

Assington Neighbourhood Development Plan 2018 – 2036

Independent Examination

First published: 17 November 2020

Last updated: 16 December 2020

Introduction

This document will provide an on-going record of all ‘general’ correspondence during the Assington Neighbourhood Plan examination period between the Examiner (Ann Skippers), the Parish Council (the Qualifying Body or ‘QB’), and Babergh District Council. It will also act as a record of matters raised and the responses to these.

As required, specific documents will continue to be published on the district councils Assington NP webpage: www.babergh.gov.uk/AssingtonNP

Copies of e-mails / letters etc. appearing on the following pages:

- 1. E from Examiner dated 14 Nov 2020: Examination start date, Procedures and question re Joint Local Plan.**
- 2. E to Examiner dated 19 Nov 2020: Response to Reg 19 Joint Local Plan question from the QB and District Council.**
- 3. E from Examiner dated 9 Dec 2020: Questions for clarification.**
- 4. E to Examiner dated 15 Dec 2020: Response from QB and District Council to questions for clarification.**

1. E-mail from Examiner dated 14 November 2020 - Examination start date, Procedures etc.

From: Ann Skippers
To: Paul Bryant (BMSDC)
Fwd to Helen Wallace (Assington PC), Ian Poole (Places4People Ltd)
Dated: 14 Nov 2020
Subject: Examination of the Assington NDP
Attach: Examination Note 1

Dear Paul,

I am writing to confirm that the examination of the Assington NDP will start on Monday 16th November.

I attach a note giving some information about procedure and how the examination will be conducted which I hope you and the QB will find useful. [BDC note: See overleaf]

Whilst writing, I would like to confirm with you whether the QB has had a chance to comment on any or all of the reps made at Regulation 16 stage please? [BDC note: E-copies of Reg 16 representations and the QB's response fwd to the Examiner. The same are also published at: www.babergh.gov.uk/AssingtonNP]

In addition, you have kindly informed me that the Regulation 19 version of the Joint Local Plan has recently been published for consultation. It would be most helpful if you and the QB could comment on whether any implications arise for this particular neighbourhood plan please. [BDC note. See response starting on page 9 below]

Finally, please do not hesitate to get in touch if you or the QB have any queries at any point in the process.

Should there be any queries of clarification, I will of course be in touch and also let you know when to expect a fact check if there are no queries. I am hoping to undertake the site visit as soon as lockdown eases and it is my intention to have the final report with you (all being well and no need for hearings etc.) before Christmas.

Best wishes Ann

Ann Skippers

Examination Note 1

Assington Neighbourhood Plan Independent Examination

Information Note from the Independent Examiner to the Local Planning Authority and Qualifying Body

Further to my appointment to undertake the independent examination of the above Neighbourhood Plan, this note aims to set out how I intend to conduct the examination. My role is to determine whether the Plan meets the basic conditions and other legal requirements.

1. Communications

It is important that the examination process is open and transparent to all interested parties. I hope to ensure that the Parish Council feels part of the process. My main point of contact will be the designated local planning authority contact, Paul Bryant.

Any correspondence (other than that relating to contractual matters) should be published on the local planning authority's website and the Parish Council's website in a timely manner.

If anyone else who is not the designated point of contact gets in touch with me direct, for example a local resident or planning consultant, I will refer them to the local planning authority contact in the first instance.

2. Examination documents

I will access most documents electronically either from the local planning authority's website or on the Parish Council website or any dedicated Neighbourhood Plan website. If I have any trouble finding or accessing any documents, I will let you know so that these can be provided to me. The local planning authority has provided me with a paper copy of the Plan itself, the representations received at the submission (Regulation 16) stage and other documents which is most helpful.

It would be also helpful, if not already done, if the local planning authority could confirm the adopted development plan and any saved policies. In addition, if there are any emerging development plans, details of the stages reached and future programmes would be appreciated. In both cases, please direct me to relevant parts of your website or let me know how I can access the documents that you identify.

3. Late representations

As a general rule of thumb I will not accept late or additional representations. The only time when I will consider accepting a representation submitted after the consultation period has ended is in those cases where there has been a material change in circumstances since the six week consultation period has ended. For example, national planning policy changes or a judgement may be handed down from the Courts. In these circumstances anyone wishing to introduce new evidence should fully justify why and in the case of substantial documents, indicate which parts of the document are relevant and why.

However, if a meeting or hearing is held, there may be further opportunities for comments to be made at my request to assist me in ensuring adequate examination of an issue.

4. Clarification procedures

Once I have read all the papers, I may at any time during the examination seek written clarification of any matters that I consider necessary. The usual time for response to any clarification queries is one to two weeks.

I must emphasise that this does not mean I will accept new evidence. In the interests of fairness to other parties, I cannot accept any new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest it is sent to the local planning authority in the first instance for their advice on this point.

Any request for clarification and any response should be published on the relevant Council websites.

If I find that there are significant issues which may prevent the Plan meeting the basic conditions I will let you know during the course of the examination as soon as I can so that options on how to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of correspondence, if it would be helpful to hold a meeting between the local planning authority, the Parish Council and I together with any other relevant organisations or individuals, I will suggest this and be in touch to make suitable arrangements. Any such meeting will be held in public.

5. Visit to the Plan area

I will be visiting the Plan area during the examination. The visit will help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on my visit. If however, I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

If I am 'spotted' during my visit, I would appreciate it if I am not approached, but allowed to continue my visit unheeded.

6. Examination timetable

The main determinants of how long the examination will take are firstly the number and complexity of the policies in the Neighbourhood Plan, the clarity of supporting documentation and evidence and the number and nature of any representations.

It may be there is very little correspondence from me during the examination. I will however endeavor to keep you updated on the progress of the examination. Please do not hesitate to contact me if you wish to know progress and have not heard from me.

7. The need for a hearing

I am proceeding on the basis that this examination can be conducted without the need for a hearing as this is the 'default' position. At any time before I issue my final report I may call a hearing if I consider this is necessary to ensure adequate examination of any issue or to allow a person a fair chance to put a case.

If I feel a hearing is necessary, I will let you know as early as possible. If I do intend to hold a hearing, I will let you know about procedure and will be in touch to make suitable arrangements at that time.

The period of notice for hearings is not prescribed, but typically 21 days' notice is given.

In present circumstances it is likely that any meetings or hearings would be carried out remotely.

8. The 'Fact Check' stage

A confidential draft of my report will be sent to the local planning authority and Parish Council to allow an opportunity for both parties to check whether there are any factual errors such as dates, sequence of events, names and so on. This is not an opportunity for further representations to be made to me. A period of a week or so is usually set aside for this purpose.

I usually find it helpful if the local planning authority collates its own comments with those of the Parish Council into a single response or both separate responses are sent to me at the same time.

I will endeavor to issue my final report shortly after the fact check stage.

9. Procedural questions

I hope this information is helpful. If the local planning authority or Parish Council have any questions relating to the examination process, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent Examiner Director,
Ann Skippers Planning

[Ends]

2.. E-mail to Examiner dated 19 Nov 2020 - Response to Reg 19 Joint Local Plan question from the QB and District Council.

From: Paul Bryant (BMSDC)
To: Ann Skippers
Cc: Helen Wallace & Andrew Hill (Assington PC), Ian Poole (Places4People Ltd)
Dated: 19 Nov 2020
Subject: Re: Examination of the Assington NDP
Attach: Response to Question concerning Joint Local Plan

Dear Ann,

cc: Helen Wallace & Andrew Hill (Assington Parish Council), Ian Poole (Places4People Ltd)

Your e-mail dated 14 November refers. In this you invite both the QB and District Council to comment on whether there are any implications arising from the publication of the Regulation 19 Joint Local Plan [Reg 19 JLP] for this particular Neighbourhood Plan. The QB have kindly provided me with their written response which is attached. [\[BDC note: See next page\]](#)

The District Council are of the opinion that there are no specific implications arising for this Neighbourhood Plan (NP) following publication of the Reg 19 JLP. Assington's status as a Hinterland Village within the Settlement Hierarchy is confirmed [policy SP03] and the minimum housing requirement currently remains unchanged at 38 dwellings [policy SP04].

While the JLP does not specifically refer to the planning approvals granted since 1 April 2018; and as consequence does significantly revised the requirement figure the this NP area upwards, we do recognise that those permissions, together with the small allocation made at policy ASSN8, mean that this NP now makes provision for around 67 dwellings over the plan period.

On the issue of inconsistency between settlement boundaries, the annotated map provided in the QBs response is helpful. Ideally, both NP and JLP boundaries should complement each other. The opportunity still exists for this Council to review and, as appropriate, address this through the JLP examination process.

We trust that both the QB's and our response are helpful.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

Copy of 'Response to Question concerning Joint Local Plan' received from Assington PC on 18 Nov 2020

Dear Paul

Please find attached the Parish Council's response to the Examiner's initial question concerning the implications of the Reg 19 Joint Local Plan on the submitted Assington Neighbourhood Plan. I hope the Examiner will find it helpful?

Kind regards

Ian Poole

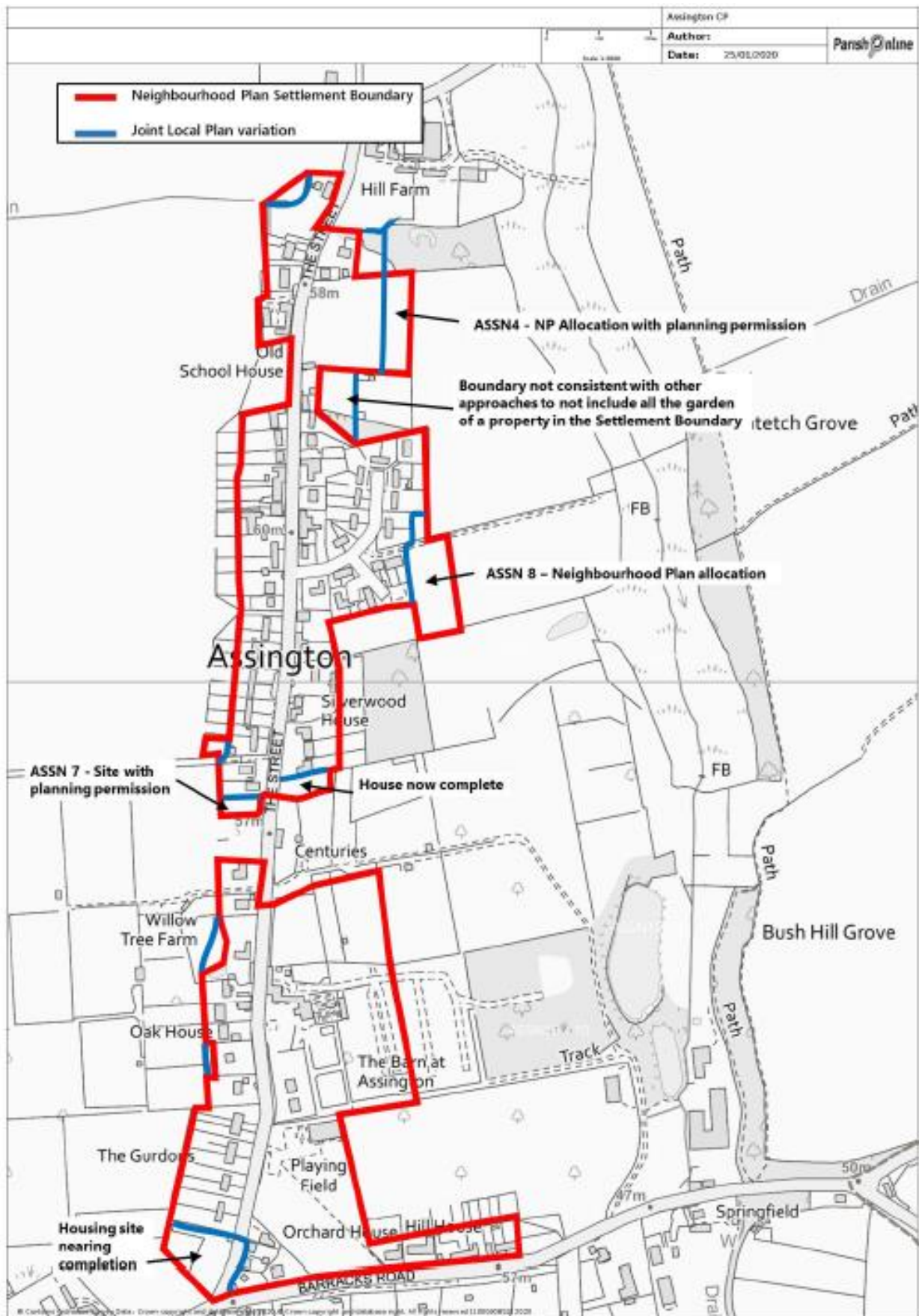
(cc: Helen Wallace, Andrew Hill)

Assington Neighbourhood Plan

Response from Qualifying Body to initial question raised by Examiner concerning the implications of the Regulation 19 version of the Joint Local Plan on the Neighbourhood Plan.

The Neighbourhood Plan has been prepared to have regard to the content of the Preferred Options Draft Joint Local Plan (August 2019). The publication of the Pre-Submission Joint Local Plan for consultation in November 2020:

- 1 confirms Assington's place in the Settlement Hierarchy as a Hinterland Village;
- 2 sets, in Table 04, a minimum housing requirement of 38 dwellings and that all of these had planning consent at 1 April 2018. This figure does not acknowledge the considerable number of additional permissions in village since 1 April 2018, as noted in Appendix C of the Neighbourhood Plan. Policy ASSN2 makes provision for around 67 additional dwellings and therefore is in accordance with Table 04 of the Joint Local Plan in that it delivers in excess of the minimum housing requirement;
- 3 does not acknowledge the status of the Neighbourhood Plan; and
- 4 has significant variations between the Neighbourhood Plan Settlement Boundary and the Local Plan Settlement Boundary. We have attempted to explain the most significant variations on the map below.



[Ends]

3. E from Examiner dated 9 Dec 2020: Questions for clarification.

From: Ann Skippers
To: Paul Bryant (BMSDC)
Fwd to Helen Wallace (Assington PC), Ian Poole (Places4People Ltd)
Dated: 9 Dec 2020
Subject: Questions from the Examiner
Attach: Questions of Clarification from the Examiner

Dear Paul,

I am making good progress with the above examination and have nearly completed my assessment, but have not yet been able to visit the area. However, some matters have arisen on which I would be grateful for your kind assistance and that of the Parish Council.

A number of queries of a factual nature or matters on which I seek further clarification or information have arisen during my review of the Neighbourhood Plan. Subject to the satisfactory resolution of these issues, I do not consider at this stage that a hearing will be needed, but this will depend on the information provided. It is not unusual at all for me to have a few queries or to ask for some further information so I'd like to reassure the Parish Council that this is quite 'normal'.

I would be most grateful if both Councils as appropriate would respond to these queries which are detailed in the attachment [\[BDC note: see copy of questions below\]](#) . I have sent you this in word format so that some of the answers may be easily added in to it if you so wish.

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. I would like to ask that you come back to me by close of business on **Friday 18th December** which I hope is a reasonable length of time for the queries to be considered and for any liaison between BDC and the PC as needed to take place. However, with circumstances as they are, and given the nature of the queries, if more time is needed please let me know and of course if things come back to me sooner, that's great. I am still hoping that I can have a draft report with you by the time we break for Christmas.

It would be very helpful to me if all the answers could be collated together and that just one bundle of responses is sent to me by you.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites. I anticipate you will forward this email on to the Parish Council as soon as reasonably practicable, but copied in in any case.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kind regards

Ann Skippers
Independent Examiner

Assington Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and BDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Policies ASSN3 – ASSN8 allocate sites. Are any of the sites now under construction? Do the site boundaries indicated match the associated planning application sites (where this is applicable)?
2. Policy ASSN15 Local Green Spaces proposes the designation of ten spaces. One of the criteria for designation in the National Planning Policy Framework (paragraph 100) is that the green space is “local in character and is not an extensive tract of land”.

A number of the proposed Local Green Spaces lie adjacent to each other and so together form a large area. I have not yet been to visit the area, but feel it useful to highlight this issue to you and to ask whether the Parish Council wish to reconsider the areas put forward or to put forward a different way of dealing with the area concerned, for example through a new specific policy. Any changes to the submitted Plan would of course have to be considered in the light of the need for additional public consultation depending on what those revisions might be.

3. Does Policy ASSN16 Biodiversity have some missing text at the end of criterion i)?
4. A number of issues arise in relation to Policy ASSN19 Design Considerations;
 - a. The policy refers to the Development Design Checklist in Appendix B, but this is different to the Design Guidelines produced by AECOM and their similar section 4.15 on page 44 of that document. Is this intentional? If so, why?
 - b. Criterion c. of the policy refers to important open, green or landscaped area identified on the Policies Map; is this right - are they identified on the Policies Map? How should this be remedied if needs be?
 - c. Criterion d. ii. refers to important landscape characteristics; how and where are these identified?
 - d. Criterion g. refers to standards; please let me know which standards and where I might find them.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,
Ann Skippers (Independent Examiner)
9 December 2020

4. E to Examiner dated 15 Dec 2020: Response from QB and District Council to questions for clarification.

From: Ian Poole (Places4People Ltd)
To: Ann Skippers, Paul Bryant (BMSDC)
Cc: Helen Wallace (Assington PC)
Dated: 15 Dec 2020
Subject: Re: Examination of the Assington NDP
Attach: Assington PC Response to Question of Clarification

Dear Ann

Further to your email and questions on the Assington NP, please find attached [[BDC Note: copied below](#)] the Parish Council's response to all the questions. Given the content of the questions, we don't think that there are any matters that Paul at Babergh needs to respond to as we have confirmed that status of development on the housing sites and boundaries of the planning permissions in our response.

Please don't hesitate to contact us further should you require any further information that will help conclude the Examination.

Kind regards

Ian Poole
(Places4People Ltd)

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Assington Neighbourhood Plan Examination

[Assington PC response to Questions of clarification from the Examiner to the Parish Council and BDC](#)

Thank you for raising the questions, below, on the Neighbourhood Plan. The response of the Parish Council is set out in blue against the question. We hope that this helps to clarify matters and will enable the conclusion of the Examination.

Places4People Planning Consultancy on behalf of Assington Parish Council – 15 December 2020

1. Policies ASSN3 – ASSN8 allocate sites. Are any of the sites now under construction? Do the site boundaries indicated match the associated planning application sites (where this is applicable)?

[ASSN3 – Under construction](#)
[ASSN4 – Construction at or near completion](#)
[ASSN5 – First phase \(i.e. 1 house\) under construction](#)
[ASSN6 – Not commenced](#)
[ASSN7 – Construction at or near completion](#)
[ASSN8 – No planning permission](#)

[In the cases of ASSN3-7, the site boundaries match the associated planning application sites.](#)

2. Policy ASSN15 Local Green Spaces proposes the designation of ten spaces. One of the criteria for designation in the National Planning Policy Framework (paragraph 100) is that the green space is “local in character and is not an extensive tract of land”.

A number of the proposed Local Green Spaces lie adjacent to each other and so together form a large area. I have not yet been to visit the area, but feel it useful to highlight this issue to you and to ask whether the Parish Council wish to reconsider the areas put forward or to put forward a different way of dealing with the area concerned, for example through a new specific policy. Any changes to the submitted Plan would of course have to be considered in the light of the need for additional public consultation depending on what those revisions might be.

The comments are noted but it is our view that, although the Local Green Spaces are adjoining, the character of the individual areas is very different and in their own right meet the NPPF guidelines. Clearly it is for you examining the Plan to determine this once you have visited the Plan Area.

3. Does Policy ASSN16 Biodiversity have some missing text at the end of criterion i)?

Criterion i) should read “the benefits of the development proposal must be demonstrated clearly to outweigh any impacts; and”

4. A number of issues arise in relation to Policy ASSN19 Design Considerations;

- a. The policy refers to the Development Design Checklist in Appendix B, but this is different to the Design Guidelines produced by AECOM and their similar section 4.15 on page 44 of that document. Is this intentional? If so, why?

We have produced a list, at the end of this response, that identifies the differences. There appears to have been an editing error when preparing the Plan and the matters that should and should not have been included in the published Plan are identified accordingly.

- b. Criterion c. of the policy refers to important open, green or landscaped area identified on the Policies Map; is this right - are they identified on the Policies Map? How should this be remedied if needs be?

They are not identified on the Policies Map. The reference was an error, and it might be appropriate to delete the reference and for planning applications to be determined having regard whether they would result in the loss of an important open space, green or landscaped area. Note the inclusion of “space” as a suggestion for clarity.

- c. Criterion d. ii. refers to important landscape characteristics; how and where are these identified?

The nature of the landscape of the Plan Area is such that there are so many it would be difficult to map or record. It is considered that each application would be considered in relation to the potential impact on such features on the site.

- d. Criterion g. refers to standards; please let me know which standards and where I might find them.

This wording is consistent with the policy wording in the Drinkstone Neighbourhood Plan that has been through examination. The standards would be those used by the County Highways Department for the design of new accesses onto the highway and adoption of new highways in development.

Additional matters that should be deleted **Omission that should have been included**

Street Grid and Layout

- Does it favour accessibility and connectivity over cul-de-sac models? If not, why?
- Do the new points of access and street layout have regard for all users of the development; in particular pedestrians, cyclists, and those with disabilities?
- What are the essential characteristics of the existing street pattern? Are these reflected in the proposal?
- How will the new design or extension integrate with the existing street arrangement?
- Are the new points of access appropriate in terms of patterns of movement?
- Do the points of access conform to the statutory technical requirements?

Local Green Spaces, Views and Character

- What are the particular characteristics of this area which have been taken into account in the design; i.e. what are the landscape qualities of the area?
- Does the proposal maintain or enhance any identified views or views in general?
- How does the proposal affect the trees on or adjacent to the site?
- Has the proposal been considered in its widest context?
- Has the impact on the landscape quality of the area been taken into account?
- In rural locations, has the impact of the development on the tranquillity of the area been fully considered?
- How does the proposal affect trees on or adjacent to the site?
- How does the proposal affect the character of a rural location?
- How does the proposal impact on existing views which are important to the area and how are these views incorporated in the design?
- Can any new views be created?
- Is there adequate amenity space for the development?
- Does the new development respect and enhance existing amenity space?
- Have opportunities for enhancing existing amenity spaces been explored?
- Will any communal amenity spaces be created? If so, how will this be used by the new owners and how will it be managed?

Gateway and Access Features

- What is the arrival point, how is it designed?
- Does the proposal maintain or enhance the existing gaps between villages?
- Does the proposal affect or change the setting of a listed building or listed landscape?
- Is the landscaping to be hard or soft?

Buildings Layout and Grouping

- What are the typical groupings of buildings?
- How have the existing groupings been reflected in the proposal?
- Are proposed groups of buildings offering variety and texture to the townscape?
- What effect would the proposal have on the streetscape?
- Does the proposal maintain the character of dwelling clusters stemming from the main road?
- Does the proposal overlook any adjacent properties or gardens? How is this mitigated?

[Cont./]

Building Line and Boundary Treatment

- What are the characteristics of the building line?
- How has the building line been respected in the proposals?
- Have the appropriateness of the boundary treatments been considered in the context of the site?

Building Heights and Roofline

- What are the characteristics of the roofline?
- Have the proposals paid careful attention to height, form, massing, and scale?
- If a higher than average building is proposed, what would be the reason for making the development higher?

Household Extensions

- Does the proposed design respect the character of the area and the immediate neighbourhood, or does it have an adverse impact on neighbouring properties in relation to privacy, overbearing, or overshadowing impact?
- Is the roof form of the extension appropriate to the original dwelling (considering angle of pitch)?
- Do the proposed materials match those of the existing dwelling?
- In case of side extension, does it retain important gaps within the street scene and avoid a 'terracing effect'?
- Are there any proposed dormer roof extensions set within the roof slope?
- Does the proposed extension respond to the existing pattern of window and door openings?
- Is the side extension set back from the front of the house?

Building Materials and Surface Treatment

- What is the distinctive material in the area, if any?
- Does the proposed material harmonise with the local material?
- Does the proposal use high quality materials?
- Have the details of the windows, doors, eaves, and roof been addressed in the context of the overall design?
- Do the new proposed materials respect or enhance the existing area or adversely change its character?

Car Parking Solutions

- What parking solutions have been considered?
- Are the car spaces located and arranged in a way that is not dominant or detrimental to the sense of place?
- Has planting been considered to soften the presence of cars?
- Does the proposed car parking compromise the amenity of adjoining properties?
- **Have the need of wheelchair users been considered?**

Architectural Details and Contemporary Design

- Does the proposal harmonise with the adjacent properties? This means that it follows the height, massing, and general proportions of adjacent buildings and how it takes cues from materials and other physical characteristics.
- Does the proposal maintain or enhance the existing landscape features?
- Has the local architectural character and precedent been demonstrated in the proposals?
- If the proposal is a contemporary design, are the details and materials of a sufficiently high enough quality and does it relate specifically to the architectural characteristics and scale of the site?

From: Paul Bryant (BMSDC)
To: Ann Skippers,
Cc: Helen Wallace & Andrew Hill (Assington PC), Ian Poole (Places4People Ltd)
Dated: 15 Dec 2020
Subject: Re: Examination of the Assington NDP

Dear Ann, (All)

We have read the QBs response to your queries and have little to add.

The Groups local knowledge of the progress of the allocated sites (ASSN3 to ASSN7) is particularly helpful. Given that some are described as “*at or near completion*”, you may consider it appropriate to recommended the deletion of the relevant policies and for the site just be identified as an existing commitment.

On Local Green Spaces, we note both your concerns and the QBs response. From the Consultation Statement (PDF pages 65 to 67) you will see that some changes have already been made in response to comments we made at the Reg 14 Pre-submission stage. Should this matter need further exploration once you have carried out your site visit, we will provide what assistance is needed.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

[Ends]