

Babergh District Council

**Aldham  
Neighbourhood Plan  
2018-2036**

**Independent Examiner's Report**

By Ann Skippers MRTPI FRSA AoU

9 September 2019

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## Summary

I have been appointed as the independent examiner of the Aldham Neighbourhood Development Plan.

Aldham is one of the smallest villages in Babergh District. The 2011 Census recorded a population of just 175, a decrease compared with the 2001 Census. In line with other villages, the area is experiencing a decrease in the number of children in the village and an increase in the number of residents aged 65 and over. The Parish relies on services and facilities in nearby Elmsett and Hadleigh.

The Plan has been prepared against the backdrop of an emerging Local Plan. It contains seven policies and focuses on housing.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the intention or overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Babergh District Council that the Aldham Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
9 September 2019



## 1.0 Introduction

This is the report of the independent examiner into the Aldham Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Babergh District Council (BDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> It states that:

- 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.

The examiner is also required to check<sup>3</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>4</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Babergh District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>4</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Preparation of the Plan was launched at a drop-in event on 18 July 2018 alongside leaflets advertising the event and an article in the Elmsett and Aldham Village Newsletter. 48 people attended which is an excellent number.

Pre-submission (Regulation 14) consultation took place between 26 February – 12 April 2019. A further drop-in session and exhibition was held during this period with the opportunity for any questions and so on. Every household was leafleted to advise of the event as well as notification in the Village Newsletter. All documents were available on the Parish Council website and copies available from the Clerk and Parish Council Chair. An online questionnaire was developed for responses.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 28 May – 10 July 2019.

The Regulation 16 stage resulted in eight representations. I have considered all of the representations and taken them into account in preparing my report.

### 4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup>

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations make suggestions for revised or new policies. I feel sure the Parish Council will wish to consider these further in any future review of the Plan.

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

PPG<sup>7</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>8</sup>

After consideration of all the documentation, including the representations received, I decided it was not necessary to hold a hearing and that I have sufficient information to allow me to undertake the examination.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Paul Bryant at BDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 10 August 2019.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

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<sup>7</sup> PPG para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

## 5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Aldham Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### Plan area

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 14 June 2018. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown clearly on page 5 of the Plan.

### Plan period

The Plan period is 2018 – 2036. This requirement is therefore satisfactorily met.

### Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

### Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>9</sup>

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<sup>9</sup> PPG para 004 ref id 41-004-20190509



## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

This Plan was submitted after the 24 January 2019. It is therefore clear that it is the NPPF published in 2019 that is relevant to this particular examination.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>10</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>11</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.<sup>12</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>13</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>14</sup>

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<sup>10</sup> NPPF para 13

<sup>11</sup> Ibid para 28

<sup>12</sup> Ibid

<sup>13</sup> Ibid para 29

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>15</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>16</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>17</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>18</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>19</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan aligns with the NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>20</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>21</sup> The objectives are economic, social and environmental.<sup>22</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>23</sup>

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<sup>14</sup> NPPF para 31

<sup>15</sup> Ibid para 16

<sup>16</sup> PPG para 041 ref id 41-041-20140306

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 040 ref id 41-040-20160211

<sup>19</sup> Ibid

<sup>20</sup> NPPF para 7

<sup>21</sup> Ibid para 8

<sup>22</sup> Ibid

<sup>23</sup> Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement assesses each Plan policy in relation to sustainability.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Babergh Local Plan 2011 – 2031 Core Strategy & Policies (CS) adopted in February 2014 and the saved policies of the Babergh Local Plan Alteration No 2 (LP) adopted in June 2006. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement outlines selected CS policies and saved LP policies alongside the Plan's policies with a commentary on each.

### ***Emerging Joint Local Plan***

BDC with Mid Suffolk District Council are working together to deliver a new Joint Local Plan (emerging JLP) which will cover the period up to 2036. A working draft Regulation 18 Preferred Options Joint Local Plan consultation document was published to accompany a report presented to BDC on 25 June asking Members to approve the document for public consultation later this Summer. At the time of writing the Preferred Options Consultation Document (Regulation 18) is currently out to consultation and this period ends on 30 September 2019.

The emerging JLP now provides information on housing numbers and strategic housing site allocations alongside other policies. Once adopted, it will replace all other policies across the two Districts.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>24</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>25</sup>

The Plan has rightly been produced in parallel with the production of the emerging JLP. While there is no requirement for the Plan to conform to emerging policies, I see no harm in it referencing it. Conformity with emerging plans can extend the life of neighbourhood plans, providing this does not result in conflict with adopted policies. However, the emerging JLP could change and so this should be carefully considered. Some natural updating of the Plan's references to the emerging JLP will also be needed.

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<sup>24</sup> PPG para 009 ref id 41-009-20190509

<sup>25</sup> Ibid

## **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG<sup>26</sup> confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is BDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>27</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Screening Determinations for SEA and HRA of April 2019 have been submitted. These in turn refer to a Screening Report of February 2019 prepared by Place Services.

The Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site lie within 20km of the Plan area. The Plan area lies within the 13km Zone of Influence (ZOI). As a result, the Report concluded that an appropriate assessment (AA) would be needed.

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<sup>26</sup> PPG para 031 ref id 11-031-20150209

<sup>27</sup> Ibid para 001 ref id 65-001-20190722

An AA has been submitted. This concludes that with satisfactory mitigation, in this case a proportionate financial contribution to the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), the Plan “...will not have an adverse effect on the integrity of the Habitats (European) sites...either alone or in combination with other plans and projects”.<sup>28</sup> The HRA Screening Determination confirms this position.

The SEA Screening Determination concludes that a SEA is not needed.

Consultation with the three statutory bodies took place on the Screening Report and the AA. Natural England (NE) responded, but was unable to provide any comments, Historic England and the Environment Agency concurred that a SEA would not be required.

Taking account of the nature and contents of the Plan and the nature and characteristics of the European site, on the basis of the information provided, including the most recent representation from NE, I am of the view that EU obligations in respect of SEA have been satisfied and the prescribed basic condition is complied with.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a detailed statement and assessment on the Plan’s objectives and policies in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented very well and contains seven policies. There is a useful contents page at the start of the Plan.

### **1. Introduction**

This is a helpful and well written introduction to the Plan that sets out general information about neighbourhood plans, contains key information about the Plan and

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<sup>28</sup> SEA and HRA/AA Screening Report February 2019 Place Services page 34

summarises how its evolution. It includes a useful summary of the comments received at the first drop-in event at the inception of the Plan.

## 2. Aldham in Context

Setting out a variety of information, this section gives the context for the Plan. It includes some very useful and clear maps and diagrams.

## 3. Planning Policy Context

This section explains the policy context for the Plan. In the light of the NPPF published in February 2019 and the recent publication of the Regulation 18 Preferred Options Joint Local Plan some natural updating is now required. In particular, it explains that the original consultation retained Aldham's designation in the settlement hierarchy as a 'Hinterland Village'. This proposed designation was contested by the qualifying body.<sup>29</sup> The emerging JLP now proposes Aldham to be a 'Hamlet' in the table accompanying draft Policy SP03 although this may change given the stage the emerging JLP is at. Some natural updating may be required to the Plan in this section.

- **Update Section 3 as required**

## 4. The Plan

A short, but useful section that explains the Plan focuses on housing. This is largely because of the CS and the emerging JLP and the area's general vulnerability to speculative and unplanned housing growth.

It explains the three elements of sustainable development.

It will require some natural updating in relation to strategic environmental assessment and habitats issues as the Plan progresses towards the next stages.

- **Update Section 4 as required to reflect the most recent situation**

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<sup>29</sup> The Plan pages 11 and 12

## 5. Planning Strategy

### Policy ALD1 - Spatial Strategy

The CS takes an economic growth/jobs-led strategy to facilitate and plan for managed growth. It identifies a network of villages clustered around towns and larger villages; a settlement pattern based on functional everyday needs.

CS Policy CS2 identifies Aldham as a 'Hinterland Village' within the functional cluster of Hadleigh. This type of settlement accommodates some development to help meet the needs within the settlement and all proposals are assessed against CS Policy CS11 which in turn refers to CS Policy CS15. Outside these areas, development is only permitted in exceptional circumstances subject to a proven justifiable need.

The preamble to the policy explains that the strategy in the Plan has been to support limited development consistent with the absence of services and facilities, the nature of the local road network and the characteristics of this small village. This broadly accords with the stance of the CS.

As explained earlier, in the more recently published Regulation 18 Preferred Options Joint Local Plan, Aldham is now proposed to be classified as a 'Hamlet'. In such locations appropriate and well-designed development is permitted within the settlement boundary.

A Built Up Area Boundary (BUAB) has been defined. The boundary is based on that predicated in the LP 2006, but has been reviewed to ensure it is still fit for purpose. The emerging JLP also proposes a revised BUAB. There are some minor differences between the two. I consider that the BUAB has been defined appropriately.

The policy defines the new BUAB which is clearly shown on the Policies Map on page 23 of the Plan. However, some amendment to the policy wording is needed to help with clarity.

The policy then focuses development within the BUAB restricting development outside these boundaries unless it is demonstrated that there is an identified local need for the proposal which cannot be located within the boundaries. This broadly reflects the approach in CS Policy CS2. CS Policy CS11 sets out more detailed criteria for the acceptability or otherwise of development. The supporting text to CS Policy CS11 explains that the BUABs defined in the LP 2006 provide a starting point for defining the extent of proposed development and the distinction between built up areas and the countryside.

I am mindful that the opportunity has been taken to review the BUAB. With the modification suggested, the policy will meet the basic conditions.

There is also a minor editing amendment to be made.

As mentioned, this section, and Section 3, refer to the emerging JLP. With the passage of time, some natural updating is now necessary.

- **Amend the first sentence of the policy to read: “The Neighbourhood Plan area will accommodate development commensurate with Aldham’s designation *in the settlement hierarchy and taking into account the specific characteristics of the Plan area including the availability of infrastructure, services and facilities and the local transport network.*”**
- **Delete the word “or” from the second paragraph of the policy**
- **Update Section 5 as required to reflect the most recent situation**

## 6. Housing

The supporting text explains that a key role of the Plan is to identify the amount of new housing to be provided over the Plan period. At the time of preparing the Plan there was limited information available about housing figures. During the course of this period, the NPPF of July 2018 introduced a standard housing methodology and BDC had not indicated any requirement for the Parish. CS Policy CS3 indicated that 1, 050 dwellings would be provided in Core and Hinterland Villages; this CS requirement has already been met.

However, the Plan rightly recognises it covers an additional five years beyond the end date of the CS and so some further growth should be accommodated. Based on information available at the time of writing the Plan, the Parish Council sought to set its own housing figure of 15 new homes including seven already benefitting from planning permission.

With the passage of time, the recently published Regulation 18 Preferred Options Joint Local Plan sets out a minimum housing requirement of 13 new dwellings within the Plan area in the table appended to draft Policy SP04.

The approach taken in the Plan therefore reflects the most up to date position of BDC.

### Policy ALD2 - Housing Development

This overarching policy provides for “around 15” dwellings over the Plan period to come forward through site allocations, subject to separate policies, windfall development and conversions and opportunities outside the BUAB in accordance with the NPPF. It is



clearly written. The policy meets the basic conditions and no modifications are recommended.

### **Policy ALD3 – Land west of Hadleigh Road**

This policy allocates a site for seven single storey dwellings. The site is identified on the Policies Map which is cross-referenced in the policy.

This site already has planning permission (DC/18/00799) and so the site is a commitment. Although permission has been granted for seven units, the policy could include some greater flexibility on the numbers should that permission lapse. The planning permission specifies the dwellings will be single storey. For this reason, the element of the policy can be retained.

The policy sets out a number of detailed criteria for the site's satisfactory development. These cover trees and hedgerows, planning, effect on heritage assets and mitigation in relation to the site's location within the RAMS 13km ZOI which requires all dwellings to make a contribution.

With this modification, the policy will meet the basic conditions.

- **Insert the word “*approximately*” before “seven single storey dwellings...” in the first sentence of the policy**

### **Policy ALD4 – Land north of The Street**

The Plan explains that this site forms part of a larger one submitted to BDC in a 'Call for Sites' that was part of the work undertaken by BDC on the emerging JLP. A representation on behalf of the landowner seeks a larger site to be allocated and offers to work with the Parish Council. There is no need for me to consider this further as the Plan makes provision for the housing identified in the emerging JLP which is the latest available position. The most recent Strategic Housing and Economic Land Availability Assessment (SHELAA) of July 2019 supports the development of five units on a smaller site to that proposed for allocation in this Plan.

The policy allocates the site for five smaller two or three bed dwellings. The site is shown on the Policies Map and the policy should refer to this in the interests of completeness.

The policy restricts development of the site to commence no earlier than 2026. This is made on the basis that planning permission is granted for land west of Hadleigh Road and a desire to see limited and small-scale growth over the whole Plan period.

The allocation is subject to two other criteria; one is to provide new screen planting on the western boundary. Map 5 shows a screen on the northern and eastern boundaries. The area to the northern boundary of the site is described as a “woodland screen”. An objection from the landowner indicates this woodland screening is unachievable and would render the site unviable. It is not entirely clear why this might be.

Having viewed the site, I consider some sort of screening is actually necessary to all three boundaries given the nature of the site and its relationship to the existing pattern of development and to its neighbours; a modification is made in the interests of proper planning and the achievement of sustainable development.

I do however note that Map 5 shows a woodland screen whereas the policy refers to Map 5 being taken into account and new screen planting on the western boundary. There then may be some scope for interpretation and I address this through a modification which makes this element of the policy a little more flexible depending on any scheme which comes forward.

The second criterion requires contributions to the RAMS.

The site is appropriate for development and five units will reflect the scale and character of the linear nature of the settlement and the openness between existing properties. In this case, based on the specific characteristics of the site and having regard to CS Policies CS11 and CS15, and in particular their stance on development and its relationship to the existing pattern of development, together with the latest position on housing numbers, it is appropriate to retain a specific number.

With these modifications, the policy will meet the basic conditions.

- **Add the words “*as shown on the Policies Map*” after “...0.3 hectares” in the first sentence of the policy**
- **Reword the third paragraph of the policy to read: “Detailed proposals for this development should *have* regard to the Site Concept Plan illustrated on Map 5 *and:*”**
- **Reword criterion i) of the policy to read: “provide *appropriate* screen planting of a type to be agreed on the *northern, eastern and western boundaries; and*”**

## **Policy ALD5 – Affordable Housing on Rural Exception Sites**

Reflecting CS Policy CS20 which takes a flexible approach to the location of rural exception sites, such sites are supported outside the BUAB. The NPPF supports the

provision of rural exception sites to enable local needs to be provided for.<sup>30</sup> The policy is clearly worded, it meets the basic conditions and no modifications are recommended.

## 7. Open Space

### Policy ALD6 – Local Green Space

One area of Local Green Space (LGS) is proposed.

The NPPF explains that LGSs are areas of particular importance to local communities.<sup>31</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that LGSs should be capable of enduring beyond the Plan period. Further guidance about LGSs is given in PPG.

I saw at my visit that the area, Pump Green, is in two parts, separated by an access. The area is on the southern side of The Street. Information in the Plan indicates this is Common Land owned by the Parish Council. It is at the heart of The Street and so in close proximity to the community it serves. It contains the Parish Noticeboard.

In my view, the proposed LGS meets the criteria in the NPPF satisfactorily.

The policy is clearly worded. However, it refers to “exceptional circumstances” whereas the NPPF’s policy on LGSs (which is to manage development in LGSs in line with policy for Green Belts) refers to “very special circumstances”. It would provide more of a practical framework for decision making if the policy reflected this language and I do not consider this would change the stance of the policy.

With this modification, the policy will meet the basic conditions.

- **Change the words “...exceptional circumstances...” in the policy to “...very special circumstances...”**

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<sup>30</sup> NPPF para 77

<sup>31</sup> Ibid paras 99, 100 and 101

## 8. Mitigating the Impact of Development on Protected Habitats

### Policy ALD7 – Mitigating the Impact of Development on Protected Habitats

As stated earlier, Aldham is within a 13km ZOI for the Stour and Orwell SPA and Ramsar site. NE's representation states that the Suffolk RAMS is a strategic solution to protect the Suffolk coast from the recreational pressure of a growing population. Financial contributions will be sought for all residential development falling within the ZOI towards a package of measures to avoid and mitigate likely significant adverse effects. In the interim period, before the RAMS is completed, proposals within the ZOI need to carry out a project level HRA and implement bespoke mitigation measures.

NE have provided example wording for inclusion in neighbourhood plans and an example policy. Subject to the inclusion of this policy and its explanatory text, the policy will meet the basic conditions.

- **Change the title of the policy to “Recreational disturbance Avoidance and Mitigation”**
- **Reword the policy:**

***“All residential development within the zones of influence of European sites will be required to make a financial contribution towards mitigation measures, as detailed in the Suffolk Recreational disturbance Avoidance and Mitigation Strategy (RAMS), to avoid adverse in-combination recreational disturbance effects on European sites.***

***In the interim period, before the Suffolk RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level Habitat Regulations Assessments, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.”***

### Policies Map

The maps are clearly presented.

### Glossary

The Plan includes a helpful glossary.

## Appendix

Appendix 1 contains details of the housing calculation. This may not be required any more, but this is not a recommendation I need to make in respect of my remit.

## 8.0 Conclusions and recommendations

I am satisfied that the Aldham Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Babergh District Council that, subject to the modifications proposed in this report, the Aldham Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Aldham Neighbourhood Development Plan should proceed to a referendum based on the Aldham Neighbourhood Plan area as approved by Babergh District Council on 14 June 2018.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
9 September 2019

## **Appendix 1 List of key documents specific to this examination**

Aldham Neighbourhood Plan 2018 – 2036 Submission Plan May 2019

Basic Conditions Statement May 2019

Consultation Statement May 2019

Strategic Environmental Assessment Screening Determination April 2019

Habitats Regulations Screening Determination April 2019

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report February 2019 Place Services

Babergh Local Plan 2011 – 2031 Core Strategy & Policies February 2014

Babergh Local Plan Alteration No. 2 adopted June 2006

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document adopted August 2014

Comments from the Parish Council on Regulation 16 representations

**List ends**