

Leavenheath Neighbourhood Development Plan 2022 - 2037

Independent Examination Correspondence document

First published: 14 November 2022

Last updated: 17 November 2022

Introduction

This document provides a written record of all general correspondence between the Independent Examiner (Janet Cheesley), the Parish Council (the Qualifying Body or 'QB'), and Babergh District Council during the examination of the Leavenheath Neighbourhood Plan.

As required, specific documents will continue to be published on the Councils Leavenheath NP webpage: www.babergh.gov.uk/LeavenheathNP

Copies of e-mails / letters etc. appearing on the following pages:

- 1. E from Examiner: Examination start and procedures**
- 2. E to Examiner. Links to requested doc**
- 3. E from / to Examiner: Query relating to proposed Local Green Space site 5**

1. E from Examiner: Examination start and procedures. Documents request

From: Janet Cheesley
To: Paul Bryant (BMSDC)
cc: John Simpson (Chair - NP Steering Group), Rachel Leggett (Consultant)
Dated: 8 November 2022
Attached: [NPIERS Guidance to service users and examiners](#)

Dear ...

I am writing to set out how I intend to undertake the examination of the Leavenheath Neighbourhood Plan. My role is to determine whether the Plan meets the Basic Conditions and other legal requirements. I intend to ensure that the Parish Council feels part of the process. As such, I will copy the Parish Council into all correspondence, apart from contractual matters that are dealt with directly with the local planning authority. Likewise, please can you ensure that any correspondence from you is copied to the other party. This will ensure fairness and transparency throughout the process.

Paul will be my main point of contact. Once I have read all the papers, I may ask for any missing documents or seek clarification on some matters. It may be appropriate for me to seek clarification on matters from the Parish Council. I must emphasise very strongly that this does not mean that I will accept new evidence. In the interest of fairness to other parties, I cannot accept new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest that you send it to Paul in the first instance for an opinion.

It may be that there is very little correspondence from me during the examination. I will endeavour to keep you both up to date on the progress of the examination. The default is for an examination to be conducted without a hearing. If I feel one is necessary, I will inform you both as early as possible, but this is likely to be near the end of the examination process. If I do intend to hold a hearing, I will inform you of the procedure at that time.

I will issue a draft report for fact checking by both parties. I will ask you both to check my report for factual errors such as dates, sequence of events, names and so on that might need to be corrected. The report will be confidential and must not be presented to a public meeting. I must emphasise that this is not an opportunity to make comments on the report other than those that relate to factual errors. In particular, I will not be inviting, and will not accept, comment on any suggested modifications. The draft report will only be published as the final version if there are no factual errors found and if there is no other reason, such as a sudden change in national policy, that could be significant to my recommendations. I will endeavour to issue my final report shortly after the fact checking stage.

I enclose the NPIERS Guidance to Service Users and Examiners, which may be of interest regarding the examination process.

I confirm that I have received the documents from Babergh District Council. I understand that Paul is to give the Parish Council the opportunity to comment on the Regulation 16 representations via email. I must emphasise that the Parish Council is not obliged to make comments and I am not inviting new evidence. I will take any comments into consideration when I receive them.

Please can I have links to the following documents mentioned in the Neighbourhood Plan:

- Babergh Strategic Housing Market Assessment
- The Parish Housing Needs Assessment.
- Does Babergh District Council hold a Local List of Non-Designated Heritage Assets for properties in the Parish?

Regards,
Janet Cheesley

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2. E to Examiner. Links to requested documents

From: Rachel Leggett
To: Janet Cheesley
cc: John Simpson, Paul Bryant (BMSDC)
Dated: 8 November 2022

Dear Janet

Thank you for your email. Here is a link to all the submission documents, including the Housing Needs Assessment:

<https://www.dropbox.com/sh/mik86lj2bwwfwak/AAAvE6Oa4vjdZvgr3BYfJJbLa?dl=0>

Thank you.
Rachel

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From: Paul Bryant (BMSDC)
To: Janet Cheesley
Cc: John Simpson, Rachel Leggett, Clerk to Leavenheath PC
Dated: 8 November 2022

Dear Janet, All

Thank you for the e-mail. With your permission, I will prepare and publish online an 'Examination Correspondence' document that can act as a public record of all relevant correspondence, this e-mail exchange included.

Regarding your initial requests:

1. The Babergh Strategic Housing Market Assessment documents can be found at: <https://www.babergh.gov.uk/planning/planning-policy/evidence-base/current-evidence/shma/>

They comprise a Part 1 and Part 2 document first published in May 2017, and a Part 2 Partial Update which was published in January 2019.

2. I see that you have already been provided an alternate link this. The Parish Housing Needs Assessment is also published on our Leavenheath NP webpage and can be accessed via the following link: <https://www.babergh.gov.uk/assets/Neighbourhood-Planning/Leavenheath-NP-Hsg-Needs-Assessment.pdf>

3. Babergh District Council does not hold (have) any local list of NdHAs for properties in the parish of Leavenheath. The only previously published local lists cover Nayland and Sudbury. See <https://www.babergh.gov.uk/planning/heritage/local-listing/> for details.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

3. E from / to Examiner: Query relating to proposed Local Green Space site 5

From: Janet Cheesley
To: Paul Bryant (BMSDC), Rachel Leggett, John Simpson, Clerk to Leavenheath PC
Dated: 14 November 2022

I am seeking clarification regarding the status of the proposed Local Green Space site 5.

In appendix C it is described as a Deciduous Woodland Priority Habitat. I note from representations that this designation is disputed. I am seeking clarification as to whether the site is covered by such a designation. If so, please can I have any documentary evidence of the designation and to what extent it is protected under this designation.

It may be that Rachael or Paul could assist.

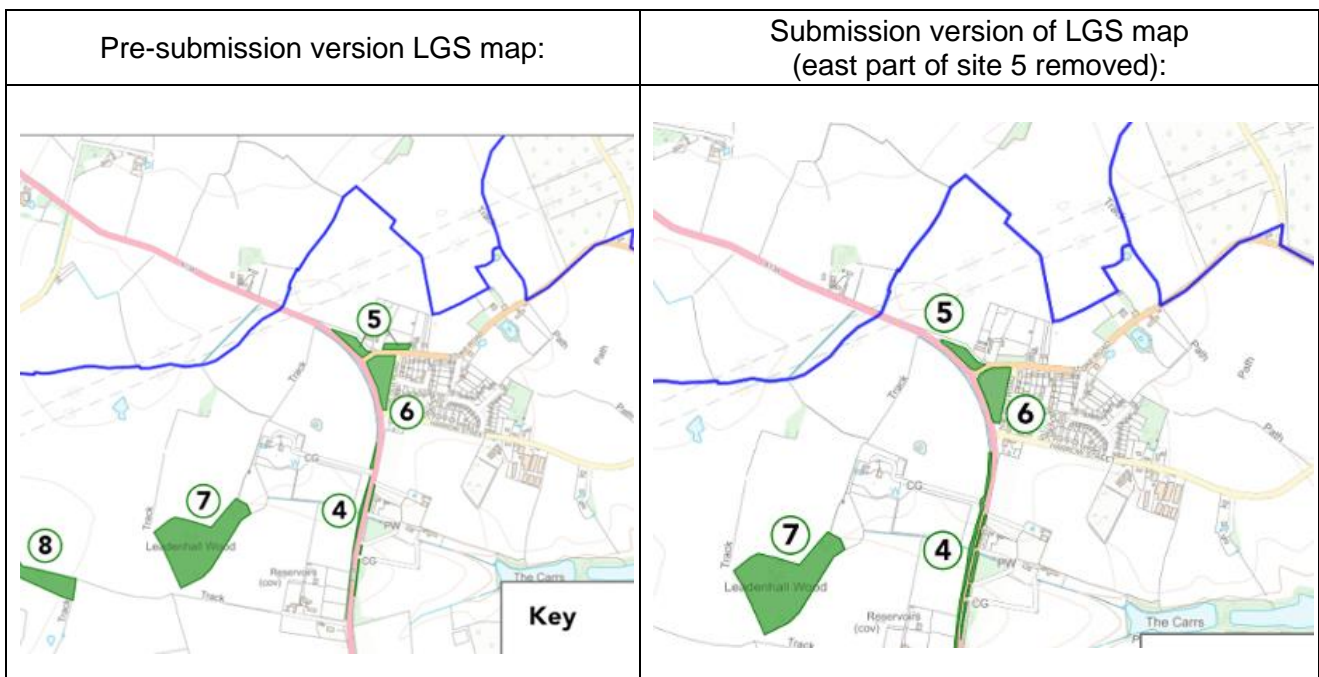
Regards
Janet Cheesley

* * * * *

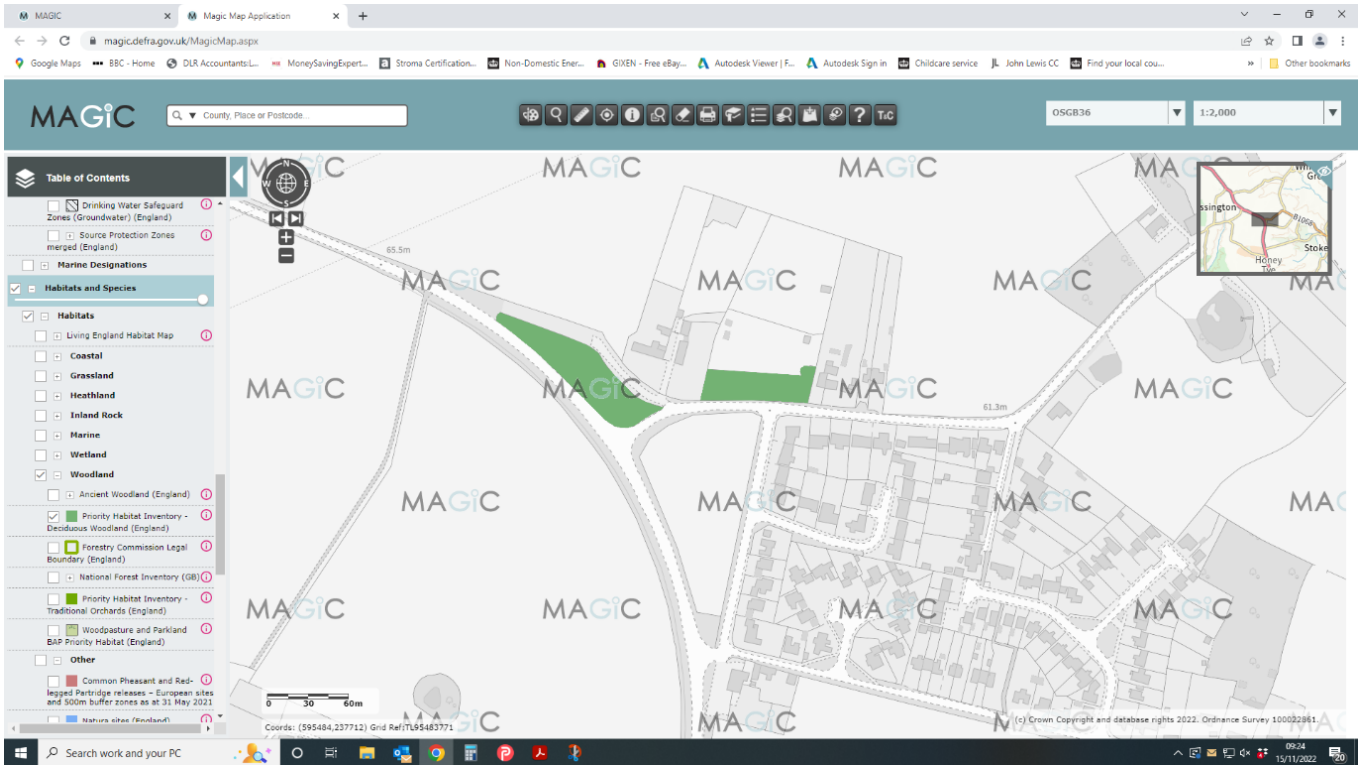
From: Rachel Leggett
To: Janet Cheesley
cc: John Simpson, Paul Bryant (BMSDC)
Dated: 15 November 2022

Dear Janet

Below are 3 maps, the first and second showing the difference between submission and pre-submission [draft versions of the Leavenheath NP](#). The third John has provided from Magic (DEFRA). Anything Paul can add would be helpful.



Screenshot from DEFRA website



Thank you.

Rachel Leggett
Project support, Leavenheath Neighbourhood Plan

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From: Janet Cheesley
To: Rachel Leggett,
cc: Paul Bryant (BMSDC), John Simpson, Clerk to Leavenheath PC
Dated: 15 November 2022

Dear Rachel

Thank you for your prompt reply. Such areas have different levels of protection. Do you or Paul have any documentary evidence as to the level of protection on this site?

Regards,
Janet Cheesley

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From: Rachel Leggett
To: Janet Cheesley
cc: John Simpson, Paul Bryant, Clerk to Leavenheath PC
Dated: 17 November 2022

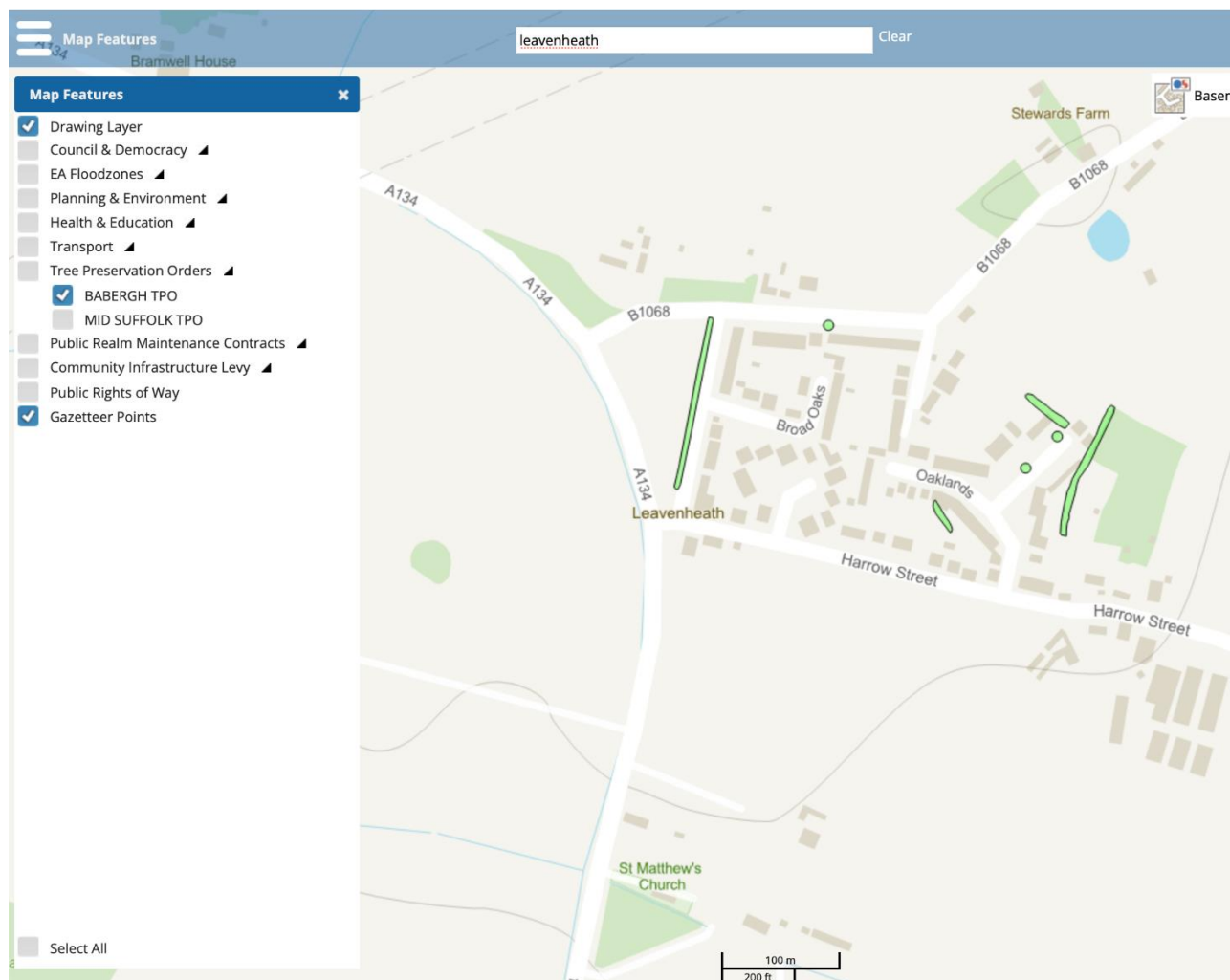
Dear Janet

Screen shot from <https://bmsdc.cloud.cadcorp.com/WebMap/Map.aspx> below showing TPOs. No TPOs on Local Green Space 5.

No other designations. Paul, please can you confirm.

Thank you.

Rachel



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From: Paul Bryant (BMSDC)
To: Janet Cheesley
Cc: Rachel Leggett, John Simpson, Clerk to Leavenheath PC
Dated: 17 November 2022

Dear Janet, (All)

My apologies for not responding sooner. We have nothing that significantly adds to or corrects the information already provided by the NP Group re Local Green Space site 5.

Publicly available information on 'Deciduous Woodland Priority Habitat' [DWPH] designations seems scarce, so we too are reliant on DEFRA's MAGIC map website <https://magic.defra.gov.uk/>

We note that Local Green Space site 5 is one of circa. 20 tree covered parcels of land in Leavenheath identified as DWPH's. The only other ones put forward as Local Green Space allocations in this neighbourhood plan are Royston Wood (LGS site 2), Leadenhall Wood (LGS sites 7 & 8), and Beech Grove (LGS site 9).

The MAGIC map site does also allow users to query the dataset that sits behind the map layer, but this information is also limited. For the sites we checked all reference the 'National Forest Inventory 2014' as the first data source. The MAGIC website also advises that "An update of the interactive map is carried out once a month" and that "... not all datasets are updated monthly.". We do not know when the DWPH dataset was last updated.

We can also confirm that Local Green Space site 5 is not covered by any local designations, i.e.,

- it does not contain any individual or group Tree Preservation Orders (as per the screenshot provided)
- it is not within any Special Landscape Area designation (source: 2006 Babergh Local Plan online map)
- it was not identified as a Local Nature Reserve, etc. (same source as above)
- it was not identified as a designated open space in the emerging Joint Local Plan (source: Reg 19 Pre-submission draft JLP, Nov. 2020)

We trust that this provides all the information you need.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

ENDS