

Boxford Neighbourhood Plan 2021 - 2037

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

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Summary and Conclusion

1. The Boxford Neighbourhood Plan has a clear vision, which underpins the objectives and policies in the Plan.
2. Policy BOX 1 does not set a minimum housing figure for the Parish, although it does refer to the allocation of a site for 7 dwellings at Stone Street Road. Policy BOX 1 seeks to concentrate new housing development, comprising individual dwellings or small groups of dwellings, within the settlement boundaries. Outside the settlement boundaries, Policy BOX 1 restricts new development to specific purposes. To ensure that the Plan contributes towards sustainable development, I have recommended modification to this part of Policy BOX 1 to state that housing development outside the settlement boundaries will only be supported where it is in accordance with national and development plan policies.
3. I have recommended modification to some of the other policies in the Plan. In particular, I have recommended the deletion of Primrose Wood as a Local Green Space because it is an extensive tract of land. In addition, I have recommended the deletion of some of the Important Public Views identified in Policy BOX 12.
4. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Boxford Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Boxford Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 6 August 2018 Babergh District Council (BDC) approved that the Boxford Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Boxford.
7. The qualifying body is Boxford Parish Council. The Plan has been prepared by a Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2021 to 2037.
8. I was appointed as an independent Examiner for the Boxford Neighbourhood Plan in March 2022. I confirm that I am independent from the Parish Council and BDC. I have no interest in any of the land affected by the Plan and I

have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*

“Neighbourhood development plans

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

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”

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

EU Obligations Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. The *Boxford Neighbourhood Development Plan SEA Screening Opinion* was prepared by Land Use Consultants in July 2021. It concluded that the Plan had the potential to have significant environmental effects and that SEA was therefore required. Natural England and Historic England concurred with this conclusion.
16. BDC prepared a *Boxford Neighbourhood Plan 2018 – 2037 Strategic Environmental Assessment Screening Determination* in September 2021. It states: *In the light of the SEA Screening Report prepared by Land Use Consultant and the responses to this from the two statutory bodies, it is determined that the Boxford Neighbourhood Plan does require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.*
17. AECOM prepared a *Strategic Environmental Assessment for the Boxford Neighbourhood Plan Scoping Report* in October 2021 for consultation with the statutory bodies. Subsequently, AECOM prepared a *Strategic Environmental Assessment (SEA) for the Boxford Neighbourhood Plan Environmental Report* in January 2022. Amongst other matters, this assessed the reasonable alternatives for housing development, looking at five sites as potentially suitable for development. The Environmental Report (January 2022) found that the preferred option of Land East of Stone Street Road performed notably well across a number of themes.

18. AECOM had prepared a *Boxford Neighbourhood Plan Site Options and Assessment* in August 2021 to assess all sites arising from the Babergh and Mid Suffolk *Strategic Housing and Economic Land Availability Assessment* (SHELAA) (October 2020) and a local 'Neighbourhood Plan Call for Sites'. A total of 11 sites were identified and assessed. The report concluded that whilst no site was entirely free of constraints and immediately suitable for development, three sites were potentially suitable for development. Two of the rejected sites were subsequently brought back for consideration through the SEA.
19. The Environmental Report (January 2022) assessed the Plan as a whole drawing on the sustainability objectives identified through scoping. Cumulative effects were also considered. As a consequence of this assessment, two recommendations were made for modifications to Policies Box 2 and BOX 12. These have been incorporated into the submission Plan.
20. Taking all the above reports together and having considered the consultee responses, I am satisfied that it has been identified that there are unlikely to be significant effects on the environment by the implementation of the neighbourhood plan policies. Reasonable alternatives have been considered, taking into account the SEA themes and objectives.
21. As regards Habitats Regulations Assessment (HRA), the *Boxford Neighbourhood Plan Pre-Submission 2021: Habitats Regulations Assessment (HRA): Screening Report and Appropriate Assessment* was prepared by Place Services in August 2021. It found that an Appropriate Assessment was required as it identified recommendations for the housing related policies due to predicted impacts from the Plan in combination with other plans and projects.
22. The Appropriate Assessment recommended amendments or additional text to include an explanation of how policy should be implemented to avoid Adverse Effect on Integrity of the Stour & Orwell Estuaries Special Protection Area (SPA) and Ramsar site: *based on the development type and proximity to Habitats (European) sites, mitigation needs to be embedded in the Plan in relation to residential developments of more than 50 dwellings to avoid impacts from recreational disturbance from the Plan alone. As regards in combination effects, it was concluded that: embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of a legal agreement attached to any planning consent. Therefore, there will be no need for further assessment for this Neighbourhood Plan.*
23. The specific recommendations of the Appropriate Assessment have been incorporated into the submission Plan.

24. Natural England agreed with the Appropriate Assessment finding that the Plan will not result in adverse effects on the integrity of any of the sites in question.
25. BDC prepared a *Boxford Neighbourhood Plan 2018 – 2037 Habitats Regulations Screening Determination and Appropriate Assessment* in September 2021. The determination concluded that *the Boxford Neighbourhood Plan is ‘screened-in’ for further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is required.*
26. Based on the screening determination and consultee response, I am satisfied that the requirements of the Habitats Directive are met. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
27. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

28. The *National Planning Policy Framework* (NPPF) (2021) sets out the Government’s planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
29. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently,*

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

30. Boxford Parish is within the local authority area of Babergh District Council (BDC). The development plan for the Boxford Neighbourhood Plan Area comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006) and The Babergh Local Plan 2011 – 2031 Core Strategy and Policies (Core Strategy) (2014).
31. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural environment.
32. BDC with Mid Suffolk District Council published a new Joint Local Plan Pre-Submission (JLP) (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was formally submitted for independent Examination on 31 March 2021.

The Neighbourhood Plan Preparation

33. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
34. The initial consultation process began with a consultation session in 2018. This was followed by a questionnaire distributed to all households. A dedicated Neighbourhood Plan web page contained details of the progress of the Neighbourhood Plan. Details of all consultation events were also published in the Parish newsletter. Posters and flyers were used to publicise events together with posts on the community Facebook page.
35. Various local consultations were held between November 2020 and January 2021 regarding the emerging Plan.
36. The consultation period on the pre-submission draft of the Plan ran between 8 July 2021 and 13 September 2021. The consultation was launched with two public exhibitions on 8 and 9 July 2021 at the Village Hall. The exhibition was published via the Box River News, posters, posts on the community Facebook page and through a flyer delivered to every household. Electronic copies of the Draft Neighbourhood Plan were available on the website. Hard copies of the Plan were available to view at the Post Office.
37. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production

of the Plan, despite the many pandemic restrictions. I congratulate them on their efforts. In particular, I congratulate them on their ability to continue with the production of the Plan during those challenging times.

38. BDC publicised the submission Plan for comment during the publicity period between 7 March and 29 April 2022 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 17 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
39. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDC web site.

The Boxford Neighbourhood Plan

40. Background information is provided throughout the Plan and in supporting documents. A clear vision for the Parish has been established and this vision underpins the objectives and policies in the Plan.
41. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as community projects in this Plan) these have to be clearly differentiated from policies for the development and use of land.
42. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
43. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
44. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear

and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.

45. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
46. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

BOX 1: Housing Strategy for Boxford

47. Paragraphs 78 - 80 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
48. Core Strategy Policy CS2 identifies Boxford as a Core Village. Core Villages are to act as a focus for development within their functional cluster.
49. Core Strategy Policy CS11 supports development proposals that score positively when assessed against Policy CS15 and where other matters are satisfactory. Such other matters include site location, landscape and heritage matters. Policy CS15 seeks to implement sustainable development.
50. Core Strategy Policy CS2 identifies Calais Street and Stone Street as being within the countryside where development will only be permitted in exceptional circumstances subject to proven justifiable need.
51. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested. The qualifying body and the local planning authority 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.
52. PPG advises: *Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination. Extract Paragraph: 104 Reference ID: 41-104-20190509.*

53. In December 2021 Inspectors in the process of examining the JLP requested that the JLP to be split into two parts with Part 2 requiring further assessment to addressing matters including housing numbers for Neighbourhood Plan Areas, the spatial distribution and settlement boundaries. BDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the emerging JLP (Nov 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of this indicative number.
54. Relevant JLP policies which will now be subject to review for Part 2 of the emerging JLP are as follows. Policy SP03 identifies Boxford as a Core Village. Calais Street and Stone Street are identified as Hamlet Villages. Development within settlement boundaries will be permitted subject to a list of criteria. Policy SP04 seeks a minimum of 13 additional dwellings for the Neighbourhood Plan area up to 2037, of which there were 8 outstanding planning permissions as of 1 April 2018. The Neighbourhood Plan has identified those settlement boundaries in the emerging JLP for the purposes of its policies. Policy LS01 allocates a site for 5 dwellings on land south of Hadleigh Road at Calais Street. It is now uncertain at this stage to what extent the above policies will be modified and in particular whether the allocated site for 5 dwellings will remain in the forthcoming Part 2 of the JLP.
55. Table 2 in the Plan identifies additional planning permissions between 1 April 2018 to 31 March 2021 which will contribute a further 8 dwellings. Therefore, excluding the allocated site for 5 dwellings in the emerging JLP, which may or may not remain as an allocation, the minimum housing requirement of 13 dwellings set as an indicative number by BDC can be met through existing planning permissions. The Neighbourhood Plan allocates a further site at Stone Street Road for an additional 7 dwellings.
56. I have been referred to three documents assessing housing need. Firstly, the *Boxford Housing Needs Assessment* (September 2020) prepared by AECOM as a supporting document for this Plan. That document concludes there is an identified need for approximately 28 affordable dwellings during the Plan period.
57. *Land to the east of Sand Hill, Boxford Local Housing Needs Assessment Catesby Development Land Ltd* (December 2019) prepared by Lichfields to support the promotion of land for development East of Sand Hill, identifies that within the Boxford part cluster, the housing need to 2031 is a minimum of 90 dwellings.
58. *Review of Local Housing Needs for Boxford* (January 2021) prepared by Boyer to support the promotion of land for development North of Butcher's Lane identifies a local housing need target of around 115 dwellings to 2031.
59. Paragraph 7.11 in the Plan explains that the housing strategy is for further *specific small-scale growth, either where it would contribute towards a*

specific identified housing need that is not being met by recent developments or where it would provide another specific community benefit identified in the Plan.

60. Policy BOX 1 does not reflect the housing strategy outlined in paragraph 7.11. In particular, Policy BOX 1 seeks to accommodate development commensurate to the village of Boxford being a Core Village, where such villages are to act as a focus for development within their functional cluster. In addition, the support for individual dwellings or small groups of dwellings, within the settlement boundaries in Policy BOX 1 does not include a requirement to *contribute towards a specific identified housing need that is not being met by recent developments or where it would provide another specific community benefit identified in the Plan*. Therefore, in the interest of precision and to ensure that there is no internal conflict in the Plan, I recommend that Paragraph 7.11 is deleted.
61. Policy BOX 1 does not set a minimum housing figure for the Parish, although it does refer to the allocation of a site for 7 dwellings at Stone Street Road. Policy BOX 1 seeks to concentrate new housing development, comprising individual dwellings or small groups of dwellings, within the settlement boundaries.
62. Outside the settlement boundaries, Policy BOX 1 restricts new development to specific purposes. To ensure that the Plan contributes towards sustainable development, I recommend modification to this part of Policy BOX 1 to state that housing development outside the settlement boundaries will only be supported where it is in accordance with national and development plan policies. Supporting paragraph 7.18 should be similarly modified.
63. Policy BOX 1 refers to Stone Street and Calais Street as Hamlets. These classifications and the settlement boundaries are taken from the sections of the emerging JLP, which are now subject to review in a new Part 2 of the JLP. The current Core Strategy does not define Hamlets. Therefore, to be in general conformity with strategic policy, I have suggested revised wording. In the interest of precision, I recommend that the three maps 4, 5 and 6 (which are incorrectly cross-referenced as maps 5, 6 and 7 in Policy BOX 1) are deleted and replaced with maps identifying the settlement boundaries in this Neighbourhood Plan. As such, any reference to other JLP annotations should be deleted.
64. I am required to test the indicative housing figure proposed by BDC. In doing so, I have taken into consideration representations promoting additional land for development on land North of Butcher's Lane and on land East of Sand Hill. In particular, I am conscious of the planning history of the latter site.
65. BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. Documents supporting both this

Neighbourhood Plan and development proposals conclude there is a need for further housing beyond the indicative figure provided by BDC. Policy BOX 1 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development, although this Plan has chosen to allocate one site. Seeking to focus new housing development within the settlement boundaries is the correct approach to achieving a sustainable pattern of development in order to contribute towards the environmental objective of sustainable development. In addition, allowing some development outside the settlement boundaries where it accords with national and development plan policies, as I have recommended, would ensure that Policy BOX 1 is a housing strategy for the Parish that contributes towards the achievement of sustainable development.

66. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging JLP. I consider the approach to housing development in the Neighbourhood Plan, including all the housing policies, which I comment on below and subject to any modifications I have recommended, contributes to the achievement of sustainable development notwithstanding that further growth is being promoted and that the emerging JLP in the future might propose additional growth.
67. In reaching my conclusion on this matter, I consider it relevant to refer to the High Court Judgment of *Gladman Developments Limited v Aylesbury Vale District Council & Winslow Town Council* [2014] EWHC 4323 (Admin) on 18 December 2014.
68. The following is an extract of paragraph 58 of that judgment: *In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing. The examiner was therefore entitled in the present case to conclude that the Neighbourhood Plan satisfied basic condition 8(2) (e) of Schedule 4B to the 1990 Act as it was in conformity with such strategic policies as were contained in development plan documents notwithstanding the fact that the local planning authority had not yet adopted a development plan document containing strategic policies for housing. Further, the examiner was entitled to conclude that condition 8(2) (d) of Schedule 4B to the 1990 Act was satisfied. That condition requires that the making of the neighbourhood development plan “will contribute to the achievement of sustainable development”. The examiner was entitled to conclude that a neighbourhood plan that would provide for an additional 455 dwellings, in locations considered to be consistent with sustainable development, did contribute to the achievement of sustainable development notwithstanding that others wanted more growth and development plan documents in future might provide for additional growth. Similarly, the examiner was entitled to*

conclude that having regard to national guidance and advice, including the Framework, it was appropriate to make the neighbourhood plan even though there might, in future, be a need for further growth.

69. Both Policy Box 1 and BOX 1A refer to 7 dwellings being built on the allocated site. I have not been made aware of any detailed drawings. In order that the allocation contributes towards sustainable development, in the absence of a detailed scheme, I recommend that both these policies refer to 'approximately' 7 dwellings.
70. Subject to the above modifications, Policy BOX 1 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy BOX 1 meets the Basic Conditions.
71. BDC has noted that in Table 2 the approval date for DC/20/04286 should read 12.01.21. **I see this as a minor editing matter.**
72. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy BOX 1 to read as follows:

BOX 1: Housing Strategy for Boxford

New development in Boxford will be focused within the defined settlement boundaries of Boxford village, Stone Street and Calais Street (as shown on Maps 4, 5 and 6). New developments of individual dwellings or small groups of houses, within the settlement boundaries will be supported.

New development outside of the defined settlement boundaries will only be supported where it is in accordance with national and development plan policies.

Proposals for new development in the Neighbourhood Area that fall within the Zone of Influence for the Stour and Orwell Estuaries should be accompanied by a Project Level HRA Appropriate Assessment that demonstrates that there will be no adverse effects upon the integrity of those habitat sites.

This plan makes a new allocation as follows:

1. Land at Stone Street Road for approximately 7 dwellings*

***This site also provides for a village car park.**

2) the deletion of maps 5, 6 and 7 and replacement with maps identifying the settlement boundaries in this Neighbourhood Plan. As such, any reference to emerging JLP annotations should be deleted.

3) the deletion of paragraph 7.11

4) modification to Paragraph 7.18 to state that housing development outside the settlement boundaries will only be supported where it is in accordance with national and development plan policies.

BOX 1A: Housing Allocation for 7 dwellings and new car park at Stone Street Road

73. The allocated site lies within the Conservation Area. Historic England acknowledged that a SEA was required due to the site being within the Conservation Area and in close proximity to a number of listed buildings. The SEA concluded on this matter: *Overall, whilst the spatial strategy will see development within the conservation area, accessible central development that is well-designed (in keeping with the proposed design policies) could be beneficial for the conservation area by avoiding further impacts in relation to localised congestion issues, particularly in respect of the school run. At this stage no significant effects are anticipated, however, there remains an element of uncertainty until detailed site proposals emerge. Despite this, the additional policy protections afforded to locally identified non-designated heritage assets, and the community support and outlined project to restore and enhance the listed 'Old Gaol' are considered likely to lead to long-term minor positive effects.*
74. Historic England subsequently did not add further comment in its representations during the Regulation 16 consultation period.
75. It is clear from the background evidence that local support for this site is strongly connected to the need for a centralised car park. I have visited the area and am satisfied from the visit and background evidence that the requirements in Policy BOX 1A are justified.
76. I have recommended under BOX 1 that the policy should refer to an allocation of 'approximately' 7 dwellings.
77. As regards criterion c), in the interest of precision, I suggest this is replaced with similar requirements to those outlined in the last paragraph in BOX 6 for the car park.
78. Whilst the site selection process has been criticised, the chosen site received local support during a transparent and robust consultation process. Any assessment of land availability in the production of Neighbourhood Plans needs to be proportionate. I am satisfied as much as I can reasonably be expected to be that the chosen site is deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards

the achievement of sustainable development by the provision of sustainable growth.

79. Subject to the modifications I have recommended above, Policy BOX 1A has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy BOX 1A meets the Basic Conditions.

80. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to the first sentence in Policy BOX 1A to refer to 'approximately 7 new dwellings'.

2) replacement of criterion c) in Policy BOX 1A with the following:

Applications will be accompanied by a detailed heritage statement that identifies any impacts including on the significance and setting of designated heritage assets and mitigation as appropriate.

BOX 2: Housing Mix

81. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.

82. Within the context of significantly boosting the supply of homes and determining the minimum number of homes needed at a strategic level, paragraph 62 in the NPPF explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

83. Core Strategy Policy CS18 states that residential development that provides for the needs of the District's population, particularly the needs of older people, will be supported where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in the Babergh District.

84. Policy BOX 2 seeks a broad mix of housing to meet local needs and enable a mixed and inclusive community. This policy is supported by the findings of the local questionnaire and the *Housing Needs Assessment* (September 2020) prepared by AECOM. The second paragraph in Policy BOX 2 refers to the affordable housing tenure split identified in *that Housing Needs Assessment* report. In the interest of precision, that second paragraph in Policy BOX 2 should be moved to the affordable housing section of the policy. It does state that the mix will be in accordance with that housing assessment or the most up to date information available. Therefore, it

follows that the split outlined for affordable housing in the bullet points in Policy BOX 2 should also be capable of being altered if new information indicates otherwise. As such, I have suggested revised wording.

85. BDC has pointed out that their local connection criteria for affordable housing is different for market led schemes and rural exception sites. Therefore, I recommend the deletion of cross reference to Policy BOX 3, which is only concerned with rural exception sites.
86. The background evidence justifies the proposed housing mix in Policy BOX 2, particularly the current need for small dwellings. Subject to the modifications I have recommended above, Policy BOX 2 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy BOX 2 meets the Basic Conditions.
87. Paragraph 7.35 should refer to Annex 2 of the NPPF (2021). **I see this as a minor editing matter.**
88. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BOX 2 to read as follows:**

BOX 2: Housing Mix

A broad mix of housing that meets local needs and enables a mixed and inclusive community will be supported.

Affordable Housing:

The mix of affordable housing should be provided in accordance with Option 2 of the AECOM Housing Needs Assessment (September 2020), or the most up to date information available.

Option 2 requires a broadly 50:50 split between 'Routes to home ownership' and 'Affordable Housing to rent' as follows:

- **'Routes to home ownership (50%)'**
 - o **First Homes 25% (at a 40% discount)**
 - o **Shared Ownership 15%**
 - o **Rent to Buy 10%**
- **'Affordable Housing to Rent' (50%)**

The allocation of affordable housing will be made in accordance with the criteria contained within Babergh District Council's local connections policy.

Dwelling Size:

New developments should have a specific focus on providing smaller dwellings for families and to enable downsizing consistent with the findings of the AECOM Housing Needs Assessment. Particular support will be given to proposals that include the following:

- **Smaller affordable homes (1-3 beds)**
- **Bungalows to allow for down-sizing.**

BOX 3: Rural Exception Sites

89. Paragraph 78 in the NPPF emphasises that in rural areas planning policies should be responsive to local circumstances. Support should be given to rural exception sites that will provide affordable housing to meet identified local needs and consideration should be given to whether allowing some market housing on these sites would facilitate this.
90. Core Strategy Policy 20 takes a flexible approach to the location of rural exception sites adjacent or well related to Core and Hinterland Village Settlement boundaries, subject to satisfying a list of criteria including being consistent with identified housing needs.
91. The *Housing Needs Assessment* (September 2020) prepared by AECOM identified a need for approximately 28 affordable dwellings. Policy BOX 3 supports rural exception sites adjacent to the settlement boundary where there is a proven local need and provided they accord with other policies in the Plan.
92. As there is more than one settlement boundary, the policy should refer to 'settlement boundaries'. **I see this as a minor editing matter.**
93. Policy BOX 3 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy.

BOX 4: Safety for Vehicles, Pedestrians, and Cyclists

94. The NPPF, at paragraph 92, seeks to achieve healthy inclusive and safe places. Section 9 of the NPPF promotes sustainable transport with an emphasis on firstly giving priority to pedestrian and cycle movements and secondly encouraging public transport use. It recognises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute towards making high quality places.
95. Core Strategy Policy CS15 is concerned with sustainable development. Development proposals must respect the local context and character of the area. Amongst other matters, Core Strategy Policy CS15 seeks to minimise the need to travel by car.

96. The above policies are relevant to Policies BOX 4, BOX 5 and BOX 6.
97. Policy BOX 4 seeks to improve pedestrian and highway safety. Background evidence underpinning this and other Transport Strategy Policies is outlined in the *Boxford Travel Survey* in Appendix A in the Plan.
98. The definition of development in planning policy encompasses a wide range, including change of use. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF. In this context, whilst the health and wellbeing of residents should be encouraged, the requirement for developers to create new footpaths and cycle routes outlined in the last paragraph of Policy BOX 4 should only be where appropriate to the scale and location of the development. I have suggested revised wording.
99. Paragraph 8.14 is written as a policy requirement, but this is not the same as the policy requirements in Policy BOX 4. In the interest of precision and to avoid internal conflict within the Plan, paragraph 8.14 should be deleted.
100. Subject to the above modifications, Policy BOX 4 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy BOX 4 meets the Basic Conditions.
101. BDC has noted that cross reference to maps in paragraphs 8.10 and 8.12 need correcting. **I see these as minor editing matters.**
102. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to the last paragraph in Policy BOX 4 to read as follows:

Where new development takes place, where appropriate to the scale and location of the development, opportunities should be taken to increase the health and wellbeing of residents through developing existing routes and creating new footpath and cycle routes which connect to village services, the village centre and the existing Public Rights of Way Network into the surrounding countryside. These should form part of a safe, accessible, and coherent network in and around the parish.

2) the deletion of paragraph 8.14.

BOX 5: Improving access and connectivity

103. Policy BOX 5 seeks to encourage greater use of public transport and supports the provision of electric charging points. This approach has regard to national policy where it seeks to promote sustainable transport. It contributes towards sustainable development, particularly the social and environmental objectives and is in general conformity with strategic policy.
104. My only concern with Policy BOX 5 is with the last sentence in the second paragraph with regard to the timing of bus routes. This is not a development or use of land matter and thus should be deleted. Subject to this deletion, Policy BOX 5 meets the Basic Conditions.
105. **Recommendation: to meet the Basic Conditions I recommend the deletion of the last sentence in the second paragraph in Policy BOX 5.**

BOX 6: New Village Car Park adjacent to the Primary School (Stone Street Road)

106. It is clear from the background evidence that the local community supports the provision of a car park adjacent to the primary school in order to alleviate existing problems of on street parking, pedestrian safety and traffic congestion. Policy BOX 6 allocates land for this car park, subject to a list of criteria being satisfied including any impact on heritage assets.
107. I have seen the site for the proposed car park and the surrounding parking situation and realise the importance of this provision to the local community. Policy BOX 6 has regard to national policy where it seeks to promote sustainable transport. It contributes towards sustainable development, particularly the social and environmental objectives and is in general conformity with strategic policy. Policy BOX 6 meets the Basic Conditions.
108. In the last sentence in the last paragraph in Policy BOX 6, the second 'impacts' should read 'assets'. Paragraph 8.23 should refer to Policy BOX 1A not BOX 1B. **I see these as minor editing matters.**

BOX 7: The Design of New Development

109. Paragraph 126 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*

110. Paragraph 127 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
111. Core Strategy Policy CS15 requires proposals for development to respect the local context and character of the different parts of the District.
112. Policy BOX 7 is a general design policy that seeks to ensure that the design of all new development reflects local distinctiveness and that new housing development is of a high standard of design.
113. The *Boxford Design Guidelines and Codes* (March 2021) prepared by AECOM underpins the design requirements in Policy BOX 7. In the interest of precision and in recognition of this important document to the implementation of Policy BOX 7, I recommend that the full title of the document is referred to in Policy BOX 7.
114. Consideration should be given to attaching The *Boxford Design Guidelines and Codes* (March 2021) document as an Appendix to the Plan. **I see this as a minor editing matter.**
115. Criterion j) refers to ‘Secure by Design’. As this is guidance rather than policy, in the interest of precision, criterion j) needs to refer to ‘having regard to Secure by Design’, rather than being ‘consistent with’ the guidance. I have suggested revised wording.
116. Criterion k) requires soft well landscaped boundaries with a minimum edge of five metres, where adjacent to open countryside or edge of settlement. Whilst I appreciate the need for soft well landscaped boundaries, I have no robust background evidence to justify the five-metre requirement. In particular, there is no mention of such five-metre buffer zones in the *Boxford Design Guidelines and Codes* (March 2021). Therefore, to avoid over prescription that cannot be justified, I recommend deletion of the five-metre reference. I have also deleted the first reference to ‘soft’ in this criterion as an editing matter.
117. The last paragraph in Policy BOX 7 has a grammatical error. I have suggested revised wording.
118. Subject to the above modifications, Policy BOX 7 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy BOX 7 meets the Basic Conditions.

119. Paragraph 9.13 should refer to 'stock bricks' rather than 'stocks bricks'. I see this as a minor editing matter.

120. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to the second paragraph in Policy BOX 7 to read as follows:

All proposals for new development should respect the existing context of the proposed development and that of the immediate locality including the character of adjacent properties where this provides a positive contribution. Consideration should be given to the guidance contained within the specific Design Code for each of the three main character areas in the *Boxford Design Guidelines and Codes* (March 2021).

2) modification to criterion j) in Policy BOX 7 to read as follows:

j) include built in crime reduction measures, having regard to the guidance in Secure by Design to minimise the likelihood and fear of crime.

3) modification to criterion k) in Policy BOX 7 to read as follows:

k) include well landscaped soft boundary edges especially where adjacent to open countryside or edge of settlement.

4) modification to the last sentence in the last paragraph in Policy BOX 7 to read as follows:

High levels of sustainability that help raise the standard of design more generally in the area will be encouraged.

BOX 8: Historic Environment and Conservation Area

121. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.

122. The NPPF advises at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. At paragraph 203,

a balanced judgement will be required when determining applications that directly or indirectly affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset.

123. Core Strategy Policy CS15 seeks to ensure that development proposals protect and, where possible, enhance landscapes, heritage areas and features of historic interest.
124. The above policies are relevant to Policies BOX 8, BOX 9 and BOX 10.
125. Policy BOX 8 seeks to protect and reinforce the established special character of the Conservation Area and its setting. I have visited the Conservation Area and appreciate the special character. Policy BOX 8 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy BOX 8 meets the Basic Conditions.

BOX 9: Non-Designated Heritage Assets

126. PPG states: *There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
127. *Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.* (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).
128. Historic England in the Historic England Advice Note 7: Local Heritage Listing advises: *although local heritage lists have long been developed successfully for buildings, all heritage asset types, including monuments, sites, places, areas, parks, gardens and designed landscapes may be considered for inclusion.*
129. Policy BOX 9 identifies five non-designated heritage assets. These have been identified by the local community and assessed against the Historic England advice. Justification for their selection is in Appendix B in the Plan. It is clear that these historic structures and buildings are worthy of identification as non-designated heritage assets.
130. Policy BOX 9 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy BOX 9 meets the Basic Conditions.

BOX 10: Boxford Historic Views

131. Policy BOX 10 identifies a number of historic views, many of which have been identified as important vistas in the *Boxford Conservation Area Appraisal* (2011). A further three green entrances have been identified in the *Boxford Design Guidelines and Codes* (March 2021).
132. I have seen the historic views and am satisfied that the background evidence justifies their identification and justifies the requirement in Policy BOX 10 that new development respects and takes account of these historic views.
133. Policy BOX 10 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy BOX 10 meets the Basic Conditions.
134. Policy BOX 10 and paragraph 9.31 should refer to Maps 11a and 11b, rather than to Map 11. In addition, paragraph 10.11 should refer to Policy BOX 10 rather than BOX 9. The Policies Map should refer to 'Historic Views' rather than 'Views illustrating the unique character of the historic settlement'. **I see these as minor editing matters.**

BOX 11: The River Box Area of Local Landscape Sensitivity (ALLS)

135. The NPPF, in Paragraph 174, requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
136. Core Strategy Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape of Babergh's natural environment within both designated and non-designated areas.
137. The above policies are relevant to Policies BOX 11, BOX 12, BOX 13 and BOX 14.
138. Saved Policy CR04 in the Local Plan Alteration No.2 identifies part of the Parish within the valley as a Special Landscape Area. The emerging JLP does not propose such a designation. Policy BOX 11 identifies this area as an Area of Local Landscape Sensitivity (ALLS). This policy does not prevent development within the defined area, but where development is proposed, it must seek to conserve or enhance the special qualities of the landscape and be sympathetic to the scenic beauty.
139. At my visit to the Parish the local importance of the landscape in the designated area was evident. I am satisfied that the definition of this area as an Area of Local Landscape Sensitivity is justified.

140. I realise the Plan has to be read as a whole. However, I am concerned because the ALLS covers part of the Conservation Area and a number of Local Green Spaces, where restrictions on development are more draconian than those outlined in Policy BOX 11. Therefore, in the interest of precision, I recommend reference in Policy BOX 11 to other policies in the Plan where relevant.
141. Subject to the above modification, Policy BOX 11 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy BOX 11 meets the Basic Conditions.

Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy BOX 11 to read as follows:

Development within the River Box Area of Local Landscape Sensitivity will only be supported provided that the proposal:

- a) Conserves or enhances the special qualities of the landscape,**
- b) is designed and sited to be sympathetic to the scenic beauty of the landscape setting and**
- c) is in accordance with other relevant policies in this Plan.**

BOX 12: Important Public Scenic Views

142. Policy BOX 12 identifies Important Public Scenic Views. Development proposals should take account of these views and those that have an unacceptable adverse impact on the landscape or character of these views will not be supported.
143. I have seen the identified views. Views 1,2,4,5 and 8 are over the Area of Local Landscape Sensitivity and/or over the Area of Outstanding Natural Beauty (AONB). As such, there is clear justification for the protection of these views.
144. The remaining views 3,6,7 and 9 are predominately views of other parts of the open countryside and/or the edge of the settlement of Boxford. There is little justification for the identification of these views other than that opinion was sought. In addition, I am concerned that view 7 has simply been added to prevent development. As such, I am not satisfied that the protection of these views identified by the local community is justified. If anything, their inclusion undermines the importance of the remaining views. Therefore, I recommend the deletion of these views.
145. Subject to the above modifications, Policy BOX 12 has regard to national policy where it seeks to protect valued landscapes. In addition, modified

Policy BOX 12 contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy BOX 12 meets the Basic Conditions.

146. Map 13 and the Policies Map need to refer to the 'Important Public Scenic Views' rather than 'Protected Landscape Views'. **I see this as a minor editing matter.**

147. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the following Important Public Scenic Views from Policy BOX 12, Map 13, the Policies Map and supporting text.**

3. From the public footpath near Cox Hill looking south-west towards the church.

6. From the public footpath north of the Playing Field looking southeast into the river valley and the farming landscape beyond.

7. From the A1071 SE of Sand Hill looking NW across Station Field and Brookhall.

9. View from the footpath below Cox Hill House.

BOX 13: Protection and Enhancement of Natural Features

148. Paragraph 180 in the NPPF lists principles to be applied when determining planning applications, with regard to habitats and biodiversity. These principles include: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

149. Policy BOX 13 seeks to protect and enhance natural features. It recognises the need for mitigation where losses or harm are unavoidable.

150. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement are yet to come into force.

151. Policy BOX 13 refers to a net gain in biodiversity. To ensure that regard is had to national policy, particularly to the Environment Act, I have suggested revised wording to explain that the extent of net gain should be in accordance with national policy.

152. Subject to the above modification, Policy BOX 13 has regard to national policy where it seeks to protect valued landscapes. In addition, modified Policy BOX 13 contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy BOX 13 meets the Basic Conditions.

153. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BOX 13 to include the following sentence after the second paragraph:**

The extent of any net gain in biodiversity should be in accordance with national policy.

BOX 14: Local Green Spaces

154. The NPPF in paragraphs 101 - 103 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

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

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

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

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

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

155. I have visited the Parish and seen the proposed Local Green Spaces (LGS). I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. Apart from Primrose Wood, I am satisfied that all the proposed LGS meet the criteria for designation.

156. My comments on each of the proposed LGS sites are set out below.

157. a) *Boxford Playing Fields*. These playing fields are in reasonable proximity to the local community. It appears that the tennis courts and children's play area are included within this LGS site. They are demonstrably special to the local community, particularly due to their recreation provision and amenity value. They are local in character and do not constitute an extensive tract of land.

158. b) *Allotments*. These allotments are in reasonable proximity to the local community. They are demonstrably special to the local community,

particularly due to their informal recreation provision. They are local in character and do not constitute an extensive tract of land.

159. c) *Goodland's Meadow*. This meadow is in reasonable proximity to the local community. It is demonstrably special to the local community due to its informal recreation provision. It is local in character and is not an extensive tract of land.
160. d) *Gunary Close*. This open area of grass and trees is demonstrably special to the local community because it is an open space on the edge of a residential area. As such it provides some form of informal recreation space. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.
161. e) *The Spinney*. This woodland and wetland area is in reasonable proximity to the local community. It is demonstrably special to the local community due to its informal recreation provision and wildlife value. It is local in character and is not an extensive tract of land.
162. f) *The Bowling Green*. This site is in reasonable proximity to the local community. It is demonstrably special to the local community due to its recreation provision and social value. It is local in character and is not an extensive tract of land.
163. g) *Primrose Wood*. This site is demonstrably special to the local community, particularly due to its informal recreation provision, beauty and wildlife value and social value. I am satisfied that it is in reasonably close proximity to the community it serves and is local in character. However, it is an extensive tract of land. Therefore, it does not meet the criteria for designation as LGS and thus should be deleted from Policy BOX 14.
164. h) *The Croft*. This ancient wooded track is in reasonable proximity to the local community. It is demonstrably special to the local community due to its tranquillity, informal recreation provision and wildlife value. It is local in character and is not an extensive tract of land.
165. i) *Churchyard* The churchyard clearly meets the criteria for designation as LGS. It is demonstrably special to the local community, particularly for its tranquillity and historic value. It is at the heart of the village, is local in character and not an extensive tract of land. However, the Church building should not be included within the LGS.
166. j) *Cemetery*. This site is in reasonable proximity to the local community. It is demonstrably special to the local community due to its tranquillity. It is local in character and is not an extensive tract of land.
167. k) *Stone Street Road Pasture*. This site is in reasonable proximity to the local community. It is demonstrably special to the local community due to its tranquillity, historic significance and informal recreation provision. It is local in character and is not an extensive tract of land.

168. l) *Station Field*. This verdant area is demonstrably special to the local community because it is an open space within a residential area. As such it provides some form of informal recreation space. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.
169. m) *Marsh Road*. This verdant area is demonstrably special to the local community because it is an open space within a residential area providing some form of informal recreation space. It is in reasonable proximity to the local community. It is local in character and is not an extensive tract of land.
170. n) *Hagmore Green*. This medieval communal green is demonstrably special to the local community because of its historic significance and because it is an open space that provides some form of informal recreation space. It is in reasonable proximity to the small local community at Hagmore Green. It is local in character and is not an extensive tract of land.
171. Map 15a and the Policies Maps identify a further LGS, 'Junction Ash Street', in the centre of the village. As this is not listed in Policy BOX 14, it should be deleted from the maps. In the interest of precision, all the maps identifying LGS need to annotate the sites with the same lettering as that in Policy BOX 14 and the sites should be indicated on maps, possibly a series of inset maps, on an ordnance survey base of a scale that clearly defines their boundaries.
172. Subject to the above modifications, modified Policy BOX 14 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy BOX 14 meets the Basic Conditions.
173. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the deletion of Primrose Wood as a LGS site in Policy BOX 14, Map 15a and the Policies Maps.**
 - 2) the deletion of the church building from the Churchyard LGS on Map 15a and the Policies Maps.**
 - 3) all maps identifying LGS should annotate the sites with the same lettering as that in Policy BOX 14.**
 - 4) the additional unidentified LGS in the centre of the village should be deleted from Map 15a and the Policies Maps.**

5) the provision of inset maps on an ordnance survey base of a scale that clearly defines the boundaries of LGS.

BOX 15: Localised Flooding

174. The NPPF seeks to meet the challenge of climate change and flooding. Paragraph 163 emphasises that plans should take a proactive approach to mitigating and adapting to climate change, taking into account, amongst other matters, the long-term implications for flood risk.
175. Core Strategy Policy CS15 seeks to minimise surface water run-off and incorporate Sustainable Drainage Systems (SuDS) where appropriate.
176. Policy BOX 15 requires sustainable drainage systems, recognising the use of drainage and water features to provide drainage, wider amenity, recreational and biodiversity benefits. In addition, this policy seeks to ensure that new development mitigates risk of flooding. It is clear from the background supporting evidence that there is a history of localised flooding.
177. Policy BOX 15 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy BOX 15 meets the Basic Conditions.
178. Paragraph 12.11 should refer to Policy BOX 15 rather than Policy BOX 13. **I see this as a minor editing matter.**

BOX 16: Environmental Design

179. Paragraph 152 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
180. Core Strategy Policy CS15 seeks to ensure that new development, where appropriate, addresses climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low carbon energy.
181. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans.

182. Policy BOX 16 simply encourages measures that could help to offset or mitigate climate change. In the interest of precision, I have suggested additional wording to ensure that it cannot be interpreted as applying local technical standards or requirements relating to the construction or performance of new dwellings. Subject to the above modifications, modified Policy BOX 16 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy BOX 16 meets the Basic Conditions.

Recommendation: to meet the Basic Conditions, I recommend modification to Policy BOX 16 to include the following addition to the beginning of the second sentence:

Whilst this Policy does not apply local technical standards or requirements relating to the construction or performance of new dwellings,

BOX 17: Protection of Existing Village Services and Facilities

183. Paragraph 93 in the NPPF highlights the need to plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
184. Core Strategy Policy CS15 recognises the need for an appropriate level of services and facilities to be available or provided to serve proposed new development.
185. The above policies are relevant to both Policies BOX 17 and BOX 18.
186. Policy BOX 17 seeks to protect existing community facilities unless convenient improved or equivalent facilities can be provided or where non-viability can be demonstrated. As these facilities are identified on Map 2, in the interest of precision, Policy BOX 17 should cross refer to this map.
187. Policy BOX 17 refers to a period of at least six months of marketing with regard to ascertaining whether there is a continued viable use. I note that the emerging JLP refers to a similar six-month marketing period in Policy LP31. This is not a current strategic policy requirement and may be subject to future revision. BDC has been closely involved with the production of this neighbourhood plan and has not expressed an objection to the six - month period. There has to be some cut off point for marketing and in these circumstances with no objection from BDC, I am satisfied that this is a reasonable time period.
188. Subject to the above modification, Policy BOX 17 has regard to national policy, contributes towards sustainable development, particularly the social

objective, and is in general conformity with strategic policy. Modified Policy BOX 17 meets the Basic Conditions.

189. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BOX 17 by the inclusion of a cross reference to Map 2.**

BOX 18: Supporting New Community Infrastructure

190. Community infrastructure includes shops. Core Strategy Policy CS16 seeks to concentrate these in the towns villages and local centres at an appropriate scale and character for the location.
191. Policy BOX 18 supports new community infrastructure. My concern is that the generalised statement supporting the expansion of existing facilities may result in development that is not appropriate in scale or form to the area. In the interest of precision, I have suggested the inclusion of similar wording to that in Policy BOX 19.
192. Para 12.8 is not translated into policy and thus should be deleted.
193. Subject to the above modifications, Policy BOX 18 has regard to national policy, contributes towards sustainable development, particularly the social and economic objectives, and is in general conformity with strategic policy. Modified Policy BOX 18 meets the Basic Conditions.
194. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to the first paragraph in Policy BOX 18 to read as follows:

Proposals that would result in the expansion of existing facilities will be supported provided that they would not have a significant adverse impact upon the character of the area, adjoining uses or the amenity of local residents either through their built form, proposed use or traffic generated. New green spaces and facilities should be accessible to residents with limited mobility and include features such as benches and well-maintained paths.

2) the deletion of paragraph 12.8.

BOX 19: Support for Small Scale Extensions to Existing Business

195. The NPPF supports a prosperous rural economy. Paragraph 84 states: *Planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

196. Core Strategy Policy CS17 supports the economy of rural areas.

197. Policy BOX 19 supports the expansion of existing businesses and supports new small-scale businesses appropriate to a rural area. This has regard to national policy, contributes towards sustainable development, particularly the social and economic objectives, and is in general conformity with strategic policy. Policy BOX 19 meets the Basic Conditions.

Referendum and the Boxford Neighbourhood Plan Area

198. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
- the Plan as modified by my recommendations should proceed to Referendum; or
- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

199. **I am pleased to recommend that the Boxford Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**

200. I am required to consider whether or not the Referendum Area should extend beyond the Boxford Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

201. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the

Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, updates will be needed for the introduction and paragraphs 3.4 and 4.3.

Janet Cheesley

Date 13 June 2022

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
The Babergh Local Plan Alteration No. 2 (2006)
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