

Babergh District Council

**Lawshall
Neighbourhood Plan
Review 2021 – 2037**

Independent Examiner's Report
on the Neighbourhood Development Plan Review

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22 February 2024

Contents

	Summary	3
1.0	Introduction	4
2.0	The examination process and the role of the independent examiner	4
3.0	Compliance with matters other than the basic conditions	8
4.0	Neighbourhood plan preparation	9
5.0	The basic conditions	10
	<i>National policy and advice</i>	10
	<i>Sustainable development</i>	12
	<i>The development plan</i>	12
	<i>Retained European Union (EU) obligations</i>	13
	<i>European Convention on Human Rights (ECHR)</i>	15
6.0	Detailed comments on the Plan and its policies	15
	Initial sections	15
	1. <i>Introduction</i>	15
	2. <i>Lawshall Past and Present</i>	15
	3. <i>Planning Policy Context</i>	15
	4. <i>Vision and Objectives</i>	16
	5. <i>Planning Strategy (Policy LWL 1)</i>	16
	6. <i>Housing (Policies LWL 2 – LWL 6)</i>	17
	7. <i>Natural Environment (Policies LWL 7 – LWL 12)</i>	22
	8. <i>Heritage (Policies LWL 13 and LWL 14)</i>	26
	9. <i>Development Design (Policies LWL 15 – LWL 17)</i>	27
	10. <i>Services and Facilities (Policies LWL 18 and LWL 19)</i>	29
	11. <i>Infrastructure and Employment (Policies LWL 20 – LWL 22)</i>	29
	Policies Maps	31
	Appendices	31
	Glossary	32
7.0	Conclusions and recommendations	32
	Appendix 1 List of key documents	33
	Appendix 2 Examination Note 1 to the Parish Council and BDC	34

Summary

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

I examined the made Plan (Summer 2017) and it was a pleasure to revisit the area and to see how the Review Plan has taken forward the commendable approach in the made Plan.

My first task was to determine that the Review Plan does not include modifications so significant or substantial as to change the nature of the made Plan. Accordingly, no referendum will take place.

I found the revised and new policies to be clearly worded and accompanied by a number of exemplary supporting documents that explained and justified the stance taken by policies. The clarity of thought and logical approach taken in the made Plan is retained in the Review Plan.

The Review Plan is accompanied by exemplary supporting documents including a clear Statement of Modifications, helpful Basic Conditions Statement and Consultation Statement.

As a result, there are relatively few modifications. Those made largely relate to precision and clarity and overall are intended to ensure that the basic conditions are met satisfactorily.

Two focused periods of consultation were held during the examination reflecting the adoption of Part 1 of the Joint Local Plan and the publication of a new National Planning Policy Framework.

From my examination of the Review Plan, its supporting documentation and the representations made, and subject to the modifications set out in this report, I have concluded that the Review Plan meets the basic conditions and all the necessary legal requirements.

I am therefore pleased to recommend that Babergh District Council should make the Lawshall Review Plan subject to the modifications specified in this report.

Ann Skippers MRTPI
Ann Skippers Planning
22 February 2024



1.0 Introduction

This is the report of the independent examiner into the Lawshall Neighbourhood Development Plan Review (the Review Plan). The original Plan was made on 24 October 2017. I examined the made Plan.

I have been appointed by Babergh District Council (BDC) with the agreement of Lawshall Parish Council to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Review Plan. I am a chartered town planner with over thirty years experience in planning. I 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 examination process and the role of the independent examiner

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

My first task was to make a determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended). This means I am required to determine whether the modifications contained in the draft Review Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace.

The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Review Plan will need to be the subject of a referendum if it is to be made.

In this context, the draft Review Plan intends, amongst other things, to:

- Extend the Plan period to 2037
- Development of a vision and associated key issues
- Make changes to Policies LAW1, 2, 4, 5, 6, 7, 8, 11, 13, 14 and 16
- Delete Policies LAW3 and 12
- Add new Policies on house extensions, replacement homes in the countryside, light pollution, important views, Public Rights of Way, business and employment, farm diversification and designate a special character area in The Street

The Parish Council has submitted a helpful Modifications Statement (found in the Basic Conditions Statement) that details the changes. The changes are also detailed on page 8 of the Review Plan. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan. They also reflect changes to national planning policy and the production of the Joint Local Plan at BDC level which have occurred since the original Plan was made in October 2017. The local planning authority, BDC, has reached the same conclusion.

I have considered the proposed modifications, the views of the Parish Council and the local planning authority and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance (PPG). I have also reached the conclusion that the proposed modifications, whilst material in some cases, are not so significant or substantial as to change the nature of the made Plan.

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

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

The Examination Note I sent on these matters, Examination Note 1, and dated 2 December 2023, is appended to this report as Appendix 2.

Scope of the Examination

It is important to recognise that the examination has considered the entirety of the Review Plan and not just those elements of the Review Plan that have been modified. Although my detailed comments sometimes focus on the changes to policies and text, I have considered the policies 'in the round'.

Role of the Examiner

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

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development

¹ Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations⁶:

- The local planning authority should make the draft plan
- The local planning authority should make the draft plan with the modifications specified in the report or
- The local planning authority should not make the draft plan.

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

⁵ The combined effect of the Town and Country Planning Act Schedule 4B paragraph 8(6) and paragraph 10 (3)(b) and the Human Rights Act 1998

⁶ Paragraph 13(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

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).⁷

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁸ In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁹

As in this case, representations suggest amendments to policies or additional policies of different approaches. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required. However, I feel sure the Parish Council will consider all the points made carefully in any future work including the very detailed comments on biodiversity.

Schedule A2 of the Planning and Compulsory Purchase Act 2004 (as amended) explains that the general rule is that the examination of the issues is to take the form of written representations. A hearing can be held for the purpose of oral representation about a particular issue where there are exceptional reasons for doing so or in other prescribed cases. PPG¹⁰ explains that it is expected that the examination will not include a public hearing. However, 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.¹¹

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

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

After the Regulation 16 stage consultation period had ended on 15 September 2023, a revised National Planning Policy Framework (NPPF) was published and the Joint Local Plan Part 1 was adopted. It was decided to hold a focused consultation on whether or

⁷ 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,

⁸ PPG para 055 ref id 41-055-20180222

⁹ Ibid para 040 ref id 41-040-20160211

¹⁰ Ibid para 056 ref id 41-056-20180222

¹¹ Ibid

not these two events had implications for the Plan Review with regard to it meeting two of the basic conditions. This period was held from 27 November – 11 December 2023.

On 19 December 2023, with an update on 20 December 2023, the Government revised the NPPF. It was decided to hold a second period of focused consultation to allow any comments to be made on the implications from this with regard to the basic conditions. This consultation ran from 10 January – 26 January 2024.

For both periods of focused consultation, the Parish Council was given an opportunity to comment on all or any of the representations made and made comments which I have taken into account.

I made an unaccompanied site visit to familiarise myself with the Plan area on 2 February 2024.

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

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 Review Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to 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 Review Plan's presentation made consistent.

3.0 Compliance with matters other than the basic conditions

Qualifying body

The Review Plan has been prepared and submitted by Lawshall Parish Council which is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area covers the entire Parish and was designated by BDC on 8 December 2015. The Plan relates to this area and does not relate to more than one neighbourhood area. It has not changed from the area covered by the made Plan. It is shown on page 7 of the Review Plan. It therefore complies with these requirements.

Plan period

The Review Plan period is 2021 – 2037. This is clearly stated on the front cover of the Review Plan. This requirement is therefore satisfactorily met.

Excluded development

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

Development and use of land

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

In this case, a number of Community Actions are to be found throughout the Review Plan. There is a reference to these in the Introduction section of the Plan and they are clearly distinguishable through a clear title and different coloured box. I therefore consider this approach to be acceptable for this Plan.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

The Parish Council decided that a review should be undertaken in 2020. The Covid-19 pandemic limited the ability to hold face-to-face or public meetings, but meetings were held in December 2021 and August 2022 to work on the changes identified.

¹² PPG para 004 ref id 41-004-20190509

Pre-submission (Regulation 14) consultation took place between 15 October – 30 November 2022. The consultation period was publicised by a summary leaflet distributed to every household and business in the Parish. The consultation was launched by a drop-in event advertised in the leaflet and on estate agent boards throughout the Parish. Hard copies of the Review Plan were available as well as online. A high number of individual and organisations responded.

The consultation and engagement undertaken is satisfactory.

Submission (Regulation 16) consultation was carried out between 2 August – 15 September 2023. The Regulation 16 stage resulted in 11 representations.

The first period of focused consultation following the publication of a new NPPF in September 2023 and the adoption of the Joint Local Plan Part 1 in November 2023 was held between 27 November – 11 December 2023. This resulted in five representations.

The second period of focused consultation following publication of a new NPPF in December 2023 was held between 10 January – 26 January 2024. This resulted in five representations.

I have considered and taken into account all the representations made across the three consultation periods in preparing this report.

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.¹³

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁴ They can include allocating sites, the provision of

¹³ NPPF para 13

¹⁴ Ibid para 28

infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁵

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁶ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁷

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.¹⁸

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.¹⁹

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²⁰ 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.²¹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²² It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²³

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Review Plan's objectives and policies correspond to the NPPF of July 2021. This was the most up to date NPPF at the time of submission. Consultation has been

¹⁵ NPPF para 28

¹⁶ Ibid para 29

¹⁷ Ibid

¹⁸ Ibid para 31

¹⁹ Ibid para 16

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

held, as explained in earlier sections of this report, to allow interested parties to comment in relation to the current 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.²⁴ 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.²⁵ The three overarching objectives are:²⁶

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁷

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how each Review Plan policy helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) which was adopted by BDC on 21 November 2023 and some saved policies from the Babergh Local Plan Alteration No. 2 (LP) adopted in June 2006 and the Core Strategy

²⁴ NPPF para 7

²⁵ Ibid para 8

²⁶ Ibid

²⁷ Ibid para 9

(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 the saved policies of LP and CS as well as the emerging policies of the JLP. Since the submission of the Review Plan this situation has of course changed with the adoption of the JLP Part 1. Consultation has been held as noted earlier to allow comments to be made.

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, PPG²⁸ confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

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

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

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The 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

²⁸ PPG para 031 ref id 11-031-20150209

for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated January 2023 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report prepared by Land Use Consultants which concluded that the Review Plan was unlikely to have significant environmental effects. Consultation with the statutory bodies was undertaken. Responses from Historic England and Natural England concurred; no response was received from the Environment Agency.

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.²⁹

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

Turning now to HRA, a Habitats Regulations Screening Determination dated January 2023 has been prepared by BDC. This refers to a HRA Screening Report of November 2022 prepared by Land Use Consultants.

The Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC) are located some 11km and 18km respectively from the Review Plan area and have been identified for inclusion in the HRA.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects. Natural England concurred with the findings of the Screening Report.

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

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

²⁹ PPG para 028 ref id 11-028-20150209

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.³⁰ BDC does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

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

6.0 Detailed comments on the Plan and its policies

In this section I consider the Review Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold or bold and italics text**.

Initial sections

The Plan begins with a foreword from the Chair of the Parish Council, a helpful technical explanation of the process and a useful contents page.

1. Introduction

This is a useful section full of information about the review. In particular I was intrigued to learn of the Neighbourhood Plan Watchdog; a small team of volunteers set up to advise the Parish Council on whether a planning application complies with the Plan. This is an interesting concept and encourages ongoing community input and scrutiny.

The section will need some natural updating, particularly in relation to the recently adopted Joint Local Plan Part 1 and the process for the Review Plan.

2. Lawshall Past and Present

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

3. Planning Policy Context

This section set out the planning context for the Review Plan. Since it was prepared, a revised NPPF has been published and the Joint Local Plan adopted. Therefore some natural updating is needed in relation to the new NPPF and the adopted JLP Part 1. I note that BDC has helpfully put forward some suggested amendments in its

³⁰ PPG para 031 ref id 11-031-20150209

representation which I commend. My expectation is that the Parish Council and BDC will work together to update the Review Plan as necessary.

- **Update the Review Plan to reflect the publication of the NPPF December 2023 and the adoption of the Joint Local Plan Part 1**

4. Vision and Objectives

The original Plan contained a living vision with 13 components covering a variety of topics. The Review Plan has developed a vision which reads:

“A community where the rural setting of its hamlets has been preserved while new development that has taken place meets identified local needs and has had regard to the natural and historic environment and where we have worked to be in line with Net-zero targets and, where feasible, complemented the facilities and services in Lawshall.”

The vision is supported by 13 objectives covering the natural environment, amenities and services, the historic environment, housing, infrastructure and design. Whilst some of the objectives bear some similarity to the living vision, it is clear they have been updated and will help to deliver the vision. Both the vision and the objectives are clearly articulated and relate to the development and use of land.

5. Planning Strategy

Policy LWL 1

Policy LWL 1, Spatial Strategy, supports development in line with the settlement hierarchy in the JLP. The policy context at District level has altered from the original Plan. Policy SP03 of the recently adopted JLP essentially carries forward the settlement boundaries from previous development plan documents.

In this case, the Review Plan defines settlement boundaries for Bury Road, Lambs Lane/Harrow Green, The Street, Lawshall Green and Hanningfield Green. The settlement boundaries for Lawshall Green and Hanningfield Green were identified as clusters in the original Plan. All the settlement boundaries now proposed are logical and have been updated to take account of development. All are clearly shown on the Policies Maps within the Review Plan.

The policy directs development to those areas within the settlement boundaries. Outside the settlement boundaries development is only permitted where it would be in accordance with national or district level policies and where there would not be a harmful impact on heritage or landscape designations or any undermining of the important gaps between settlements, subject of a later policy in the Review Plan.

JLP Policy SP03 explicitly states that outside the settlement boundaries, development is only permitted where a site is allocated for development, it is in accordance with a made neighbourhood plan, it is in accordance with JLP policies or it is in accordance with the NPPF. Given the policy steer of JLP Policy SP03 and the reference in Policy LWL 1 to national and District level policies, I do not consider the policy to be more restrictive than either national or District level policy.

Policy LWL 1 meets the basic conditions by having regard to national policy, being in general conformity with the JLP given it supports the strategy within that document and JLP Policy SP03 in particular and helping to achieve sustainable development. No modifications are therefore recommended apart from the correction of a drafting error.

A representation asks that Harts Green is considered as a hamlet, but this is not a formal designation used in the Review Plan. A settlement boundary has not been put forward for Harts Green in the Review Plan. The Parish Council has indicated the area is not regarded as being of sufficient size for a settlement boundary and I consider the hamlet can be distinguished from those more built up and compact areas with settlement boundaries in the Review Plan.

- **Add the settlement boundary for Harrow Green to the Lambs Lane/Harrow Green Settlement Boundary map on page 16 of the Plan**

6. Housing

Policies LWL 2, LWL 3, LWL 4, LWL 5 and LWL 6

The NPPF states that to help support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.³¹ 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.³²

Within this context, it is clear that size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy.³³ These groups include affordable housing, families with children, older people and those with disabilities.³⁴

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.³⁵

³¹ NPPF para 60

³² Ibid

³³ Ibid para 63

³⁴ Ibid

³⁵ Ibid para 82

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. JLP Policy SP03 sets out an expectation that housing will come forward through extant permissions, allocations in neighbourhood plans, windfall development and through allocations in the JLP Part 2. Settlement boundaries will also be reviewed as part of the work on the JLP Part 2.

Policy LWL 2, Housing Development provides for around 26 dwellings over the Review Plan period. No site allocations are proposed, but it is intended that this growth will be achieved through a mix of commitments and windfall sites and infill development within the five settlement boundaries.

The Review Plan explains that already some 26 dwellings have been granted planning permission as at 2022 exceeding the previously indicated targets in the emerging JLP before it was changed. The adopted JLP does not include any housing targets for neighbourhood groups, but explains that within the District extant planning permissions provide for the vast majority of the housing requirements across the Plan period. Accordingly, no provision over and above existing commitments is needed in the Review Plan area.

Policy LWL 3, Housing Mix, is an updated policy. It supports a mix of house sizes and types that reflect local needs. It particularly supports smaller units aimed at first time buyers and downsizers. On larger plots, the development of two units is supported rather than one dwelling.

The policy is informed by the Census 2021 data which shows a higher proportion of houses with four or more bedrooms and of those homes, around 44% were occupied by one or two people.

A Housing Needs Assessment (April 2023) has also been prepared by AECOM. This points to a significant growth in households aged 65 and over and recommended the majority of new build units were one or two bedroomed.

This policy is a local and detailed interpretation of JLP Policy SP01.

Policy LWL 4, Dwelling Extensions is a new policy. The policy sets out a number of criteria to ensure that the scale and design is appropriate, the effect on the occupiers of nearby properties is acceptable and that satisfactory parking and garden are either retained or provided.

Achieving well-designed and beautiful places is a key facet of the NPPF.³⁶ Policies should ensure that development functions well and adds to the overall quality of the area including being sympathetic to local character and history.³⁷

³⁶ NPPF para 131

³⁷ Ibid para 135

Non-strategic JLP Policy LP03 refers to extensions and conversions. As the Review Plan acknowledges there are similarities between Policy LWL 4 and JLP Policy LP03. However, Policy LWL 4 adds some further detail and I find no reason why the two policies cannot live side by side.

I recommend a modification to this policy in respect of criterion iv. in the interests of clarity and completeness and to reflect the NPPF's stance on the responsibilities of the agent of change.³⁸ This is the circumstance where new development should be integrated effectively with existing businesses and community facilities so that these existing facilities are not subject to restrictions being placed on them as a result of development permitted after they were established.

The next policy in this section is **Policy LWL 5, Replacement Dwellings and Conversions Outside Settlement Boundaries**. Like the previous policy, this new policy reflects a policy in the JLP – non-strategic Policy LP04. More emphasis is placed in Policy LWL 5 on the visual effects of any conversion. One part of the policy is onerous (and more onerous than JLP Policy LP04). A modification is made to remove this element as if the property has a lawful use as a residential unit then form and condition is usually immaterial.

The last policy in this section is **Policy LWL 6, Affordable Housing on Rural Exception Sites**. This is a revised policy.

The NPPF offers support to rural exception sites that provide affordable housing to meet identified local needs and indicate that some market housing on these sites may help to facilitate this.³⁹

Non-strategic JLP Policy LP07 (not LP06 as indicated in the supporting text) offers support for such sites if they are well connected to an existing settlement and are proportionate in size to it. JLP Policies SP02 and LP07 recognise that some market housing up to 35% may support the delivery of such sites.

Policy LWL 6 is much more detailed. It refers to entry-level homes referencing the NPPF, but the most recent version of the NPPF replaces such references with community-led housing. A modification is therefore made to remove references to entry-level housing.

Otherwise the policy sets out clearly when support will be given for rural exception schemes and the expectations attached to such development. BDC suggest some changes to the 'cascade' for the allocation of affordable housing which would ensure that need is fulfilled.

AECOM's Housing Needs Assessment demonstrated a need for affordable housing and it is envisaged that provision will be made through the rural exception sites route.

³⁸ NPPF para 193

³⁹ Ibid para 82

Paragraph 6.17 of the supporting text indicates that a housing needs survey has not been carried out recently. A modification is made to this paragraph in the interests of clarity.

A representation from BDC makes a number of suggestions to amend the policy in the light of the NPPF's references to community-led housing. My reading of the NPPF is that the development of exception sites for community-led development (defined in the NPPF's glossary) can be distinguished from the development of rural exception sites. The NPPF indicates that exception sites for community-led development differ from sites regarded as suitable as rural exception sites and should not be on land already allocated for housing.⁴⁰ It also stipulates the site should be adjacent to existing settlements and be proportionate in size (which is specified).⁴¹

In contrast, the NPPF simply supports opportunities to bring forward rural exception sites that provide affordable housing.⁴²

However, the supporting text to JLP Policy LP07 defines rural exception sites in the way that the NPPF sets out for community-led exception sites. The policy itself does not include this stipulation indicating that the rural exception site must be well connected to an existing settlement and proportionate in size to it.

The similarity between sites for community-led housing and rural exception sites seems then to spring from JLP Policy LP07.

I recommend a revision to Policy LWL 6 as it is too restrictive in relation to the NPPF's stance on rural exception sites. I am reluctant to recommend any further modifications to the policy as I find a distinction between community-led sites and rural exception sites in the NPPF. I consider that paragraph 6.15 of the Review Plan needs updating to reflect the new NPPF and the JLP. Paragraph 6.16 can be updated in the way suggested by BDC.

With these modifications, I consider **Policies LWL 2 – LWL 6** meet the basic conditions by having regard to the NPPF, being in general conformity with, and adding a layer of local detail, to JLP Policies SP01, SP02 and SP03 and will help to achieve sustainable development.

- **Amend criterion iv. of Policy LWL 4 to read: “There should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing or loss of light, or an overbearing impact. *New development should not have any harmful or restrictive effects on the operation of existing businesses or community facilities.*”**
- **Delete the words “...and is capable of residential occupation in its current condition and form.” from criterion i. of Policy LWL 5**

⁴⁰ NPPF para 73

⁴¹ Ibid

⁴² Ibid para 82

- Change the first paragraph of Policy LWL 6 to read:

“Proposals for the development of small-scale affordable housing schemes *on rural exception sites outside but well connected to an existing settlement*, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the housing:”
- Amend criterion iii. of Policy LWL 6 to read:

“Is offered, in the first instance, to people with a demonstrated local connection, as defined by Babergh District Council Choice Based Lettings Scheme. Where *a property cannot be filled from within the Parish*, it should then be offered to those with a demonstrated need for affordable housing in neighbouring villages *and thereafter to the rest of Babergh District.*”
- Amend paragraph 6.15 on page 22 of the Plan to read:

“However, the strategic planning policies of the *Joint Local Plan* would not facilitate developments of ten or more homes in Lawshall given the general requirement for new development to be located within the Settlement Boundaries. National planning policy enables an alternative mechanism for meeting locally identified housing needs through “rural exception sites”. *JLP Policy LP07 adds detail at District level to national policy and indicates that such sites must be well-connected to an existing settlement and proportionate in size to it. Usually, such sites would not normally be used for housing.* This has the benefit of being on land where there is no “market” development value, thereby reducing the land value and enabling a viable affordable housing scheme. On occasions the cost of delivering affordable housing, even with discounted land costs, can exceed the grant money that is available to construct such schemes. In such instances, Government policy allows consideration of providing the bare minimum market housing on the site to make the development viable. It must be stressed that market housing would only be considered when there are viability issues for the deliverability of the affordable housing, and this would need to be proven through assessment by the District Council when considering the planning application.”
- Amend the third criterion in paragraph 6.16 to read: “A registered social landlord (housing association) *or a Community-led Development Organisation such as a Community Land Trust...*”
- Amend the first sentence of paragraph 6.17 on page 23 of the Review Plan to read: “A *local* housing needs survey has not recently been carried out in Lawshall, but having a *policy* in place does facilitate the exploration of *an exception site* scheme at any point in the future.”

7. Natural Environment

Policies LWL 7, LWL 8, LWL 9, LWL 10, LWL 11 and LWL 12

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.⁴³

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.⁴⁴

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

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

Policy LWL 7, Area of Local Landscape Sensitivity, is carried forward from the original Plan. This policy reaffirmed the importance of a Special Landscape Area designated near and including Frithy Wood in earlier development plans but not carried forward at District level. The policy in the original Plan focused on giving the identified area a specific designation that would stand on its own two feet and stand the test of time.

I consider this policy remains valid. The designation is shown clearly on the Policies Map and the Character Assessment, prepared in support of the original Plan and reviewed in June 2023, is also still valid. It recognises the intrinsic beauty of the countryside and this important landscape.

Policy LWL 8, Settlement Gaps, is another retained and unaltered policy. It designates a number of gaps between the hamlets and identifies these on the Policies Maps. The policy protects these areas from development to both preserve the visual qualities of the landscape and to retain the separate identities of the settlements. The policy only permits development if the physical or visual separation would not be undermined, the integrity of the gap would not be compromised and important views would be protected.

⁴³ NPPF para 180

⁴⁴ Ibid para 185

It was readily apparent from my visit that the separation between the series of hamlets which forms the distinctive character of Lawshall is as important as it ever was. These gaps are integral to the character and local distinctiveness of the area. The gaps remain logically and appropriately identified.

The policy also refers to important views. A number of views have been identified. I saw these at my site visit and consider these to be appropriately identified and selected given the character of the Parish. The gaps and views are underpinned by the Character Assessment, the excellent Design Guidance and Codes produced by AECOM in September 2021 and an Assessment of Views document. The Design Guidance and Codes specifically refers to the importance of large gaps between clusters and ribbon development that should be preserved in the interests of local character and that the gaps allow for views to the open countryside.

The policy has regard to the NPPF as it seeks to ensure that development is sympathetic to local character including built environment and landscape setting and will maintain a strong sense of place.⁴⁵

Policy LWL 9, Protection of Important Views, is a new policy. An Assessment of Views has been prepared as mentioned in relation to the previous policy and builds on those identified in the Character Assessment and the work carried out on the Design Guidance and Codes. The views are identified on the Policies Maps.

I saw the views at my visit. I consider they have been appropriately selected given the topography and landscape of the area which affords both short and longer distance views and given the plethora of viewpoints that could have been chosen.

The policy indicates that development proposals must not harm the key features of the views and this should be demonstrated through the submission of a landscape and visual impact assessment or similar evidence.

I consider the policy recognises the intrinsic character and beauty of the countryside and seeks to protect a strong sense of place in line with the NPPF.

Policy LWL 10, Local Green Spaces, seeks to designate 15 areas as Local Green Space (LGS). They are shown on the Policies Maps and more detailed information is contained in the accompanying Local Green Space Assessment. Some of the proposed spaces were identified in Policy LAW6 of the original Plan as Important Recreation and Green Space, but a LGS designation is of a very different nature.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁶ 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.⁴⁷ It is only possible to designate LGSs when a plan is prepared

⁴⁵ NPPF para 135

⁴⁶ Ibid para 105

⁴⁷ Ibid

or updated and LGSs should be capable of enduring beyond the end of the plan period.⁴⁸

The NPPF sets out three criteria for green spaces.⁴⁹ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

Based on the information in the LGS Assessment and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily albeit with the need to alter the boundary of the Foundry Meadow to remove the building and car parking area from this green space designation.

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

Turning now to the wording of the policy, it simply designates the LGSs. The supporting text to the policy indicates 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.⁵⁰

On the Policies Map, Inset 1, Bury Road, it looks as though the Foundry Meadow has been identified as LWL 10-10 instead of LWL 10 – 1. There is also a discrepancy between the detailed boundary in the Assessment document and the Policies Maps in that the pond is shown on one and not the other. As the Policies Maps show the larger area, no unfairness will result if the pond is retained in the Review Plan as the LGS. A modification is made to address the earlier point.

In relation to proposed LGS 4 Hall Mead Open Space and proposed LGS 7, Harrow Green, larger areas are shown on the Policies Maps than in the Assessment. I saw at my visit the area shown on the Policies Maps for LGS 4 forms an integrated space. The area for LGS 7 appears to be an access point. As the Policies Maps show the larger areas, no unfairness will result if these larger areas are retained in the Review Plan as the LGS.

The Policies Maps show two LWL 10 -6's and two LWL 10 - 7's. Modifications are made to correct these issues. With regard to the verges to the front of the Village Hall, this proposed LGS LWL 10 – 7 is not referred to in the Assessment and therefore should be deleted.

⁴⁸ NPPF para 105

⁴⁹ Ibid para 106

⁵⁰ Ibid para 107

There is also a discrepancy between the boundaries shown in the Assessment for proposed LGS 9, Hibbs Green and those shown on the Policies Maps Inset 4. Given the representation from Suffolk County Council, it is not possible to recommend a modification to align the Policies Maps with the Assessment and so this proposed LGS remains as is shown on the Policies Maps.

Policy LWL 11, Protecting Existing Natural Environmental Assets is similar to Policy LAW7 in the original Plan. The Plan explains that a number of assets have been identified and these range from community woodlands to ponds and hedgerows to village greens and wide verges.

The Plan explains that the “jewel in the crown” is Frithy Wood, an ancient woodland located in the centre of the village and designated as a Site of Special Scientific Interest (SSSI).

The policy seeks to protect these assets; it has regard to the NPPF’s stance on SSSIs and irreplaceable habitats like ancient woodland.⁵¹

I note that BDC has correctly pointed out a discrepancy between Policies Maps Inset 4 and the Character Assessment in respect of hedgerows and that the Parish Council would like those identified in the Character Assessment but missing on the Inset 4 to be included. This would only be possible with further public consultation in the interests of fairness.

Policy LWL 12, Biodiversity seeks to protect and enhance biodiversity through biodiversity net gain and is a revision and update to Policy LAW8 in the original Plan. It is clear in its intention and takes a pragmatic approach to development proposals seeking mitigation where appropriate.

The policy has regard to the NPPF’s principles regarding harm to biodiversity.⁵²

With the modifications to Policy LWL 10, I consider **Policies LWL 7 – LWL 12** will meet the basic conditions. All of the policies have regard to the NPPF by recognising and identifying key features which are integral to the intrinsic character and beauty of the countryside and local area. They seek to reinforce local distinctiveness and protect and enhance biodiversity. They are in general conformity with strategic policy and particularly JLP Policy SP09. They will help to achieve sustainable development.

- **Remove the building and car parking area from the Foundry Meadow LGS area on all the relevant Policies Maps**
- **Correct Policies Maps Inset 1 – Bury Road identification of the Foundry Meadow from “LWL 10 – 10” to “LWL 10 – 1”**

⁵¹ NPPF para 186

⁵² Ibid

- **Change the notation of LWL 10 – 6 Hanningfield Green on Policies Maps Inset 4 to “LWL 10 – 8”**
- **Delete the notation and “LWL 10 – 7” verges to the front of the Village Hall shown on Policies Maps Inset 2**

8. Heritage

Policies LWL 13 and LWL 14

The Review Plan area has a number of important listed buildings and other structures of historic interest.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁵³ It continues⁵⁴ that great weight should be given to the assets’ conservation when considering the impact of development on the significance of the asset.

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

Policy LWL 13, Heritage Assets is a revised policy. It seeks to ensure that development proposals preserve or enhance the significance of designated heritage assets through an understanding of the asset’s significance and the provision of clear justification for any works that would lead to harm.

The policy also references the Design Guidance and Codes and the Character Assessment.

The policy at criterion f. refers to harm and substantial benefit. This is revised to better reflect the stance of the NPPF.

Policy LWL 14 Lawshall Street Special Character Area is a new policy in the Review Plan.

The Plan explains that at present there is no Conservation Area. This policy seeks to designate a Special Character Area which is shown on Map 3 on page 35 of the Plan. I saw at my site visit that the Area has been appropriately designated. The Design Guidance and Codes document also demonstrates the cluster of heritage assets in the proposed Special Character Area.⁵⁵

⁵³ NPPF para 195

⁵⁴ Ibid para 205

⁵⁵ Design Guidance and Codes document page 10

The policy requires any development proposal to preserve or enhance the distinct characteristics of the area.

With the modification to Policy LWL 13, I consider that both **Policies LWL 13 and LWL 14** will meet the basic conditions. In particular, both policies have regard to the NPPF which explains that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what planning should achieve⁵⁶ and that neighbourhood planning groups have an important role to play in identifying the special qualities of each area and what expectations for new development there are.⁵⁷ They also set out a local layer of policy in general conformity with strategic policy including JLP Policy SP09 and will help to achieve sustainable development.

- **Change criterion f. of Policy LWL 13 to read:**

“provide clear justification, through the submission of a proportionate heritage statement, for any works that could harm a heritage asset and where this would be less than substantial harm, weigh this against the public benefits of the proposal and in the case of substantial harm, show that this is necessary to achieve substantial public benefits that outweigh that harm.”

9. Development Design

Policies LWL 15, LWL 16 and LWL 17

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵⁸ Being clear about design expectations is essential for achieving this.⁵⁹

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

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

⁵⁶ NPPF para 131

⁵⁷ Ibid para 132

⁵⁸ Ibid para 131

⁵⁹ Ibid

⁶⁰ Ibid para 132

⁶¹ Ibid para 133

⁶² Ibid para 135

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

Policy LWL 15, Design Considerations is a long policy which has been revised. It covers numerous and varied criteria. In essence, it seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF.

The policy is supported by the Character Assessment. The Design Guidance and Codes is referenced in the policy.

SCC has suggested that a reference to the Suffolk Design Streets Guide be included in the supporting text and I agree this would be useful.

Policy LWL 16, Flooding and Sustainable Drainage is a revised policy. The Review Plan explains that several instances of flooding have occurred.

This policy sets out a requirement for all new development to assess flood risk and to ensure that surface water is managed.

It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁶³

JLP Policy SP10 sets out a requirement to mitigate and adapt to climate change including through approaches to the impacts of flooding.

The last policy in this section is new **Policy LWL 17 Artificial Lighting**.

The NPPF indicates that policies should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.⁶⁴ In so doing, the NPPF refers to limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.⁶⁵ This policy seeks to ensure that this aim of the NPPF is realised.

I consider **Policies LWL 15, LWL 16 and LWL 17** meet the basic conditions particularly having regard to the NPPF, being in general conformity with JLP Policy SP10 in particular and helping to achieve sustainable development.

- **Add a reference to the Suffolk Design Streets Guide in the supporting text to Policy LWL 15**

⁶³ NPPF paras 173, 175

⁶⁴ Ibid para 191

⁶⁵ Ibid

10. Services and Facilities

Policies LWL 18 and LWL 19

Policy LWL 18, Community Facilities and Services are protected by this policy which has been updated since the original Plan.

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.⁶⁶ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities, particularly where this would reduce the community's ability to meet day to day needs.⁶⁷

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

Policy LWL 19, Public Rights of Way is a new policy. This policy seeks enhancement of the existing network.

The NPPF is clear that planning policies should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.⁶⁸ Such networks can also help with providing opportunities and options for sustainable transport modes.⁶⁹

Policies LWL 18 and LWL 19 have regard to the NPPF, are in general conformity with the JLP and help to achieve sustainable development. Both policies therefore meet the basic conditions and no modifications are recommended to either policy.

11. Infrastructure and Employment

Policies LWL 20, LWL 21 and LWL 22

Policy LWL 20, School Parking is the same as original Policy LAW15. The supporting text explains that parking at the All Saints Primary School is of major concern. The issue remains of paramount concern despite efforts to address it. This policy requires the provision of off-street parking for drop off and pick up alongside a traffic impact assessment accompanying any proposals for development at the school that would enable its capacity to be increased.

⁶⁶ NPPF para 88

⁶⁷ Ibid para 97

⁶⁸ Ibid para 104

⁶⁹ Ibid paras 108, 110

This seems to me to be a sensible way forward in supporting the school to enhance facilities for the existing capacity but ensuring that the parking issue is not exacerbated through any increase in numbers. This chimes with the NPPF's stance on the need to give great weight to the expansion or alteration of schools and the need to resolve key planning issues, of which parking is clearly one, before any applications are submitted.⁷⁰

New **Policy LWL 21, New Business and Employment** supports new business development within the settlement boundaries subject to satisfactory impacts on residential amenity, the natural and historic environments and the highway network.

Outside the settlement boundaries, the policy supports small-scale leisure and tourism development or employment or agricultural related development of an appropriate scale and nature. The policy encourages such development to locate in existing buildings or previously developed land.

The NPPF indicates that policies should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.⁷¹ It supports the diversification of agricultural and other land-based rural businesses and tourism and leisure developments which respect the character of the countryside.⁷²

The NPPF also recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.⁷³ In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).⁷⁴ The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.⁷⁵

JLP Policy SP07 encourages sustainable tourism development where appropriate to the scale, character and nature of the locality.

Non-strategic JLP Policy LP09 supports a prosperous economy and sets out a number of similar criteria.

New **Policy LWL 22, Farm Diversification**, supports the reuse of rural buildings subject to satisfactory impacts and takes its lead from the NPPF as detailed above.

Policies LWL 19, LWL 21 and LWL 22 meet the basic conditions. They have regard to the NPPF, are in general conformity with JLP Policy SP07 and will help to achieve

⁷⁰ NPPF para 99

⁷¹ Ibid para 88

⁷² Ibid

⁷³ Ibid para 89

⁷⁴ Ibid

⁷⁵ Ibid

sustainable development in this rural Parish. No modifications to these three policies are therefore put forward.

Policies Maps

These are clearly presented.

AS BDC point out there are some minor corrections to make to the Key.

- **Update the key to the Policies Maps on page 51 of the Plan by:**
 - **Adding “LWL 5” to the list of policies associated with Settlement Boundary**
 - **Adding “LWL 8” and “LWL 15” to the list of policies associated with Important View**
 - **Updating the policy references from “LWL 15” to “LWL 14” in respect of the SCA; “LWL 19” to “LWL 18” in respect of Community Facility; and “LWL 20” to “LWL 19” in respect of Public Rights of Way**

Appendices

Appendix 1 lists the planning permissions for residential development as at 1 August 2022. It is referred to in Policy LWL 2.

Appendix 2 contains information about designated heritage assets and is useful in relation to Policy LWL 13. The Review Plan indicates it also includes information about structures of local significance, but this is not the case. It should also be future proofed.

Appendix 3 contains information about the special features of housing in the Parish. The last paragraph in Appendix 3 should refer to Policy LWL 15 not LWL 16 as stated.

Appendix 4 is the Development Design Checklist referred to in Policy LWL 15. There is also a syntax error to amend.

Modifications are recommended to address these points.

- **Delete the words “...and a number of the Buildings and Structures of Local Significance...” from paragraph 8.6 on page 34 of the Review Plan**
- **Add a sentence to Appendix 2 which reads: “Up to date information on listed buildings and other heritage assets should be sought from Historic England or another reliable source.”**
- **Update the reference to Policy LWL 16 at the end of Appendix 3 to Policy LWL 15**
- **Delete the “...an a after of...” from page 61 of the Plan under the sub heading “Household extensions”**

Glossary

A useful glossary is included in the Review Plan.

7.0 Conclusions and recommendations

Subject to the limited number of recommended modifications I have made, I find that the Lawshall Review Plan complies with the basic conditions and other statutory requirements outlined earlier in this report.

I am therefore pleased to conclude and recommend that Babergh District Council should make the Lawshall Review Plan subject to the modifications specified in this report.

Ann Skippers MRTPI
Ann Skippers Planning
22 February 2024

Appendix 1 List of key documents specific to this examination

Lawshall Neighbourhood Plan Review 2021 – 2037 Submission Plan June 2023

Basic Conditions Statement June 2023 (including the Statement of Modifications from the Parish Council) (Places4People Planning Consultancy)

Regulation 17(e)(ii) Modification Statement 19 September 2023 (BDC)

Consultation Statement June 2023 (Places4People Planning Consultancy)

Strategic Environmental Assessment Screening Determination January 2023 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report November 2022 (LUC)

Habitats Regulations Screening Determination January 2023 (BDC)

Habitats Regulations Assessment Screening Report Final Report November 2022 (LUC)

Design Guidance and Codes Final Report September 2021 (AECOM)

Character Assessment June 2023

Local Green Spaces Assessment June 2023

Assessment of Views June 2023 (Places4People Planning Consultancy)

Housing Needs Assessment April 2023 (AECOM)

Regulation 15 Checklist (BDC)

Lawshall Neighbourhood Development Plan October 2017

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

List ends

Appendix 2 Examination Note 1

Lawshall Review Neighbourhood Plan Examination Examination Note 1

Following the submission of the Lawshall Review Neighbourhood Plan 2021 – 2037 Submission Plan for examination, I write to advise on initial procedural issues.

Initial matters

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

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

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

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

The original Plan was made in October 2017. The Parish Council has submitted a helpful Modifications Statement (found in the Basic Conditions Statement) that details the changes. The changes are also detailed on page 8 of the Review Plan. The Parish Council considers that a number of changes to the Plan are material, but do not change the nature of the neighbourhood plan. They also reflect the changes to national planning policy and the production of the Joint Local Plan at BDC level.

The local planning authority, BDC, has reached the same conclusion.

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

- Extend the Plan period to 2037
- Development of a vision and associated key issues
- Make changes to Policies LAW1, 2, 4, 5, 6, 7, 8, 11, 13, 14 and 16
- Delete Policies LAW3 and 12
- Add new Policies on house extensions, replacement homes in the countryside, light

pollution, important views, Public Rights of Way, business and employment, farm diversification and designate a special character area in The Street

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

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

Procedural matters

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

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

1. Communication

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

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

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

2. Examination documents

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

3. Late representations

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

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

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

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

If the Parish Council has not yet been afforded this opportunity, please let me know so it can be actioned.

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

5. Clarification procedures

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

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

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

6. Visit to the Plan area

I expect to be visiting the Plan area during the examination. Visits, where necessary, help me to understand the nature of the Plan and the representations. It will also help me decide if there are any issues to be clarified. I will not need to be accompanied on any visit. If however, I feel it is essential to gain access onto private land then I will be in touch to seek permission to do that and at that point an accompanied site visit may need to be arranged.

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

7. Examination timetable

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

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

8. The need for a hearing

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

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

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

9. The 'Fact Check' stage

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

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

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

10. Procedural questions

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

Ann Skippers MRTPI
Independent examiner
2 December 2023