
Wilby
neighbourhood plan



Wilby Neighbourhood Plan
Basic Conditions Statement
July 2020

To accompany 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 Wilby Neighbourhood Development Plan being submitted by a qualifying body – Wilby Parish Council. Wilby Parish Council was confirmed as a qualifying body by Mid Suffolk District Council on 18th December 2017 when the Wilby Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Wilby 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 Wilby Neighbourhood Plan states the time-period for which it is to have effect (from 2018-2036) a period of 18 years.



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



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the area (not applicable in respect of the Wilby Neighbourhood Development Plan)

- (d) The making of the Plan contributes to the achievement of sustainable development (see below)
- (e) The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). (see below)
- (f) The making of the Plan does not breach and is otherwise compatible with EU obligations (see below) and,
- (g) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with, in connection with the proposal for the plan (see below)

3.3 Where applicable each of these basic conditions is addressed below. For clarification it should be noted that b) and c) above are not applicable to the Wilby Neighbourhood Development Plan and refer to 'Neighbourhood Orders' only.

3.a) Having regard to National Policies and Advice and e) Conformity with Strategic policies in the Development Plan

4.1 The following table provides an appraisal of the extent to which the Wilby Neighbourhood Plan has regard to national policy and is in general conformity with strategic local policy.

4.2 The Neighbourhood Plan policies were drafted to be in conformity with the National Planning Policy Framework published in February 2019. The table below assesses the degree of regard that the Wilby Neighbourhood Development Plan policies have had to NPPF 2019 (Column B)



4.3 During the production of the Neighbourhood Plan, the strategic policies for the area were under-going revision as the Adopted Policies were becoming quite out of date. The Mid Suffolk Core Strategy was adopted in 2008 prior to the introduction of Neighbourhood Plans in 2011 and also before either of the National Planning Frameworks were published. A focussed review of the Core Strategy was carried out and adopted in December 2012 which did reflect the first NPPF published in March 2012 and the 2011 Localism Act. As its name suggests the scope of this review was limited and it focussed on the following:

- i) Consequential changes to the Strategic objectives SO3 and SO6 to reflect a more proactive role in minimising carbon emissions and adaptation ,and to ensure balanced communities through the provision of necessary infrastructure provided with new development;
- ii) A revision to the housing numbers to accommodate recent evidence and assessments;
- iii) Revisions to the Employment Chapter to set out more up to date evidence that allows the Council to establish job targets for the District and demonstrate the need for an employment allocation in Stowmarket.

4.4 Therefore there are limited policies in the 2012 Review that are related to the content of the Wilby Neighbourhood Plan.

4.5 A further assessment has been carried out in respect of the saved policies contained in the Adopted Mid Suffolk Local Plan 1998 and the Mid Suffolk Local Plan First Alteration 2006 (Column E). Again in respect of the First Alteration there are very limited policies that are related to the content of the Neighbourhood Plan and only 2 are saved both of which relate to affordable housing.

4.6 At the time of submitting this Neighbourhood Development Plan policies of the emerging Joint Neighbourhood Plan are still in the relatively early stages. The replacement of the Core Strategy is the Babergh and Mid Suffolk Joint Local Plan (BMSJLP) and the Preferred Options Reg18 Version was consulted on between July and September 2019. The previous consultation on the Joint Local Plan had been undertaken between August 2017 and November 2017.



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- 4.7 Therefore the Policies contained within the Wilby Neighbourhood Plan have been assessed for their conformity against the existing Development Plan – the Mid Suffolk Core Strategy 2008 (Column C), the Mid Suffolk Core Strategy Focussed Review 2012 (Column D) the saved policies of the Mid Suffolk Local Plan 1998 (Column E) and the First Alteration to the Mid Suffolk Local Plan 2006 (Column F). Due to the timing of the emerging Joint Local Plan, an additional table has been included which assesses the policies of the Wilby Neighbourhood Plan against the policies of the Regulation 18 Preferred Options Version of the Joint Local Plan which was published in July 2019.
- 4.8 In summary, the appraisal demonstrates that the Wilby Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy.

Wilby Neighbourhood Development Plan Policy (A)	NPPF 2019 (B)	Mid Suffolk Core Strategy 2008 (MSCS) (C)	Mid Suffolk Core Strategy Focussed Review (CSFR) 2012 (D)	Adopted Mid Suffolk Local Plan (MSLP) 1998 (E)	Mid Suffolk Local Plan First Alteration (MSLPFA) 2006 (F)
WIL1: Landscape and Natural Features	This policy reflects NPPF para 127 b) and c) which require planning policies to ensure that developments are “visually attractive as a result of “appropriate and effective landscaping”...and are sympathetic to ...the surrounding built environment and landscape setting”. In addition paragraph 170 of the framework which advocates “protecting and enhancing valued landscapes “	This policy is consistent with Core Strategy Objectives SO4 which seeks to protect, manage, enhance and restore the historic heritage / environment and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character Policy WIL.1 seeks to protect the individual character and landscape setting of Wilby consistent with this objective and with Core Strategy Policy CS5	The Mid Suffolk Core Strategy focussed review concentrated largely on refreshing the housing figures for the district and updated employment chapter to justify employment allocations at Stowmarket. Therefore there is no specific comparator policy for WIL.1 in the CSFR.	Policies CL5, CL8 and CL9 are key environmental policies contained within the Adopted Local Plan that seek to protect important wildlife features and habitats including woodlands, trees, hedgerows, undesignated habitats and designated wildlife sites. Policy WIL1 sets out the wildlife features that are	There is no specific comparator policy (s)

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		<p>which seeks to protect and conserve landscape quality and promotes high quality design that respects local distinctiveness.</p> <p>Policy CS5 also seeks to protect, manage and enhance biodiversity, including species and habitats, wildlife corridors and ecological networks.</p>		important to Wilby.	
WIL2 Protection of Important Views	This policy reflects NPPF paragraph 170 b) which recognises the need to contribute to and enhance the intrinsic character and beauty of the countryside.	This policy is consistent with Core Strategy Objectives SO4 which seeks to protect, manage, enhance and restore the historic heritage / environment	There is no specific comparator policy in the CSFR due to the limited scope of the CSFR	This policy is consistent with MSLP policies SB2 Development Appropriate to its setting, SB3	There is no specific comparator policy (s)

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		<p>and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character</p> <p>Policy WIL.2 seeks to protect important individual views that contribute to the character and landscape setting of Wilby consistent with this objective and with Core Strategy Policy CS5 which seeks to protect and conserve landscape quality and promotes high quality design that</p>		<p>Visually Important Open Spaces and GP1 Design and Layout of Development. The local plan policies set out design criteria by which new development will be considered and this policy complements their ambitions by providing a local context and identifies important local characteristics including</p>	
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		respects local distinctiveness.		important views.	
WIL3 Local Green Spaces	<p>This policy reflects NPPF paras 99-101 which advocates “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them”.</p> <p>The spaces proposed for protection have been assessed against the criteria in the NPPF.</p>	<p>Policy WIL.3 identifies and protects two Local Green Spaces. There is no specific reference to Local Green Spaces within the adopted Core Strategy, however, Policy CS5 does refer to the importance of a high quality environment and the importance of retaining local distinctiveness.</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR</p>	<p>This policy is consistent with MSLP policy SB3 Retaining Visually Important Open Spaces which seeks to protect spaces important for their visual qualities. WIL.3 provides a locally updated perspective and identifies two spaces to be protected which includes 2 from the 1998 MSLP</p>	<p>There is no specific comparator policy (s)</p>



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<p>WIL4 Renewable Energy and Future Sustainability</p>	<p>This policy is consistent with the NPPF Section 14 relating to climate change which urges planning policies to take a proactive approach to climate change, particularly para 151 which advocates the increase of, and use of, renewable and low carbon energy and heat; para 153 b) in relation to new development “ take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption “.</p> <p>This policy is consistent with NPPF section 14</p>	<p>Policy CS3 of the Adopted Core Strategy promotes the incorporation of measures such as grey water recycling, adequate storage space for recycling and passive solar gain.</p> <p>WIL.4 includes criteria that supports and promotes solar gain, grey water recycling and rainwater capture, air and ground source heat pumps etc and is consistent with the intentions of Policy CS3.</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR</p>	<p>There are no specific policies in the MSLP 1998 that are comparable to WIL.4.</p>	<p>There is no specific comparator policy (s)</p>
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	<p>and para 152 which supports community-led initiatives for renewable and low carbon energy.</p> <p>The policy provides positive support to proposals that include renewable, energy efficiency or low carbon measures.</p>				
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<p>WIL5 Future Housing Provision</p>	<p>This policy is consistent with NPPF paragraph 29 which indicated that Neighbourhood Plans should not promote less development than that set out in the strategic policies for the area. The Neighbourhood Plan makes an allocation for 5 dwellings, over and above the existing commitment of 12 dwellings that is outlined in the emerging Joint Local Plan.</p> <p>This policy is consistent with NPPF para 103 which advocates the focussing of significant development in locations that “ are or can be made sustainable through</p>	<p>This policy is consistent with Policy CS1 of the Core Strategy which identifies Wilby as a Secondary Village (Tier 4). Secondary Villages are defined as “villages unsuitable for growth but capable of taking appropriate residential infill and development for local needs only These villages will benefit from small-scale development to meet local needs but not the level of growth envisaged for primary settlements. Local needs include employment, amenity and community facilities as well as small-scale</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WNDP policy.</p>	<p>This policy is consistent with MSLP policy H3 – Housing Development in villages. The local plan policy provides a presumption in favour of development within built up area (settlement boundaries) subject to criteria and Policy WIL.5 is consistent with those criteria.</p>	<p>There is no specific comparator policy (s)</p>
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	<p>limiting the need to travel...help to reduce congestion and emissions and improve air quality and public health.” The Neighbourhood Plan specifically allocates a site for development</p> <p>The policy is also consistent with paragraph 70 which refers to windfall sites. The policy makes a small allowance for windfall sites which is consistent with past rates of windfall in the parish and therefore is realistic as required by this paragraph. The policy also specifically refers to</p>	<p>infill housing and "rural exception" sites for affordable housing. Settlement boundaries will be retained around these settlements to facilitate appropriate development, while directing it to appropriate locations and restricting the scope and scale of development</p> <p>WIL.5 makes an allocation for 5 dwellings and allows for further small scale/windfall development within the settlement boundary.</p>			
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	<p>paragraph 79 of the framework which set out the criteria for new housing outside of the built up area and in the countryside.</p>				
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<p>WIL6 Housing Allocation East of Stradbroke Road</p>	<p>This policy is consistent with paragraph 29 of the framework in that it is a specific allocation for housing that is consistent with the identification of Wilby in the strategic policies of the emerging Joint Local Plan.</p>	<p>This policy is consistent with Policy CS1 of the Core Strategy which identifies Wilby as a Secondary Village (Tier 4) capable of accommodating small scale growth.</p> <p>Policy WIL6 sets out the detailed criteria for the development of the site including, design, landscaping and access arrangements, safeguarding of historic environment and landscape consistent with Core Strategy Policy CS5.</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WNDP policy</p>	<p>This policy is consistent with MSLP policy H3 – Housing Development in villages. The local plan policy provides a presumption in favour of development within built up area (settlement boundaries) subject to criteria and Policy WIL.5 is consistent with those criteria.</p> <p>Policy H13 of the Adopted</p>	<p>There is no specific comparator policy (s)</p>
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				<p>Local Plan sets out the criteria for the development of new housing sites which includes, density, layout, scale, landscaping, access and protection of historical features.</p> <p>The criteria covered in Policy WIL6 are consistent with those of the Adopted Policy.</p>	
WIL7 Housing Mix	This policy reflects NPPF para 61 which advises	Policy CS9 of the Core Strategy "Density and	There is no specific	This policy is consistent with	MSLPFA policy H4 Affordable

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	<p>that planning policies should reflect the needs of “those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p> <p>The policy is based on consultation carried out with local residents and specifically refers to families, including smaller end family housing, starter homes, lifetime homes and affordable housing.</p>	<p>Mix” requires that new housing development should provide a mix of house types, sizes and affordability to cater for different accommodation needs.</p> <p>Policy WIL6 positively encourages a wide range of types of housing that meet local needs and makes special provision for those types of housing identified through consultation e.g. housing for families, smaller family/ starter homes, affordable housing and lifetime homes</p>	<p>comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WNDP policy</p>	<p>MSLP policy H14 which seeks a range of house types to meet different accommodation needs.</p> <p>Policy WIL.7 supports the criteria in the policy which has been developed through consultation with local residents.</p>	<p>Housing in new housing developments seeks to negotiate up to 35% of housing to be affordable on sites of 5 or more. This requirement has been superseded by the NPPF in relation to the threshold for 10 dwellings. However, WIL.7 specifically identifies affordable housing.</p>
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<p>WIL8 Well Designed Development</p>	<p>This policy reflects NPPF para 127 which sets out the design criteria that development should meet for example “visually attractive as a result of good architecture , layout and appropriate and effective landscaping”.. “sympathetic to local character and history, including the 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</p>	<p>Policy CS5 of the Core Strategy requires that: “Development will be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district. It should create visual interest within the street scene”.</p> <p>Policy WIL8 sets out design criteria that need to be met in order to create the high quality design required by Policy CS5.</p> <p>Policy WIL.8 is consistent with Core</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WNDP policy</p>	<p>This policy is consistent with MSLP policies SB2 Development Appropriate to its setting and GP1 Design and Layout of New Developments which provides the design criteria for assessing development proposals. WIL.8 provides a locally updated dimension which includes specific criteria that have been</p>	<p>There is no specific comparator policy (s)</p>
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	<p>of crime do not undermine the quality of life or community cohesion or resilience”</p> <p>The policy contains clear criteria relating to density, scale, local character, landscaping, wildlife, layout, amenity, trees and hedgerows, Secure by Design, parking and storage</p>	<p>Strategy Objectives SO4 which seeks to protect, manage, enhance and restore the historic heritage / environment and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.</p>		<p>developed through consultation with local people</p>	
<p>WIL9 Non Designated Heritage Assets</p>	<p>This policy reflects NPPF para 197 which outlines the approach to assessing the impact of applications on non-designated heritage assets. “In weighing</p>	<p>There is no specific reference in the Adopted Core Strategy to non- designated heritage assets however, Core Strategy Objective SO4 seeks to</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and</p>	<p>This policy is consistent with MSLP policy HB1 Protection of Historic Buildings. The MSLP provides</p>	<p>There is no specific comparator policy (s)</p>

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	<p>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>manage, enhance and restore the historic heritage/environment and ensure new development is appropriate in terms of scale, location and character.</p> <p>Policy WIL.9 provides specific detail on the architectural, cultural and historical significance of unlisted buildings in Wilby</p>	<p>the specificity of this WNDP policy</p>	<p>a strategic policy for protecting the character and appearance of buildings of architectural or historic interest. WIL.9 provides a locally updated dimension and defines a number of specific buildings as non-designated heritage assets</p>	
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<p>WIL10 Community Facilities</p>	<p>This policy is consistent with paragraph 8b of the NPPF which outlines the social objective of the NPPF and specifically highlights the need for “accessible services and open spaces that reflect current and future needs and supports communities’ health, social and cultural well-being”</p> <p>This policy is consistent with NPPF para 92 which states “To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p>	<p>Policy WIL10 seeks to safeguard the existing community facilities in Wilby but also recognises that the needs of the community may change during the plan period and that a need for new or improved facilities may be identified.</p>	<p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WNDP policy</p>	<p>This policy is consistent with the aims of a number of MSLP policies including RT1 Sports and Recreational facilities, RT2 Loss of existing sports and recreation facilities, RT3 Protecting recreational open space and development of types of community facilities. FRES.4 seeks to protect existing community</p>	<p>There is no specific comparator policy (s)</p>
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	<p>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"</p> <p>The first part of the policy which seeks to retain existing community facilities is also consistent with criterion c of paragraph 92 which urges planning policies to "guard against</p>			<p>facilities consistent with the aims of the MSLP policies as well as encouraging new facilities.</p>	
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	<p>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>				
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Wilby Neighbourhood Development Plan Policy	Babergh-Mid Suffolk Joint Local Plan – REG18 Preferred Options Version July 2019 (JLP)
WIL1 Landscape and Natural Features	<p>This policy reflects JLP 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>This policy reflects JLP policy LP18 Landscape which requires development to be sensitive to its setting and encourages the enhancement and protections of areas of high landscape value. Where development is proposed its visual appearance, siting and lighting are identified as important factors</p>
WIL2 Protection of Important Views	<p>This policy reflects JLP policy LP18 Landscape which requires development to be sensitive to its setting and encourages the enhancement and protections of areas of high landscape value. Where development is proposed its visual appearance, siting and lighting are identified as important factors.</p>
WIL3 Local Green Spaces	<p>This policy reflects JLP paragraph 16.03 which refers to the designation of Local Green Space in neighbourhood Plans.</p>



<p>WIL4 Renewable Energy and Future Sustainability</p>	<p>This policy is consistent with JLP Policy SP10 Climate Change which encourages renewable energies and low carbon technology. It is also consistent with Policy LP23 – Sustainable Construction and Design which highlights the importance of energy efficiency measures and design principles such as orientation for solar gain. para 153 b) in relation to new development.</p> <p>The policy provides positive support to proposals that include renewable, energy efficiency or low carbon measures.</p>
<p>WIL5 Future Housing Provision</p>	<p>This policy is consistent with Joint Local Plan Policy SP03 Settlement Hierarchy which identifies Wilby as a Mid Suffolk Hinterland village. Hinterland villages are expected to provide around 894 dwellings within the Plan period. The policy allows for a small allocation of 5 dwellings.</p> <p>However, since the publication of the JLP Preferred Options, Mid Suffolk have confirmed that a mistake was made in the settlement hierarchy matrix from Wilby and that points (2) relating to retail had been awarded when in fact no retail exists. It would therefore be expected that this reduction in points in the settlement hierarchy matrix from 9 to 7 would most likely lead to Wilby being identified in future iteration of the JLP as a hamlet (it is identified as a hamlet in the Adopted Core Strategy). Hamlet villages are expected to provide around 261 dwellings within the plan period (of which 143 already have outline planning permission). Policy SP03 allows for development in hamlet villages subject to criteria governing design, landscaping and cumulative impacts.</p>



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	<p>This policy is also consistent with the housing allocation shown in the table on page 41 of the Joint Local Plan which indicates a figure of 12 dwellings for Wilby. The NDP makes provision for around 16 dwellings.</p> <p>.</p>
WIL6 Housing Allocation; Land east of Stradbroke Road	<p>This policy is consistent with Policy SP03 of the JLP Preferred Options which allows for development in hamlet villages subject to criteria governing design, landscaping and cumulative impacts. Policy WIL6 contains criteria that relate specifically to the development of this site. These include access, landscaping, heritage impact, layout and design.</p>
WIL7 Housing Mix	<p>This policy is consistent with paragraph 06.08 of the emerging Joint Local Plan which indicates that the greatest need for housing is for 2,3 and 4 bedroomed accommodation. Policy WIL.7 specifically refers to 2-3 bedrooms for Wilby. The policy is also consistent with JLP policy SP02 Affordable Housing which seeks to maximise affordable housing provision on qualifying sites. Policy WIL.7 is also consistent with JLP Policy LP06 which allows for specific types of housing to accommodate specific needs including lifetime homes. WIL.7 is based on consultation carried out with local residents and specifically refers to homes at the smaller end family of housing, starter homes and affordable housing.</p>
WIL8 Well Designed Development	<p>This policy is consistent with JLP Policy LP24 in that both seek high quality design, which takes account of design elements such as scale, height, massing and density together with residential amenity issues such as parking, landscaping and designing out crime.</p>



	<p>The policies contain clear criteria relating to density, landscaping, wildlife, layout, amenity, trees and hedgerows, Secure by Design, parking and storage.</p>
<p>WIL9 Non Designated Heritage Assets</p>	<p>This policy is consistent with JLP Policy LP20 The Historic Environment which recognises the contribution that non designated heritage assets can make to the character of an area and its sense of place. It seeks to provide criteria for assessing the impact of applications on non-designated heritage assets.</p>
<p>WIL10 Community Facilities</p>	<p>This policy is consistent with JLP Policy LP29 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>

5 d) Achieving Sustainable Development

- 5.1 The NPPF 2019 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 Wilby 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 Wilby 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. WIL8 Well Designed Development which contributes to both social and environmental objectives.
- 5.5 The plan has been formulated with Sustainable Development at its heart. The first exhibition held in November 2018, sought to establish the vision and highlight key issues; the exhibition material grouped draft objectives and key issues under three clear headings– Environmental Objectives, Economic Objectives and Social Objectives. The vision itself refers to managing changes to ‘amenities and the built environment to be managed pro-actively, creatively

¹ Resolution 42/187 of the United Nations General Assembly

and **sustainably** to the benefit of all those living here, working here or passing through’.

Our Vision for Wilby

“Our vision for future Wilby sees the rural beauty of its natural environment preserved, with change to its amenities and built environment managed pro-actively, creatively and sustainably to the benefit of all those living here, working here, visiting or passing through”

5.6 The first set of objectives produced for the November 2018 exhibition covered the economic, environmental and community dimensions:

- To protect the best elements of the natural and built environments
- To ensure that development within the plan area is sensitive, proportionate and sustainable.
- To ensure that the rural nature of the parish is maintained, supported and encouraged, safeguarding the natural environment, wildlife in the area and minimising all forms of pollution.
- To encourage cohesion of the whole parish by providing sufficient and suitable facilities, including support for the vibrant functioning of the school, the church and the community hall.

5.6 These objectives have been refined down to three specific objectives through consultation at the exhibitions held in November 2018, March 2019 and the pre-submission consultation undertaken between January and March 2020. The resulting objectives each support development whilst recognising the important of safeguarding and enhancing the special qualities that contribute to the specific character of Wilby.

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



NPPF Sustainable Development	Contribution through Wilby Neighbourhood Plan Policies
<p>NPPF 2019 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 2: To preserve the best elements for the heritage and built environment and allow for sensitive, proportionate and sustainable development within the Plan area. This objective allows for development of the right type and in the right place to take place.</p> <p>WIL5: Housing Provision. This policy seeks to meet the housing needs in the parish and identifies where future development will take place.</p>
<p>NPPF 2019 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</p>	<p>Objective 2: To preserve the best elements of the heritage and built environment and allow for sensitive, proportionate and sustainable development within the plan area. This objective seeks high standards of design and a safe built environment.</p> <p>Objective 3: To encourage cohesion of the whole parish and promote community wellbeing by providing sufficient and suitable facilities, including support for the vibrant functioning of the school, the church and the community hall. This objective seeks to safeguard existing community services and facilities whilst ensuring that the wellbeing of the community is supported.</p> <p>WIL3: Local Green Spaces This policy seeks to protect specific open spaces that are demonstrably special to the local community</p> <p>WIL5 – Housing Provision. This policy seeks to meet the housing needs in the parish and identifies through a specific allocation where future development will take place.</p>

	<p>WIL6 – Housing Allocation East of Stradbroke Road. This policy sets out specific criteria for the development of a site for 5 dwellings, east of Stradbroke Road.</p> <p>WIL7: Housing Mix. This policy supports the provision of housing and seeks to ensure that appropriate housing is provided to meet the needs of current and future generations</p> <p>WIL8: Well Designed Development This policy supports the health and wellbeing of the community by promoting developments that are safe, well designed and accessible and meet the needs of the local community.</p> <p>WIL10: Community Facilities The policy seeks to protect existing community facilities where they are viable and supports the provision of new community buildings where a need is identified.</p> <p>.</p>
<p>NPPF 2019 An environmental role: to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve 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 1: To ensure that the rural nature of the parish is maintained, supported and encouraged, whilst safeguarding and enhancing the natural environment and wildlife in the area and minimising all forms of pollution. This objective recognises the importance of biodiversity and the need to use natural resources wisely whilst minimising pollution.</p> <p>WIL1: Landscape and Natural Features Landscape. This policy seeks to protect and enhance the landscape and natural features that are important to the character of Wilby. It seeks to create new habitats and restore and repair fragmented habitats.</p> <p>WIL2: Protection of Important Public Local Views This policy seeks to enhance the landscape and settlement edges of the parish through protecting important views from inappropriate development</p>

	<p>WIL3: Local Green Spaces. This policy seeks to protect specific spaces within the parish that have a community value either through their visual appearance, historic recreation or cultural value.</p> <p>WIL4: Renewable Energy and Future Sustainability. This policy seeks to aid in the mitigation and adaptation to climate change through promoting the minimum use of resources in both construction and operation of buildings and support for measures that re-use water and incorporate solar gain.</p> <p>WIL8 – Well Designed Development . This policy contributes to protecting and enhancing the built environment by promoting the creation of high quality developments, with a high standard of design, safe environments and the designing out of crime</p> <p>WIL9: Non-designated heritage assets. The policy contributes to the protection and enhancement of the built and historic environment through the identification of Important local buildings for additional protection.</p>
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6. f) Compatibility with EU Obligations

- 6.1 The statement below demonstrates how the Wilby Neighbourhood Development Plan does not breach and is compatible with EU obligations.
- 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 HRA Screening Assessment was carried out by Place Services and the SEA Screening Assessment was undertaken by LUC ; both were carried out in February 2020.
- 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 Wilby 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 Mid Suffolk District Council undertook the SEA Screening Process in February and March 2020 . The SEA screening report produced by LUC concluded that:
“it is considered that the Wilby NDP will not have significant environmental effects and that SEA is therefore not required”
- 6.5 The report’s recommendation bring that the Wilby Neighbourhood Development Plan can be ‘screened out’ for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC
- 6.6 In addition, the HRA screening report produced by Place Services concluded that :

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“Subject to Natural England’s review, this HRA Screening Report concludes that the Regulation 14 draft Wilby Neighbourhood Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects.

*The content of the Wilby Neighbourhood Plan has therefore been **screened out** for any further assessment and Mid Suffolk DC can demonstrate its compliance with the UK Habitats Regulations 2017”.*

- 6.7 In March 2020, both Screening Reports were the subject of consultation with the three environmental bodies – Environment Agency, Historic England and Natural England. The consultation was undertaken by Mid Suffolk District Council .
- 6.8 In their formal responses, Natural England and the Environment Agency confirmed that they were in agreement with the conclusions of both the SEA and HRA Screening Reports. Consequently in June 2020, Mid Suffolk issued an HRA Screening Direction which concluded that:
- “In the light of the Screening Report prepared by Place Services and the responses from Natural England it is determined that the Wilby Neighbourhood Plan does not require further assessment under the Habitats Regulations 2017”.*
- 6.9 Historic England, who only have an interest in the SEA report raised concerns about the potential for impacts upon the setting of the Grade 1 Listed Church from the development of the proposed allocation. They recommended that a full SEA was required but that this should be proportionate and focus on the potential heritage impacts that could arise from the development of the proposed allocation east of Stradbroke Road. This was disappointing given that Historic England had not raised any objections to the content of the Neighbourhood Plan during the Regulation 14 consultation which had concluded only days earlier.
- 6.10 Subsequent discussions with Historic England revealed that there was no in principle objection to the proposed allocation, and resulted in an agreement that a Site Heritage Impact Assessment (SHIA) of the proposed allocation should

be undertaken and that the assessment should focus on the impact of the setting of the church from proposed development. Such assessment should be carried out following Historic England's specific Guidance on the setting of historic assets. The Site Heritage Impact Assessment would then form an appendix to the NDP and its recommendations would be included within the main body of the plan and the policy wording.

- 6.11 Historic England indicated that subject to the production of the Site Heritage Impact Assessment they would then remove their holding concerns and Mid Suffolk would be able to issue the Screening Directions
- 6.12 In July 2020, the Site Heritage Impact Assessment was completed and Historic England confirmed in an email of 27th July 2020 that they were satisfied with its conclusions and recommendations in respect of changes to Policy WIL6 and therefore were content for MSDC to issue a Screening Direction,
- 6.13 Consequently MSDC issued the SEA Screening Direction on 28th July 2020 and this features alongside this Basic Conditions Statement and the Site Heritage Impact Assessment as a Submission Document.
- 6.14 The SEA Screening Direction issued by MSDC on 28th July 2020, concluded that:
- "In response to the above, Historic England issued an update to their original SEA Screening Report response which now confirms that they **no longer consider it likely that the Wilby Neighbourhood Plan will result in Significant Effects on the historic environment**, and that therefore an SEA can certainly be screened out from our perspective".*
- 6.15 In addition, the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The accompanying Consultation Statement sets out the process followed in terms of community involvement.

7. g) Prescribed matters

- 7.1 An additional basic condition is prescribed under Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 as follows:

“The making of the Neighbourhood Development Plan is not likely to have any significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2010 (2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (3)), (either alone or in combination with other plans and projects)”.

- 7.2 Natural England has been consulted on the pre-submission version of the Wilby Neighbourhood Plan and has contributed to the SEA and HRA Screening Opinions. There are few national and international designations within close proximity to Wilby and the Wilby Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.