

# **Chelmondiston Neighbourhood Development Plan**

## **Chelpin Plan 2020 - 2036**

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

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## Summary and Conclusion

1. The Chelmondiston Neighbourhood Development Plan has a clear vision for the Parish, which is supported by seven objectives.
2. The Plan does not allocate specific sites within the Parish for new housing development, nor seek to accommodate a specific number of dwellings. Instead, it supports development within settlement boundaries, subject to other policies.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended the deletion of Cliff Plantation as a Local Green Space as it does not meet all the criteria for designation. In addition, I have recommended the deletion of three Significant Views from Policy CP7. My reasons with regard to all suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
4. **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 Chelmondiston Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Chelmondiston Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

5. On 23 March 2018 Babergh District Council (BDC) approved that the Chelmondiston Parish Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Chelmondiston.
6. The qualifying body is Chelmondiston Parish Council. The Plan has been prepared by a steering group on behalf of the Parish Council. The Plan covers the period 2020 to 2036.
7. I was appointed as an independent Examiner for the Chelmondiston Neighbourhood Development Plan (Chelpin Plan) in February 2021. 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

8. 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.
9. 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.
10. *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).”*

11. 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.
12. 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)**

13. 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).
14. The *Chelmondiston Parish Council Neighbourhood Plan SEA Screening Opinion* was prepared by Land Use Consultants in March 2020. It concludes that the Plan will not have significant environmental effects and that SEA is therefore not required. The statutory consultees concurred with this opinion.
15. BDC prepared a *Chelmondiston Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Determination* in May 2020. It states: *in the light of the SEA Screening Report prepared by Land Use Consultants and the responses to this from the statutory bodies it is determined that the draft Chelmondiston Neighbourhood Plan does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.*
16. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
17. As regards Habitats Regulations Assessment (HRA), The *Chelmondiston Neighbourhood Development Plan 2019-2031: Regulation 14 Draft Habitats Regulations Assessment (HRA): Screening Report* was prepared by Place Services in November 2019. It concludes: *Subject to Natural England’s review, this HRA Screening Report concludes that the Regulation 14 draft Chelmondiston Neighbourhood Development Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in*

*combination with other plans and projects. The content of the Chelmondiston Neighbourhood Plan has therefore been **screened out** for any further assessment and Babergh DC can demonstrate its compliance with the UK Habitats Regulations 2017. Natural England concurred with this view.*

18. BDC prepared a *Habitats Regulations Screening Determination* in May 2020. The determination concludes: *In the light of the Screening Report prepared by Place Services and the responses from the statutory bodies it is determined that the 'draft' Chelmondiston Neighbourhood Plan does not require further assessment under the Habitats Regulations 2017.*
19. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. 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).
20. 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**

21. The *National Planning Policy Framework* (NPPF) (2019) 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.
22. 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.*

23. Chelmondiston Parish lies within the local authority area of Babergh District Council (BDC). The development plan for the Chelmondiston Neighbourhood Development 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 (2014).
24. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural environment.
25. BDC with Mid Suffolk District Council published a Joint Local Plan Pre-Submission (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was formally submitted to the Secretary of State for Housing, Communities and Local Government for independent Examination on 31 March 2021.

## **The Neighbourhood Plan Preparation**

26. 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.
27. Much of the work on the Plan was derived from work undertaken for the Village Development Framework for Chelmondiston and Pin Mill, (February 2016). This document was prepared through an extensive process of community involvement and engagement from 2012 to 2015.
28. An informal consultation was held in March/April 2019 on a first draft of the Plan. This posed a number of questions about the future of the area. The Draft Plan was placed on the Parish Council's website and printed copies made available in four outlets for public view. There was a leaflet drop to the whole village and publicised on the village noticeboard. Publicity events were held in the Methodist Hall on 18 March 2019.
29. The consultation period on the pre-submission draft of the Plan ran from 18 July 2020 to 1 September 2020. Due to Covid pandemic restrictions, public gatherings were not possible, and all communication with the local community had to take place on a remote basis.
30. Two video-link Question and Answer sessions were held during the consultation period in place of a physical gathering. The consultation period

was preceded by a door-drop to all households and businesses in the Parish. Posters were placed in all shops and pubs, and messages were posted on the local Facebook group. Statutory Bodies were also contacted for their views. The draft Plan was placed on the Parish website, and hard copies were made available on request. Towards the end of the consultation period another door drop leaflet took place and copies of the draft Plan were also placed in local shops and pubs.

31. 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 well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to undertake remote consultation and make changes to the Plan following the pre-submission consultation, during the challenging pandemic restrictions.
32. BDC publicised the submission Plan for comment during the publicity period between 15 February 2021 and 9 April 2021 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of twelve responses were received, with one of these being a late response. I am satisfied that all these responses can be assessed without the need for a public hearing.

Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions (and other legal requirements). 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.

## **The Chelmondiston Neighbourhood Development Plan**

33. Policies in a neighbourhood plan can only be for the development and use of land. Infrastructure improvements that will be pursued by the Parish Council are listed on pages 40 and 41 of the Plan and are clearly distinguished from the land use policies.
34. 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.
35. 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).*

36. 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.
37. 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.
38. Background information is provided in Section 3 of the Plan, in Appendices and supporting documents. Five key issues have been identified in the Plan. A clear vision for the Parish has been established and is supported by seven objectives.
39. Paragraph 4.1 refers to neighbourhood plan regulations. Whilst it is not a requirement to describe the regulations in this Plan, in the interest of completeness, the requirement to contribute towards sustainable development should be included in this paragraph. **I see this as a minor editing matter.**
40. Paragraph 4.3 should refer to the three overarching objectives of sustainable development in the NPPF rather than the three 'roles'. **I see this as a minor editing matter.**
41. Paragraphs 4.8 and 4.9 need updating to refer to the submission of the Joint Local Plan, rather than the Pre-Submission and Preferred Options documents. **I see these as minor editing matters.**
42. Paragraph 4.11 refers to the Draft South East Marine Plan. The Marine Management Organisation has suggested that this paragraph includes mention of their Marine Plan being due to being adopted in 2021. This has no bearing on whether the Plan meets the Basic Conditions. I will leave it up to the Parish Council to decide if it wishes to include this reference. **I see this as a minor editing matter.**
43. A number of the maps in the Plan are difficult to read in detail. In the interest of precision, they should all be on an Ordnance Survey base with some of the main roads identified and at a scale where the policies/proposals are clear to identify. I suggest that the numbering of Local Green Spaces, Open Spaces, Significant Views, Community Facilities and Local Businesses in corresponding policies are included on the Policies Map.

44. **Recommendation: to meet the Basic Conditions, I recommend that all maps in the Plan are on an Ordnance Survey base with some of the main roads identified and at a scale where the policies/proposals are clear to identify.**
45. I now turn to the policies in the Plan. 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.

### **CP1 New Housing within Settlement Boundaries**

46. Paragraph 59 in the NPPF states: *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come 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.*
47. Core Strategy Policy CS2 identifies Chelmondiston as a Hinterland Village. Hinterland Villages will accommodate some development to help meet the needs within them. Development outside settlement boundaries will only be permitted in exceptional circumstances subject to proven justifiable need. All proposals will be assessed against Core Strategy Policy CS11.
48. Core Strategy Policy CS11 states that development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites subject to a list of criteria, including being adjacent to or well related to the existing pattern of development for that settlement. Policy CS11 intentionally provides greater flexibility for appropriate development beyond the developed area for identified Hinterland villages subject to specified criteria.
49. The BDC *Rural Development and Core Strategy Policy CS11 Supplementary Planning Document: (SPD) (August 2014)* provides guidance on the interpretation and application of Core Strategy Policy CS11. This document states that a judgement will need to be made on the size and scale of development based on the size and character of the village, the services and facilities available and the capacity to accommodate further development. Proposals for hinterland villages will need to be proportionate to the size of the existing settlement and take into account the type and number of facilities in the village, local opportunities and needs.
50. Core Strategy Policy CS3 is a strategy for growth and development. Emerging Policy in the emerging Joint Local Plan continues to identify Chelmondiston as a Hinterland Village. The emerging Joint Local Plan minimum housing requirement figure in emerging Policy SP04 and

accompanying Table 4 seeks a minimum of 52 new dwellings in the Parish during the Plan period. Whilst the emerging Local Plan has an end date of 2037 and this neighbourhood plan has an end date of 2036, from the evidence before me, I consider the indicative housing figure provides me with the best guidance on total housing numbers for the Chelmondiston Parish area.

51. Together with outstanding planning permissions, the emerging Local Plan allocates two sites which will meet this requirement. The proposed settlement boundary for Chelmondiston in the Local Plan incorporates these sites within a revised settlement boundary. The site on land East of Richardson Lane was granted outline planning permission for 24 dwellings on 2 July 2018 (Ref: DC/18/002036). A reserved matters application was granted approval on 26 April 2021 (Ref: DC/21/00350). The site on land South of the B1456 is allocated for 15 dwellings.
52. The Strategic Housing and Economic Land Availability Assessment (SHELAA) (October 2020) is part of the evidence base supporting the emerging Joint Local Plan. It explains that BDC has undertaken two rounds of 'call for sites' processes in 2014 and 2016, and further sites were submitted through previous consultation stages on the Joint Local Plan. These include sites at Hill Farm and land north of the B1456 currently being promoted through representations to this neighbourhood plan.
53. The site at Hill Farm is being promoted by the Vistry Group. It is site Ref SS1115 in the SHELAA. This site was discounted in the SHELAA as it was considered that large scale development was not suitable and is likely to have a detrimental impact on the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).
54. The site on land north of the B1456 is being promoted on behalf of the landowners. This is part of a larger site Ref SS1096 in the SHELAA. This site was discounted in the SHELAA as it was considered that large-scale development was not suitable and is likely to have a detrimental impact on the AONB.
55. Both of the above sites are each being promoted for a significantly greater number of dwellings than the 15 dwellings on the site on land South of the B1456. Both of the above sites lie within the AONB where the NPPF attributes great weight to conserving and enhancing the landscape and scenic beauty.
56. Policy CP1 does not allocate sites for housing. It does not seek to determine the overall amount of houses to be built during the Plan period. Instead, it supports development within settlement boundaries, subject to other policies.
57. Policy CP1 defines settlement boundaries and seeks to resist development outside these boundaries. It incorporates within the revised settlement

boundary for Chelmondiston the two sites allocated for housing development in the emerging Joint Local Plan.

58. All three settlement boundaries in this neighbourhood plan are the same as those in the emerging Local Plan. In these circumstances, there is no requirement for this neighbourhood plan to allocate sites for housing in order to meet the emerging strategic housing requirement.
59. Paragraph 5.4 is background justification for Policy CP1. It explains that whilst the settlement boundaries may change during the Joint Local Plan process, the revised settlement boundaries in the emerging Joint Local Plan have been adopted in this neighbourhood plan. It is considered that they provide a suitable framework for decision making.
60. The Parish Council has a Neighbourhood Plan webpage which includes all the minutes of the Steering Group Meetings. The following is an extract from the minutes of 17 July 2019, which provides further justification for the approach taken:

***Implications of the latest draft BDC/MSDC Local Plan.***

*MW reported that following a review of the Local Plan, the need for changes to the Chelpin looked minor. Before updating the Chelpin Plan, 4 issues needed to be decided:*

***• Revised Settlement Boundaries*** - *the latest Local Plan splits Chelmondiston into 3 separate areas: Chelmondiston (main village), Pin Mill, and Lings Lane. Whilst the rationale for this is not made entirely clear, on balance the advantages for this approach (in that more specific planning requirements can be applied to each of the 3 areas) appear to outweigh any possible disadvantages. It was therefore agreed that the Chelpin Plan should adopt this boundary division.*

***• Housing Requirements --> 2036*** - *The minimum number of dwellings that Chelmondiston Parish is expected to provide by 2036 is stated in the Local Plan as 52. Around 35 of these already have planning permission. Ground for another 15 is allocated in the latest SHELAA listing. This means that with a few infills (as yet unidentified) the (minimum) target of 52 is likely to be easily exceeded. The decision required here is whether or not to allocate (in the Chelpin Plan) specific areas for more building. After some discussion it was agreed that there is little value in allocating specific sites, given that ground for the minimum target is already in the Local Plan. Better to ensure that criteria for evaluating any new sites that emerge as possible contenders for building are complete and robust.*

61. An addendum to the minutes of a subsequent Steering Group Meeting of 5 September 2019 clarified the housing land supply position.
62. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG (Paragraph: 009 Reference ID: 41-009-

20190509) 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. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.

63. I sought clarification from the Parish Council as to whether they undertook a 'call for sites' and was informed that they did not do so. A draft SHELAA had been published in August 2017. It is quite clear that the Parish Council relied on the evidence informing the Joint Local Plan process. PPG advises that proportionate, robust evidence should support the choices made and approach taken to preparing a neighbourhood plan. (Paragraph: 040 Reference ID: 41-040-20160211).
64. 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 Local Plan. It is not my role to determine whether the Neighbourhood Plan would be inconsistent with the adopted version of the emerging Local Plan if it were to be subject to future amendments to accommodate further growth.
65. The revised settlement boundary for Chelmondiston in this neighbourhood plan includes within it the two housing allocation sites in the emerging Joint Local Plan and excludes the two discounted sites in the SHELAA. In doing so, it allows for the emerging strategic housing requirement to be met.
66. I am well aware of the weight to be given to emerging local plan policies as specified in paragraph 48 of the NPPF. In the circumstances of this particular situation, there was no need to duplicate the 'call for sites' process. I consider it was appropriate for the SHELAA evidence informing the Joint Local Plan process and subsequent housing allocations in the emerging Joint Local Plan to be justification for the proposed revised settlement boundary for Chelmondiston in this neighbourhood plan. This is in accordance with guidance in PPG.
67. I consider the approach to housing development in this neighbourhood plan contributes to the achievement of sustainable development notwithstanding that further growth is being promoted and that the emerging Local Plan in the future might propose additional growth.
68. The NPPF at paragraph 157 requires all plans to apply the sequential risk based approach to the location of development, so as to avoid, where possible, flood risk to people and property. This is a sustainable

development criterion in Core Strategy Policy CS15. Policy CP1 requires the sequential test to be applied with regard to flood risk.

69. Policy CP1 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Policy CP1 meets the Basic Conditions.
70. Paragraph 5.5 refers to Local Plan Policy CR15 (2014). The date in brackets should be 2006, as this is a saved policy from the Local Plan. **I see this as a minor editing matter.**

## **CP2 Design Principles**

71. Paragraph 124 in the NPPF states: *the creation of high quality 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.*
72. Paragraph 125 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 plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
73. Core Strategy Policy CS15 requires proposals for development to respect the local context and character of the different parts of the District.
74. Policy CP2 is a set of design principles that need to be taken into account for all new development where relevant.
75. The first paragraph refers to key attributes of the area and key local design features. The Village Development Framework (2016) (VDF) is background evidence relevant to this policy. In particular, it identifies characteristic styles of existing development.
76. Proposed new development will be assessed against a list of criteria, where relevant to the proposal. I have the following comments with regard to the criteria.
77. Criterion (b) refers to 'larger proposals' but does not define the threshold for such proposals. This lack of precision would not assist decision making. As

the list of criteria is prefaced with 'where relevant' I suggest the reference to 'larger proposals' is deleted.

78. 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. Therefore, criterion (j) in Policy CP2 can only apply to non - residential development. I suggest that Policy CP2 is modified accordingly. For the same reasons, reference to Passive House homes in paragraph 5.7 should be deleted. The last sentence in criterion (j) is not a land use and development policy. I have suggested revised wording for criterion (j).
79. The accompanying text can explain 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. **I see this as a minor editing matter.**
80. Subject to the above modifications, Policy CP2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy CP2 meets the Basic Conditions.
81. Suffolk County Council has requested the end of criterion (m) to include *with a proportion of well-designed on-street parking included in development designs*. As this criterion already refers to County Council's adopted parking standards, it is not necessary to include this additional text.
82. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to criterion (b) in Policy CP2 to read as follows:**
- It is designed in such a way so as to make a positive use of local landform, trees, hedgerows and other vegetation and has had suitable regard to landscape setting and settlement pattern;**
- 2) modification to criterion (j) in Policy CP2 to read as follows:**
- for non-residential development it includes features to reduce carbon emissions and increase water efficiency. Where such features are proposed they should be sympathetic to the character of the surrounding area.**
- 3) the deletion of reference to Passive House Homes in paragraph 5.7.**

### **CP3 Development within Pin Mill Conservation Area**

83. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
84. The NPPF advises at paragraph 193 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.
85. Core Strategy Policy CS15 seeks to ensure that development proposals protect and, where possible, enhance heritage areas.
86. Policy CP3 seeks to ensure that new development maintains, and where possible enhances the positive attributes of the Pin Mill Conservation Area and its setting. The list of criteria is justified from background evidence in the Conservation Area Appraisal and VDF.
87. Policy CP3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Policy CP3 meets the Basic Conditions.

### **CP4 Development affecting non-designated heritage assets**

88. 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.*
89. *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).
90. Core Strategy Policy CS15 seeks to ensure that new development respects heritage assets.
91. 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.*
92. Policy CP4 identifies 17 non-designated heritage assets. Paragraph 5.11 explains the criteria for their selection. They have been identified by the



Steering Group for their architectural, historical or cultural value to the area. Appendix 2 briefly describes the reasons for listing of these buildings as non-designated heritage assets.

93. Policy CP4 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Policy CP4 meets the Basic Conditions.

### **CP5 Protecting Local Green Spaces**

94. The NPPF in paragraphs 99 - 101 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.*

95. The choice of Local Green Spaces (LGS) in Policy CP5 is supported by background evidence in Appendix 1 of the Plan. I have seen the proposed LGS during my visit to the Parish. My comments on each site are set out below. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period.
96. *CP5/1 – Pin Mill Common.* This site is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its informal recreational value. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.
97. *CP5/2 – Cliff Plantation.* This plantation is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its beauty, wildlife and

informal recreational value. I am satisfied that it is local in character. However, whilst it is contained to a considerable extent, it is an extensive tract of land. Therefore, it does not meet the criteria for designation as a LGS and thus should be deleted from Policy CP5, Table A1, Map 9 and the Policies Map.

98. *CP5/3 – Pages Common.* This area is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its wildlife and informal recreational value. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.
99. *CP5/4 – Baptist Chapel Graveyard.* This graveyard is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its tranquillity. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.
100. *CP5/5 – Community Orchard.* This small community orchard is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its value as a natural community asset. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.
101. *CP5/6 – St Andrew’s Churchyard.* This site is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its tranquillity. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.
102. The Parochial Church Council (PCC) has objected to the area of the former school being included in this wider LGS. As trustees of the land, it cannot, without being in breach of trust, agree to a designation which might impact on their ability at some date in the future to seek to utilise the site to raise income for the PCC.
103. Private land, with or without public access, can be designated as LGS. Whilst there are no graves located on the former school part of the site, it is a grassed area that has been assimilated into the wider churchyard. As regards suitability for LGS designation, the whole churchyard site meets the criteria for designation. This does not preclude future development. Policies for managing development within a LGS should be consistent with those for Green Belts.
104. *CP5/7 – Picnic site, Pin Mill Road.* This small picnic area is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its informal recreational value. It is local in character and is not an extensive tract of land. This site meets the criteria for designation as LGS.

105. All the proposed LGS are within the AONB. PPG advises: *different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.* (Paragraph: 011 Reference ID: 37-011-20140306). In this particular instance, local benefit of LGS designation is due to the local significance of the sites.
106. Following a recent Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259), I consider it necessary to delete the last paragraph in Policy CP5. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.
107. Subject to the above modifications, Policy CP5 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy CP5 meets the Basic Conditions.
108. In paragraph 5.15 there is an incorrect policy reference. **I see this as a minor editing matter.**
109. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to Policy CP5 to read as follows:**
- Policy CP5 Protecting Local Green Space**
- The following Local Green Spaces are designated in this Plan and are shown on the Policies Map:**
- CP5/1 – Pin Mill Common**
- CP5/2 – Pages Common**
- CP5/3 – Baptist Chapel Graveyard**
- CP5/4 – Community Orchard**
- CP5/5 – St Andrew’s Churchyard**
- CP5/6 – Picnic site, Pin Mill Road**
- 2) modification to Table A1, Map 9 and the Proposal Map by the deletion of Cliff Plantation as LGS.**

## **CP6 Protecting Other Open Spaces**

110. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment. Core Strategy Policy CS14 seeks to protect and enhance existing green infrastructure.
111. Policy CP6 seeks to protect 15 open spaces. I have seen these areas and recognise their importance to the local community.
112. The second paragraph in Policy CP6 refers to resisting the loss of small open spaces, but does not identify any small open spaces other than those in the first paragraph. As only those listed in the policy are identified as open spaces, in the interest of precision, this second paragraph can only apply to the list of open spaces in this policy. I have suggested revised wording.
113. Subject to the above modification, Policy CP6 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy CP6 meets the Basic Conditions.
114. **Recommendation: to meet the Basic Conditions, I recommend modification to the second paragraph in Policy CP6 to read as follows:**
- Development that would result in the loss of these open spaces will only be supported when:**
- a) Equivalent or better provision is provided elsewhere within a suitable location; or**
- b) It can be clearly demonstrated by the applicant that the open space no longer performs a useful open space function in terms of the local environment, amenity, or active public recreation use.**

## **CP7 Conserving and Enhancing Valued Landscapes and Biodiversity**

115. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes, minimising impacts on and providing net gains for biodiversity. One of the principles to protect and enhance biodiversity in Paragraph 175 states: *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.*
116. Core Strategy Policy CS14 seeks to protect and enhance existing green infrastructure. Core Strategy Policy CS15 seeks to ensure that the landscape and historic views are respected. In addition, 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 and heritage assets of Babergh's natural environment within both designated and non-designated areas.

117. Policy CP7 seeks to conserve and enhance valued landscapes and biodiversity. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where the criteria in Policy CP7 are not relevant to small scale development. Therefore, I have suggested that 'where relevant to the proposal' is inserted at the beginning of this policy.
118. Criterion (g) lists Significant Views. Some of these views have previously been identified in the VDF. It is unclear what 'taking account of the impact of development' on these views would actually require. In the interest of precision, I have suggested revised wording. As previously mentioned with regard to the maps in general, the Significant Views need to be included on the Policies Map.
119. I have seen the proposed Significant Views identified in criterion (g). Views CP7/1-5 are clearly significant, especially as they are views of the estuary and banks of the Orwell. View CP7/6 is a wide open view across a large field on the edge of the village. As such, I can see the significance of this view to the local community. In contrast, View CP7/7 is a predominately enclosed view of a much smaller field across new development. I do not regard this as a Significant View. Views CP7/8 – 9 are primarily glimpses of fields through mature hedgerows. Therefore, I do not consider these to be significant views. To include these latter three views as Significant Views would undermine the significance of the other identified views. Thus, I recommend their deletion from Policy CP7.
120. As there are identified Significant Views that extend beyond the Parish, in the interest of precision, criterion (g) needs to specify that it only relates to development proposals within the Parish.
121. Criterion (h) refers to local townscape. This appears to be a policy criterion taken from elsewhere. The remainder of this criterion is already addressed in Policy CP2. In the interest of precision and to avoid unnecessary repetition, I recommend the deletion of this criterion.
122. Criterion (l) is concerned with historic buildings. Policy CP7 is concerned with the natural environment. The design principles in Policy CP2 and existing statutory requirements with regard to historic buildings make this criterion unnecessary. Therefore, I recommend deletion of criterion (l).
123. Criteria (f), (i) and (k) need grammatic modification when read with the first line in the policy. I have suggested revised wording.
124. Subject to the modifications I have suggested above, Policy CP7 has regard to national policy, contributes towards sustainable development and is in

general conformity with strategic policy. Modified Policy CP7 meets the Basic Conditions.

125. **Recommendation: to meet the Basic Conditions, I recommend**

**1) the deletion of Significant Views 7,8 and 9 from Map 12.**

**2) modification to Policy CP7 to read as follows:**

**Policy CP7 Conserving and Enhancing Valued Landscapes and Biodiversity**

**Where relevant to the proposal, new development should conserve and enhance valued landscapes by:**

**(a) protecting in accordance with their significance the Suffolk Coast & Heaths Area of Outstanding Natural Beauty, and designated biodiversity sites, including the Special Protection Area/Ramsar/Site of Special Scientific Interest;**

**(b) conserving and enhancing the landscape setting, landscape features and settlement pattern of the neighbourhood area;**

**(c) conserving and enhancing the areas of historic local woodland in the Parish (as shown in Appendix 3);**

**(d) where possible, conserving *in situ* known archaeological sites in the area and, where considered appropriate, based on relevant technical advice, undertaking a site survey based on this advice.**

**Where such a survey reveals evidence of archaeological remains these should be recorded, or where possible conserved *in situ* based on the advice of the relevant technical body;**

**(e) conserving and enhancing mature trees and hedgerows, or where removal is proposed as a last resort, offsetting by way of replacement planting of native species is provided elsewhere on site or within the neighbourhood plan area;**

**(f) where new planting and landscaping is proposed, using native species and being designed in such a way so as to ensure that it is suitable when considered in the wider local landscape, and where appropriate, linking to existing woodland and hedgerows;**

**(g) minimising any adverse visual impacts of development in the Parish on these Significant Views (Appendix 4) through a visual or other assessment where appropriate:**

**CP7/1 Pin Mill viewed from the River Orwell**

**CP7/2 The Butt and Oyster from the riverside looking east**

**CP7/3 The Butt and Oyster from the riverside looking west**

**CP7/4 Orwell viewed from above - Church Path**

**CP7/5 Orwell Viewed from above - Page's Common**

**CP7/6 Open fields looking south towards Harkstead**

**(h) conserving existing landscape features such as trees, hedges, grassland and other landscape features as intrinsic parts of new development, which together afford the village a sense of enclosure;**

- (i) preserving the area's dark skies by minimising light pollution from internal and external lighting;
- (j) seeking to minimise the encroachment of development into visually exposed landscapes and where development is proposed on the edge of the village, enhancing views of the settlement edge from the surrounding countryside. New development should not lead to inappropriate incursion into the surrounding countryside by reason of its siting, design, materials or use of landscaping; and by
- (k) ensuring the protection of natural features and providing a net gain in biodiversity through, for example, the creation of new natural habitats including ponds, the planting of additional trees and hedgerows (reflecting the character of the hedgerows), and restoring and repairing fragmented biodiversity networks. Proposals should take into account the mitigation hierarchy (avoid, mitigate or compensate).

### **CP8 Protection and Enhancement of Community Facilities**

- 126. Paragraph 92 in the NPPF seeks to ensure that planning policies guard against the unnecessary loss of valued facilities and services.
- 127. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories known as Use Classes. From 1 September 2020, a new Class E encompasses a wide range of commercial, business and service uses, a new Class F1 has been defined for learning and non-residential institutions and a new Class F2 for local community uses.
- 128. Core Strategy Policy CS11 seeks to safeguard local community facilities and services in hinterland villages that provide for the needs of the local communities.
- 129. Policy CP8 seeks to protect and enhance existing community facilities and seeks to resist their loss where planning permission is required.
- 130. Policy CP8 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy CP8 meets the Basic Conditions.
- 131. Map 6 on Page 35 is labelled Policy CP6, whereas it should be labelled Policy CP8. **I see this as a minor editing matter.**

### **CP9 Sport and Recreation Facilities**

- 132. Paragraph 92 in the NPPF seeks to ensure the provision of the social, recreational and cultural facilities and services a community needs. It lists criteria to be considered for planning policies and decisions. These include

taking into account and supporting the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.

133. Whilst predominately a policy concerned with natural landscape features, open spaces and corridors, Core Strategy Policy CS14 seeks to protect and enhance existing green infrastructure.
134. Policy CP9 seeks to protect four recreation facilities. I have seen these sites and recognise their importance to the local community.
135. Policy CP9 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy CP9 meets the Basic Conditions.
136. Paragraph 5.19 refers to three important sport and recreation facilities. This should refer to four such facilities in line with Policy CP9. **I see this as a minor editing matter.**

### **CP10 Local Business and Shops**

137. Paragraph 92 in the NPPF seeks to 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.
138. Core Strategy Policy CS17 seeks to support the rural economy in Chelmondiston.
139. Policy CP10 seeks to protect eight local commercial premises for continued business use and supports the re-use of rural buildings for employment use, subject to a list of criteria. It is clear that these local businesses are important to the area.
140. As mentioned under Policy CP8 from 1 September 2020, a new Class E encompasses a wide range of commercial, business and service uses. Therefore, in the interest of precision, I suggest that 'where planning permission is required' is inserted in the first paragraph of Policy CP10.
141. Subject to the above modification, Policy CP10 has regard to national policy, contributes towards sustainable development, particularly the economic and social objectives, and is in general conformity with strategic policy. Modified Policy CP10 meets the Basic Conditions.
142. The Parish Council has pointed out that the premises 'His 'n' Hers' listed in Policy CP10 should be named 'Hers & Sirs'. **I see this as a minor editing matter.**
143. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy CP10 to read as follows:**



To ensure Chelmondiston remains a balanced, sustainable community with a mix of local jobs, homes and other facilities, where planning permission is required, the following existing commercial premises will be protected for continued business uses:

CP10/1 - Law's Cottage

CP10/2 - Hers & Sirs

CP10/3 - Hill Farm Equestrian Centre

CP10/4 - King's Yard, Pin Mill

CP10/5 - Webb's Yard, Pin Mill

CP10/6 - Studio Art Gallery and Photographic Centre

CP10/7 - Hollingsworths (including Post Office)

CP10/8 - Orwell Stores

## **Referendum and the Chelmondiston Parish Neighbourhood Plan Area**

144. 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.
145. **I am pleased to recommend that the Chelmondiston Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**
146. I am required to consider whether or not the Referendum Area should extend beyond the Chelmondiston Parish Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

147. 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.

**Janet Cheesley**

**Date 19 May 2021**

## 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)  
The Babergh Local Plan 2011 – 2031 Core Strategy and Policies (2014).  
BDC Rural Development and Core Strategy Policy CS11 Supplementary Planning Document: (SPD) (August 2014)  
Babergh & Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020)  
BDC Strategic Housing and Economic Land Availability Assessment (SHELAA) (October 2020)  
Examination Correspondence (On the BDC web site)  
Regulation 16 representations.  
All Supporting Documentation submitted with the Plan