



Rushmere St Andrew Neighbourhood Plan

Basic Conditions Statement

Rushmere St Andrew Parish
Council
March 2022

Prepared for Rushmere St Andrew Parish Council by
Places4People Planning Consultancy
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1 Introduction

1.1 As part of the formal submission of the Rushmere St Andrew Neighbourhood Plan to East Suffolk Council, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority, East Suffolk Council, of the Rushmere St Andrew Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations"). Regulation 15 requires a submission neighbourhood development plan to be accompanied by *"a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act"*.

1.2 This statement has been prepared in order to confirm compliance with these basic conditions as follows:

Section 2 identifies the legislative requirements for the 'basic conditions'

Section 3 identifies how the Plan Objectives and Policies are in general conformity with the National Planning Policy Framework and the Strategic Policies of the adopted Local Plan.

Sections 4 confirms that the neighbourhood plan is compatible with the Convention Rights.

It is considered that the Neighbourhood Plan complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the “Basic Conditions” that the neighbourhood plan must comply with.

2.2 Paragraph 8 (1) states that the examiner must consider:

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (e) such other matters as may be prescribed.

2.3 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) 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),
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, retained EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions test.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.

2.5 On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute this with a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Meeting the Legal Requirements

Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	NP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan".	Compliance with Sections 38A and 38B is demonstrated in the following rows.
	Section 38A(1) "any qualifying body is entitled to initiate a process for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan."	The Neighbourhood Plan has been submitted by Rushmere St Andrew Parish Council, a qualifying body (as defined in the Localism Act 2011).
	Section 38A(2) A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."	The NP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Rushmere St Andrew, as designated by East Suffolk Council on 26 February 2020. The boundary of the Neighbourhood Area is shown in the NP.
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the NP.
	Section 38B1(a) The Neighbourhood Development Plan "Must specify the period for which it is to have effect."	The plan period of the NP is from 2018 to 2036.
	Section 38B1(b) A Neighbourhood Development Plan "may not include provision about development that is excluded development."	The NP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The NP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by East Suffolk Council on 26 February 2020.
	Section 38B(2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NP's in place in this neighbourhood area.
	Section 38B(3) If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.	There are no conflicts within the NP

Requirement	Interpretation	NP response
	<p>Section 38B(4)(a)</p> <p>Regulations made by the Secretary of State may make provisions for "restricting the provision that may be included in Neighbourhood Development Plans about the use of land."</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012 (as amended).</p>	<p>The Neighbourhood Planning (General) Regulations 2012 (as amended) have been used to inform the process of making the NP.</p>
	<p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions "requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations."</p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the Neighbourhood Plan. In both cases it was considered that the Rushmere St Andrew Neighbourhood Plan will not have significant environmental effects and that no European sites would be affected by the policies described in the NP.</p>
	<p>Section 38B, which include paragraphs 38B(4)(c), 5 & 6,</p>	<p>The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement</p>
<p>4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area</p>	<p>This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.</p>	<p>The NP relates solely to land that falls within the Parish of Rushmere St Andrew.</p>
<p>4B 8 (1)(e) Other Matters 3.28.</p>	<p>This requires the examiner to consider such other matters as may be prescribed</p>	<p>There are no other prescribed matters.</p>
<p>Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018</p>	<p>These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.</p>	<p>The HRA Screening Opinion concluded that an Appropriate Assessment was not required.</p>

3. Compliance with Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement. The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area; and
- Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

National Policy

3.2 The Rushmere St Andrew Neighbourhood Development Plan must have appropriate regard to national policy. The following section describes how the Plan relates to the National Planning Policy Framework (NPPF) the latest and relevant version of which was published in July 2021. The July 2021 NPPF has been used as the basis to assess the Neighbourhood Plan in terms of its regard to national policies. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to three overarching objectives:

- a) "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 coordinating the provision of infrastructure;*
- b) 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*
- c) an environmental objective – 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."*

3.3 The NPPF contains thirteen topic-based chapters in which more detailed policy guidance is set out for plan making and decision taking. Table 1, below, identifies how the Plan meets the basic condition of having regard to the NPPF by assessing the Plan against the principles for each of the NPPF topic-based chapters

Table 1 - Compatibility of the Plan's policies against the NPPF Core Principles

NPPF Topic	Rushmere St Andrew NP Policies
Delivering a sufficient supply of homes	Policy RSA 1 - Planning Strategy Policy RSA 2 - Land at Humber Doucy Lane
Building a strong, competitive economy	Policy RSA 10 - Village Services and Facilities
Ensuring the vitality of town centres	Policy RSA 10 - Village Services and Facilities
Promoting healthy and safe communities	Policy RSA 1 - Planning Strategy Policy RSA 6 - Local Green Spaces Policy RSA 11 - Open Space, Sport and Recreation Facilities
Promoting sustainable transport	Policy RSA 9 - Design Considerations Policy RSA 12 - Public Rights of Way
Supporting high quality communications	Policy RSA 9 - Design Considerations
Making effective use of land	Policy RSA 1 - Planning Strategy Policy RSA 5 - Settlement Gaps Policy RSA 9 - Design Considerations
Achieving well-designed places	Policy RSA 9 - Design Considerations
Protecting Green Belt land	None
Meeting the challenge of climate change, flooding and coastal change	Policy RSA 9 - Design Considerations
Conserving and enhancing the natural environment	Policy RSA 3 - Protection of Landscape Character and Important Views Policy RSA 4 - Protection of Trees, Hedgerows and Other Natural Features Policy RSA 5 - Settlement Gaps Policy RSA 6 - Local Green Spaces Policy RSA 9 - Design Considerations
Conserving the historic environment	Policy RSA 7 - Non-designated Heritage Assets Policy RSA 8 - Rushmere Village Special Character Area
Facilitating the sustainable use of minerals	None

How the purpose of the Neighbourhood Plan policies achieve sustainable development

3.4 The table below identifies the purpose of each policy in the Plan and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
RSA 1	To provide a strategy for the location of new development within the neighbourhood plan area.	Ensures that new development is located close to existing village facilities and minimises the loss of agricultural land in remote locations.
RSA 2	Provides local criteria for the consideration of the development of a site allocated in the Local Plan	Contributes to meeting the housing need while ensuring the impact of the development is reduced.
RSA 3	Identifies the landscape sensitivities and Identifies important views within the Plan Area that should be protected.	Contributes to protecting and enhancing the natural environment, and to maintaining the landscape character of the settlement
RSA 4	Protects existing habitats	Contributes to protecting and enhancing the natural environment, including helping to improve biodiversity.
RSA 5	Seeks to prevent coalescence of older part of Plan Area with Ipswich	Contributes to protecting local distinctiveness of settlement.
RSA 6	Designates spaces that meet the NPPF Local Green Space criteria.	Protects spaces that have an identifiable local importance to the village
RSA 7	Designates Buildings of local heritage significance	Preserves and enhances the distinctiveness, character and sense of place of the built environment.
RSA 8	Identifies a local area of distinct quality that should be protected	Contributes to protecting local distinctiveness of settlement.
RSA 9	Provides design criteria for new development	Contributes to ensuring that development proposals have a positive impact on the Neighbourhood Area.
RSA 10	Supports the retention and improvement of community facilities and services in the village.	Maintains existing village services and reduce the need to drive out of the village for day-to-day needs.
RSA 11	Supports the improvement and protection of open space, sport and recreation facilities.	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area.
RSA 12	Promotes improvement to the public rights of way network and footpath/cycle access to village facilities	Contributes to health and wellbeing.

General conformity with the strategic policies contained in the development plan

3.5 The Neighbourhood Plan must demonstrate that it is in general conformity with the strategic policies of development plan for the local authority area concerned. The development plan currently in force is the Suffolk Coastal Local Plan (September 2020) and the Suffolk Minerals and Waste Local Plan (2020).

3.6 The Government's Planning Practice Guidance states:

"Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and

aspirations of the Local Plan

- whether the Local Plan identifies the policy as being strategic”

- 3.7 The Basic Conditions Statement assesses compatibility of the Neighbourhood Plan policies against the identified strategic policies that are considered relevant to the Neighbourhood Area. Those that are not considered relevant are listed in Appendix A of this statement.
- 3.8 The table below provides details of the policies in the development plan, a link to the Neighbourhood Plan policy (where relevant) and a narrative of conformity of the Neighbourhood Plan with the development plan.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP2.1 Growth in the Ipswich Strategic Planning Area	Policy RSA 2 - Land at Humber Doucy Lane	The local plan policy makes provision for additional housing and employment land across the Ipswich Strategic Planning Area, which includes the Neighbourhood Area. The Neighbourhood Plan does not conflict with this approach.
SCLP2.2 Strategic Infrastructure Priorities	Policy RSA 9 - Design Considerations Policy RSA 10 - Village Services and Facilities Policy RSA 11 - Open Space, Sport and Recreation Facilities	The local plan policy identifies a range of key strategic infrastructure improvements across the local plan area. The Neighbourhood Plan accords with this policy.
SCLP2.3 Cross-boundary mitigation of effects on Protected Habitats	No specific policies apply	The local plan policy provides for the mitigation of effects on protected habitat sites. The Neighbourhood Plan does not conflict with this approach.
SCLP3.1 Strategy for Growth	Policy RSA1 - Planning Strategy Policy RSA 2 - Land at Humber Doucy Lane	The local plan policy sets out the strategy for delivering growth across the area. The Neighbourhood Plan acknowledges this strategy and does not conflict with it.
SCLP3.2 Settlement Hierarchy	Policy RSA1 - Planning Strategy	The local plan policy sets out hierarchy of settlements across the local plan area. The Neighbourhood Plan policies support this approach.
SCLP3.3 Settlement Boundaries	Policy RSA1 - Planning Strategy	The local plan policy generally supports development within the defined settlement boundaries and limits it outside those boundaries. The Neighbourhood Plan policies support this approach.
SCLP3.4 Proposals for Major Energy Infrastructure Projects	No specific policies apply	The local plan addresses how proposals for major energy infrastructure projects will be considered. The Neighbourhood Plan does not conflict with this approach.
SCLP3.5 Infrastructure Provision	Policy RSA1 - Planning Strategy Policy RSA 10 - Village Services and Facilities Policy RSA 11 - Open Space, Sport and Recreation Facilities	The local plan policy identifies a mechanism whereby increased infrastructure capacity will be provided to meet the increased demands from development. The Neighbourhood Plan policies support this approach.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP4.1 Existing Employment Areas	No specific policies apply	The local plan policy identifies how development proposals on existing employment areas will be determined. There are no such areas in the Neighbourhood Plan Area.
SCLP4.2 New Employment Development	Policy RSA1 - Planning Strategy	The local plan policy sets out how new employment development proposals will be considered both within and outside settlement boundaries. The Neighbourhood Plan is in general conformity with this policy.
SCLP4.3 Expansion and Intensification of Employment Sites	No specific policies apply	The local plan policy sets out how proposals for the expansion to existing employment premises will be considered. The Neighbourhood Plan does not conflict with this policy.
SCLP4.4 Protection of Employment Premises	No specific policies apply	The local plan policy seeks to protect premises for their B class use. The Use Classes Order was amended in September 2020 and only Use Class B2 and B8 remain. The Neighbourhood Plan does not conflict with this policy.
SCLP4.5 Economic Development in Rural Areas	Policy RSA1 - Planning Strategy	The local plan policy supports the growth and diversification of the rural economy. The Neighbourhood Plan does not conflict with this policy.
SCLP4.6 Conversion and Replacement of Rural Buildings for Employment Use	Policy RSA1 - Planning Strategy	The local plan policy supports proposals for the conversion or replacement of rural buildings for employment use. The Neighbourhood Plan does not conflict with this policy.
SCLP4.7 Farm Diversification	No specific policies apply	The local plan policy supports farm diversification that accords with a number of criteria. The Neighbourhood Plan does not conflict with this policy.
SCLP4.8 New Retail and Commercial Leisure Development	Policy RSA 10 - Village Services and Facilities	The local plan policy provides guidance on how proposals for new retail development will be considered. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP4.12 District and Local Centres and Local Shops	Policy RSA 10 - Village Services and Facilities	For the Neighbourhood Area, the local plan policy seeks to protect individual and groups of shops, services and community facilities. The Neighbourhood Plan identifies the location of such premises.
SCLP5.2 Housing Development in Small Villages	Policy RSA1 - Planning Strategy	The local plan policy supports new residential development within the Settlement Boundaries of small villages, including Rushmere St Andrew. The Neighbourhood Plan supports this approach.
SCLP5.3 Housing Development in the Countryside	Policy RSA1 - Planning Strategy	The local plan policy limits the type of housing that will be permitted in the countryside. The Neighbourhood Plan supports this approach.
SCLP5.4 Housing in Clusters in the Countryside	Policy RSA1 - Planning Strategy	The local plan policy identifies circumstances where new housing in clusters in the countryside would be appropriate. The Neighbourhood Plan does not conflict with this policy.
SCLP5.7 Infill and Garden Development	Policy RSA1 - Planning Strategy Policy RSA 9 - Design Considerations	The local plan supports infill development or residential development within existing gardens in certain circumstances. It also states that neighbourhood plans can set their own policies on this type of development in response to local circumstances. The Neighbourhood Plan addresses the local circumstances in Policy RSA 9 k.
SCLP5.8 Housing Mix	No specific policies apply	The local plan policy sets out how new residential development should meet the needs of the area in terms of size, tenure and accessibility. The Neighbourhood Plan does not conflict with this policy.
SCLP5.9 Self Build and Custom Build Housing	No specific policies apply	The local plan policy supports the provision of self build and custom build housing. The Neighbourhood Plan does not conflict with this policy.
SCLP5.10 Affordable Housing on Residential Developments	No specific policies apply	The local plan policy sets out the standard for the provision of affordable housing on large housing sites. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP5.11 Affordable Housing on Exception Sites	No specific policies apply	The local plan policy identifies the circumstances where affordable housing will be permitted as an exception on sites adjoining or well related to the Settlement Boundary. The Neighbourhood Plan does not conflict with this policy.
SCLP5.12 Houses in Multiple Occupation	No specific policies apply	The local plan policy identifies the circumstances where proposals for Houses in Multiple Occupation will be supported. The Neighbourhood Plan does not conflict with this policy.
SCLP5.16 Residential Caravans and Mobile Homes	No specific policies apply	The local plan policy identifies the circumstances where proposals for residential caravans and mobile homes will be approved. The Neighbourhood Plan does not conflict with this policy.
SCLP5.17 Gypsies, Travellers and Travelling Showpeople	No specific policies apply	The local plan policy identifies criteria against which proposals for such development will be considered. The Neighbourhood Plan does not conflict with this policy.
SCLP6.1 Tourism	No specific policies apply	The local plan policy sets out an approach to manage tourism across the area. The Neighbourhood Plan does not conflict with this policy.
SCLP6.2 Tourism destinations	No specific policies apply	The local plan policy generally supports proposals for development at tourism destinations. The Neighbourhood Plan does not conflict with this policy.
SCLP6.4 Tourism Development outside of the AONB	No specific policies apply	The local plan policy supports tourism development that accords with criteria in the policy. The Neighbourhood Plan does not conflict with this policy.
SCLP7.1 Sustainable Transport	Policy RSA 9 - Design Considerations	The local plan policy covers a wide range of matters concerning measures that will encourage travel by sustainable means. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP7.2 Parking Proposals and Standards	Policy RSA 9 - Design Considerations	The local plan policy addresses a range of matters relating to parking provision and standards. Policy RSA 9 supports the local plan and addresses local circumstances.
SCLP8.1 Community Facilities and Assets	Policy RSA 10 - Village Services and Facilities	The local plan policy supports the provision of new community facilities and sets out criteria for considering proposals for the loss of existing facilities. The Neighbourhood Plan specifically identifies such facilities where the local plan policy will apply.
SCLP8.2 Open Space	Policy RSA 6 - Local Green Spaces Policy RSA 11 - Open Space, Sport and Recreation Facilities	The local plan policy supports the provision of open space and recreation facilities and sets out criteria for considering proposals for the loss of existing facilities. The Neighbourhood Plan specifically identifies such facilities where the local plan policy will apply including the designation of Local Green Spaces.
SCLP9.1 Low Carbon and Renewable Energy	No specific policies apply	The local plan policy supports neighbourhood plans that identify suitable areas for renewable and low carbon energy development and generally supports such proposals subject to the application of criteria in the policy. The Neighbourhood Plan does not conflict with this policy.
SCLP9.2 Sustainable Construction	No specific policies apply	The local plan policy sets standards for sustainable construction in residential development. The Neighbourhood Plan does not conflict with this policy.
SCLP9.5 Flood Risk	No specific policies apply	The local plan policy sets out an approach for the consideration of development proposals in relation to flood risk. The Neighbourhood Plan does not conflict with this policy.
SCLP9.6 Sustainable Drainage Systems	Policy RSA 9 - Design Considerations	The local plan policy requires development proposals to utilise sustainable drainage systems as appropriate to the proposal. The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP9.7 Holistic Water Management	No specific policies apply	The local plan policy requires development proposals to demonstrate that water can be made available and that foul water treatment capacity is also available. The Neighbourhood Plan does not conflict with this policy.
SCLP10.1 Biodiversity and Geodiversity	Policy RSA 3 - Protection of Landscape Character and Important Views Policy RSA 4 - Protection of Trees, Hedgerows and Other Natural Features Policy RSA 9 - Design Considerations	The comprehensive local plan policy supports development that maintains, restores or enhances green infrastructure, biodiversity and geodiversity. The Neighbourhood Plan policies support this approach.
SCLP10.3 Environmental Quality	Policy RSA 9 - Design Considerations	The local plan policy seeks to protect environmental quality and minimise pollution. The Neighbourhood Plan does not conflict with this approach.
SCLP10.4 Landscape Character	Policy RSA 5 - Settlement Gaps Policy RSA 3 - Protection of Landscape Character and Important Views	The local plan policy seeks to protect and enhance the landscape quality and features of the area. The Neighbourhood Plan has been informed by a detailed local Landscape Character Assessment and enhances the local plan policy.
SCLP10.5 Settlement Coalescence	Policy RSA 5 - Settlement Gaps	The local plan policy does not support development that will result in settlement coalescence and enables neighbourhood plans to include policies to address local issues of this nature. The Neighbourhood Plan policy applies this approach to specifically identified areas.
SCLP11.1 Design Quality	Policy RSA 9 - Design Considerations	The local plan policy sets out criteria against which development proposals will be considered. The Neighbourhood Plan policy has been informed by locally specific design guidance prepared to ensure development recognises local characteristics and built form.
SCLP11.3 Historic Environment	Policy RSA 7 - Non-designated Heritage Assets Policy RSA 8 - Rushmere Village Special Character Area	The local plan policy seeks to conserve and enhance the historic environment including non-designated heritage assets. The Neighbourhood Plan identifies non-designated heritage assets and an area that has special built and natural environment character that should be protected.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
SCLP12.1 Neighbourhood Plans	All policies apply	The local plan policy supports the production of neighbourhood plans and identifies a minimum housing requirement for those neighbourhood areas designated at the time the local plan was prepared. Rushmere St Andrew Neighbourhood Plan Area was designated after the local plan was prepared and East Suffolk Council has indicated that there is no requirement to identify sites for additional housing over and above those allocated in the local plan.
SCLP12.22 Recreation and Open Space in Rushmere	Policy RSA 11 - Open Space, Sport and Recreation Facilities	Then local plan identifies significant open areas that are currently in either agricultural or recreational uses and seeks to protect them from development. The Neighbourhood Plan supports this policy but specifically identifies the sport and recreation open space that should be protected from being lost.
SCLP12.24 Land at Humber Doucy Lane	Policy RSA 2 - Land at Humber Doucy Lane	The local plan policy allocates 9.9 Ha of land for residential development in conjunction with adjoining land identified in the Ipswich Local Plan. The Neighbourhood Plan policy adds additional landscaping requirements for the site and specifies where vehicular accesses should not be allowed.
SCLP12.34 Strategy for Rural Areas	All policies apply	The local plan policy supports and enhances the vitality of rural communities. The Neighbourhood Plan Area, given its proximity to Ipswich, cannot really be classified as being in the rural area but, regardless, the Neighbourhood Plan policies do not conflict with this policy.

4. Compatibility with European Union Obligations and Human Rights

Environmental Impact and Habitat Regulations

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.
- 4.3 In accordance with Regulation 9 of the Regulations, as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, Rushmere St Andrew Parish Council requested East Suffolk Council, as the responsible body, to consider whether an environmental assessment of the emerging Neighbourhood Plan is required. East Suffolk Council subsequently made this determination following consultation with the statutory consultees. The determination is set out in reports "Strategic Environmental Assessment Screening Opinion Rushmere St Andrew Neighbourhood Plan" dated December 2021 and the "Habitats Regulations Assessment Screening Report of the Draft Rushmere St Andrew Neighbourhood Plan" dated December 2021. The relevant statutory bodies were consulted on these assessments and those that responded agreed with the conclusion. The Assessments were published on the Rushmere St Andrew Neighbourhood Plan pages of East Suffolk's website in December 2021.
- 4.4 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) these documents are also submitted to East Suffolk Council alongside the Neighbourhood Development Plan.

Human Rights

- 4.5 The public consultation process for the Rushmere St Andrew Neighbourhood Plan has been wide and inclusive and has included direct engagement with the local community. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 4.6 The overall purpose of the Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the parish, and to meet the needs expressed and address the issues identified. To confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 4.7 This section assesses the Submission Draft of the Neighbourhood Plan to ensure that Rushmere St Andrew Parish Council is satisfying its statutory duties in this regard. An assessment has been made on whether the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. The purpose of each of the policies in the Neighbourhood Plan are provided, and their likely impact on persons with protected characteristics is assessed.

Impact of Rushmere St Andrew Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome
RSA 1	To provide a strategy for the location of new development within the neighbourhood plan area.	Ensures that the Neighbourhood Plan is positively prepared for the amount and location of new development in the parish during the plan period. Broadly positive impact for persons with certain protected characteristics.
RSA 2	Provides local criteria for the consideration of the development of a site allocated in the Local Plan	Ensures that the development of this site minimises impact on the landscape and locality. Neutral impact for persons with certain protected characteristics.
RSA 3	Identifies the landscape sensitivities and Identifies important views within the Plan Area that should be protected.	Reduces detrimental impact of development in the parish and its environment. Broadly positive impact for persons with certain protected characteristics.
RSA 4	Protects existing habitats	Reduces detrimental impact of development in the parish and its environment. Broadly positive impact for persons with certain protected characteristics.
RSA 5	Seeks to prevent coalescence of older part of Plan Area with Ipswich	Retains distinctive separation of village from greater Ipswich. Neutral impact for persons with certain protected characteristics.
RSA 6	Designates spaces that meet the NPPF Local Green Space criteria.	Protects distinct green spaces from development. Broadly positive impact for persons with certain protected characteristics.
RSA 7	Designates buildings of local heritage significance	Recognises the distinct qualities of some buildings that are not currently listed. Neutral impact for persons with certain protected characteristics.
RSA 8	Identifies a local area of distinct quality that should be protected	Identifies an area in the parish where a combination of natural and built environment make for a distinct high quality environment. Broadly positive impact for persons with certain protected characteristics.
RSA 9	Provides design criteria for new development	Reduces detrimental impact of development on the village and its environment. Neutral impact for persons with certain protected characteristics.
RSA 10	Supports the retention and improvement of community facilities and services in the village.	Ensures that local facilities and services are retained and accessible for local residents. Broadly positive impact for persons with certain protected characteristics.
RSA 11	Supports the improvement and protection of open space, sport and recreation facilities.	Ensures that sport and recreation facilities are retained. Broadly positive impact for persons with certain protected characteristics.

Policy	Purpose	Outcome
RSA 12	Promotes improvement to the public rights of way network and footpath/cycle access to village facilities	<p data-bbox="740 147 1437 208">Ensures that the ability to walk or cycle to services, facilities or for recreation remains an option.</p> <p data-bbox="740 241 1358 302">Broadly positive impact for persons with certain protected characteristics.</p>

Certain protected characteristics are not affected by the Neighbourhood Plan, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.

APPENDIX A

Adopted development plan policies that do not apply to Rushmere St Andrew Neighbourhood Plan

The following policies in the Suffolk Coastal Local Plan are not appropriate to Rushmere St Andrew as they do not apply to the village and have therefore not been assessed in this Basic Conditions Statement.

SCLP4.9 Development in Town Centres

SCLP4.11 Retail and Commercial Leisure in Martlesham

SCLP5.1 Housing Development in Large Villages

SCLP5.15 Residential Moorings, Jetties and Slipways

SCLP6.3 Tourism Development within the AONB and Heritage Coast

SCLP9.3 Coastal Change Management Area

SCLP9.4 Coastal Change Rollback or Relocation

SCLP10.2 Visitor Management at European Sites

SCLP11.8 Parks and Gardens of Historic or Landscape Interest

SCLP12.23 Ipswich Garden Suburb Country Park

SCLP12.25 Suffolk Police HQ, Portal Avenue, Martlesham

SCLP12.26 Strategy for Aldeburgh

SCLP12.27 Land rear of Rose Hill, Aldeburgh

SCLP12.28 Strategy for Saxmundham

SCLP12.29 South Saxmundham Garden Neighbourhood

SCLP12.30 Land north east of Street Farm, Saxmundham

SCLP12.31 Strategy for Woodbridge

SCLP12.32 Former Council Offices, Melton Hill

SCLP12.33 Land at Woodbridge Town Football Club

SCLP12.35 Former airfield Debach

SCLP12.36 Carlton Park, Main Road, Kelsale cum Carlton

SCLP12.37 Levington Park, Levington

SCLP12.38 Land at Silverlace Green (former airfield) Parham

SCLP12.39 Former airfield Parham

SCLP12.40 Bentwaters Park, Rendlesham

SCLP12.41 Riverside Industrial Estate, Border Cot Lane, Wickham Market

SCLP12.42 Land to the East of Aldeburgh Road, Aldringham

SCLP12.43 Land South of Forge Close between Main Road and Ayden, Benhall

SCLP12.44 Land to the South East of Levington Lane, Bucklesham

SCLP12.45 Land to the South of Station Road, Campsea Ashe

SCLP12.46 Land behind 15 St Peters Close, Charsfield

SCLP12.47 Land to the South of Darsham Station

SCLP12.48 Land North of The Street, Darsham

SCLP12.49 Land off Laxfield Road, Dennington

SCLP12.50 Land to the South of Eyke CoE Primary School and East of The Street, Eyke

SCLP12.51 Land to the West of Chapel Road, Grundisburgh

SCLP12.52 Land South of Ambleside, Main Road, Kelsale cum Carlton

SCLP12.53 Land North of the Street, Kettleburgh

SCLP12.54 Land to the rear of 31-37 Bucklesham Road, Kirton

SCLP12.55 Land at School Road, Knodishall

SCLP12.56 Land at Bridge Road, Levington

SCLP12.57 Land North of Mill Close, Orford

SCLP12.58 Land adjacent to Swiss Farm, Otley

SCLP12.59 Land adjacent to Farthings, Sibton Road, Peasenhall

SCLP12.60 Land between High Street and Chapel Lane, Pettistree (adjoining Wickham Market)

SCLP12.61 Land West of Garden Square Rendlesham

SCLP12.62 Land East of Redwald Road, Rendlesham

SCLP12.63 Land opposite The Sorrel Horse, The Street, Shottisham

SCLP12.64 Land off Howlett Way, Trimley St Martin

SCLP12.65 Land adjacent to Reeve Lodge, High Road, Trimley St Martin

SCLP12.66 Land off Keightley Way, Tuddenham

SCLP12.67 Land South of Lower Road, Westerfield

SCLP12.68 Land West of the B1125, Westleton

SCLP12.69 Land at Cherry Lee, Darsham Road, Westleton

SCLP12.70 Mow Hill, Witnesham

SCLP12.71 Land at Street Farm, Witnesham (Bridge)