

Leavenheath Neighbourhood Plan 2022 - 2037

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

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Contents	Page
Summary and Conclusion	4
Introduction	4
Legislative Background	5
EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)	6
Policy Background	7
The Neighbourhood Plan Preparation	8
The Leavenheath Neighbourhood Plan	9
Policy LEAV1: Views of community importance	11
Policy LEAV2: Local Green Spaces	13
Policy LEAV3: Landscape and biodiversity	16
Policy LEAV4: Surface water drainage	18
Policy LEAV5: Location, size and rate of housing development	19
Policy LEAV6: Pattern of growth and strategic gap between hamlets	22
Policy LEAV7: Housing size, type and tenure	23
Policy LEAV8: Non-designated Heritage Assets	25
Policy LEAV9: Design principles (including the Leavenheath Design Guidelines and Codes)	25
Policy LEAV10: Walking and cycling	27
Policy LEAV11: Traffic and road safety	28

Policy LEAV12: Recreational space	29
Policy LEAV13: Protection of existing community infrastructure	30
Policy LEAV14: Convenience/small shop	30
Referendum & the Leavenheath Neighbourhood Plan Area	31
Appendix 1 Background Documents	33

Summary and Conclusion

1. The Leavenheath Neighbourhood Plan has a clear vision supported by four objectives.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that some of the proposed designations of views of community importance and some of the designations of proposed Local Green Spaces are deleted.
3. The Plan does not allocate sites for residential development and does not set a minimum housing figure for the Parish. It is not required to do so. Instead, it lists criteria in Policy LEAV5 for development proposals within or immediately adjacent to the settlements. I have recommended the inclusion of a settlement boundary for Honey Tye. Without a settlement boundary for Honey Tye, it would be difficult to implement Policies LEAV5 and LEAV6.
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 Leavenheath Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Leavenheath Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. On 8 May 2019 Babergh District Council (BDC) approved that the Leavenheath Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Leavenheath.
7. The qualifying body is Leavenheath Parish Council. The Plan has been prepared by a Steering 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 Leavenheath Neighbourhood Plan in September 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 *Leavenheath Neighbourhood Development Plan SEA Screening Opinion* was prepared by Land Use Consultants in June 2022. It concludes 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 opinion.
16. BDC prepared a *Leavenheath Neighbourhood Plan 2022 – 2037 Strategic Environmental Assessment Screening Determination* in August 2022. It states: *In the light of the SEA Screening Report (June 2022) prepared by Land Use Consultants and the responses from the two statutory bodies it is determined that the Leavenheath 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 *Leavenheath Neighbourhood Plan 2022-2037 HRA Report* was prepared by Land Use Consultants in June 2022. It concludes: *At the Screening stage of HRA, no likely significant effects are predicted on European sites, either alone or in combination with other policies and proposals. However, it is expected that any windfall development which the Leavenheath Neighbourhood Plan*

supports and is within the plan boundary will be required to undertake an individual project-level HRA to determine impacts.

19. The HRA Report went further by recommending amendments to policy wording in Policies LEAV5 and LEAV12 to strengthen the protection for European sites. These amendments have been made to Policy LEAV5 and Policy LEAV12, with further amendment to Policy LEAV12 following comments from Natural England. I note that BDC worked with the Parish Council regarding this revised wording.
20. BDC prepared a *Leavenheath Neighbourhood Plan 2022-2037 Habitats Regulations Screening Determination* in August 2022. The determination concludes: *In light of the HRA Screening Report (June 2022) prepared by LUC, and the response to this from the statutory consultee, it is determined that the submission draft Leavenheath Neighbourhood Plan is ‘**screened-out**’ for further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.*
21. 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).
22. 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

23. 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.
24. 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.

25. Leavenheath Parish is within the local authority area of Babergh District Council (BDC). The development plan for the Leavenheath 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).
26. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural environment.
27. 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

28. 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.
29. The initial consultation process began in 2019. There were four stages in which residents of Leavenheath and key stakeholders were engaged, prior to submission of the Plan.
30. Stage one started in October 2019 with a household survey and then a follow up public meeting in February 2020. Stage two included data collection and stakeholder meetings during June to September 2020. Stage three comprised an online survey in February/March 2021 to check policy ideas.
31. To publicise the Plan the Steering Group used the Neighbourhood Plan website, posters, articles in the parish newsletter and Facebook.
32. Stage four was the consultation on the pre-submission draft of the Plan, which ran from 6 September to 25 October 2021. During this time an

exhibition was held and the Plan was available in the village hall, the Hare and Hounds pub and online.

33. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and 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, particularly during the pandemic restrictions.
34. BDC publicised the submission Plan for comment during the publicity period between 5 September and 4 November 2022 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. The additional time period, beyond what was originally an end date of 19 October, was due to the original omission of a list of details of the persons and bodies who were consulted in the Consultation Statement and the need to include this list and give reasonable time for publicity. I am satisfied that no one was prejudiced by this approach. A total of 11 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
35. 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 Leavenheath Neighbourhood Plan

36. Background information is provided throughout the Plan and accompanying documents. A clear vision for the Parish has been established and is supported by four objectives.
37. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as community action projects in this Plan) these have been clearly differentiated from policies for the development and use of land.
38. 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.

39. 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).
40. 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.
41. 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.
42. Paragraph 1.2 in the Plan refers to the Localism Act 2012, whereas it should be 2011. **I see this as a minor editing matter.**
43. Whilst quotes throughout the Plan are from the NPPF (2021), paragraph 2.8 refers to the NPPF (2019). This should be updated to refer to the NPPF (2021). **I see this as a minor editing matter.**
44. BDC has suggested revision to Paragraph 2.11 to read as follows:
The emerging Joint Local Plan had set out a minimum housing requirement figure of 44 new dwellings for this Neighbourhood Plan Area (to be built between April 2018 and March 2037). This figure comprised the allocation site LA098 (Land South of High Road) for 40 dwellings, and 4 new dwellings identified as having been granted consent, but which had not yet been completed at 1st April 2018 (the base date of the emerging Joint Local Plan). Since April 2018, 5 new dwellings have been granted consent which contribute to the figure of new dwellings for Leavenheath. **I see the suggested revision as a minor editing matter.**
45. Figure 9 and paragraph 4.2 imply that the Leavenheath Design Guidelines and Codes have the same status as policies. This is not correct as they are guidelines. Therefore, Figure 9 and paragraph 4.2 should be amended accordingly. **I see this as a minor editing matter.**
46. Figure 10, (The Policies Map) refers to '*Subject to change as the Joint Local Plan emerges*'. The Policies Map can only be altered as a review of this Neighbourhood Plan. Thus, that sentence should be deleted. **I see this as a minor editing matter.**
47. 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.

Policy LEAV1: Views of community importance

48. 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.
49. Core Strategy Policy CS15 seeks to ensure that, amongst other matters, proposals for development respect the landscape, landscape features, streetscape/townscape, heritage assets, important spaces and historic views.
50. Policy LEAV1 identifies five views or vistas where development proposals must ensure that they do not have an adverse impact on the landscape or character. View 3 is referred to as both a view and a vista in the Plan. I do not see the difference between a view or a vista in these examples. In the interest of precision, I suggest that View/Vista 3 is referred to as a view. I have seen the identified views. An explanation of the importance of the views to the local community are explained in paragraph 5.1.7 in the Plan.
51. *View 1.* Whilst Figure 13 identifies this view as extending across open land either side of the A134, when looking from the viewpoint on Figure 13, existing vegetation either side of the road predominately restricts views beyond the road and verges. Such a view along a busy main road cannot be considered as a view of community importance. Protecting this restricted view would not achieve the importance of the view as described in paragraph 5.1.7.
52. *View 2.* This view looks over open land. It is clear that this view is important to the local community for its rural openness.
53. *View 3.* When looking from the viewpoint on Figure 13, the land to the south of High Road is obscured from view by trees and hedges. The open land to the north of High Road within this view contributes towards the rural setting of High Road. In the interest of precision, View 3 should be narrowed to exclude the land to the south of the hedging/trees along the south side of High Road.
54. *View 4.* This view is predominately of the busy A134, with the wider view shown on Figure 13 restricted by existing vegetation to the sides of the road. As with View 1, such a view along a busy main road cannot be considered as a view of community importance. Protecting this restricted view would not achieve the importance of the view as described in paragraph 5.1.7.

55. *View 5.* Whilst Plough Lane becomes more of a rural lane as one travels east, from the viewpoint on Figure 13 the view is predominately of a tarmac road and the wider view is mostly obscured by boundary vegetation. Such a restricted view of a rural lane cannot be considered as a view of community importance.
56. For the reasons stated above, in the interest of precision, I recommend the deletion of Views 1,4 and 5. The protection of such views would not contribute towards protecting or enhancing the rural character of the Parish. In addition, as explained above, there should be a reduction in the width of View 3.
57. In the interest of precision, the last paragraph in Policy LEAV1 should refer to views of community importance. I have suggested revised wording. In the interest of precision, the views should be numbered on Figure 10 (Policies Map).
58. Subject to the above modifications, Policy LEAV1 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LEAV1 meets the Basic Conditions.
59. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy LEAV1 to read as follows:

LEAV1: Views of community importance

The following views (as shown in figure 13 and 14) are identified as views of community importance:

- 1. View from Kingsland Lane looking southeast towards Honey Tye.**
- 2. View from the junction of A134, looking west along High Road.**

Development proposals within or which could affect a view of community importance should take account of the view concerned. Developments, which would have an unacceptable adverse impact on the landscape or character of the view concerned, will not be supported.

The scenic beauty, including views into and out of the AONB will also be taken into account with its designation as a nationally important landscape.

2) modification to paragraph 5.1.7 to reflect modified Policy LEAV1.

3) modification to Figures 13, 14 and Figure 10 to reflect modified Policy LEAV1 together with a reduction in width of View 3 (now View 2) and the inclusion of numbering of the views in Figure 10.

Policy LEAV2: Local Green Spaces

60. 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.

61. I have visited the Parish and seen the proposed Local Green Spaces (LGS). Unless I have specified below, I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period.

62. My comments on each of the proposed LGS sites are set out below.

1. Line of trees and grass verge on High Road.

63. Appendix C explains that the tree line and verge contribute to local identity by providing a landscape buffer. In addition, flowers in the verge provide a visually attractive entrance. My concern is that there are many such verges and tree lined roads in rural areas and for these to be designated as LGS would undermine the criterion for LGS to be demonstrably special. The area is in reasonably close proximity to the community it serves, local in character and is not an extensive tract of land, but from the evidence before me there is no justification for it being demonstrably special. Thus, this area does not meet the criteria for designation.

2. Royston Wood.

64. This site is demonstrably special to the local community, particularly due to its informal recreation provision, tranquillity and wildlife. I am satisfied that it is in reasonably close proximity to the community it serves and is local in character. It is not an extensive tract of land. This site meets the criteria for designation.

3. Leavenheath village green.

65. This village green is demonstrably special to the local community, particularly due to its recreation provision, beauty and wildlife value. It is in reasonably close proximity to the community it serves and is local in character. It is not an extensive tract of land. This site meets the criteria for designation.

4. Grass verges along A134.

66. Appendix C explains that these grass verges provide beauty to the area adding to rural character. As with area 1, my concern is that there are many such verges of similar quality in rural areas and for these to be designated as LGS would undermine the criterion for LGS to be demonstrably special. The area is in reasonably close proximity to the community it serves, local in character and is not an extensive tract of land, but from the evidence before me there is no justification for it being demonstrably special. Thus, this area does not meet the criteria for designation.

5. Land to north of entrance to Stoke Road junction with A134.

67. Whilst Appendix C refers to the historical significance of this site, such significance seems to have diminished over time. Nevertheless, this small copse is demonstrably special to the local community for its beauty and contribution to the rural character of the area. In addition, it is an important habitat being identified by DEFRA as a Deciduous Woodland Priority Habitat. The site is in reasonably close proximity to the community it serves, local in character and is not an extensive tract of land. This site meets the criteria for designation.

68. I note objection to this designation with regard to highway and utility permitted development works. Policies for managing development within a LGS should be consistent with those for Green Belts and permitted development rights are the same in Green Belt areas as in other areas. Therefore, this should not be a reason to prevent LGS designation.

6. Land to south of entrance to Stoke Road junction with A134.

69. The site is in reasonably close proximity to the community it serves, local in character and is not an extensive tract of land. The site is an open green space with a tree lined perimeter. From my observations, the open area has limited visual beauty and the historical significance has been lost over time. I do not consider that it has been demonstrated that this site is demonstrably

special to the local community and do not accept that it acting as a buffer makes it demonstrably special in its own right.

70. A LGS has to be capable of enduring beyond the end of the plan period. I note objection to the designation from the landowners. In these circumstances, I conclude that there is a real risk that the site would not endure as a LGS beyond the end of the plan period.
71. For the above reasons, this site does not meet the criteria for designation.

7. Leadenhall Wood.

72. This wood is demonstrably special to the local community, particularly due to its beauty and wildlife. It is in reasonably close proximity to the community it serves and is local in character. It is not an extensive tract of land. This site meets the criteria for designation.

8. Western part of Leadenhall Wood.

73. This wood is demonstrably special to the local community, particularly due to its beauty and wildlife. It is in reasonably close proximity to the community it serves and is local in character. It is not an extensive tract of land. This site meets the criteria for designation.

9. Breach Grove.

74. This wood is demonstrably special to the local community, particularly due to its informal recreational value, tranquillity and wildlife. It is in reasonably close proximity to the community it serves and is local in character. It is not an extensive tract of land. This site meets the criteria for designation.
75. 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 last paragraph in Policy LEAV2. 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.
76. In the interest of precision, the LGS should be numbered on Figure 10 (Policies Map).
77. Subject to the above modifications, Policy LEAV2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LEAV2 meets the Basic Conditions.
78. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy LEAV2 to read as follows:

LEAV2: Local Green Spaces

The following areas are designated as Local Green Space for special protection (as shown in figure 15):

- 1. Royston Wood.**
- 2. Leavenheath village green.**
- 3. Land to north of entrance to Stoke Road junction with A134.**
- 4. Leadenhall Wood.**
- 5. Western part of Leadenhall Wood.**
- 6. Breach Grove.**

2) modification to Appendix C to reflect modified Policy LEAV2.

3) modification to Figures 10 and 15 to reflect modified Policy LEAV2 and the addition of numbering of LSG in Figure 10.

Policy LEAV3: Landscape and biodiversity

79. Paragraph 180 in the NPPF lists principles to be applied when determining planning applications, with regard to habitats and biodiversity. These principles include: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
80. Core Strategy Policy CS14 seeks to protect and enhance existing green infrastructure. Core Strategy Policy CS15 seeks to ensure that the landscape and historic views are respected. 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 within both designated and non-designated areas.
81. Policy LEAV3 seeks to protect and enhance natural features. It does not recognise the need for mitigation where losses or harm are unavoidable. Therefore, I have suggested additional wording.
82. Saved Policy CR04 in the Local Plan Alteration No.2 identifies part of the Parish within the valley as a Special Landscape Area. The emerging JLP

does not propose such a designation. Policy LEAV3 identifies this area as an Area of Local Landscape Sensitivity. This policy does not prevent development within the defined area, but where development is proposed, it must maintain or enhance the special landscape qualities and be designed to harmonise with the landscape setting.

83. At my visit to the Parish the local importance of the landscape in the designated area was evident. I am satisfied that the definition of this area as an Area of Local Landscape Sensitivity is justified.
84. Figure 10, the Policies Map, needs to be altered as that refers to the Special Landscape Area and should instead refer to the Area of Local Landscape Sensitivity within the Parish Boundary.
85. 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.
86. Policy LEAV3 refers to a net gain in biodiversity. To ensure that regard is had to national policy, particularly to the Environment Act, I have suggested revised wording to explain that the extent of net gain should be in accordance with national policy.
87. The last paragraph in Policy LEAV3 refers to the retention of a line of trees identified within a view of community importance in Policy LEAV1 and a line of hedges and trees on Plough Lane. The former is already protected in Policy LEAV1, and both lines of trees would be protected under Policy LEAV3 where they have biodiversity value. The Plan has to be read as a whole. In the interest of clarity, I recommend that these references are deleted from Policy LEAV3. Should any of the trees be worthy of protection under a Tree Preservation Order, this can be pursued outside the neighbourhood plan process.
88. Subject to the above modifications, Policy LEAV3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LEAV3 meets the Basic Conditions.
89. **Recommendation: to meet the Basic Conditions, I recommend:**
 - 1) modification to the last two paragraphs in Policy LEAV3 to read as follows:**

All development proposals should retain existing features of biodiversity value (including trees, hedgerows, grass verges, ponds and drainage ditches). Development proposals should identify how they will provide a net gain in biodiversity through, for example:

 - **The creation of new natural habitats.**

- **The planting of additional native trees and hedgerows, for screening, landscaping and separation purposes.**
- **Green areas between and on new developments.**
- **Soft site boundaries to new developments.**

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

Where loss or damage is unavoidable, the development shall provide for appropriate replacement planting or appropriate natural features on site together with a method statement for the ongoing care and maintenance of that planting. Where development proposals cause damage to identified natural features, wildlife corridors around the interruption will be constructed.

New and enhanced ecological networks and wildlife corridors will be encouraged.

2) modification to Figure 10, the Policies Map, to refer to the Area of Local Landscape Sensitivity within the Parish Boundary.

Policy LEAV4: Surface water drainage

90. 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.
91. Core Strategy Policy CS15 seeks to minimise surface water run-off and incorporate Sustainable Drainage Systems (SuDS) where appropriate.
92. Policy LEAV4 identifies areas where there are known surface water drainage issues. As these are also on Figure 10 (the Policies Map), in the interest of precision they need to be numbered on that map.
93. Policy LEAV4 seeks to ensure that new development does not cause or contribute to new flooding or drainage issues. Policy LEAV4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy LEAV4 meets the Basic Conditions.
94. **Recommendation: to meet the Basic Conditions, I recommend modification to Figure 10, the Policies Map, to number the surface water drainage issue locations.**

Policy LEAV5: Location, size and rate of housing development

95. 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.
96. Core Strategy Policy CS3 is a strategy for growth and development.
97. Core Strategy Policy CS2 identifies Leavenheath as a Hinterland Village. Hinterland Villages will accommodate some development to help meet the needs within them. All proposals will be assessed against Policy CS11.
98. Core Strategy Policy CS11 states that development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites subject to a list of criteria, including being adjacent to or well related to the existing pattern of development for that settlement. Policy CS11 intentionally provides greater flexibility for appropriate development beyond the developed area for identified Hinterland villages subject to specified criteria. Amongst this list of criteria, Policy CS11 seeks to ensure that new development supports local services.
99. Core Strategy Policy CS15 requires new development to respect the local context and character.
100. 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.
101. 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.*
102. In December 2021 Inspectors in the process of examining the JLP requested that the JLP to 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.

103. The following relevant emerging JLP policies will now be subject to review for Part 2 of the emerging JLP. Policy SP03 identifies Leavenheath Harrow Street, High Road and Honey Tye as Hamlet Villages. Development within the three settlement boundaries will be permitted subject to a list of criteria. Emerging JLP Policy SP04 seeks a minimum of 44 additional dwellings for the Neighbourhood Plan area up to 2037, of which there were 4 outstanding planning permissions as of 1 April 2018. I note at the time of writing that a further 5 dwellings have been granted planning permission since 1 April 2018. Emerging JLP Policy LA098 allocates a site for 40 dwellings on Land South of High Road, Leavenheath.
104. It is now uncertain at this stage to what extent the above policies will be modified and in particular whether the allocated site for 40 dwellings will remain in the forthcoming Part 2 of the JLP.
105. At paragraph 2.15, the Neighbourhood Plan has identified the two settlement boundaries of Harrow Street and High Road identified in the adopted Core Strategy rather than the three in the emerging JLP for the purposes of its policies. However, both Policies LEAV5 and LEAV6 together with Figure 22 relate to the three hamlets, including Honey Tye. Without a settlement boundary for Honey Tye Hamlet, it would be difficult to implement these policies. Therefore, in the interest of precision, there should be a settlement boundary for Honey Tye in the Neighbourhood Plan. Despite the review of part of the emerging JLP, I suggest that it follows the line of the settlement boundary identified in the emerging JLP and that Figures 4, 10 and 22 identify the settlement boundaries for each Hamlet. As Hamlets are not defined in the Core Strategy, I have suggested revised wording to Policy LEAV5. I do not see this as a significant change to the Plan as a settlement boundary for Honey Tye is inferred in both Policies LEAV5 and LEAV6.
106. The Plan does not allocate sites for residential development and does not set a minimum housing figure for the Parish. It is not required to do so. Instead, it lists criteria in Policy LEAV5 for development proposals within or immediately adjacent to the settlements. Subject to the modifications I am suggesting, this contributes towards sustainable development.
107. The first sentence of Policy LEAV5 is rather vague where it refers to 'may be supported' and 'current settlement areas'. In the interest of precision, I have suggested revised wording.
108. The second bullet point in Policy LEAV5 should be deleted as this is covered in the last bullet point.
109. The third bullet point in Policy LEAV5 refers to phasing development across the life of the Plan. In the absence of any housing figures, there is no evidence to support such a policy requirement. Thus, I recommend deletion of this requirement and reference to the rate of development in the title,

which could have implications for contribution towards sustainable development.

110. The seventh bullet point in Policy LEAV5 refers to the Design Guidelines and Codes. As these are guidelines rather than policy, regard should be given to these Guidelines and Codes, rather than requiring development to be 'in accordance with' them. In addition, in the interest of precision, the Guidelines and Codes document should be given its full title. I have suggested revised wording.
111. Subject to the above modifications, Policy LEAV5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LEAV5 meets the Basic Conditions.
112. Consideration should be given to attaching The Leavenheath Design Guidelines and Codes (June 2021) document as an Appendix to the Plan. **I see this as a minor editing matter.**
113. BDC has pointed out that there is an error in paragraph 5.2.5. It should read 40 new homes, not 44. The last sentence in paragraph 5.2.5 should be deleted to accord with Policy LEAV5. **I see these as minor editing matters.**
114. BDC has suggested amending paragraph 5.2.7 to refer to recorded housing completions. **I see this as a minor editing matter.**
115. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy LEAV5 to read as follows:**
- LEAV5: Location and scale of housing development**
- Housing development will be supported within or immediately adjacent to the settlement boundaries for the three settlements identified in Figure 22, provided that the development:**
- **Does not have an adverse impact on the special qualities of the Area of Outstanding Natural Beauty, Local Green Spaces (policy LEAV2) and views of community importance (policy LEAV1).**
 - **Would not have an adverse unacceptable impact upon the historic or natural environment or highway safety.**
 - **Has a close functional relationship to the existing settlement or constitutes a logical extension of the built-up area of the settlement.**
 - **Is self-contained and has logical, natural boundaries.**
 - **Is well designed and landscaped and is appropriate in size/scale, layout, and character to its setting and to the settlement, having regard**

to the Leavenheath Design Guidelines and Codes (June 2021) (Appendix XX).

• Can demonstrate no likely significant effects or adverse effects on site integrity of European sites through an individual project-level Habitats Regulations Assessment (HRA). There is a requirement for all residential development within the 13km Zone of Influence (ZOI) of Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar to make a financial contribution towards mitigation measures, as detailed in the Suffolk Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS).

2) modification to Figures 4, 10 and 22 to identify settlement boundaries for all three settlements.

3) modification to paragraph 2.15 to explain that the Plan identifies three settlement boundaries.

Policy LEAV6: Pattern of growth and strategic gap between hamlets

116. Paragraph 130 c) in the NPPF seeks to ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
117. Core Strategy Policy CS2 sets out a settlement hierarchy pattern. Core Strategy Policy CS15 requires new development to respect the local context and character.
118. Policy LEAV6 seeks to retain the undeveloped nature of the Parish with emphasis on ensuring that a distinct separation remains between the three hamlets. The title of this policy implies that a strategic gap has been defined between the settlements. This is not the case. Therefore, I suggest that the title is changed to 'Pattern of Growth.
119. During my site visit it was apparent that the separation of the hamlets makes a positive contribution to the character and appearance of the Parish. In defining settlement boundaries for all three hamlets under Policy LEAV5, as I have suggested, this strengthens the ability to implement Policy LEAV6.
120. As current strategic policy does not define hamlets, I suggest that Policy LEAV6 refers to settlements rather than hamlets.
121. The last two paragraphs in Policy LEAV6 are already outlined in Policies LEAV5 and LEAV10. Thus, in the interest of clarity, I suggest that they are deleted from Policy LEAV6.

122. The first sentence in supporting paragraph 5.2.9 refers to emerging JLP policy regarding windfall development. As that part of the emerging JLP may alter, I suggest deletion of that sentence.
123. Subject to the above modifications, Policy LEAV6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LEAV6 meets the Basic Conditions.
124. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy LEAV6 to read as follows:

LEAV6: Pattern of growth

Development should respect and retain the generally open and undeveloped nature of the parish, in particular, the distinct separation of Harrow Street, High Road and Honey Tye (see figure 22). Development in the main is set back from the A134 and this should continue to be respected. Development that would individually or cumulatively undermine the physical or visual separation of the three settlements will not be supported.

2). deletion of the first sentence in paragraph 5.2.9.

Policy LEAV7: Housing size, type and tenure

125. 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.
126. 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.
127. 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.
128. Policy LEAV7 seeks to ensure that new housing meets local housing needs. This policy is supported by the findings of the *Leavenheath Housing Needs Assessment (August 2020)* prepared by AECOM. In the interest of

precision, the date of the Housing Needs Assessment should be included in Policy LEAV7.

129. The penultimate paragraph in Policy LEAV7 refers to the design of affordable housing. In the interest of clarity, this should refer to the affordable housing as part of a development. I have suggested revised wording.
130. Subject to the above modifications, Policy LEAV7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LEAV7 meets the Basic Conditions.
131. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LEAV7 to read as follows:**

LEAV7: Housing size, type and tenure

New residential development should be of a size, type and tenure that meet local housing needs, with a view to enable a mixed community of ages.

In line with the findings of the Leavenheath Housing Needs Assessment (August 2020), the following housing mix should be provided:

- **3-bedroom family homes.**
- **Starter homes and smaller homes for downsizing.**
- **Specialist housing for older people.**
- **A range of affordable housing (meeting the current Local Plan requirements as a minimum), including shared ownership, social rented, private rented and privately owned properties.**
- **Homes that are adaptable in order to meet the needs of the increasingly ageing population, without restricting the needs of younger families.**

Where affordable housing is proposed as part of a development, it should be identical in external form, quality and character to the open market housing.

It should also be noted that not all of the above housing types may be suitably accommodated on every site and that affordable housing contributions can only be required for major developments.

Policy LEAV8: Non-designated Heritage Assets

132. Paragraph 203 in the NPPF requires a balanced judgement when determining planning applications that directly or indirectly affect non-designated heritage assets.
133. PPG states:
- There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
- Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*
- (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).
134. Policy LEAV8 identifies non-designated heritage assets. Their importance to the local community is described in Appendix D to the Plan. The criteria used to select these buildings is based on advice by Historic England in *The Historic England Advice Note 7: Local Heritage Listing*. It is clear from the background evidence that the identification of these buildings as non-designated heritage assets is justified.
135. Policy LEAV8 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy LEAV8 meets the Basic Conditions.
136. In the interest of precision, the identified non-designated heritage assets should be numbered on Figure 10 (Policies Map).
137. **Recommendation: to meet the Basic Conditions, I recommend that the non-designated heritage assets should be numbered on Figure 10 (Policies Map).**

Policy LEAV9: Design principles (including the Leavenheath Design

Guidelines and Codes)

138. 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.

139. 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.*
140. Core Strategy Policy CS15 requires proposals for development to respect the local context and character of the different parts of the District.
141. The *Leavenheath Design Guidelines and Codes* (June 2021) prepared by AECOM underpins the design requirements in Policy LEAV9. In the interest of precision and in recognition of this important document to the implementation of Policy LEAV9, I recommend that the full title of the document is referred to in Policy LEAV9.
142. Policy LEAV9 seeks to ensure that development proposals are guided by the Design Guidelines and Codes to create an attractive Parish. In the second paragraph, regard should be had to these guidelines, rather than needing to 'meet' these guidelines, as they are not policy. Similarly, regard should be had to the AONB Beauty guidance, which should also be given its full title.
143. Suffolk County Council has raised concern that the *Leavenheath Design Guidelines and Codes* do not in all circumstances accord with The Suffolk Streets Design Guide. Neighbourhood planning groups are being encouraged to set out their own design guidance and thus it is inevitable that at such a local level it may not accord with wider County guidance.
144. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans.
145. Policy LEAV9 simply encourages net zero homes. In the interest of precision, I have suggested additional wording to ensure that it cannot be interpreted as applying additional local technical standards or requirements relating to the construction or performance of new dwellings.
146. Paragraph 131 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

Therefore, to have regard to national policy I have recommended the inclusion of such a requirement in Policy LEAV9.

147. Subject to the above modifications, modified Policy LEAV9 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy LEAV9 meets the Basic Conditions.
148. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LEAV9 to read as follows:**

LEAV9: Design principles (design guidelines and codes)

Development proposals that respond positively to creating an attractive parish and enhance each of the settlements' aesthetic qualities (Harrow Street, High Road and Honey Tye) will be encouraged and should be guided by the Leavenheath Design Guidelines and Codes (June 2021) (addendum document).

Whilst this Policy does not apply additional local technical standards or requirements relating to the construction or performance of new dwellings, net zero carbon homes are also encouraged where they have regard to the Leavenheath Design Guidelines and Codes (June 2021), and other relevant policies.

All new developments should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

Note: regard should be had to guidance in the 'Dedham Vale Area of Outstanding Natural Beauty Guidance on the selection and use of colour in development' (July 2018) for development proposals in the AONB.

Policy LEAV10: Walking and cycling

149. The NPPF, at paragraph 92, seeks to achieve healthy inclusive and safe places. Section 9 of the NPPF promotes sustainable transport with an emphasis on firstly giving priority to pedestrian and cycle movements and secondly encouraging public transport use. It recognises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute towards making high quality places.
150. Core Strategy Policy CS15 is concerned with sustainable development. Amongst other matters, this Policy seeks to minimise the need to travel by car, using the hierarchy of walking, cycling, public transport, commercial vehicles and cars.
151. The above policies are relevant to Policies LEAV10 and LEAV11.

152. Paragraph 100 in the NPPF seeks to protect and enhance public rights of way.
153. Policy LEAV10 seeks to encourage alternatives to the use of the private car, including protecting and enhancing Public Rights of Way. This has regard to national policy where it seeks to promote sustainable transport. In addition, Policy LEAV10 contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy LEAV10 meets the Basic Conditions.
154. Paragraph 5.3.7 should refer to figure 27, not figure 26. Both paragraph 5.3.9 and Policy LEAV10 should refer to Figure 30, rather than the figures they are referring to. Figures 27 and 28 would benefit from being larger maps, making them easier to read. **I see these as minor editing matters.**

Policy LEAV11: Traffic and road safety

155. Paragraph 110 in the NPPF lists criteria for assessing traffic implications of new development. This includes that any significant impacts can be cost effectively mitigated to an acceptable degree.
156. Policy LEAV11 requires major development proposals to identify additional levels of traffic and mitigate any impacts. In the interest of precision, I have suggested revised wording for the first paragraph, to ensure that it has regard to national policy.
157. The second paragraph in Policy LEAV11 identifies three roads where new development should be designed to reduce speeding. Rather than reduce speeding, which is beyond the remit of developers, I suggest this is modified to refer to 'encourage speed reduction'.
158. Subject to the above modifications, modified Policy LEAV11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LEAV11 meets the Basic Conditions.
159. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LEAV11 to read as follows:**

LEAV11: Traffic and road safety

Planning applications for major developments should identify the level of additional traffic that is likely to be generated, and the impact of this traffic on pedestrians, cyclists, road safety, Quiet Lanes and private and public parking within the parish. Measures to mitigate any significant adverse impacts should be demonstrated.

Where possible, new development should be designed to encourage speed reduction, particularly in the following locations:

1. A134.
2. Stoke Road.
3. High Road.

Policy LEAV12: Recreational space

160. Paragraph 98 in the NPPF recognises that access to a network of high quality open space and opportunities for sport and physical activity is important to the health and well-being of communities.
161. Core Strategy Policy CS14 seeks to protect and enhance green infrastructure.
162. Policy LEAV12 requires major developments to include onsite recreational green space. In addition, following advice from Natural England during consultation on the HRA, Policy LEAV12 includes reference to the provision of sufficient green space for residential developments of more than 50 dwellings within the 13km ZOI. I note that BDC assisted the Steering Group for the wording of this part of the policy.
163. Natural England, during consultation on the HRA suggested the addition of explanatory policy text advice to align with Natural England's minimum open space/green infrastructure recommendations for developments of this size. As a minimum, Natural England advised that such provisions should include:
- *High-quality, informal, semi-natural areas*
 - *Circular dog walking routes of 2.7 km¹ within the site and/or with links to surrounding public rights of way (PRoW)*
 - *Dedicated 'dogs-off-lead' areas*
 - *Signage/information leaflets to householders to promote these areas for recreation*
 - *Dog waste bins*
 - *A commitment to the long term maintenance and management of these provisions*
- These provisions should be provided proportionate to the scale of the development, as well as a proportionate financial contribution to the Suffolk Coast RAMS. Such open space/green infrastructure provisions can help minimise any predicted increase in recreational pressure to the European sites by containing the majority of recreation within and around the development site boundary away from European sites.*
164. In the interest of precision, the above advice from Natural England should be included as an explanatory paragraph to Policy LEAV12. This could be

below paragraph 5.4.16. Subject to this modification, Policy LEAV12 has regard to national policy, contributes towards sustainable development, particularly the social and environmental objectives and is in general conformity with strategic policy. The suggested modification to the accompanying text ensures that Policy LEAV12 meets the Basic Conditions.

165. Paragraph 5.4.11 should refer to Policy LEAV12 rather than Policy LEAV11. **I see this as a minor editing matter.**
166. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of an explanatory paragraph to include the above advice from Natural England.**

Policy LEAV13: Protection of existing community infrastructure

167. Paragraph 93 in the NPPF highlights the need to plan positively for the provision and use of community facilities and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
168. Core Strategy Policy CS15 recognises the need for an appropriate level of services and facilities to be available or provided to serve proposed new development.
169. The above policies are relevant to both Policies LEAV13 and LEAV14.
170. Policy LEAV13 identifies three buildings as community infrastructure. In the interest of precision, these should be numbered, and the numbering cross referenced on Figure 10 (Policies Map). The policy seeks to protect these facilities and supports appropriate extensions.
171. Policy LEAV13 has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Other than the cross referencing, Policy LEAV13 meets the Basic Conditions.
172. **Recommendation: to meet the Basic Conditions, I recommend that the community infrastructure is numbered in Policy LEAV13 and cross referenced on Figure 10 (Policies Map).**

Policy LEAV14: Convenience/small shop

173. Community infrastructure includes shops. Core Strategy Policy CS16 seeks to concentrate these in the towns villages and local centres at an appropriate scale and character for the location.
174. Policy LEAV14 encourages the development of a convenience/small shop. This would clearly benefit local residents. In the interest of precision, I

suggest that such a proposal would be supported rather than encouraged. I have suggested revised wording.

175. Subject to the above modification, modified Policy LEAV14 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy LEAV14 meets the Basic Conditions.

176. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy LEAV14 to read as follows:**

LEAV14: Convenience/small shop

A proposal for the development of a convenience/small shop, to meet the day to day needs of the parish, and to reduce additional journeys out of the parish will be supported. This could be as a stand-alone building or an extension to an existing community asset. Any new proposal should be in line with all other policies.

Referendum and the Leavenheath Neighbourhood Plan Area

177. 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.

178. **I am pleased to recommend that the Leavenheath Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**

179. I am required to consider whether or not the Referendum Area should extend beyond the Leavenheath Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

180. 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, paragraphs 1.8 and 1.9 will need updating.

Janet Cheesley

Date 1 December 2022

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
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)
Leavenheath Housing Needs Assessment (August 2020)
Leavenheath Design Guidelines and Codes (June 2021)
Examination Correspondence (On the BDC web site)
Regulation 16 representations.
Parish Council response to Regulation 16 representations.
Regulation 16 Representations
Examination Correspondence (On the BDC web site)