

**Walsham le Willows
Neighbourhood Plan
Basic Conditions Statement**

April 2023

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 Walsham le Willows Neighbourhood Development Plan being submitted by a qualifying body – Walsham le Willows Parish Council. Walsham le Willows Parish Council was confirmed as a qualifying body by Mid Suffolk District Council on 19th July 2018 when the Walsham le Willows Neighbourhood Plan Area was designated.

A Neighbourhood Development Plan: The Walsham le Willows 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 Walsham le Willows Neighbourhood Plan states the time-period for which it is to have effect (from 2023-2037) a period of 14-years.

Excluded Development: The Walsham le Willows Neighbourhood Development Plan policies do not relate to excluded development. The Walsham le Willows 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 Walsham le Willows Neighbourhood Development Plan relates to the Walsham le Willows 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 Walsham le Willows 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 Walsham le Willows 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 Walsham le Willows Neighbourhood Development Plan and refer to ‘Neighbourhood Orders’ only.

4. 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 Walsham le Willows 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 July 2021. The table below assess the degree of regard that the Walsham le Willows Neighbourhood Development Plan policies have had to NPPF 2021 (Column B)
- 4.3 The adopted strategic policies for the Neighbourhood Area can be found in the Mid Suffolk Core Strategy which was adopted in 2008. (Column C). A focussed review of the Core Strategy was completed in 2012 (Column D) 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 and therefore the Walsham le Willows Neighbourhood Plan has been assessed against the remaining Saved Policies from the previous Local Plan (Column E) which itself was modified by the First Alteration completed in 2006 (Column F).
- 4.4 During the production of the Neighbourhood Plan, the strategic policies for the area were under-going revision. The pre-submission version of the BMSJLP was published in November 2020 and was submitted for examination on the 31st of March 2021. Examination hearings were held in July 2021 and Autumn 2021 before being paused in December 2021. Following a meeting between the Councils and the Inspectors in December 2021, it was agreed that the BMSJLP will be progressed in two parts. Part 1 will contain 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 1 with modifications was published on 16th March 2023 for public consultation and this Basic Conditions Statement has been amended to reflect this. Part 2 will contain those other elements and is expected to be concluded in 2025.
- 4.5 Therefore the Policies contained within the Walsham le Willows 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 Mid Suffolk Local Plan First Alteration 2006 (Column F). In addition, conformity with the policies of the emerging Babergh Mid Suffolk Joint Local Plan, Part 1: Main Modifications, March 2023 has been assessed in a separate table.
- 4.6 In summary, the appraisal demonstrates that the Walsham le Willows Neighbourhood Development Plan has had appropriate regard to and is in general conformity with, both national and strategic policy.

Assessment of policies in the Walsham le Willows Neighbourhood Plan against National and Local strategic policies

| Walsham le Willows Neighbourhood Development Plan Policy (A) | NPPF 2021 (B) | Mid Suffolk Core Strategy 2008 (MSCS) (C) | Mid Suffolk Core Strategy Focussed Review 2012 [MCSFR] (D) | Mid Suffolk Local Plan 1998 (Saved Policies) [MSLP] (E) | Mid Suffolk Local Plan 1st Alteration 2006 (Saved Policies) [MSLPFA] (F) |
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| WLW1: High quality and sustainable design | This policy reflects NPPF para 130 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 of crime do not undermine the quality of life or | 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.” Policy WLW1 sets out design criteria that need to be met in order to create the high-quality design required by Policy CS5. Policy WLW1 is consistent with Core Strategy Objectives SO4 which seeks to | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy. | 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. Policy WLW1 provides a locally updated dimension which has been informed by the Walsham le Willows Design Guidance and Codes | There is no specific comparator policy (s) |

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| | <p>community cohesion or resilience".</p> <p>Policy WLW1 contains clear criteria relating to layout, orientation, local character, landscaping, parking, materials and sustainability.</p> <p>The Policy is supported by the Walsham le Willows Design Guidance and Codes</p> | <p>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> | | | |
| WLW2: Scale and location of new housing | <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. The policy also includes criteria that new housing development needs to meet. The policy allows for windfall development within the settlement boundary which would be over and above the existing commitment of dwellings that is outlined in the emerging Joint Local Plan.</p> | <p>This policy is consistent with Policy CS1 of the Core Strategy which identifies Walsham le Willows as a primary village.</p> <p>Primary villages are those villages which have basic local services including a primary school and food shop, where small scale housing growth to meet local needs, particularly affordable housing, will be appropriate.</p> | <p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP 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 WLW2 is consistent with those criteria</p> | <p>There is no specific comparator policy (s)</p> |

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| | The policy is also consistent with NPPF paragraph 71 which refers to windfall sites. | | | | |
| WLW3: Housing size, type and tenure | <p>This policy reflects NPPF para 62 which advises 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 reflects the results of consultation with the local community and the results of the Housing Needs Assessment.</p> | <p>Policy CS9 of the Core Strategy “Density and 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 WLW3 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, starter homes, affordable housing, and bungalows.</p> | <p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy</p> | <p>This policy is consistent with MSLP policy H14 which seeks a range of house types to meet different accommodation needs.</p> | <p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy</p> |
| WLW4: Community facilities | This policy seeks to retain existing community facilities is consistent with criterion c of paragraph 93 which urges planning policies to “guard against | There is no direct comparator policy in the Core Strategy. | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the | 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 | There is no specific comparator policy in the CSFR due to the limited |

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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> <p>Policy WLW4 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>specificity of this WLWNP policy</p> | <p>recreation facilities, RT3 Protecting recreational open space and development of types of community facilities.</p> | <p>scope of the CSFR and the specificity of this WLWNP policy</p> |
| WLW5: Drainage and floodrisk | <p>This policy reflects para 155 which encourages development to be directed away from areas of Floodrisk and should not increase Floodrisk elsewhere.</p> | <p>Policy CS4 of the Core Strategy indicates that it will "support development proposals that avoid areas of current and future flood risk, and which do not increase flooding elsewhere,"</p> <p>Policy WLW5 requires development to mitigate its own flooding and drainage impacts, to avoid the risk of flooding and seeks to prevent</p> | <p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy.</p> | <p>This policy is consistent with Policy SC4 Protection of Ground water supplies. The MSLP policy seeks to prevent the contamination of ground water resources.</p> | <p>There is no specific comparator policy (s)</p> |

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| | | flooding or for flooding to be caused elsewhere. | | | |
| WLW6: Pedestrian and cycle connectivity | This policy is consistent with NPPF paragraph 110 c) which seeks to create secure and attractive places which minimise the scope for conflict between pedestrians, cyclist, and vehicles. This policy is also consistent with paragraph 112 c) which seeks to create places that are safe, secure, and attractive which minimise the scope for conflict between pedestrians, cyclists, and vehicles. Policy WLW6 aims to increase opportunities for walking and cycling in the parish. | This policy is consistent with Core Strategy, Objective SO13 which seeks to encourage walking and cycling initiatives | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy | This policy is consistent with MSLP Policy T11 which seeks to improve facilities for pedestrians and cyclists. Policy WLW6 is consistent with this approach. | There is no specific comparator policy (s) |
| WLW7: Public Rights of Way | This policy is consistent with NPPF paragraph 110 c) which seeks to create secure and attractive places which minimise the scope for conflict between | There is no specific comparator policy (s) | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy | There is no specific comparator policy (s) | There is no specific comparator policy (s) |

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| | <p>pedestrians, cyclist, and vehicles.</p> <p>Policy WLW7 aims to protect existing Rights of Way.</p> | | | | |
| WLW8: Area of Local Landscape Sensitivity | <p>This policy reflects NPPF para 174 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 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.</p> <p>In addition, Policy CS5: Mid Suffolk's Environment indicates that the Council will 'protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the</p> | <p>Therefore, there is no specific comparator policy for WLW9 in the CSFR.</p> | <p>This policy is consistent with MSLP Policy CL2 which identifies a number of Special Landscape Areas that broadly follow the river valleys. The policy requires that within special landscape areas ' particular care will be taken to safeguard landscape quality, and where development does occur it should be sensitively designed with high standards of layout, materials and landscaping.</p> <p>Policy WLW8 seeks to roll this designation forward into the ALLS with similar criteria for development.</p> | <p>There is no specific comparator policy (s)</p> |

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| | | <p>landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encourage development that is consistent with conserving its overall character.'</p> | | | |
| WLW9: Important views | <p>This policy reflects NPPF para 174 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 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.</p> <p>In addition, Policy CS5: Mid Suffolk's Environment indicates that the Council will</p> | <p>he 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.</p> <p>Therefore, there is no specific comparator policy for WLW9 in the CSFR.</p> | <p>This policy is consistent with MSLP POLICY CL1, which seeks to protect the landscape quality and character of the countryside for its own sake, proposals for development in the countryside should be sited and designed to have minimum adverse effect up on the appearance of the landscape and should seek to positively contribute to its diverse character through tree planting and the creation of hedgerows, deciduous woodlands, and other wildlife habitats.</p> | <p>There is no specific comparator policy (s)</p> |

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| | | <p>'protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encourage development that is consistent with conserving its overall character.'</p> <p>Policy WLW9 seeks to protect the visual scenic value of the countryside within the parish and identifies 22 important public views.</p> | | | |
| WLW10: Dark skies | This policy is consistent with NPPF paragraph 185 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 | There is no specific comparator policy in the Core Strategy. | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR | There is no specific comparator policy (s) | There is no specific comparator policy (s) |

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| | <p>and the natural environment. This includes impacts relating to ... light pollution on intrinsically dark landscapes and nature conservation.</p> <p>Policy WLW10 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> | | | | |
| WLW11: Local Green Spaces | <p>This policy reflects NPPF paras 101-103 which advocate.</p> <p>“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 WLW11 proposes 13 Local Green Spaces in the parish which have</p> | <p>There is no specific reference to Local Green Spaces within the adopted Core Strategy.</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.</p> <p>Policy WLW11 provides a locally updated perspective and identifies 13 spaces to be protected which includes three from the 1998 MSLP</p> | <p>There is no specific comparator policy (s)</p> |

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| | been against the criteria in the NPPF. | | | | |
| WLW12: Protecting and enhancing biodiversity | This policy reflects NPPF paragraph 170 a) which requires planning policies to enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Furthermore NPPF paragraph 174 d) requires that policies minimise impacts on and provide net gains for biodiversity. Policy WLW12 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 | This policy is consistent with Core Strategy Policy CS5 which seeks to protect, manage, and enhance biodiversity, including species and habitats, wildlife corridors and ecological networks | There is no specific comparator policy in the CSFR due to the limited scope of 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 WLW12 and its supporting text set out the wildlife features and species that are important to Walsham le Willows. | There is no specific comparator policy (s) |
| WLW13: Renewable Energy /Solar | This policy is consistent with paragraph 152 of the NPPF which supports the transition to a low carbon future and...provides support for renewable and low carbon energy and associated infrastructure. | This policy is consistent with Core Strategy Policy CS3 Reduce contributions to Climate Change which promotes and encourages the appropriate development of | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR | This policy is consistent with saved Policy CL24 Wind Turbines which provides support for wind energy development and provides criteria for controlling them relating to visual impact on the landscape, design and | There is no specific comparator policy (s) |

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| | <p>In addition paragraph 155 of the NPPF indicates that plans should provide a positive strategy for energy ...whilst ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape impacts and visual impacts).</p> <p>Policy WLW13 provides for support for such schemes subject to criteria, which include landscape impacts.</p> | <p>renewable energy schemes.</p> | | <p>siting, and impact on amenity.</p> <p>Policy WLW13 has similar criteria but extends the remit of the policy to all forms of renewable development including solar.</p> | |
| WLW14: Non-Designated Heritage Assets | <p>This policy reflects NPPF paragraph 203 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>There is no specific comparator policy in the CS</p> | <p>There is no specific comparator policy in the CSFR due to the limited scope of the CSFR.</p> | <p>There is no specific comparator saved MSLP Policy.</p> | <p>There is no specific comparator policy (s)</p> |

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| | The policy identifies 33 Non-Designated Heritage Assets within the parish that are important to the local character of the area. | | | | |
| WLW15: New and Existing Business | This policy reflects NPPF para 81 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 84a which allows for" the sustainable growth and expansion of all types of business in rural areas. | Policy WCB4 is consistent with Policy CS11 of the Adopted Core Strategy which seeks to protect existing sites in employment. | There is no specific comparator policy in the CSFR due to the limited scope of the CSFR and the specificity of this WLWNP policy | This policy is consistent with MSLP policies E4 Protecting Existing Industrial/ Business Areas for employment generating uses and E5 Change of use within existing industrial commercial areas, E9 Extensions to existing industrial and commercial premises and E9 location of new business. | There is no specific comparator policy (s) |

| Walsham le Willows Neighbourhood Development Plan Policy | Babergh-Mid Suffolk Joint Local Plan – Joint Local Plan Part 1: Modifications, March 2023 |
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| WLW1 High quality and sustainable design | <p>This policy is consistent with JLP Policy LP24 (formerly LP26) 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, sustainability and designing out crime.</p> <p>This policy reflects JLP Policy 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, layout, gardens, landscaping, amenity, materials, parking, and storage.</p> |
| WLW2: Scale and location of new housing | <p>This policy is consistent with Joint Local Plan Policy SP03 <i>The Sustainable location of new development</i> which reaffirms a commitment to settlement boundaries. Policy WLW2 indicates that settlement boundaries are expected to act as a focus for development which will be delivered through site allocations and windfall developments.</p> <p>The submission version of the BMSJLP made two specific allocations in the parish. One is now completed and occupied and the other has the benefit of an outline planning permission. The NDP allows for additional dwellings above this requirement in the form of windfall sites of individual dwellings or small groups of houses within the settlement boundary.</p> <p>It is recognised that the issue of settlement hierarchy and allocations will now be dealt with by Part 2 of the JLP</p> |
| WLW3: Housing size, type and tenure | <p>This policy is consistent with paragraph 07.09 of Part 1 of the emerging Joint Local Plan which indicates that the greatest need for housing is for 2, and 3 bedroomed accommodation. Policy WLW3 specifically refers to 2-3 bedrooms housing for Walsham le Willows and also refers to First Homes which are also covered by this paragraph.</p> <p>Policy WLW3 is also consistent with JLP Part 1, Policy LP06 which allows for specific types of housing to accommodate specific needs.</p> |

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| WLW4: Community facilities | This policy is consistent with JLP Part 1, 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. |
| WLW5: Drainage and Floodrisk | <p>This policy is consistent with JLP Policy SP10 <i>Climate Change</i> which requires that all developments to take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, and requires a sequential risk-based approach taking into account future-proofing measures for impacts of flooding.</p> <p>This policy is consistent with JLP Part 1, Policy SP09 <i>Enhancement and Management of the Environment</i> which encourages the use of Sustainable Urban Drainage Systems and seeks to take a proactive approach to management of flood risk. It is also consistent with Policy LP27 Flood Risk and Vulnerability, which seeks to direct development to areas with the least impact on flooding and to require development to mitigate their own Floodrisk.</p> |
| WLW6: Pedestrian and cycle connectivity | This policy is consistent with JLP Part 1, Policy LP29 <i>Safe Sustainable and Active Transport</i> which encourages walking and cycling and the creation of new and safe routes and links for pedestrians and cyclists. |
| WLW7: Public rights of way | This policy is consistent with JLP Part 1, Policy LP29 <i>Safe Sustainable and Active Transport</i> which requires enhancement to the Public Rights of Way network and protection of the existing network. |
| WLW8: Areas of Local Landscape Sensitivity | This policy reflects JLP Part 1, 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. |
| WLW9: Important views | This policy reflects JLP Part 1, 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. |
| WLW10: Dark Skies | This policy reflects JLP Part 1, 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. |

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| WLW11: Local Green Spaces | There is no corresponding policy in the JLP Part 1. |
| WLW12: Protecting and enhancing biodiversity | This policy is consistent with JLP Part 1, Policy LP16 <i>Biodiversity and Geodiversity</i> which requires development to follow a hierarchy of seeking firstly to; enhance habitats, avoid impacts, mitigate against harmful impacts, or as a last resort compensate for losses that cannot be avoided or mitigated for. 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 supported. |
| WLW13: Renewable Energy | This policy is consistent with JLP Part 1, Policy SP10 <i>Climate Change</i> which requires proactive approaches and identify opportunities to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives. Additionally, JLP Part 1, Policy LP25 <i>Energy Sources, Storage and Distribution</i> which supports renewable energy development subject to criteria. |
| WLW14: Non-Designated Heritage Assets | This policy is consistent with JLP Part 1, Policy LP19 <i>The Historic Environment</i> 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 |
| WLW15: New and existing business | This policy is consistent with JLP Part 1, Policy LP09 <i>Supporting a Prosperous Economy</i> which supports new employment development in appropriate locations including extensions to existing enterprises and also Policy LP13 <i>Change from Employment Use</i> , which seeks to safeguard existing sites in employment use. |

5 d) Achieving Sustainable Development

- 5.1 The NPPF 2021 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 Walsham le Willows 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 Walsham le Willows 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., **WLW1 High quality and sustainable design** 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.

Neighbourhood Plan Vision for 2037

Walsham le Willows will continue to be a well-loved, historic Suffolk parish with a unique character and identity.

The natural environment, biodiversity and heritage will be enhanced and protected. Future development will be environmentally sustainable, adapted to mitigate the impacts of climate change, well designed, and suitably located, integrated, and connected.

The Parish will have a range of housing types and tenures to suit all ages and incomes, supported by appropriate infrastructure.

The area will continue to be a desirable place for current and future generations.

- 5.6 The plan contains a set of six 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 Built Environment & Design, Housing, Community Infrastructure, Transport & Accessibility, Natural & Historic Environment and Economy. The objectives are as follows:

Objective 1: To ensure that all new development enhances and respects the existing character of the village, minimises its impact upon the natural environment and enhances the built environment by encouraging high quality design through innovation.

Objective 2: To provide housing that maintains a mixed and balanced community, by meeting the present and future needs of Walsham le Willows in terms of size, type and affordability.

Objective 3: To encourage the provision of first-rate infrastructure for the parish by protecting existing community facilities and encouraging new creative spaces and expanded services.

Objective 4: To promote the environmental wellbeing and health of the residents of Walsham le Willows by providing safe and convenient access, by foot, by bicycle and for disabled users, reducing congestion and pollution through encouraging the use of sustainable transport.

Objective 5: To enhance and safeguard the Parish's natural assets (wildlife, landscape, green spaces, water courses), and to preserve and enhance the built heritage), supporting them to adapt to the effects of climate change whilst retaining the important distinctive character and identity of individual parts of the settlement.

Objective 6: To support local business, including opportunities for home working and encourage appropriate growth where it contributes to the sustainability of the 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 Walsham le Willows. These objective 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 Walsham le Willows Neighbourhood Plan Policies |
|---|---|
| NPPF 2021 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 | <p>Objective 6: To support local business, including opportunities for home working and encourage appropriate growth where it contributes to the sustainability of the community.</p> <p>Policy WLW15: New and existing business. This policy supports the retention and expansion of existing businesses, subject to criteria.</p> |

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| identifying and co-ordinating the provision of infrastructure. | |
| <p>NPPF 2021</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 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 provide housing that maintains a mixed and balanced community, by meeting the present and future needs of Walsham le Willows in terms of size, type and affordability.</p> <p>Objective 3: To encourage the provision of first-rate infrastructure for the parish by protecting existing community facilities and encouraging new creative spaces and expanded services</p> <p>Objective 4: To promote the environmental wellbeing and health of the residents of Walsham le Willows by providing safe and convenient access, by foot, by bicycle and for disabled users, reducing congestion and pollution through encouraging the use of sustainable transport.</p> <p>Objective 6: To support local business, including opportunities for home working and encourage appropriate growth where it contributes to the sustainability of the community.</p> <p>Policy WLW1: High quality and sustainable design. 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 WLW2: Scale and location of new housing. This policy supports new housing subject to criteria controlling scale, location, highway safety and impact upon existing residents.</p> <p>Policy WLW3: Housing Size, Type and Tenure. This policy aims to create a mixed and balanced community and supports new housing that meets local needs including, small and medium sized homes, adaptable housing, and affordable housing.</p> <p>Policy WLW4: Community Facilities. This policy seeks to protect existing community facilities within the parish from development that may harm their community value. It also supports the development of new facilities for the wider benefit of the community.</p> <p>Policy WLW5: Drainage and Floodrisk. This policy seeks to safeguard against pollution and minimise floodrisk.</p> <p>Policy WLW6: Pedestrian and cycling connectivity. 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>Policy WLW7: Rights of Way. This policy aims to protect the existing rights of way network.</p> |

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| | <p>Policy WLW9: Important Public Local Views. This policy seeks to protect certain identified views from development that would adversely affect it.</p> <p>Policy WLW10: Dark Skies. This policy provides guidance for new development on the issues of light pollution and seeks to protect the existing dark skies of the parish.</p> <p>Policy WLW11: Local Green Spaces. This policy identifies 13 green spaces that are considered to have a demonstrable important value to the local community.</p> <p>Policy WLW12: 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 10% net gain in biodiversity.</p> <p>Policy WLW13: Renewable Energy/Solar. This policy supports renewable energy projects subject to criteria governing impact on landscape, nature conservation, historic environment and amenity.</p> <p>Policy WCB14: Non-Designated Heritage Assets. This policy identifies a number of buildings that have a local historic significance.</p> |
| NPPF 2021 | <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 1: To ensure that all new development enhances and respects the existing character of the village, minimises its impact upon the natural environment and enhances the built environment by encouraging high quality design through innovation.</p> <p>Objective 4: To promote the environmental wellbeing and health of the residents of Walsham le Willows by providing safe and convenient access, by foot, by bicycle and for disabled users, reducing congestion and pollution through encouraging the use of sustainable transport.</p> <p>Objective 5: To enhance and safeguard the Parish's natural assets (wildlife, landscape, green spaces, water courses), and to preserve and enhance the built heritage , supporting them to adapt to the effects of climate change whilst retaining the important distinctive character and identity of individual parts of the settlement.</p> <p>Policy WLW1: High quality and sustainable design. 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 WLW5: Drainage and Floodrisk. This policy seeks to safeguard against pollution and minimise floodrisk.</p> <p>Policy WLW6: Pedestrian and cycling connectivity. This policy aims to improve the health and wellbeing of the</p> |

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| | <p>local community by promoting walking and cycling, and protecting the existing rights of way network.</p> <p>Policy WLW7: Rights of Way. This policy aims to protect the existing rights of way network.</p> <p>Policy WLW8: Area of Local Landscape Sensitivity. This policy identifies a specific area of landscape along the river valley which has specific landscape qualities.</p> <p>Policy WLW9: Important Public Local Views. This policy seeks to protect certain identified views from development that would adversely affect it.</p> <p>Policy WLW10: Dark Skies. This policy provides guidance for new development on the issues of light pollution and seeks to protect the existing dark skies of the parish.</p> <p>Policy WLW11: Local Green Spaces. This policy identifies 13 green spaces that are considered to have a demonstrable important value to the local community.</p> <p>Policy WLW12: 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 10% net gain in biodiversity.</p> <p>Policy WLW13: Renewable Energy/Solar. This policy supports renewable energy projects subject to criteria governing impact on landscape, nature conservation, historic environment and amenity.</p> <p>Policy WCB14: Non-Designated Heritage Assets. This policy identifies a number of buildings that have a local historic significance.</p> |
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6. f) Compatibility with EU Obligations

- 6.1 The statement below demonstrates how the Walsham le Willows 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 SEA and HRA Screening Assessments were carried out by consultants LUC acting on behalf of Mid Suffolk District Council in November 2022.
- 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 Walsham le Willows 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 notes that the Walsham le Willows NP sets out fifteen planning policies to shape development in the parish up to 2037 and that decision makers will need to consider the criteria of these policies when determining future applications in the parish. The Neighbourhood Plan does not directly impact on land use through the allocation of sites for housing or other forms of development and the Screening Report concludes at paragraph 2.40 that the Walsham le Willows 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 December 2022 to January 2023. Natural England agreed with the conclusion of the Screening Report and in their response dated 6th January 2023, confirmed that “It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.”
- 6.6 Historic England also agreed with the Screening Report conclusions and their response also dated 6th January 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 Mid Suffolk’s Screening Determination dated January 2023 therefore concluded that:
*“In the light of the SEA Screening Report (November 2022) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Walsham le Willows Neighbourhood Plan **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. ”*

Human Rights

- 6.7 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 The HRA screening report produced by LUC notes that the Walsham le Willows 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 Walsham le Willows 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 Walsham le Willows 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 Walsham le Willows Neighbourhood Plan is unlikely to have significant environmental effects and therefore, no likely significant effects are predicted as a result of the plan. Additionally, for all impact types, a conclusion of no likely significant effect (no LSE) was reached and therefore it was not necessary to proceed to the Appropriate Assessment stage.
- 7.4 Natural England were invited to comment on the HRA Screening Report and confirmed in an email on 24th January 2023, that “Natural England concurs with the findings of the HRA Screening report”.
- 7.5 MSDC issued their HRA Screening Determination in January 2023 and in it concluded that:

“The Screening Report concludes that: “In light of the HRA Screening Report (November 2022) prepared by LUC, and the response to this from the statutory consultee, it is determined that the Walsham le Willows Neighbourhood Plan is ‘screened-out’ for

further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required".

- 7.6 Walsham le Willows Parish Council therefore considers that the Neighbourhood Plan meets the additional prescribed basic condition.