

Kesgrave Neighbourhood Plan

2018-2036

Basic Conditions Statement

Kesgrave Town Council

January 2020



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1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany Kesgrave Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
 - I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - III. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - V. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.4. This document sets out how the Plan meets the Basic Conditions.

Key statements

- 1.5. Kesgrave Town Council, as the qualifying body, has prepared the Plan, which covers the parish area of Kesgrave. This area was designated by Suffolk Coastal District Council in September 2016.
- 1.6. The Plan sets out policies that relate to the development and use of land within only the Kesgrave Neighbourhood Area. This is shown in Figure 1 below. This demonstrates compliance with Regulation 15(a) of the Neighbourhood Planning Regulations.
- 1.7. The Plan refers only to the administrative boundary of Kesgrave. There are no other adopted Neighbourhood Development Plans that cover the Kesgrave Neighbourhood Area.
- 1.8. The Kesgrave Neighbourhood Plan Sub-Committee (being a sub-committee of the Town Council) has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2018 to 2036.

¹ There are two further basic conditions, which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

KESGRAVE

Brightwell Heath

Foxhall Heath

Rushmere Golf Course

Rushmere Heath

Neighbourhood Plan Boundary

Scale: 0 100 200 300 400 500 m

North Arrow

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2. Basic Condition (i) – Conformity with National Planning Policy

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

National Planning Policy Framework

- 2.2. The NPPF has 13 key objectives which are:
1. Delivering a sufficient supply of homes
 2. Building a strong, competitive economy
 3. Ensuring the vitality of town centres
 - 4 Promoting healthy and safe communities
 5. Promoting sustainable transport
 6. Supporting high quality communications
 7. Making effective use of land
 8. Achieving well-designed places
 9. Protecting Green Belt land
 10. Meeting the challenge of climate change, flooding and coastal change
 11. Conserving and enhancing the natural environment
 12. Conserving and enhancing the historic environment
 13. Facilitating the sustainable use of minerals
- 2.3. This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.4. The Plan has eight objectives. These are summarised in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the KNP objectives against NPPF goals

Plan objective	Relevant NPPF goal
One: To protect the character and identity of Kesgrave, particularly in respect of preserving the established openness of the built up areas and its separation from neighbouring communities.	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the natural environment
Two: To enhance and protect the quality of our green spaces and landscaping.	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the natural environment
Three: To ensure development does not worsen air quality.	<ul style="list-style-type: none"> • Promoting healthy and safe communities
Four: To ensure wildlife is allowed to thrive.	<ul style="list-style-type: none"> • Achieving well designed places • Conserving and enhancing the natural environment

Plan objective	Relevant NPPF goal
Five: To preserve our heritage assets.	<ul style="list-style-type: none"> • Conserving and enhancing the historic environment
Six: To expand and enhance the range and quality of recreational and sporting facilities so that it more fully serves the needs of Kesgrave's community today.	<ul style="list-style-type: none"> • Promoting healthy and safe communities
Seven: To provide genuine alternatives to the car for local journeys particularly on foot and by bicycle.	<ul style="list-style-type: none"> • Promoting sustainable transport • Promoting healthy and safe communities
Eight: To increase the provision of usable off-road parking in order to enhance the character of Kesgrave and improve pedestrian and cycle safety.	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport

- 2.5. Table 2.2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

Table 2.2: Assessment of how each policy in the KNP conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY KE1: INFILL, BACKLAND AND RESIDENTIAL GARDEN DEVELOPMENT	70, 125, 127	This policy supports the NPPF objective of achieving well-designed places. It seeks to direct how development should ensure that the amenity of neighbours is retained. It also specifically resists development in residential gardens.
POLICY KE2: RESIDENTIAL USES IN KESGRAVE DISTRICT CENTRE	69, 85	This policy contributes to the NPPF objectives of delivering a sufficient supply of homes and ensuring the vitality of town centres. It seeks to promote residential uses on upper floors as part of a mix of uses appropriate for the District Centre.
POLICY KE3: MAINTAINING KESGRAVE'S IDENTITY	127, 170	This policy contributes to the NPPF objectives of achieving well designed places and conserving and enhancing the natural environment. It seeks to preserve the setting of Kesgrave in a rural landscape with important views, as well avoiding the potential for coalescence.
POLICY KE4: BENEFITS OF GREEN AND COMMUNITY GROWING SPACES	91, 96	This policy contributes to the NPPF objectives of promoting healthy and safe communities and conserving and enhancing the natural environment. It seeks to encourage improved access to green spaces that people can then use as well as encouraging the provision of community growing spaces so people can gain the benefits of growing their own fruit and vegetables.
POLICY KE5: LOCAL GREEN SPACES	99, 100	The NPPF states that Neighbourhood Plans have the opportunity to designate Local Green Spaces. This policy designates a number of areas in Kesgrave as green spaces.
POLICY KE6: WILDLIFE CONSERVATION	170, 174	This policy contributes to the NPPF objective of conserving and enhancing the natural environment. It encourages development to provide biodiversity benefits through the use of wildlife-friendly features.
POLICY KE7: NON-DESIGNATED HERITAGE ASSETS	185	A key objective of the NPPF is to conserve and enhance the historic environment. This policy seeks to conserve and enhance heritage assets of local importance in Kesgrave.
POLICY KE8: IMPROVING THE PROVISION OF LEISURE FACILITIES	91, 92	This policy contributes to the NPPF requirement of promoting healthy and safe communities. The policy encourages the provision of particular community facilities that are required in Kesgrave.
POLICY KE9: MAINTAINING AND IMPROVING WALKING AND CYCLING INFRASTRUCTURE	91, 102, 103, 104	The policy contributes to the NPPF objectives of promoting sustainable transport and promoting healthy and safe communities. This policy seeks to protect existing walking and cycling networks and enhance these where they improve linkages to work and leisure destinations.
POLICY KE10: IMPROVING BUS SERVICES AND INFRASTRUCTURE	102, 103	The policy contributes to the NPPF objective of promoting sustainable transport. The policy seeks to protect existing bus services and supporting infrastructure.
POLICY KE11: IMPROVING RESIDENTIAL PARKING	102, 127	This policy contributes to the NPPF objectives of promoting sustainable transport and achieving well-designed places. This policy aims to provide adequate parking facilities in keeping with the development and reduce the visual impact of parking.

3. Basic Condition (iv) – Contribution to Sustainable Development

- 3.1. The NPPF states in paragraph 11 that a presumption in favour of sustainable development is at the heart of the NPPF.
- 3.2. For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. The evidence base presented alongside the Plan, coupled with the reasoned justification for each policy in the Plan, demonstrates how the Plan guides development towards sustainable solutions.
- 3.3. Table 3.1 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1: Assessment of KNP objectives and policies against sustainable development

Deliver economic sustainability	
NPPF definition – ‘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 coordinating the provision of infrastructure.’	
KNP Objectives	To provide genuine alternatives to the car for local journeys particularly on foot and by bicycle.
KNP Policies	POLICY KE2: RESIDENTIAL USES IN KESGRAVE DISTRICT CENTRE POLICY KE9: MAINTAINING AND IMPROVING WALKING AND CYCLING INFRASTRUCTURE POLICY KE10: IMPROVING BUS SERVICES AND INFRASTRUCTURE
Commentary	The NPPF seeks to secure economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. The Plan seeks to contribute to the delivery of this national aim by protecting existing bus, walking and cycling linkages and improving them where possible. Policy KE2 promotes opportunities for residential uses above shops which will help to enhance the viability of the District Centre.

Deliver social sustainability	
<p>NPPF definition – ‘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.’</p>	
KNP Objectives	<p>To ensure development does not worsen air quality.</p> <p>To expand and enhance the range and quality of recreational and sporting facilities so that it more fully serves the needs of Kesgrave’s community today.</p> <p>To provide genuine alternatives to the car for local journeys particularly on foot and by bicycle.</p> <p>To increase the provision of usable off-road parking in order to enhance the character of Kesgrave and improve pedestrian and cycle safety.</p>
KNP Policies	<p>POLICY KE1: INFILL, BACKLAND AND RESIDENTIAL GARDEN DEVELOPMENT</p> <p>POLICY KE2: RESIDENTIAL USES IN KESGRAVE DISTRICT CENTRE</p> <p>POLICY KE3: MAINTAINING KESGRAVE’S IDENTITY</p> <p>POLICY KE4: BENEFITS OF GREEN AND COMMUNITY GROWING SPACES</p> <p>POLICY KE8: IMPROVING THE PROVISION OF LEISURE FACILITIES</p> <p>POLICY KE9: MAINTAINING AND IMPROVING WALKING AND CYCLING INFRASTRUCTURE</p> <p>POLICY KE11: IMPROVING RESIDENTIAL PARKING</p>
Commentary	<p>One of the key objectives in the NPPF is to promote healthy communities, which incorporates social sustainability. The local community’s needs and interests can be met through maintaining Kesgrave as a distinct place, as identified by Policy KE3. Alongside this, Policy KE1 protects the amenity of existing residents.</p> <p>The Plan seeks to protect and improve cycling and walking routes, which not only create a physically healthier community, but one that is also more inclusive and people-friendly. This is identified by Policy KE9. Along with this, improved health is sought through providing better access to green spaces and spaces for growing food in Policy KE4.</p> <p>Leisure facilities are also important to maintain and enhance the health of the community. Policy KE8 identifies specific types of uses, including football, swimming and play areas.</p> <p>The purpose of Policy KE11 is to reduce the impact of parking on key users of residential streets such as the emergency services as well as improving safety for pedestrians. This will contribute towards improving the safety of the community.</p> <p>In seeking to provide a sufficient supply of new homes, Policy KE2 promotes opportunities for residential uses above shops which will help to enhance the viability of the District Centre.</p>

Deliver environmental sustainability	
<p>NPPF definition – ‘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>	
KNP Objectives	<p>To protect the character and identity of Kesgrave, particularly in respect of preserving the established openness of the built up areas and its separation from neighbouring communities.</p> <p>To enhance and protect the quality of our green spaces and landscaping.</p> <p>To ensure wildlife is allowed to thrive.</p> <p>To preserve our heritage assets.</p>
KNP Policies	<p>POLICY KE1: INFILL, BACKLAND AND RESIDENTIAL GARDEN DEVELOPMENT</p> <p>POLICY KE3: MAINTAINING KESGRAVE’S IDENTITY</p> <p>POLICY KE4: BENEFITS OF GREEN AND COMMUNITY GROWING SPACES</p> <p>POLICY KE5: LOCAL GREEN SPACES</p> <p>POLICY KE6: WILDLIFE CONSERVATION</p> <p>POLICY KE7: NON-DESIGNATED HERITAGE ASSETS</p>
Commentary	<p>The natural environment is of key importance to Kesgrave’s neighbourhood area. The Plan seeks to protect and enhance green spaces and access to them (Policies KE4 and KE5). Alongside this, it seeks to protect and enhance wildlife and biodiversity (Policy KE6) as well as important landscape features and key views (Policy KE3).</p> <p>The built heritage of Kesgrave is also identified as being of importance and nationally listed buildings are complemented by locally listed heritage assets (Policy KE7).</p>

- 3.4 As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic and environmental goals. The policies in the Plan demonstrably contribute to achieving well-designed places, promoting a healthy and safe community and conserving and enhancing the natural and historic environment.

4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

- 4.1. The development plan currently consists of the following:
- 2017 Site Allocations and Area Specific Policies Development Plan Document (DPD)
 - 2013 Suffolk Coastal Local Plan Core Strategy and Development Management Policies
 - Suffolk Coastal Local Plan ‘saved policies’
 - 2011 Suffolk Waste Core Strategy
 - 2008 Suffolk Minerals Core Strategy
- 4.2. Table 4.1 details the KNP policies alongside a consideration of how they are in general conformity with the strategic policies in the 2013 Suffolk Coastal Local Plan Core Strategy and Development Management Policies document and the 2017 Suffolk Coastal Site Allocations and Area Specific Policies DPD. Where it is not clear whether a policy is strategic, a judgment has been made. Equally, there are a number of strategic policies in these documents which are not considered relevant to any of the policies in the Neighbourhood Plan. In such cases, these strategic policies have not been included.
- 4.3. The Suffolk Coastal Final Draft Local Plan was published in January 2019. Its Examination in Public is still underway, with hearings convened in August and September 2019. Once adopted, the emerging Local Plan will supersede the 2017 Site Allocations and Area Specific Policies DPD and the 2013 Suffolk Coastal Local Plan Core Strategy and Development Management Policies document. Whilst the Plan has yet to be declared sound, it is considered appropriate and prudent to also assess the KNP policies against the strategic policies in the emerging Local Plan for general conformity.
- 4.4. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.5. It is confirmed that there are no policies in either the 2008 Suffolk Minerals Local Plan or the 2011 Suffolk Waste Local Plan that the KNP policies have any relevance to.

Table 4.1: Assessment of conformity with strategic policies in the development plan

Local Plan Policy	KNP policy
Suffolk Coastal Core Strategy	
SP3: New Homes	Policy KE2 helps to increase the stock of housing in the parish.
SP9: Retail Centres	Policy KE2 supports the delivery of a mix of uses where this helps to support the viability of the District Centre.
SP11: Accessibility	Policy KE9 seek to improve access for pedestrians and cyclists Policy KE10 seeks to protect and enhance bus services
SP12: Climate change	Policy KE4 seeks to encourage local food growing
SP14: Biodiversity and Geodiversity	Policy KE6 seeks to ensure that development enhances biodiversity
SP15: Landscape and Townscape	Policy KE1 seeks to ensure that new development is in keeping with the character of the surrounding area Policy KE3 seeks to protect Kesgrave's distinctive landscape value and prevent coalescence
SP16: Sport and Play	Policy KE8 seeks to improve the provision of community sports and play facilities Policy KE4 seeks to provide opportunities for community growing
SP17: Green Space	Policy KE4 seeks to improve access to green spaces Policy KE5 protects green spaces of value to the community
SP18: Infrastructure	Policy KE8 seeks to ensure the adequate provision of new community facilities
SP20: Eastern Ipswich Plan Area	All of the policies contribute towards addressing the strategic policy framework for Kesgrave, being part of the main urban corridor in the Eastern Ipswich Plan Area. The policies provide a framework for delivering the housing requirements in Table 3.5 of the Draft Local Plan (including through encouraging development in Kesgrave District Centre in Policy KE2).
Suffolk Coastal Site Allocations and Area Specific Policies DPD	
SSP30: District Centres	Policy KE2 supports the delivery of a mix of uses where this helps to support the viability of the District Centre.

Local Plan Policy	KNP policy
Suffolk Coastal Final Draft Local Plan (January 2019)	
SCLP2.2: Strategic Infrastructure Priorities	Policy KE8 seeks to ensure appropriate leisure provision.
SCLP3.2: Settlement Hierarchy	All of the policies contribute towards addressing the strategic policy framework for Kesgrave, being part of the East of Ipswich Area. The policies provide a framework for delivering the housing requirements in Table 3.5 of the Draft Local Plan (including through encouraging development in Kesgrave District Centre in Policy KE2).
SCLP4.12: District and Local Centres and Local Shops	Policy KE2 supports the delivery of a mix of uses where this helps to support the viability of the District Centre.
SCLP5.7: Infill and Garden Development	Policy KE1 addresses infill and residential garden development within the specific context of Kesgrave.
SCLP7.1: Sustainable Transport	Policy KE9 seek to improve access for pedestrians and cyclists Policy KE10 seeks to protect and enhance bus services
SCLP7.2: Parking Proposals and Standards	Policy KE11 seeks to ensure that residential parking provision provides safe access for emergency and refuse vehicles.
SCLP8.2: Open Space	Policy KE4 seeks to improve access to green spaces Policy KE5 protects green spaces of value to the community
SCLP10.1: Biodiversity and Geodiversity	Policy KE6 seeks to ensure that development enhances biodiversity
SCLP10.4: Landscape Character	Policy KE3 seeks to protect Kesgrave's distinctive landscape value
SCLP10.5: Settlement Coalescence	Policy KE3 seeks to prevent coalescence with neighbouring areas
SCLP11.1: Design Quality	Policy KE1 seeks to ensure that new development is in keeping with the character of the surrounding area
SCLP11.2: Residential Amenity	Policy KE1 seeks to protect residential amenity
SCLP11.6: Non-Designated Heritage Assets	Policy KE7 identifies several Non-Designated Heritage Assets

Local Plan Policy	KNP policy
SCLP12.1: Neighbourhood Plans	Policy KE2 seeks to encourage residential development above retail/mixed use development in the District Centre which will help to meet the overall housing requirement for Kesgrave
SCLP12.18: Strategy for Communities surrounding Ipswich	All of the policies contribute towards addressing the housing, infrastructure and employment objectives of the strategic policy.

5. Basic Condition (vi) – Conformity with EU Obligations

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). In April 2019, the draft Neighbourhood Plan was subject to an initial screening report prepared by East Suffolk Council. This was published for consultation with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the Kesgrave Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004. Following feedback from the statutory bodies, East Suffolk Council issued its screening opinion in June 2019, which considered that an SEA would not be required.
- 5.2. Following the Regulation 14 consultation between July and September 2019, a number of minor changes were made to the draft Neighbourhood Plan. In addition, the Regulation 14 draft included a new policy (KE10). East Suffolk Council was of the opinion that the changes merited re-screening of the draft Plan and this was duly undertaken prior to submission. The re-screening did not result in a change to the original opinion.
- 5.3. The Screening Opinion has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.4. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

6. Basic Condition (vii) – Conformity with the Prescribed Conditions

- 6.1. Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2. In April 2019, an HRA Screening Report prepared by East Suffolk Council was published for consultation with Natural England, being the relevant statutory body. Following feedback from Natural England, East Suffolk Council issued its screening opinion in June 2019, which considered that an HRA would not be required because the Plan is not likely to have significant impacts on European protected species or sites.
- 6.3. Following the Regulation 14 consultation between July and September 2019, a number of minor changes were made to the draft Neighbourhood Plan. In addition, the Regulation 14 draft included a new policy (KE10). East Suffolk Council was of the opinion that the changes merited re-screening of the draft Plan and this was duly undertaken prior to submission. The re-screening did not result in a change to the original opinion.
- 6.4. The Screening Report including the responses from the statutory body has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7. Conclusion

- 7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Kesgrave Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Kesgrave Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.




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