comments	The Plan protects the only employment site in the parish.

Table 3.2 – NPPF social objective – ‘to support strong, vibrant and healthy communities’, foster ‘well-designed, beautiful and safe places with accessible services and open spaces’ and to ‘support communities’ health, social and cultural well-being’

Objectives	Retain and improve green spaces and surrounding landscape. Support local services which underpin the cohesion of the community. Support small scale high quality new housing development suitable for younger households and older people. Create a safe environment with traffic managed.
Policies	Hox 3 Design / Hox 4 Protecting Key views / Hox 5 Local Green Spaces / Hox 6 Managing Change in the Landscape / Hox 8 Flood Risk / Hox 10 to 14 – Housing Policies and Allocations/Community Policy A Quiet Lanes/Community B Traffic Management / Hox 16 Public Rights of Way and Policy Hox 17 Infrastructure Requirements.

Comments	There are a range of policies to provide housing development to meet local needs, to ensure development is well designed and that open spaces and key views are protected. Community policies seek safer roads. Infrastructure Improvements include sports facilities and safety measures around the school.
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Table 3.3 – NPPF environmental objective – To protect and enhance our natural, built and historic environment.

Objectives	Retain and protect the heritage and historic character of the village. Retain and improve green spaces and surrounding landscape.
Policies	Hox 2 Heritage Assets / Hox 4 Protecting Key Views / Hox 5 Local Green Spaces / Hox 6 Area of Local Landscape Sensitivity / Hox 7 Biodiversity Networks / Hox 8 Flood Risks / Hox 9 Sustainable Construction
Comments	A range of policies seek to protect and enhance the built and natural environment including listed buildings, local green spaces, biodiversity.

4. Basic Condition 5 – General Conformity with the Strategic Policies of the Development Plan

4.1. The Mid Suffolk Local Plan was first prepared in 1998 and has been subject to a number of reviews. The District Council has listed the policies it considers to be 'live' in 2016 – see <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Mid-Suffolk-Core-Strategy/MSDC-current-policies-June-2016.pdf>.

4.2 The Submission Draft of the Babergh and Mid Suffolk Joint Local Plan was published in November 2020 and the Examination was held during 2021. However in November 2021 the Inspectors wrote to Babergh and Mid Suffolk District Councils to set out the revisions to the Plan required before the Examination could be completed – see <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/JLPExamination/CoreDocLibrary/G-ExaminationCorrespondence/G08-Email-BMSDC-to-Inspectors.pdf>.

4.3 The conclusion of further discussions between the Council and the Inspectors concluded that the Plan would continue in two parts. Part one would cover the strategic policies of the plan while Part two would cover matters concerning housing allocations and distribution. Amendments to the strategic policies of the submitted Plan are being made by the District Councils and will be submitted to the Examination which will recommence in later in 2022. The District Council is expecting to review the housing policies and issue a pre submission draft for consultation in due course.

4.4 The implication of this situation is that:

- a. many of the policies of the 1998 Local Plan considered live in 2016 are likely to no longer conform or fully conform to the NPPF.
- b. The non housing strategic/local policies of the Joint Local Plan have been submitted to Examination and therefore carry some weight.
- c. The housing policies of the Joint Local Plan have been rejected by the Examination and therefore cannot be given any weight.

4.5 Table 4.1 assesses the policies of the HNBP against the strategic/none housing policies of the submitted JLP (Nov. 2020).

Table 4.1: Assessment of conformity with policies in the draft Joint Local Plan

HNBP Policy	Joint Local Plan Policies	HNBP conformity.
Hox 1 settlement boundary / Hox 3 Design / Hox 6 Managing Change in the Landscape	SP03 – supports development within settlement boundaries subject to criteria including high quality design and landscaping.	Hox 1 supports development within the settlement boundary where it complies with the policies of the Development Plan which will include both the Neighbourhood Plan and the Local Plan in due course. Hox 3 requires high quality design respecting local characteristics, and Hox 6 requires proposals to maintain and enhance the characteristics of the landscape.
Hox 2 Heritage Assets / Hox 3 Design / Hox 4 Key view/ Hox 5 Local Green Spaces / Hox 6 Change in the Landscape / Hox 7 Biodiversity Networks / Hox 8 Flood Risk	SP09 Enhancement and Management of the Environment states that development should support enhancement and management of the natural environment, historic environment, achieve environmental protection, biodiversity net gain and sustainable urban drainage systems.	Hox 2 seeks to protect heritage assets including archaeological remains. Hox 3 requires high quality design respecting local characteristics. Hox 4 seeks to avoid or mitigate adverse impact on key views Hox 5 identifies and protects 7 Local Green Spaces. Hox 6 seeks to maintain and enhance the characteristics of the landscape. Hox 7 protects ecological assets and requires the reconnection of the ecological network. / Hox 8 requires the use of SuDs systems.

Hox 9 Sustainable Construction	SP 10 Climate Change supports holistic water management and innovative approaches to sustainable design.	Hox 9 supports proposals which demonstrate solar gain, energy conservation, avoid fossil fuels, incorporate EV charging and storm water harvesting.
Hox 11 Affordable Housing / Hox 12 House Types / Hox 13 and 14 Housing allocations	SP01 Housing Needs requires housing development to reflect established housing needs, SP 02 Affordable Housing requires 35% of units on sites of 10 or more dwellings to be affordable. LP06 Mix and type of composition requires 50% of units on such sites to be accessible and adaptable dwellings and that they should reflect the type and mix of dwellings identified in the most relevant district housing needs. LP07 Supported & Special Needs Housing states that N'hood Plans may choose to set out an approach to help influence housing type and mix.	Hox 11 identifies the number and type of affordable housing to be allocated in the plan. Hox 12 identifies the house types and sizes required in the Plan and that some homes should be provided for older people including bungalows. Hox 13 and 14 identifies the number of different housing types, homes for older people and affordable homes by type to be provided on each site.
Hox 15 Abbey Farm Business Site	SP05 Employment Land requires existing employment site to be retained.	Hox 15 requires the existing business site at Abbey Farm to be retained in employment use.
Hox 17 Infrastructure Hox 13 and 14 housing development allocations.	SP08 Strategic Infrastructure Provision requires contributions towards community infrastructure.	Hox 17 requires the development sites allocated in the Plan to contribute to the infrastructure requirements of the Parish. Hox 13 and 14 allocate specific sites for housing development and the policies set out the infrastructure requirements that those developments should contribute to.

4.6. Even though they may not conform to national policy it is a requirement to consider the policies of the HNPD against the adopted Local Plan. Table 4.2 sets out this assessment against the ['live' list of what the council considers to be saved policies](#) from Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008), Mid Suffolk Local Plan First Alteration (2006) and the Mid Suffolk Local Plan (1998).

Table 4.2: *Assessment of conformity with the saved local plan policies*

HNDP Policy	Adopted Local Plan Policy	Conformity
Policy Hox 1 The Settlement Boundary	SB2 Development appropriate to its setting (within settlement boundaries).	The HNDP conforms to Local Plan policy by defining a detailed settlement boundary.
Policy Hox 2 Heritage Assets	HB1 to 4 listed and historic buildings; HB8 conservation areas; HB13 Protecting Ancient Monuments; HB14 Ensuring archaeological remains are not destroyed	The HDNP conforms to Local Plan policies by seeking to safeguard the appearance and character of the conservation area and heritage assets and seeking to ensure that archaeological remains are protected.
Policy Hox 3 Design	SB2 Development appropriate to its setting; H13 Design and layout of housing development; GP1 Design and layout of development; H3 Housing development in villages	The HDNP seeks high quality development appropriate to the rural setting and is consistent with Local Plan policies seeking high quality development within settlement boundaries and within villages
Policy Hox 4 Protecting Key Views	SB3 Settlement Boundaries and Visually Important Open Spaces: CL6 TPOs	The HNDP policy to protect key views into and out of the settlement boundary is consistent with Local Plan policies.
Policy Hox 5 Protecting Green Spaces	SB3 Retaining Visually Important Open Space: Prop 1 Settlement Boundaries and Visually Important Open Spaces	The HDNP conforms to Local Plan policy by seeking to protect important open spaces for visual and amenity reasons.
Policy Hox 6 Managing Change in the Landscape	CL2 Special Landscape Areas	The HNDP is consistent with the Local Plan because it identifies and protects a special landscape area.
Policy Hox 7 Biodiversity Networks	CL5 protecting existing woodland; CL8 protecting wildlife habitats	The HNDP seeks to protect and enhance ecological networks to achieve biodiversity net gain and conforms to Local Plan policies seeking to protect and enhance wildlife habitats.

Policy Hox 8 Flood Risk	There is no comparable policy.	N/A
Policy Hox 9 Sustainable Construction	CS3 Reduce Contributions to climate change; CS4 Adapting to Climate Change	The HDNP policy on sustainable construction is consistent with Local Plan policies to reduce Cos emissions.
Policy Hox 10 Housing Allocations	FC2 Provision and Distribution of Housing; H3 Housing development in villages.	FC2 sets an allocation of Requires 300 homes in Primary Villages
Policy Hox 11 Affordable Housing Provision	Altered policy H4 A proportion of affordable housing in New Housing developments	Policy H4 seeks up to 35% of affordable homes. Policy Hox 11 requires a specific number of affordable homes based on an up-to-date Housing Needs Assessment.
Policy Hox 12 House Types and Sizes	CS9 Density and Mix; H14 Variety of House Types	The HDNP seeks a range of house types and sizes designed to meet local needs and is consistent with Local Plan policies requiring a range of house types.
Policy Hox 13 Shreeves Farm	CS7 Brownfield target; H13 Design and layout of housing development; H15 Design and layout of residential development: GP1 Design and layout of development: H3 Housing development in villages; RT5 Amenity Open Space and play areas within residential development	The HDNP conforms to Local Plan policies by allocating a brownfield site for development and incorporating detailed requirements for the design and layout of the site including green space requirements.
Policy Hox 14 Land between Denham Low Road and Hoxne Playing Field	H13 Design and layout of housing development; H15 Design and layout of residential development: GP1 Design and layout of development: H3 Housing development in villages; RT5 Amenity Open Space and play areas within residential development.	The HDNP conforms to Local Plan policies by incorporating detailed requirements for the design and layout of the site including green space and recreational requirements.

Policy Hox 15 Abbey Farm Business Site	E4 protecting existing business areas for employment uses	The HNDP is consistent with the Local Plan because it protects an existing employment site.
Policy Hox 16 Public Rights of Way	RT12 Footpaths and bridleways	The HNDP is consistent with the Local Plan by protecting and enhancing public rights of way.
Policy Hox 17 Infrastructure Requirements	CS6 Services and Infrastructure	The HNDP conforms to the Local Plan by seeking relevant improvements to infrastructure.

5. Basic Condition 6 – Conformity with EU Obligations

5.1. The HNDP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. The Human Rights Act contains a number of articles which are potentially relevant to neighbourhood planning such as:

- the right to respect for private and family life.
- freedom of expression.
- prohibition of discrimination.

5.2 Both non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Working Group was mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. These initiatives are documented in the accompanying Consultation Statement. The neighbourhood plan has, therefore, been prepared to represent the views of the whole community.

5.3 The HNDP has therefore had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

5.4 An assessment of the potential impact of the Plan on the environment is required by law. The Screening found that the residential development allocated through the Plan could have a range of environmental effects both during and after the construction period. A Strategic Environmental Assessment was therefore found to be required.

5.5 The Strategic Environmental Assessment found that the only significant effects likely to arise in implementation of the HNP are positive in nature and relate to the SEA theme of community wellbeing.

6. Basic Condition 7 – Conformity with the Prescribed Conditions

6.1. Under Directive 92/43/EEC, also known as the Habitats Directive⁴, it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats and Species Regulations 2010. Assessments under the regulations are known as Habitats Regulation Assessments (HRA). An appropriate assessment (AA) is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.

6.2. An HRA Screening Report was commissioned by MSDC which found that the Hoxne NDP was not likely to have significant impacts on European protected species or sites.

7. Conclusion

7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Eye Neighbourhood Plan and all the policies therein.

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Langton Brook Consultants
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