

Babergh District Council

**Copdock & Washbrook
Neighbourhood Plan
2018-2037**

Independent Examiner's Report

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23 September 2021

REFERENCE ONLY

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Summary

I have been appointed as the independent examiner of the Copdock and Washbrook Neighbourhood Development Plan.

The Parish lies just south of Ipswich. It is flanked by the A14 to the northeast, the Copdock Interchange, and the A12 to the southeast. There are two main villages; Copdock which is on an elevated position on the plateau and Washbrook, positioned on the southern valley sides of Belstead Brook, a rural valley which is a significant feature within the area not least as it acts as both a physical and visual buffer between the villages and Ipswich. There are also the smaller hamlets of Mase Green, Washbrook Street and Folly Lane. It has a population of 1,114 according to the Census 2011.

The Plan is presented well and contains 20 policies covering a range of topics including a site allocation for around 226 dwellings, recognising that there is pressure for significant growth within the Ipswich Fringe. There is an extensive evidence base accompanying the Plan including Design Guidelines and a Landscape Appraisal. The policies seek to add local detail to District level policies or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

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 Copdock and Washbrook 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
23 September 2021



1.0 Introduction

This is the report of the independent examiner into the Copdock and Washbrook 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 the 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 professional experience to carry out this independent examination.

2.0 The role of the independent 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 conditions¹ 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) obligations²
- 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.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

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

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 2018.³ 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 check⁴ 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.⁵

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 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.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ 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

3.0 The examination process

I have set out my remit in the previous section. 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 1B to the Town and Country Planning Act 1990 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Some representations⁸ suggest amendments to policies or additional policies. 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.

PPG⁹ 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.¹⁰

I sought clarification on a number of matters from the Parish Council and BDC in writing on 19 July 2021 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received, all publicly available, have enabled me to examine the Plan without the need for 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 and I have taken these into account.

Before completion of the examination, the Government published a new National Planning Policy Framework (NPPF). Given that the NPPF is a key document issued by the Secretary of State against which the Plan is examined, I suggested that a short period of consultation specifically on the newly published NPPF be held. This was to give all interested parties, BDC and the Parish Council an opportunity to consider whether the new NPPF had any implications for the Plan.

This stage of focused and additional consultation resulted in two representations, including a late representation from Natural England accepted by BDC. The Parish

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ For example the representation from the Suffolk Wildlife Trust

⁹ PPG para 056 ref id 41-056-20180222

¹⁰ Ibid

Council was also given an opportunity to comment on any representations received, but choose not do so. The Parish Council submitted a representation on the new NPPF as invited to do so.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 19 July 2021.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics**.

Given that the Plan refers to the NPPF in places, these references will need to be updated to refer to the new NPPF.

As a result of some modifications consequential amendments may be required. These can include changing 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 as primarily matters of final presentation and do not specifically refer to 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.

- **Update any references to the NPPF throughout the Plan including its appendices as necessary**

10 Neighbourhood plan preparation

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

A Steering Group was established in 2018 to lead preparation on the Plan. A variety of engagement activity has taken place.

A Residents Survey to all households in the Parish in April/May 2019 was undertaken resulting in a response rate of around 22%. A community drop-in event was held in June 2019 attended by 80 people and a further one held in September of that year just before the pre-submission consultation took place.

Throughout the Plan preparation process, a number of supporting evidence documents have also been produced. These include a Housing Needs Assessment, Site Options and Assessment and a Landscape Appraisal.

There has been ongoing publicity and community engagement. There have been regular updates at Parish Council meetings, on the website and events have been highlighted through leaflet distribution. The Steering Group has met regularly and notes of the meetings have been available on the website. Feedback from the evidence gathered to inform the Plan including the Landscape Appraisal and the Residents Survey has been regularly disseminated.

Pre-submission (Regulation 14) consultation took place between 29 February – 13 April 2020. A leaflet publicising the consultation and a drop-in event to launch it was distributed to all households and businesses in the Parish. The Plan was made available on the Parish Council website.

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

Submission (Regulation 16) consultation was carried out between 10 May – 25 June 2021.

Before completion of the examination, as explained earlier, the Government published a new NPPF. In order to give interested parties, BDC and the Parish Council an opportunity to consider whether this had any implications for the Plan, a further two week period of consultation was carried out. This consultation ended on 13 August 2021.

A total of eight representations were received. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

Now check the various matters set out in section 2.0 of this report.

Qualifying body

Copdock and Washbrook 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 28 September 2018. 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 2018 – 2037. This is clearly stated in the Plan itself. This 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.¹¹

In this instance, a number of Community Action arising from the Plan making process have been identified. An explanation of those which appear towards the end of the Plan is given on pages 4 and 7 of the Plan. This is an acceptable approach for this Plan as I consider their status has been made clear.

0 The basic conditions

regard to national policy and advice

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

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

¹¹ PPG para 004 ref id 41-004-20190509

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 outside of these strategic policies.¹²

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹³ 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.¹⁴

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁵

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.¹⁶

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 avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁷

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 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 unambiguous¹⁸ 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.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that

¹² NPPF para 13

¹³ Ibid para 28

¹⁴ Ibid

¹⁵ Ibid para 29

¹⁶ Ibid para 31

¹⁷ Ibid para 16

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. An appraisal²² sets out how the Plan aligns with the (previous) NPPF's key topic principles.

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.²³ 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.²⁴ The objectives are economic, social and environmental.²⁵

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.²⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan policy helps to achieve sustainable development as outlined in the NPPF.²⁷

General conformity with the strategic policies in the development plan

The development plan consists of the saved policies of the Babergh Local Plan Alteration No 2 (LP), adopted in June 2006, and the Babergh Core Strategy (CS) 2011 – 2032, adopted in February 2014. In addition the Minerals Core Strategy and the Waste Core Strategy, produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant LP and CS policies.²⁸ Where I have not specifically referred to a strategic policy, I have considered all strategic policy in my examination of the Plan.

²¹ PPG para 040 ref id 41-040-2016021

²² Basic Conditions Statement page 9

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

²⁶ Ibid para 9

²⁷ Basic Conditions Statement page 12

²⁸ Ibid page 14

Emerging Joint Local Plan

BDC and Mid Suffolk District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP was formally submitted to the Secretary of State for Housing, Communities and Local Government on 31 March 2021. At the time of writing, the examination hearings for the JLP are scheduled to commence in September 2021.

There is no legal requirement to examine the Plan against emerging policies. However, PPG²⁹ advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the plan is tested.

Furthermore Parish Councils and local planning authorities 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.³⁰

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, PPG³¹ 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 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.

²⁹ PPG para 009 ref id 41-009-20190509

³⁰ Ibid

³¹ Ibid para 031 ref id 11-031-20150209

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 June 2020 has been prepared by BDC. This in turn refers to a SEA Screening Report prepared by Land Use Consultants.

The Screening Report concluded that a SEA was required mainly because one of the two site allocations proposed at that time did not have the benefit of planning permission and lies within close proximity of sensitive features including the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and a number of listed buildings. In addition the site falls within an Impact Risk Zone (IRZ) for the Hintlesham Woods Site of Special Scientific Interest (SSSI) and the Bobbitshole Beiston SSSI. This flags residential development of 50 or more dwellings as a potential risk. Finally, the site lies within the Zone of Influence (ZOI) for recreation around the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar; a European Site.

Consultation with the three statutory bodies, the Environment Agency (EA), Natural England (NE) and Historic England (HE), was undertaken. NE agreed with the conclusion of the Screening Report, the EA noted the SPA had been screened in because of other considerations and no reply was received from HE.

The Screening Determination therefore concluded that the Plan required a SEA.

A SEA Environmental Report (ER) was undertaken by AECOM in December 2020.

The ER confirms that a Scoping Report dated August 2020 was prepared and sent to the statutory consultees. Responses were received from the EA, HE and NE.

The ER concludes that the Plan "...is likely to lead to a combination of positive, negative and uncertain effects."³² It recommended three courses of action. It was published for consultation alongside the submission version of the Plan.

The ER is a comprehensive document that been professionally prepared and has dealt with the issues appropriately for the content and level of detail in the Plan. This in line

³² ER page 33

with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.³³ In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a HRA Screening Determination and Appropriate Assessment dated June 2020 has been submitted. This in turn refers to a HRA Screening Report and Appropriate Assessment (AA) of May 2020 prepared by Place Services.

The documents explain that there are 11 Habitats sites which lie within 20km of the Plan area. The Plan area falls within the ZOI for the Stour and Orwell Estuaries SPA and Ramsar. It was therefore concluded that these sites should be assessed for any likely significant effects.

The Screening Report concluded an AA was needed. The AA was prepared by Place Services. It concludes that "...embedded mitigation measures for projects will need to be considered in project level HRA/AA reports and secured by way of planning consent."³⁴

NE was consulted and agreed with the conclusions stating "Consequently, there will be no need for further assessment for the Neighbourhood Plan as it is not predicted to result in any Adverse Effect on the integrity of Habitat Sites either alone or in combination with other plans and projects."³⁵

On 28 December 2013, 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, nature and characteristics of the European sites concerned and the nature and contents of this Plan, together with the findings of the AA which has been professionally produced and the consultation response from NE, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁶ In undertaking work

³³ PPG para 030 ref id 11-030-20150209

³⁴ AA page 40

³⁵ Letter from NE of 16 June 2020

³⁶ PPG para 031 ref id 11-031-20150209

on SEA and HRA, BDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights³⁷. 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.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a very high standard and contains 20 policies. The Plan begins with a helpful contents page.

1. Introduction

This is a succinct and informative introduction to the Plan that sets out the background to the Plan and how it has evolved.

Some natural updating will be needed, for example to the various stages of the Plan making process in paragraph 1.5. I regard this as a matter of final presentation and do not make a specific modification in this respect.

2. Copdock and Washbrook Past and Present

This section sets out the interesting history and context of the Parish and highlighting its many attributes for the residents.

³⁷ Basic Conditions Statement page 23

3. Planning Policy Context

This section usefully explains the planning policy context for the Plan.

There are references to the NPPF which now need updating.

It may be the case that some natural updating to this section will be needed in relation to the emerging Joint Local Plan. I regard this wording as something that can be agreed between the two Councils as the Plan progresses.

- **Update the date of the NPPF and insert the revised paragraph 1 of the new NPPF in paragraph 3.1 on page 13 of the Plan**
- **Update paragraph 3.2 on page 13 to reflect paragraph 3 of the new NPPF**

4. Vision and Objectives

The vision for the area is:

“Copdock and Washbrook will maintain its distinct and separate village character and accommodate new development appropriate to its location, level of services and infrastructure and importance of the landscape and historic characteristics of the parish.”

The vision is supported by 16 objectives based on the six topic areas in the Plan of housing, business and employment, natural environment, built environment and design, infrastructure and services and highways and movement. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

5. Spatial Strategy

Policy C&W 1 - Spatial Strategy

It is useful for me at this juncture to set out the planning context. In the CS, Copdock and Washbrook are identified as ‘Hinterland Villages’.

In Core and Hinterland Villages, the CS states that 1,050 dwellings should be planned for. CS Policy CS2, which defines 43 Hinterland Villages, explains that this means some development to meet the needs within the Hinterland Villages will be accommodated.

All proposals are assessed against CS Policy CS11 which indicates development in Hinterland Villages is acceptable where it can be demonstrated that proposals have a close functional relationship to the existing settlement as well as meeting a number of criteria set out in the policy. The cumulative impact of development should also be taken into account.

In the countryside outside Hinterland Villages, CS Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

The Plan explains that the Parish has a number of services and is located close to Ipswich. As a result there is concern that the growth of Ipswich would lead to the coalescence of the village with Ipswich.

Settlement boundaries have been drawn up for the main built-up areas. These are shown on the Policies Maps.

The settlement boundaries take their lead from the LP 1998, but have been reviewed and updated to reflect changes since then and to accommodate sites put forward in the Plan.

From my observations, I consider that the boundaries shown in the Plan have been drawn up logically. However, the proposed settlement boundaries differ to that proposed in the emerging JLP.

One particular difference is worthy of comment. The Plan excludes a site, known as LA009, from the settlement boundary. This site is a proposed allocation in the emerging JLP for approximately 12 dwellings with associated infrastructure. The Parish Council continue to object to the site's inclusion in the JLP through the JLP process.

There is of course, no compulsion for this Plan to support the proposed site allocations coming through the yet to be examined JLP, but it does have to take account of the latest evidence on housing need given it contains policies relevant to housing supply.³⁸

In this respect I am informed that nine units have been granted permission to the rear of the Ipswich Hotel in December 2019. This leaves a shortfall of three based on the calculations from BDC.

The differences in how the settlement boundaries have been drawn up would allow for some additional windfall development.

Planning permission on the LA009 site was refused for seven units on 6 January 2020 (planning application reference DC/19/03387). Despite this, BDC remain of the view that this site should be allocated.

³⁸ PPG para 040 ref id 41-040-20160211

Given the refusal of planning permission on LA009, the level of the shortfall identified, the changes to the settlement boundaries, a reasonable allowance for windfalls, I consider its exclusion from the settlement boundary, also bearing in mind the lack of community support for the site, is, on balance, acceptable. The Plan can provide for sustainable development commensurate with the village's designation in the settlement hierarchy and the latest available housing figures.

The Plan also identifies one of the important views (viewpoint 8) across the roadside boundary of the site. The view is one of eight identified in the Landscape Appraisal and is subject to Policy C&W 14. The Landscape Appraisal describes the view as "along London Road"³⁹ and a view into the wider landscape. It is not therefore a view specifically across the site of LA009. The policy, which I discuss later in this report, does not preclude development per se. I consider that the viewpoint has been identified and supported through independently prepared work and given the nature of the policy would not preclude development should that be the conclusion of the JLP examination process.

In addition, the Plan identifies an important gap: this is between the settlements and starts at the southern most boundary of LA009. There is little evidence in the Plan itself to support this designation which is mentioned in passing in the supporting text, but referred to in Policies C&W 1 and C&W 7. However, the Landscape Appraisal identifies a number of gateways, "...illustrating the three clusters of development along/adjacent to London Road..."⁴⁰ and important as "sequence of arrival and departure points.

The Landscape Appraisal identifies "change which visually intrudes upon or physically undermines the sense of separation between Washbrook and Ipswich" as a change to avoid.⁴¹ It continues that "[the] avoidance of further development along London Road which connects clusters of development"⁴² should be a design guideline.

It was self evident from my visit that the separation between the different clusters of development are important in terms of both visual separation and in creating a sense of place.

I recommend a modification to the wording of the policy on important gaps to make it more flexible as the current wording would preclude any further ribbon development.

I am mindful that PPG states that should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan, the conflict must be resolved in favour of the policy which is in the last document to become part of the development plan.⁴³ Therefore it may be the case that if the JLP is adopted after this Plan, the examination into the JLP may find the settlement boundaries and proposed site allocations in the JLP to be the ones to go forward. This then is something for BDC to reconcile.

³⁹ Landscape Appraisal page 23

⁴⁰ Ibid page 24

⁴¹ Ibid page 40

⁴² Ibid page 41

⁴³ PPG para 044 ref id 41-044-20190509

Outside the settlement boundaries, the policy only permits development where it is essential for the operation of existing businesses, agriculture, horticulture, forestry, outdoor recreation or other exceptional uses subject to four criteria.

The NPPF is very clear that development can take place in the countryside. For example, it encourages policies to enable the sustainable growth and expansion of all types of businesses in rural areas and supports sustainable rural tourism and leisure development that respects the character of the countryside.⁴⁴ I therefore regard this policy approach as too restrictive in relation to the NPPF.

The policy continues that in addition to the essential uses it sets out, such proposals must also demonstrate a local need and that it cannot be located within the settlement boundary. Although BDC has not raised any objection to this approach, the requirement to set out a local need and to ensure it cannot be located with the settlement boundary is not reflected in the NPPF.

Whilst it is possible to move away from national policy, this requires justification. I can find no justified reason to restrict development in this way in this Plan area. Therefore a number of modifications to the policy are made in this respect to ensure it has regard to the NPPF.

The policy wording is clear, but it refers to the emerging JLP. Given the stage this has reached I consider it would be better to avoid references to it in case it changes.

With these modifications, the policy will have regard to the NPPF's objective of significantly boosting the supply of homes commensurate with the village's status in the CS and its support for a prosperous rural economy, be in general conformity with the CS and particularly CS1, CS2, CS3, CS11 and CS15 and take account of the emerging JLP policy context and will help to achieve sustainable development.

Delete the words "...as a hamlet and Village in the Ipswich Fringe, in the adopted Core Strategy and emerging Joint Mid Suffolk and Babergh Local Plan" in the first sentence of the policy and replace with "...in the District's settlement hierarchy"

- **Change the third element to read: "Proposals for development located outside the Settlement Boundary will only be permitted *where they are in accordance with national and District level policies and where they meet the following criteria:*" [retain criteria iii) and iv)]**
- **Delete the words "...result in ribbon development along Old London Road or" from criterion iv)**

⁴⁴ NPPF para 84

6. Housing

Policy C&W 2 - Housing Development

I have set out the planning policy context in my discussion of the previous policy.

With regard to housing numbers, the latest position (through the emerging JLP) is that Babergh plan to deliver a minimum of 9,611 dwellings over the plan period 2018 – 2037, of which 866 (or about 9%) are expected to come forward in Hinterland Villages. In addition, Copdock and Washbrook are Hinterland Villages within the Ipswich Fringe where some 21% of housing is proposed to be accommodated.

As set out in the emerging JLP, BDC has confirmed that the minimum housing requirement for this Plan area remains 274 dwellings. The Plan accepts this level of growth. As at April 2018, 36 houses had permission and a further nine were granted permission in December 2019. However, a significant number of homes still need to be provided for.

The Plan recognises that there will not be enough opportunities within the settlement boundaries in the adopted Local Plan. It therefore seeks to meet the requirement through existing commitments, site allocation, windfarm development and other sites within the settlement boundary and exceptional sites outside the settlement boundary where the dwelling is essential to a countryside location. The policy then permits the conversion of redundant agricultural barns subject to residential use.

With regard to the part of the policy which deals with rural conversions, the NPPF supports the reuse of redundant or disused buildings where the immediate setting would be enhanced.⁴⁵ The reference to agricultural barns is arguably too limited; a modification is made to widen out this element to better reflect the stance of the NPPF.

Neighbourhood plans can be developed before or at the same time as a Local Plan is being produced.⁴⁶ I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence. I consider Policy C&W 2 does this.

With this modification, Policy C&W 2 will have regard to the NPPF, reflects the current information and evidence available at District level and will help to achieve sustainable development.

- **Add the words “...or other rural buildings” after “...agricultural barns” in the first sentence of the second element of the policy**

⁴⁵ NPPF para 80

⁴⁶ PPG para 009 ref id 41-009-20190509

Policy C&W 3 – Land South-east of Back Lane

As part of the work on the Plan, AECOM were commissioned to assess sites for development. The Site Options and Assessment document prepared by AECOM refers to the District Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) of August 2017. It explains that 15 sites came forward as part of that process with an additional three put forward as part of the work on the emerging JLP. 12 sites were considered suitable, available and achievable.

A second stage assessment has then been carried out by AECOM to identify the most and least constrained and applying a tiered ranking with tier 1 being the least constrained. Two sites, already with planning permission, scored tier 1 for housing. Land south-east of Back Lane scored tier 2 alongside others.

As a result of this work and community feedback, this site has been included in the Plan as an allocation. The site is around 13 hectares and is located between London Road, Elm Lane and Back Lane. It is identified on Map 7 on page 22 of the Plan.

In the SHELAA of October 2020, the site was potentially considered suitable for residential development, but that highways, heritage, landscape, open space and utilities issues would require further investigation.

The Plan explains that the site is also proposed as a site allocation in the emerging JLP (Policy LA008) for approximately 226 houses with associated infrastructure.

The policy therefore allocates the site for approximately 226 dwellings setting out a number of requirements. These include affordable housing provision, the retention of the existing allotments and access points.

The policy in this Plan differs from the policy put forward in the JLP. I therefore asked a question as to how the two policies might be reconciled. A suggestion has been made by both the Parish Council and BDC that each respective policy could cross-reference the other, but given that the site allocation might not survive the JLP examination, I consider this is an unsatisfactory way forward.

It seems to me that more detailed work has, at present, been carried out through the Design and Masterplanning Guidance prepared for the site by AECOM and the Landscape Appraisal prepared by Alison Farmer Associates.

In order to ensure that if one policy survives and the other does not, I recommend modifications to the policy so it stands on its own two feet, incorporating elements from the draft JLP policy. It will be a matter for BDC to reconcile any differences through the JLP process should it pursue the matter through this route.

I also make recommendations to ensure that the recommendations in the SEA ER are taken on board in relation to flood risk mitigation.

In light of the new NPPF, a modification is also made in relation to trees.⁴⁷

Corrections are also made to the cross reference to Policy C&W 6 which should now be C&W 5 and to the SAC which should be Ramsar.

With these modifications, the policy will meet the basic conditions in that it will have regard to the NPPF, be in general conformity with the CS and its standards, taking account of the latest available evidence and help to achieve sustainable development.

- **Change the policy to read:**

“A site of approximately 13 hectares south-east of Back Lane, as identified on Map 3 and the Policies Map, is allocated for approximately 22 dwellings.

Proposals for the development should take place in accordance with provisions of paragraph 6.17, the Illustrative Masterplan (Figure 5) and provide:

- i) 35% affordable housing;**
- ii) a mix of house sizes in accordance with the identified requirement in Policy C&W 5;**
- iii) the retention of the allotments on their current site;**
- iv) the protection of nearby rights of way and new and improved pedestrian and cycle links through the site towards the Primary School, the Village Hall and Recreation Field and Back Lane;**
- v) a site wide flood risk reduction strategy providing an integrated approach to surface water management including the use of SuDs as appropriate together with on-site rainwater and storm water harvesting and grey water recycling;**
- vi) amenity open space and children’s play facilities;**
- vii) provide landscaping that reflects the sensitivity of the surrounding landscape including taking account of its form and ensure that streets are tree-lined (unless demonstrably inappropriate) and retain existing and incorporate new trees elsewhere in the development;**
- viii) a single vehicular access from Old London Road with commensurate speed restriction measures and the provision for right-turn movements into and out of the site; and**
- ix) the provision for emergency access, controlled by suitable means, from Back Lane and/or Elm Lane.**

⁴⁷ NPPF para 131

Where a new access is created 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 frontage.

Development should also deliver measures for the reduction of traffic speeds on London Road and improved pedestrian and cycle crossing points on London Road towards Church Lane and the Village Hall. The improvement of the London Road bus stops adjacent to the site will also be required, which could include real-time passenger information systems.

Proposals should have regard to the presence of Listed Buildings in the vicinity of the site, as identified on the Illustrative Masterplan, and ensure through the provision of appropriate screening, that any impact on their individual setting is minimised. *Consideration should also be given to any non-designated heritage assets such as West Hill House and enhance their settings.*

Planning applications should ensure measures for managing impacts on archaeological remains are provided, including preservation in situ of the known double ring ditch, and archaeological excavation of other remains.

Proposals should include an *ecological survey and* measures for the mitigation of recreational disturbance in the Gaur and Orwel Special Protection Area (SPA) and Ramsar as set out in paragraph 6.19.

The developer should test the potential resources on site to identify if use of the minerals on site is appropriate.

The affordable housing provision should be designed so that it is “tenure blind” (so that it is indistinguishable from open market housing), to be distributed around the site and not concentrated in any one area.

Proposals that include an element of self-build housing will be supported.

Contributions towards education, healthcare provision and additional household waste recycling provision will be sought.”

- Change the reference to “...Special Area of Conservation (SAC)...” in paragraph 6.19 on page 26 of the Plan to “Ramsar”

Policy C&W 4 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.⁴⁸ PPG explains that rural exception sites should seek to address the affordable housing needs of local communities.⁴⁹

The Plan explains that the average house price in Babergh is over 11 times the average wage. An AECOM Housing Needs Assessment was carried out as part of work on the Plan. This supports a need for affordable housing. This is also borne out by evidence collected for the emerging JLP.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy⁵⁰ and guidance.⁵¹

The policy refers to entry-level homes and paragraph 71, now paragraph 72, of the NPPF. Therefore a modification is made to update this reference.

The supporting text refers to paragraph 77 of the NPPF; this reference should be updated to reflect the new NPPF.

With these modifications, the policy will have regard to national policy for the supply of homes in relation to the size, type and tenure of housing needed for different groups and its support for rural exception sites. It will contribute towards the achievement of sustainable development, particularly the social objective. It will be in general conformity with the CS and especially CS Policy CS20 which takes a flexible approach to the location of rural exception sites and allows proposals that are adjacent or well related to the settlement boundaries of Hinnerland Villages.

- **Change the reference to paragraph 71 of the NPPF in the first paragraph of the policy to “paragraph 72”**
- **Change the reference to paragraph 77 of the NPPF in paragraph 6.23 on page 30 of the Plan to “paragraph 78”**

⁴⁸ NPPF para 78

⁴⁹ PPG para 012 ref id 67-012-20210524

⁵⁰ NPPF para 78

⁵¹ PPG para 013 ref id 67-013-20210524

Policy C&W 5 – Housing Mix

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.⁵²

The Plan explains that work carried out during the preparation of the Plan revealed that the Parish is dominated by family sized dwellings (2-4 bedrooms) and that household size tends to be larger than that of the wider District.

The AECOM Housing Needs Assessment supports the provision of three bedroomed properties as the most needed to correct misalignments between supply and demand.

This policy requires the housing mix in all housing development of ten or more homes, to be in accordance with the Housing Needs Assessment. However, the policy is flexible recognising that these needs may change over time or that the particular tenure of homes provided indicates otherwise.

It also supports bungalows as some support for this type of property and high demand for this type of housing was shown through the surveys undertaken. The provision is also supported by the Housing Needs Assessment.

The policy has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with strategic policy, particularly CS Policy CS18. It therefore meets the basic conditions and no modifications are put forward.

Policy C&W 6 – Measures for New Housing Development

The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁵³ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

This policy seeks compliance with the national technical standards and so whilst it does not set any new standards, I note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁵⁴

PPG also states that where a local planning authority or qualifying body wishes to require an internal space standard, they should do so by reference in their Local Plan to the nationally described space standard.⁵⁵ There is therefore, arguably, some ambiguity

⁵² NPPF para 60

⁵³ Written Ministerial Statement 25 March 2015

⁵⁴ PPG para 001 ref id 56-001-20150327

⁵⁵ Ibid para 018 ref id 56-018-20150327

as to whether neighbourhood plans can include such standards. However, where a need has been identified, there needs to be justification.⁵⁶ No such justification has been put forward in this case.

This element of the policy therefore does not meet the basic conditions as it does not have regard to national policy and guidance.

The policy also refers to storage facilities for cycles and bins and cycle parking. This is also covered in a policy which appears later in the Plan, Policy C&W 10j and so it is unnecessary to repeat that element of the policy here.

For the above reasons, I recommend Policy C&W 6 and its supporting text be deleted.

- **Delete Policy C&W 6 and its supporting text**

7. Business and Employment

Policy C&W 7 – Employment Sites

The Plan explains there are many employment sites and businesses within the Parish. These include Copdock Mill, the Ipswich Hotel and a residential care home as well as many smaller businesses. Some of the sites are identified on the Policies Maps.

The NPPF is clear that policies should help create the conditions in which businesses can invest, expand and adapt.⁵⁷ The NPPF supports the sustainable growth and expansion of all types of businesses in rural areas⁵⁸ and a strong, competitive economy.⁵⁹

This policy seeks the retention and development of existing employment uses subject to an acceptable effect on landscape character, heritage, residential amenity, traffic and important views and gaps.

The second element of the policy safeguards employment sites from non-employment uses unless various criteria are met. The criteria are exclusive and all are sensibly flexible in permitting the loss of uses regarded as inappropriate for the site insofar as adverse environmental issues are caused by the uses, supporting employment related facilities such as crèches or where an alternative use or mix of uses provides benefits that outweigh the loss of the site.

The policy supports employment uses appropriately, takes account of CS Policy CS3 which supports employment uses that contribute to the local economy and increases

⁵⁶ PPG para 020 ref id 56-020-20150327

⁵⁷ NPPF para 81

⁵⁸ Ibid para 84

⁵⁹ Ibid Section 6

the sustainability of Core and Hinterland Villages where scale, character and nature is appropriate to the locality and CS Policy CS15 which seeks to create jobs to strengthen or diversify the local economy. It contributes towards the economic role of achieving sustainable development. It meets the basic conditions and it is not therefore necessary to recommend any modifications to it.

Policy C&W 8 – New Businesses and Employment

Policy C&W 8 supports new business development within the identified settlement boundaries. Outside those boundaries, the policy supports proposals where the site is designated for business use in the development plan or where it relates to small scale leisure or tourism uses or other uses of a scale and nature appropriate in a countryside location. It also requires a need to be demonstrated to be outside the settlement boundary.

The third element of the policy prefers such uses to be in existing buildings or on previously developed land.

The NPPF is clear that policies should help create the conditions in which businesses can invest, expand and adapt.⁶⁰ In rural areas, planning policies should enable the sustainable growth and expansion of all types of businesses in rural areas; through conversions and new build.⁶¹ Whilst the NPPF stresses the need for development in rural areas to be sensitive to its location,⁶² the policy is more restrictive than national policy and guidance.

For that reason, a modification is made to ensure the policy meets the basic conditions and in particular has regard to national policy, generally conforms to CS Policies CS3, CS15 and CS17 and helps to achieve sustainable development.

- **Delete the words “and a need to be located outside the Settlement Boundary can be satisfactorily demonstrated” from criterion b) of the policy**

Policy C&W 9 – Farm Diversification

The NPPF⁶³ supports a prosperous rural economy through the sustainable growth of all types of business in rural areas. All types of business and enterprise are supported including farm and other land-based rural businesses. This policy supports farm diversification preferring economic development uses.

⁶⁰ NPPF para 81

⁶¹ Ibid para 84

⁶² Ibid para 85

⁶³ Ibid para 84

The policy meets the basic conditions. It adds a local layer of detail to the NPPF, generally conforms to the CS and Policy CS17 in particular and will help to achieve sustainable development. No modifications are therefore recommended.

8. Natural Environment

There are a couple of minor typographical errors to correct on page 37 of the Plan.

- Correct the two words “mediaeval” to “*medieval*” on page 37 of the Plan

Policy C&W 10 – Area of Local Landscape Sensitivity

The NPPF requires the planning system to contribute and enhance the natural and local environment including protecting and enhancing valued landscapes.⁶⁴

The Plan explains that land in the northern part of the Parish lies within the Belstead Brook Valley Special Landscape Area (SLA), a designation originally identified in the 1980s and rolled forward ever since. However, it is a designation which is not currently proposed to be taken forward in the emerging JLP.

This policy proposes to replace the SLA designation with a new designation of “area of local landscape sensitivity”. The area is shown on Map 5 on page 43 of the Plan. The proposed area has sensibly been reviewed and updated to take account of the existing and proposed built up areas.

The designation is supported by the Landscape Appraisal carried out as part of the work for the Plan. I saw at my visit that this area is distinguishable from surrounding land and the remainder of the Parish and I consider that the area has been appropriately designated.

Turning now to the wording of the policy, it is clearly and flexibly worded. It does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities of this landscape.

The policy has regard to the NPPF’s stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.⁶⁵ It is in general conformity with the CS and in particular Policy CS15 which, amongst other things, sets out how development should respect the local context and character of different parts of the District and helps to achieve sustainable development. It therefore meets the basic conditions.

⁶⁴ NPPF para 174

⁶⁵ Ibid

Policy C&W 11 – Local Green Spaces

Two areas of Local Green Space (LGS) are proposed. Both are shown on the Policies Map.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁶⁶

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.⁶⁷ 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.⁶⁸

The NPPF sets out three criteria for green spaces.⁶⁹ 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.

I saw each of the proposed spaces at my site visit.

1. **Play area off Mill Lane** is accessed from an unmade lane. It contains some equipment including a zip wire and is a pleasant and secluded area for amenity.
2. **Fen View open space and play area** serving the residential area, this is a grassed area with trees, seating and play equipment.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily. Both are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 102 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 the housing figures for this local area and other policies in the development plan and this Plan.

The policy therefore meets the basic conditions and no modifications to it are recommended. However the supporting text to the Plan on page 43 will need to be updated with references to the new NPPF.

- **Update the references to paragraph 100 of the NPPF in paragraph 8.11 on page 43 of the Plan to “paragraph 102”**

⁶⁶ PPG para 101

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid para 102

Policy C&W 12 – Biodiversity

The NPPF⁷⁰ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues⁷¹ that “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”.

Policy C&W 12 starts with an “exceptional circumstances” reference. I cannot see how this takes account of the NPPF and no explanation has been given for any departure from the NPPF or any such circumstances defined. A modification is therefore made in this respect.

The policy then seeks to ensure development proposals avoid any loss or harm to trees, hedgerows and other features such as ponds. It refers to “important trees”; there is no reference in any supporting document to the phrase or any explanation about what might constitute an important tree and it emphasises the possibility of this phrase being open to interpretation. To address this concern, a modification is made on the basis of the Landscape Appraisal.

It recognises the need for mitigation but indicates that where loss or harm to such features is unavoidable, the benefits of the development must outweigh any impacts. This is similar to the test outlined in the NPPF for Sites of Scientific Interest.⁷² There is no explanation in the Policy as to why this test would also be appropriate for these other features in this Parish. This element of the policy therefore does not take account of national policy and guidance. A modification is made to address this issue.

The policy also refers to mitigation proposals forming an integral part of the design concept and layout of any development scheme. Whilst this approach may well be appropriate, off-site mitigation may well also be acceptable and could, on occasion, be preferred. There is no explanation as to why this particular approach is the only one appropriate for this Parish. A modification is therefore made to address this.

Finally, the last part of the policy supports development providing a net gain in biodiversity. This in itself is acceptable, but the wording may inadvertently open the floodgates for all types of development. A modification is therefore made to ensure that development is in itself acceptable.

With these modifications, the policy will have regard to national policy and guidance, add a local layer to, and be in general conformity with, the relevant strategic policies, in particular CS Policy CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

⁷⁰ NPPF para 174

⁷¹ Ibid at para 180

⁷² Ibid

The supporting text will also require some consequential amendments.

- Amend the first paragraph of the policy to read: ***“Development should avoid the loss of, or substantial harm to, mature or veteran trees, hedgerows and other natural features such as ponds.”***
- Change the second paragraph of the policy to read: ***“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.”***
- Delete the third paragraph of the policy which begins ***“It is expected that the mitigation proposals will form...”*** to end
- Add the words ***“Otherwise acceptable”*** at the start of the last paragraph of the policy which begins ***“Development proposals will be supported...”***
- Delete the sentence beginning ***“Any loss of landscape features...”*** to end in paragraph 8.13 on page 45 of the Plan

Policy C&W 13 – Recreational disturbance avoidance and mitigation

The Plan explains that the Parish is located within 13km of the Stour and Orwell Estuaries SPA and SAC Zone of Influence (ZOI). A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been produced by a number of Suffolk local authorities and adopted by BDC in November 2019.

The RAMS has been undertaken to address the impact of increased recreational disturbance arising from new housing on habitats sites and requires mitigation. The mitigation is a combination of a financial contribution to fund a warden and visitor management scheme and green infrastructure on housing sites to encourage people to stay local thereby reducing the pressure on the European site.

Policy C&W 13 refers to the RAMS; it is clearly worded. It meets the basic conditions in that it seeks to address any impact from new housing, is in generally conformity with the District level strategy and CS Policy CS15 in particular and will help to achieve sustainable development.

The supporting text refers to a Special Area of Conservation, but the site is not a SAC; this should be corrected in the supporting text, the section heading and Map 6.

- Delete ***“...Special Area of Conservation (SAC)”*** from paragraph 8.15 on page 46 of the Plan, the subheading on the same page and Map 6 and replace with ***“Ramsar”***

Policy C&W 14 – Protection of Important Views and Landscape Character

The Plan explains that the Landscape Appraisal identified a number of important views into and out of the built-up areas of the village. These views are important to defining and reinforcing the sense of place and local distinctiveness.

This policy identifies eight views which are shown on the Policies Maps. I am satisfied from the evidence in the Landscape Appraisal together with what I saw on my site visit, that the views selected are appropriate given the character and setting of the villages.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the key features of any view. I consider this to be an appropriate and sufficiently flexible approach. It requires proposals for new buildings outside the settlement boundary to be accompanied by a proportionate Landscape Visual Impact Appraisal or similar to show how the proposal can be satisfactorily accommodated within the landscape.

The policy has regard to national policy and guidance by recognising the intrinsic character and beauty of the countryside and promoting and ensuring any development is sympathetic to local character including landscape settings,⁷³ will be in general conformity with, and add a local layer of detail to, strategic policies and CS Policies CS11 and CS15 in particular which recognise the need for development to respect the local context and character of the District and will help to achieve sustainable development. It therefore meets the basic conditions.

However, I consider it would be helpful and in the interests of providing a practical decision-making framework if the information, description and photographs in Section 4.3 of the Landscape Appraisal could be imported into the Plan either within the supporting text or as a separate appendix (which should then be cross referenced in the policy). The opportunity should also be taken to correct two minor typos; the description of viewpoints seven and eight should be corrected.

- **Import the information, description and photographs in Section 4.3 of the Landscape Appraisal into the Plan as supporting text or a separate appendix with a cross-reference in the policy to the imported evidence**

⁷³ NPPF paras 130, 174

9. Built Environment and Design

Policy C&W 15 - Heritage Assets

This policy seeks to ensure that development proposals preserve or enhance the significance of heritage assets through an understanding of the asset's significance and the provision of clear justification for any works that would lead to harm.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁷⁴ It continues that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

However, the NPPF distinguishes between designated heritage assets and non-designated heritage assets outlining different approaches. The policy should be clear that it only relates to designated heritage assets.

With this modification, the policy will meet the basic conditions having regard to national policy, be in general conformity with strategic policies and particularly CS Policy CS11 which refers to heritage assets and Policy CS15 which indicates that development proposals must ensure adequate protection or enhancement, as appropriate are given to distinctive local features which characterise the heritage assets of Babergh's built and natural environment and especially help to achieve sustainable development.

- Add the word "*designated*" before "heritage assets..." in the first sentence of the policy and in criterion a.

Policy C&W 16 - Design Considerations

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.⁷⁶ It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁷⁷ It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁷⁸ 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

⁷⁴ NPPF para 189

⁷⁵ Ibid para 199

⁷⁶ Ibid para 126

⁷⁷ Ibid para 127

⁷⁸ Ibid para 128

local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁷⁹

Policy C&W 16 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policies CS11 and CS15 in particular.

It refers to Appendix 2 which contains a Development Design Checklist based on the Design Guidelines produced by AECOM.

Four modifications are recommended. The first is to delete the words “and circumstances” in the first sentence of the policy as this is open to interpretation.

The second is to remove the word “important” before “open, green or landscaped areas in criterion c. as these areas have not been defined. The criterion also refers to gardens. I note that the NPPF allows for policies resisting the loss of gardens where this would cause harm to the prevailing character and setting of an area.⁸⁰ Given the character of the area and that the policy wording refers to a “positive contribution”, I consider this to be acceptable.

The third is to add a criterion about trees. I have regard to the new NPPF which makes it clear that it is the Government’s intention that all new streets include trees unless this would be inappropriate.⁸¹

Suffolk County Council have suggested a change to criterion g) regarding the addition of a reference to on-street parking provision. The Parish Council comments that a major concern is the narrow width of public highways; I have seen this at my site visit. However, given the extent of new development supported by the Plan, I consider criterion g. should be altered to have regard to the NPPF’s promotion of sustainable transport. This will also reflect the stance of the Design Guidelines drawn up by AECOM which refer to on-street parking complementing on-plot provision.⁸²

With these modifications, the policy will meet the basic conditions in that it has regard to the NPPF, is in general conformity with the CS and especially those policies referred to above and will help achieve sustainable development.

The supporting text to the Plan on page 49 will need to be updated with reference to the new NPPF.

- **Delete the words “and circumstances” from the first sentence of the policy**
- **Delete the word “important” from criterion c.**

⁷⁹ NPPF para 130

⁸⁰ Ibid paras 71, 124

⁸¹ Ibid para 131

⁸² Design Guidelines page 42

- **Add a new criterion that reads: “include tree-lined streets unless in specific cases there are clear, justifiable and compelling reasons why this would be inappropriate and include trees elsewhere within developments where the opportunity arises.”**
- **Change criterion g) to read: “produce designs, in accordance with standards, that maintain or enhance the safety of the highway network ensuring that necessary vehicle parking is provided within the plot and complemented by well designed, located and integrated on-street parking to avoid any obstruction to highway users or impediment to visibility and seek always to ensure permeability through new housing areas, connecting any new development into the heart of the existing settlement.”**
- **Update the references to paragraph 124 of the NPPF in paragraph 9.3 on page 49 of the Plan to “paragraph 126”**

Policy C&W 17 – Sustainable Construction Practices

The Government introduced national technical standards for housing in 2015 as I have already mentioned. The WMS⁸³ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

This policy applies to all new development not just housing. In order for this policy to meet the basic conditions, it should be made clear that the policy only relates to non-residential buildings. This can also be explained in the supporting text if desired; I see this as a minor editing matter.

The policy otherwise does not seek to set standards, but rather promotes best practice.

The EA ER recommended a revision to this policy. In response to my query on this, the Parish Council have put forward some amended wording which I consider will reflect the recommendation and help to achieve sustainable development.

With these modifications, the policy will meet the basic conditions. It will be a local expression of the NPPF’s drive to meet the challenge of climate change and can be viewed as a positive strategy.⁸⁴ It will generally conform to the CS and CS Policies CS11, CS13 and CS15 in particular adding detail at the local level and will help to achieve sustainable development.

- **Add a new sentence at the start of the policy that reads: “This policy only applies to non-residential development.”**

⁸³ Written Ministerial Statement 25 March 2015

⁸⁴ NPPF paras 152, 153, 154, 155

- Change criterion e) to read: ***“incorporate measures to capture and attenuate rainwater in a manner that will deliver net-positive benefits to the wider area. These could include wetland and other water features which can help reduce flood risk whilst offering other benefits including water quality, amenity/recreational areas, and biodiversity benefits; and rainwater and stormwater harvesting and recycling; and other natural drainage systems where easily accessible maintenance can be achieved including, grey water recycling / rainwater and stormwater harvesting.”***

10. Infrastructure and Services

Policy C&W 18 – Protecting Existing Services and Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁸⁵ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁸⁶

Policy C&W 18 seeks to protect existing services and facilities. The clearly worded policy takes account of national policy, it is in general conformity with strategic policies particularly CS Policies CS11 which seeks to safeguard the needs of local communities and CS15 which seeks the retention, protection or enhancement of local services and facilities. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

Policy C&W 19 – Open Space, Sport and Recreation Facilities

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁸⁷ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁸⁸ It also encourages policies to provide recreational facilities and to guard against their unnecessary loss.⁸⁹

This policy supports the provision and improvement of amenity, sport or recreation open space or facilities. The loss of such spaces and facilities is prevented unless they are surplus to requirements or they will be replaced by equivalent or better provision in a suitable location. New development is required to provide such areas as appropriate.

⁸⁵ NPPF para 84

⁸⁶ Ibid para 93

⁸⁷ Ibid

⁸⁸ Ibid para 92

⁸⁹ Ibid para 93

This policy has regard to national policy and guidance, is in general conformity with strategic policies CS Policy CS15 in particular and will help to achieve sustainable development, particularly the social objective referred to in the NPPF which specifically mentions open space. It meets the basic conditions and no modifications are put forward except to future proof the policy.

- **Add the words “current and future” before “...needs...” to the paragraph in the policy under criterion b.**

11. Highways and Movement

Policy C&W 20 Public Rights of Way

This policy seeks to ensure that the public rights of way network is protected and enhanced if their value as biodiversity corridors is recognised.

Suffolk County Council makes the point in their representation that the current wording of the policy is too restrictive in that it only supports measures to improve the network if their value as biodiversity corridors is recognised. Whilst there is little doubt that such networks can be important to biodiversity, the networks also provide access to the countryside. The NPPF is clear that planning policies should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.⁹⁰ Such networks can also help with providing opportunities and options for sustainable transport modes.

Therefore a modification is made to take account of the NPPF. With this modification, the policy will meet the basic conditions in that it will have regard to the NPPF, be in general conformity with the CS and help to achieve sustainable development.

- **Add the word “particularly” after “...supported...” in the policy**

Community Actions

Three Community Actions are included in this section.

Policies Maps

The maps are clearly presented.

⁹⁰ NPPF para 100

⁹¹ Ibid paras 105, 106

Glossary

The Plan includes a helpful glossary.

Appendices

There are three appendices. Appendix 1 contains details of listed buildings and a helpful statement giving the date and details of where to access information from Historic England.

Appendix 2 is the Development Design Checklist referred to in Policy C&W 16.

Appendix 3 lists supporting documents.

8.0 Conclusions and recommendations

I am satisfied that the Copdock and Washbrook 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 Copdock and Washbrook 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 Copdock and Washbrook Neighbourhood Development Plan should proceed to a referendum based on the Copdock and Washbrook Neighbourhood Plan area as approved by Babergh District Council on 28 September 2018.

Ann Skippers MRTPI

Ann Skippers Planning
23 September 2021

Appendix 1 List of key documents specific to this examination

Copdock and Washbrook Neighbourhood Plan 2018 – 2037 Submission Draft March 2021

Basic Conditions Statement March 2021

Consultation Statement March 2021

Strategic Environmental Assessment Screening Determination June 2020

Strategic Environmental Assessment Screening Opinion Final Report March 2020 (Land Use Consultants)

Strategic Environmental Assessment Environmental Report December 2020 (AECOM)

Habitats Regulations Assessment Screening Determination and Appropriate Assessment June 2020

Habitats Regulations Assessment Screening Report and Appropriate Assessment May 2020 (Place Services)

Consultation Questionnaire Results June 2019

Design Guidelines Final Report January 2020 (AECOM)

Housing Needs Assessment Draft for comment May 2019 (AECOM)

Landscape Appraisal Final Report September 2019 (Alison Farmer Associates)

Site Options and Assessment 8 July 2019 (AECOM)

Copdock and Washbrook Preliminary Highways Scheme First Draft 19 December 2019 (Rainton TPC Ltd)

Babergh Local Plan 2011 – 2031 Core Strategy & Policies February 2014

Babergh Local Plan Alteration No. 2 adopted June 2006

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document adopted August 2014

Affordable Housing Supplementary Planning Document adopted February 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document November 2020

Appendix 2 Questions of clarification from the examiner

Copdock Neighbourhood Plan Examination

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

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

1. Please could BDC confirm the latest position in relation to the housing numbers required for the Plan area?
2. Please could BDC confirm the latest position in relation to the affordable housing and housing mix requirements?
3. Policy C&W 3 Land south-east of Back Lane. This is also a proposed site allocation in the emerging Joint Local Plan.
 - a. How should the two draft policies be reworded? Would you like to put forward a revised policy wording?
 - b. In addressing this question, please could you comment on or include the recommendation in the Strategic Environmental Assessment Environmental Report for a reference to the specific need for flood risk mitigation to be included in the policy?
4. Please would you confirm that the site known as LA 09 Land south-west of London Road now has planning permission? If so, please comment on the following two issues:
 - a. Should this site now be included in the settlement boundary?
 - b. Should the view identified across this site still be included in Policy C&W 14?
5. In relation to Policy C&W 17 Sustainable Construction Practices, please could you suggest some wording so that the recommendation of the Strategic Environmental Assessment Environmental Report is included in the policy?
6. Please could you confirm the date of adoption for the Recreational avoidance Disturbance Mitigation Strategy (RAMS) and email me a copy of it.

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

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

With many thanks,

Ann Skippers MRTPI
Independent Examiner
19 July 2021