

Babergh District Council

**Brettenham  
Neighbourhood Plan  
2024 – 2037**

**Independent Examiner's Report**

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22 October 2024

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## Summary

I have been appointed by Babergh District Council to carry out the independent examination of the Brettenham Neighbourhood Plan.

Brettenham is a rural Parish, located some 8km northeast of Lavenham and some 12km southwest of Stowmarket. The village is linear in form and spread out, surrounded by scattered farmsteads. There are a number of historic buildings and a large Conservation Area covering around a fifth of the Parish. The relationship with the surrounding countryside is important as are the many trees and areas of woodland that characterise the area.

The Plan is very well presented. There is clarity of intent and thought which runs throughout the document. The Plan has been supported by a comprehensive Residents Survey. The Plan's 13 policies cover a variety of topics including a new settlement boundary, rural exception housing and Local Green Spaces.

Although it has been necessary to recommend some modifications, these are generally of a minor nature to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. The number and nature of these few modifications reflects the quality of the Plan and its supporting evidence documents which are excellent.

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

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

Ann Skippers MRTPI  
Ann Skippers Planning  
22 October 2024



## 1.0 Introduction

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

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

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

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

## 2.0 The role of the independent examiner and the examination process

### *Role of the Examiner*

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

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

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

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

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

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

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

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

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BDC. The

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### ***Examination Process***

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup>

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.<sup>8</sup> Often representations suggest amendments to policies or additional policies or different approaches. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>9</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>10</sup>

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on the Regulation 16 stage representations and I have taken these into account.

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

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<sup>6</sup> Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid para 056 ref id 41-056-20180222

<sup>10</sup> Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 1 September 2024.

### ***Modifications and how to read this report***

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics*** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

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

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

## **3.0 Neighbourhood plan preparation**

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

Work began on the Plan in 2020. A Residents Survey was carried out in early 2021 resulting in 64 responses. The Survey was comprehensive in nature and yielded a lot of information. In addition, the production of the Plan has been supported by a number of bespoke evidence based documents.

Pre-submission (Regulation 14) consultation took place between 21 January – 8 March 2024. The consultation was publicised by a summary leaflet delivered to every household and business in the Parish. A drop-in event was held to launch the consultation. Both hard and online copies of the Plan were available.

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

Submission (Regulation 16) consultation was carried out between 15 July – 30 August 2024.

The Regulation 16 stage resulted in 10 representations. I have considered all of the representations and taken them into account in preparing my report.

I note that a representation from the Defence Infrastructure Organisation explains that development can form a physical obstruction to the safe operation of aircraft and the

creation of environments attractive to large and flocking bird species can pose a hazard to aviation safety in identified safeguarding zones. As a result the Ministry of Defence should be consulted on certain applications within the safeguarding zones. This is primarily a matter for development management at BDC level.

## **4.0 Compliance with matters other than the basic conditions**

### ***Qualifying body***

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

### ***Plan area***

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 4 January 2021. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 5 of the Plan.

### ***Plan period***

The Plan period is 2024 – 2037. This is clearly stated in the Plan itself. The requirement is therefore satisfactorily met.

### ***Excluded development***

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

### ***Development and use of land***

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

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<sup>11</sup> PPG para 004 ref id 41-004-20190509



In this case, five Community Actions are found throughout the Plan. They are clearly distinguishable from the planning policies and accompanied by a good explanation of their status.<sup>12</sup> I therefore consider this approach to be acceptable for this Plan.

## 5.0 The basic conditions

### *Regard to national policy and advice*

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.<sup>14</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>15</sup>

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.<sup>16</sup> However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>17</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>18</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

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<sup>12</sup> The Plan, page 6

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

<sup>15</sup> Ibid

<sup>16</sup> Ibid para 29

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>19</sup>

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

PPG indicates that a policy should be clear and unambiguous<sup>20</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>21</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>22</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>23</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement clearly sets out how the Plan's objectives and policies correspond to the NPPF.

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

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

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>24</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>25</sup>

The three overarching objectives are:<sup>26</sup>

- 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;

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<sup>19</sup> NPPF para 16

<sup>20</sup> PPG para 041 ref id 41-041-20140306

<sup>21</sup> Ibid

<sup>22</sup> Ibid para 040 ref id 41-040-20160211

<sup>23</sup> Ibid

<sup>24</sup> NPPF para 7

<sup>25</sup> Ibid para 8

<sup>26</sup> Ibid

- 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>27</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how each Plan policy helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

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

The development plan consists of the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) which was adopted by BDC on 21 November 2023 and some saved policies from the Babergh Local Plan Alteration No. 2 (LP) adopted in June 2006 and the Core Strategy (CS) adopted in February 2014. None of the saved policies are relevant to this examination. The Suffolk Minerals and Waste Local Plan 2020 and other made neighbourhood plans also form part of the development plan, but are not directly relevant to this examination.

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out the relationship between the strategic policies of the JLP and the Plan policies.

### ***Retained European Union Obligations***

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>28</sup> confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the

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<sup>27</sup> NPPF para 9

<sup>28</sup> PPG para 031 ref id 11-031-20150209

decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

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

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated April 2024 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report prepared by Land Use Consultants Ltd which concluded that the Plan was unlikely to have significant environmental effects.

Consultation with the statutory bodies was undertaken. Responses from Historic England, the Environment Agency and Natural England concurred.

I have treated the Screening Opinion Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>29</sup>

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Habitats Regulations Screening Determination dated April 2024 has been prepared by BDC. This in turn refers to a HRA Screening Report of March 2024 prepared by Land Use Consultants.

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<sup>29</sup> PPG para 028 ref id 11-028-20150209

The Breckland Special Protection Area (SPA) is located some 20km from the Plan area and was identified for inclusion in the HRA.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects.

Natural England and the Environment Agency concurred with the findings of the Screening Report.

The Screening Determination concludes that Appropriate Assessment (AA) is not required.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I agree with the conclusion of the Screening Determination and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

### ***Conclusion on retained EU obligations***

PPG establishes that the ultimate responsibility for determining whether a plan meets retained EU obligations lies with the local planning authority.<sup>30</sup> BDC does not raise any concerns in this regard.

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

The Basic Conditions Statement contains a comprehensive statement in relation to human rights and equalities. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

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

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

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<sup>30</sup> PPG para 031 ref id 11-031-20150209

The Plan is presented to an exceptionally high standard and contains 13 policies. There is a helpful contents page at the start of the Plan.

### **1. Introduction**

This is a helpful introduction to the Plan that sets out basic information about the Plan and how it has evolved. This is a very clear and well-written section that offers a good explanation of the work carried out and the next stages. There is a clear diagram which shows the different stages of the neighbourhood planning process. Some natural updating will be needed as the Plan progresses towards the next stages.

### **2. Brettenham Past and Present**

This is an informative section about the history and present attributes of the Parish.

### **3. Planning Policy context**

This section usefully explains the policy context for the Plan.

### **4. Vision and Objectives**

The vision for the area is:

“In 2037 Brettenham will be a distinct rural village accommodating limited sustainable development that:

- Meets the needs of the local community;
- Respects the high quality of the historic and natural environment.”

The vision is underpinned by eight objectives across the four topic areas of housing; landscape and natural environment; built environment and design; and infrastructure and highways.

Both the vision and the objectives are clearly articulated and relate to the development and use of land and put sustainable development at the heart of the Plan.

### **5. Planning Strategy**

#### **Policy BRET 1**

**Policy BRET 1, Spatial Strategy**, defines two settlement boundaries and sets out how development will be determined within and outside the settlement boundaries. JLP Policy SP03 sets out an expectation that housing will come forward through extant permissions, allocations in neighbourhood plans, windfall development and through allocations in the JLP Part 2. Settlement boundaries will also be reviewed as part of the work on the JLP Part 2.

JLP Policy SP03 essentially carries forward settlement boundaries from previous development plan documents. The JLP recognises that the existing settlement boundaries have been in place for some time. This policy updates the existing settlement boundary and creates a new second settlement boundary.

The first settlement boundary covering the main village is revised from the existing boundary. St Mary's Church and the Centre Academy East Anglia are removed from the settlement boundary. In addition a small area is added to include the whole garden area of a property along The Street to 'round off' the boundary.

The second settlement boundary is a new area just to the north of the existing settlement boundary of an enclave of properties along Church Road.

Both settlement boundaries are clearly shown on Map 3 on page 16 of the Plan and the Policies Map.

The policy directs new development to those areas within the settlement boundaries. Outside the settlement boundaries development is only permitted where it would be in accordance with national or district or neighbourhood level policies.

JLP Policy SP03 explicitly states that outside the settlement boundaries, development is only permitted where a site is allocated for development, it is in accordance with a made neighbourhood plan, it is in accordance with JLP policies or it is in accordance with the NPPF.

Policy BRET 1 meets the basic conditions by having regard to national policy, being in general conformity with the JLP given it supports the strategy within that document and JLP Policy SP03 in particular and helping to achieve sustainable development. No modifications are therefore recommended.

## **6. Housing**

### **Policies BRET 2 and BRET 3**

The NPPF states that to help support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.<sup>31</sup> It continues that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.<sup>32</sup>

Within this context, it is clear that size, type and tenure of housing needed for different

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<sup>31</sup> NPPF para 60

<sup>32</sup> Ibid

groups in the community should be assessed and reflected in policy.<sup>33</sup> These groups include affordable housing, families with children, older people and those with disabilities.<sup>34</sup>

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.<sup>35</sup>

In Babergh District, the JLP will seek to deliver some 7,904 net dwellings (JLP Policy SP01). It encourages a mix of tenure, size and type depending on needs.

JLP Policy SP02 sets out the requirements for affordable housing. On sites of ten or more units or on sites of 0.5 hectare or more, 35% affordable housing is required on greenfield sites and 25% on brownfield sites.

According to the 2021 Census, there are 127 dwellings in the Parish. There is a slightly higher proportion of three and four bed dwellings compared to the District as a whole. Over half of properties are occupied by one or two people.

There are two policies in this section.

**Policy BRET 2, Affordable Housing on Rural Exception Sites**, sets out support for small-scale affordable housing schemes on sites outside the settlement boundaries, but well related to the existing settlements. It sets out clearly the expectations attached to such development.

The NPPF offers support to rural exception sites that provide affordable housing to meet identified local needs and indicate that some market housing on these sites may help to facilitate this.<sup>36</sup>

Non-strategic JLP Policy LP07 offers support for such sites if they are well connected to an existing settlement and are proportionate in size to it. JLP Policies SP02 and LP07 recognise that some market housing up to 35% of the development total may support the delivery of such sites.

**Policy BRET 3, Replacement Dwellings and Conversions of Buildings to Residential Use Outside Settlement Boundaries**, adds a local layer of detail to non-strategic JLP Policy LP04.

With regard to conversions, I note that JLP Policy SP03 refers to non-strategic JLP Policy LP04. In turn JLP Policy LP04 supports replacement dwellings and conversions subject to various criteria. Coupled with this, there are various permitted development rights for the change of use of agricultural and outlying buildings into residential.

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<sup>33</sup> NPPF para 63

<sup>34</sup> Ibid

<sup>35</sup> Ibid para 82

<sup>36</sup> Ibid



Policy BRET 3 refers to JLP Policy LP04 and adds criteria on landscape and heritage impacts, siting, size and plot size.

The criteria although more restrictive than national policy and the JLP can be considered to be appropriate in this rural location.

Both Policies BRET 2 and BRET 3 are local and detailed interpretations of JLP Policies SP02 and SP03. I note that the JLP indicates that neighbourhood plans can set out an approach to help influence the mix of housing tenure, size and type specific to the local area as long as it is in general conformity with JLP Policies SP01 and SP02.<sup>37</sup>

**Policies BRET 2 and BRET 3** therefore meet the basic conditions by having regard to national policy and being in general conformity with, and adding a layer of local detail to, JLP Policies SP02 and SP03 in particular and will help to achieve sustainable development.

## ***7. Landscape and Natural Environment***

### **Policies BRET 4, BRET 5, BRET 6 and BRET 7**

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.<sup>38</sup>

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.<sup>39</sup>

JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure including landscape, biodiversity, geodiversity and the historic environment and historic landscape. It also expects all development, through biodiversity net gain, to protect and enhance biodiversity ensuring measures are resilient to climate change.

Non-strategic JLP Policy LP16 refers to biodiversity and geodiversity including the loss of irreplaceable habitats and ancient woodland and biodiversity net gain. Non-strategic JLP Policy LP17 seeks to conserve and enhance landscape character including through the reinforcement of local distinctiveness and the identity of individual settlements, consideration of topographical impact and dark skies.

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<sup>37</sup> JLP para 07.10, page 27

<sup>38</sup> NPPF para 180

<sup>39</sup> Ibid para 185

There are four policies in this section. **Policy BRET 4, Protecting Brettenham’s Landscape Character**, seeks to ensure that new development is informed by the landscape character of the area and that the area’s rural and landscape character is conserved and enhanced.

The policy has regard to the NPPF as it seeks to ensure that development is sympathetic to local character including built environment and landscape setting and will maintain a strong sense of place.<sup>40</sup> It is in general conformity with JLP Policy SP09 in particular and will help to achieve sustainable development.

**Policy BRET 5, Protection of Important Views**, identifies 13 views shown on Map 4 and the Policies Map. I saw these at my site visit and consider these to be appropriately identified and selected given the topography, landscape and character of the Parish. The views are underpinned by an Assessment of Views document. The Design Guidance and Codes produced by AECOM also refers to “wide panoramic views offered in all directions”.<sup>41</sup>

The policy indicates that development proposals must not harm the key features of the views and this should be demonstrated through the submission of a landscape and visual impact assessment or similar evidence.

I consider the policy recognises the intrinsic character and beauty of the countryside and seeks to protect a strong sense of place in line with the NPPF and JLP Policy SP09.

**Policy BRET 6, Biodiversity and Wildlife Corridors** seeks to protect and enhance biodiversity through biodiversity net gain. I note that the Consultation Statement indicates the intention to amend this policy, but this has not occurred. In the interests of clarity and to ensure the policy has regard to the NPPF’s principles regarding harm to biodiversity, a modification is made to amend the policy’s wording.

With this modification, the policy will have regard to the NPPF,<sup>42</sup> help to achieve sustainable development and be a local interpretation of JLP Policy SP09.

Both BDC and the Suffolk Wildlife Trust (SWT) have suggested adding some information to the supporting text. I consider this would be helpful in the interests of completeness and clarity. A modification is therefore recommended to paragraph 7.11 on page 26 of the Plan.

BDC also refers to paragraph 7.16. My attention has been drawn to the Consultation Statement which indicates that this paragraph will be updated.<sup>43</sup> The suggested text in the Consultation Statement is therefore recommended for inclusion in the interests of accuracy. In addition, this will address a further comment made by the SWT.

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<sup>40</sup> NPPF para 135

<sup>41</sup> Design Guidance and Codes page 12

<sup>42</sup> NPPF paras 185, 186

<sup>43</sup> Consultation Statement page 96

The SWT also refer to Figure 3 on page 27 of the Plan. Figure 3 is representative of the commonly used mitigation hierarchy. However, I agree the word “avoid” would be better than “evade”. A modification is duly made in the interests of clarity.

**Policy BRET 7, Local Green Spaces**, seeks to designate three areas of Local Green Space (LGS). They are shown on the Policies Map and more detailed information is contained in a Local Green Space Assessment document.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>44</sup> The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>45</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>46</sup>

The NPPF sets out three criteria for green spaces.<sup>47</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

**Triangle of land at the junction of The Street, Buxhall Road and Church Road** is an important focal point into the village with the village sign, a bench and flowers. It also provides part of the setting for the Church.

**Playground next to the Village Hall** is a playing field with children’s play equipment close to the Village Hall. It is valued for its recreation and open space.

**The cemetery at St Mary the Virgin Church** is a tranquil area, important for the setting of the Church, but also as a historic feature and peaceful area.

Based on the information in the Assessment and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All three spaces are also identified as public green spaces in the Design Guidance and Codes document which indicates they should be retained and enhanced.<sup>48</sup> No representations have been made that lead me to a different conclusion.

The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

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<sup>44</sup> NPPF para 105

<sup>45</sup> Ibid

<sup>46</sup> Ibid

<sup>47</sup> Ibid para 106

<sup>48</sup> Design Guidance and Codes page 20

Turning now to the wording of the policy, it designates the LGSs and states that development in the LGSs will be consistent with national policy for Green Belts. This has regard to the NPPF which is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.<sup>49</sup>

With the modifications recommended to Policy BRET 6 and its supporting text, **Policies BRET 4, BRET 5, BRET 6 and BRET 7** will meet the basic conditions for the reasons given above.

There are also a number of recommendations for minor updates and a change to a sub section heading in the interests of accuracy, consistency (in how supporting documents are referenced) and clarity.

- **Change the reference to “...paragraph 179 of the NPPF...” in paragraph 7.2 on page 23 of the Plan to “paragraph 185...”**
- **Delete the word “positively” from criterion a. of paragraph 7.5 on page 23**
- **Replace the reference to “Assessment of Important Views” in paragraph 7.9 on page 24 with “Assessment of Views”**
- **Amend Policy BRET 6 to read:**

***“Development proposals should avoid the loss of, or *significant* harm to, *biodiversity including priority habitats*, distinctive trees, hedgerows and other natural features such as ponds and watercourses. Where such losses or harm are unavoidable *adequate mitigation measures or, as a last resort, compensation measures will be sought. If suitable mitigation or compensation measures cannot be provided, then planning permission should be refused.****

***Mitigation* measures should form an integral part of the design concept. In addition, the layout and design of the development proposal concerned should be landscape-led and appropriate in relation to its setting and context and have regard to its ongoing management.**

**Where new access is created, or an existing access is widened, through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.**

**Proposals will be supported where they integrate improvements to biodiversity which will secure a measurable net gain as part of the design through, for example,**

- a) the creation of new natural habitats including ponds;**
- b) the planting of additional native trees and hedgerows (reflecting the**

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<sup>49</sup> NPPF para 107

character of Brettenham’s traditional trees and hedgerows); and  
c) restoring and repairing fragmented *biodiversity networks and corridors through, for example, the provision of bird and bat boxes and holes in fences which allow access for hedgehogs.*”

- Amend paragraph 7.11 on page 26 of the Plan to read:

*“There are no nationally defined nature conservation sites within the parish. However, all of the parish lies within the Impact Risk Zone of Thorpe Morieux Woods and Great Hastings Wood Site of Special Scientific Interest (SSSI), situated to the north-west of the parish boundary. The local planning authority will consult Natural England where the proposal is in an SSSI or within an Impact Zone and falls within a notifiable category as identified on Natural England’s Magic Map <https://magic.defra.gov.uk/>. In addition, there are four County Wildlife Sites either wholly or partly within the Parish. These are Rattlesden Airfield, Ram’s Wood, Morieux Wood, and Knightshill Grove.”*

- Delete the existing paragraph 7.16 on page 26 of the Plan and replace it with:

*“The NPPF states that plans should “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.” The 2021 Environment Act has introduced the requirement for development except where exempt, to deliver a minimum 10 per cent measurable net gain in biodiversity.”*

- Change the word “Evade” in Figure 3 on page 27 of the Plan to “Avoid”
- Change the sub heading on page 28 of the Plan from “Protected Open Spaces” to “Local Green Spaces”
- Replace the reference to “Local Green Space Appraisal” in paragraph 7.21 on page 28 to “Local Green Space Assessment”

## **8. Built Environment and Design**

### **Policies BRET 8, BRET 9, BRET 10 and BRET 11**

The Parish has a large Conservation Area and a number of listed buildings. **Policy BRET 8, Non-designated Heritage Assets** identifies six non-designated heritage assets.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>50</sup> It continues<sup>51</sup> that great

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<sup>50</sup> NPPF para 195

<sup>51</sup> Ibid para 205

weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>52</sup>

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.<sup>53</sup>

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.<sup>54</sup> There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.<sup>55</sup>

JLP Policy SP09 expects development to contribute to the conservation, enhancement and management of the natural and local environment including the historic environment and historic landscape. Non-strategic JLP Policy LP19 sets out detail relating to the historic environment.

A Non-Designated Heritage Assets Assessment sets out details about each asset and assesses them against Historic England advice. I consider they have been appropriately designated.

The policy identifies the assets which are also shown on the Policies Map in a general location. I consider it would be useful to incorporate the Assessment or at the least the maps from the Assessment into the Plan document itself so that it is clear within the Plan itself which buildings and structures are identified.

The wording of the policy reflects the NPPF's stance on such assets.

**Policy BRET 9, Design Considerations** is a long policy covering numerous and varied criteria. In essence, it seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF's stance on design.

The NPPF states that 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.<sup>56</sup> Being clear about design expectations is essential for achieving this.<sup>57</sup>

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<sup>52</sup> NPPF para 209

<sup>53</sup> PPG para 040 ref id 18a-040-20190723

<sup>54</sup> Ibid

<sup>55</sup> Ibid

<sup>56</sup> NPPF para 131

<sup>57</sup> Ibid

It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>58</sup> It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>59</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.<sup>60</sup>

JLP Policy SP10 in addressing climate change, seeks, amongst other things, to support sustainable design and construction.

Non-strategic JLP Policy LP23 refers to sustainable design and construction. Non-strategic JLP Policy LP24 refers to design and residential amenity.

The policy is supported by Design Guidance and Codes (October 2021) produced by AECOM.

**Policy BRET 10, Flooding and Sustainable Drainage** sets out a requirement for all new development to ensure that surface water drainage and water resources is managed appropriately and encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.<sup>61</sup>

JLP Policy SP10 sets out a requirement to mitigate and adapt to climate change including through approaches to the impacts of flooding. Non-strategic JLP Policy LP27 deals with flood risk and vulnerability and also refers to SuDs.

The supporting text explains that although the extent of areas of flood zones 2 and 3 are in the river valley to the south of the Parish, severe surface water flooding has occurred in the Parish. As a result, the policy seeks to ensure that new development addresses flood risk.

The last policy in this section is new **Policy BRET 11, Dark Skies and Street Lighting**.

The NPPF indicates that policies should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

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<sup>58</sup> NPPF para 132

<sup>59</sup> Ibid para 133

<sup>60</sup> Ibid para 135

<sup>61</sup> Ibid paras 173, 175

development.<sup>62</sup> In so doing, the NPPF refers to limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.<sup>63</sup> This policy seeks to ensure that this aim of the NPPF is realised.

Policy BRET 11 should be presented in bold text to be consistent with the other policies of the Plan.

With these presentational amendments, I consider **Policies BRET 8, BRET 9, BRET 10 and BRET 11** meet the basic conditions particularly having regard to the NPPF, being in general conformity with the JLP and especially those strategic policies referred to above and helping to achieve sustainable development.

The supporting text at paragraphs 8.5, 8.8 and 8.26 requires updating. In addition reference to the Non-designated Heritage Assets Assessment should be consistent.

- **Incorporate the maps for each non-designated heritage asset into the Plan**
- **Make the policy wording for Policy BRET 11 bold text**
- **Update the references to paragraph 203 of the NPPF to paragraph 209 of the NPPF in paragraphs 8.5 on page 29 of the Plan and paragraph 8.8 on page 30 of the Plan and the reference to paragraph 185(c) to 191 in paragraph 8.26 on page 34 of the Plan**
- **Amend the reference to “Local List of Non-Designated Heritage Assets” in paragraph 8.8 on page 30 of the Plan to “Non-Designated Heritage Assets Assessment”**

## ***9. Infrastructure and Highways***

### **Policies BRET 12 and BRET 13**

**Policy BRET 12, Parking Standards**, sets parking standards for new development. The Plan explains that there are high levels of car ownership most likely because of the location of the village and the limited public transport available. There are no day-to-day services or facilities in the village. This high level of car ownership then leads to on-road parking on highways as well as off-road parking on pavements and verges.

The NPPF supports local parking standards provided that accessibility, type, mix and use of development, the availability of public transport, local car ownership levels and the need to provide adequate provision of plug-in and other ultra low emission vehicles is taken into account.<sup>64</sup>

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<sup>62</sup> NPPF para 191

<sup>63</sup> Ibid

<sup>64</sup> Ibid para 111



Suffolk County Council has produced guidance for parking. Policy BRET 12 sets out minimum requirements which are higher than the SCC guidance for 3 and 4 bedroom dwellings. It also requires electric vehicle charging points and permeable surfaces. Given the local circumstances, the policy is acceptable.

The last policy is **Policy BRET 13, Public Rights of Way** which seeks enhancement of the existing network.

The NPPF is clear that planning policies should protect and enhance public rights of way (PROW) and access taking opportunities to provide better facilities for users.<sup>65</sup> The NPPF seeks to enable and support healthy lifestyles including through the protection and enhancement of PROW including through adding links to existing networks.<sup>66</sup>

Such networks can also help with providing opportunities and options for sustainable transport modes.<sup>67</sup>

Non-strategic Policy LP29 supports active travel and the protection and enhancement of PROW networks.

This policy sets out to achieve the ambitions of the NPPF.

Both **Policies BRET 12 and BRET 13** meet the basic conditions by having regard to the NPPF, being in general conformity with the JLP and helping to achieve sustainable development.

Map 4 on page 35 of the Plan should be re-labelled Map 5. References to this map should be updated accordingly.

- **Change the Map number on page 35 of the Plan to “Map 5” and align the reference in paragraphs 9.5 and 9.13 to Map 5**

### ***Policies Map***

A useful Policies Map and Village Centre Inset are provided.

### ***Appendices***

There are three appendices. Appendix A is a map of priority habitats. Appendix B is a list of listed buildings. Appendix C is the Design Guidelines based on the work undertaken in the Design Guidance and Codes document.

I consider it would be useful for the first appendix to be ‘future-proofed’.

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<sup>65</sup> NPPF para 104

<sup>66</sup> Ibid

<sup>67</sup> Ibid paras 108, 110

- Add a sentence to Appendix A that reads: “*Up to date information on habitats should be sought from Natural England or another reliable source.*”

## 7.0 Conclusions and recommendations

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

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

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

I therefore consider that the Brettenham Neighbourhood Development Plan should proceed to a referendum based on the Brettenham Neighbourhood Plan area as approved by Babergh District Council on 4 January 2021.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
22 October 2024

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

Brettenham Neighbourhood Plan 2024 – 2037 Submission Draft Plan June 2024

Basic Conditions Statement June 2024 (Places4People Planning Consultancy)

Consultation Statement June 2024 (Places4People Planning Consultancy)

Strategic Environmental Assessment and Habitats Regulation Assessment Screening Determination Notices April 2024 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report March 2024 (LUC)

Habitats Regulations Assessment Screening Report Final Report March 2024 (LUC)

Assessment of Views June 2024 (Places4People Planning Consultancy)

Local Green Space Assessment January 2024

Non-Designated Heritage Assets Assessment January 2024

Design Guidance and Codes October 2021 (AECOM)

2021 Residents Survey Results January 2024

Conservation Area Appraisal

Regulation 15 Checklist (BDC)

Babergh and Mid Suffolk Joint Local Plan Part 1 adopted 21 November 2023

**List ends**