

Babergh District Council

**The Copdock & Washbrook
Neighbourhood Plan
2023 - 2037**

Independent Examiner's Report

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17 March 2025

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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 Mace Green, Washbrook Street and Folly Lane.

An earlier Plan was put forward and progressed with a referendum in March 2022 which resulted in the majority of those voting against the Plan being used by Babergh District Council. This current Plan is very different to that earlier Plan and in particular does not contain any site allocations.

The current Plan is presented to a very high standard. It has 17 policies covering a variety of topics supported by a number of updated evidence documents. The Plan is clear in its intent and takes a thoughtful approach to the future for its communities. There is an exemplary Basic Conditions Statement and Consultation Statement which I commend to others.

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
17 March 2025



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 experience to carry out this independent examination.

2.0 The role of the independent examiner and the examination process

Role of the Examiner

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

The basic 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) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (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. 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 and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

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

Examination Process

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

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

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

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

After careful consideration of all the documentation and the representations made, including those which requested a hearing be held, I decided that it was not necessary to hold a hearing.

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

After the examination had started in July 2024, the Parish Council notified me that some confusion remained with the content of the submitted Design Guidelines document, specifically the references to the former site allocation at Back Lane. By way of explanation, a plan for Copdock and Washbrook was submitted and examined in Autumn 2021. However, the original Plan failed to receive sufficient support when it was put to a local referendum in March 2022. It was therefore particularly important to ensure there was clarity.

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

⁷ PPG para 055 ref id 41-055-20180222

⁸ Ibid para 040 ref id 41-040-20160211

⁹ PPG para 056 ref id 41-056-20180222

¹⁰ Ibid

By mutual agreement, the examination was put on hold to allow the Parish Council time to address this matter. A new Design Guidelines document was duly produced by AECOM and is dated October 2024.

A focused consultation exercise on the new Design Guidelines document was held between 20 January – 5 February 2025 to give interested parties an opportunity to make any comments on this updated document. The Parish Council also took the opportunity to comment on the representations made and I have taken these comments into account.

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 refresh my memory of the previous site visit and to consider the Plan's policies and the Plan area on 24 February 2025.

During this time, the Government published a new NPPF on 12 December 2024. Transitional arrangements set out in the document¹¹ explain that the policies in the updated NPPF will only apply to those neighbourhood plans submitted from 12 March 2025 onwards. As a result, this examination has continued with the NPPF updated in December 2023.

Modifications and how to read this report

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

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

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

¹¹ NPPF December 2024, para 239

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It is comprehensive and clear and I commend its approach to others.

Originally a Plan was prepared and examined ahead of a referendum on 24 March 2022. The referendum returned a 'No' vote and so the Parish Council resolved to review the Plan and prepare an amended and updated version which deleted a proposed housing allocation. The engagement carried out for the original Plan remains important and worthy of recording.

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 on the original Plan took place.

After the 'No' vote, an informal consultation event was held in July 2022 to help find a way forward. An explanatory leaflet was distributed to every household in the Parish.

Throughout the Plan preparation process, a number of supporting evidence documents have also been produced including updates to some of the key supporting documents for this latest version of the Plan.

Throughout this time, 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. Steering Group meeting notes are available on the website.

Pre-submission (Regulation 14) consultation took place between 11 March – 28 April 2023. 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 online.

I consider that the consultation and engagement carried out has been consistent and satisfactory.

Submission (Regulation 16) consultation was carried out between 7 May – 21 June 2024. This resulted in 16 representations being received.

As stated earlier in this report, a short focused period of consultation was held between 20 January – 5 February 2025 to allow consultation on a new Design Guidelines document. This resulted in 10 representations.

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.

4.0 Compliance with matters other than the basic conditions

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 3 of the Plan.

Plan period

The Plan period is 2023 – 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.¹²

In this case, three Community Actions appear on page 34 of the Plan. An explanation of their status is given in the Plan.¹³ I consider their status is clear and that this approach is acceptable for this Plan.

¹² PPG para 004 ref id 41-004-20190509

¹³ The Plan, para 1.16 on page 4

5.0 The basic conditions

Regard to national policy and advice

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

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

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹⁴

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁵ 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.¹⁶

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁷ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁸

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.¹⁹

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.²⁰

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

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid

¹⁹ Ibid para 31

²⁰ Ibid para 16

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 unambiguous²¹ 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.²²

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²³ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement clearly and helpfully sets out how the Plan's objectives and policies correspond to the NPPF's themed sections. It takes a pragmatic approach and demonstrates clear links between the Plan's objectives and policies.

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.²⁵ 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.²⁶

The three overarching objectives are:²⁷

- 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 well-designed, beautiful and safe

²¹ PPG para 041 ref id 41-041-20140306

²² Ibid

²³ Ibid para 040 ref id 41-040-20160211

²⁴ Ibid

²⁵ NPPF para 7

²⁶ Ibid para 8

²⁷ Ibid

places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁸

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out both the purpose and outcome of each Plan policy showing how the policy helps to achieve sustainable development.

General conformity with the strategic policies in the development plan

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

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

Retained European Union Obligations

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

With reference to Strategic Environmental Assessment (SEA) requirements, PPG²⁹ 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.

²⁸ NPPF para 9

²⁹ PPG para 031 ref id 11-031-20150209

Strategic Environmental Assessment and Habitats Regulations Assessment

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

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

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

A Screening Determination dated July 2023 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report prepared by LUC of May 2023. The Final Report concluded that the Plan was unlikely to have significant environmental effects and no further work on SEA was therefore necessary.

Consultation with the statutory bodies was undertaken on the Final Report before the Screening Determination was made. Natural England concurred that there are unlikely to be significant effects from the Plan. Historic England concurred that SEA was not needed. No response was received from the Environment Agency.

I have treated these documents to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³⁰

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

Turning now to HRA, a Habitats Regulations Assessment Screening Report of May 2023 has been prepared by LUC. This document details a number of European sites within 20km of the Plan area and also considers any which are functionally linked habitats.

³⁰ PPG para 028 ref id 11-028-20150209

The Plan area falls within the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects and concludes that Appropriate Assessment (AA) is not required. Natural England concurred with the findings of the Screening Report.

A Screening Determination was made by BDC and is dated July 2023. This screened out the Plan and concluded that an Appropriate Assessment was not required.

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

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

Conclusion on retained EU obligations

PPG establishes that the ultimate responsibility for determining whether a plan meets retained EU obligations lies with the local planning authority.³¹ BDC does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

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

³¹ PPG para 031 ref id 11-031-20150209

6.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a very high standard and contains 17 policies. There is a helpful contents page at the start of the Plan.

There are some references to the emerging JLP that should now be updated as, with the passage of time, it has been adopted. I do not repeat this modification elsewhere in this report. The modification identifies those instances that I have spotted, but there may be others.

- **Update references to the emerging JLP throughout the Plan as necessary and including paragraphs 1.10, 5.6, 6.3, 6.5 and 10.3**

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 paragraphs 1.8 and 1.12 and in relation to the JLP as already referred to above. I regard these updates as matters of final presentation and do not make a specific modification in this respect.

2. Copdock & Washbrook Past & Present

This section sets out the historical and current context of the Parish and highlights its many attributes for residents.

3. Policy Context

This short section helpfully explains the planning policy context for the Plan.

4. Vision & 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.

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

5. Spatial Strategy

Policy C&W 1

Policy C&W 1, Spatial Strategy, defines four settlement boundaries and sets out how development will be determined within and outside the settlement boundaries.

JLP Policy SP03 sets out an expectation that housing will come forward through extant permissions, allocations in neighbourhood plans, windfall development and through allocations in the JLP Part 2. It indicates that settlement boundaries will also be reviewed as part of the work on the JLP Part 2. However, BDC has announced its intention to undertake a full Joint Local Plan review and not a Part 2 plan in the light of various Government announcements about changes to the planning system. It would be reasonable to expect that the review of settlement boundaries and any site allocations would now form part of the work on a full Joint Local Plan review.

JLP Policy SP03 essentially carries forward settlement boundaries from previous development plan documents. The JLP recognises that the existing settlement boundaries have been in place for some time. Part of the work on this policy has reviewed the settlement boundaries to reflect changes on the ground and to ensure they remain fit for purpose. This is a logical and pragmatic approach to have taken. All the settlement boundaries are clearly shown on the Policies Maps.

The policy focuses new development to those areas within the settlement boundaries. Outside the settlement boundaries development is only permitted where it would be in accordance with national or district or neighbourhood level policies and where impacts on heritage, landscape and highway safety would be acceptable.

Reference is also made to an Important Gap which is also designated by this policy and shown on the Policies Maps. The Important Gap is designated to safeguard the village's distinctive identities and to ensure that coalescence with Ipswich to the north is avoided. The Design Guidelines document produced by AECOM and dated October 2024, refers to the need to avoid coalescence between Copdock and Washbrook and between Ipswich.³² In addition I saw at my site visit that the separation between the different loose clusters of development are important and that these breaks in development along London Road help to reinforce the identity of the villages.

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

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

6. Housing

Policies C&W 2 and C&W 3

The NPPF states that to help support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.³³ It continues that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.³⁴

Within this context, it is clear that size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy.³⁵ These groups include affordable housing, families with children, older people and those with disabilities.³⁶

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.³⁷

³² Design Guidelines page 29

³³ NPPF para 60

³⁴ Ibid

³⁵ Ibid para 63

³⁶ Ibid

³⁷ Ibid para 82

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

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

Non-strategic JLP Policy LP07 supports community-led and rural exception housing on rural exception sites where they are well connected to an existing settlement and are proportionate in size to it. In relation to community-led housing, non-strategic JLP Policy LP07 indicates it must also be initiated and led by a legitimate local community group and have general community support.

JLP Policies SP02 and LP07 recognise that some market housing up to 35% of the development total may support the delivery of rural exception sites.

BDC has recommended some changes to paragraphs 6.4 and 6.5 which would help with clarity. Paragraph 6.5 needs updating as the adopted JLP contains Policy LP07 on community-led and rural housing. In addition a Supplementary Planning Document (SPD) on Housing was also adopted by BDC in November 2024. Modifications to paragraphs 6.2 and 6.3 are also made given I recommend the removal of Appendix 1 from the Plan later in this report and to help with clarity regarding housing allocations and to update the Plan given the most recent position with the JLP.

There are two policies in this section.

Policy C&W 2, Affordable Housing on Rural Exception Sites, sets out support for small-scale affordable housing schemes, including community-led housing, on sites outside the settlement boundaries. It clearly sets out the expectations attached to such development.

The NPPF offers support to rural exception sites that provide affordable housing to meet identified local needs and indicate that some market housing on these sites may help to facilitate this.³⁸ However, the NPPF differentiates between rural exception sites and sites suitable for community-led housing whereas non-strategic JLP Policy LP07 treats the two types of development in largely the same way except for ensuring that community-led housing schemes are initiated and led by a legitimate local community group and that the scheme has general community support.

The NPPF is clear that support for community-led housing (defined in the NPPF's glossary) is for exception sites which would not otherwise be suitable as rural exception sites.³⁹ These sites must be adjacent to existing settlements and proportionate in size to them, not compromise the protection given to areas or assets of particular

³⁸ NPPF para 82

³⁹ Ibid para 73

importance in the NPPF and comply with any local design policies and standards.⁴⁰ The criteria set out in the NPPF is largely mirrored in non-strategic JLP Policy LP07.

With respect to community-led housing, Policy C&W 2 does not specifically refer to the need to be adjacent to existing settlements or proportionate in size to them. However, it does include consideration of the impacts on character and appearance and so on. In addition, it refers to the NPPF's definition of community-led housing and the NPPF refers to the locational and size criteria.

I therefore consider this policy is a local and detailed interpretation of JLP Policies SP01 and SP02 which sets out the expectations for affordable housing. I note that the JLP indicates that neighbourhood plans can set out an approach to help influence the mix of housing tenure, size and type specific to the local area as long as it is in general conformity with JLP Policies SP01 and SP02.⁴¹

Policy C&W 3, Housing Mix, sets out a mix for schemes of 10 or more dwellings based on the Housing Needs Assessment (HNA) produced in 2019 by AECOM. 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 HNA suggested a realignment between supply and demand with most dwellings being three bed roomed and a fairly even split between one, two and four bed roomed units. No further requirement for five bed roomed units was identified.

The policy takes its lead from the HNA (which I recognise is now some six years old, but is the latest available local evidence), but is flexibly worded recognising that these needs may change over time or that the particular tenure of homes provided indicates otherwise.

The policy also welcomes single storey units. The HNA recognised that bungalows appeal to an ageing population and there is therefore potential for this house type to be promoted to help meet future demand.

BDC has suggested an additional paragraph of supporting text to help with clarity and I agree this would be helpful. A modification is therefore recommended.

Policies C&W 2 and C&W 3 meet the basic conditions by having regard to national policy and being in general conformity with, and adding a layer of local detail to, JLP Policies SP02 and SP03 in particular and will help to achieve sustainable development. The only modifications recommended are to the supporting text.

⁴⁰ NPPF para 73

⁴¹ JLP para 07.10, page 27

- Amend paragraphs 6.2 and 6.3 on page 14 of the Plan to read:

“There are no housing site allocations in the adopted Part 1 Joint Local Plan. Babergh District Council has announced that it will carry out a full review of the Joint Local Plan in the light of the Government’s new housing requirements for every District and Borough in the country announced in December 2024. Housing requirements will be addressed at District level as part of that review.

There is no compulsion for a Neighbourhood Plan to provide for housing or to allocate sites. The Neighbourhood Plan does not need to make provision for additional housing development in order for it to conform with the adopted Joint Local Plan as it currently stands.

Given the number of new homes granted permission, but yet to be completed in the Parish and the uncertainty over the amount of new housing needed, this Neighbourhood Plan does not support the allocation of further sites for housing outside the settlement boundaries and does not make any allocations for housing development.”

- Amend the first bullet point of paragraph 6.4 on page 14 of the Plan to read: “a need to be established, normally identified through a *proportionate local housing needs survey with support from the Parish Council;*”
- Update paragraph 6.5 on page 14 of the Plan to reflect the relevant JLP policy and SPD
- Add a new paragraph of supporting text to sit alongside Policy C&W 3 that reads:

“The percentages set out in Policy C&W 3 relate to overall housing needs. The unit mix needs of different tenures will vary. As such, the policy allows for different tenures to vary from the percentages set out, for example to meet identified affordable housing needs. Developments should do this whilst seeking to meet the overall needs of the Parish.”

7. Business & Employment

Policies C&W 4, C&W 5 and C&W 6

Supporting a prosperous rural economy is a key driver in the NPPF. It states that policies should enable the sustainable growth of all types of businesses in rural areas, both through conversions and new buildings and the development and diversification of

agricultural and other land-based rural businesses.⁴² It also supports sustainable tourism and leisure and accessible local services and community facilities.⁴³

The NPPF goes on to say that, in rural areas, sites may be beyond existing settlements and so it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and takes opportunities to make a location more sustainable.⁴⁴ The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.⁴⁵

The Plan explains there are many employment sites and businesses within the Parish. These include Copdock Mill, a hotel and a residential care home as well as many smaller businesses. These businesses play an important role both for the local and wider economy. The employment sites are identified on the Policies Maps.

Non-strategic JLP Policy LP09 supports a prosperous rural economy. Proposals for employment use must be sensitive to their surroundings, have a high standard of design and have satisfactory access.

Non-strategic JLP Policy LP10 resists the loss of employment sites unless the reuse or redevelop of the site for employment and community uses has been explored through a six month marketing period and the proposal would not cause conflicts on amenity grounds with other uses in the vicinity.

Policy C&W 4, Employment Sites, seeks the retention and development of existing employment uses subject to an acceptable effect on landscape character, heritage, residential amenity, traffic generation and important views and important 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.

Policy C&W 5, New Businesses and Employment, supports new business development within the identified settlement boundaries subject to acceptable impacts. 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.

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

⁴² NPPF para 88

⁴³ Ibid

⁴⁴ Ibid para 89

⁴⁵ Ibid

Policy C&W 6, Farm Diversification, supports economic development uses for redundant farm and other rural buildings subject to viability and need for farming uses and acceptable impacts of the new development.

Policies C&W 4, C&W 5 and C&W 6 meet the basic conditions by supporting employment uses appropriately having regard to national and development plan policy and contributing towards the economic role of achieving sustainable development. No modifications are therefore recommended.

8. Natural Environment

There are five policies in this section.

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.⁴⁶

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.⁴⁷

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

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

The Design Guidelines document refers to the need for new development to preserve the landscape and strengthen the Claylands landscape with appropriate planting and settlement patterns.⁴⁸

Two paragraphs of supporting text are highlighted by BDC for updates. Modifications are made in the interests of clarity.

⁴⁶ NPPF para 180

⁴⁷ Ibid para 185

⁴⁸ Design Guidelines page 32

Suffolk Wildlife Trust also point out that there is a County Wildlife Site that falls partly within the Plan area. In the interests of accuracy, paragraph 8.13 should be amended to reflect this.

Policy C&W 7, Area of Local Landscape Sensitivity. 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 JLP.

This policy proposes to replace the SLA designation with a new designation of “Area of Local Landscape Sensitivity” (ALLS). The area is shown on Map 3 on page 23 of the Plan.

The key issue is whether the proposed ALLS has been designated appropriately. I recognise that, as a representation points out, in the previous iteration of the Plan, the former site allocation, land east of Back Lane, was excluded from the proposed ALLS. The Neighbourhood Plan had followed the lead of the emerging JLP at that time.

The designation is robustly supported by the Landscape Appraisal Update carried out as part of the work for the Plan. Indeed the original Landscape Appraisal identified all of the existing SLA area as an ALLS. I saw at my site visit that the proposed ALLS is distinguishable from surrounding land and the remainder of the Parish and I consider that the area has been properly and 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. A representation asks for some changes to the wording and I agree that the first and third criteria of the policy could be ‘sharpened’ to be more robust.

Policy C&W 8, Local Green Spaces, seeks to designate two areas of Local Green Space (LGS). They are shown on the Policies Map. Although the Consultation Statement indicates more detail will be added in an appendix to the Plan this does not appear to be the case.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁹ 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.⁵⁰ 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.⁵¹

The NPPF sets out three criteria for green spaces.⁵² These are that the green space

⁴⁹ NPPF para 105

⁵⁰ Ibid

⁵¹ Ibid

⁵² Ibid para 106

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.

Play area off Mill Lane is accessed from an unmade lane. It contains some equipment and is a pleasant and secluded area for amenity

Fen View open space and play area serving the residential area, this is a grassed area with trees, seating and play equipment.

Based on my observations at my site visit, and the nature of the proposed LGSs, in my view, both the proposed LGSs meet the criteria in the NPPF satisfactorily.

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

Turning now to the wording of the policy, it designates the LGSs and states that development in the LGSs will be consistent with national policy for Green Belts. This has regard to the NPPF which is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁵³

Policy C&W 9, Biodiversity, seeks to protect and enhance the biodiversity in the Plan area. Amongst other things, the NPPF indicates plans should pursue promote the conservation of priority habitats and ecological networks and pursue opportunities for net gain.⁵⁴ The policy sets out principles for determining planning applications which reflect those set out in the NPPF.⁵⁵

The policy 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 this phrase or any explanation about what might constitute an important tree and I can envisage the possibility of this phrase being open to interpretation. To address this concern, a modification is made on the basis of the Landscape Appraisal Update and my own observations about the importance of trees as a feature in this area.

Otherwise the policy has regard to the relevant national and District level policies.

Policy C&W 10, Recreational disturbance Avoidance and Mitigation refers to the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) produced by a number of Suffolk local authorities and adopted by BDC in November 2019.

⁵³ NPPF para 107

⁵⁴ Ibid para 185

⁵⁵ Ibid para 186

The Plan explains that the Parish is located within 13km of the Stour and Orwell Estuaries SPA and SAC Zone of Influence (ZOI).

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.

I note Suffolk Wildlife Trust support this policy.

Policy C&W 11, Protection of Important Views and Landscape Character, seeks to protect Important Views into and out of the built-up areas of the village identified in the Landscape Appraisal Update. These views are important to defining and reinforcing the sense of place and local distinctiveness.

This policy protects eight views which are shown on the Policies Maps and described in more detail in Appendix 2. I am satisfied from the evidence in the Landscape Appraisal Update together with what I saw on my site visit, that the views selected are appropriate given the character and setting of the villages.

However, one Important View (point) has been missed off the Policies Maps in error and one of the descriptions in Appendix 2, taken from the Landscape Appraisal Update, has been repeated in error. Modifications to correct these two presentational errors are made.

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.

The second element of the policy 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.

With these modifications, **Policies C&W 7, C&W 8, C&W 9, C&W 10 and C&W 11** will meet the basic conditions by having regard to national policy, being in general conformity with strategic policies and JLP Policy SP09 in particular and helping to achieve sustainable development.

- **Amend paragraph 8.9 on page 23 of the Plan to read:**
“The 2006 Babergh Local Plan continued to designate land in the northern part of the parish, primarily associated with Belstead Brook valley, as SLA. However, this designation was not carried forward into the Joint Local Plan.”
- **Amend paragraph 8.13 on page 24 of the Plan to acknowledge that the Sproughton Park County Wildlife Site falls partly within the Plan area**

- Amend paragraph 8.15 on page 24 of the Plan to read:

“In November 2021 the Environment Act received Royal Assent. This introduced a system that required all new developments to deliver a minimum 10 per cent biodiversity net gain (BNG). British Standard for Biodiversity Net Gain (BS8683) provides a standard for designing and implementing such requirements. Unless exemptions apply, BNG became mandatory for all new developments in April 2024.”

- Amend the wording of Policy C&W 7 to read:

“Development proposals in the Area of Local Landscape Sensitivity, as identified on the Policies Map, will be permitted only where they:

- protect and, wherever possible, enhance the special landscape qualities of the area, as identified in the Landscape Appraisal; and*
- are designed and sited so as to harmonise with the landscape setting of the site; and*
- provide satisfactory landscape impact mitigation measures as part of the proposal.”*

- Amend the first paragraph of Policy C&W 9 to read: *“Development should avoid the loss of, or substantial harm to, mature or veteran or hedgerow trees, or other trees of importance to the landscape setting, hedgerows and other natural features such as ponds.”*

- Add Important View 4 to the Policies Maps

- Change the description for Important View 8 in Appendix 2 to read:

“This viewpoint is representative of views on leaving the cluster of development in the southern part of the Parish and on approaching Copdock. The gentle depression created by the tributary stream is readily perceived. The edge of Copdock is not apparent in views and those buildings that exist appear clustered around farmsteads or as isolated cottages on the road, set in a wider agricultural context. In places views open up across the wider rural landscape, to the east and west, over medium scale arable fields defined by thick hedgerows.”

9. Built Environment & Design

There are three policies in this section.

There is no Conservation Area within the Plan area, but there are over 20 listed buildings including both parish churches which are Grade II*.

Policy C&W 12, Heritage Assets, 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.⁵⁶ It continues⁵⁷ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

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

The wording of the policy reflects the NPPF's stance on such assets and is a local interpretation of JLP Policy SP09.

I note Historic England welcome this policy.

Policy C&W 13, Design Considerations, is a long policy covering numerous and varied criteria. In essence, it seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF's stance on design and leads on from JLP policies.

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.⁵⁸ Being clear about design expectations is essential for achieving this.⁵⁹ It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁶⁰ It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁶¹

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁶²

⁵⁶ NPPF para 195

⁵⁷ Ibid para 205

⁵⁸ Ibid para 131

⁵⁹ Ibid

⁶⁰ Ibid para 132

⁶¹ Ibid para 133

⁶² Ibid para 135

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

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

The policy is supported by Design Guidelines document (October 2024) produced by AECOM. It refers to Appendix 4 which contains a Development Design Checklist based on the Design Guidelines work by AECOM.

The Plan includes a photograph of the Design Guidelines document. Given that a new document has been produced, it would be wise to replace it with a cover shot of the new document in the interests of clarity and for the avoidance of any doubt.

Policy C&W 14, Sustainable Construction Practices, only applies to non-residential development. It encourages proposals which incorporate best practice in energy conservation and water management.

JLP Policy SP10 sets out a requirement to mitigate and adapt to climate change including through approaches to the impacts of flooding. Non-strategic JLP Policy LP26 refers to water resources and infrastructure including the use of water efficiency measures. Non-strategic JLP Policy LP27 deals with flood risk and vulnerability and also refers to SuDs.

A number of representations refer to paragraph 9.7 on page 30 of the Plan which refers to flood risk. For the avoidance of any doubt, there is nothing in this paragraph or the Plan which allocates sites for housing development or supports large scale housing.

With this modification to the supporting text, **Policies C&W 12, C&W 13 and C&W 14** meet the basic conditions by having regard to national policy, being in general conformity with strategic policies and especially JLP Policies SP09 and SP10 as relevant and helping to achieve sustainable development.

- **Replace the photograph on page 28 of the Plan with one of the new Design Guidelines document dated October 2024**

10. Infrastructure & Services

There are two policies in this topic section.

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public

houses and places of worship.⁶³ 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, particularly where this would reduce the community's ability to meet day to day needs.⁶⁴

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁶⁵ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁶⁶ It recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for health and wellbeing and can also deliver wider benefits for nature and support efforts to address climate change.⁶⁷ It states that existing open open space, sports and recreational buildings and land, including playing fields, should not be built on unless surplus to requirements or replacement by equivalent or better provision in terms of quantity and quality in a suitable location.⁶⁸

Non-strategic JLP Policy LP28 supports new local services and community facilities where the proposal is well related to and meets the needs of the local community. The loss of such facilities is only supported where there is an alternative or improved facility or the facility is no longer viable or performing a functional role in its existing use and is not needed for an alternative community use.

Policy C&W 15, Protecting Existing Services and Facilities, recognises the contribution that services and facilities make to the local community. It resists the loss of such facilities unless it can be demonstrated that the use is no longer viable and there is no demand or alternative community use or alternative facilities are available conveniently.

The Policies Map identifies these facilities, but there is no cross-reference to the Policies Map in the policy. The services and facilities identified on the Policies Map are the allotments, the primary school, the public house and the village hall. Paragraph 10.1 on page 32 of the Plan refers to a range of services and facilities in the village specifying those current at the time of preparation of the Plan.

The policy also includes "sports facilities" which are also subject to Policy C&W 16. **Policy C&W 16, Open Space, Sport and Recreation Facilities** 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.

⁶³ NPPF para 88

⁶⁴ Ibid para 97

⁶⁵ Ibid para 88

⁶⁶ Ibid para 97

⁶⁷ Ibid para 102

⁶⁸ Ibid para 103

Policy C&W 16 does cross-reference the Policies Maps where two areas, the Cricket Club and areas around the Village Hall including the playing field and Bowls Club are identified. However, the policy uses the word “including” meaning these identified areas are not exclusive.

Taking these two policies together, I consider there is some potential for confusion or overlap or even possibly contradiction in respect of the sports facilities referred to in both policies. Therefore a modification is recommended. With this modification to Policy C&W 15, **Policies C&W 15 and C&W 16** will meet the basic conditions by having regard to national policy, being in general conformity with the JLP and helping to achieve sustainable development.

- **Delete “...including sports facilities...” from the first sentence of Policy C&W 15 and replace with “...including *those identified on the Policies Map...*”**

11. Highways & Movement

There are two policies in this section.

Policy C&W 17, Public Rights of Way, seeks enhancement of the existing network.

The NPPF is clear that planning policies should protect and enhance public rights of way (PROW) and access taking opportunities to provide better facilities for users.⁶⁹ The NPPF seeks to enable and support healthy lifestyles including through the protection and enhancement of PROW including through adding links to existing networks.⁷⁰

Such networks can also help with providing opportunities and options for sustainable transport modes.⁷¹

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

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

The last policy is **Policy C&W 18, Highways Improvements on London Road**. The Plan explains that the former A12 trunk road has a major impact on the village and lifestyle of residents. The road remains as a dual carriageway with a speed limit of 50 mph.

As part of the work carried out on the Plan, a study has been carried out which identifies potential improvements to Old London Road. These are shown on Figure 5 on page 36 of the Plan. The Plan recognises the proposals will require working in partnership with the District and County Councils and other partners. Some of the

⁶⁹ NPPF para 104

⁷⁰ Ibid

⁷¹ Ibid paras 108, 110

projects are contained in policy documents at BDC level.

The policy therefore seeks to ensure that any new development makes a contribution towards highway improvements and sustainable transport modes and active travel.

The supporting text and especially paragraphs 11.3, 11.4, 11.5 and 11.6 have been subject to a number of representations. In order to remove any doubt, I recommend that the reference to “ “new housing developments” in paragraph 11.4 be removed. In my view, there is nothing in this section of the Plan which would suggest support for new development; rather these measures could be promoted as part of ongoing work by the Parish Council.

There are three Community Actions in this section. These are not planning policy, but are aspirations.

Policy C&W 18 requires any development proposals which do come forward to contribute to highways improvements. This policy in itself does not support new development.

I further note that National Highways, responsible for the operation, maintenance and improvement of the strategic road network, supports the proposed improvements set out in paragraph 11.4 on page 35 of the Plan and offers to work closely with the Parish Council in supporting Policy C&W 18.

With this modification to the supporting text, **Policies C&W 17 and C&W 18** meet the basic conditions by having regard to national policy, being in general conformity with the strategic policies of the development plan and helping to achieve sustainable development.

- **Delete the words “...in order to accommodate new housing developments” from paragraph 11.4 on page 35 of the Plan**

Policies Maps

The maps are clearly presented.

I have made some recommended modifications to the Policies Maps earlier in this report.

A representation from Artisan Planning and Property Services requests a change to the Policies Map Inset Map – North to show the full extent of the employment site.

- **Amend the Policies Map Inset Map – North to show the extent of the employment site subject of DC/20/05176 as per the ‘red line’ site of the planning permission granted on 12 January 2021**

Appendices

There are five appendices.

Appendix 1 is a schedule of planning permissions. I note this is dated as at 1 January 2023. This will become out of date and a representation from Artisan Planning and Property Services already makes this point. I am asked by the Parish Council in the response to the representations to consider the need for this appendix as the Plan progresses. I suspect it may cause confusion and will be out of date regularly and so for these reasons, I recommend it is removed from the Plan. Paragraph 6.2 on page 14 of the Plan will need revision as a consequence and I have added a modification to this effect at the appropriate juncture earlier in this report. Other consequential amendments will, of course, be needed to the numbering of the other appendices and contents page etc.

Appendix 2 contains further details on the Important Views subject of Policy C&W 11. It should be noted I make a recommendation in relation to this appendix in my discussion of Policy C&W 11. I also make another recommendation in the interests of clarity to this Appendix.

Appendix 3 contains details of listed buildings and a helpful statement giving details of where to access up to date information.

Appendix 4 is the Development Design Checklist referred to in Policy C&W 13. The date of the Design Guidelines document now needs to be updated.

Appendix 5 lists supporting documents. The dates of the Design Guidelines and Landscape Appraisal documents now need to be updated. Other references may also need to be updated and I consider this to be a matter of final presentation.

- **Remove Appendix 1 from the Plan**
- **Amend the second sentence in Appendix 2 to read: “*Important Views are shown on the Policies Maps and described briefly below:*”**
- **Update reference to Design Guidelines in Appendices 4 and 5 to “*October 2024*”**
- **Update references to the Landscape Appraisal in Appendix 5 to “*November 2023*”**

Glossary

The Plan includes a helpful glossary.

7.0 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
17 March 2025

Appendix 1 List of key documents specific to this examination

Copdock and Washbrook Neighbourhood Plan 2023 – 2037 Submission Draft Plan
March 2024

Basic Conditions Statement February 2024 (Places4People Planning Consultancy)
Consultation Statement February 2024 (Places4People Planning Consultancy)

Strategic Environmental Assessment Screening Opinion Final Report May 2023 (LUC)

Strategic Environmental Assessment Screening Determination July 2023 (BDC)

Habitats Regulations Assessment Screening Report Final Report May 2023 (LUC)

Habitats Regulations Screening Determination July 2023 (BDC)

Design Guidelines Final Report October 2024 (AECOM)

Landscape Appraisal Final Report Update November 2023 (Alison Farmer Associates)

Housing Needs Assessment June 2019 (AECOM)

Regulation 15 Checklist (BDC)

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

Housing Supplementary Planning Document November 2024

List ends