



Wetheringsett cum Brockford Neighbourhood Plan **Basic Conditions Statement** February 2024

To accompany 2nd Neighbourhood Plan Submission draft for Examination

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1. Introduction

- 1.1 When submitting a Neighbourhood Plan to the Local Authority (in this case Mid Suffolk 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 Mid Suffolk District Council and the Independent Planning Examiner, to assist in making this assessment about the basic conditions.

2. Legal Requirements

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 Wetheringsett cum Brockford Neighbourhood Development Plan being submitted by a qualifying body – Wetheringsett cum Brockford Parish Council. Wetheringsett cum Brockford Parish Council was confirmed as a qualifying body by Mid Suffolk District Council on 21st January 2021 when the Wetheringsett cum Brockford Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Wetheringsett cum Brockford 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 Wetheringsett cum Brockford Neighbourhood Plan states the time-period for which it is to have effect (from 2022-2037) a period of 15-years.

Excluded Development: The Wetheringsett cum Brockford Neighbourhood Development Plan policies do not relate to excluded development. The Wetheringsett cum Brockford 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 Wetheringsett cum Brockford Neighbourhood Development Plan relates to the Wetheringsett cum Brockford 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

- 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 and paragraph 102 (1) of the Levelling Up and Regeneration Act 2023) 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 Wetheringsett cum Brockford 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 Wetheringsett cum Brockford 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 Section 4 below).

Note: The Levelling up and Regeneration Act 2023, introduces a replacement Basic Condition to replace (e) above as follows, which is yet to be formally enacted but nevertheless has been considered by this statement:

- e) (a) the making of the order/Plan would not have the effect of preventing development from taking place which*
 - (i) is proposed in the development plan for the area of the authority (or any part of that area), and*
 - (ii) if it took place, would provide housing*
- (f) The making of the Plan does not breach and is otherwise compatible with EU obligations (see below)
- (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 Wetheringsett cum Brockford Neighbourhood Development Plan and refer to 'Neighbourhood Orders' only.

4. Compliance with Basic Conditions a) and e)

- 4.1 The following table provides an appraisal of the extent to which the Wetheringsett cum Brockford Neighbourhood Plan has regard to national policy, is in general conformity with strategic local policy and does not have the effect of preventing development from taking place which is proposed in the development plan.
- 4.2 The Neighbourhood Plan policies were drafted to be in conformity with the National Planning Policy Framework published in December 2023. The table below assesses the degree of regard that the Wetheringsett cum Brockford Neighbourhood Development Plan policies have had to NPPF 2023 (Column B).
- 4.3 During the production of the Neighbourhood Plan, the strategic policies for the area were under-going revision. The Mid Suffolk Core Strategy was adopted in 2008, a focussed review of the Core Strategy was completed in 2012 which replaced a number of policies from the Core Strategy 2008, but largely only those around housing. The 2008 Core Strategy replaced parts of the Mid Suffolk Local Plan 1998, but not all. The Babergh Mid Suffolk Joint Local Plan (Part 1) (BMSJLP) was adopted in November 2023 and contains the strategic policies and development management policies for the two districts except for the spatial distribution/settlement hierarchy, open spaces, and site-specific allocations. Part 2 will contain those other elements and work began on this in early 2024.
- 4.4 Currently there are no proposed developments contained in the adopted development plan for Wetheringsett cum Brockford. Furthermore, it should be noted that the 2nd submission version of the Neighbourhood Plan differs from the Submission draft (December 2022) in two key areas:
- 1) Policy WCB1 no longer refers to Land east of the A140 (a proposed allocation in the BMSJLP November 2020, which was removed when the BMSJLP was split into two parts) and
 - 2) the list of Local Green Spaces in Policy no longer includes the former football field at Hockey Hill which has now has an extant planning permission for 14 dwellings.
- 4.5 Therefore the Policies contained within the Wetheringsett cum Brockford Neighbourhood Plan have been assessed for their conformity against the existing Development Plan – Part 1 of the BMSJLP (Column D) and any relevant saved policies from previous development plan documents as identified in the Mid Suffolk Live Policies List November 2023.
- 4.6 The appraisal is shown in the table below and in summary, the appraisal demonstrates that the Wetheringsett cum Brockford Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy and does not have the effect of preventing development from taking place which is proposed in the development plan.

Assessment of policies in the Wetheringsett cum Brockford Neighbourhood Plan against national and local strategic policies

<p>Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)</p>	<p>NPPF December 2023 (B)</p>	<p>Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)</p>
<p>WCB1 Location of new housing</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>The indicative housing local housing requirement for the parish as confirmed by MSDC is 10 dwellings up to 2037. The Neighbourhood Plan identifies that the total housing commitment for the parish is 38 dwellings which includes the unimplemented permission for 14 dwellings at Hockey Hill.</p> <p>In addition, the policy also includes criteria which new housing development would need to comply with which would allow for windfall development within the settlement boundary over and above the existing commitment. Furthermore the policy also allows for new development to take place outside of settlement boundaries subject to meeting additional criteria.</p> <p>The policy is also consistent with NPPF paragraph 71 which refers to windfall sites.</p>	<p>This policy is consistent with Joint Local Plan Policy SP03: Sustainable location of new development which indicates that new housing development will come forward through extant planning permissions, allocations in made Neighbourhood Plans, windfall development in accordance with the relevant policies of the Plan or Neighbourhood Plans and any allocations which are made in the forthcoming Part 2 Plan.</p> <p>Policy SP03 makes it clear that within settlement the principle of development is established in accordance with the relevant policies of this Plan. Outside of the settlement boundaries, development will normally only be permitted subject to criteria. The approach and criteria used in both LP03 and WCB1 are consistent.</p> <p>The BMSJLP does not identify any specific proposals for housing within the parish, neither does Policy WCB1 prevent</p>

<p>Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)</p>	<p>NPPF December 2023 (B)</p>	<p>Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)</p>
		<p>appropriate future development from coming forward.</p>
<p>WCB2: Housing size, type, and tenure</p>	<p>This policy reflects NPPF para 63 which advises that planning policies should establish, assess and reflect, the need, the size, type and tenure of housing needed for different groups in the in the community. These groups include “those who require affordable housing, families with children, older people (including those who require retirement housing, housing with care and care homes), students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”. The policy reflects the results of consultation with the local community and is based on the results of the Wetheringsett cum Brockford Housing Needs Assessment.</p>	<p>This policy is consistent with BMSJLP Policy SP02 Affordable Housing which supports the delivery of affordable housing and indicates that the future mix of tenure, size and type of new affordable housing should be informed by local housing needs surveys or other relevant evidence. Policy WCB2 is informed by the AECOM Housing Needs Assessment for the parish. Policy WCB2 is also consistent with JLP Policy LP06 which allows for specific types of housing to accommodate specific needs.</p>
<p>WCB3: Affordable Housing on rural exception Sites</p>	<p>This policy is consistent with paragraph 73 and 82 of the NPPF which encourage community led housing developments and rural exceptions sites, promoting responsiveness to local circumstances and to support housing that reflects local needs including supporting opportunities to bring forward rural exceptions sites which will provide affordable housing to meet local needs.</p>	<p>This policy is consistent with BMSJLP Policy LP07 Community Led and Rural Exceptions Housing which supports rural exception sites.</p>

Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
	Policy WCB3 supports the principle of rural exception sites and sets out criteria for their identification and for governing their implementation	
WCB4: Employment and economic Development	This policy reflects NPPF para 85 which requires planning policies and decisions to help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. It is also consistent with paragraph 88a which allows for "the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well designed, beautiful new buildings".	This policy is consistent with BMSJLP policy LP09 Supporting a prosperous economy which supports new employment development in appropriate locations including extensions to existing enterprises and also Policy LP10 which seeks to safeguard existing sites in employment use.
WCB5: The Middy	This Policy reflects NPPF paragraph 88 c) and d) which supports sustainable rural tourism and leisure development which respects the character of the countryside and proposals that would enable the retention and development of local services and community facilities.	This policy is consistent with BMSJLP policy LP09 Supporting a prosperous economy which supports new employment development in appropriate locations including extensions to existing enterprises and also Policy LP10 which seeks to safeguard existing sites in employment use.
WCB6: High Quality and	This policy reflects NPPF para 135 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	This policy is consistent with BMSJLP Policies LP23 and LP24 which seek high quality design, which takes account of design

<p>Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)</p>	<p>NPPF December 2023 (B)</p>	<p>Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)</p>
<p>Sustainable Design</p>	<p>landscaping”., “sympathetic to local character and history, including the 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>Policy WCB6 contains clear criteria relating to layout, scale, local character, landscaping, wildlife, layout, materials, sustainability and accessibility, Secure by Design, parking, and storage.</p> <p>The Policy is supported by the Wetheringsett cum Brockford Design Guidelines</p>	<p>elements such as scale, height, massing, and density together with residential amenity issues such as parking, landscaping, sustainability and designing out crime.</p> <p>This policy reflects BMSJLP Policy LP24 which refers to the need for new development to be harmonious in its location and respond to the existing character and context.</p> <p>The policies contain clear criteria relating to density, layout, gardens, landscaping, amenity, connections, Secure by Design, parking, and storage.</p>
<p>WCB7: Historic Environment</p>	<p>This policy reflects NPPF paragraphs 195 to 214 which seek to conserve and enhance the historic environment.</p> <p>Policy WCB7 covers designated heritage assets such as listed buildings and the Conservation Area. It outlines the approach to assessing the impact of applications on designated heritage assets.</p> <p>This policy is consistent with paragraph 197 which recognises the importance of Conservation Areas as having special architectural and historic interest.</p>	<p>This policy is consistent with BMSJLP Policy LP19 The Historic Environment which recognises the importance of safeguarding and enhancing the Historic Environment. It also recognises the importance of the contribution that designated and non-designated heritage assets can make to the character of an area and its sense of place.</p>

Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
WCB8: Non-Designated Heritage Assets	<p>This policy reflects NPPF paragraph 209 which outlines the approach to assessing the impact of applications on non-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>This policy is consistent with BMSJLP Policy LP19 The Historic Environment which recognises the importance of safeguarding and enhancing the Historic Environment. It also recognises the importance of the contribution that non-designated heritage assets can make to the character of an area and provides guidance for assessing the impact of applications on non-designated heritage assets</p>
WCB9: Landscape character and important views	<p>This policy reflects NPPF para 180 a) and b) which requires planning policies to ‘protect and enhance valued landscapes ...’and recognise the intrinsic character and beauty of the countryside’.</p>	<p>This policy reflects BMSJLP Policy LP17 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.</p>
WCB10: Protecting and enhancing biodiversity	<p>This policy reflects NPPF paragraph 180 a) which requires planning policies to enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Furthermore NPPF</p>	<p>This policy is consistent with BMSJLP Policy LP16 Biodiversity and Geodiversity which requires development to follow a hierarchy of seeking firstly to; enhance habitats, avoid impacts, mitigate against harmful impacts, or</p>

Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>paragraph 180 d) requires that policies minimise impacts on and provide net gains for biodiversity.</p> <p>Policy WCB10 seeks to retain existing biodiversity features and species on site, gives guidance on enhancement and requires proposals to provide a minimum 10% net gain for biodiversity, targeting enhancements to specific areas within the parish.</p>	<p>as a last resort compensate for losses that cannot be avoided or mitigated for.</p> <p>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 permitted unless there is no alternative.</p>
<p>WCB11: Local Green Spaces</p>	<p>This policy reflects NPPF paras 105-107 which advocate “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>Policy WCB11 proposes eight Local Green Spaces in the parish which have been against the criteria in the NPPF.</p>	<p>This policy reflects BMSJLP paragraph 16.06 which refers to the designation of Local Green Space in Neighbourhood Plans.</p>
<p>WCB12: Amenity and dark skies</p>	<p>This policy is consistent with NPPF paragraph 191 a)-c) which requires planning policies to ensure that new development is appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment. This includes impacts relating to noise from development, impacts upon amenity and light pollution on intrinsically dark landscapes and nature conservation.</p>	<p>This policy reflects BMSJLP Policy LP17 which requires proposals to be sensitive to their landscape and visual amenity impacts (including on dark skies and tranquil areas); subject to siting, design, lighting, etc , along with the associated mitigation measures</p>

Wetheringsett cum Brockford Neighbourhood Development Plan Policy (A)	NPPF December 2023 (B)	Babergh-Mid Suffolk Joint Local Plan (Part 1) Adopted November 2023 (C)
	<p>Policy WCB12 seeks to address issues relating to amenity arising from new development including noise, air, dust, and vibration. The policy also seeks to protect the existing dark skies of the parish and provides criteria for controlling light pollution</p>	<p>In addition, Policy WCB12 is consistent with BMSJLP Policy LP24 Design and residential Amenity criterion i) which covers issues of pollution, noise, dust, vibration etc</p>
<p>WCB13: Community Facilities</p>	<p>This policy seeks to retain existing community facilities is consistent with criterion c of paragraph 97 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>Policy WCB13 seeks to retain the existing community facilities within the parish and provides support for proposals that would increase their benefit to the local community.</p>	<p>This policy is consistent with BMSJLP Policy LP28` which supports the provision of new community facilities and also protects existing facilities unless criteria relating to viability and alternative provision can be satisfied.</p>
<p>WCB14: Safe and healthy access</p>	<p>This policy is consistent with NPPF paragraph 114 c) which seeks to create secure and attractive places which minimise the scope for conflict between pedestrians, cyclist, and vehicles.</p> <p>This policy is also consistent with paragraph 116 c) which seeks to create places that are safe, secure, and attractive which minimise the scope for conflict between pedestrians, cyclists, and vehicles.</p> <p>Policy WCB14 aims to increase opportunities for walking and cycling, protect existing Rights of Way and ensure that the detrimental traffic impacts of development are mitigated.</p>	<p>This policy is consistent with BMSJLP Policy LP29 Safe Sustainable and Active Transport which encourages walking and cycling and the creation of new and safe routes and links for pedestrians and cyclists.</p>

5 Compliance with Basic Condition d)

- 5.1 The NPPF 2023 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.¹ The appraisal of the Wetheringsett cum Brockford 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 Wetheringsett cum Brockford 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., **WCB6 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 delivering a sustainable, enduring, environmental, affordable, and high-quality legacy.

A Vision for Wetheringsett cum Brockford – 2037

Wetheringsett will continue to be a quiet and peaceful place where the landscape, wildlife, open spaces, and heritage valued by its residents are protected and enhanced.

The school, the church and the village hall are at the heart of village activities and include and serve the whole parish.

New development is sustainable and well-designed, respecting the area's existing character, whilst meeting the economic and social needs of a range of people who choose to live, work, and participate in this thriving rural community.

- 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 cover four

¹ Resolution 42/187 of the United Nations General Assembly

themes Housing & Economic Development, Historic Environment, Natural Environment and Community and Access. The objectives are as follows:

Objective 1: To manage appropriate new housing, business, and employment development for the benefit of the community and ensure it meets the needs of residents

Objective 2: To champion sustainable high-quality design and celebrate the parish’s historic environment and heritage assets.

Objective 3: To protect the rural character, biodiversity, and open spaces of the parish.

Objective 4: To safeguard the parish’s existing facilities, to encourage the provision of appropriate new facilities and encourage the greater use of the school, church, and village hall buildings by the whole community.

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 Wetheringsett cum Brockford. These objectives when taken together cover the same extent as the sustainability objectives of the planning system as outlined in the NPPF.

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

NPPF Sustainable Development	Contribution through Wetheringsett cum Brockford Neighbourhood Plan Policies
<p>NPPF 2023</p> <p>An economic objective: 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>Objective 1: To manage appropriate new housing, business, and employment development for the benefit of the community and ensure it meets the needs of residents</p> <p>Policy WCB4: Employment and Economic Development. This policy supports the retention and expansion of existing businesses subject to criteria.</p> <p>Policy WCB5: The Middy. This policy supports the existing heritage and tourism role of The Middy together with proposal that would enhance its value as a community facility.</p>
<p>NPPF 2023</p> <p>A social objective: 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</p>	<p>Objective 1: To manage appropriate new housing, business, and employment development for the benefit of the community and ensure it meets the needs of residents</p> <p>Objective 4: To safeguard the parish’s existing facilities, to encourage the provision of appropriate new facilities and encourage the greater use of the school, church, and village hall buildings by the whole community.</p> <p>Policy WCB1: Location of new housing. This policy supports new housing subject to criteria controlling scale,</p>

<p>accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</p>	<p>location, highway safety and impact upon existing residents.</p> <p>Policy WCB2: Housing Size, Type and Tenure. This policy aims to create a mixed and balanced community and supports new housing that meets local needs including, self and custom build housing, small and medium sized homes, adaptable housing, and affordable housing.</p> <p>Policy WCB3: Affordable Housing on Rural Exception Sites. This policy specifically supports affordable housing for local people.</p> <p>Policy WCB4: Employment and Economic Development. This policy supports the retention and expansion of existing businesses subject to criteria controlling the impacts on adjoining occupiers and the amenity of local residents.</p> <p>Policy WCB5: The Middy. This policy supports the existing heritage and tourism role of The Middy together with proposal that would enhance its value as a community facility.</p> <p>Policy WCB6: Design Principles. This policy seeks to ensure that the design of new development results in the creation of a beautiful, safe, and well-designed environment.</p> <p>Policy WCB7: Historic Environment. This policy provides guidance for new development within the Conservation Area or that would affect a designated heritage asset.</p> <p>Policy WCB9: Landscape Character and Important Views. This policy seeks to protect and enhance the existing landscape character in the parish and protect certain identified views from development that would adversely affect it.</p> <p>Policy WCB10: Protecting and Enhancing Biodiversity. This policy provides guidance for the protection and enhancement of biodiversity including important local features and habitats within the parish. It also contains an aspiration for a 20% net gain in biodiversity.</p> <p>Policy WCB11: Local Green Spaces. This policy identifies 8 green spaces that are considered to have a demonstrable important value to the local community.</p> <p>Policy WCB12: Amenity and dark skies. This policy provides guidance for new development on the issues of amenity (including pollution from noise and dust) and light pollution.</p> <p>Policy WCB13: Community Facilities. This policy seeks to protect existing community facilities within the parish from development that may harm their community value. It also</p>
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	<p>supports the development of the existing facilities for wider use by the community.</p> <p>Policy WCB14: Safe and Healthy Access. This policy aims to improve the health and wellbeing of the local community by promoting walking and cycling and protecting the existing rights of way network.</p>
<p>NPPF 2023</p> <p>An environmental role: 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>Objective 2: To champion sustainable high-quality design and celebrate the parish’s historic environment and heritage assets.</p> <p>Objective 3: To protect the rural character, biodiversity, and open spaces of the parish.</p> <p>Policy WCB1: Location of new housing. This policy supports new housing subject to criteria controlling impacts upon heritage, natural environment, and amenity.</p> <p>Policy WCB4: Employment and Economic Development. This policy supports the retention and expansion of existing businesses subject to criteria controlling impacts on landscape, dark skies, and nature conservation interests.</p> <p>Policy WCB5: The Middy. This policy supports the existing heritage and tourism role of The Middy together with proposal that would enhance its value as a community facility subject to criteria controlling environmental impacts.</p> <p>Policy WCB6: Design Principles. This policy seeks to ensure that the design of new development reinforces the local distinctiveness and character of the parish.</p> <p>Policy WCB7: Historic Environment. This policy provides guidance for new development within the Conservation Area or that would affect a designated heritage asset.</p> <p>Policy WCB8: Non-Designated Heritage Assets. This policy identifies a number of buildings that have a local historic significance.</p> <p>Policy WCB9: Landscape Character and Important Views. This policy seeks to protect and enhance the existing landscape character in the parish and protect certain identified important public local views from development that would adversely affect it.</p> <p>Policy WCB10: Protecting and Enhancing Biodiversity. This policy provides guidance for the protection and enhancement of biodiversity including important local features and habitats within the parish. It also contains an aspiration for a 20% net gain in biodiversity.</p> <p>Policy WCB11: Local Green Spaces. This policy identifies 8 green spaces that are considered to have a demonstrable important value to the local community.</p>

	<p>Policy WCB12: Amenity and dark skies. This policy provides guidance for new development on the issues of amenity (including pollution from noise and dust) and light pollution.</p>
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6. Compliance with Basic Condition f)

- 6.1 The statement below demonstrates how the Wetheringsett cum Brockford Neighbourhood Development Plan is compliant with Basic Condition f) specifically that it does not breach and is compatible with EU obligations.
- 6.2 As outlined above, this is the Basic Conditions Statement that accompanies the 2nd Submission Version of the Wetheringsett cum Brockford Neighbourhood Plan. This Basic Conditions Statement updates the previous version and reflects changes in national and local policy that have occurred since.
- 6.2 Mid Suffolk District Council recommends that the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening processes be undertaken at Pre-Submission stage. The SEA and HRA Screening Assessments were carried out on the 2nd Pre-Submission Version of the Neighbourhood Plan by consultants LUC acting on behalf of Mid Suffolk District Council in October 2023 .
- 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 Wetheringsett cum Brockford 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 The SEA screening report produced by LUC concludes that the Wetheringsett cum Brockford Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.
- 6.5 Consultation on the Screening Report was carried out with Natural England, Historic England, and the Environment Agency in October and November 2023. Natural England agreed with the conclusion of the Screening Report and confirmed that *“It is Natural England’s advice, on the basis of the material supplied with the consultation, that:*
- *significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,*
 - *significant effects on Habitats sites¹, either alone or in combination, are unlikely.*
- The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs (‘candidate SACs’, ‘possible SACs’, ‘potential SPAs’) or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined.”*
- 6.6 Historic England also agreed with the Screening Report conclusions and their response from 17th November 2023 stated: “On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of ‘SEA’ Directive], Historic England concurs with the Council that the preparation of a Strategic Environmental Assessment is not required.

- 6.7 The Environment Agency response draws attention to the planning policy position in Mid Suffolk, as interpreted by them at that time. It concludes that this placed the neighbourhood plan area at higher risk and seeks the inclusion of relevant policy wording to cover the environmental issues within their remit. The Environment Agency response (which is dated 30 November 2023) is helpful to a point. The Local Plan Review to which they refer - which the LPA translate as meaning Part 1 of the Babergh & Mid Suffolk Joint Local Plan (the JLP) - was adopted by Mid Suffolk District Council on 20 November 2023. The JLP contains both strategic and local policies that address many of the EA's concerns, most notably through Policy LP26 in relation to water quality and water resources, and through Policy LP27 in relation to flood risk. Given also that both the JLP and this neighbourhood plan (when adopted) should be read together, we have concluded that it is not necessary for this neighbourhood plan to specifically repeat district policy. The above said, where Policy WCB1 does refer to small scale windfall development not having a significant adverse impact we suggest that the qualifying body consider adding a fifth criteria along the lines of: 'other identified constraints (e.g. water and wastewater supply).'
- 6.8 Mid Suffolk's Screening Determination dated January 2024 therefore concluded that:
*"In the light of the SEA Screening Report (October 2023) prepared by LUC, and the responses from the statutory consultees, it is our determination that the Wetheringsett cum Brockford Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004"*
- 6.9 The 2nd Submission Version of the Neighbourhood Plan has been amended at **Policy WCB1** as indicated above.

Human Rights

- 6.10 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. Compliance with Basic Condition g)

- 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 The HRA screening report produced by LUC notes that the Wetheringsett cum Brockford Neighbourhood Plan does not allocate any sites for residential development. Instead, a number of the policies within it sets out criteria that any new residential/or employment

developments that comes forward must meet. Should schemes which are supported by the Wetheringsett cum Brockford Neighbourhood Plan move forward, individual project-level HRAs should be carried out to determine any likely significant effects.

- 7.3 The LUC HRA Screening Report goes on to conclude that since none of the policies of the Wetheringsett cum Brockford Neighbourhood Plan are expected to directly result in development, they will not result in significant effects on European sites. Therefore, no likely significant effects are predicted as a result of the plan. It is considered that the Wetheringsett cum Brockford Neighbourhood Plan is unlikely to have significant environmental effects and therefore, no likely significant effects are predicted as a result of the plan.
- 7.4 The report notes at paragraph 5.3 and 5.4 that:
*“ in the HRA Report that was prepared for the First Pre-Submission (Regulation 14) version of the Neighbourhood Plan (June 2022) the following recommendation was made in order to strengthen the protection for European sites provided by Wetheringsett cum Brockford Neighbourhood Plan policies governing windfall development:
WCB1: Location of new housing*
- *Amendment 1: This policy and supporting text should be amended to state that development may only be supported where no likely significant effects (LSE) or adverse effects on site integrity (AEoI) have been demonstrated through an individual project-level HRA.*

This recommendation has been addressed in the Second Pre-Submission (Regulation 14) version of the Neighbourhood Plan (October 2023), with policy WCB1 including the above text. No further recommendations are made”.

- 7.5 Natural England were invited to comment on the HRA Screening Report and in their response from November 2023 indicated that *“It is Natural England’s advice, on the basis of the material supplied with the consultation, that:*
- *significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and,*
 - *significant effects on Habitats sites¹, either alone or in combination, are unlikely.*

The proposed neighbourhood plan is unlikely to significantly affect any Site of Special Scientific Interest (SSSI), Marine Conservation Zone (MCZ), Special Areas of Conservation (SAC), Special Protection areas (SPA), Ramsar wetland or sites in the process of becoming SACs or SPAs (‘candidate SACs’, ‘possible SACs’, ‘potential SPAs’) or a Ramsar wetland. The plan area is unlikely to have a significant effect on a National Park, Area of Outstanding Natural Beauty or Heritage Coast, and is unlikely to impact upon the purposes for which these areas are designated or defined. concurs with the findings of the HRA Screening report”.

- 7.6 MSDC issued their HRA Screening Determination in January 2024 and in it concluded that:
- “In light of the HRA Screening Report (October 2023) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Wetheringsett cum Brockford Neighbourhood Plan is ‘screened out’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.”*

- 7.7 It should be noted that the 2nd Submission Version of the Wetheringsett cum Brockford Neighbourhood Plan has been amended in line with previous recommendations accordingly and the 2nd Submission Draft reflects the required amendment. Wetheringsett cum Brockford Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.