

**Shadingfield, Sotterley, Willingham and  
Ellough Neighbourhood Development  
Plan, 2022 – 2036**

**Basic Conditions Statement**

**May 2022**

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## 1. INTRODUCTION

1.1 This Basic Conditions Statement has been produced to explain how the proposed Neighbourhood Plan for Shadingfield, Sotterley, Willingham and Ellough (SSWE) has been prepared in accordance with the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012<sup>1</sup> and how the basic conditions of Neighbourhood Planning and other considerations as prescribed by the Town and Country Planning Act 1990 are considered to have been met.

1.2 The Statement addresses the four 'basic conditions' required of the Regulations and explains how the submitted SSWE Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act. The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
- the making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- 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); and
- the making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.

## 2. TERMINOLOGY

2.1 Throughout this document:

- the Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan will be referred to as the 'SSWE Neighbourhood Plan'; and
- The East Suffolk – Waveney Local Plan (March 2019) will be referred to as the Waveney Local Plan.

2.2 The following abbreviations are used where appropriate:

- SSWE – the joint parishes of Shadingfield, Sotterley, Willingham and Ellough;
- SSWE-NP - Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Plan; and
- NPPF – National Planning Policy Framework.

## 3. SUPPORTING DOCUMENTS AND EVIDENCE

3.1 The SSWE Neighbourhood Plan is supported by:

- Basic Conditions Statement;
- Consultation Statement; and
- East Suffolk Council screening assessments on the need for a Strategic Environmental Assessment and a Habitats Regulation Assessment.

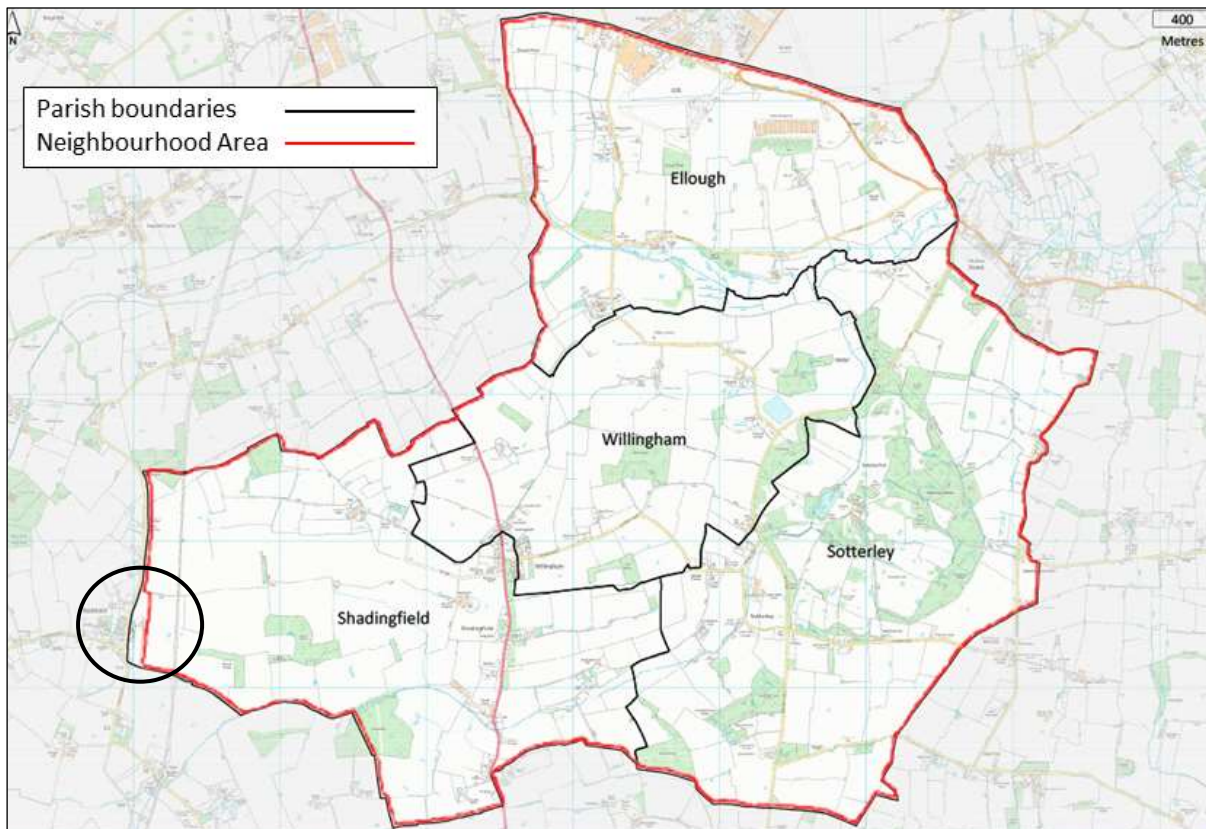
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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

## 4. KEY STATEMENTS

- 4.1 The following key statements relate to the legal requirements under the **Planning and Compulsory Purchase Act 2004** (see section/paragraph references below).
- 4.2 Shadingfield, Sotterley, Willingham and Ellough Joint Parish Council is a qualifying body and entitled to submit a Neighbourhood Plan for the wards within its own parishes. [Section 38A, para 1]
- 4.3 The SSWE Neighbourhood Plan only includes policies that relate to the development and use of land within the Neighbourhood Area. [Section 38A, para 2]
- 4.4 The Neighbourhood Area is the whole of the parishes of Shadingfield, Sotterley, Willingham and Ellough, with the exception of a small area on the western boundary of Shadingfield parish which is within the village of Redisham (see map below). This area was omitted because it should more logically be included within a Neighbourhood Plan for Redisham parish should that be developed.
- 4.5 The SSWE Neighbourhood Plan covers the period from 2022 to 2036. [Section 38B, para 1]
- 4.6 No provision for excluded development such as national infrastructure is contained within the Neighbourhood Plan. [Section 38B, para 1]
- 4.7 The SSWE Neighbourhood Plan does not relate to more than one neighbourhood area. It is solely related to the Neighbourhood Area of Shadingfield, Sotterley, Willingham and Ellough as designated by Waveney District Council on 11th October 2017. [Section 38B, para 1]
- 4.8 There are no other Neighbourhood Plans in place for the SSWE Neighbourhood Area. [Section 38B, para 2]

**Map of Shadingfield, Sotterley, Willingham and Ellough Neighbourhood Area - the black circle highlights the small area of Redisham village that lies within Shadingfield parish but is omitted from the Neighbourhood Area.**



## 5. CONFORMITY WITH NATIONAL PLANNING POLICY

- 5.1 The SSWE Neighbourhood Plan is required to have appropriate regard to national planning policy, which is principally provided by the National Planning Policy Framework (NPPF).
- 5.2 The NPPF (para 2) states that the framework must be taken into account when preparing the Development Plan. It also states that Neighbourhood Development Plans must have regard to the policies in the NPPF and to be in 'general conformity' with the strategic policies of the Local Plan. This phrasing is explained more clearly by the Localism Act which refers to the 'adopted Development Plan'.
- 5.3 This section demonstrates that the SSWE Neighbourhood Plan has regard to relevant policies within the NPPF in relation to:
- Delivering a sufficient supply of homes;
  - Building a strong and competitive economy;
  - Promoting healthy and safe communities;
  - Promoting sustainable transport;
  - Supporting high quality communications;
  - Making effective use of land;
  - Achieving well-designed places;
  - Meeting the challenge of climate change, flooding and coastal change;
  - Conserving and enhancing the natural environment; and
  - Conserving and enhancing the historic environment.
- 5.4 The SSWE Neighbourhood Plan seeks to address eight principal objectives for the future development of the joint parishes. The NPPF goals addressed by these objectives are shown in Table 5.1.
- 5.5 Table 5.2 then provides a summary of how each policy in the SSWE-NP conforms specifically to the NPPF.

**Table 5.1: Assessment of challenges that the SSWE-NP addresses against NPPF goals.**

| SSWE Objective   | Relevant NPPF goal   |
|--|--|
| 1. To make the parishes of Shadingfield, Sotterley, Willingham and Ellough a pleasant place to grow up, live and retire in, and to welcome new residents into a safe and friendly environment. | <ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment;</li> <li>• Conserving and enhancing the historic environment;</li> <li>• Promoting healthy and safe communities.</li> </ul>   |
| 2. To protect and enhance the rural character and tranquillity of the parishes, including the traditional buildings, green spaces and natural environment for wildlife.                        | <ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment.</li> </ul>  |
| 3. To ensure there is housing to suit a range of incomes and age groups and that all new housing is in character with its surroundings and supports low energy consumption.                    | <ul style="list-style-type: none"> <li>• Delivering a sufficient supply of homes;</li> <li>• Achieving well-designed places;</li> <li>• Meeting the challenge of climate change, flooding and coastal change.</li> </ul> |
| 4. To encourage and support the development of low impact employment opportunities and the provision of facilities to encourage more home working.   | <ul style="list-style-type: none"> <li>• Building a strong and competitive economy.</li> </ul>   |
| 5. To protect and improve the existing network of Public Rights of Way and cycle routes and reduce the use of cars, thereby promoting a healthier lifestyle for residents.                     | <ul style="list-style-type: none"> <li>• Promoting sustainable transport;</li> <li>• Promoting healthy and safe communities.</li> </ul>  |
| 6. To support and enhance local amenities, facilities and services, and protect them for both present parishioners and future generations.   | <ul style="list-style-type: none"> <li>• Building a strong and competitive economy;</li> <li>• Promoting healthy and safe communities.</li> </ul>  |
| 7. To maintain the separate identity of the parishes from Beccles and Worlingham.  | <ul style="list-style-type: none"> <li>• Making effective use of land;</li> <li>• Promoting healthy and safe communities.</li> </ul>   |
| 8. To promote unobtrusive low carbon energy consumption projects and renewable forms of energy.  | <ul style="list-style-type: none"> <li>• Meeting the challenge of climate change, flooding and coastal change.</li> </ul>  |

**Table 5.2: Assessment of how each policy in the SSWE-NP conforms to the NPPF.**

| No. | SSWE Policy reference and title                            | NPPF ref. (para.)   | Commentary   |
|-----|--|---------------------|--|
| 1   | NEP1 - Protecting wildlife habitats and landscape.         | 120a, 175, 179a     | Seeks to conserve and enhance the natural environment, wildlife and landscapes of the parishes and the peace and tranquillity associated with them.                          |
| 2   | NEP2 - Renewable and low carbon energy.                    | 152, 158b           | Seeks to support the greater use of renewable and low carbon energy sources.   |
| 3   | HEP1 - Protecting and enhancing heritage assets.           | 189, 190a, 194, 199 | Seeks to conserve and enhance heritage assets and their setting in the parishes.   |
| 4   | HP1 - Housing development within the settlement boundary.  | 92                  | Seeks to resist the inappropriate development of sites in the Shadingfield and Willingham village where this would have an unacceptable impact on residential amenity.       |
| 5   | HP2 - Housing development outside the settlement boundary. | 80                  | Seeks to resist the inappropriate development of sites in the countryside where this would have an unacceptable impact on the landscape and tranquillity of the parishes.    |
| 6   | HP3 - Housing density, mix and design.                     | 124, 130            | Seeks to ensure high quality design of housing in keeping with the traditional vernacular of the parishes and to provide appropriate mix of properties to suit varied needs. |
| 7   | HP4 - Rural tourism accommodation.                         | 84c,                | Seeks to resist excessive and inappropriate development of buildings and areas in the parishes for tourism.  |
| 8   | FSP1 - Community facilities                                | 28, 84d, 93, 187    | Seeks to support the retention and development of accessible services and amenities within the parishes.   |
| 9   | STP1 – Highway safety.                                     | 104d                | Seeks to ensure that new developments do not result in increased risks to residents and other road users from traffic.   |
| 10  | STP2 - Pedestrian and cycle access.                        | 92b, 106d, 112      | Seeks to maintain and improve the provision of safe pedestrian and cycle access within the parishes.   |
| 11  | BEP1 - Business development.                               | 81, 84a             | Seeks to support the development of suitable businesses and home-working supported by high quality communication networks.   |

## 6. CONTRIBUTION TOWARDS SUSTAINABLE DEVELOPMENT

6.1 The NPPF (paragraph 11) states that '*plans and decisions should apply a presumption in favour of sustainable development*'. As demonstrated in Table 6.1, the strategic objectives of the SSWE Neighbourhood Plan support sustainable development through a balance of social, economic and environmental goals, as defined in the NPPF.

**Table 6.1 Assessment of SSWE-NP objectives & policies against sustainable development.**

| Deliver Economic Sustainability  |   |
|--|---|
| NPPF Definition – ‘Help build a strong, responsive and competitive economy’. |   |
| <b>SSWE-NP Objectives</b>  | To encourage and support the development of low impact employment opportunities and the provision of facilities to encourage more home working.<br>To support and enhance local amenities, facilities and services, and protect them for both present parishioners and future generations.  |
| <b>SSWE-NP Policies</b>  | FSP1 - Community facilities.<br>BEP1 - Business development.  |
| <b>SSWE-NP Comments</b>  | The SSWE-NP seeks to retain and improve the existing employment base within SSWE, providing opportunities for appropriate business development, improved services and amenities and increased home-working. This will be supported by continuing improvements in the communications infrastructure, in the form of mobile and broadband connectivity. |

| Deliver Social Sustainability                                       |  |
|---|--|
| NPPF Definition – ‘Support strong, vibrant and healthy communities’ |  |
| <b>SSWE-NP Objectives</b>   | To make the parishes of Shadingfield, Sotterley, Willingham and Ellough a pleasant place to grow up, live and retire in, and to welcome new residents into a safe and friendly environment.<br>To ensure there is housing to suit a range of incomes and age groups and that all new housing is in character with its surroundings and supports low energy consumption.<br>To protect and improve the existing network of Public Rights of Way and cycle routes and reduce the use of cars, thereby promoting a healthier lifestyle for residents.<br>To maintain the separate identity of the parishes from Beccles and Worlingham. |
| <b>SSWE-NP Policies</b>   | HP1 - Housing development within the settlement boundary.<br>HP2 - Housing development outside the settlement boundary.<br>HP3 - Housing density, mix and design.<br>HP4 - Rural tourism accommodation.<br>STP1 - Highway safety.<br>STP2 - Pedestrian and cycle access.   |
| <b>SSWE-NP Comments</b>   | The SSWE-NP seeks to maintain a thriving community within the joint SSWE parishes, recognising that the community and its needs will change over time. This it seeks to achieve by providing improved non-car movement and recreation within the local and wider community.  |



| Deliver Environmental Sustainability   |  |
|--|--|
| NPPF Definition – ‘Contribute to protecting and enhancing our natural, built and historic environment, including mitigating and adapting to climate change.’ |  |
| <b>SSWE-NP Objectives</b>  | To protect and enhance the rural character and tranquillity of the parishes, including the traditional buildings, green spaces and natural environment for wildlife.<br>To promote unobtrusive low carbon energy consumption projects and renewable forms of energy. |
| <b>SSWE-NP Policies</b>  | NEP1 - Protecting wildlife habitats and landscape.<br>NEP3 - Renewable and low carbon energy.<br>HEP1 - Protecting and enhancing heritage assets.  |
| <b>SSWE-NP Comments</b>  | The SSWE-NP seeks to protect the natural and historic environment and ensure this is recognised in the location, setting, design, landscaping and access of any future development.  |

6.2 East Suffolk Council considered that a Strategic Environmental Assessment (SEA) was not required because the SSWE Neighbourhood Plan is not likely to have a significant impact upon the environment.

6.3 East Suffolk Council considered that a Habitats Regulations Assessment (HRA) was not required because the SSWE Neighbourhood Plan is not likely to have a significant impact upon the environment.

## 7. CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

7.1 The Development Plan currently consists of the following documents relevant to the SSWE parishes:

- Waveney Local Plan - March 2019.
- Guidance for Historic Buildings and Conservation Areas - Built Heritage and Design Supplementary Planning Document - April 2012.
- Open Space Provision & Developer Contributions - Open Space Supplementary Planning Document - January 2012.
- Renewable Energy and Sustainable Construction - Supplementary Planning Document Adopted September 2013.
- Affordable Housing - Supplementary Planning Document - May 2012.

7.2 Policies of relevance are shown in Table 7.1 below, along with a consideration of whether they represent the strategic policies of the Development Plan. Where they do, consideration is made of whether the SSWE-NP is in general conformity with them.

7.3 Any policy that is not identified in Table 7.1 is not considered to be relevant to the SSWE-NP because the SSWE-NP does not have any policies that directly relate to it.

7.4 There are no policies in either the 2008 Suffolk Minerals Local Plan or the 2011 Suffolk Waste Local Plan that the SSWE-NP policies have any relevance to.

**Table 7.1: Relevant Policies in the Waveney Local Plan.**

| Waveney Local Plan Policy  | SSWE Policies  |
|--|--|
| Policy WLP1.3 - Settlement Boundaries.   | Policies HP1 and HP2 seek to differentiate sustainable development within and outside the settlement Boundary of Shadingfield and Willingham respectively. |
| Policy WLP3.3 - Land South of Benacre Road at Ellough Airfield, Ellough.           | Policy BE1 seeks to support the allocation of the land south of Benacre Road, Ellough for employment development falling under appropriate use classes.    |
| Policy WLP8.1 - Housing Mix.   | Policy HP3 seeks to set standards for appropriate housing mix within new developments.   |
| Policy WLP8.11 - Conversion of Rural Buildings to Residential Use.                 | Policy HP2 seeks to support the development of redundant and dilapidated rural buildings for residential use.  |
| Policy WLP8.13 - New Employment Development.                                       | Policy BE1 seeks to support the development of the land south of Benacre Road, Ellough for employment opportunities falling under appropriate use classes. |
| Policy WLP8.14 - Conversion and Replacement of Rural Buildings for Employment Use. | Policy HP2 seeks to support the development of redundant and dilapidated rural buildings for appropriate business development.                             |
| Policy WLP8.15 - New Self-Catering Tourist Accommodation.                          | Policy HP4 seeks to support rural tourism where the location and scale of associated development is appropriate.   |
| Policy WLP8.21 - Sustainable Transport.  | Policy STP1 seeks to ensure safe expansion of traffic usage. Policy STP2 seeks to support improvement of pedestrian and cycle access.                      |
| Policy WLP8.22 - Built Community Services and Facilities.                          | Policy FSP1 seeks to support the retention and improvement of community amenities.   |
| Policy WLP8.23 - Protection of Open Space.   | Policy NEP1 seeks to protect designated Open Spaces within the parishes.   |
| Policy WLP8.24 - Flood Risk.   | Policy HP2 seeks to restrict development in areas at risk of flooding.   |
| Policy WLP8.27 - Renewable and Low Carbon Energy.                                  | Policy NEP3 seeks to support the greater use of renewable and low carbon energy in the parishes.   |
| Policy WLP8.29 - Design; Policy WLP8.32 - Housing Density and Design.              | Policy HP3 sets standards for appropriate housing density and design for new housing development.  |
| Policy WLP8.34 - Biodiversity and Geodiversity.                                    | Policy NEP1 seeks to protect the natural environment, wildlife and habitat networks.   |

**Table 7.1 (cont'd): Relevant Policies in the Waveney Local Plan.**

| Waveney Local Plan Policy                        | SSWE Policies   |
|--|---|
| Policy WLP8.35 - Landscape Character.            | <p>Policy NEP1 seeks to retain the existing landscape character of the parishes.</p> <p>Policy HP2 seeks to ensure that development in the countryside does not adversely affect the landscape character of the parishes.</p> <p>Policy HP3 seeks to ensure that decisions on the development of rural tourism take account of the impact on landscape character.</p> |
| Policy WLP8.37 - Historic Environment.           | Policy HEP1 seeks to conserve and enhance heritage assets and their setting in the parishes.  |
| Policy WLP8.38 - Non-Designated Heritage Assets. | Policy HEP1 identifies structures and buildings as non-designated heritage assets.  |

## 8. COMPATIBILITY WITH EU OBLIGATIONS AND HUMAN RIGHTS REQUIREMENTS

8.1 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.

8.2 The SSWE Project Team submitted a formal screening request regarding the need for a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA) of the draft SSWE Neighbourhood Plan in February 2020. In March 2021, East Suffolk Council advised that neither an SEA nor an HRA was required. The formal opinions in respect of these decisions are provided as separate supporting documents.

## 9. CONCLUSION

9.1 The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the SSWE Neighbourhood Plan and the policies therein. It is therefore respectfully suggested to the Examiner that the SSWE Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.