

# **Holbrook Neighbourhood Plan 2022 - 2037**

**Report by Independent Examiner to Babergh District  
Council**

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**CHEC Planning Ltd**

**20 February 2023**

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## Summary and Conclusion

1. The Holbrook Neighbourhood Development Plan has a clear vision supported by five objectives.
2. The indicative housing figure advised by Babergh District Council of a minimum of 65 dwellings has been exceeded by existing commitments. The Plan seeks to focus new housing development within the settlement boundaries.
3. I have recommended modification to some of the policies in the Plan. In particular, I have found that three of the proposed Local Green Spaces do not meet the criteria for designation. These are Alton Reservoir Waters, Holbrook Creek and Holbrook Gardens/Fishponds.
4. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
5. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Holbrook Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Holbrook Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

6. On 6 April 2018 Babergh District Council (BDC) approved that the Holbrook Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Holbrook.
7. The qualifying body is Holbrook Parish Council. The Plan has been prepared by a Neighbourhood Plan Working Group on behalf of the Parish Council. The Plan covers the period 2022 to 2037.
8. I was appointed as an independent Examiner for the Holbrook Neighbourhood Plan in December 2022. I confirm that I am independent from the Parish Council and BDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

9. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
10. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions 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 of the authority; and
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
11. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*

1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

*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(7).”*

12. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)**

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. The *Holbrook Neighbourhood Development Plan SEA Screening Opinion* was prepared by Land Use Consultants in June 2022. It concluded that the Plan is unlikely to have significant environmental effects and that full SEA is therefore not required. Historic England and Natural England concurred with this conclusion.
16. BDC prepared the *Holbrook Neighbourhood Plan 2021 – 2037 Strategic Environmental Assessment Screening Determination* in September 2022. It determined: *In the light of the SEA Screening Report (June 2022) prepared by LUC, and the responses from the two statutory bodies, it is determined that the submission draft Holbrook Neighbourhood Plan does not require a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.*
17. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
18. As regards Habitats Regulations Assessment (HRA), the *Holbrook Neighbourhood Plan HRA Report* was prepared by Land Use Consultants in July 2022. It concluded: *no likely significant effects are predicted on European sites, either alone or in-combination with other plans and proposals as a result of the Holbrook Neighbourhood Plan. However, it is*

*expected that any windfall development which the Holbrook Neighbourhood Plan supports and is within the plan boundary will be required to undertake an individual project-level HRA to determine potential on the European sites scoped into this HRA.* In addition, it recommended modification to Policy HNP 13 to include potential likely significant effects on the Deben Estuary SPA and Ramsar site. This modification has been made. Natural England concurred with the conclusion that the Plan could be screened out from further stages of assessment. In addition, Natural England advised that Policy HNP 13 could be further strengthened, although their suggestion was not a requirement of the HRA.

19. BDC prepared a *Holbrook Neighbourhood Plan 2021 – 2037 Habitats Regulations Screening Determination* in September 2022. The determination concluded that the Plan is screened out for further assessment.
20. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
21. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## **Policy Background**

22. The *National Planning Policy Framework* (NPPF) (2021) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
23. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:  
  
*a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

24. Holbrook Parish is within the local authority area of Babergh District Council (BDC). The development plan for the Holbrook Neighbourhood Plan Area comprises the saved policies in the Babergh Local Plan Alteration No. 2 (2006) and The Babergh Local Plan 2011 – 2031 Core Strategy and Policies (Core Strategy) (2014).
25. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural environment.
26. BDC with Mid Suffolk District Council published a new Joint Local Plan Pre-Submission (JLP) (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was formally submitted for independent Examination on 31 March 2021.

## **The Neighbourhood Plan Preparation**

27. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
28. The initial consultation process began with a public meeting in January 2018. The first awareness raising event was held at Holbrook village fete in July 2018. A dedicated web page was set up. Details of all consultation events were published in the local newsletter and on posters and flyers. In February 2019 youth focus groups met at Holbrook Academy. A Parish questionnaire was launched at a public consultation event in February 2019. In May 2019 there was a call for sites.
29. The Consultation period on the pre-submission draft of the Plan ran from 25 October 2021 to 5 December 2021. The consultation was launched with an article in the parish magazine and was publicised on the web page and using



posters and flyers. Hard copies of the Neighbourhood Plan documents were available in the village shop.

30. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. It is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to continue with the production of the Plan during the challenging times of the pandemic.
31. BDC publicised the submission Plan for comment during the publicity period between 28 November 2022 and 25 January 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 12 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
32. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BDC web site.

## **The Holbrook Neighbourhood Plan**

33. Background information is provided throughout the Plan and in supporting documents. A clear vision for the Parish has been established and is supported by five objectives.
34. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations in the Plan these have been clearly differentiated from policies for the development and use of land.
35. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
36. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining*

*planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. (Paragraph: 041 Reference ID: 41-041-20140306).*

37. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
38. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
39. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

#### **HNP 01: Housing Development**

40. Paragraphs 78 - 80 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
41. Core Strategy Policy CS2 identifies Holbrook as a Core Village. Core Villages are to act as a focus for development within their functional cluster. Core Strategy Policy CS2 identifies the remainder of the Parish as being within the countryside where development will only be permitted in exceptional circumstances subject to proven justifiable need.
42. Core Strategy Policy CS11 supports development proposals that score positively when assessed against Policy CS15 and where other matters are satisfactory. Such other matters include site location, landscape and heritage matters. Policy CS15 seeks to implement sustainable development.
43. The above policies are relevant to Policies HNP 01 and HNP 03.
44. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested. The qualifying body and the local planning authority should aim to agree the relationship between policies in the emerging Neighbourhood Plan, the

emerging Local Plan and the adopted Development Plan, with appropriate regard to national policy and guidance.

45. PPG advises: *Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination. Extract Paragraph: 104 Reference ID: 41-104-20190509.*
46. In December 2021 Inspectors in the process of examining the JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to addressing matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. BDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the emerging JLP (Nov 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of this indicative number.
47. Relevant JLP policies which will now be subject to review for Part 2 of the emerging JLP are as follows. Policy SP03 identifies Holbrook as a Core Village. Lower Holbrook is identified as a Hamlet Village. Development within settlement boundaries will be permitted subject to a list of criteria.
48. Policy SP04 seeks a minimum of 65 additional dwellings for the Neighbourhood Plan area up to 2037, of which there were 58 outstanding planning permissions as of 1 April 2018. The Neighbourhood Plan has identified those settlement boundaries for Holbrook and Lower Holbrook in the emerging JLP for the purposes of its policies.
49. Policy LA068 allocates a site for approximately 7 dwellings on land East of Ipswich Road in Holbrook. That site together with a site at Church Hill have subsequently been granted planning permission for a total of 11 dwellings. This is the latest figure available to me as of March 2022. Thus, together with the 58 outstanding planning permissions to April 2018, the indicative figure of a minimum of 65 dwellings during the Plan period has been exceeded.
50. It is now uncertain at this stage to what extent the above policies will be modified in the forthcoming Part 2 of the JLP.
51. I am required to test the indicative housing figure proposed by BDC. In doing so, I have taken into consideration representations promoting additional land for housing development on land East of Ipswich Road and land at Hyams Lane.

52. BDC is yet to publish a revised Part 2 to the emerging JLP, or to publish any revised supporting documentation. I recognise that the figure of a minimum of 65 dwellings does not address the affordable housing need identified in the Holbrook Parish Housing Needs Assessment (January 2020). However, 65 is a minimum figure. Policy HNP 01 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development. Seeking to focus new housing development within the settlement boundaries is the correct approach to achieving a sustainable pattern of development in order to contribute towards the environmental objective of sustainable development. In addition, allowing some development outside the settlement boundaries where it accords with national and development plan policies, ensures that Policy HNP 01 is a housing strategy for the Parish that contributes towards the achievement of sustainable development.
53. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging JLP. I consider the approach to housing development in the Neighbourhood Plan, including all the housing policies, which I comment on below and subject to any modifications I have recommended, particularly suggested modifications to Policy HNP 02, which would guide affordable housing delivery, contributes to the achievement of sustainable development. This is notwithstanding that further growth is being promoted and that the emerging JLP in the future might propose additional growth. In reaching this conclusion I have taken into consideration paragraph 12.1 in the Plan which recognises the need to review the Plan as and when there are significant changes in the emerging JLP.
54. I have taken into consideration that a large part of the Parish lies within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB). Paragraph 176 in the NPPF explains that great weight should be given to conserving and enhancing landscape and scenic beauty in such areas. *The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*
55. In reaching my conclusion on this matter, I consider it relevant to refer to the High Court Judgment of *Gladman Developments Limited v Aylesbury Vale District Council & Winslow Town Council [2014] EWHC 4323 (Admin)* on 18 December 2014.
56. The following is an extract of paragraph 58 of that judgment: *In my judgment, a neighbourhood development plan may include policies dealing with the use and development of land for housing, including policies dealing with the location of a proposed number of new dwellings, even where there is at present no development plan document setting out strategic policies for housing. The examiner was therefore entitled in the present case to*

*conclude that the Neighbourhood Plan satisfied basic condition 8(2) (e) of Schedule 4B to the 1990 Act as it was in conformity with such strategic policies as were contained in development plan documents notwithstanding the fact that the local planning authority had not yet adopted a development plan document containing strategic policies for housing. Further, the examiner was entitled to conclude that condition 8(2) (d) of Schedule 4B to the 1990 Act was satisfied. That condition requires that the making of the neighbourhood development plan “will contribute to the achievement of sustainable development”. The examiner was entitled to conclude that a neighbourhood plan that would provide for an additional 455 dwellings, in locations considered to be consistent with sustainable development, did contribute to the achievement of sustainable development notwithstanding that others wanted more growth and development plan documents in future might provide for additional growth. Similarly, the examiner was entitled to conclude that having regard to national guidance and advice, including the Framework, it was appropriate to make the neighbourhood plan even though there might, in future, be a need for further growth.*

57. Turning to developer consultation, paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage for most types of development and can only encourage developers to engage with the local community before submitting their applications.
58. Policy HNP 01 requires developers to consult with the Parish Council prior to submission of any application. There is no doubt that such involvement is desirable. However, paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage and can only encourage developers to engage with the local community before submitting their applications. It is therefore evident to me that this part of Policy HNP 01 does not comply with the Basic Conditions because of this clear conflict with the NPPF. Therefore, I recommend that the last sentence in Policy HNP 01 refers to developers being ‘encouraged’ to consult with the Parish Council. I have suggested revised wording.
59. Paragraph 9.5 is written as policy but the requirements in this paragraph are not the same as those in Policy HNP 01. In the interest of precision, paragraph 9.5 should be deleted.
60. Paragraphs 3.8 and 9.3 outline the current housing provision. In the interest of precision, paragraph 3.8 should be updated to include the figures outlined in paragraph 9.3.
61. Subject to the above modifications, Policy HNP 01 has regard to national policy, contributes towards sustainable development and is in general

conformity with strategic policy. Modified Policy HNP 01 meets the Basic Conditions.

62. **Recommendation: to meet the Basic Conditions I recommend:**

**1) modification to the last sentence on Policy HNP 01 to read as follows:**

**Developers are encouraged to consult with Holbrook Parish Council prior to the submission of any application.**

**2) deletion of paragraph 9.5.**

**3) modification to paragraph 3.8 to reflect the updated housing figures in paragraph 9.3.**

### **HNP 02: Housing Mix**

63. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
64. Within the context of significantly boosting the supply of homes and determining the minimum number of homes needed at a strategic level, paragraph 62 in the NPPF explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
65. Core Strategy Policy CS18 states that residential development that provides for the needs of the District's population, particularly the needs of older people, will be supported where such local needs exist, and at a scale appropriate to the size of the development. The mix, type and size of the housing development will be expected to reflect established needs in Babergh District.
66. Core Strategy Policy CS20 takes a flexible approach to the location of rural exception sites, allowing such sites adjacent, or well related to, the settlement boundaries of Core Villages.
67. Core Strategy Policy CS19 is a policy requiring affordable housing provision, from all residential development. Since that policy was adopted, updated national policy in paragraph 64 in the NPPF states: *Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set*

out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

68. The NPPF states at paragraph 2 that: *Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.* I consider this national policy on the thresholds for affordable housing provision to be a material consideration in the determination of planning permission other than in accordance with Core Strategy Policy CS19.
69. The Holbrook Parish Housing Needs Assessment (January 2020) identifies the need for small dwellings for young households and an ageing population. BDC has suggested modification to Policy HNP 02. The Parish Council did not agree to this modification in its response to the Regulation 16 representations. The Parish Council stated: *The proposed new wording is not supported as it is felt that it does not cover the breadth of issues that the original policy is trying to cover nor does it make it clear that such schemes need to be compatible with other HNP policies e.g. HNP01. Policy HNP02 is aimed at schemes of all sizes not just major developments. The original policy did not refer to exception sites and the AECOM site options assessment concludes that there is limited scope for new development – both market and for exception sites.*
70. Policy HNP 02 seeks a mix of housing and an affordable housing contributions from developments comprising of two or more units. As stated above, such a threshold does not have regard to national policy. Even having considered the evidence base in the Holbrook Parish Housing Needs Assessment (January 2020), such an approach cannot be justified.
71. Policy HNP 02 cross refers to Policy HNP 01. The Plan has to be read as a whole. The BDC suggested revised policy does not include such a cross reference, but the suggested revised policy provides clarity and ensures regard is had to national policy. It continues to set a requirement to reflect local need, sets out criteria for guiding affordable housing delivery and sets out criteria for affordable housing sites. As such, the intention and nature of the policy is not significantly or substantially altered.
72. The BDC suggested revised policy includes reference to Rural Exception Sites. Policy HNP 02 is not required to include such a reference and the Parish Council does not wish to include such a reference in the policy. Rural Exception Sites are already referred to in Core Strategy Policy CS20 and allowed under Neighbourhood Plan Policy HNP 01.
73. For the reasons stated above and in the interest of precision, I recommend that Policy HNP 02 is revised to include the suggested wording proposed by BDC, with the omission of reference to Rural Exception Sites.

74. Subject to the above modifications, Policy HNP 02 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 02 meets the Basic Conditions.

75. **Recommendation: to meet the Basic Conditions I recommend modification to Policy HNP 02 to read as follows:**

**HNP 02: Housing mix, type and tenure**

**In order to contribute to the existing and future needs of the Parish and facilitate a cohesive community, proposals for new housing development must demonstrate how they respond to assessed local housing needs, with priority to be given to:**

- **Addressing the needs of younger households,**
- **Meeting the needs of an ageing population, including by providing bungalows and opportunities for downsizing, and**
- **Prioritising 1-, 2- and 3-bed homes.**

**Support will also be given to schemes that deliver accessible and adaptable homes.**

**Where major development is required to provide affordable housing, the mix of affordable homes should reflect assessed needs and:**

- **Be made available for people whose needs are not met by the market, in line with national policy,**
- **Be designed to be integral to the development as a whole and visually indistinguishable from the open market units and**
- **Be allocated in line with Babergh District Council Allocations Policy.**

**HNP 03: Infill Development**

76. Policy HNP 03 sets criteria for infill development. Policy HNP 01 clearly states that the focus for development will be within the defined settlement boundaries. As there are two defined settlement boundaries, for both Holbrook and Lower Holbrook, Policy HNP 03 should refer to 'settlement boundaries' rather than a singular settlement boundary. Likewise, paragraph 10.15 should make a similar reference. In addition, in the interest of precision, the first sentence in paragraph 10.15 should refer to the focus for development being within the settlement boundaries. I have suggested revised wording.



77. As Lower Holbrook falls within the Suffolk Coasts and Heaths Area of Outstanding Natural Beauty (AONB) criterion a) in Policy HNP 03 should refer to location within the AONB. I have suggested revised wording.

78. Subject to the above modifications, Policy HNP 03 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 03 meets the Basic Conditions.

79. **Recommendation: to meet the Basic Conditions I recommend:**

**1) the two references to the settlement boundary in Policy HNP 03 are altered to 'Settlement Boundaries'.**

**2) modification to criterion a) in Policy HNP 03 to read as follows:**

**They are sensitively designed to take account of proximity to, or location within, the AONB, AONB Additional Project Area, heritage assets, heritage coast and SSSI, SPA, Ramsar site and County Wildlife Sites.**

**3) modification to paragraph 10.15 to read as follows:**

**The edges of the Parish have a number of significant constraints and landscape sensitivities which require development to be focused within the settlement boundaries. As such, small infill developments are the most appropriate method to ensure sustainable development. There are a number of small sites adjacent to existing properties within the settlement boundaries which may be acceptable if put forward for development. This type of development would prevent coalescence with neighbouring villages and stop the threat of the creeping ribbon development particularly to the north of Holbrook village as identified by the AFA landscape assessment report. This approach will protect the sensitive surrounding landscape.**

#### **HNP 04: Royal Hospital School (RHS)**

80. Paragraph 81 in the NPPF requires planning policies to help create the conditions in which businesses can invest, expand and adapt.

81. Whilst there is no specific strategic policy regarding the expansion of the Royal Hospital School, Core Strategy Policies CS1 and CS15 take a positive approach that reflects the presumption in favour of sustainable development. Core Strategy Policy CS3 promotes proposals for employment uses that will

contribute to the local economy in rural areas where appropriate in scale, character and nature of the locality.

82. Representations on behalf of RHS have requested a number of modifications to Policy HNP 04 and the supporting text and that the Policies Map identifies indicative locations for future campus expansion. Whilst Figure 15 identifies these areas as indicative ideas for development, they are not specified in Policy HNP 04 or allocated on the Policies Map. Paragraph 10.26 states that expansion into these two areas *will be brought forward in association with a master planning framework, as appropriate, and as agreed with the Parish Council, District Council and Historic England*. The Plan does not specifically allocate these areas of expansion, but it does facilitate the possibility of expansion. RHS is also seeking reference to support for modernisation of the school in Policy HNP 04 and other matters of clarification in the supporting text to include modernisation of sports facilities.
83. The Parish Council, in its response to the Regulation 16 representations, supported all suggested changes to Policy HNP 04, supporting text and maps, as suggested in the representations on behalf of RHS. In the interest of precision, to fully reflect the modernisation and expansion of the RHS, I recommend that such modifications are made.
84. The school site lies within the AONB. The starting point for consideration of any development in an AONB has to be the national policy obligation to ensure that great weight continues to be given to conserving and enhancing the landscape and scenic beauty of the AONB. I have attributed great weight to conserving and enhancing the landscape and scenic beauty of the AONB. The NPPF recognises that some development can take place in an AONB, *but the scale and extent of development within these designated areas should be limited*. The details of any future proposals at the RHS site should ensure that national policy, with regard to AONB protection, is a consideration. This is already covered in the first paragraph in Policy HNP 04 with regard to the requirement to conform to all other relevant policy considerations.
85. None of the proposed modifications significantly or substantially alter the intention and nature of the policy.
86. Subject to the above modifications, Policy HNP 04 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 04 meets the Basic Conditions.
87. **Recommendation: to meet the Basic Conditions I recommend:**  
**1). modification to the first paragraph in Policy HNP 04 to read as follows:**

**The principle of the modernisation and expansion of the Royal Hospital School, which would reinforce its role as an important historic and nationally recognised academic institution, key local employer, and community facility, will be supported subject to the proposal conforming to all other relevant policy considerations.**

**2) after ‘modernisation’ in line 1 in paragraph 10.25 add ‘and campus expansion’.**

**3) after ‘education’ in line 2 in paragraph 10.27 add ‘and sports’.**

**4) modify the title of Figure 15 to read as follows:**

**Indicative locations for campus expansion at RHS.**

**5) modification to the Policies Map to include two asterisks on the map and in the map key to identify the indicative locations for future campus expansion at RHS.**

#### **HNP 05: Design**

88. Paragraph 126 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
89. Paragraph 127 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*

90. Core Strategy Policy CS15 seeks to implement sustainable development. Amongst other matters, it requires proposals for development to respect the local context and character of the different parts of the District and seeks to minimise the need to travel by car.
91. The above Policies are relevant to Policy HNP 05 and HNP 11.
92. Policy HNP 05 seeks good quality design. My comments on the list of criteria are as follows. As there is no conservation area, this reference should be deleted from criterion 2. Policy HNP 10 is a detailed policy that seeks to protect heritage assets. Therefore, as Policy HNP 10 is a more detailed policy, in the interest of clarity reference to conservation assets should be deleted from criterion 2 in Policy HNP 05. As the Suffolk Coasts and Heaths document is guidance rather than policy, regard should be had to the guidance rather than there being a need to 'utilise' the guidance in criterion 3. In addition, this guidance clearly states that it is guidance for development within the AONB. Therefore, it is not guidance for other areas of the Parish.
93. BDC has suggested the amalgamation of criteria 4 and 6, as there is some repetition between them. The Parish Council has accepted their suggested revised wording in its response to the regulation 16 representations. In the interest of precision, I recommend that the BDC suggested new criterion is incorporated into Policy HNP 05.
94. Criterion 5 refers to financial contributions to assist with the delivery of the Transport Mitigation Strategy. This criterion was added at the request of Suffolk County Council. I sought confirmation from BDC as to whether such contributions are already sought from all developments in the District. BDC confirmed that funding to support the implementation of the strategy is currently sought from a variety of sources. In addition, BDC stated that this Strategy is a strategic matter that is being addressed through adopted and emerging local plans.
95. Usually, a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. As contributions are already sought district wide, and as this is a strategic matter, criterion 5 does not have regard to paragraph 16 in the NPPF where it seeks to avoid unnecessary duplication of policies that apply to a particular area. Thus, I recommend the deletion of criterion 5 in Policy HNP 05.
96. For the reasons outlined under Policy HNP 01, paragraph 10.35 should 'encourage' developer consultation with the local community.
97. Subject to the above modifications, Policy HNP 05 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 05 meets the Basic Conditions.

**Recommendation: to meet the Basic Conditions I recommend:**

**1) modification to criterion 2 in Policy HNP 05 to read as follows:**

**Not have an unacceptable impact on the amenities of neighbouring occupiers, or impact significantly on the landscape setting, the AONB or its setting.**

**2) modification to criterion 3 in Policy HNP 05 to read as follows:**

**Within the AONB, have regard to the Suffolk Coasts and Heaths “Guidance on the selection and use of colour in development” (2018) document.**

**3) deletion of criteria 4 and 6 in Policy HNP 05 and replace them with the following criterion:**

**Development proposals should incorporate good pedestrian and cycle routes within the development and maximise opportunities for residents to travel sustainably (walking, cycling etc.) by ensuring that adequate links exist or can be provided into the village centre and to the local schools.**

**4) deletion of criterion 5 in Policy HNP 05.**

**5) replace ‘expected’ with ‘encouraged’ in paragraph 10.35.**

#### **HNP 06: Protection of Important Views**

98. The NPPF, in Paragraph 174, requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
99. Core Strategy Policy CS15 seeks to ensure that development proposals ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets.
100. The above policies are relevant to Policies HNP 06, HNP 08 and HNP 09.

101. Policy HNP 06 identifies 14 Important Views. The special qualities of the Important Views are justified in background evidence in paragraph 10.40. Apart from Important Views 7 and 11, I have seen the Important Views identified in Policy HNP 06. For those views I was not able to see, I was able to understand the extent and importance of these views.
102. The scales of Figure 6 and the Policies Map make it difficult to locate the exact viewpoints. In particular, views 1, 9 and 13 appear to be outside the Parish looking in. The Parish Council has confirmed in its response to the Regulation 16 representations that: *the views are taken from the point at which the arrow joins the body of the shape and therefore they are all within the Neighbourhood Area*. In the interest of precision, these maps should be modified on an Ordnance Survey base, to clearly identify these viewpoints as being within the Parish and they should be of a scale that clearly identifies the locations of all the other Important viewpoints. It may be appropriate to include inset maps for this purpose. In addition, the Policies Map should number the Important Views in accordance with the numbering in Figure 6.
103. Important View 14 has been omitted from Figure 6 and the Policies Map. The Parish Council has confirmed that this was an error and that the viewpoint suggested by BDC in their Regulation 16 representation is the correct viewpoint. In the interest of precision, this should be included on Figure 6 and the Policies Map.
104. The third paragraph in Policy HNP 06 is similar to criteria for landscape protection in Policy HNP 08. As the latter policy is concerned with landscape protection and this policy is concerned with Important Views, I suggest the third paragraph in Policy HNP 06 is deleted.
105. Subject to the above modifications, Policy HNP 06 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 06 meets the Basic Conditions.
106. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to Policy HNP 06 to read as follows:**
- HNP 06: Protection of Important Views**
- Important views from public vantage points either within the built-up area or into or out of the surrounding countryside, are identified on the Policies Map and the Important Views Map as shown in Figure 6.**
- Any proposed development should seek to retain the defined important views in and out of the built-up area and protect key landscape features visible from these vantage points/vistas.**

**2) modification of Figure 6 and the Policies Map to clearly identify Important viewpoints 1,9 and 13 as being within the Parish and clearly identifying the locations of all the Important viewpoints. It may be appropriate to include inset maps for this purpose. The Policies Map should number the Important Views in accordance with the numbering in Figure 6. Important View 14 should be included on Figure 6 and the Policies Map.**

#### **HNP 07: Preservation of Dark Skies**

107. Paragraph 185 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
108. Policy HNP 07 seeks the preservation of Dark Skies. Some outdoor lighting schemes, especially in domestic gardens, do not require planning permission. Therefore, in the interest of precision, I recommend reference to 'where planning permission is required' in the second paragraph of Policy HNP 07.
109. The criteria at the end of the policy are either repetitions of preceding requirements, have not been justified with robust evidence, or are outside the scope of development control. Therefore, in the interest of precision, I recommend that they are deleted.
110. Subject to the above modifications, Policy HNP 07 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 07 meets the Basic Conditions.

**Recommendation: to meet the Basic Conditions I recommend modification to Policy HNP 07 to read as follows:**

#### **HNP 07: Preservation of Dark Skies**

**While ensuring that new development proposals are secure in terms of occupier, other user and vehicle safety, dark skies are to be preferred over lighting.**

**Where planning permission is required, all outdoor lighting scheme (including street-lighting), should be designed so that they minimise their overall impact on the environment, including through making use of energy efficient technologies and using technologies that minimise adverse impacts on wildlife.**

**Where appropriate to the development proposal, planning applications should include a detailed lighting proposal that demonstrates how the**

**scheme addresses both energy and environmental concerns without comprising safety including navigation safety.**

**Street lighting should be kept to a minimum subject to highway safety, the needs of particular individuals or groups, and security.**

### **HNP 08: Landscape Protection**

111. The Suffolk Coasts and Heaths AONB Management Plan (2018 – 2033) explains that the AONB team work in a small area of the Shotley Peninsula as an Additional Project Area. This work is to provide an AONB type service. It is considered by the AONB Partnership that this area is a valued landscape as defined by the NPPF.
112. Policy HNP 08 seeks to protect the valued landscapes and natural beauty of the Parish. Part of the Parish lies within the Suffolk Coasts and Heaths AONB and part within an Additional Project Area.
113. Paragraph 10.47 in the Plan states that the entire Parish lies within the Suffolk Coasts and Heaths AONB. This is not the case. In the interest of precision, the extent of the AONB within the Parish should be clearly outlined in paragraph 10.47, together with an explanation of the extent of the Additional Project Area. In addition, as Policy HNP 08 specifically refers to these two areas, it should cross refer to a map identifying the areas.
114. For the reasons mentioned under Policy HNP 05, criterion 4 should be modified to have regard to the colour guidance for proposed development within the AONB.
115. The last paragraph in Policy HNP 08 refers to applications for communications masts. Paragraph 117 in the NPPF states that applications for electronic communications should be supported by the necessary evidence to justify the proposed development. The extent of the list of criteria is not included in Policy HNP 08. In addition, paragraph 118 in the NPPF does not require a developer to justify the need for the proposed development. Policy HNP 08 specifically seeks justification for need. For the above reasons, the last paragraph in Policy HNP 08 does not have regard to national policy.
116. Usually, a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. To have regard to national policy would require a repeat of paragraph 117 in Policy HNP 08. This is not necessary. Therefore, in the interest of precision and to have regard to national policy, I recommend the deletion of the last paragraph in Policy HNP 08.



117. Subject to the above modifications, Policy HNP 08 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 08 meets the Basic Conditions.

118. **Recommendation: to meet the Basic Conditions I recommend:**

**1) modification to criterion 4 in Policy HNP 08 to read as follows:**

**Ensures that building materials, colours and styles reflect the local vernacular. In particular, within the AONB, have regard to the Suffolk Coasts and Heaths “Guidance on the selection and use of colour in development” (2018) document.**

**2) the deletion of the last paragraph in Policy HNP 08.**

**3) the inclusion of a map identifying the extent of the AONB and Additional Project Area within the Parish and cross reference to this map in Policy HNP 08.**

**4) modification to paragraph 10.47 to explain the extent of the AONB within the Parish and the Additional Project Area.**

#### **HNP 09: Protection of Woodlands**

119. Paragraph 180 in the NPPF explains: *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

120. Policy HNP 09 seeks to protect woodlands in the Parish from development that would have a significant adverse effect upon their character, appearance and wildlife value. This has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy HNP 09 meets the Basic Conditions.

121. Paragraph 10.58 refers to all woodlands in Figure 2. That Figure should include woodlands in the Key. **I see this as a minor editing matter.**

## HNP 10: Protection of Heritage Assets

122. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
123. The NPPF advises at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
124. Paragraphs 201 and 202 in the NPPF state:
- 201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.*
- 202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
125. Core Strategy Policy CS15 seeks to ensure that development proposals ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets.
126. Policy HNP 10 seeks to protect designated and non-designated heritage assets. As paragraph 10.64 explains that there are no non-designated heritage assets in the Parish, in the interest of precision, this reference should be deleted from Policy HNP 10.
127. Criterion 7 in Policy HNP 10 refers to harm to a heritage asset. This does not have regard to paragraphs 201 and 202 in the NPPF stated above. In particular, it does not differentiate between substantial harm and less than substantial harm. As this differentiation is already in national policy, I do not

consider it necessary to recommend repeating paragraphs 201 and 202 in the NPPF in Policy HNP 10. However, in the interest of precision, I recommend re wording of criterion 7.

128. Subject to the above modifications, Policy HNP 10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 10 meets the Basic Conditions.
129. There is repetition in paragraph 10.63, which requires the deletion of one of the sentences. **I see this as a minor editing matter.**
130. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) the deletion of reference to non-designated heritage assets from Policy HNP 10.**
- 2) modification to criterion 7 in Policy HNP 10 to read as follows:**
- provide clear justification in a heritage statement for any harm to the significance of the heritage asset.**

#### **HNP 11: Gardens and Amenity**

131. Paragraph 124 in the NPPF explains that planning policies should support development that makes efficient use of land, taking into consideration a number of matters including: *the desirability of maintaining an area's prevailing character and setting (including residential gardens)*.
132. Policy HNP 11 seeks to ensure that new residential development provides adequate amenity space. In the interest of precision, the third paragraph should refer to residential development rather than just 'development'.
133. Residential development includes the development of just one house and Policy HNP 01 primarily supports small windfall sites and infill plots within the Settlement Boundaries. In such circumstances, there may be limited opportunities for the provision of useable shared amenity space or shared allotments. Therefore, in the interest of precision, I have suggested revised wording for criteria 4 and 5 with regard to the provision of shared amenity space.
134. Subject to the above modifications, Policy HNP 11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 11 meets the Basic Conditions.

135. **Recommendation: to meet the Basic Conditions I recommend modification to the last paragraph in Policy HNP 11 to read as follows:**

**In providing appropriate amenity space, all new residential development should:**

- 1. consider the location and context of the development, including the dominant character of the surrounding area.**
- 2. take into account the orientation of the amenity space in relation to the sun at different times of day/year.**
- 3. minimise the impact of overlooking and enclosure, which may otherwise impact detrimentally on the proposed dwelling and any neighbouring dwellings.**
- 4. design any shared amenity space to be of a shape, size, and location to allow effective and practical use of and level access to the space by residents and**
- 5. if shared amenity space is proposed, where feasible and where garden space is limited, provide an area for “shared allotments” within the shared amenity space, so that the nature of the food-producing community can be upheld.**

#### **HNP 12: Sustainable Drainage and Flood Risk**

136. The NPPF seeks to meet the challenge of climate change and flooding. Paragraph 153 emphasises that plans should take a proactive approach to mitigating and adapting to climate change, taking into account, amongst other matters, the long-term implications for flood risk.
137. Where flood risk is a consideration, PPG explains the need for a sequential test and, if needed, an exception test to ensure that flood risk is minimised and appropriately addressed in decision making. (Paragraph: 004 Reference ID: 7-004-20220825). PPG goes on to provide links to the applications of these tests.
138. Core Strategy Policy CS15 seeks to minimise surface water run-off and incorporate Sustainable Drainage Systems (SuDS) where appropriate.
139. Policy HNP 12 seeks to ensure that development mitigates its own flooding and drainage impacts. However, it does not have regard to national policy and guidance with regard to the sequential and exception tests. It is not necessary to repeat the requirement for these tests in Policy HNP 12, but in the interest of precision, I have suggested revised wording and deletion of parts of the policy to ensure regard is had to national flood risk policy.

140. The third paragraph in Policy HNP 12 re iterates the second paragraph. The fourth paragraph is already covered in the first paragraph. Therefore, I have suggested the deletion of the third and fourth paragraphs.
141. Subject to the above modifications, Policy HNP 12 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 12 meets the Basic Conditions.
142. **Recommendation: to meet the Basic Conditions I recommend modification to Policy HNP 12 to read as follows:**

**HNP 12: Sustainable Drainage and Flood Risk**

**All development proposals (including minor development) are required to use appropriate sustainable drainage systems (SuDS), wetland and water features to protect against pollution, provide drainage and wider amenity, recreational and biodiversity benefits.**

**All development will be expected to demonstrate how it can mitigate its own flooding and drainage impacts, avoid increased flooding elsewhere and seek to achieve lower than greenfield runoff rates.**

**HNP 13: Biodiversity**

143. Section 15 in the NPPF seeks to conserve and enhance the natural environment.
144. Core Strategy Policy CS14 seeks to protect and enhance existing green infrastructure. Core Strategy Policy CS15 seeks to protect and enhance biodiversity, create green spaces and/or extend existing green infrastructure. In addition, Core Strategy Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's natural environment, including habitats.
145. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement, are yet to come into force.
146. Policy HNP 13 seeks to avoid the loss of biodiversity habitats and recognises the need for mitigation where losses or harm are unavoidable. The first sentence in paragraph 10.72 is not in accordance with this part of Policy HNP 13 and thus should be deleted.

147. Policy HNP 13 refers to a net gain in biodiversity. To ensure that regard is had to national policy, particularly to the Environment Act, I have suggested additional wording to explain that the extent of net gain should be in accordance with national policy.
148. There is some unnecessary repetition in Policy HNP 13. In the interest of precision, I suggest the deletion of the first paragraph.
149. I am satisfied that Policy HNP 13 now includes the modification recommended in the HRA Report. I note that BDC was to work with the Parish Council to implement this recommendation.
150. Subject to the above modifications, Policy HNP 13 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 13 meets the Basic Conditions.
151. After 'advice' in the last paragraph in Policy HNP 13, there should be 'is'. **I see this as a minor editing matter.**

**Recommendation: to meet the Basic Conditions I recommend:**

**1) the deletion of the first paragraph in Policy HNP 13.**

**2) the inclusion of the following as a separate paragraph after criterion v):**

**The extent of any net gain in biodiversity should be in accordance with national policy.**

**3) the deletion of the first sentence in paragraph 10.72.**

**HNP 14: Local Green Spaces**

152. The NPPF in paragraphs 101 - 103 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*
- The Local Green Space designation should only be used where the green space is:*

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

153. I have visited the Parish and seen the proposed Local Green Spaces (LGS). I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. Unless stated, I am satisfied that the proposed LGS meet the criteria for designation.
154. My comments on each of the proposed LGS sites are set out below.
155. 1. *Reade Field*. This recreation area includes an area of children's play equipment. It is in the centre of Holbrook. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land.
156. 2. *Village Hall Green*. This village green is in the centre of Holbrook. It is demonstrably special to the local community especially for its informal recreation provision. It is local in character and is not an extensive tract of land.
157. 3. *Land between Butchers Corner Lane and Hunterswood, Ipswich Road*. This is an informal area with trees and hedging on the borders. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its beauty and tranquillity. It is local in character and is not an extensive tract of land.
158. 4. *All Saints Churchyard*. This churchyard is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance and tranquillity. It is local in character and is not an extensive tract of land. The Policies Map and Figure 7 are of a poor scale. They appear to include the church building within the LGS. If this is the case, the church building should be removed from the LGS designation on these maps. This ensures that LGS restrictions are not imposed on the building itself.
159. 5. *Holbrook Academy playing fields*. This is a large area of playing fields. Nevertheless, I do not consider it to be an extensive tract of land. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision. It is local in character.

160. 6. *Holbrook Primary School playing field*. This is a school recreation ground that includes children's play equipment. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision and biodiversity. It is local in character and is not an extensive tract of land.
161. 7. *All allotments*. Appendix B in the Plan explains the justifications for each LGS designation. For the allotments, it refers to various allotments scattered around the village, such as those behind the church and refers to the possibility of more being developed in the future. In the interest of precision, this section in the Plan should delete such references to other allotments and future allotments. The LGS designation is only for the allotments behind the church. These are in reasonable proximity to the local community. They are demonstrably special to the local community especially for their informal recreation provision. They are local in character and do not comprise an extensive tract of land.
162. 8. *Alton Reservoir waters*. Whilst the NPPF does not give guidance as to what constitutes an extensive tract of land, in my opinion, this is both an extensive tract of land and an area that includes a large water area. Whilst water areas, such as small ponds within a wider landscape can be included in LGS, the NPPF specifically refers to the protection of green areas, rather than large areas of water. For these reasons, I recommend that this designation is deleted from Policy HNP 14, Figure 7, the Policies Map and Appendix B.
163. 9. *Alton Green*. This is common land at Lower Holbrook. It is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its informal recreation provision and biodiversity. It is local in character and is not an extensive tract of land.
164. 10. *Shore path (Holbrook Mill Stream)*. This path along the Mill Stream is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its informal recreation provision, beauty and biodiversity. It is local in character and is not an extensive tract of land.
165. 11. *Holbrook Creek*. As previously mentioned under my comments on Alton Reservoir Water, the NPPF specifically refers to the protection of green areas, rather than large areas of water. Holbrook Creek is not a green area as it is predominately water/mud flats. It is for this reason that I recommend that this designation is deleted from Policy HNP 14, Figure 7, the Policies Map and Appendix B.
166. 12. *Hales Grove*. This woodland area, whilst not within the village of Holbrook is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its informal recreation provision, beauty and biodiversity. It is local in character and is not an extensive tract of land.



167. 13. *Holbrook Gardens / Fishponds*. This is an extensive tract of land. Thus, this designation should be deleted from Policy HNP 14, Figure 7, the Policies Map and Appendix B.
168. 14. *Clifton Wood*. This woodland area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its beauty and biodiversity. It is local in character and is not an extensive tract of land.
169. Figure 7 and the Policies Map do not sufficiently identify the exact boundaries of the LGS. In the interest of precision, these maps should be modified on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose. In addition, the Policies Map should number the LGS in accordance with the revised numbering in Policy HNP 14 and Figure 7.
170. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the first and last sentences in Policy HNP 14. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.
171. Subject to the above modifications, Policy HNP 14 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HNP 14 meets the Basic Conditions.
172. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) modification to Policy HNP 14 to read as follows:**
- HNP 14: Local Green Spaces**
- The following are identified as Local Green Spaces and are identified on the Policies Map and Figure XX**
- 1. Reade Field**
  - 2. Village Hall Green**
  - 3. Land between Butchers Corner Lane and Hunterswood, Ipswich Road.**
  - 4. All Saints Churchyard.**
  - 5. Holbrook Academy playing fields.**

6. Holbrook Primary School playing field.
7. Allotments behind All Saints Church.
8. Alton Green
9. Shore path (Holbrook Mill Stream)
10. Hales Grove
11. Clifton Wood

2) delete Alton Reservoir Waters LGS, Holbrook Creek LGS and Holbrook Gardens/Fishponds LGS from Figure 7, the Policies Map and Appendix B.

3) modification to the Policies Map and Figure 7, on an ordnance survey base, to clearly identify the LGS. It may be appropriate to include inset maps for this purpose. In addition, the Policies Map should number the LGS in accordance with the revised numbering in Policy HNP 14 and Figure 7.

4) the deletion of references to other allotments and future allotments in Appendix B.

5) the deletion of All Saints Church building from the All Saints Churchyard LGS. It is unclear from the plans if the church building is included in the LGS.

## **Referendum and the Holbrook Neighbourhood Plan Area**

173. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
- the Plan as modified by my recommendations should proceed to Referendum; or

- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
174. **I am pleased to recommend that the Holbrook Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
175. I am required to consider whether or not the Referendum Area should extend beyond the Holbrook Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

## **Minor Modifications**

176. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, Figure 1 will need updating, as may paragraph 3.4. BDC has identified a number of editing matters at both the beginning and end of its representations. These can all be considered as minor modifications. In the case of addressing reference to the emerging JLP, I suggest each cross reference is reviewed on a case-by-case basis and updated where necessary. For example, paragraph 6.9 needs updating.

**Janet Cheesley**

**Date 20 February 2023**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2021)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018  
The Babergh Local Plan Alteration No. 2 (2006)  
The Babergh Local Plan 2011 – 2031 Core Strategy and Policies (2014).  
Babergh & Mid Suffolk Joint Local Plan Pre-Submission (Regulation 19) Document (November 2020)  
Suffolk Coasts and Heaths AONB Management Plan (2018 – 2033)  
Examination Correspondence (On the BDC web site)  
Regulation 16 representations.