

Babergh District Council

**Hadleigh  
Neighbourhood Plan  
Review 2023 – 2037**

**Independent Examiner's Report**

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3 October 2024

## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner and the examination process</b>	<b>4</b>
<b>3.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>4.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>5.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	11
	<i>European Convention on Human Rights (ECHR)</i>	13
<b>6.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>14</b>
	1. <i>Introduction</i>	14
	2. <i>The Neighbourhood Area</i>	14
	3. <i>Key Characteristics, Challenges, Themes and Vision</i>	14
	4. <i>Landscape and Design (Policies HAD1 and HAD2)</i>	15
	5. <i>Natural Environment (Policies HAD3, HAD4 and HAD5)</i>	20
	6. <i>Heritage (Policy HAD6)</i>	24
	7. <i>Low Carbon Development (Policies HAD7 and HAD8)</i>	26
	8. <i>Safe, Sustainable and Active Travel (Policies HAD9 and HAD10)</i>	27
	9. <i>Housing (Policy HAD11)</i>	28
	10. <i>Community, Visitor and Service Economy (Policies HAD12 and HAD13)</i>	29
	11. <i>Policies Maps</i>	32
	12. <i>Implementation</i>	32
	Appendices	32
<b>7.0</b>	<b>Conclusions and recommendations</b>	<b>34</b>
	<b>Appendix 1 List of key documents</b>	<b>35</b>

## Summary

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

Lying about 10 miles from Ipswich, Hadleigh is the second largest town in Babergh District. It is home to around 9,000 residents and over 200 businesses. It has a rich history with many listed buildings and a Conservation Area. It is one of Suffolk's 'Wool Towns'. The River Brett is an important feature that runs north south and the surrounding landscape is distinct. The town is an important local service centre providing services and employment. The town centre is an attractive and compact area with a rich history and interesting mix of various ages and styles of properties and a range of independent shops and other businesses.

The Plan is well presented and supported by a number of relevant evidence based documents such as the excellent Character Assessment. It has a detailed vision supported by robust objectives.

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 Hadleigh 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  
3 October 2024



## 1.0 Introduction

This is the report of the independent examiner into the Hadleigh 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 Hadleigh Town 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 conditions<sup>1</sup> 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) obligations<sup>2</sup>

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<sup>1</sup> 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)

<sup>2</sup> 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.<sup>3</sup> 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 check<sup>4</sup> 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.<sup>5</sup>

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

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> 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)

<sup>5</sup> 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).<sup>6</sup>

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

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

PPG<sup>9</sup> 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.<sup>10</sup>

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 Town 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.

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<sup>6</sup> 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,

<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid para 056 ref id 41-056-20180222

<sup>10</sup> Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 26 August 2024.

### ***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.

A Working Group was established to take the work forward. Although work on the Plan began in 2014, the Consultation Statement describes periods of stop-starts and after the pandemic work restarted in 2021 using a new structure to drive the Plan forward.

Regular updates were given in the monthly Community newsletter delivered to every household, on the Plan page of the Town Council website, Facebook, Community Forum and at Town Council planning committees. Posters to publicise events were put up. The primary school's email list was used several times to inform parents and children.

Contact was made with groups and clubs, local landowners, schools and businesses.

A Communication and Community Engagement Strategy was adopted.

Pre-submission (Regulation 14) consultation took place between 6 November – 18 December 2023. The draft Plan was available online and in hard copy. The consultation was publicised through a variety of methods including letters, posters, community newsletter and online. A drop-in event was held mid way in the consultation period.

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

Submission (Regulation 16) consultation was carried out between 20 May – 5 July 2024.

The Regulation 16 stage resulted in 21 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 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***

Hadleigh Town 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 Parish administrative boundary. BDC approved the designation of the area on 30 June 2015. 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 2023 – 2037. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. 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.<sup>11</sup>

In this case, a number of actions are identified on pages 58, 71 and 79 of the Plan. They are clearly distinguishable from the planning policies. 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.<sup>12</sup>

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

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.<sup>15</sup> However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>16</sup>

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.<sup>17</sup>

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<sup>11</sup> PPG para 004 ref id 41-004-20190509

<sup>12</sup> NPPF para 13

<sup>13</sup> Ibid para 28

<sup>14</sup> Ibid

<sup>15</sup> Ibid para 29

<sup>16</sup> Ibid

<sup>17</sup> Ibid para 31

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.<sup>18</sup>

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](http://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 unambiguous<sup>19</sup> 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.<sup>20</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>21</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>22</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan's objectives and policies correspond to the NPPF.

### ***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.<sup>23</sup> 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.<sup>24</sup> The three overarching objectives are:<sup>25</sup>

- 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;

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<sup>18</sup> NPPF para 16

<sup>19</sup> PPG para 041 ref id 41-041-20140306

<sup>20</sup> Ibid

<sup>21</sup> Ibid para 040 ref id 41-040-20160211

<sup>22</sup> Ibid

<sup>23</sup> NPPF para 7

<sup>24</sup> Ibid para 8

<sup>25</sup> Ibid

- 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.<sup>26</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan 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 examination. The Suffolk Minerals and Waste Local Plan 2020 also forms part of the development plan as well as other made neighbourhood plans.

The Basic Conditions Statement assesses how the policies conform to the JLP.

### ***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, PPG<sup>27</sup> 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.

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<sup>26</sup> NPPF para 9

<sup>27</sup> 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 January 2024 (reissued 5 February 2024) has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report of October 2023 prepared by Land Use Consultants which concluded that the Plan was unlikely to have significant environmental effects.

Consultation with the statutory bodies was undertaken. The Environment Agency (EA) concluded SEA was necessary, but responses from Historic England and Natural England (NE) concurred.

After careful consideration of the EA's response, BDC determined that the Plan does not require a SEA.

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.<sup>28</sup>

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.

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<sup>28</sup> PPG para 028 ref id 11-028-20150209

Turning now to HRA, a Habitats Regulations Screening Determination dated January 2024 (reissued 5 February 2024) has been prepared by BDC. This in turn refers to a HRA Screening Report of October 2023 prepared by Land Use Consultants.

There are a number of European sites within 20 km of the Plan area. The Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar sites are located some 8.3km from the Plan area and have been identified for inclusion in the HRA. The Deben Estuary SPA and Ramsar site, the Colne Estuary SPA and Ramsar site and the Essex Estuaries Special Area of Conservation fall within the 20km radius.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects. The EA made no comments. NE confirmed that they 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 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.<sup>29</sup> BDC does not raise any concerns in this regard.

### ***European Convention on Human Rights (ECHR)***

There is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

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<sup>29</sup> 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 high standard and contains 13 policies. There is a helpful contents page and list of supporting documents 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.

BDC has suggested the removal of a subheading and a clarification to the text in paragraph 1.12. I agree it would help with clarity to undertake both suggestions.

- **Delete the “Local Planning Authority” subheading above paragraph 1.5 on page 1 of the Plan**
- **Amend the last sentence of paragraph 1.12 on page 2 of the Plan to Read:**

***“Amongst other things, it is expected that Joint Local Plan Part 2 will set out housing site allocations to provide flexibility and to ensure that over its plan period, district-wide housing requirement figures can be met. This may result in housing site allocations in Hadleigh.”***

### 2. The Neighbourhood Area

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

### 3. Key Characteristics, Challenges, Themes and Vision

This section contains further information about the town and contains the vision and objectives for the Plan.

The detailed vision for the area is:

***“In 2037 Hadleigh will still have its recognisable character as a small, rural market town. Its development will have placed sustainability at its heart, capturing the social, environmental and economic benefits of what the town and its growth has to offer for both current and future generations. Its buildings reflect the town’s rich history as well as its progress towards a zero-carbon future – Hadleigh is historical, which is a major reason why tourists come in greater numbers than ever before, but it is not preserved in aspic.***

The centre of Hadleigh is a bustling hub of pedestrian activity with reduced vehicle movements through the provision of alternative, low carbon transport modes, particularly walking and cycling. This has helped to breathe new life into Hadleigh's high street, with shops sitting alongside community activities and heritage attractions. Alongside this, the range of community facilities for leisure, culture, sports and learning have been improved and expanded to meet modern demands. Residents have less need to leave Hadleigh in order to find what they require to live well and thrive.

Hadleigh's environment is greener, with more wildlife corridors that are helping nature to thrive. Existing green spaces have been protected and enhanced for nature and people, with new green spaces created as part of new development following this lead – informal spaces allow children to play and adults to socialise. Indeed, these new green spaces have been an important feature of the significant growth in housing that Hadleigh has experienced. This feature of well-planned layouts for development has been complemented by the fundamental principle of cars not dominating the streetscape. Developments are of a human scale and have been well designed to reflect the character of the town.”

The vision is underpinned by nine objectives.

Both the vision and the objectives are clearly articulated and relate to the development and use of land and are unique to Hadleigh.

#### ***4. Landscape and Design***

There are two policies in this section. The first is **Policy HAD1: Design and Character**.

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.<sup>30</sup> Being clear about design expectations is essential for achieving this.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup>

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

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<sup>30</sup> NPPF para 131

<sup>31</sup> Ibid

<sup>32</sup> Ibid para 132

<sup>33</sup> Ibid para 133

sense of place, optimise site potential and create places that are safe, inclusive and accessible.<sup>34</sup>

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 HAD1 seeks to ensure that new development is of a high quality design and layout. It is supported by, and refers to, the Hadleigh Design Guidance and Codes 2023 document prepared by AECOM. Nine Character Areas, shown on Figure 4.1 on page 22 of the Plan, have been identified. The policy sets out six design principles. The last element of the policy asks for a proportionate statement showing how the Design Guidance and Codes have been taken into account.

Policy HAD1 has regard to the NPPF and is a local expression of JLP policies using the detailed and bespoke work on the Design Guidance and Codes and the excellent and detailed Character Assessment.

Suffolk County Council (SCC) has suggested the addition of a new criterion to address flood risk. I note the Town Council is supportive of this and a modification is duly made.

**Policy HAD2: Landscape and Key Views** is supported by a Landscape Assessment May 2023 (Lucy Batchelor-Wylam) which is in various parts including a character and sensitivity assessment and a key views assessment. This work identified eight rural character areas which are shown in Figure 4.2 on page 24 of the Plan.

Policy HAD2 has three elements. The first element refers to the Landscape Assessment or any successor document and expects development proposals to be of a scale and character that respects the landscape and its features, streetscape, heritage assets, important spaces and valued views into, out of and within Hadleigh. Regard is also to be given to the management recommendations in the Landscape Assessment and edge of town locations must provide landscape buffers.

The policy should be consistent in referring to the Landscape Assessment and so a minor modification is made in the interests of clarity to this element alongside a modification to make the language a little clearer and more robust.

The Plan explains that the LP 2006 identified the rolling river valley to the west of Hadleigh as a Special Landscape Area (SLA); a designation rolled forward since then, but not taken forward in the JLP.

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<sup>34</sup> NPPF para 135



Based on the Landscape Assessment work, the second element of Policy HAD2 identifies an Area of Local Landscape Sensitivity (ALLS). This is shown on Figure 4.3 on page 26 of the Plan.

I have considered whether there is satisfactory evidence to support this local landscape designation in principle and whether the extent of the land identified is appropriate. Whilst professional judgment is used and can differ between professionals, the approach taken in the Landscape Assessment follows published guidance for such assessments.

I saw at my visit that this area is distinguishable from surrounding land and the remainder of the Parish. The local importance of this landscape was evident. I consider that the area has been appropriately designated and justified in the supporting document as an ALLS.

It will be important however that the policy should not prevent development per se, but rather seek to ensure that the special qualities of the ALLS are conserved. I will therefore recommend a modification to make the wording of this part of the policy more flexible. This modification will also take account of representations on the exceptions in the policy and the language used so that the policy will provide a more positive and more practical framework for decision-making.

It is important to recognise that this is a local landscape designation made through this Plan. I am aware that similar designations have been made through other neighbourhood plans including others in Suffolk. One issue raised by representations is whether such a designation would affect the delivery of housing. This Plan does not allocate sites for development preferring to leave it to the JLP Part 2. Work is ongoing on the JLP Part 2. Various options for development will be considered as part of this work at a strategic level. With the modifications recommended, I do not see that such a designation will constrain the overall delivery of housing in the District. As a result I find that this part of the policy has regard to the NPPF's stance on contributing to and enhancing the natural and local environment.<sup>35</sup>

The third element of Policy HAD2 refers to 16 key views. These are identified and shown on Figure 4.4 on page 28 of the Plan. The views are alphabetically identified on Figure 4.4, but in the policy and the supporting Key Views Assessment, the views are numbered. It would help with clarity if the views could be numbered and named the same so that there is consistency across the Plan and its supporting documents.

I have considered each of these views at my site visit. For those views I was not able to see, I was able to understand the extent and context of these views. I consider all of the views have been appropriately identified. All 16 views are appropriately identified and supported by the Landscape Assessment.

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<sup>35</sup> NPPF para 180

A modification is needed to this part of the policy to ensure it provides a practical framework for decision-making.

It will of course, be possible to add other views as part of any future review of the Plan, but to add further ones in at this time would mean that no public consultation on them had taken place.

BDC point out a missing word in paragraph 4.9 and suggest an amendment to paragraph 4.16. Both suggestions have the support of the Town Parish and I agree would help with clarity.

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.<sup>36</sup>

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.<sup>37</sup>

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 landscapes. Amongst other things, 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.

With the modifications to both Policies HAD1 and HAD2, they will meet the basic conditions by having regard to national policy as referred to above, being in general conformity with the JLP and especially Policy SP09 and SP10 and helping to achieve sustainable development.

- **Add a new criterion D. to Policy HAD1 which reads:**

***“All development proposals should not result in water run-off that would add to or create surface water flooding. The use of Sustainable Drainage Systems (SuDS) should be included as appropriate and could include wetland and other water features which can help reduce flood risk whilst offering other benefits including water quality, amenity/recreational areas and biodiversity benefits.”***

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<sup>36</sup> NPPF para 180

<sup>37</sup> Ibid para 185

- Amend Policy HAD2 to read:

**A. Development proposals *must take account of and be* informed by the findings and recommendations set out in the Hadleigh Landscape Assessment Character *and Sensitivity Assessment May 2023* or any successor document for the particular Landscape Character Area in which a proposal is situated. All proposals should demonstrate that:**

- 1. the scale and character *respects* the landscape, landscape features, streetscape, heritage assets and important spaces and valued views into, out of and within Hadleigh (and particularly the Conservation Area);**
- 2. the proposal will have particular regard to any management recommendations applicable to the Landscape Character Area (see Figure 4.2) in which *it* is located;**
- 3. *any* required landscape mitigation measures are incorporated to ensure development is sensitively screened and assimilated into its surroundings. For locations on the edge of Hadleigh town (as defined by the settlement boundary), landscape buffers will *usually* be required.**

**B. *Development proposals in the Hadleigh Area of Local Landscape Sensitivity (ALLS) shown in Figure 4.3 and identified on the Policies Map, will only be permitted where they:***

- 1. protect and enhance the special landscape qualities of the area and its wider context;***
- 2. are designed and sited so as to harmonise with the landscape setting and features of the site; and***
- 3. provide landscape impact mitigation measures as part of the proposal where necessary.***

***Exceptions to this are proposals affecting existing rural buildings, householder applications or residential development that complies with one or more of the exceptional circumstances set out in national policy (NPPF paragraph 84) or proposals affecting essential utility infrastructure.***

***All development will be expected to deliver, where appropriate, enhancement measures (following the management recommendations Rural Character Areas HRCA1, 2, 3, 4 and 8 set out in the Hadleigh Landscape Assessment Character and Sensitivity Assessment May 2023).***

**C. *To conserve the landscape and rural character and setting of the Neighbourhood Plan Area, development proposals shall, where appropriate, demonstrate how they will ensure that there is no detrimental impact on the key features and attributes of key views listed below and shown in Figure 4.4. and identified on the Policies Map:***

- 1. Aldham Mill Hill**
- 2. Ann Beaumont Way meadow**

3. Benton Street Water Meadows
4. Railway Walk views
5. Friars Hill/Castle Hill
6. Toppesfield Bridge
7. Riverside
8. Bottom of Lady Lane/top of Angel Street
9. Beaumont Park
10. A1071 towards Kersey
11. Highlands Road
12. Cemetery
13. Broom Hill
14. Constitution Hill
15. The Conch
16. Cricket ground"

- Add the word “*assessment*” after “For each RCA, the...” in the third sentence of paragraph 4.9 on page 23 of the Plan

- Amend paragraph 4.16 on page 27 of the Plan to read:

**“It should be noted that the settlement boundary shown in Figure 4.4 and on the Policies Map is from the 2006 Babergh Local Plan. *When adopted, and where appropriate to do so, Joint Local Plan Part 2 is likely to establish new settlement boundaries around specific towns and villages, including around Hadleigh. At this point, the settlement boundary referred to in Policy HAD2 will relate to the new boundary as defined by the Joint Local Plan Part 2.*”**

- Change the alphabetical identification of the views on Figure 4.4 to numbered viewpoints and ensure the names of each view tie up so that there is consistency with Policy HAD2 and the supporting Key Views Assessment document

## ***5. Natural Environment***

There are three policies in this section. I have referred to the NPPF’s stance on the natural environment and biodiversity in the previous section of this report alongside the relevant JLP policies.

**Policy HAD3: Biodiversity-led and Wildlife-friendly Design** seeks to protect trees, shrubs and hedgerows and conserve and enhance connectivity to the wider green and blue infrastructure networks.

The policy seeks a minimum of 10% biodiversity net gain and encourages 20%. It refers to a “biodiversity-first” approach and requires on site provision or if this is not possible off site provision within the Parish. I appreciate the intent of this part of the policy, but have some concern about whether this can be delivered. A modification is therefore

made to increase the flexibility of the policy and to reflect the detail in non-strategic JLP Policy LP16 more in the interests of consistency.

The third and final element of the policy supports design features that encourage wildlife and biodiversity.

I consider that the policy is clear that development should deliver the 10% biodiversity net gain, but seeks to encourage more. There is support for this from Suffolk Wildlife Trust for instance, but the policy does not, in my view, require more than the relevant legislation. BDC has not objected to this element of the policy.

**Policy HAD4: Green/Blue Corridors and Verges** identifies a number of green and blue corridors. The policy requires any development on or adjacent to the corridors to promote wildlife corridors. It refers to the wrong Figure number, but this is easily corrected.

The second element of the policy refers to verges. The Plan recognises verges can be important for biodiversity, but also that highway safety is important. In line with the NPPF, the policy seeks to protect and enhance the biodiversity of verges and encourage tree planting.<sup>38</sup>

I note the Suffolk Wildlife Trust supports this policy.

The last policy in this section is **Policy HAD5: Local Green Spaces**. 19 areas of Local Green Space (LGS) are proposed for designation. They are shown individually in the Plan and on Figure 5.3 on page 56 and a blown up plan on page 57 of the Plan. I consider that two versions of this plan are unnecessary and the plan at the larger scale on page 57 would be the most beneficial to retain.

The policy is accompanied by a LGS Report.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup>

The NPPF sets out three criteria for green spaces.<sup>42</sup> 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

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<sup>38</sup> NPPF para 136

<sup>39</sup> Ibid para 105

<sup>40</sup> Ibid

<sup>41</sup> Ibid

<sup>42</sup> Ibid para 106

PPG.

1. Constitution Hill is valued for informal recreation.
2. Broom Hill is adjacent to Constitution Hill. It is a former quarry which is now a local nature reserve valued for its recreational amenity.
3. Beaumont Park is on the northern edge of the town. It is a hilltop park used for informal and formal recreation and has a children's play area. Long distance views over the town can be enjoyed.
4. Corks Lane Park adjoins a number of other proposed LGSs. It has children's play area and adult outdoor gym facilities in a park used for recreation.
5. Bridge Street allotments is an area adjacent to a bend in the river. It is a well-used allotment space.
6. Toppesfield Allotments is a well-used allotment space.
7. Gallows Hill Allotments is a well-used allotment space.
8. Cricket Ground lying adjacent to two other proposed LGSs, is a self-contained area. It has been used as a cricket ground since 1893 and is valued both for its history and use.
9. Calais Street Recreation Ground is a children's play area and park used for recreation. The area has a skateboard park and hard court. It is surrounded by development.
10. East House Meadow/Cox's Park is an irregularly shaped area around East House. Formerly part of the grounds of East House, it has a children's play area and is used for recreation. The Park also surrounds Hadleigh's leisure centre.
11. Riverside Walk and Toppesfield Picnic Area is an elongated area of land adjacent to the river which also lies partly adjacent to proposed LGS 1. It is a linear woodland area on the banks of the river and has a footpath and picnic area. It is a local nature reserve.
12. Railway Walk is a narrow linear area of about two miles which is comprised of a walk which follows the old railway line. It is a local nature reserve.
13. Layham Road Sports Ground and the Millfield is an irregularly shaped area used for formal sports including rugby, football, hockey and tennis and informal recreation.
14. Hadleigh Cemetery is a tranquil area for reflection. It adjoins two other proposed LGSs. It is also identified in the Suffolk Wildlife Trust Landscape and Biodiversity Evaluation Report as a habitat of note.

15. Land to the south of Ann Beaumont Way is an area of open space that lies between residential development and the river. There is no public access to the field which is used primarily for grazing and partly enclosed by a barbed wire fence. A footpath runs adjacent to the field. It is valued for its rural vistas.
16. Green Area Between Station Road and Buckenham Road is a green space in the midst of residential development with numerous trees and a footpath. It provides an important visual break in the built development.
17. Green at Clopton Gardens is an essentially triangular piece of land surrounded by residential development used by nearby residents as an informal recreation space and used for street parties.
18. Yeoman Way Recreation Area is an elevated green space with hedge and tree groups and is used by local residents for informal recreation. It is surrounded by residential development.
19. The Fuzz is a local nature reserve used for a variety of recreational uses. There are numerous trees and footpaths. The area is adjacent to part of proposed LGS 12. It is on the edge of the town.

Based on the information in the Local Green Spaces Report and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily except for one; 15. Ann Beaumont Way. It is valued for its openness and rural vistas from an adjacent footpath. Whilst I understand the open, tranquil nature of the site, this vista is very similar to Key View b). Apart from the openness of this land and some limited connection to land opposite and to the hill rising above, I do not consider, based on the information before me, that the space meets the high bar necessary to be designated as a LGS.

There are also amendments to three other proposed LGSs. These are to remove the car park areas from 9. Calais Street Recreation Ground, 13. Layham Road Sports Ground and the Millfield and 10. East House Meadow/Cox's Park (there are two areas of car parking in 10.)

The proposed LGSs to be retained 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.

In line with PPG advice,<sup>43</sup> I have also considered whether any additional local benefit would be gained by LGS designation for those spaces which also fall within the Conservation Area. Different designations often achieve different purposes and I

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<sup>43</sup> PPG para 010 ref id 37-011-20140306

consider that the LGSs will send a signal and recognise the particular importance these spaces have for the local community.

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.<sup>44</sup>

With the modifications to Policies HAD3, HAD4 and HAD5, they will all meet the basic conditions by having regard to national policy, being in general conformity with the JLP Part 1 and helping to achieve sustainable development.

- **Add the words “*wherever possible*” at the end of criterion B. b. of Policy HAD3**
- **Change “...Figure 5.3...” in criterion A. of Policy HAD4 to “...Figure 5.2...”**
- **Delete LGS 15. Land to the south of Ann Beaumont Way from Policy HAD5**
- **Delete the car parking area from LGS 9. Calais Street Recreation Ground; 13. Layham Road Sports Ground and the Millfield; and two areas of car parking from 10. East House Meadow/Cox’s Park**
- **Delete the Figure 5.3 on page 56 of the Plan but add the heading to the retained larger scale figure on page 57**
- **Consequential amendments to other maps and the Plan will be needed including to Figure 5.3 on page 57**

## **6. Heritage**

There is one policy in this section; **Policy HAD6: Non-designated Heritage Assets.**

The Plan explains there is a Conservation Area and numerous listed buildings in the Parish. The area is rich in archaeology.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>45</sup> It continues<sup>46</sup> that great weight should be given to the assets’ conservation when considering the impact of development on the significance of the asset.

In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced

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<sup>44</sup> NPPF para 107

<sup>45</sup> Ibid para 195

<sup>46</sup> Ibid para 205



judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>47</sup>

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.<sup>48</sup>

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.<sup>49</sup> There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.<sup>50</sup>

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 Hadleigh Society has identified 95 non-designated heritage assets using Historic England's guidance. A supporting document called An Introduction to the Hadleigh Local List explains that work on the local list started about five years ago. A number of properties were assessed and a review undertaken by BDC's heritage officer. The draft list was subject to public consultation in 2022. It is clear that a great deal of work has gone into the production of the list which has been scrutinised by BDC to ensure the proper selection of assets in a consistent way.

The location of each of these assets is shown on Figures 6.1, 6.2 and 6.3 on page 60 onwards of the Plan. The details of each asset together with a photograph is available on the Hadleigh Society's website and a link to this is included in the Plan. Appendix A of the Plan lists each one.

Policy HAD6 designates the 95 assets and seeks to protect them in line with the stance in the NPPF.

I note HE supports this policy.

I consider all the proposed heritage assets are appropriately designated. The policy meets the basic conditions by having regard to national policy, being in general conformity with JLP Policy SP09 and helping to achieve sustainable development.

However, the policy refers to 96 assets and Figures 6.1, 6.2 and 6.3 have not been updated. In the interests of accuracy and consistency, a modification is recommended to update accordingly.

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<sup>47</sup> NPPF para 209

<sup>48</sup> PPG para 040 ref id 18a-040-20190723

<sup>49</sup> Ibid

<sup>50</sup> Ibid

It will of course be possible for other assets to be designated through appropriate means in the future, but to add additional assets to this Plan would not be appropriate without further public consultation.

- **Update the “96” in criterion A. of Policy HAD6 to “95”**
- **Update Figures 6.1, 6.2 and 6.3 to show the 95 assets**
- **Update the reference from “96” to “95” in paragraph 6.4 on page 59 of the Plan**

## **7. Low Carbon Development**

To help increase the use and supply of renewable and low carbon energy and heat, the NPPF states that plans should provide a positive strategy for energy from these sources.<sup>51</sup>

Community-led initiatives taken forward through neighbourhood planning should be supported by local planning authorities, including for developments outside areas identified in local plans or other strategic policies.<sup>52</sup>

JLP Policy SP10 requires all development to mitigate and adapt to climate change including through the delivery of decentralised energy systems powered by renewable or low carbon source and associated infrastructure including community-led initiatives.

Non-strategic JLP Policy LP23 refers to sustainable design and construction. Non-strategic JLP Policy LP25 refers to energy sources, storage and distribution supporting proposals subject to their impact on various matters such as landscape, highway safety, amenity, heritage and so on.

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

That WMS is now effectively moot in this respect following a Government Statement on Planning – Local Energy Efficiency Standards Update.<sup>54</sup> This embeds a general rule of thumb that policies which propose standards or requirements that go beyond current or proposed standards should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. I consider the principle is applicable here.

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<sup>51</sup> NPPF para 160

<sup>52</sup> Ibid para 161

<sup>53</sup> Written Ministerial Statement 25 March 2015

<sup>54</sup> Statement made on 13 December 2023

**Policy HAD7: Low Carbon Development** encourages low carbon development. Having carefully considered the wording of the policy I consider it does not set a standard and therefore is acceptable.

**Policy HAD8: Community Energy** offers support for a district heating or electricity network.

Both **Policies HAD7 and HAD8** meet the basic conditions by having regard to national policy, adding to, and being in general conformity with JLP Policy SP10 in particular and helping to achieve sustainable development. No modifications to either policy are therefore recommended.

### ***8. Safe, Sustainable and Active Travel***

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.<sup>55</sup> The NPPF seeks to enable and support healthy lifestyles including through the protection and enhancement of PROW including through adding links to existing networks.<sup>56</sup>

Such networks can also help with providing opportunities and options for sustainable transport modes.<sup>57</sup>

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

The Plan seeks to maximise the number of trips on foot and by cycle taken in and around the town. This recognises the benefits to health and the potential for reduced air pollution and congestion.

Reference is made to the Wolf Way, a 248 mile cycling route around Suffolk.

**Policy HAD9: Enhancing Walking and Cycling** supports the enhancement of walking and cycling including through the use of segregated routes and routes for the disabled.

The policy also supports pedestrian routes that connect to key routes around the town through new development.

The policy asks for an active travel plan to be submitted with major developments.

A modification is also made to the language used in the policy.

BDC has suggested that the potential short, medium and long term transport improvements set out in the Hadleigh Transport Study February 2023 (2020

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<sup>55</sup> NPPF para 104

<sup>56</sup> Ibid

<sup>57</sup> Ibid paras 108, 110

Consultancy) be referred to in Policy HAD9 and added as an appendix. I consider this would enhance the policy and accordingly a modification is recommended.

**Policy HAD10: Access to the Countryside** promotes access to the countryside through the PROW network indicating that proposals to divert PROWs or cycleways should provide benefits to the community and encouraging new development to improve routes and connectivity wherever possible.

Both policies set out to achieve the ambitions of the NPPF. Policies HAD9 and HAD10 meet the basic conditions by having regard to national policy, being in general conformity with the JLP and helping to achieve sustainable development.

- **Revise the last sentence of criterion A. of Policy HAD9 to read: “Such routes *must also ensure that access for disabled, deaf or blind people is secured.*”**
- **Add a new criterion to Policy HAD9 that reads: “*Particular encouragement is given to securing the potential transport improvements identified in Appendix x.*”**
- **A new appendix x should be included in the Plan that imports the potential transport improvements identified in paragraph 8.4 of the Hadleigh Transport Study February 2023 (2020 Consultancy)**

## **9. Housing**

**Policy HAD11: Co-housing Schemes** supports this concept of community-led housing in accordance with non-strategic JLP Policy LP07. There was community support for ‘homes for life’.

In relation to community-led housing proposals, non-strategic JLP Policy LP07 states that any proposal must demonstrate the scheme has been initiated by, and is being led by, a legitimate local community group; and that the scheme has general community support.

The JLP gives encouragement for new homes to be delivered through community-led housing vehicles such as Community Land Trusts (CLT’s), co-operatives or co-housing groups, which address a local housing need. The JLP recognises that “...community-led development can be beneficial for local communities and may be an appropriate ‘exception’ to development outside settlement boundaries. Proposals of any scale will need to demonstrate an appropriate mix linked to identified local needs, which can be identified via a local survey. A legitimate local community group can include a Parish Council or an appropriately constituted CLT.”<sup>58</sup>

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

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<sup>58</sup> JLP page 56

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.<sup>59</sup> 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.<sup>60</sup>

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.<sup>61</sup>

I consider Policy HAD11 has regard to national policy and will help to achieve sustainable development because it lends specific support for non-strategic JLP Policy LP07 which in turn supports the JLP's strategic housing policies. The JLP explains that 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.

The policy therefore meets the basic conditions and no modifications to it are recommended.

### **10. Community, Visitor and Service Economy**

In general, the town centre is regarded as successful, but vacancy rates have increased over the last 10 years or so. Coupled with this, permitted development rights arguably mean less control over town centre uses including temporary uses. The weekly market is popular.

The Plan recognises that there are a number of different shops and there is a range of shop units and shop frontages and styles.

An Advertising and Shopfront Design Code has been developed as part of the work carried out on the Plan.

The NPPF is clear that planning policies should support the role town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.<sup>62</sup> Amongst other things, policies should promote their long-term vitality and viability by allowing growth and diversification that can respond to changes in the retail and leisure sectors, promoting a suitable mix of uses and reflecting their distinctive character.<sup>63</sup>

The NPPF also encourages the definition of the extent of town centres and clarity over the range of uses permitted in them as part of a positive strategy. This includes the protection and enhancement of markets.<sup>64</sup>

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<sup>59</sup> NPPF para 60

<sup>60</sup> Ibid

<sup>61</sup> Ibid para 82

<sup>62</sup> Ibid para 90

<sup>63</sup> Ibid

<sup>64</sup> Ibid

The JLP explains that the towns serve an important district-wide catchment function. Major retail centres of Ipswich, Bury St Edmunds and Colchester also influence the towns. The JLP directs main town centre uses sequentially to the town centres of Sudbury, Hadleigh, Stowmarket and those defined centres in neighbourhood plans.

JLP Policy SP06 supports new main town centres uses in Hadleigh. It applies a sequential test for such proposals which are not in defined town centres or in accordance with an up to date plan. Lastly, the policy requires proposals to demonstrate they have been appropriately designed with townscape, heritage assets and their settings referred to in order to protect and enhance the historic environment of the settlement.

Non-strategic JLP Policy LP11 refers to retail and town centres. Within the town centre boundaries, proposals are encouraged to include 'above the shop' uses to help maintain vitality and viability and to improve the public realm.

**Policy HAD12: Hadleigh Town Centre** is a relatively long policy with a number of different elements to it. It aims to support the vitality of the town centre, defined in the JLP and shown on the Policies Map, by promoting a diverse range of uses.

The second element refers to shopfronts, signage and advertising. It makes reference to the Advertising and Shopfront Design Code. I consider this element of the policy needs to be more robust given the work that has clearly been done on the Design Code and it is also important to future proof the policy. A modification to criterion B is accordingly recommended.

The third element seeks to ensure that any changes of use from main town centre uses to other uses support the vitality and viability of the town centre setting a 12 month active use standard and there is no potential for another main town centre use demonstrated by marketing for a period of six months.

Temporary uses are then supported as long as there is an acceptable impact on the amenity of existing neighbouring uses and there is sufficient parking.

The expansion of the weekly Hadleigh market is supported.

Finally, the last element of the policy supports the enhancement of the public realm.

The policy requires some modification in the interests of clarity. With these modifications, Policy HAD12 will meet the basic conditions by having regard to the NPPF as detailed above, being in general conformity with the JLP and especially JLP Policy SP06 and helping to achieve sustainable development.

**Policy HAD13: Sports and Leisure Provision** refers to the strategic site allocations in the JLP Part 2 which, of course, is yet to be adopted. The policy seeks to ensure that these sites address the need for new or improved sports, leisure and community facilities and that these are accessible by walking or cycling.

The policy is premised on a concern and desire that community infrastructure should keep pace with new residential development.

This concern is commonplace and recognised as an important concern. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.<sup>65</sup>

The economic objective in the NPPF reinforces this by referring to the identification and coordination of infrastructure.<sup>66</sup>

The NPPF continues that all plans should promote a sustainable pattern of development that, amongst other things aligns growth and infrastructure.<sup>67</sup>

The provision of infrastructure and community facilities at a local level is also a legitimate action for non-strategic policies dealing with detail for a specific area or types of development.<sup>68</sup>

Non-strategic JLP Policy LP28 supports new accessible local services where they are well related to and meets the needs of the community and resists the loss of existing facilities.

There is flexibility within the policy.

However, the reference to strategic site allocations is somewhat puzzling because there seems to me to be no reason why this policy should not apply to non-allocated sites. In addition, I do not see the policy as lending support for development which provides such facilities per se, but the policy instead seeks to ensure that sports and leisure provision keeps pace with any new residential development because of the particular needs identified within the Plan. A modification is therefore recommended to ensure the policy helps to achieve sustainable development and clearly applies to the Plan area.

With this modification, Policy HAD13 will meet the basic conditions by having regard to the need to align growth and infrastructure at the local level, being in general conformity with the JLP and helping to achieve sustainable development.

- **Amend criterion B of Policy HAD12 to read:**

**“Proposals for new shopfronts, signage or advertising in Hadleigh Town Centre should demonstrate how they *accord with* the Hadleigh Advertising and Shopfront Design Code Document *or any successor document*. The use of traditional materials such as timber with sign-written titles rather than plastic,**

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<sup>65</sup> NPPF para 7

<sup>66</sup> Ibid para 8

<sup>67</sup> Ibid para 11

<sup>68</sup> Ibid para 28

externally illuminated signs will be supported for both shopfronts and protruding signs. *Security grilles and shutters should be internal wherever possible and the use of external solid security shutters is resisted.*"

- In criterion C of Policy HAD12 add the word *"and"* at the end of criteria i. and ii.
- Change the first part of the first sentence of Policy HAD13 to read: *"All major development including site allocations in the Babergh and Mid Suffolk Joint Local Plan Part 2 in the Plan area should ensure..."* [retain remainder of policy as existing]

## **11. Policies Maps**

Two Policies Maps are included here. These will require updating, as identified elsewhere in this report.

## **12. Implementation**

This section explains about the Community Infrastructure Levy and the use of the Plan including the potential for monitoring and review. Monitoring of neighbourhood plans is not yet mandatory. However, I welcome this intention as good practice.

## **Appendices**

Appendix A is a list of the non-designated heritage assets. Appendix B is a list of those contributing to the Plan. Appendix C is a glossary. I consider in the interests of clarity and consistency that some of the definitions need to be changed. I have taken the suggested modified definitions from either the NPPF or the JLP.

- **Change the following definitions in Appendix C Glossary:**

### ***"Affordable Housing***

***Affordable housing is defined in the National Planning Policy Framework (2021) as:***

***"housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:***

***a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent***



*schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

*b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*

*c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

*d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement."*

***"Community Infrastructure Levy***

*The Community Infrastructure Levy (CIL) was introduced in legislation in 2010 and enables planning authorities to set a 'levy' on new development in order to secure the infrastructure needed. Babergh and Mid Suffolk District Councils adopted CIL in 2016. The Charging Schedules set out the rate of CIL that will be charged for different types of development, dependent upon location."*

***"Non-Designated Heritage Asset***

*As defined in the Planning Practice Guidance para.38*

*Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets."*

## 7.0 Conclusions and recommendations

I am satisfied that the Hadleigh 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 Hadleigh 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 Hadleigh Neighbourhood Development Plan should proceed to a referendum based on the Hadleigh Neighbourhood Plan area as approved by Babergh District Council on 30 June 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
3 October 2024

## Appendix 1 List of key documents specific to this examination

Hadleigh Neighbourhood Plan 2023 – 2037 Submission Regulation 16 Draft Version  
February 2024

Statement of Basic Conditions (undated)

Consultation Statement (undated)

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

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

Strategic Environmental Assessment and Habitats Regulation Assessment  
Determination Notices January 2024 (reissued 5 February 2024) (BDC)

Advertising & Shopfront Design Code Document (undated)

Design Guidance and Codes Final report June 2023 (AECOM)

Character Assessment July 2022

Landscape Assessment: 1 Character and Sensitivity Assessment; 2 Residential SHELAA  
sites: Comparative Landscape and Visual Assessment; 3 Key Views Assessment; 4  
Appendices May 2023 (Lucy Batchelor-Wylam)

Local Green Spaces Report (undated)

Landscape and Biodiversity Evaluation 2022 (SWT)

An Introduction to the Hadleigh Local List and link to the Hadleigh Society's interactive  
local list webpage

Joint Town Centres & Retail Study (for Babergh and Mid Suffolk District Councils) Final  
Report September 2015 (Carter Jonas)

Hadleigh Sporting Community Status and Plan 2021

Hadleigh Transport Study February 2023 (2020 Consultancy)

Cycling Route Map

Regulation 15 Checklist (BDC)

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

## Hadleigh Conservation Area Appraisal 2008

**List ends**