

# **Elmsett Neighbourhood Plan Review 2025**

## **Independent Examination Correspondence Document**

**First published: 17 September 2025**

**Last updated: 17 September 2025**

### **Introduction**

This document provides a written record of relevant correspondence between the Independent Examiner (Ann Skippers), the Qualifying Body or 'QB' (Elmsett Parish Council), and Babergh District Council during examination of this neighbourhood plan.

As required, specific documents will continue to be published on the relevant webpage:

<https://www.babergh.gov.uk/w/elmsett-neighbourhood-plan>

### **Table of Contents**

- 1. 4 August 2025 – Examination Procedures Note**
- 2. 13 August 2025 – Questions for clarification and response dated 16 September 2025**

## 1. 4 August 2025 – Examination Procedures Note

**Dated:** 4 August 2025  
**From:** Ann Skippers  
**To:** Paul Bryant (BMSDC), Ian Poole (Places4People Ltd, NP Consultant)  
**cc:** Alan Newman, and the Parish Clerk (Elmsett Parish Council)  
**Subject:** Commencement of the Examination into the Elmsett NP Review

Dear Paul, Everyone,

I am writing to formally confirm that the examination of the Elmsett NDP Review has now started.

I attach a determination note that sets out the first stage of work and this includes a more general procedural note which I hope you and the PC will find useful.

My best wishes

Ann Skippers MRTPI

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### **Elmsett Neighbourhood Plan Review 2025 Examination**

#### **Examination Note 1**

Following the submission of the Elmsett Neighbourhood Plan Review 2025 Submission Plan for examination, I write to confirm the examination has commenced and to advise on initial procedural issues.

#### ***Initial matters***

I confirm receipt of the Neighbourhood Plan Review Submission Version (the draft Plan) and accompanying documents. These include statements from the local planning authority, Babergh District Council (BDC) and the Parish Council (PC) regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

#### ***Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)***

I am required to determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

The original Plan was made in December 2019. The Parish Council has submitted a helpful Schedule of Proposed Changes dated March 2025. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan.

The local planning authority has reached the same conclusion.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. Based on the information submitted, I have reached the conclusion that the proposed modifications, whilst material in some cases, are not so significant or substantial as to change the nature of the made Plan. In this context, the draft Plan intends, amongst other things, to:

- Update the new planning policy context through references to the National Planning Policy Framework 2024 and Joint Local Plan Part 1
- Update other factual information such as information from the Census 2021 and glossary definitions
- Revise Policy EMST1 – Spatial Strategy (I note the settlement boundaries for Elmsett and Rookery Road hamlet do not change from the made Plan)
- Delete Policy EMST3 – Land at Hadleigh Road

In reaching this conclusion, I have compared the whole made Plan with the whole draft Plan and find I have no reason to disagree with the views of the qualifying body and the local planning authority.

Therefore, the examination can proceed under the terms of Paragraph 11 of Schedule A2 and, as a consequence, should I recommend that the draft Plan be made (with or without modifications), a referendum stage will not be necessary.

I have noticed that some of the paragraph numbers in the Schedule of Proposed Changes do not appear to correspond readily with those in the draft Plan. However, the changes proposed are clear. Therefore I do not consider this has hindered any interested party's ability to participate in the consultation stage.

### ***Procedural matters***

I now set out some general information about how I intend to conduct the examination.

My role is to determine whether the Plan meets the basic conditions and other legal requirements.

#### ***1. Communication***

It is important that the examination process is open and transparent to all interested parties. I hope to ensure that the Parish Council feels part of the process. My main point of contact will be the designated local planning authority contact, Paul Bryant.

Any correspondence (other than that relating to contractual matters) should be published on the local planning authority's website and the Parish Council's website in a timely manner.

If anyone else who is not the designated point of contact gets in touch with me direct, for example a local resident or planning consultant, I will refer them to the local planning authority contact in the first instance for assistance.

#### ***2. Examination documents***

I will access most documents electronically either from the local planning authority's website or on the Parish Council website or any dedicated Neighbourhood Plan website. If I have any trouble finding or accessing any documents, I will let you know so that these can be provided to me.

### *3. Late representations*

As a general rule of thumb late or additional representations will not be accepted. The only time when I will consider accepting a representation submitted after the consultation period has ended is in those cases where there has been a material change in circumstances since the six week consultation period has ended. For example national planning policy changes or a judgement may be handed down from the Courts. In these circumstances anyone wishing to introduce new evidence should fully justify why and, in the case of substantial documents, indicate which parts of the document are relevant and why.

However, if a meeting or hearing is held, there may be further opportunities for comments to be made at my request to assist me in ensuring adequate examination of an issue.

### *4. The Qualifying Body's opportunity to respond to Regulation 16 representations*

If the Parish Council would like to comment on all or any of the representations received by the local planning authority during the Regulation 16 (submission) consultation period, an opportunity should be given for this to occur. Usually this happens immediately after the consultation period has ended and is initiated by the local planning authority. A period of two weeks or so is normally given.

I should emphasise that there is no obligation for the Parish Council to make any comments; it is only if they wish to do so.

I am in receipt of comments from the Parish Council.

### *5. Clarification procedures*

I may at any time during the examination seek written clarification of any matters that I consider necessary. This is quite common and should not be regarded as anything out of the ordinary. The usual time for response to any clarification queries is one to two weeks.

If I find that there are significant issues which may prevent the draft Plan meeting the basic conditions I will let you know during the course of the examination as soon as I can so that options on how best to proceed can be considered. Whilst this situation can usually be dealt with through an exchange of written correspondence, if it would be helpful to hold a meeting, I will suggest this and be in touch to make suitable arrangements. Any such meeting will be held in public and at the present time, likely to be held virtually.

Any request for clarification and any response should be published on the relevant Council websites.

### *6. Visit to the Plan area*

I expect to be visiting the Plan area during the examination. Visits, where necessary, help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on any visit.

However, if I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

If I am 'spotted' during my visit, I would appreciate it if I am not approached, but allowed to continue the visit unheeded.

#### *7. Examination timetable*

The main determinants of how long the examination will take are the number and complexity of the policies in the Neighbourhood Plan, the clarity of supporting documentation and evidence and the number and nature of any representations.

It may be there is very little correspondence from me during the examination. I will however endeavour to keep you updated on the progress of the examination. Please do not hesitate to contact me if you wish to know progress and have not heard from me.

#### *8. The need for a hearing*

At the present time, I do not envisage there will be a need for a hearing. However, at any time before final report is issued, I may decide to call a hearing if I consider this is necessary to ensure adequate examination of any issue or to allow a person a fair chance to put a case.

If a hearing is necessary, I will let you know as soon as I can and be in touch to discuss the procedure and to make suitable arrangements at that time.

The period of notice for hearings is not prescribed, but typically 21 days' notice is given.

#### *9. The 'Fact Check' stage*

A confidential draft of my report will be sent to the Parish Council and local planning authority to allow both parties to check whether there are any factual errors such as dates, sequence of events, names and so on. This is not an opportunity for further representations to be made. A period of a week or so is usually set aside for this purpose.

I find it very helpful if the local planning authority collates its own comments with those of the Parish Council into a single response or both separate responses are sent to me at the same time.

I will endeavour to issue my final report very shortly after the fact check stage.

#### *10. Procedural questions*

I hope this information is helpful. If the Parish Council or BDC have any questions relating to the examination process at this stage, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI  
Independent examiner  
4 August 2025

## 2. 13 August 2025 - Questions for clarification and response dated 16 September 2025

**Dated:** 13 August 2025  
**From:** Ann Skippers  
**To:** Paul Bryant (BMSDC), Ian Poole (Places4People Ltd, NP Consultant)  
**Fwd to:** *Elmsett Parish Council*  
**Subject:** Questions for clarification ...  
**Attached:** PDF file (contents and reply now copied below)

Dear Paul and Ian,

I am making good progress with the above examination and have nearly completed my assessment.

Some matters have arisen on which I would be grateful for your kind assistance. It is not unusual at all for me to have a few queries or to ask for some further information so I'd like to reassure the PC that this is quite 'normal' for me. You will see from the attachment, I have also highlighted a couple of modifications I am likely to make; this is really as a courtesy as the modifications on Review Plans are mandatory. These will not be the only changes but the others are of very minor consequence.

I would be most grateful if both BDC and the PC as appropriate would respond to these queries which are detailed in the attachment. I have sent you this in word format so that the answers may be easily added in to it if you so wish and you can change the format as needs be for your accessibility requirements.

It would be very helpful to me if all the answers could be collated together and that just one bundle of responses is sent to me please.

This email, the attachment and the responses will be a matter of public record and should be placed on the appropriate websites when convenient.

With many thanks in anticipation of your kind assistance. Please do not hesitate to contact me if anything is not clear or if any queries arise as I'd like to keep the momentum going on this examination.

Kind regards

Ann Skippers  
Independent Examiner

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**Dated:** 16 September 2025  
**From:** Paul Bryant (BMSDC)  
**To:** Ann Skippers  
**Cc:** *Ian Poole (Places4People Ltd, NP Consultant)*  
**Subject:** Questions for clarification ...

Dear Ann,

With apologies for the delay, and on behalf of all concerned, please find attached the response from Elmsett Parish Council to your questions received on 13 August. We, Babergh District Council, have nothing further to add at this time.

Kind regards,  
Paul Bryant  
N'hood Planning Officer | BMSDC

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## **Elmsett Neighbourhood Plan Review Examination**

### **Questions of clarification and other matters from the Independent Examiner to the Parish Council and BDC**

Having completed my initial review of the Review Plan, I would be grateful if both Councils could assist me as appropriate in responding to the following queries of clarification. Please do not send or direct me to evidence that is not already publicly available.

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

#### **1. Policy EMST3 - Affordable Housing on Rural Exception Sites is unchanged from the made Plan. However, please could a brief explanation of why Rural Exception Sites are not appropriate in Rookery Road be given?**

**Response:** The Rookery Road Settlement Boundary was originally defined in the Made Neighbourhood Plan and reflected the emerging Local Plan policy, where defining hamlets ("considered to be a nucleus of at least 10 dwellings fronting the highway") was being explored in the August 2017 Issues and Options Local Plan consultation. The Babergh Core Strategy (2014), against which the Neighbourhood Plan was assessed in terms of strategic policies, included Policy CS20: Rural Exception Sites, reproduced below.

#### **Policy CS20: Rural Exception Sites**

The Council will take a flexible approach to the location of rural exception sites in the district, and will allow proposals adjacent, or well related, to the settlement development boundaries of Core and Hinterland Villages where:

- the development complies with other relevant policies in the Core Strategy and Policies document, particularly Policy CS15;
- the proposed development by virtue of its size, scale and type will not exceed the identified local need (including need identified in other settlements within the same or adjacent / adjoining functional cluster(s));
- the type of dwellings to be provided are consistent with the needs identified by the housing needs survey and agreed in advance by the District Council; and where
- the proposed development is appropriate to the size / scale and character of the village, and is acceptable in terms of other detailed considerations such as site location and circumstances, design, layout, materials, landscaping, biodiversity, impacts on the countryside, amenity, and access, etc.

**Note:** The following criteria will be used to assess whether a proposal is well related to the host village:

- physical distance / degree of separation - a sequential approach to site selection will be used (that is, sites adjacent to the boundary need to be explored first, with sites at increasing distance being sequentially less preferable in principle);
- the location of the site in relation to the facilities, services and other such sustainability assets (such as recreation provision, employment opportunities, etc.) of that village;
- accessibility to the village (primarily by non car transport modes) and ability to improve it; and
- visual impacts and ability to integrate the development into the landscape

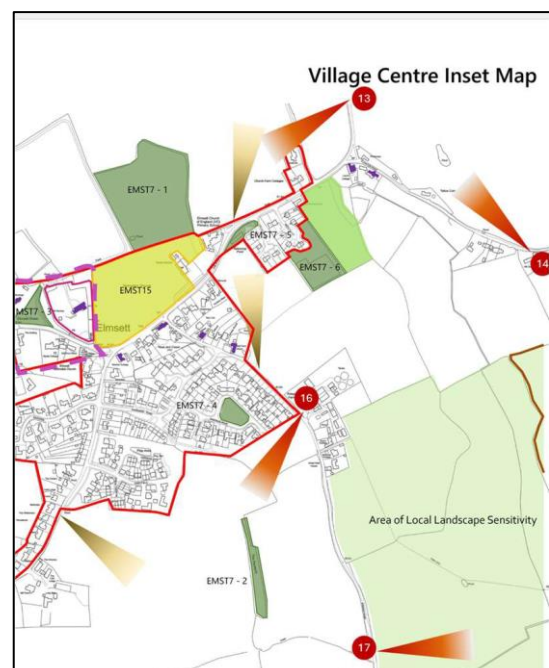
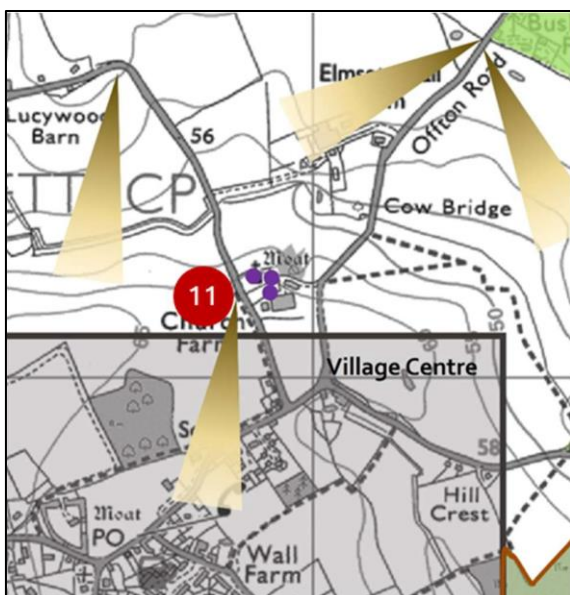
In this context, the notes in the policy are of particular relevance concerning the relation and accessibility to facilities. The Rookery Road Hamlet is 1.5 miles from the village primary school and it would be unreasonable to expect children to travel to school from such a location by “non car transport modes”. Because of this and the need to conform with the strategic policies of the then Local Plan, it was determined that it would not be in conformity.

**2. Policy EMST8 – Protection of Important Views and Landscape Character is unchanged. However, Views 11, 13, 14, 16 and 17 shown on Map 7 on page 36 of the Review Plan do not appear on the Proposals Maps. Is this a drafting oversight or is it intended not to carry forward these four views?**

**Response:** The Examiner notes that specified views shown on Map 7 do not appear on the Proposals Maps and asks if this is a drafting oversight or whether it is intended not to carry forward the specified views? The Views in the Review Plan are the same as identified in the made Plan. As such, the views on Map 6 and Map 7 in both the Made Plan and Submitted Review are exactly the same. Likewise, the Proposals Map in the Made Plan and the submitted Review Plan are identical in terms of identified views.

However, the Made Plan omitted views 13 & 14 and 16 & 17 from the Village Centre Inset Map. View 11 is indicated on the Parish Wide Proposals Map. The maps below illustrate the location of View 11 and the missing views (in red).

An amendment to the Final reviewed Plan to include views 13 & 14 and 16 & 17 would seem in order.





3. **Policy EMST9 – Elmsett Special Character Area is unchanged from the made Plan. However, I have noticed a difference in the map showing the area on page 38 of the Review Plan, the area shown on the Proposals Map on page 48 of the Review Plan and the area in the made Plan (see page 40 of the made Plan). Is the change intentional or a drafting error?** In my view, it would be preferable to retain the area originally designated and I can remedy this through a modification.

**Response:** It is acknowledged that the map is different and that the map in the made Plan, below, should be that in the Review Plan. There is no intention to make any further designation changes to that in the Made Plan. It is considered that the final Review Plan can be amended to include the correct map.



#### **Other matters**

4. **I intend to retain the Review Plan period as the same as the made Plan i.e. 2017 – 2036. This is because any change may require new housing requirement calculations; the Strategic Environmental Assessment relies on the original dates; there is no reference to any such change in the Schedule of Proposed Changes; and BDC's Checklist assumes the same dates. However, I note the Basic Conditions Statement indicates the period to be 2023 – 2037. I am therefore highlighting this point whilst writing and if either party wishes to comment on this, please do so.**

**Response:** The Parish Council notes the Examiner's intention to retain the same period as the Made Plan. The Parish Council does not object to this.

5. **I would also like to let the Parish Council know that it is likely that Policies EMST2 – Housing Development and EMST4 – Space Standards will be subject to some minor changes. I do not regard these as significant, but briefly highlight them here.**

**With regard to Policy EMST2, the modification is likely to insert a reference to the specific site allocation, land at Hadleigh Road, alongside some consequential amendments.**

**In relation to Policy EMST4, the modification is likely to amend the policy to “encouraging” compliance with standards rather than requiring it to be in line with current Government announcements that neighbourhood plans should not set or require standards.**

**Response:** The Examiner’s comments concerning EMST2 and ENST4 are noted. The original intent of the Review was to bring Policy EMST1 up-to-date to reflect the strategic policies of the Joint Local Plan Part 1 in regard to development outside the Settlement Boundary. Comments received from Babergh District Council at the focused pre-submission consultation suggested amending the general content of the Plan (not policies) to bring it up-to-date. The Parish Council took this suggestion on board but it was never intended to amend other policies in the Made Plan given that it believes the strategic policy context that they were prepared against has not changed in that time.

The Parish Council believes that Policy EMST4 conforms with JLP1 Policy LP24 – Design and Residential Amenity in that the local plan policy states that “proposals must.... (d) Meet space standards” as described in the Nationally Described Space Standards and that it is therefore appropriate to require the same in the Neighbourhood Plan.

[Ends]