

# **Acton Neighbourhood Plan 2022 - 2037**

**Report by Independent Examiner to Babergh District  
Council**

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## Summary and Conclusion

1. The Acton Neighbourhood Plan has a clear vision for the Parish and is supported by ten objectives.
2. Babergh District Council has accepted, at the present time, the figure of 75 dwellings identified in the Housing Needs Assessment as the housing requirement. This is met by existing commitments/completions, particularly the Tamage Road development.
3. I have recommended modification to some of the policies in the Plan. These modifications are predominately in the interest of precision. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
4. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Acton Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Acton Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

5. On 26 October 2021 Babergh District Council (BDC) approved that the Acton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The Area covers the whole of the Parish of Acton.
6. The qualifying body is Acton Parish Council. The Plan has been prepared by the Acton Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2022 to 2037.
7. I was appointed as an independent Examiner for the Acton Neighbourhood Plan in November 2023. I confirm that I am independent from the Parish Council and BDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

8. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of

Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

- the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
- that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

9. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

10. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:

*Amendment to the Neighbourhood Planning (General) Regulations 2012.*

*3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*

*(2) In Schedule 2 (Habitats), for paragraph 1 substitute:*

*“Neighbourhood development plans*

*1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

*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(7).”*

11. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations, Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)**

13. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
14. The *Acton Neighbourhood Plan 2022-2037 SEA Screening Opinion* was prepared by Land Use Consultants in April 2023. It concluded that the Plan *is unlikely to have significant environmental effects and that full SEA is therefore not required*. Historic England and Natural England concurred with this conclusion.
15. BDC prepared the *Acton Neighbourhood Plan 2022-2037 Strategic Environmental Assessment Screening Determination* in May 2023. It determined: *In the light of the SEA Screening Opinion (April 2023) prepared by LUC, and the responses from the two statutory bodies, it is determined that the Acton Neighbourhood Plan 2022-2037 does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004*.
16. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
17. As regards Habitats Regulations Assessment (HRA), the *Acton Neighbourhood Plan Habitats Regulations Assessment Screening Report* was prepared by Land Use Consultants in April 2023. It concluded: *At the screening stage of the HRA, no likely significant effects are predicted on European sites as a result of the Acton Neighbourhood Plan, either alone or in combination with other policies and proposals*. Natural England concurred with this conclusion.
18. BDC has prepared the *Acton Neighbourhood Plan 2022-2037 Habitats Regulations Screening Determination* (May 2023). It determined: *In light of the HRA Screening Report (October 2023) prepared by LUC, and the response to this from the statutory consultee, it is determined that the Acton Neighbourhood Plan 2022-2037 is 'screened-out' for further assessment*

*under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.*

19. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
20. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## **Policy Background**

21. The *National Planning Policy Framework* (NPPF) (19 December 2023) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
22. I have examined the Neighbourhood Plan against policies in the revised NPPF (19 December 2023), which was published during the course of this examination. Therefore, it was necessary to ask for a further consultation period inviting comments on the effect of the revised NPPF on how the Plan meets the Basic Conditions.
23. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
  - 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.*

24. Acton Parish is within the local authority area of Babergh District Council (BDC). During the production of the Plan, the development plan for the Acton Neighbourhood Plan Area comprised the saved policies in the Babergh Local Plan Alteration No. 2 (2006) and The Babergh Local Plan 2011 - 2031 Core Strategy and Policies (Core Strategy) (2014).
25. BDC with Mid Suffolk District Council published a new Joint Local Plan Pre-Submission (JLP) (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was formally submitted for independent Examination on 31 March 2021. A Consolidated Modifications Document was published for consultation in March 2023. The Planning Inspectorate's report on the main modifications to the JLP was issued on 19 September 2023.
26. The Neighbourhood Plan was prepared alongside the emerging Joint Local Plan. Part 1 of the JLP was adopted on 21 November 2023. I have examined the Neighbourhood Plan against strategic policies in the adopted JLP. As the JLP was adopted while the Neighbourhood Plan was still out for Regulation 16 consultation, it was necessary to alert consultees to the adoption of the JLP and to invite representations on how the Neighbourhood Plan meets the Basic Conditions with regard to general conformity with the strategic policies in this new Local Plan.
27. The strategic policies in the development plan include policies regarding housing provision, climate change and the conservation and enhancement of the natural and historic environment.

## **The Neighbourhood Plan Preparation**

28. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (as amended).
29. The initial consultation process began with an awareness exhibition in September 2021. Between January and June 2022, the Steering Group members undertook conversations with local groups and local businesses.
30. A dedicated website for the Plan was set up to publicise progress of the Plan together with a Neighbourhood Plan page on the Parish Council's website. Neighbourhood Plan updates were publicised in the Parish Council's newsletter. Details of all consultation events were publicised via the Acton Parish Neighbourhood Plan Facebook page and the Acton Massive village Facebook page. Posters, banners and flyers were also used to publicise events.



31. A 'have your say day' held on 19 March 2022 launched an issues Survey. The launch day was widely publicised in the Parish. Steering Group members were available to answer questions. The Survey was hand delivered to every household in the Parish as well as being available on their website. The forms were also available for the Primary School children.
32. A Policy Ideas consultation exhibition was held in October 2022. The exhibition boards were placed on-line on the website for a further fortnight to allow participation by those unable to attend the exhibition.
33. The Consultation period on the pre-submission draft of the Plan ran from 3 April to 22 May 2023. Hard copies of the Plan were available for view in 'Costcutter'. A drop-in session was held on Sunday 16th April at the village hall. Hard copies of the Plan were available at this session as well as copies of the response form. Electronic copies of the Plan and the response form were available on the website. The consultation was publicised using the Acton Neighbourhood Plan Facebook page. A flyer was delivered to every household and posters were erected around the village. Notification letters were sent to the owners of proposed Local Green Spaces and Non-Designated Heritage Assets ahead of the formal consultation.
34. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
35. BDC publicised the submission Plan for comment during the publicity period between 23 October and 6 December 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 (as amended). A total of 12 responses were received. A further consultation period was held between 10 January and 26 January 2024 inviting comments on how the Plan meets the Basic Conditions with regards to the recently published revision to the National Planning Policy Framework (19 December 2023). Six responses were received, including responses from BDC and the Parish Council. I am satisfied that all these responses can be assessed without the need for a public hearing.
36. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDC web site.

## The Acton Neighbourhood Plan

37. Background information is provided throughout the Plan, together with a Housing Needs Assessment. A clear vision for the Parish has been established and is supported by ten objectives.
38. Policies in a neighbourhood plan can only be for the development and use of land. Where non neighbourhood plan issues have been raised, these issues were considered by the Parish Council as possible projects or community aspirations. During the Neighbourhood Plan community consultations, a number of issues which fell outside the remit of the Neighbourhood Plan were raised. Some were subsequently integrated into the Parish Council's Acton Action Plan.
39. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
40. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
41. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
42. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
43. There are references to the NPPF (September 2023) throughout the Plan. These need to be changed to the relevant sections of the revised NPPF (19 December 2023). Whilst this is an onerous task, it is necessary to ensure that the Plan has regard to national policy.
44. **Recommendation: to meet the Basic Conditions, I recommend that all references to the NPPF (September 2023) throughout the Plan are revised where necessary to refer to the relevant sections of the revised NPPF (19 December 2023).**

45. There are references to the emerging JLP throughout the Plan, particularly in paragraphs 1.6, 3.2 and 3.5, and in the Acton Design Guidelines and Codes (August 2023). As that JLP has now been adopted, any Local Plan and Core Strategy references will need to be updated. Whilst this is an onerous task, it is necessary to ensure that the supporting text clarifies how the Plan is in general conformity with strategic policy. BDC in its representations on the submitted Plan has suggested suitable modifications to the relevant paragraphs regarding this matter and the Parish Council has stated that it has no objection to the factual updates suggested.
46. **Recommendation: to meet the Basic Conditions, I recommend that all references to the development plan throughout this neighbourhood plan and in the Acton Design Guidelines and Codes are updated to refer to relevant adopted JLP references.**
47. Suffolk County Council has suggested an addition to paragraph 3.5 to read as follows: *The settlement is located within the Suffolk County Council “Minerals Consultation Area” within which proposals in excess of five hectares will be referred to the County Council in order that they can be satisfied that, in accordance with paragraph 143 of the NPPF, minerals resources of local and national importance are not needlessly sterilised by non-mineral development.* The Parish Council has confirmed that it has no objection to this amendment. The paragraph referenced in the NPPF should be paragraph 216. Should the Parish Council wish to include this statement, **I see this as a minor editing matter.**
48. I note that Figures 16a, 16b and 16c do not have any status. Nevertheless, they do require Keys in order to understand the annotations on these maps. **I see this as a minor editing matter.**
49. Figure 3b identifies listed buildings outside the Parish. I suggest those outside the Parish are removed from the Map. **I see this as a minor editing matter.**
50. BDC, in its representations on the submitted Plan, has suggested reordering of the Policies Maps and has pointed out that the Whole Parishes Policies Map should not be referred to as an Inset Map. **I see these as minor editing matters.**
51. Helpful comments have been received from a local resident in representations on the submitted Plan. It is not for me to re-write the Plan. The Parish Council has commented on these representations in their response to all the Regulation 16 representations. I will leave it to the Parish Council to make the changes it has outlined as necessary in their response. Any of the suggested alterations in this representation **I see as minor editing matters.**
52. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not

to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

### **Policy ACT1 New Housing Development**

53. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
54. In December 2021 Inspectors in the process of examining the emerging JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to addressing matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. Whilst Acton was identified as a hinterland village in the Core Strategy, the submission JLP identified Acton as a Core Village. The settlement hierarchy will now be a consideration for Part 2 of the JLP.
55. BDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the emerging JLP (Nov 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of this indicative number.
56. No housing figure was set for Acton in the emerging JLP as the neighbourhood plan area was designated after submission of the emerging JLP (Nov 2020). Evidence submitted as part of the examination of the JLP indicated a figure of 213 dwellings for Acton. This indicative figure comprised committed sites that had the benefit of planning permission at the base date of the submitted emerging JLP. This was predominantly on two sites: land south-east of Barrow Hill (100 dwellings) and land south of Tamage Road (100 dwellings). The remaining 13 dwellings were committed through other smaller planning permissions and there have been further dwellings granted permission since, giving an overall figure of 219 dwellings.
57. I note that planning permissions on the land south-east of Barrow Hill have subsequently lapsed, and the trustees of the land are considering for it to be held in perpetuity for the benefit of wildlife and the well-being of the local community.
58. Policy SP01 in the adopted JLP seeks to deliver a minimum of 7,904 net additional dwellings in the District over the plan period (416 dwellings per annum).
59. AECOM prepared a Housing Needs Assessment in October 2022. By applying the standard method for calculating local housing need, AECOM produced a figure of 418 dwellings per annum for the whole District. This equated to a housing need figure of 75 dwellings for Acton over the Plan

period, assuming that Acton would become a Core Village in the forthcoming Part 2 of the JLP. This figure has subsequently been exceeded by existing completions/commitments.

60. I am required to test the indicative housing figure proposed by BDC. BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. Policy ACT1 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development.
61. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the JLP Part 2. Nevertheless, the AECOM Housing Needs Assessment provides robust evidence that current commitments, excluding the site on land south-east of Barrow Hill, are sufficient to meet local housing need. I realise that Part 2 of the JLP may find it necessary to allocate sites for development in the Parish, once the settlement hierarchy and spatial distribution are established.
62. I am satisfied, as far as I can reasonably be expected to be, that until such time as Part 2 of the JLP is available and the settlement hierarchy is established, local housing need can be accommodated through existing commitments. In reaching this decision, I note that BDC, in its representations on the submitted Plan, has accepted, at the present time, the figure of 75 dwellings identified in the Housing Needs Assessment.
63. In reaching my conclusion on this matter, whilst not exactly the same circumstances, I consider it relevant to refer to the High Court Judgment of *Gladman Developments Limited v Aylesbury Vale District Council & Winslow Town Council [2014] EWHC 4323 (Admin)* on 18 December 2014.
64. The following is an extract of paragraph 58 of that judgment: *In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing. The examiner was therefore entitled in the present case to conclude that the Neighbourhood Plan satisfied basic condition 8(2) (e) of Schedule 4B to the 1990 Act as it was in conformity with such strategic policies as were contained in development plan documents notwithstanding the fact that the local planning authority had not yet adopted a development plan document containing strategic policies for housing. Further, the examiner was entitled to conclude that condition 8(2) (d) of Schedule 4B to the 1990 Act was satisfied. That condition requires that the making of the neighbourhood development plan “will contribute to the achievement of sustainable development”. The examiner was entitled to conclude that a neighbourhood plan that would provide for an additional 455 dwellings, in locations considered to be consistent with sustainable development, did contribute to the achievement of sustainable development notwithstanding*

*that others wanted more growth and development plan documents in future might provide for additional growth. Similarly, the examiner was entitled to conclude that having regard to national guidance and advice, including the Framework, it was appropriate to make the neighbourhood plan even though there might, in future, be a need for further growth.*

65. Policy SP03 in the adopted JLP seeks the sustainable location of new development. It identifies settlement boundaries established in the earlier Local Plan, recognising that these will be reviewed as part of the preparation of Part 2 of the JLP. Policy SP03 recognises that development can take place outside settlement boundaries under various circumstances, including where it is in accordance with a made neighbourhood plan. In addition, it recognises that new housing development can come forward through neighbourhood plans.
66. Policy ACT1 focuses new development within new settlement boundaries, which represent an update of the settlement boundaries, with the addition of the Tamage Road and Clay Hall Place development sites. In these circumstances, I consider that these revised settlement boundaries are in general conformity with strategic policy, where it recognises that the settlement boundaries are due to be reviewed.
67. Policy ACT1 supports new development that meets local needs and seeks to retain the local distinctiveness and separate identity of the different parts of the Parish.
68. I refer later under Policy ACT3 that the December 2023 revised NPPF specifically refers to support for community-led development on sites that would not otherwise be suitable as rural exception sites. In the interest of precision, Policy ACT1, should refer to exception sites in the third paragraph.
69. Subject to the above modification, Policy ACT1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ACT1 meets the Basic Conditions.
70. **Recommendation: to meet the Basic Conditions, I recommend modification to the third paragraph in Policy ACT1 to read as follows:**
- New residential development outside of the defined settlement boundaries will only be supported where it meets the criteria set out in paragraph 84 of the NPPF or is an exception site for affordable housing to meet identified local needs in accordance with Policy ACT3.**

## **Policy ACT2 Design and Character**

71. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and*

*helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

72. Paragraph 132 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
73. JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In addition, all development will be required to protect and enhance biodiversity. This policy is relevant to Policies ACT2, ACT4, ACT5, ACT7 and ACT11.
74. Policy ACT2 is a broad design policy supported by detailed robust evidence in the *Acton Design Guidelines and Codes* (August 2023) prepared by AECOM. This document identifies Character Areas as part of a character appraisal and sets out design guidelines and codes to be given due weight in the planning process. The document should refer to the NPPF 2023, rather than NPPF 2021.
75. The *Acton Design Guidelines and Codes* is not a policy document. Design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area, whereas design guidance, is guidance rather than a requirement. Therefore, the second sentence in Policy ACT2 should refer to the need to have regard to the guidance and be consistent with the codes, rather than be consistent with both the guidance and codes. For the same reason, page 75 in the *Acton Design Guidelines and Codes* should be modified to make it clear that applicants and the Parish Council should have regard to the guidance.
76. For the same reason as stated above, criteria c), f) and m) in Policy ACT2 should refer to the need to have regard to guidance documents.
77. In the interest of precision, I suggest that the date of the publication of the *Acton Design Guidelines and Codes* is included in Policy ACT2. I have included this as August 2023, but with an update to NPPF references, I appreciate that the date will alter.

78. Paragraph 136 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. I recommend the inclusion of such a requirement in the landscape and open space section in Policy ACT2. I have suggested additional wording.
79. Subject to the above modifications (and further modification to the *Acton Design Guidelines and Codes* referred to later under Policy ACT13), Policy ACT2, together with guidance and codes in the *Acton Design Guidelines and Codes* (August 2023), have regard to national policy, contribute towards sustainable development, particularly the environmental objective, and are in general conformity with strategic policy. Modified Policy ACT2 meets the Basic Conditions.
80. As the *Acton Design Guidelines and Codes* is such an important background document, the Parish Council may wish to consider including the document as an appendix to the Plan. **I see this as a minor editing matter.**
81. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the second sentence in Policy ACT2 to read as follows:**
- Development proposals should have regard to the guidance and be consistent with the codes laid out in the Acton Design Guidelines and Codes (August 2023).**
- 2) modification to the last sentence in criterion c) in Policy ACT2 to read as follows:**
- All parking provisions should have regard to guidance in the Suffolk Guidance for Parking (2019) and any successor documents.**
- 3) modification to criterion f) in Policy ACT2 to read as follows:**
- f) Sustainable Drainage Systems: These should be integrated into development to manage drainage but also to provide gains for amenity and biodiversity value, having regard to guidance in the Suffolk SuDS guide.**
- 4) modification to criterion m) in Policy ACT2 to read as follows:**
- m) Safety: Proposals should design out crime and design in community safety, having regard to the latest guidance.**



**5) the inclusion of the following at the end of criterion h) in Policy ACT2:**

**All new development should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.**

**6) modification to page 75 in the Acton Design Guidelines and Codes (August 2023) to make it clear that applicants and the Parish Council should have regard to the guidance.**

**7) ) modification to the Acton Design Guidelines and Codes (August 2023) to refer to NPPF December 2023, rather than NPPF 2021.**

### **Policy ACT3 Housing Mix**

82. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
83. Paragraph 82 in the NPPF states: *local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet local needs and consider whether allowing some market housing on these sites would help to facilitate this.*
84. Paragraph 73 in the NPPF explains that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites. Such sites should be adjacent to existing settlements and proportionate in size to them.
85. PPG states: *In order to qualify as a First Home, a property must be sold at least 30% below the open market value. Therefore, the required minimum discount cannot be below 30%.*
- However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this (part extract from Paragraph: 004 Reference ID: 70-004-20210524).*
86. JLP Policy SP02 seeks to ensure that affordable housing is integrated with other development. On sites of ten or more dwellings or 0.5ha or more, a contribution of 35% affordable housing will be required on greenfield sites. For brownfield sites a contribution of 25% affordable housing will be required. In exceptional circumstances, where it is convincingly

demonstrated that the required provision of affordable housing is not viable, BDC may agree to vary the requirement. The JLP specifically states that it does not address the issue of First Homes.

87. Policy SP03 in the JLP cross refers to non-strategic policies including Policy LP07. That policy refers to criteria for community-led development and rural exception sites. JLP Policy LP07 requires a Rural Exception Site scheme to demonstrate that it is well connected to an existing settlement and proportionate in size to it. Community-led housing proposals must demonstrate that the scheme was initiated by a legitimate local community group and has general community support. Whilst not a strategic policy, it supports the strategic approach to the provision of affordable housing in JLP Policy SP02.
88. Policy ACT3 seeks a housing mix to meet local needs. In doing so it identifies a need for 1–2-bedroom properties, identifies a need for at least 50% of affordable housing to be rented and for First Homes to be provided at a discount of 50%. As regards Rural Exception Sites, additional local connection criteria apply. The Housing Needs Assessment provides robust evidence to support Policy ACT3.
89. Supporting paragraph 7.44 refers to both community led and rural exception sites, whereas Policy ACT3 only refers to rural exception sites. The December 2023 revised NPPF specifically refers to support for community-led development on sites that would not otherwise be suitable as rural exception sites.
90. As part of a focussed consultation on the December 2023 NPPF, both the Parish Council and BDC made representations. In the interest of precision, as not all exception sites are required to be community led developments, I have suggested that Policy ACT3 and accompanying text in paragraph paragraphs 7.44 are revised predominately as suggested by BDC. One difference is with regard to the location of exception sites. The first bullet point with regard to location adjacent to the existing settlement boundary can only be a requirement for community -led developments as this is not a requirement for rural exception sites in the NPPF. In addition, to be in general conformity with strategic policy, only community-led proposals are required to have general community support. I have suggested revised wording.
91. The sub heading above paragraph 7.45 should read 'Local Connection Criteria for Exception Sites' as it does not apply to other affordable housing. In the interest of precision, I suggest that the last two sentences in paragraph 7.45 are modified, to clarify that this local connection criteria is only for exception sites.
92. In the interest of precision, two footnotes should be added to Policy ACT3 with regards to First Homes Exception Sites.

93. Subject to the above modifications, Policy ACT3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ACT3 meets the Basic Conditions.
94. BDC has suggested that footnote 17 (which currently incorrectly appears as footnote '10') is replaced with: 'as set out in Annex 2 of the NPPF'. The Parish Council has commented that it has no objection to this amendment. **I see this as a minor editing matter.**
95. Paragraph 7.35 needs updating to reflect current JLP policy. **I see this as a minor editing matter.**
96. Paragraph 7.34 identifies Acton as a hinterland village and Newman's Green as a hamlet. The settlement hierarchy is to be determined in Part 2 of the JLP. Thus, these references should be deleted. **I see this as a minor editing matter.**
97. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the fourth paragraph in Policy ACT3 to read as follows:**
- Exception Site Housing**
- Where affordable housing is to be provided in the parish on the basis of meeting a proven identified need on an exception site, the proposal should meet all of the following criteria:**
- o For community-led developments, the site is adjacent to the existing settlement boundary and is proportionate in size to that settlement in accordance with footnote 37 of the NPPF December 2023**
  - o For community-led developments, the proposer of the scheme meets the organisational definition as set out in Annex 2 of the NPPF**
  - o For community-led developments, there is evidence of community support and participation in the proposal**
  - o The type of housing proposed meets an identified housing need in the parish (as evidenced by a detailed housing needs assessment) and contains one or more types of affordable housing in accordance with the housing mix identified above**
  - o The proposed housing will remain affordable and available in perpetuity**
  - o Where open market housing is proposed clear justification for the need for the open market housing is given and the number of open market units proposed will be the minimum number that is essential to deliver the affordable homes.**

**o The housing is offered in the first instance to people with a demonstrated local connection to the parish, as outlined in the Babergh Housing Allocations Policy 2022, or successor document; and**

**o The proposed development is consistent with policies in this and other relevant Plans governing design, appearance, layout, amenity, impacts on the natural and historic environment, and highway safety.**

**2) the insertion of a footnote at the end of the Affordable Housing paragraph. The footnote to read: This 50% discount level also applies on First Homes exception sites.**

**3) the insertion of a footnote at the end of the title of the Exception Site Housing paragraph. The footnote to read: This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.**

**4) modification to paragraph 7.44 to read as follows:**

#### **Exception Sites**

**7.44 The HNA found there to be robust evidence of need for Affordable Housing in the parish and that every effort should be made to maximise delivery where viable. This should include the option of affordable housing derived from exceptions sites either through a registered social housing provider or via a community-led developments rather than just a focus on delivery from wider development sites. Community-led development sites should be adjacent to existing settlements and proportionate in size to them. Where exception sites are proposed, justification must be given that demonstrates an identified housing need within the parish that the proposed site is suitable to meet. Proposals should contain one or more types of affordable housing and should reflect the mix set out in Policy ACT3 below. This housing must also remain available to meet identified housing need in perpetuity. If open market housing is proposed as part of a community-led development, clear justification for the need for the open market housing should be given and the proposal should contain the minimum number of open market units that are essential to deliver the affordable units. However, all other usual planning criteria - e.g. impact on landscape, heritage and highways, layout, design, etc. - are still applicable. Part 1 of the BMSJLP Local Plan supports Community-led and rural exception housing, where it can be demonstrated that they are fulfilling a genuine identified housing need.**

**Proposals for the former should be able to demonstrate that the proposed scheme meets the definition of a community-led development as set out in Annex 2 of the NPPF and that there is evidence of community support and participation in the proposal.**

**5) the sub heading above paragraph 7.45 to read as follows: Local Connection Criteria for Exception Sites.**

**6) the last two sentences in paragraph 7.45 to read as follows:**

**This is applicable to affordable housing that may be delivered in the Parish through exception sites over the Plan period and that this housing should remain available to meet identified housing needs in perpetuity and should be secured through a legal agreement. Exception sites would deliver such housing where local connection criteria are more easily applied.**

#### **Policy ACT4 Biodiversity**

98. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity. One of the principles to protect and enhance biodiversity in Paragraph 186 a) states: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
99. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act are coming into force in stages, with the requirement for a minimum of 10% biodiversity net gain coming into force on 12 February 2024 for major developments and on 2 April 2024 for small sites.
100. JLP Policy LP16 requires developments to identify and pursue opportunities for securing measurable net gains, equivalent of a minimum 10% increase, for biodiversity. Whilst not a strategic policy, JLP Policy LP16 supports the strategic policy requirements of JLP Policy SP09.
101. Policy ACT4 seeks to protect and enhance existing ecological networks, wildlife corridors and priority species and recognises the need for mitigation where losses or damage are unavoidable. A minimum net gain of 10% in biodiversity is sought, moving towards an aspiration for 20%. Whilst an

increase in biodiversity is welcome, I have no robust evidence before me to support this higher aspirational figure. Therefore, I have suggested revised wording for the third paragraph in Policy ACT4.

102. There are certain types of development that are exempt from biodiversity gain. In the interest of clarity, I suggest the addition of a footnote to the third paragraph to explain these exemptions.
103. Subject to the above modifications, Policy ACT4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ACT4 meets the Basic Conditions.
104. Paragraphs 8.2 and 8.3 will need updating. **I see this as a minor editing matter.**
105. The Figure numbering in paragraph 8.6 needs revision and may require further revisions in numbering throughout the Plan. **I see this as a minor editing matter.**

106. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to the third paragraph in Policy ACT4 to read as follows:**

**Otherwise acceptable development proposals will be supported where they provide a minimum net gain of 10% in biodiversity, delivered on-site in the first instance through, for example:**

**a) the creation of new and the restoration and enhancement of existing natural habitats, e.g. ponds, hedgerows, wildflower meadows, new woodlands;**

**b) the planting of additional trees and hedgerows; and**

**c) the incorporation of wildlife-friendly measures in new development, which would benefit locally resident species such as otters, water voles, badgers, reptiles and newts.**

**2) the addition of a footnote to the third paragraph in Policy ACT4 to read as follows:**

**Certain types of development are exempt from Biodiversity Net Gain, these are: permitted development rights; householder applications; development which only has a 'de minimis' impact on habitats; developments undertaken for the purpose of fulfilling the BNG planning condition for another development; high-speed railway network; and certain self-build and custom build developments.**

## **Policy ACT5 Landscape Character, Important Views and Village Gateways**

107. The NPPF, in Paragraph 180 requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes.
108. Policy ACT5 seeks to protect the visual scenic value of the landscape and countryside. It identifies Important Public Local Views and Village Gateways. I have seen these views and gateways and recognise their importance to the local community. I note objection to the inclusion of views 3a) and b). Having seen these views both in and out of the settlement, I am satisfied that they are important to the overall landscape character of the Parish.
109. As some of the identified Important Public Local Views extend beyond the Parish, in the interest of precision, Policy ACT5 should refer to development proposals 'within the Parish' that may affect these views. I have suggested revised wording for the fourth paragraph accordingly.
110. Subject to the above modification, Policy ACT5 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ACT5 meets the Basic Conditions.
111. **Recommendation: to meet the Basic Conditions, I recommend modification to the fourth paragraph in Policy ACT5 to read as follows:**
- Inside the Parish, development proposals within, or that would otherwise affect, an important public local view or village gateway should be accompanied by a statement, appropriate to the scale of the proposal, that demonstrates how the view has been taken into consideration. Any proposal that would have a significant adverse impact on the landscape or character of the view concerned will not be supported.**

## **Policy ACT6 Environmental Sustainability**

112. Paragraph 157 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
113. Paragraph 164 in the NPPF states: *In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of*

*heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.*

114. Paragraph 191 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
115. JLP Policy SP10 requires all development to mitigate and adapt to climate change by: adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding; conforming to the principle of Holistic Water Management; applying existing and innovative approaches to sustainable design and construction; and identifying opportunities, where appropriate, to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives.
116. Policy ACT6 seeks to ensure new development provides for the future environmental sustainability of the Parish.
117. For a considerable time, it has not been possible to include technical standards for housing construction in neighbourhood plans. A Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update (13 December 2023) explains that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. *Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:*
- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).*
118. I have no robust evidence before me to justify otherwise than in accordance with the above Written Ministerial Statement. Whilst Policy ACT6 can encourage the incorporation of low carbon/sustainability measures, it is not appropriate to require measures that go beyond building regulations. In this context, I have suggested revised wording for Policy ACT6 in this respect. The Parish Council has suggested an additional sentence at the end of the paragraph regarding energy and water efficiency in Policy ACT6, as a response to the focussed consultation on the December 2023 NPPF, which included the above addition of paragraph 164. The proposed sentence has regard to national policy.



119. The Parish Council has suggested the inclusion of 'new' before 'development in the first sentence in Policy ACT6. In the interest of precision, I agree with this addition.
120. Many outdoor lighting schemes, especially in domestic gardens, do not require planning permission. Therefore, in the interest of precision, I recommend inclusion of 'where planning permission is required' at the beginning of the second paragraph under Light Pollution in Policy ACT6.
121. Subject to the above modifications, Policy ACT6 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy ACT6 meets the Basic Conditions.

122. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) the first paragraph in Policy ACT6 under Environmental Sustainability to read as follows:**

**Proposals for otherwise acceptable new development which provides for the future environmental sustainability of the parish at an appropriate scale will be supported in principle.**

**2) the paragraph under the heading Energy and Water Efficiency in Policy ACT6 to read as follows:**

**Whilst this policy does not require development proposals to incorporate energy efficiency measures beyond current building regulations requirements, where new development is proposed, provision should be made for the incorporation of low carbon/sustainability measures, such as encouraging air/ground source heat pumps, solar panels and water management measures within new developments, including residential and other uses, such as agricultural or industrial buildings. Where planning permission is required for the installation of energy efficiency and low carbon heating improvements to existing buildings, both residential and non-residential, significant weight will be given to the support of such proposals.**

**3) inclusion of 'where planning permission is required' at the beginning of the second paragraph under Light Pollution in Policy ACT6.**

### **Policy ACT7 Heritage Assets**

123. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability, at Section 16(2),

of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

124. The NPPF advises at paragraph 205 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

125. Paragraph 209 in the NPPF refers to the need for a balanced judgement in weighing applications that directly or indirectly affect non-designated heritage assets.

126. PPG states:

*There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*

*Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*

(Extract part of Paragraph: 040 Reference ID: 18a-040-20190723).

127. Policy ACT7 seeks to protect heritage assets and identifies 16 non-designated heritage assets. Each proposed non-designated heritage asset has been assessed against the criteria in the Historic England Listing: Historic England Advice Note 7, January 2021. The evidence for their justification is in Appendix B in the Plan. From the evidence before me and from what I was able to see during my visit to the Parish, I am satisfied that these buildings are worthy of identification as non-designated heritage assets.

128. Policy ACT7 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Policy ACT7 meets the Basic Conditions.

129. As all the proposed non-designated heritage assets are buildings rather than structures, I see no need for Policy ACT7 to refer to structures. **I see this as a minor editing matter.**

### **Policy ACT8 Accessibility and Connectivity**

130. Section 9 of the NPPF promotes sustainable transport. Emphasis is placed on creating safe, secure and attractive places and giving priority first to pedestrian and cycle movements. Paragraph 104 in the NPPF seeks to

protect and enhance public rights of way. Paragraph 110, amongst other matters, requires planning policies to provide for attractive and well-designed walking and cycling networks with supporting facilities.

131. JLP Policy SP08 seeks strategic infrastructure provision. Supporting text explains at paragraph 11.01: *it is critical that the strategic and cumulative infrastructure needs are considered and addressed. This approach will then inform how individual developments can contribute and support the delivery of such strategic infrastructure, as well as understanding the more localised and scheme specific infrastructure capacity issues and needs.* This is relevant to both Policies ACT8 and ACT9.
132. Policy ACT8 supports accessibility and connectivity. It encourages increasing levels of walking and cycling. These are laudable aims but the way the first paragraph is worded implies that all developments need to provide pedestrian and cycle routes. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development, such as house extensions, could not be expected to make such provision.
133. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
134. In the interest of precision, the first paragraph in Policy ACT8 should include 'where appropriate' at the beginning.
135. Policy ACT8 refers to Government guidance on cycle infrastructure design (LTN1/20). As this is guidance, rather than policy, reference should be made to having regard to the guidance rather than being in accordance with the guidance. I have suggested revised wording.
136. Subject to the above modifications, Policy ACT8 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy ACT8 meets the Basic Conditions.
137. BDC has suggested that paragraph 9.5 includes a link to the Local Cycling and Walking Infrastructure Plan. If the Parish Council wishes to include this link, **I see this as a minor editing matter.**
138. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy ACT8 to read as follows:**  
  
**Where appropriate, all new developments should contribute to the health and wellbeing of residents by encouraging increasing levels of walking and cycling through the provision of safe and attractive pedestrian and cycle routes and crossings, which are suitable for all**

**users, including those with wheelchairs/mobility scooters and child buggies and should have regard to guidance in LTN1/20.**

### **Policy ACT9 Traffic Management and Safety**

139. Section 9 of the NPPF promotes sustainable transport and seek to create places that are safe and secure , minimising conflict between pedestrians, cyclists and vehicles. Paragraph 115 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117 in the NPPF requires all developments that will generate significant amounts of movement to provide a travel plan and be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
140. Policy ACT9 seeks to ensure that new developments are not detrimental to highway safety and take into consideration the purpose and location of the existing Quiet Lanes.
141. As mentioned previously in this report, where there is reference to guidance documents, this should refer to having regard to the guidance.
142. The second paragraph in Policy ACT9 refers to the need for Transport Statements and Assessments. The third paragraph in Policy ACT9 requires proposals to provide sufficient information proportionate to the scale of the development. As there may be circumstances where Transport Statements and Assessments are not necessary, the third paragraph requirements are more appropriate.
143. Subject to the above modifications, Policy ACT9 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy ACT9 meets the Basic Conditions.
144. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy ACT9 to read as follows:**

**The design of any new roads and streets should have regard to guidance in the Suffolk Design: Streets Guide 2022, or any successor documents. All parking provisions within new developments should have regard to guidance in the Suffolk Guidance for Parking 2019, or any successor documents.**

## Policy ACT10 Community Facilities

145. Paragraph 97 in the NPPF seeks to ensure that planning policies plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments. In addition, amongst other matters, it seeks to guard against the unnecessary loss of valued facilities and services.
146. The JLP does not have a specific strategic policy with regard to retaining community facilities. Policy SP03 does cross refer to non strategic community facilities policies with regard to development outside settlement boundaries. JLP Policy SP08 requires all development to make provision for appropriate contributions towards community infrastructure.
147. The Village Hall listed as a community facility also lies within the Sports Field Local Green Space, where restrictions on development are more onerous than those in Policy ACT10. Therefore, to avoid an internal conflict within the Plan, I have recommended below that the Village Hall should be deleted from the Local Green Space designation.
148. Policy ACT10 seeks to prevent the loss of existing community facilities and supports enhancement of these facilities. The community facilities are identified on Figure 6. The Parish Council may wish to consider cross referencing to that map in Policy ACT10. **I see this as a minor editing matter.**
149. Policy ACT10 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Policy ACT10 meets the Basic Conditions.
150. Supporting paragraph 9.25 will need updating. **I see this as a minor editing matter.**

## Policy ACT11 Local Green Spaces

151. The NPPF in paragraphs 105 - 107 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*

*b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

*c) local in character and is not an extensive tract of land.*

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

152. I have visited the Parish and seen the Local Green Spaces (LGS) identified in Policy ACT11. The justification for the designation of the LGS is found in supporting evidence in Appendix C. I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. All these sites are in reasonable proximity to the local community, are local in character and are not extensive tracts of land. I am satisfied that the proposed LGS meet the criteria for designation.
153. My comments on each of the proposed LGS sites are set out below.
154. *1. Lime Tree Green.* This open green area with children's play equipment is demonstrably special to the local community because of its informal recreation provision.
155. *2. Queensway – Village Green.* This open grassed amenity area with mature trees is demonstrably special to the local community because of its informal recreation provision.
156. *3. Acton Wildlife/Nature Reserve.* This wildlife reserve is demonstrably special to the local community because of its biodiversity value and tranquillity.
157. *4. Allotments, Barrow Hill.* The informal recreation provision of the use of this land as allotments is demonstrably special to the local community.
158. *5. Sports Field.* This is a large sports field. Nevertheless, I do not consider it to be an extensive tract of land. It is demonstrably special to the local community, especially for its recreation provision. As the Village Hall is referred to as a community facility in Policy ACT10, it should be deleted from the area defined as the LGS Sports Field on Figure 35 and the Policies Map. This will allow for future improvement to this facility outside the onerous restrictions of LGS designation. The Parish Council may wish to exclude the parking area and access road to the Village Hall from the LGS as well, but I will leave this up to the Parish Council.
159. *6. Babergh Close/Lime Walk.* This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.

160. 7. *Tamage Estate*. This open, grassed amenity area with attenuation basin is demonstrably special to the local community because of its visual amenity, forming part of the open space of the residential development.
161. 8. *Marsh Walk*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity and informal recreation provision.
162. 9. *Canon Pugh Drive*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.
163. 10. *De Bures Walk*. This grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity and informal recreation provision.
164. 11. *Cobblers Way*. This grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.
165. 12. *Browns Close*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.
166. 13. *Lime Walk/Jubilee Way*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.
167. 14. *Gotsfield Close*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity and informal recreation provision.
168. 15. *Newman's Green*. This open grassed amenity area with mature trees is demonstrably special to the local community because of its visual amenity.
169. Site 10, De Bures Walk, is not included in Figure 35. The numbering of sites 10-14 on this map subsequently do not correspond with the numbering of the sites in Appendix C. In the interest of precision, all LGS sites should be identified on Figure 35 and their numbering should correspond with the numbering in Appendix C.
170. Figure 35 does not sufficiently identify the exact boundaries of the LGS. In the interest of precision, this map should be modified on an ordnance survey base, to a scale that clearly identifies the LGS. It may be appropriate to include inset maps for this purpose.
171. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the last sentence in Policy ACT11. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This ensures that the policy meets the Basic Conditions.

172. Subject to the above modifications, Policy ACT11 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy ACT11 meets the Basic Conditions.
173. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the deletion of the last sentence in Policy ACT11.**
  
  - 2) modification to Figure 35, on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose.**
  
  - 3) the deletion of the Village Hall from the Sports Field LGS on Figure 35 and the Policies Map.**
  
  - 4) the inclusion of Site 10, De Bures Walk, in Figure 35 and subsequent renumbering of sites to correspond with the numbering of the sites in Appendix C.**

#### **Policy ACT12 Bull Lane Employment Area (Acton Industrial Estate)**

174. Paragraph 85 in the NPPF seeks to build a strong competitive economy and requires planning policies to help create the conditions in which businesses can invest, expand and adapt. This is relevant to Policies ACT12 and ACT13.
175. JLP Policy SP05 seeks to protect designated strategic employment sites and employment uses within them will be supported in principle. The Bull Lane employment area is a designated strategic employment site.
176. Policy ACT12 supports future expansion of the Bull Lane employment area to the west and supports expansion of existing businesses and development of new businesses on the site. As such, Policy ACT12 has regard to national policy, contributes towards sustainable development, particularly the economic objective and is in general conformity with strategic policy. Policy ACT12 meets the Basic Conditions.

#### **Policy ACT13 Business and Employment Uses Outside of Defined Employment Areas**

177. Paragraphs 88 and 89 in the NPPF support a prosperous rural economy. Planning policies and decisions should recognise that sites to meet local



business needs in rural areas may have to be found adjacent to or beyond existing settlements.

178. JLP Policy SP03 restricts development outside settlement boundaries. Exceptions include where development is in accordance with a number of non-strategic policies including Policy LP09(2). This supports a change of use to small scale employment within a residential curtilage subject to criteria. Policy LP22(1) requires evidence to justify the need for new agricultural buildings outside settlement boundaries.
179. JLP Policy SP05 seeks to ensure that land used for employment purposes outside of designated strategic employment sites shall be protected for ongoing employment use unless such use is convincingly demonstrated to be unviable.
180. Policy ACT13 supports the provision of new small-scale businesses appropriate to a rural area, subject to a list of criteria including that there is no significant adverse impact on landscape character or residential amenity.
181. Paragraph 56 in the NPPF states that planning conditions should be kept to a minimum and only imposed where necessary, relevant, enforceable, precise and reasonable. Policy ACT13 states that where a new farm building is permitted, a condition should be imposed requiring farm buildings to be removed should they no longer be required for agricultural purposes. I have not been provided with any robust evidence to justify this policy requirement. Therefore, I recommend deletion of this restriction.
182. Paragraph 10.9 refers to strategic policies in what was then the emerging JLP and seems to be referring to Policy LP09 (2) and Policy LP22. It omits reference to residential curtilages and agricultural buildings and thus should be modified accordingly. **I see this as a minor editing matter.**
183. Policies ACT12 and ACT13 refer to guidance in the Acton Design Guidelines and Codes. The last two points in Code EM.01 contradict these policies, particularly where employment proposals outside the settlement boundary or on greenfield sites should be avoided whenever possible. In the interest of precision, they should be modified to refer to development on the Bull Lane employment area and possible expansion to the west of that area and refer to new small-scale businesses appropriate to a rural area.
184. **Recommendation: to meet the Basic Conditions, I recommend:**
  - 1) the deletion of the second paragraph in Policy ACT13.**
  - 2) modification to Code EM.01 in the Acton Design Guidelines and Codes (August 2023) to refer to development on the Bull Lane employment area and possible expansion to the west of that area and refer to new small-scale businesses appropriate to a rural area.**

## Referendum and the Acton Neighbourhood Plan Area

185. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
  - the Plan as modified by my recommendations should proceed to Referendum; or
  - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
186. **I am pleased to recommend that the Acton Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
187. I am required to consider whether or not the Referendum Area should extend beyond the Acton Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## Minor Modifications

188. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, the introduction will need updating as will paragraphs 4.3 and 4.4.

**Janet Cheesley**

**Date 29 February 2024**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (December 2023)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018  
Babergh & Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020)  
Babergh and Mid Suffolk District Council's Joint Local Plan (November 2023) Regulation 16 Representations  
Acton Parish Council's response to Regulation 16 Representations  
All Supporting Documentation submitted with the Plan  
Examination Correspondence (On the BDC web site)