

Babergh District Council



Acton Neighbourhood Plan 2022 - 2037

Focused consultation (Jan 10 to Jan 26 2024)

Public consultation on the submission draft Acton Neighbourhood Plan (the Acton NP) closed on Wednesday 6 December 2023. The examination phase commenced at the end of the same week.

In late December 2023 (the 19th to be exact), the Government published a new version of the National Planning Policy Framework (the NPPF) which, it was decided, meant that it was necessary to carry out a further period of focused consultation on the Acton NP as part of its examination process. This focused consultation exercise, which ran from Wednesday 10 January until Friday 26 January 2024, asked the following question:

Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the Acton NP with regard to it meeting the relevant basic condition test?

A copy of the consultation letter follows this page.

Six representations were received. The individuals / organisations are listed below and copies of their responses are attached.

The Acton NP Steering Group (ANPSG) were also given the opportunity to respond to the above and their response, received on 30 January 2024, is also included at the end of this document.

Ref No.	Consultee
(1)	Acton Parish Council
(2)	Babergh District Council
(3)	Historic England
(4)	Natural England
(5)	Water Management Alliance
(6)	Resident – Mr Purser
(7)	Reps response from the Acton NP Steering Group

Our ref: Acton NP - Focused Consultation (Jan '24)

Date: Wednesday 10th January 2024

Sent by e-mail

Dear Sir / Madam

Acton Neighbourhood Plan 2022 - 2037

Focused consultation on basic condition test following publ. of new NPPF (ends 26 Jan 2024)

We are contacting you because you are a statutory consultee or because you have previously made a representation on the Acton Neighbourhood Plan (the Acton NP). This plan is currently at the examination stage.

As part of its preparation, you may recall that we published the submission draft Acton NP for consultation between late October and early December 2023. You may also recall our e-mail reminder dated 22 November, in which drew attention to the adoption the previous day of Part 1 of the Babergh & Mid Suffolk Joint Local Plan, and the implications this may have had for the Acton NP meeting one of the basic condition tests against which it would be examined.

Over the 19th and 20th December 2023, the Government published a revised National Planning Policy Framework (the NPPF). This incorporates a number of changes in response to consultation previously undertaken on the Levelling-up and Regeneration Bill. Of relevance to Acton, basic condition a). requires that all neighbourhood plans must '[have] regard to national policies and advice contained in guidance issued by the Secretary of State.' Consequently, and in conversation with the Examiner, it has been decided that it would be prudent to undertake a period of focused consultation on the Acton NP.

We are therefore inviting comments on the following question:

Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the Acton NP with regard to it meeting the relevant basic condition test?

Additional guidance notes are provided overleaf. Please read and understand these before deciding whether to respond.

The deadline for submitting a response is 4:00pm on Friday 26th January 2024

Yours faithfully

Paul Bryant

Neighbourhood Planning Officer | Planning & Building Control

Babergh & Mid Suffolk District Councils

T: 01449 724 771 / M: 07860 829 547

E: communityplanning@baberghmidsuffolk.gov.uk



Babergh and Mid Suffolk District Councils
Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Additional consultation guidance notes

The National Planning Policy Framework (Dec 2023)

- The latest version of the NPPF can be found on the '.gov.uk' website: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- You may also find the following link useful - <https://draftable.com/compare/oNlyoxfptrDJ>. This compares the Dec. 2023 NPPF against the Sept. 2023 version.

Nb: This link has been widely shared across the planning community. Because it has been prepared by a 3rd Party, Babergh District Council accept no responsibility for any transcription errors therein.

The Basic Conditions

- Planning Practice Guidance on neighbourhood planning provides an overview of the basic condition tests: <https://www.gov.uk/guidance/neighbourhood-planning--2#National-policy-and-advice>

This focused consultation

- A link to the submission draft version of the Acton NP can be found under the 'Previous stages...' section on our website: <https://www.babergh.gov.uk/web/babergh/w/acton-neighbourhood-plan>
- There is also a link to the Basic Conditions Statement (Sept 2023) that was submitted with the plan at that time.
- As stated, this is a focused consultation exercise. The question being asked is: Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the Acton NP with regard to it meeting the relevant basic condition test?
- If you have previously made representations on the Acton NP that are unaffected by any of the changes to the NPPF, you do not need to re-submit your comments. All representations received during the Regulation 16 consultation stage will be 'rolled forward'.
- This is not an opportunity to submit new comments or to provide additional information connected to any previously made representation that is not relevant to the question being asked.
- If you decide to submit a representation, please clearly identify which part of the Acton NP this relates to and what change(s) need to be made to ensure that this plan can meet the basic condition test.
- Whilst all the changes introduced through the NPPF may be relevant to the Acton NP, the Examiner has drawn the attention of the Parish Council to new paragraphs 73 and 164. The former may be relevant to Policy ACT3 and para 7.44. The latter may be relevant to Policy ACT6.
- At the end of this consultation exercise, all valid representations will be shared with the Examiner and with Acton Parish Council. The latter will also be given an opportunity to respond to any new issues raised. Your representation(s) and any response forthcoming from the parish council will be published on our Acton NP webpage.
- **Comments should be sent by e-mail to:** communityplanning@baberghmidsuffolk.gov.uk. If that is not possible, please post them to: Acton NP Consultation (Jan 24), c/o Mr Paul Bryant, Spatial Planning Team, Babergh District Council, Endeavour House, 8 Russell Road, Ipswich, Suffolk, IP1 2BX
- **All comments must arrive by the stated deadline ... 4:00pm on Friday 26th January 2024**

(1) Acton Parish Council

By e-mail

Rec'd: 22 January 2024

From: Andrea Long (obo the Acton NP Steering Group)

To: BMSDC Community Planning,

cc: Anita Coe, Lee Adams, Graham Round (Steering Group), Caileigh Gorzelak (BMSDC)

Response of the Acton Neighbourhood Plan Steering Group to the focused consultation on the NPPF 2023 changes – January 2024

The Examiner has drawn the attention of the Steering Group to new paragraphs 73 and 164 of the new NPPF.

These relate to:

- **Policy ACT3** and para 7.44 – which covers the issue of Housing mix and rural exception sites,
- **Policy ACT6** Environmental Sustainability which covers energy efficiency and sustainability measures in new development.

Issue 1:

Paragraph 73 of the NPPF reads as follows

Local planning authorities should support the development of exception sites for community-led development¹ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:

a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework . A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and

b) be adjacent to existing settlements, proportionate in size to them², not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards

Evaluation

The new NPPF replaces entry level housing on rural exception sites (suitable for first time buyers) with community-led housing which has a specific definition, and which must be truly community led – e.g. by a Community Land Trust.

¹ Community-led developments: A development instigated and taken forward by a not- for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up

² Community led development, exception sites should not be larger than 1 hectare in size or exceed 5% of the size of the existing settlement.

The NPPF makes it clear that Community led housing sites can be allowed on sites that would not be suitable for rural exception sites (although no detail about what these circumstances might be, is given).

The NPPF also introduces the ability for such developments to be cross-subsidised by a proportion of open market housing at the discretion of the District Council where this is 'essential' to enable the delivery of affordable housing without grant funding.

Currently neither Policy ACT3 or paragraph 7.44 refer to Community Led Housing and they will require amending to be consistent with national policy and the requisite Basic Condition.

The Steering Group is proposing the following amendments to Paragraph 7.44:

"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 ~~rural~~ exceptions sites for community-led developments rather than just a focus on delivery from wider development sites. Such sites should still be adjacent to existing settlements and proportionate in size to them. ~~are sites immediately adjacent to but outside of the settlement boundary and are identified for development as an exception to the settlement boundary. Such sites might not ordinarily expect to gain planning permission and are therefore known as 'Exception Sites'~~. Where such developments ~~they~~ 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 such proposals as Community Led ~~Rural~~ Exceptions sites, where it can be demonstrated that they are fulfilling a genuine identified housing need. Such proposals 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 ~~are most successful when that there is evidence of community support and participation in the proposal."~~

The latter part of Policy ACT3 will also require amending, and the Steering Group propose the following amendments to the second part of the policy as suggested below:

Rural Community-led Exception Sites

Where affordable housing is to be provided in the parish on the basis of meeting a proven identified need, ~~including~~ through a community-led development on an ~~rural~~ exception site, proposals ~~such housing~~ should meet all of the following criteria:

- 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*
- The proposed development scheme meets the definition of Community-Led development as set out in Annex 2 of the NPPF*
- There is evidence of community support and participation in the proposal*
- The type of housing proposed meets an identified housing need in the parish (as evidence by a detailed housing needs assessment) and contains one or more types of affordable housing in accordance with the housing mix identified above*
- The proposed housing will remain affordable and available in perpetuity*
- 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.*
- ~~be available for people identified as being in housing need by virtue of being unable to buy or rent properties in the parish at open market prices;~~*

- 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;
- ~~○ be accompanied by a detailed housing needs assessment which demonstrates that a local need exists and that the accommodation proposed will contribute to meeting this proven need, and~~
- The proposed development is ~~be~~ consistent with policies in this plan governing design, appearance, layout, amenity, impacts on the natural and historic environment and highway safety.

Issue 2

Paragraph 164 of the NPPF is a wholly new paragraph and reads as follows:

“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.”

Policy ACT6 of the Neighbourhood Plan provides support for proposals which provide for the future sustainability of the parish and this includes energy efficiency and low carbon measures. New NPPF paragraph 164 introduces the ability to provide policy support for environmental measures for existing buildings, where these require the benefit of planning permission.

The first part of **Policy ACT6** therefore requires amending to reflect this change and the Steering Group propose the following amendments to the first parts of the policy as follows:

Environmental Sustainability

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.

Energy and Water Efficiency

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.

Acton Neighbourhood Plan Steering Group
January 2024

[Ends]

(2) Babergh District Council

Our ref: Acton NP Focused Consultation

Dated: 26 January 2024

From: Planning Policy Team, Babergh District Council

To: Janet Cheesley (Acton NP Examiner)

cc: Andrea Long (NP Consultant), Lee Adams (Acton NP Steering Group), and
Graham Round (Chairman of Acton Parish Council)

Dear Janet, (All)

- 1. Acton Neighbourhood Plan 2022 – 2037 [the Acton NP]**
- 2. Focused consultation following publication of the new NPPF (Dec 2023)**

This response is made for and on behalf of Robert Hobbs (Corporate Manager for Strategic Planning at Babergh & Mid Suffolk District Councils). We ask that it be read in conjunction with our Regulation 16 representation on the above Plan.

This consultation exercise was arranged as a response to the publication of a new National Planning Policy Framework (NPPF) in late December 2023. It asked the following question:

Do any of the changes introduced through the new National Planning Policy Framework (Dec 2023) have implications for the Acton Neighbourhood Plan with regard to it meeting the relevant basic condition test."

Our comments, which are appended to this letter, deal specifically with NPPF paragraphs 73 and 164. These were highlighted as being of particular relevance to the Acton NP. Our comments have also been informed through having sight of the representation from Acton Parish Council [the qualifying body, or QB] prior to the consultation deadline. We thank them for sharing that with us and, as a consequence, it also seems sensible for us to refer directly to the their proposed modifications and only suggest additional changes where we think these might be helpful.

If there are any further questions arising from this response we will respond to those as quickly as possible.

Kind regards,

Paul Bryant
Neighbourhood Planning Officer
Babergh & Mid Suffolk District Councils
T: 01449 724771 / 07860 829547
E: communityplanning@baberghmidsuffolk.gov.uk



Babergh and Mid Suffolk District Councils
Endeavour House, 8 Russell Road, Ipswich, IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk / www.midsuffolk.gov.uk

1. NPPF para 73 - Acton NP Policy ACT3, and paragraph 7.44

The QBs assessment of new paragraph 73 broadly accords with our own. We also noted that a community-led development [CLD] could come forward on an exception site “*that would not be suitable for a rural exception site*” and have pondered over the circumstances in which this distinction might apply. We also felt that it was unclear whether or not the homes provided on a CLD site (excluding any open market homes) should remain affordable in perpetuity.

Our initial thinking re Policy ACT3 was to suggest that this should be left unchanged but to add supporting text to explain that it refers to ‘rural exception sites’ only and to that CLD is a separate delivery method, applications for which will be assessed against NPPF para 73 and JLP policy LP07.

The QB have put forward some proposed modifications to both para 7.44 and to Policy ACT3 so, if the Examiner is minded to accept these as an alternative course of action, may we suggest that following additional amendments might be helpful.

Key: *Deletions proposed by QB shown as ~~xxxx~~. / Additions proposed by the QB shown as xxxx
Deletions proposed by MSDC shown as ~~xxxx~~ / Additions proposed by the QB shown as xxxx*

“Rural 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 rural exceptions sites either through a registered social housing provider or via a for community-led developments rather than just a focus on delivery from wider development sites. ~~Rural Exception Sites are sites immediately adjacent to but outside of the settlement boundary and are identified for development as an exception to the settlement boundary. Such sites might not ordinarily expect to gain planning permission and are therefore known as ‘Exception Sites.’~~ Such sites should still be adjacent to existing settlements and proportionate in size to them. Where they ~~such developments~~ are proposed, justification must be given that demonstrates an identified housing need within the parish ~~and~~ 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. ~~The policy is exceptional in that it allows residential development in areas that would not otherwise be policy compliant. 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 ~~such proposals as Community Led /Rural Exceptions sites~~ Community-led and rural exception housing, where it can be demonstrated that they are fulfilling a genuine identified housing need. ~~Such~~ 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 ~~are most successful when~~ that there is evidence of community support and participation in the proposal.”

And in the latter part of Policy ACT3

~~Rural Exception Sites~~ Exception Site Housing

Where affordable housing is to be provided in the parish on the basis of meeting a proven identified need, ~~including through a community-led development on an~~ rural exception site, the proposal such housing should meet all of the following criteria:

- o 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 proposed proposers of the scheme meets the organisational definition as set out in Annex 2 of the NPPF
- o 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 evidence 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 be available for people identified as being in housing need by virtue of being unable to buy or rent properties in the parish at open market prices;~~
- 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;
- ~~o be accompanied by a detailed housing needs assessment which demonstrates that a local need exists and that the accommodation proposed will contribute to meeting this proven need; and~~
- o The proposed development is ~~be~~ consistent with policies in this and other relevant Plans governing design, appearance, layout, amenity, impacts on the natural and historic environment, and highway safety.

Connected in part to the above, we also suggest that it would be sensible to amend paragraph 7.35, of the Acton NP to put the reference to Local Plan Policy CS19 (dating from Feb 2014) into context:

7.35 Babergh's previously adopted policy position on this subject; Policy CS19 (Affordable homes) in the 2014 Local Plan - requires 35% of all new housing on larger sites, i.e. more than 1-2 dwellings on sites where there was a net gain in dwellings provided, to be affordable. Given that most of the housing completed over the last decade has been on small sites, just under 6% of housing delivered has been *affordable housing*. However, the Tamage Road scheme currently under construction will deliver 35 affordable homes when complete. Therefore; Taking this into consideration, affordable housing delivery equates to around 30% of all new housing in Acton since 2012, according to Babergh's completions figures.

2. NPPF para 164 - Acton NP Policy ACT6

This new paragraph in the NPPF states the LPAs should give significant weight to the need to support energy efficiency and low carbon heating improvements to *existing* buildings, both domestic and non-domestic.

The proposed amendment to the first part of ACT6 set out in the QBs response seems sensible.

Ends

(3) Historic England

By e-mail

Rec'd: 16 January 2024

Subject: Acton Neighbourhood Plan - Focussed Consultation)

Dear Paul,

Thank for inviting Historic England to comment further on the Acton Neighbourhood Plan following the recent amendments to the NPPF.

In response to the question “*Do any of the changes introduced through the new NPPF (Dec 2023) have implications for the Acton NP with regard to it meeting the relevant basic condition test?*” and accompanying guidance note, we do not wish to make any further comment.

Kind regards,

Ross McGivern (he/him)
Historic Places Adviser

East of England Region
Partnerships Team
Historic England | Brooklands
24 Brooklands Avenue | Cambridge | CB2 8BU
Tel: 01223582709
Follow us on Twitter at [@HE_EoE](https://twitter.com/HE_EoE)



Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

(4) Natural England

Date: 24 January 2024
Our ref: 462937
Your ref: Acton Neighbourhood Plan



Mr Paul Bryant
Babergh & Mid Suffolk District Council

BY EMAIL ONLY

communityplanning@baberghmidsuffolk.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1
6GJ
T 0300 060 3900

Dear Mr Bryant

Acton Neighbourhood Plan 2022-2037 – Focused Consultation on basic condition test following publication of new NPPF

Thank you for your consultation on the above dated 15 January 2024.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this consultation.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan and to the following information.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in [Natural England's Standing Advice on protected species](#).

Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission [standing advice](#).

We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.

Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely Sally Wintle, Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](#)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available from [the Association of Local Environmental Records Centres](#) .

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)². Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)³.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](#)⁴ website and also from the [LandIS website](#)⁵, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁶ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁷ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁸), such as Sites of Special Scientific Interest or [Ancient woodland](#)⁹. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁰) or protected species. To help you do this, Natural England has produced advice [here](#)¹¹ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see [Guide to assessing development proposals on agricultural land](#)¹².

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment and should provide net gains for biodiversity in line with the [National Planning Policy Framework](#). If you are setting out policies on new development or proposing sites for development, you should follow the biodiversity mitigation hierarchy and seek to ensure impacts on habitats are avoided or minimised before considering opportunities for biodiversity enhancement. You may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development and how these could contribute to biodiversity net gain and wider environmental goals.

Opportunities for environmental enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to reduce impacts on wildlife.
- Adding a green roof to new buildings.
- Providing a new footpath through the new development to link into existing rights of way.

[Defra's Biodiversity Metric](#) should be used to understand the baseline biodiversity value of proposed development sites and may be used to calculate biodiversity losses and gains where detailed site development proposals are known. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Defra's Biodiversity Metric](#) and is designed for use where certain criteria are met.

Where on site measures for biodiversity net gain are not possible, you should consider off site measures.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision. Natural England's [Green Infrastructure Framework](#) sets out further information on green infrastructure standards and principles
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)¹³).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks or on verges, changing hedge cutting timings and frequency).
- • Planting additional street trees.
- • Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- • Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Defra's Biodiversity Metric](#) and is available as a beta test version.

¹ <http://magic.defra.gov.uk/>

² <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

³ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁴ <http://magic.defra.gov.uk/>

⁵ <http://www.landis.org.uk/index.cfm>

⁶ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

⁸ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

⁹ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹⁰ <https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

¹¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹² <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

¹³ <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space>

(5) Water Management Alliance

By e-mail

Rec'd: 10 January 2024

Subject: RE: Acton N'hood Plan: Focused consultation ends Fri 26 Jan 2024

Good afternoon,

Thank you for your consultation on the above planning application. Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Water Management Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

Kind Regards



Pardip Choat BSc (Hons)

Sustainable Development Officer

Water Management Alliance

dd: 01553 819630 | m: 07831 122718 | e: Planning@wlma.org.uk

Registered office: Pierpoint House, 28 Horsley's Fields, Kings Lynn, Norfolk, [PE30 5DD](postcodes:PE305DD)

t: 01553 819600 | e: info@wlma.org.uk | www.wlma.org.uk

What3Words: [caring.employ.visit](https://www.what3words.com/caring.employ.visit)

WMA members: [Broads Drainage Board](#), [East Suffolk Water Management Board](#), [King's Lynn Drainage Board](#), [Norfolk Rivers Drainage Board](#), [South Holland Drainage Board](#), [Waveney, Lower Yare and Lothingland Drainage Board](#)

In Association with: [Pevensey and Cuckmere Water Level Management Board](#)

Follow us: [Twitter](#) [Facebook](#) [Instagram](#) [LinkedIn](#) [YouTube](#)



Your feedback is valuable to us, we continually review and work to improve our services. If you have any suggestions, recommendations, questions, compliments or complaints, please complete one of our online forms: [Feedback Form](#) | [Complaint Form](#)

The information in this e-mail, and any attachments, is confidential and intended solely for the use of the individual or entity to whom it is addressed. The views expressed in this e-mail may not represent those of the Board(s). Nothing in this email message amounts to a contractual or legal commitment unless confirmed by a signed communication. All inbound and outbound e-mails may be monitored and recorded. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for any litigation. E-mail messages and attachments sent to or from the Water Management Alliance e-mail address may also be accessed by someone other than the sender or recipient, for business purposes.

With our commitment to ISO 14001, please consider the environment before printing this e-mail.

Defenders of the Lowland Environment

[Ends]

(6) Resident – Mr Purser

BDC note: The following e-mail exchange took place with Mr Purser. No further correspondence was received after the 17 January 2024

From: Mr Purser
To: BMSDC Community Planning
Rec'd: 14 January 2024
Subject: RE: Acton N'hood Plan: Focused consultation

Thank you for the suggestion to comment.

I don't think much slips under the radar of Malcolm Rivett.

Past experience of local preferences vs District Council needs have shown that the Council will allow whatever pays the new homes bonus.

I have already suggested to Mr Rivett that the BMSDC Call for Sites is 'cart before horse' when it seems to have leap-frogged the revision of Settlement Hierarchy that was called for by Mr Rivett, to include in the Local Plan. If that won't be due until 2025, it seems to block progress (or, at least, consideration of) the provisions of the BMSDC Joint plan, Part 1. Would you agree, please?

As part of its preparation, you may recall that we published the submission draft Acton NP for consultation between late October and early December 2023. You may also recall our e-mail reminder dated 22 November, in which drew attention to the adoption the previous day of Part 1 of the Babergh & Mid Suffolk Joint Local Plan, and the implications this may have had for the Acton NP meeting one of the basic condition tests against which it would be examined.

I noted that and point out my action taken. Please confirm that I have reacted?

Over the 19th and 20th December 2023, the Government published a revised National Planning Policy Framework (the NPPF). This incorporates a number of changes in response to consultation previously undertaken on the Levelling-up and Regeneration Bill. Of relevance to Acton, basic condition a). requires that all neighbourhood plans must '[have] regard to national policies and advice contained in guidance issued by the Secretary of State.' Consequently, and in conversation with the Examiner, it has been decided that it would be prudent to undertake a period of focused consultation on the Acton NP.

I agree, it would be prudent to reevaluate the Acton Plan. If the Consultant or Committee to the Acton Neighbourhood Plan would like specific comment of the effect of the revised NPPF proposals, they have only to ask.

Kind regards
Mr Purser

* * * * *

From: BMSDC Community Planning
To: Mr Purser
Sent: 17 January 2024 (09:23hrs)
Subject: RE: Acton N'hood Plan: Focused consultation

Dear Mr Purser

Thank you for your e-mail received on 14 January [the above].
In response:

- With regard to your references to Mr Rivett etc., we make no comment. Mr Rivett is not examining the Acton Neighbourhood Plan.
- With regard to your comment about 'my action taken', we confirm receipt of your comments on the Acton Neighbourhood Plan at our Regulation 16 consultation stage (between 23 Oct to 6 Dec 2023), and also that those comments were passed on to the examiner, Ms Cheesley. [See the R16 Reps document published [here](#) and also the response to these from the parish council published [here](#)]
- With regard to your final sentence, that is the purpose of this consultation. Therefore, if you do wish to make specific comments on the effects of the revised NPPF proposal on the Acton Neighbourhood Plan, you should address those to us and submit them by consultation deadline, which is 4:00pm on Friday 26 January 2024.

Yours sincerely

Paul Bryant
Neighbourhood Planning Officer | Planning & Building Control
Babergh & Mid Suffolk District Councils – Working Together

* * * * *

From: Mr Purser
To: BMSDC Community Planning
Rec'd: 17 January 2024 (09:59hrs)
Subject: RE: Acton N'hood Plan: Focused consultation

Thank you for your reply.

My message to Malcolm Rivett was separate and concerned the Babergh-Mid Suffolk Joint Local Plan.

My last para asks if Ms Cheesley would like to comment on the content of that message to Mr Rivett and the potential impact on the Acton Neighbourhood Plan?

I'll comment in more precise terms on the NPPF changes for Ms Cheesley to comment on

Regards,
Mr Purser

[Ends]

(7) Reps response from Acton NP Steering Group

By e-mail

Rec'd: 30 January 2024

To: Janet Cheesley (Acton NP Examiner). Paul Bryant (BMSDC)

cc: *Acton PC, et.al*

Subject: RE: [...] Acton NP Focused Consultation Reps doc

Dear Paul,

Many thanks for passing these through swiftly.

We have looked through the responses and as you identify the only one that required some more detailed discussion is the BDC comments on the ANPSG response. We have considered the matter.

By way of explanation, our suggested changes to our para 73 and ACT 3 are based on the belief that a separate category of (non CLD) Rural Exception Sites will no longer exist whilst your BDC response takes the contrary view. Our suggested changes are consistent with the interpretation that RES's are effectively being subsumed into the newly defined Community Led Developments. It is not entirely clear from the new NPPF drafting what the position is particularly if the NPPF wording is taken in isolation. Your response refers to other instances where the new NPPF text is unclear so it may not be an unusual occurrence.

Given this divergence of interpretation, if the Examiner believes that there will be a future separate category of RES's, then we would accept your (BDC) suggested changes. If not then we wouldn't see them as appropriate.

In addition in respect of para 7.35, we don't in principle object to the proposed changes.

I hope this is helpful

Best wishes

Andrea Long
Consultant to ANPSG

[Ends]