

Babergh District Council



Bentley Neighbourhood Development Plan

Proposed Significant Modifications Consultation Responses

On the 12 July 2022, at the request of the Independent Examiner, Babergh District Council carried out a focused two-week consultation on proposed significant modifications to the submission draft version of the Bentley Neighbourhood Plan. The consultation ended on Wednesday 27 July 2022.

The proposed modifications would see the deletion of the housing supply and housing allocation policies from the Plan, specifically policies BEN 1 to BEN 4. Further details were set out in the [Consultation Letter](#).

Ten organisations / individuals submitted written responses. They are listed below and copies of their representation are attached.

Ref No.	Consultee
(1)	Bentley Parish Council
(2)	Suffolk County Council
(3)	Natural England
(4)	Highways Agency
(5)	Water Management Alliance
(6)	Marine Management Organisation
(7)	James Bailey Planning Ltd (obo Denbury Homes)
(8)	CODE Development Planners Ltd (obo Mr D E Baker)
(9)	Resident - Davies
(10)	Resident - Osbon

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(1) BENTLEY PARISH COUNCIL

Bentley Parish Council

Examination of Bentley Neighbourhood Plan

Response to Focused Consultation on Proposed Significant Modifications to the Bentley NDP – July 2022

This note forms Bentley Parish Council's formal response to the Focused Consultation on Proposed Significant Modifications to the Bentley NDP. The Modifications, if confirmed, would result in the deletion of policies BEN 1, BEN 2, BEN 3 and BEN 4 and the supporting text for these policies from the Submission Draft version of the Bentley Neighbourhood Plan.

The Parish Council's response to this consultation is set out below.

i. Deletion of Policy BEN1

The Parish Council notes that the consultation letter states the net result of the deletion of Policies BEN 1, BEN 2, BEN 3 and BEN 4 would mean that the Bentley NP would not deal with housing supply [housing numbers etc.] or contain any housing site allocations.

The Parish Council questions the appropriateness of deleting Policy BEN1. The policy sets out the spatial strategy for the location of all development in the Neighbourhood Area and not just housing. It has the effect of bringing the Settlement Boundary up-to-date, a matter that has been addressed and acknowledged in recently examined and made neighbourhood plans across Babergh and Mid Suffolk. It sets out an approach to the consideration of new development which more accurately reflects that of strategic Policy SP03 of the emerging Joint Local Plan (which we understand has not raised significant concerns from the Local Plan Inspectors).

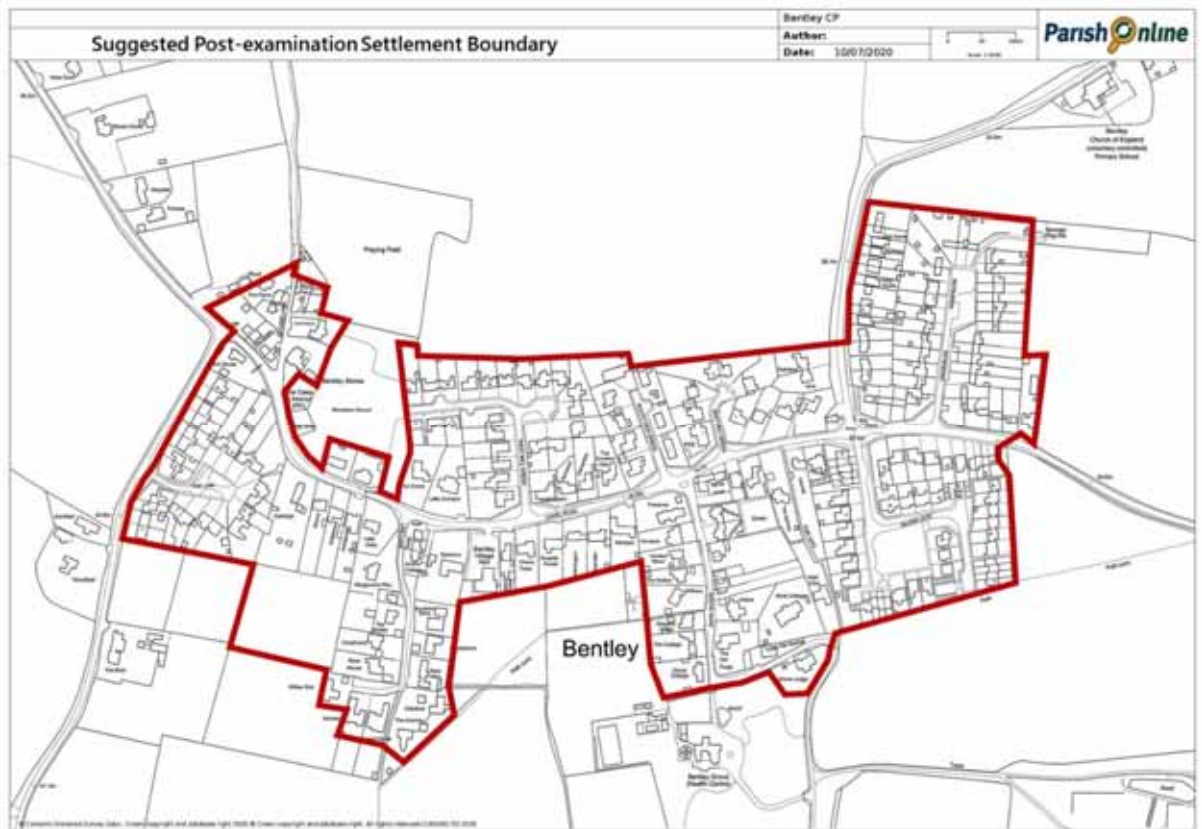
We draw the Examiner's attention to the Local Plan Inspectors' letter to Babergh and Mid Suffolk District Council dated 9 December 2021 in which they state that a review of the Settlement Hierarchy and new housing allocations should take place and form a future Part 2 of the Joint Local Plan. The content of the Inspectors' letter does not imply that Policy BEN1 should be deleted from the Neighbourhood Plan in order to meet the Basic Conditions. We believe that the Policy as submitted can stand alone and, as demonstrated in the Basic Conditions Statement, is in conformity with the strategic policies of the adopted development plan.

We demonstrate this below:

Policy wording	Reasoning for why this element meets the Basic Conditions
The Neighbourhood Plan area will accommodate development commensurate with Bentley's	This element of the policy applies to all development proposals and not just housing.

designation in the District's settlement hierarchy.	It does not imply compliance with any particular development plan document.
The focus for new development will be within the Settlement Boundary, as defined on the Policies Map.	This reflects the content of the strategic policies in both the adopted Babergh Core Strategy and Policy SP03 of the emerging Joint Local Plan. Again, it applies to all development proposals and does not state that it only applies to housing proposals.
Proposals for development located outside the Settlement Boundary will only be permitted where they are in accordance with national and District level policies or in compliance with Policy BEN5.	The wording in this policy, which is consistent with that of recently made Plans across Babergh district, applies to all development proposals regardless of what development plan policies are in place at the time of being applied.

The benefit of the retention of Policy BEN1 is that an up-to-date Settlement Boundary would be defined in a development plan document, rather than reverting to that contained in the 2006 Babergh Local Plan. Again, this is an approach that has been confirmed in recently made neighbourhood plans. The Parish Council suggests that, given the proposed deletion of Policy BEN4 and the status of the site allocated in Policy BEN3, the Settlement Boundary on the Policies Map and which would be referred to in Policy BEN1 would be as illustrated below.



On the basis of the above, and in consideration of recently made neighbourhood plans in Babergh and Mid Suffolk, the Parish Council considers that Policy BEN1 should be retained in the Bentley Neighbourhood Plan.

ii. Deletion of Policy BEN2

The Parish Council recognises that the housing requirement for Bentley that forms the basis of Policy BEN2 now has no status given the content of the Inspectors' letter dated 9 December 2021 referred to above. On this basis, there is no requirement for the Neighbourhood Plan to identify how this requirement would be met.

Regardless of the status of the emerging Joint Local Plan and the content of Policy SP04, as has been demonstrated in Appendix A of the submitted Neighbourhood Plan and taking account of planning consents for a net additional dwellings approved since 1 January 2021, the minimum requirement set out in Table 04 of the emerging Joint Local Plan has already been met.

Given the circumstances with the status of the Joint Local Plan, the Parish Council supports the deletion of Policy BEN2.

iii. Deletion of Policy BEN3

Since the Neighbourhood Plan was submitted, some of the conditions of outline planning consent B/17/00003 have been discharged in application reference DC/21/01028.

Given that the development of the site appears certain, the Parish Council agrees that Policy BEN3 should be deleted from the Neighbourhood Plan.

iv. Deletion of Policy BEN4

Given the status of the emerging Joint Local Plan and the housing requirements for the Neighbourhood Area, as referred to above, the Parish Council agrees that the site allocation in Policy BEN4 should be deleted.

Bentley Parish Council

July 2022



Date: 27 July 2022
Enquiries to: Georgia Teague
Tel: 01473 265054
Email: georgia.teague@suffolk.gov.uk
neighbourhoodplanning@suffolk.gov.uk

Babergh District Council
Endeavour House,
8 Russell Road,
Ipswich
IP1 2BX

Dear Mr Bryant and Mr Hobbs,

Significant Modifications of the Bentley Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the modifications to Bentley Neighbourhood Plan.

We are supportive of Parish Council and the Examiner's desire for the removal of the housing-specific policies of the Bentley Neighbourhood Plan, following the issues regarding housing numbers and allocations in the Joint Local Plan.

We agree with the Parish Council, and believe that Policy BEN1 Spatial Strategy should be retained as part of the Neighbourhood Plan.

The Spatial Strategy policy indicates that new development should be contained within the new settlement boundary as indicated in Map 4, which is the most up to date version of this boundary line. The existing Settlement Boundary is from the 2007 Adopted Babergh Local Plan, and is now somewhat outdated.

Policy BEN1 and Map 4 is a more accurate depiction of the Settlement Boundaries, and thus should be retained in the plan.

I hope that these comments are helpful. SCC is always willing to discuss issues or queries you may have.

If there is anything that I have raised that you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

Georgia Teague
Planning Officer
Growth, Highways, and Infrastructure

(3) NATURAL ENGLAND

Date: 27 July 2022
Our ref: 400226



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Babergh District Council
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BY EMAIL ONLY

Dear Paul Bryant

Bentley Neighbourhood Plan – Proposed Significant Modifications to Housing Policies

Thank you for your consultation on the above dated 12 July 2022

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 draft neighbourhood plan.

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

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

Yours sincerely

Dominic Rogers
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 [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. 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](#)⁴.

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](#)⁵ website and also from the [LandIS website](#)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ 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.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

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](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. 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](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² 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 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, 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. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- 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 encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

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.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, 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).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

(4) HIGHWAYS AGENCY

E from: PlanningEE@nationalhighways.co.uk
Rec'd: 20 July 2022
Subject: Bentley NP - Significant Mod's consultation

Dear Sir/Madam

Thank you for consulting National Highways on the above Neighbourhood Plan.

National Highways is a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN).

We have reviewed the proposed modifications for the Bentley Neighbourhood Plan and consider the deletion of Policies BEN1, BEN2, BEN3 and BEN4 are unlikely to have an impact on the operation of the trunk road and we offer **No Comment**.

Kind Regards

Alice Lawman MRTPI

Assistant Spatial Planner

Operations (East) | National Highways

Woodlands | Manton Lane | Bedford | MK41 7LW

Mobile: +44 (0)7874 884387

Web: www.nationalhighways.co.uk

For any planning related matters please email PlanningEE@nationalhighways.co.uk

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National Highways Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF |

<https://nationalhighways.co.uk> | info@nationalhighways.co.uk

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(5) WATER MANAGEMENT ALLIANCE

E from: Planning <planning@wmla.org.uk>

Rec'd: 15 July 2022

Subject: RE: Bentley NP - Significant Mod's consultation (ends Wed 27 July 2022)

Good afternoon,

Thank you for consulting with East Suffolk Internal Drainage Board on the Significant Proposed Modifications to The Bentley Neighbourhood Plan 2018 – 2037. I can confirm that the parish of Bentley is not within the Board's Internal Drainage District or the watershed catchment, therefore the Board has no comments to make.

Kind Regards,

Ella



Ella Thorpe BSc (Hons.), MSc, GradCIWEM

Sustainable Development Officer

Water Management Alliance

t: 01553 819630 | ella.thorpe@wlma.org.uk

Registered office: Kettlewell House, Austin Fields Industrial Estate, King's Lynn, Norfolk, PE30 1PH

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

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

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[Ends]

(6) Marine Management Organisation

E from: Lucinda Robinson
cc: SM-MMP-Consultations (MMO)
Rec'd: 27 July 2022
Subject: RE: Bentley NP - Significant Mod's consultation

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our

[online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325

Lucinda Robinson, MSc (She/Her) | Marine Planner | Marine Management Organisation

+ [Nobel House | 17 Smith Square | London | SW1P 3JR]

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Date: 25th July 2022

Our Ref: 22.014

Rob Hobbs
Corporate Manager – Strategic Planning
Babergh and Mid Suffolk District Councils
Endeavour House
Ipswich

Sent via Email: communityplanning@baberghmidsuffolk.gov.uk

Dear Sir or Madam,

Submission Draft Bentley Neighbourhood Plan 2018-2037 – Focused Consultation

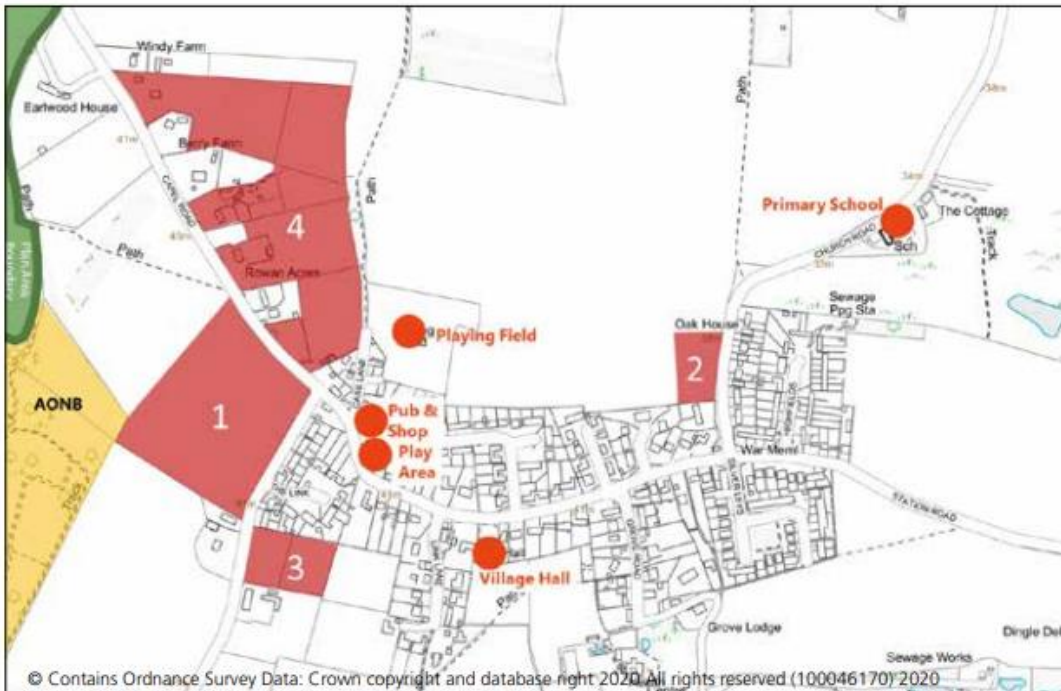
James Bailey Planning Ltd. have been instructed by Denbury Homes to respond to the above consultation.

We understand Babergh District Council are conducting a focused two-week consultation on a proposed significant modification to the Bentley Neighbourhood Plan to delete policies BEN 1, BEN 2, BEN 3 and BEN 4 and the supporting text for these policies from the Submission Draft version of the Plan. The net result of this would mean that the Bentley NP would not deal with housing supply [i.e. housing numbers etc.] or contain any housing site allocations. We note that the consultation ends Wednesday 27th July 2022.

Denbury Homes (then as Hopkins & Moore), previously submitted a site for consideration known as “Land South of Station Road, West of Bergholt Road, Bentley”, to both the District Council’s Strategic Housing Land Availability Assessment and Call for Sites as part of the Neighbourhood Plan process. The site was previously known as “Site 1” within the Neighbourhood Plan evidence, and was reduced in size to address local concerns.

Having read and reviewed the background material and further evidence, we provide the following response.

Denbury Homes previously submitted the site known as Site 1 within the Neighbourhood Plan evidence, which had been reduced in size to address concerns associated with the AONB and extent of surface water flooding. Unfortunately, the site has not been incorporated into the emerging Neighbourhood Plan, and instead it appears that the original SHELLA assessment has influenced the Neighbourhood Plan process, when pragmatic planning would have led to consideration of the site as an optimum location for future growth in the village.



Village layout showing potential sites – identifying the previous Site 1 area

The revised site area respects the edge of settlement location and allows for the provision of a new landscaped edge to the west of the village, thereby providing a visual and physical containment and separation from the countryside of the AONB beyond.



Revised Site 1 – showing reduced area and indicative layout.

The Parish Council state that part of the reason they are no longer allocating sites is due to weighty objections received in respect of the allocation known as the Fruit Farm site, because they are not certain the site can connect to PROW (FP 55) and the footway on Capel Road. However, the Parish Council in their response to representations to the Regulation 16 Consultation Stage stated that Case Lane is a PROW, and although the adjacent land ownership is disputed, it can be left as a matter for the developer to explore. We are therefore not sure that this reason for deletion of allocations is robust.

Deleting the allocations and housing requirement is considered to be an inappropriate reaction to the current Babergh Mid Suffolk Joint Local Plan (BMSDC JLP) position. The Neighbourhood Plan should instead be proactive and should continue to allocate sites by providing its own justification. The approach to leave the Neighbourhood Plan to focus on specific planning policies to influence and assess for future planning applications, may not be fruitful and may not contribute to sustainable development. As a result, there is a risk that the Neighbourhood Plan will not have the power to influence growth in their village. If a sufficient 5 year land supply cannot be proven, which if there are limited proposed allocations across the District and Planning Committee decisions result in refusals the supply will eventually be insufficient, then the village will be once again be open to speculative applications.

Whilst Part 2 of the JLP may identify a need to allocate sites in Bentley, it may well propose to allocate sites to meet the need to ensure delivery, which would rule out an allocation opportunity in a review of the Neighbourhood Plan.

A proactive approach to identifying sites should remain, and the village should be able to control its own destiny. As insufficient consideration of appropriate site areas for residential development appears to have taken place previously, namely the developable area of Site 1, the Qualifying Body should use this time to not delete housing supply and allocations, but instead prepare a justifiable alternative housing number and allocations.

Neighbourhood Plans could come forward with an alternative number, but this would need to be justified. Whilst it is appreciated that this will require collaboration with the District Council, an indicative housing requirement, as set out in Paragraph 67 of the National Planning Policy Framework. This could take the form of reference to the current local housing need figures and the strategy in the adopted Local Plan (Core Strategy). The Planning Practice Guidance (Paragraph 103) states that neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed them. Consideration should also be given to Bentley's position in the settlement hierarchy as a Hinterland Village within a functional cluster, characteristics of the area, and its infrastructure capacity. If these considerations were taken into account through qualitative and quantitative reasoning, an alternative number could be achieved in the absence of the JLP.

The ability for the Qualifying Body to undertake this identified need is relatively simple in this situation compared to many other settlements outside of Babergh District. This is because the adopted Core Strategy is proactive towards growth with policies CS11 and CS15 enabling a robust reason for allocations providing locally identified need (housing and employment) and locally identified community needs can be demonstrated. This is another reason to not overreact to the delay with the BMSDC Joint Local Plan.

We therefore respectfully request that the Neighbourhood Plan approach is revised to incorporate these changes, and include the Denbury site within the Plan. Should the Neighbourhood Plan modifications be agreed Denbury Homes would look forward to assisting with a review in the future.

If the Qualifying Body require any further information on our submissions, then we will be more than happy to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Freer'. The signature is fluid and cursive, with the first letter 'P' being large and prominent.

Peter Freer
Senior Planner
James Bailey Planning Ltd.

Tel: 01284 336 068

Email: peter@jamesbaileyplanning.com

(8) CODE DEVELOPMENT PLANNERS (obo Mr D E Baker)



Representations

**Bentley
Neighbourhood
Plan: Focused
Consultation**

D. E. J. Baker



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1 INTRODUCTION

- 1.1 On 12 July 2022, Babergh District Council (BDC) formally wrote to interested parties in the Bentley Neighbourhood Plan (BNP) 2018-2037 independent examination regarding the Examiner’s ‘Interim Findings Note’ (15 June 2022) and the requirement for a focused two-week consultation on a proposed significant modification to **“delete policies BEN 1, BEN 2, BEN 3 and BEN 4 and the supporting text for these policies from the Submission Draft version of the Plan.”**
- 1.2 CODE Development Planners (hereafter referred to as ‘CODE’) is instructed by D. E. J. Baker to prepare a short representation regarding the proposed significant modification to the BNP. CODE will not voluminously repeat representations made at earlier stages of formal consultation in the preparation and examination of the BNP. Where relevant, reference may be made to CODE’s regulation 16 representations if these may assist the Examiner.

2 PROPOSED SIGNIFICANT MODIFICATION TO THE BNP

- 2.1 As referenced within the Examiner’s Interim Findings Note, it is proposed to delete policies BEN 1 (Spatial Strategy), BEN 2 (Housing Development), BEN 3 (Land at Oakleigh, Capel Road) and BEN 4 (Land at the Fruit Farm, Capel Road) from the BNP, including the supporting text to these policies. This followed a request from Bentley Parish Council (BPC) to delete policies BEN 1 and BEN 4 of the BNP, further to correspondence received by BDC from the inspectors overseeing the examination of the Babergh and Mid Suffolk Joint Local Plan (BMSJLP). The correspondence received through the examination of the BMSJLP suggested splitting the plan into two separate parts. As a consequence, whilst part 1 of the BMSJLP will outline a minimum housing requirement figure, it will not propose any specific housing allocations to meet the local housing need for BDC.
- 2.2 CODE is supportive of the Examiner’s proposed significant modification to delete policies BEN 1, BEN 2, BEN 3, and BEN 4 (and the corresponding supporting text) from the BNP. In light of the conclusions of the inspectors overseeing the BMSJLP examination, it is right that the BNP should not pre-empt the conclusions of the local plan process.
- 2.3 Where there is an emerging Local Plan and an emerging Neighbourhood Plan, Government guidance encourages the LPA and the qualifying body to work together to avoid conflict. In particular, and potentially relevant here, to ensure that housing supply policies are complementary. This requires consideration of the housing requirement figure for the neighbourhood area, if any (see NPPF para.66), or indicative figure if requested (see NPPF para.67), and Government guidance notes that emerging Neighbourhood Plans may need to include reserve sites to ensure emerging evidence of housing need is addressed¹.

¹ Planning Practice Guidance paragraph 009 (Reference ID: 41-009-20190509)



- 2.4 It is right, therefore, that the BNP deletes policies BEN 1, BEN 2, BEN 3 and BEN 4 from the BNP. However, CODE would also emphasise the importance of ensuring that the policies map for the neighbourhood plan is consistent with the adopted policies of the development plan for BDC. CODE has not seen an updated version of the policies map for the BNP, but considers that this plan should be amended to be consistent with the adopted policies map for the district (please see appendix 1). The plan as currently drawn would include land not allocated (previously included under policy BEN 4) within either the BNP or the adopted/emerging plans for BDC and there would be insufficient policies within the BNP to appropriately manage development in this location.

3 OTHER MATTERS

- 3.1 CODE notes, in BDC's letter of 12 July 2022 that *“Comments on the remainder of the Plan will not be accepted”*. These representations do not comment on specific policies (or paragraphs of supporting text) within the remainder of the plan. However, CODE would note within the Examination Correspondence document (last updated 28 June 2022) an exchange of correspondence between the Examiner and BPC regarding reference to a Valued Landscape Assessment which has not been incorporated into policy.
- 3.2 The Examiner, in their questions of clarification (question 'B'), asked: *“The supporting text at paragraphs 8.6 and 8.7 refer to a Valued Landscape Assessment and valued landscape. This does not seem to have been incorporated into policy. Given this, and the Area of Outstanding Natural Beauty, is it necessary to retain these two paragraphs in the Plan? If so, why?”*
- 3.3 BPC, in their response to the Examiner on 28 June 2022, stated:
“It is considered necessary to retain these paragraphs and their reference to the Valued Landscape Assessment as that Assessment provides the context for the content of Policy BEN 11 but did not specifically cover the AONB or its (at the time) proposed extension. We do not believe that retention of these paragraphs will have an impact on the ability of the Neighbourhood Plan to meet the Basic Conditions.”
- 3.4 If the Examiner is considering further modifications to the BNP, including the potential inclusion of land around the periphery of Bentley as Valued Landscape (as per paragraph 174 of the National Planning Policy Framework (NPPF)), CODE would welcome a further opportunity to make dedicated representations on this matter, in addition to representations made at the regulation 16 stage (see section 8 of CODE's submitted regulation 16 representations).

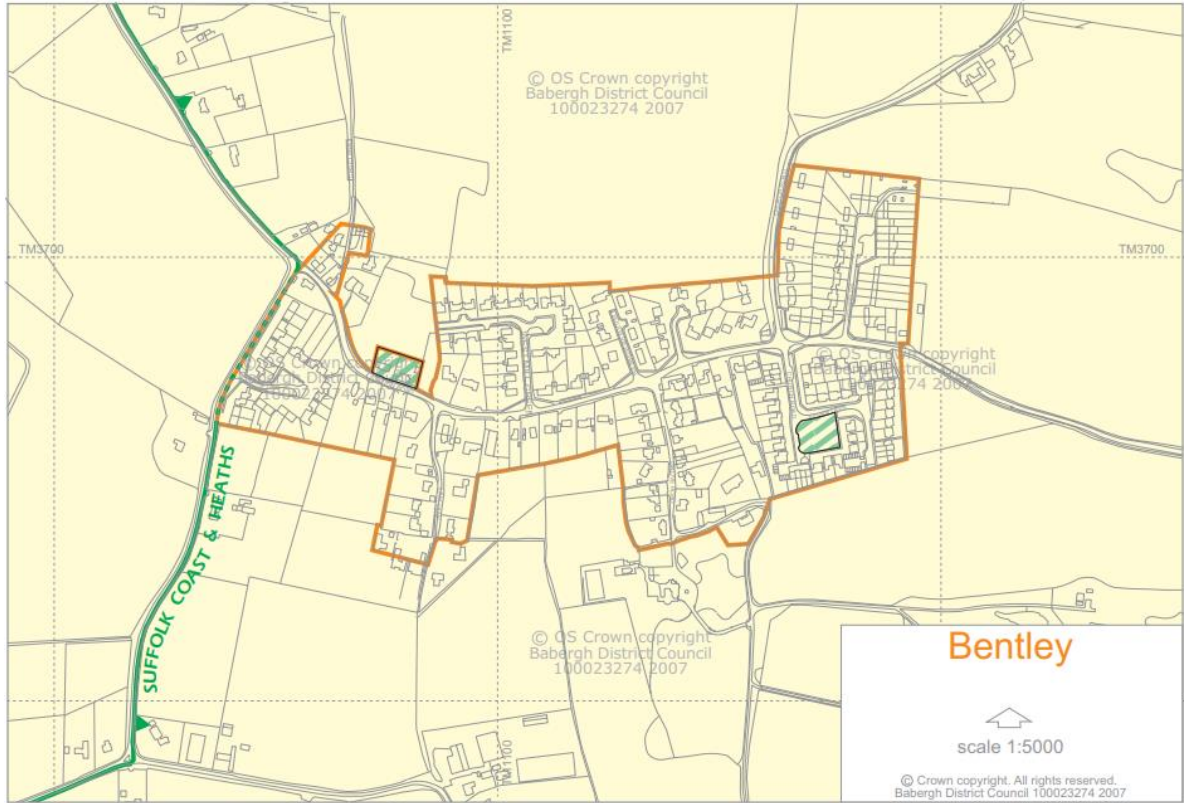


4 CONCLUSIONS

- 4.1 CODE is supportive of the Examiner's proposed significant modification to delete policies BEN 1, BEN 2, BEN 3 and BEN 4 from the BNP (the result being the BNP would not address housing supply (including housing numbers) or contain any specific housing allocations). The deletion of these policies is important to ensure the BNP can be consistent with the emerging BMSJLP (which continues to be subject to independent examination by the Secretary of State) in line with National Planning Policy and Guidance, and to ensure the BNP can meet the basic conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended).
- 4.2 However, CODE has outlined within these representations the need for the BNP's policies map to be consistent with the most up to date policies map for Bentley contained within BDC's adopted development plan. For reference, CODE has attached the most up to date policies map for the village at appendix 1 of these representations.
- 4.3 CODE will not specifically comment upon any other policies or parts of the plan not covered by this focused public consultation. However, CODE would welcome an opportunity to make further representations to policies BEN 7 and BEN 11 of the BNP, should the Examiner be considering further modifications to the BNP to make references to the countryside surrounding the village as constituting a 'Valued Landscape', as per paragraph 174 of the NPPF.



APPENDIX 1 – BENTLEY POLICIES MAP



KEY

































N.B. CENTRE POINT OF LINES SHOWS LIMIT OF AREAS INDICATED. LINES ARE INDICATIVE. NO MEASUREMENTS SHOULD BE MADE

	District boundary		Existing employment allocation: EM02, EM05, EM06, EM11, EM12, EM13, EM14, EM15
	Policy inset		Structural landscaping: EM02, EM03, EM11, EM12, EM14, HS13 HS14, HS15, HS16, HS17, HS18, HS19, HS20, HS21, HS22, HS23, HS24, HS25, CP02, TP08, TP19
	Village boundary inset		Footpath: EM02, HS19, HS21, HS23, CR22
	Sites of Special Scientific Interest: EN01		Public Open Space: EM03, HS14, HS15, HS17, HS18, HS19, HS20, HS22, HS23, HS24, RE04, RE05
	Built up area boundary: HS02, HS03		Business use: EM07
	Housing: HS11, HS12, HS13, HS14, HS15, HS16, HS17, HS18, HS19, HS20, HS21, HS22, HS23, HS24, HS25, SD13		Prestigious business: EM17
	Natural area: HS12, EM04		Port related industry: EM18
	Footpath and cycle link: HS14, HS15, HS20, HS21, HS22, HS24		Workshop scale employment: EM23
	Woodland: HS17		Town centre boundary: SP01, SP02, TP12, SD11, SD12, HD04
	Public open space with housing: HS18		Area of Outstanding Natural Beauty: CR02, CR03, RE06, RE08, RE09
	Roundabout access: HS18		Special Landscape Area: CR04, CR05, RE06
	Listed building: HS21		Stour and Orwell Estuaries: CR09, RE14, RE16
	Car park: HS21, CR22, TP06		Houseboats at Pin Mill: CR15, CR16
	Residents car park: HS21		Enabling housing development: CR22
	Traffic calming: HS22		Childrens park: CR22
	Pond HS23		Local Nature Reserve: CR22
	No major housing: HS26		Grass land: CR22, HS21,
	No non-residential uses: HS37		Conservation area: CN08 CN09, CN11
	No concentration of non-residential uses: HS37		Historic parks and gardens: CN14, CN15
	Permitted change of use: HS38		Areas of Archaeological Interest: CN18
	Proposed employment allocation: EM02, EM03, EM04, EM05, EM12, EM14, EM16		



KEY

N.B. CENTRE POINT OF LINES SHOWS LIMIT OF AREAS INDICATED. LINES ARE INDICATIVE. NO MEASUREMENTS SHOULD BE MADE

	Countryside Project Area: RE08, RE09, RE10		No non-retail uses: SD01, HD03
	Hotel: RE11		Redevelopment: SD06, SD08
	Country Park: RE11, RE13		Small-scale new/extended shops: SD07
	Moorings and marinas: RE15		Car park decking: SD09
	Improved crossing facilities: TP04		Bus station: SD10
	Cycle route: TP04, TP05		Servicing: SD14
	Rail halt: TP06		Supermarket: HD01
	Park and ride: TP08		Access: HD01, HS11, HS12, HS13, HS15, HS16, HS17, HS18, HS19, HS20, HS21, HS22, HS23, HS25, CR22, CP01, EM03, EM14, TP08
	Route of Western Bypass: TP10		Pedestrian links: HD01
	Bus priority: TP11		Traffic calming: HD02, TP11
	Junction improvement: TP11		Hadleigh Health Centre extension: HD05
	Traffic management zone: TP11		Chilton: CP01
	Pedestrian crossing: TP11, HS14		Cemetery: CP02
	Lorry park: TP13, TP14		Area of archaeological interest to be grassed: CP02
	Car park: TP19		Car park/turning area: CP02
	Bus/rail interchange: TP11, SD05		
	Area of Visual and/or Recreational Amenity CN03		



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(9) Resident - Davies

E from: J Davies

Rec'd: 15 July 2022

Subject: Bentley Neighbourhood plan 2018-2037

Focused consultation - proposed significant modifications to housing policies

We have received the email and attachments outlining the removal of Ben1-Ben4 and the housing for the fruit farm. I think that as these references to housing have been removed then all mention of the SHEELA sites should also be deleted as not required.

Regards

J Davies

[Ends]

(10) Resident - Osbon

E from: Mr Osbon

Rec'd: 26 July 2022

Subject: Bentley Neighbourhood Plan - Focused Consultation

Your Ref: Bentley NP.

Bentley Neighbourhood Plan 2018-2037.

Re: Focused Consultation – proposed significant modifications to housing policies.

The examination documentation states the relevant significant changes would *result in a plan that would not deal with housing supply at all or contain any site allocations*. Whilst informing this is an acceptable position as Neighbourhood Plans do not have to deal with every issue and this includes Housing - this household was in no doubt that Housing was to be crucial element of a NP. Indeed it is listed (P7), at the top of the list, as one of the six themes the NP addresses 'To deliver our Vision.'

Earlier BDC comment forms stated *that Bentley PC have prepared and submitted an NDP which sets out a vision for the parish and policies which it intends would be used to determine planning applications.....* How would it do that if it does not deal with housing supply at all or site allocations? In this regard, it does not set out or deliver any real vision.

What is left re Housing – BEN 5 is very important but Affordable Housing has been on the Agenda for years without being delivered – hardly constitutes a vision.

On a point of clarification/query re these changes - the draft submission (P.21) refers to and dismisses three potentially suitable sites identified in Babergh's Strategic Housing & Employment Land Availability Assessment (SHELAA) 2019 - SS0395/SS0820/SS1044.

Will references to these sites be deleted as well as the fruit farm site (BEN 4) it regards as suitable? Or do they remain because those sites are not classed as allocated? If the NP is now not to include the only site the PC thinks suitable then one wonders if it should likewise remove those it does not. To include them, but not one for which it had prepared a Master Plan would seem illogical, unfair and lacking in transparency, whatever the reason. Even BEN 3 is to be deleted – and that has long since been approved. This NP will suggest no development there, there or there but offer nothing constructive. It is somewhat nonsensical.

If this revised NP is to be credible then it seems only fair that reference to all sites should be withdrawn - approved, favoured and not favoured.

Regarding the parish council's request re BEN 1 – if the fruit farm site is withdrawn then the proposed settlement boundary designation in BEN 1 should of course be changed as the Examiner suggests.

Or does the PC have its own vision set somewhere between NP and JLP.....TBA?

The draft NP (P 15. 5.3) dismisses the Babergh-proposed settlement boundary in emerging JLP re extension West of Church Road but promotes its own extension to accommodate a site/masterplan for a 'housing led scheme' which it now wishes to withdraw.

Is there a planning technical term for having your cake and eating it? If the withdrawn site is resurrected it should be considered on equal footing with any other possible applications without what seems to be built-in advantage through whatever strategy the PC might have in mind.

Will the revised NP contain explanatory text re deletion/absence of these policies or will it be as if they never existed? (albeit BEN 3 was first approved years ago.)

As asked in previous comment, what happens if this one-site NP loses the one site (BEN 4)? - which is now proposed by parish council that proposed it with accompanying master plan in the first instance. Answer – this kind of shapeshifting wrapped up in policy-speak that causes so much wariness, confusion and concern about Planning - which was precisely why some thought a NP might hopefully be useful in creating some degree of clarity, purpose and guidance re housing, both within the community and for the LPA re development planning applications. This fails to do that. Without dealing with supply or site allocations that is obvious.

Whilst Housing is only one facet of NP there is no real vision of future landscape and as a result this is more a polished village brochure than anything else. The PC's 'position' as explained in Examination Correspondence document is one thing but it results in NP that now would seem diluted and confusing if not pointless.

Within the context of this consultation, this household supports the deletion of BEN 1 and is against retaining the proposed settlement boundary as requested by the PC. It has no problem with the deletion of BEN 2, BEN 3, BEN 4 and would expect, in the interest of credibility, these changes include the deletion of reference to all sites.

However, it questions the purpose and value of the end product and believes the revised NP, falls well short of what it should be and was apparently supposed to be.

On the other hand, if the course of time over the life of the NP shows there is only one suitable site, albeit it is now not mentioned along with its Master Plan, then these changes are not significant at all. Other than to give one reason maybe as to why some two thirds of the village did not bother with the original questionnaire.

Thank you for your time.

[Ends]