

Babergh District Council

**Capel St Mary
Neighbourhood Plan
2024 – 2037**

Independent Examiner's Report

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22 July 2025

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Summary

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

Capel St Mary is a large village close to the A12 with Ipswich to the north and Colchester to the south. The village is very well served by a number of facilities and services. It has a distinctive character. Part of the Plan area falls within the Suffolk and Essex Coast and Heaths National Landscape.

The Plan is very well presented. The Plan is based around five themes and its 11 policies cover a variety of topics including a new settlement boundary, rural exception housing and Local Green Spaces. The Plan has been careful not to duplicate policies at District level, but rather to add a layer of local detail. The Plan has been supported by an exemplary Consultation Statement and Basic Conditions Statement.

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

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

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

Ann Skippers MRTPI
Ann Skippers Planning
22 July 2025



1.0 Introduction

This is the report of the independent examiner into the Capel St Mary 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 Capel St Mary 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

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

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ 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

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

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

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).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 consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

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

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

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 Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 17 April 2025.

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 uses the NPPF updated in December 2023. It is noted that the Plan refers to the December 2024 version of the NPPF and I consider this to be acceptable and pragmatic.

Modifications and how to read this report

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

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

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

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. In particular, the Consultation Statement includes a comprehensive list of modifications made to the draft Plans following the pre-submission consultation stage. This has been an enormous help to me and I commend this approach to others.

Work began on the Plan in 2018. A Residents Survey was carried out in 2018 resulting in an excellent response rate of 33%. The Survey sought views on a wide range of matters and was used to develop the Plan.

An initial pre-submission (Regulation 14) period of consultation was undertaken between 1 March – 18 April 2020. As a result of this stage, significant amendments to the draft Plan were made which also reflected the changes to the local plan at District level. A second period of pre-submission consultation was held between 7 May – 24

¹¹ NPPF December 2024, para 239

June 2023. After this stage, further significant amendments to the draft Plan were made. This resulted in a third period of pre-submission consultation held between 6 September - 21 October 2024.

This most recent period of pre-submission consultation was publicised by a summary leaflet delivered to every household and business in the Parish. A drop-in event was also held. Both hard and online copies of the Plan were available.

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

Submission (Regulation 16) consultation was carried out between 10 February – 28 March 2025.

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

I note that a representation from the Defence Infrastructure Organisation explains that development can form a physical obstruction to the safe operation of aircraft or the operation of technical assets and the creation of environments attractive to large and flocking bird species can pose a hazard to aviation safety in identified safeguarding zones. As a result the Ministry of Defence should be consulted on certain applications within the safeguarding zones. This is primarily a matter for development management at BDC level.

4.0 Compliance with matters other than the basic conditions

Qualifying body

Capel St Mary 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 19 April 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 4 of the Plan.

Plan period

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

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

In this case, eight Community Aspirations are found throughout the Plan. They are clearly distinguishable from the planning policies and accompanied by a good explanation of their status.¹³ I therefore consider this approach to be acceptable for this Plan.

5.0 The basic conditions

Regard to national policy and advice

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

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

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

¹² PPG para 004 ref id 41-004-20190509

¹³ The Plan, page 6

¹⁴ NPPF para 13

¹⁵ Ibid para 28

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 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 sets out how the Plan's objectives and policies correspond to the NPPF.

¹⁶ NPPF para 28

¹⁷ Ibid para 29

¹⁸ Ibid

¹⁹ Ibid para 31

²⁰ Ibid para 16

²¹ PPG para 041 ref id 41-041-20140306

²² Ibid

²³ Ibid para 040 ref id 41-040-20160211

²⁴ Ibid

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 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 how each Plan policy helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) which was adopted by BDC on 21 November 2023 and some saved policies from the Babergh Local Plan Alteration No. 2 (LP) adopted in June 2006 and the Core Strategy (CS) adopted in February 2014. None of the saved policies are relevant to this

²⁵ NPPF para 7

²⁶ Ibid para 8

²⁷ Ibid

²⁸ Ibid para 9

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.

Emerging policy at District level

In places, the Plan and some of its supporting documents, refer to JLP Part 2. With the passage of time, BDC has decided to produce a full Joint Local Plan Review instead of a JLP – Part 2. These references in the Plan should be updated accordingly.

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.

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

²⁹ PPG para 031 ref id 11-031-20150209

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

Consultation with the statutory bodies was undertaken. Responses from Historic England and Natural England were received and concurred with the conclusions of the SEA Screening Report.

I have treated the Screening Opinion Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.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 Screening Determination dated November 2024 has been prepared by BDC. This in turn refers to a HRA Screening Report of October 2024 prepared by Land Use Consultants.

A number of European sites lie within 20km of the Plan area. These are the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site; the Deben Estuary SPA and Ramsar site; the Hamford Water Special Area of Conservation (SAC), SPA and Ramsar site; the Colne Estuary SPA and Ramsar site; the Essex Estuaries SAC and the Abberton Reservoir 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.

Natural England concurred with the findings of the Screening Report.

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

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was

³⁰ PPG para 028 ref id 11-028-20150209

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

6.0 Detailed comments on the Plan and its policies

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

The Plan is presented to an exceptionally high standard and contains 11 policies. There is a message from the Chair and a helpful contents page at the start of the Plan.

1. Introduction

This is a helpful introduction to the Plan that sets out basic information about the Plan and how it has evolved. This is a very clear and well-written section that offers a good explanation of the work carried out and the next stages. There is a clear diagram which shows the different stages of the neighbourhood planning process. Some natural updating will be needed as the Plan progresses towards the next stages. I note that the representation from BDC suggests that a more general review of paragraphs 1.5 to 1.9 is needed and BDC has put forward revised text for paragraph 1.15. I am content with the approach suggested and support the revised wording for paragraph 1.15.

³¹ PPG para 031 ref id 11-031-20150209

2. Capel St Mary Past and Present

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

3. Planning Policy context

This section usefully explains the policy context for the Plan. Some natural updating is needed as it has now been confirmed that BDC and MSDC will produce a full Joint Local Plan Review instead of a Joint Local Plan – Part 2. I note BDC puts forward a suggestion for revised wording of paragraph 3.6 in the representation and confirm that this is acceptable.

- **Update information about the Joint Local Plan Review as necessary**

4. Vision and Objectives

The vision for the area is:

“That Capel St Mary retains its rural character whilst providing a sustainable future through:-

- meeting local housing needs
- respecting the local built and natural environment
- retaining and enhancing local infrastructure and services.”

The vision is underpinned by eight objectives across the five themed areas of housing; natural environment; built environment and design; employment, services and facilities; and transport.

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.

The southern tip of the Parish lies within the Suffolk and Essex Coast and Heaths National Landscape (NL). I asked the Parish Council and BDC to consider the duty amended by the Levelling up and Regeneration Act 2023³² on relevant authorities in respect of their functions which affect land in NLs. Relevant authorities must now ‘seek to further’ the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to ‘have regard to’ their statutory purposes. Guidance³³ was issued by the Government which gives further information about how the duty should be applied. As a result, I recommend that additional wording be incorporated into the Plan at various junctures.

The first of these is to include a new objective under the ‘natural environment’ that specifically refers to the NL. A modification is duly made.

³² Levelling up and Regeneration Act 2023 s245

³³ Guidance issued 16 December 2024

- **Add a new objective under the ‘natural environment’ objective on page 11 of the Plan that reads:**

“Conserve and enhance the natural beauty of that part of the Parish in the Suffolk and Essex Coast and Heaths National Landscape.”

5. Planning Strategy

Policy CSM1 – Spatial Strategy

Policy CSM1 defines a settlement boundary for the village and sets out how development will be determined within and outside the settlement boundary.

JLP Policy SP01 sets out the housing figures for the District and indicates that the mix of tenure, size and type of housing development should be informed by needs assessments.

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.

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.

Part of the work on Policy CSM1 has reviewed the settlement boundary to reflect changes on the ground and to ensure it remains fit for purpose. This is a logical and pragmatic approach to have taken. I saw at my site visit, the boundary had been revised appropriately. The revised settlement boundary is shown on Map 2 on page 12 of the Plan and on the Policies Maps.

The policy directs new development to those areas within the settlement boundary. Outside the settlement boundary, development is only permitted where it would be in accordance with national or district or neighbourhood level policies and where there would be no detrimental impact on any landscape designations or character areas.

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.

With regard to the Suffolk and Essex Coast and Heaths NL, a modification is made to the last element of the policy. In addition, some amendments to the supporting text are recommended.

With these modifications, **Policy CSM1** will meet the basic conditions by having regard to national policy, be in general conformity with the JLP given it supports the strategy within that document and JLP Policy SP03 in particular and help to achieve sustainable development.

I note that BDC put forward suggested amended text for paragraph 5.5 in the representation and confirm this would be acceptable.

- **Amend the last paragraph of Policy CSM1 to read:**

“Proposals for development located outside the settlement boundary will only be permitted where they are in accordance with national, district and neighbourhood level policies and, additionally, where they would not have a detrimental impact on landscape designations or character areas and, as relevant to the proposal, they would conserve and enhance the special qualities and natural beauty of the Suffolk & Essex Coast & Heaths National Landscape.”

- **Add at the end of paragraph 5.10 on page 13 of the Plan:**

“and, in the National Landscape area, JLP1 Policy LP18 ‘Area of Outstanding Natural Beauty’, and relevant objectives and policies set out in the Suffolk and Essex Coast and Heaths National Landscape Management Plan.”

- **Add a new paragraph after paragraph 5.10 on page 13 of the Plan that reads:**

“The southern tip of the Parish lies within the Suffolk and Essex Coast and Heaths National Landscape. The area covered by the Neighbourhood Plan plays an important contribution to the setting of the National Landscape (NL). The requirement for neighbourhood plans to reflect NL designations is set in legislation with the 2023 Levelling Up and Regeneration Act (s245) and subsequent 2024 Government guidance, placing a duty on those bodies preparing a neighbourhood plan to further the purposes of the NL.

Therefore, this Neighbourhood Plan must consider how the duty has been met. The vision and objectives of the Plan are broadly supportive of the NL and align with the Suffolk and Essex Coast and Heaths NL Management Plan 2023 – 28 and there is a specific objective which refers to the NL. In addition, there are

several policies throughout the Plan which directly underpin and further the delivery of the duty. Policy CSM1 directly refers to the NL and the section on the Natural Environment includes more detail and a link to the Management Plan.”

6. Housing

Policies CSM2 – Housing Mix and CSM3 - Affordable Housing on Rural Exception Sites

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.³⁴ 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.³⁵

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.³⁶ These groups include affordable housing, families with children, older people and those with disabilities.³⁷

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.³⁸

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.

According to the 2021 Census, there is a lower proportion of smaller houses and a higher proportion of four bed dwellings in the Parish compared to the District as a whole. Over 80% of dwellings have three or more bedrooms. Over half of properties are occupied by one or two people.

There are two policies in this section.

Policy CSM2 – Housing Mix sets out a mix for schemes of 10 or more dwellings based on the most recent Census data, the most recent residents’ survey and the data collected in a Housing Survey in 2016 which is recognised as being somewhat out of date. In line with the available information, Policy CSM2 requires at least 50% of new developments to be two-bedroomed. It is however flexibly worded recognising that these needs may change over time or that the particular tenure of homes provided

³⁴ NPPF para 60

³⁵ Ibid

³⁶ Ibid para 63

³⁷ Ibid

³⁸ Ibid para 82

indicates otherwise.

The policy also supports bungalows. These tend to appeal to an ageing population and there is therefore potential for this house type to be promoted to help meet future demand.

The last paragraph of the policy requires that affordable housing will be 'tenure blind'. This is a desirable aim, but it could be made robust and so a modification is therefore made to make the policy more precise.

- **Amend the last paragraph of Policy CSM2 to read:**

“Proposals that include on-site affordable housing will be required to ensure that the whole scheme is designed to be built to the same design standards and, where appropriate to do so, ensure that the affordable housing is not clustered but distributed around the site.”

Policy CSM3, Affordable Housing on Rural Exception Sites, sets out support for small-scale affordable housing schemes including community-led housing, on sites outside the settlement boundary, but well related to the existing settlements. It sets out clearly the expectations attached to such development.

The NPPF offers support to rural exception sites that provide affordable housing to meet identified local needs and indicate that some market housing on these sites may help to facilitate this.³⁹ 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.⁴⁰ 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 importance in the NPPF and comply with any local design policies and standards.⁴¹ The criteria set out in the NPPF is largely mirrored in non-strategic JLP Policy LP07.

With respect to community-led housing, Policy CSM3 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.

³⁹ NPPF para 82

⁴⁰ Ibid para 73

⁴¹ Ibid

The last paragraph of the policy requires that affordable housing will be built to the same standards across the scheme. It also indicates that schemes should contribute towards the character of the area. This could be made robust as this is arguably a difficult test and so a modification is therefore made to make the policy more precise.

- **Amend the last sentence of Policy CSM3 to read:**

“Where sites for affordable housing in the countryside are brought forward with an element of market housing, both housing tenures should be built to the same design standards and *respect and contribute positively to the local character of the area.*”

Both Policies CSM2 and CSM3 are local and detailed interpretations of JLP Policies SP01, SP02 which sets out local expectations for affordable housing and SP03. I note that the JLP indicates that neighbourhood plans can set out an approach to help influence the mix of housing tenure, size and type specific to the local area as long as it is in general conformity with JLP Policies SP01 and SP02.⁴²

With the modifications to both policies, **Policies CSM2 and CSM3** will 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 SP01, SP02 and SP03 in particular and will help to achieve sustainable development.

I note that BDC put forward suggested amended text for paragraph 6.1 in the representation and confirm this would be acceptable. It would be pragmatic to set out in a footnote as BDC suggest to explain that new District level housing requirement figures will be updated through JLP Policy SP01 in the Joint Local Plan Review.

7. Built Environment

Policy CSM4 - Design Considerations is a relatively long policy covering varied criteria. It seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF's stance on design.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴³ Being clear about design expectations is essential for achieving this.⁴⁴

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.⁴⁵ It refers to design guides and codes to help provide a local framework

⁴² JLP para 07.10, page 27

⁴³ NPPF para 131

⁴⁴ Ibid

⁴⁵ Ibid para 132

for creating beautiful and distinctive places with a consistent and high quality standard of design.⁴⁶

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.⁴⁷

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.

Policy CSM4 starts by indicating that development will be supported in principle; I consider this may be a hostage to fortune and recommend this be modified. Otherwise the policy provides criteria for the consideration of development proposals with a view to ensuring that the distinctiveness, character and sense of place are conserved.

- **Delete the words “in principal” (STET) from the first line of Policy CMS4**

Policy CSM5 - Flooding and Sustainable Drainage sets out a requirement for all new development to ensure that surface water drainage and water resources are managed appropriately and encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁴⁸

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.

The supporting text explains that the Parish has historically constrained surface water drainage systems. There is little risk of fluvial flooding, but large areas of the village are prone to surface water flooding. As a result, the policy seeks to ensure that new development addresses flood risk.

With the modification to Policy CSM4, **Policies CSM4 and CSM5** will meet the basic conditions particularly having regard to the NPPF, being in general conformity with the JLP and especially those strategic policies referred to above and helping to achieve sustainable development.

⁴⁶ NPPF para 133

⁴⁷ Ibid para 135

⁴⁸ Ibid paras 173, 175

8. Natural Environment

Policies CSM6 – Biodiversity; CSM7 – Green Infrastructure in New Developments; CSM8 – Local Green Spaces; and CSM9 – Sutton Brook Corridor

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.⁴⁹

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.⁵⁰

The NPPF defines green infrastructure (GI) as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

As part of its drive to promote healthy and safe communities, the NPPF recognises the provision of safe and accessible GI can enable and support healthy lifestyles.⁵¹

The NPPF indicates that plans should take a proactive approach to mitigating and adapting to climate change, taking into account long-term implications and support appropriate measures to ensure that communities are resilient to climate change impacts.⁵²

As part of this drive, new development should be planned in ways that, amongst other things, utilise GI as appropriate adaptive measures.⁵³

In relation to meeting the challenge of climate change, flooding and coastal change, the NPPF states that the planning system should support the transition to a low carbon future.⁵⁴ The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁵⁵

It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal

⁴⁹ NPPF para 180

⁵⁰ Ibid para 185

⁵¹ Ibid para 96

⁵² Ibid para 158

⁵³ Ibid para 159

⁵⁴ Ibid para 157

⁵⁵ Ibid

change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁵⁶

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. Non-strategic JLP Policy LP18 refers to National Landscapes.

With regard to the Suffolk and Essex Coast and Heaths NL, I recommend that some amendments be made to the supporting text in this section.

- **Amend paragraph 8.2 on page 22 of the Plan to read:**

“To the west of the parish is an area of Flood Zone 2 and 3 due to fluvial flooding. The southern tip of the parish lies within the *Suffolk and Essex Coast and Heaths* National Landscape as illustrated on Map 4 and includes *Great Martins Hill Wood County Wildlife Site, a complex of ancient woodland and other habitats, straddling the border with East Bergholt Parish. The Suffolk and Essex Coast and Heaths Management Plan 2023-28 includes land use management policies that decisions on planning applications should have regard to.*”

- **Add a footnote with a hyperlink to the Suffolk and Essex Coast and Heaths NL Management Plan in association with the text for paragraph 8.2**

- **Amend paragraph 8.3 to read:**

“There is a further County Wildlife Site at Spring Hill Meadows to the west of the village which comprises damp, flower-rich unimproved grasslands.”

- **Delete the last two sentences of paragraph 8.5**

- **Amend the end of paragraph 8.8 on page 24 of the Plan by adding the following text:**

⁵⁶ NPPF para 158

“Furthermore, in relation to the Suffolk and Essex Coast and Heaths National Landscape, paragraph 189 states that “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.”

- **Insert a new map that shows the Suffolk and Essex Coast and Heaths NL in relation to the Plan area**

There are four policies in this section.

Policy CSM6 - 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.⁵⁷ The policy sets out principles for determining planning applications which reflect those set out in the NPPF.⁵⁸

The Suffolk Wildlife Trust (SWT) point out in their representation that features such as swift and bat boxes or hedgehog connectivity are not typically included in measurements of biodiversity net gain. To address the points made by the SWT, a modification is made.

With this modification, **Policy CSM6** will meet the basic conditions by having regard to national policy, being in general conformity with the JLP, especially JLP Policy SP09 and helping to achieve sustainable development.

- **Amend the fourth paragraph of Policy CSM6 to read:**

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

- a. The creation of new natural habitats including wildlife corridors and ponds;**
- b. The planting of additional native trees and hedgerows of local provenance, as identified in Appendix 2; and**
- c. Restoring and repairing fragmented biodiversity networks and corridors.**

Additionally, the provision of swift-boxes, bat boxes and holes in fences which allow access to hedgehogs are encouraged.”

Policy CSM7 – Green Infrastructure in New Developments sets out to add more detail at a local level to JLP Policy SP09. It requires major new housing development to include a network of green infrastructure including any SuDs and green travel corridors.

Policy CSM7 meets the basic conditions by having regard to national policy, being in

⁵⁷ NPPF para 185

⁵⁸ Ibid para 186

general conformity with the JLP, especially JLP Policy SP09 and helping to achieve sustainable development.

Policy CSM8 – Local Green Spaces seeks to designate 14 areas of Local Green Space (LGS). They are shown and numbered on the Policies Map to align with the policy and more detailed information is contained in a Local Green Space Assessment document.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵⁹ 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.⁶⁰ 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.⁶¹

The NPPF sets out three criteria for green spaces.⁶² 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.

1. *Allotments* are particularly valued by the local community as a community facility and for its habitat

2. *Days Green* consists of two areas of amenity open space for local residents. One area is flat with mowed grass, trees and planting. The other area to the rear of the Church is gently undulating with grass and mature trees. Both spaces are pleasant areas of amenity.

3. *Thorney Road and Days Road* is a well defined, irregularly shaped amenity area in amongst housing. It is valued as an amenity space.

4. *Between Plough Road and The Street* is a flat, mowed grass area with trees valued as an amenity space for local residents.

5. *Adjoining Little Gulls, Dodmans and Chapel Close* consists of three connected areas connected by a footpath. All are well-defined, largely flat grassed areas with trees valued as amenity areas for local residents.

6. *Between Letton Close and Link Road* is a flat grassed area with trees. This distinct area adds to the area's connectivity via footpaths. It was well used at the time of my visit by dog walkers.

7. *Elm Lane* is a flat grassed area with trees and hedging which contributes to the

⁵⁹ NPPF para 105

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid para 106

setting of surrounding housing as well as being a valued amenity space.

8. *Long Perry opposite the Garden Centre* is a small area of mowed grass with a number of distinctive trees which adds to the setting of housing to either side but also as a route to the garden centre and London Road.

9. *Mowlands* is a self-contained, fenced, grassed area with trees. It is well maintained and has a footpath alongside. It is important as an amenity space and to help with connectivity.

10. *Beside the Premier Shop in The Street* is an important space at the core of the village. It has the war memorial and village sign and has seating and planting.

11. *In front of the Community Centre, The Street* is in the village centre next to the community centre and shops. There is a grassed entrance to the library along the footpath and the area also has picnic benches and seating opposite a play area. The plan for this proposed LGS also includes an area of car parking to the front of the play area and this should be removed.

12. *Between the houses in Barnfield* is a narrow area of amenity consisting of flat grass with trees. The Local Green Space Assessment refers to this area as “Bamfield” not Barnfield and this should be corrected in the supporting document.

13. *Between Thorney Road and Winding Piece* is triangular in shape and is a mature open space consisting of flat grass with a plethora of trees.

14. *The Playing Field* is a self contained and well-defined area with a hedgerow boundary. It was well used by families at the time of my visit.

Based on the information in the Assessment and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily subject to the revised boundary for LGS In front of the Community Centre. No representations have been made that lead me to a different conclusion.

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

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.⁶³

⁶³ NPPF para 107

With the modification to the extent of LGS in front of the Community Centre, **Policy CSM8** will meet the basic conditions.

- **Amend the Policy Map to remove the area of car parking from LGS CSM8-11 ‘In front of the Community Centre’**
- **Consequential amendments to the maps and accompanying Local Green Space Assessment (January 2025) will be needed**

Policy CSM9 – Stutton Brook Corridor runs along the southern boundary of the Plan area. Part of it falls within the Suffolk and Essex Coast and Heaths National Landscape. The area is identified on Map 5 on page 27 of the Plan.

Policy CSM9 seeks to designate this corridor and requires any development proposals in or within the vicinity of the corridor to preserve the habitats and rural character of the corridor and, where appropriate, enhance it.

I saw at my visit how special this corridor is. However, the policy wording is a little imprecise and so a modification is made to make it more precise to avoid debates about what “in the vicinity” of the corridor might mean in the future.

With this modification, **Policy CSM9** will meet the basic conditions by having regard to the NPPF, being in general conformity with JLP Policy SP09 in particular and helping to achieve sustainable development.

- **Amend Policy CSM9 to read: “Development proposals *within or which might otherwise impact upon the integrity of the Stutton Brook corridor....*”**

9. Employment, Services and Facilities

Policies CSM10 – Employment Sites and CSM11 – Loss of Facilities and Services

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.⁶⁴ It also supports sustainable tourism and leisure and accessible local services and community facilities.⁶⁵

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.⁶⁶ The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable

⁶⁴ NPPF para 88

⁶⁵ Ibid

⁶⁶ Ibid para 89

opportunities exist.⁶⁷

The Plan explains there are many employment sites and businesses within the Parish including the garden centre, a mushroom farm and small business units at Churchford Farm, Mill Lane.

JLP Policy SP05 seeks to retain existing strategic employment land and supports new provision. The policy also supports new employment land along strategic transport corridors such as the A12, but there are no identified strategic employment sites within the Plan area.

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.

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.⁶⁸ 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.⁶⁹

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁷⁰ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁷¹ 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.⁷² It states that existing 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.⁷³

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

⁶⁷ NPPF para 89

⁶⁸ Ibid para 88

⁶⁹ Ibid para 97

⁷⁰ Ibid para 88

⁷¹ Ibid para 97

⁷² Ibid para 102

⁷³ Ibid para 103

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 CSM10 - Employment Sites, safeguards employment sites from changes of use 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 as well as evidence to show that marketing of the site in its current use has been unsuccessful.

Policy CSM11 – Loss of Facilities and Services recognises the contribution that services and facilities make to the local community. It resists the loss of named facilities which are the shopping precinct, the Community Centre and library and the playing field. The Policies Map identifies these facilities.

Policies CSM10 and CSM11 meet the basic conditions by having regard to national policy, being in general conformity with the strategic policies and helping to achieve sustainable development.

10. Transport

This section does not include any planning policies, but does have a number of Community Aspirations.

Appendices

There are two appendices. Appendix 1 is a list of heritage assets in the Plan area and is future proofed. Appendix 2 is a list of appropriate planting which could be incorporated into landscaping schemes; this appendix is referenced in Policy CSM6.

Policies Map

A very clear and useful Policies Map and Village Centre Inset are provided.

Glossary

A helpful glossary is included at the end of the Plan.

7.0 Conclusions and recommendations

I am satisfied that the Capel St Mary 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 Capel St Mary 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 Capel St Mary Neighbourhood Development Plan should proceed to a referendum based on the Capel St Mary Neighbourhood Plan area as approved by Babergh District Council on 19 April 2018.

Ann Skippers MRTPI
Ann Skippers Planning
22 July 2025

Appendix 1 List of key documents specific to this examination

Capel St Mary Neighbourhood Plan 2024 – 2037 Submission Draft Plan January 2025

Basic Conditions Statement January 2025 (Places4People Planning Consultancy)

Consultation Statement January 2025 (Places4People Planning Consultancy)

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

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

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

Local Green Space Assessment January 2025 (Places4People Planning Consultancy)

Regulation 15 Checklist (BDC)

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

Suffolk and Essex Coast and Heaths National Landscape Management Plan 2023 - 2028

List ends