

Babergh District Council

**Little Cornard  
Neighbourhood Plan  
2020-2037**

**Independent Examiner's Report**

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22 April 2022

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## Summary

I have been appointed as the independent examiner of the Little Cornard Neighbourhood Development Plan.

Little Cornard is located in the Stour valley to the south of the market town of Sudbury and to the north of the village of Bures. There is a site of special scientific interest, Cornard Mere, in the north western part of the Plan area. To the north east and east of Cornard Mere is the Great Cornard Country Park. There are also three County Wildlife Sites within, or partly falling within, the Parish. Access to the countryside is important. The village has a rich history and has a significant heritage in farming. There are 16 listed buildings including the Grade I All Saints Church. It has around 286 residents according to the Census 2011.

The Plan is presented well. The accompanying documents are succinct and helpful. The Plan contains six policies focusing on the landscape and heritage of the area. The policies do not repeat District level policy, but seek to add local detail or address matters of importance to the local community. There are no site allocations.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Babergh District Council that the Little Cornard Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
22 April 2022



## 1.0 Introduction

This is the report of the independent examiner into the Little Cornard Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Babergh District Council (BDC) with the agreement of the 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 Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

## 2.0 The role of the independent examiner

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

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>
- 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.

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

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

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

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

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BDC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

### 3.0 The examination process

I have set out my remit in the previous section. 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).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Often representations suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

Some queries arose in relation to Policies LC05 and LC06. My email to BDC and the Parish Council is included as Appendix 2 to this report.

After consideration of all the documentation and the representations made, together with the answers to my queries, 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 chose not to make any comments.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 14 March 2022.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these 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 Plan's presentation made consistent.

## 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It includes a very helpful timeline showing the range of activity carried out over a number of years.<sup>10</sup>

A decision to embark on the Plan was made in 2018.

The pandemic made engagement more difficult. However, the Steering Group led on community interaction. A questionnaire was sent to all households as well as businesses and received an excellent response. Local groups and businesses were also contacted.

Regular updates were given to the community on the Parish website and the Parish magazine. The Steering Group, consisting of residents and Parish Council representatives, also reported to the Parish Council at each of its meetings. Otherwise leaflets and posters were used to help with communication. Presentations were given to local groups.

Pre-submission (Regulation 14) consultation took place between 22 March – 17 May 2021, longer than the statutory period to help ensure everyone had a chance to comment if they wished to do so reflecting the impact of the pandemic. This consultation stage was publicised via notice boards, the website and in the magazine. Paper copies were available on request as well as online. Two zoom meetings were organised so that residents had the opportunity to discuss the consultations with the meetings being publicised on noticeboards and a leaflet drop to all households. Statutory consultees and landowners and businesses in the area were consulted.

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

Submission (Regulation 16) consultation was carried out between 18 October – 3 December 2021.

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<sup>10</sup> Consultation Statement page 8

The Regulation 16 stage resulted in six representations. I have considered all of the representations and taken them into account in preparing my report.

## **5.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Little Cornard Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 6 August 2018. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 5 of the Plan.

### **Plan period**

The Plan period is 2020 – 2037. This is clearly stated in the Plan itself. This requirement is therefore satisfactorily met.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

In this instance, a number of actions were identified during the Plan preparation process. These are clearly separated and distinguished in pink boxes at various points in

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



the Plan. However, their status is clear and also explained in the introduction in the Plan.<sup>12</sup> I therefore consider this approach is acceptable in this instance.

## 6.0 The basic conditions

### Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

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 outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>14</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>15</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>16</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>17</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>18</sup>

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<sup>12</sup> The Plan para 1.4, page 4

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

<sup>15</sup> Ibid

<sup>16</sup> Ibid para 29

<sup>17</sup> Ibid para 31

<sup>18</sup> Ibid para 16

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

PPG indicates that a policy should be clear and unambiguous<sup>19</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>20</sup>

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan's objectives and policies have responded to national policy and guidance.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>23</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>24</sup> The three overarching objectives are:<sup>25</sup>

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- 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

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

<sup>20</sup> Ibid

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

<sup>22</sup> Ibid

<sup>23</sup> NPPF para 7

<sup>24</sup> Ibid para 8

<sup>25</sup> Ibid

places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>26</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan's objectives and policies helps to achieve sustainable development as outlined in the NPPF.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the saved policies of the Babergh Local Plan Alteration No 2 (LP), adopted in June 2006, and the Babergh Core Strategy (CS) 2011 – 2031, adopted in February 2014. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant LP and CS policies. Where I have not specifically referred to a strategic policy, I have considered all strategic policy in my examination of the Plan.

### ***Emerging Joint Local Plan***

BDC and Mid Suffolk District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP was formally submitted to the Secretary of State for Housing, Communities and Local Government on 31 March 2021.

Following an exploratory meeting with the inspectors on 16 December 2021, the two Councils propose to progress the current JLP as a 'Part 1' local plan. This will be followed by the preparation and adoption of a 'Part 2' local plan as soon as possible. The Councils are currently working to scope and progress the outstanding matters raised by the inspectors. Further details of this work and timescales are expected to be provided soon.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>27</sup> advises that the reasoning and evidence informing the local plan process may be

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<sup>26</sup> NPPF para 9

<sup>27</sup> PPG para 009 ref id 41-009-20190509

relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities 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.<sup>28</sup>

The Plan has rightly been produced in parallel with the production of the emerging local plan.

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>29</sup> confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***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

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<sup>28</sup> PPG para 009 ref id 41-009-20190509

<sup>29</sup> Ibid para 031 ref id 11-031-20150209

effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated February 2021 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report dated December 2020 and prepared by Land Use Consultants which screened out the Plan.

Consultation with the three statutory bodies was undertaken and Natural England (NE) and Historic England (HE) agreed with the conclusions. No response was received from the Environment Agency (EA).

The Screening Determination therefore concludes that the Plan does not require a SEA.

I have treated the Screening Opinion Final Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>30</sup>

Taking account of the characteristics of the Plan, the baseline information 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 HRA Determination Report of February 2021 has been submitted. This refers to a HRA Screening Report dated January 2021 and prepared by Place Services. This explains that there are four habitats sites which lie within 20km of the Plan area. These are the Stour and Orwell Estuaries Special Protection Area (SPA), the Stour and Orwell Estuaries Ramsar site, the Abberton Reservoir SPA and Abberton Reservoir Ramsar site. The Plan area does not fall within any of the Zones of Influence for the Stour and Orwell SPA or Ramsar site or the Impact Risk Zones for the Abberton Reservoir SPA or Ramsar site.

The HRA Screening Report concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment. NE was consulted and agreed with the conclusions.

The HRA Screening Determination therefore concludes the Plan does not require further assessment.

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

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<sup>30</sup> PPG para 028 ref id 11-028-20150209

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, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Determination that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>31</sup> In undertaking work on SEA and HRA, BDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

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

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

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented to a high standard and contains six policies. There is an eye catching front cover. Photographs throughout the document give it a distinctive and local flavour. The Plan begins with a helpful contents page and foreword.

### **1 Introduction**

This is a helpful introduction to the Plan that sets the scene very well. It sets out the purpose of the Plan and the policy context in which it sits. It explains that a Group was established to lead on the work on the Plan and how engagement with the local community has taken place.

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<sup>31</sup> PPG para 031 ref id 11-031-20150209

A short statement on monitoring is included. Whilst monitoring is not a requirement of neighbourhood planning at the moment, I welcome the intention to monitor the Plan's delivery and continuing relevance.

Some updating is required; this simply stems from the passage of time and the latest situation with the emerging local plan.

- **Change the last sentence of paragraph 1.9 on page 5 of the Plan to read: “After a meeting with the planning inspectors in December 2021, Babergh District Council is now progressing the current emerging JLP as a ‘part 1’ local plan. This will be followed by the preparation of a ‘part 2’ local plan.”**

## 2 Local Context

This section sets out the interesting history and context of the Parish as it is today. The section contains a lot of information and is presented in a succinct style giving a real flavour of the characteristics of this Parish.

The section on planning context requires updating in the light of the current situation with the emerging JLP. Modifications are recommended to address these points.

- **Change paragraphs 2.12, 2.13 and 2.14 on page 8 of the Plan to read:**

***“2.12 Policy CS2 of the Babergh Core Strategy 2014 did not identify the built-up parts of the parish as core or hinterland villages. This meant that the parish falls into the countryside where development is only permitted in exceptional circumstances. The Emerging Joint Local Plan proposed that specific settlement boundaries are identified for its built-up areas and that they are classed as Hamlet Villages. These are:***

- **Two areas on Bures Road (see *indicative* Figure 2)**
- **Upper Road/Wyatts Lane – comprising an area on Upper Road and Workhouse Green and a smaller area on the junction of Wyatts Lane and Bures Road (see *indicative* Figure 3).**

***2.13 The Parish Council had no objection to the identification of these settlement boundaries. However, as the emerging Joint Local Plan is now split into two parts, the settlement boundaries in the existing adopted Core Strategy are to be carried forward into the Part 1 document of the emerging Joint Local Plan. This means that settlement boundaries will not be updated or, in this case, designated until the Part 2 document.***

***2.14 In addition, the minimum housing requirement figures set out in the emerging Joint Local Plan now become indicative. The figure for Little Cornard was 3 dwellings. As of November 2020, all of this requirement has been met. It is anticipated that with the introduction of the settlement boundaries for the***

*parish at some point in the future, that the principle of development within those boundaries will then be established. If further allocations are needed to meet the housing requirement then this can be achieved through the Part 2 document or a review of the Neighbourhood Plan as appropriate and necessary. The Neighbourhood Plan does not seek to encourage further development other than to address the specific needs of the community. Planning permission for the development of three bungalows (planning application reference B/15/00813) at land north of The Bungalow, Bures Road, was granted in March 2016 and remains extant.”*

- **Add a sentence to Figures 2 and 3 on pages 9 and 10 of the Plan respectively to state: “Please note that this map is indicative and for information purposes only. It has been taken from the emerging Joint Local Plan and has no planning status at the time of writing.”**

### 3 Challenges and Objectives

This section details some of the main issues and challenges facing the Parish. Based on the issues identified through engagement with the local community, the vision for the Plan is:

“In 2037 Little Cornard will be a place that has developed so that:

- It has maintained its own character and individuality.
- It is a place where people of all ages can live in a safe, supportive, friendly and vibrant community which promotes the wellbeing of residents.
- The natural landscape, environment and rural heritage has been protected and enhanced allowing residents and visitors to safely enjoy the tranquil countryside.”

The succinct and articulate vision is supported by five objectives.

All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

### 4 Preserving Our Natural Environment

#### Policy LC01: Cornard Mere and Great Cornard Country Park

This policy, in three parts, seeks to encourage appropriate pedestrian connectivity between Cornard Mere and the Country Park. The supporting text recognises that only



part of the Country Park is within the Plan area and as a result of this, the policy can only apply within the Plan area.

Cornard Mere is a Site of Special Scientific Interest (SSSI) and a nature reserve managed of behalf of the Parish Council by the Suffolk Wildlife Trust.

The NPPF is clear that planning policies should contribute to and enhance the natural and local environment including through the protection and enhancement of valued landscapes and minimising impacts on biodiversity and providing net gains.<sup>32</sup>

It continues that in order to protect habitats and biodiversity, plans should map and safeguard components of local habitats and ecological networks as well as promote the conservation, restoration and enhancement of priority habitats, networks and opportunities for net gains for biodiversity.<sup>33</sup>

The NPPF also seeks to enable and support healthy lifestyles including through the provision of green infrastructure for example.<sup>34</sup> Access to a network of high quality open space and opportunities for recreation is also supported.<sup>35</sup> As part of this, the protection and enhancement of public rights of way (PROW) is supported including through the provision of better facilities by adding links to existing networks.<sup>36</sup>

This is a positively worded policy with a number of accompanying Figures to help show what is required. It has regard to national policy and guidance, adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular CS Policy CS15 which, amongst other things, seeks to protect and enhance biodiversity, protect and enhance Babergh's landscape and local features and help to achieve sustainable development. I also note there is a specific policy on the Great Cornard Country Park in the LP with which there is no conflict.

A modification is recommended to ensure that the policy does not inadvertently support development which would not be sustainable or otherwise acceptable.

Another modification is recommended to correct a typo in the supporting text.

Finally, a modification is made in respect of paragraph 4.9 which reads as policy rather than supporting text.

With these modifications, the policy will meet the basic conditions for the reasons given above.

- **Add the words "*Otherwise acceptable*" at the beginning of criterion A. of the policy**

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<sup>32</sup> NPPF para 174

<sup>33</sup> Ibid para 179

<sup>34</sup> Ibid para 92

<sup>35</sup> Ibid para 98

<sup>36</sup> Ibid para 100

- Change “Figure 4.1” at the end of paragraph 4.3 on page 14 of the Plan to “Figure 4”
- Change paragraph 4.9 on page 15 of the Plan to read:

**“There are a number of other important wildlife sites in Little Cornard. *In line with national and local policy, it is expected that all future development in Little Cornard should protect and enhance biodiversity, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. All new developments are encouraged to demonstrate that they result in the net gain of Priority Habitats and not result in a negative impact upon protected and Priority Species.*”**

### Policy LC02: Access into the Countryside

The Plan explains that the Parish is rural in nature and access to the countryside is important for exercise and wellbeing.

Opportunities have been identified to enhance the PROW network both within the Plan area and to connect to the surrounding Parishes.

Policy LC02 promotes access to the countryside through the protection and enhancement of the PROW network and promotes a pedestrian route between Workhouse Green and Bures.

This positively worded policy takes account of the NPPF’s stance on PROWs which is to both protect and enhance them<sup>37</sup> as well as providing opportunities to high quality open spaces and recreation provision<sup>38</sup> and enabling healthier lifestyles.<sup>39</sup>

The policy will meet the basic conditions by having regard to the NPPF, being in general conformity with CS Policy CS15 and helping to achieve sustainable development. No modifications are therefore recommended.

### Policy LC03: Views

Six views of particular significance valued by the local community are identified in Figure 10 on page 22 of the Plan. A description and photograph of each view then follows.

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<sup>37</sup> NPPF para 100

<sup>38</sup> Ibid para 98

<sup>39</sup> Ibid para 92

The policy seeks to ensure that the scenic beauty of the Parish is conserved. Reference is made to the six views and the policy indicates that any development impacting these views is expected to demonstrate how vistas will be preserved.

In principle, the identification of important views is acceptable and the six have been identified by the local community. The area is attractive countryside and I am satisfied from what I saw on my site visit, given the character and setting of the village, those selected are appropriate.

The policy has regard to national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness,<sup>40</sup> will be in general conformity with, and add a local layer of detail to, strategic policies and CS Policy CS15 in particular which recognise the need for development to respect the local context and character of the District and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

#### **Policy LC04: Dark Skies**

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.<sup>41</sup>

This policy seeks to retain the intrinsically dark skies in this part of Suffolk and seeks lighting which minimises pollution. It sets out an appropriate balance between security and dark skies.

It meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are put forward.

### **5 Protecting Our Rural Character and Heritage**

Two policies, Policies LC05 and LC06 are contained in this section which seeks to protect the rural character and heritage of the area. I found the ordering and content of the two policies to be a little confusing given that most of the proposed non-designated heritage assets to be designated in the second policy were barns; the subject of the first policy. Therefore I have recommended that Policy LC05 deals with the conversion of agricultural barns and outbuildings and that Policy LC06 identifies the non-designated heritage assets. I deal with the section as a whole.

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<sup>40</sup> NPPF paras 127, 174

<sup>41</sup> Ibid para 185

## **Policies LC05: Conversion of Agricultural Barns and Out-buildings and LC06: Non-designated Heritage Assets**

The supporting text explains that, due to the Plan area's heritage as a farming community, there are a significant number of barns and agricultural outbuildings. Often there is no longer a need for these buildings any more for farming purposes and so they are converted into other uses.

Work on the Plan has included an assessment of some of the barns and outbuildings in the Parish. Table 1 on page 28 of the Plan lists these with a short description. Their general locations are shown on Figure 11 on page 30 of the Plan.

The first part of Policy LC05 seeks to ensure that any conversions or redevelopment of barns or outbuildings preserve the features that contribute to the historic character of Little Cornard. The second part of the policy indicates that this particularly applies to the barns and outbuildings identified on Figure 11 which are also identified as non-designated heritage assets in the next policy, Policy LC06.

I have identified some confusion about the ordering of the policies and their intent, but I first consider each policy in relation to the basic conditions.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>42</sup> It indicates that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.<sup>43</sup> Policy LC05 seeks to achieve this by ensuring that new development is sympathetic and makes a positive contribution to local character and history.<sup>44</sup>

Policy LC06 seeks to designate the barns and outbuildings identified as non-designated heritage assets alongside a pillbox in Spout Lane. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>45</sup>

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. Such assets can be identified through the neighbourhood planning process, but, as with all designations, should be based on evidence.<sup>46</sup>

Following a site visit to the area, I asked the Parish Council for more detailed information on the barns proposed for designation as non-designated heritage assets as it was apparent that some of the locations included more than one barn. I therefore

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<sup>42</sup> NPPF para 189

<sup>43</sup> Ibid para 190

<sup>44</sup> Ibid paras 130, 190

<sup>45</sup> Ibid para 203

<sup>46</sup> PPG para 040 ref id 18a-040-20190723

asked for specific maps to be provided and more information to be given on the criteria used to identify these barns in line with PPG.

The Parish Council helpfully replied, suggesting some modifications to both policies as well as indicating that most of the barns concerned fall within the curtilage of listed buildings and therefore any proposal would be considered against that status.

Turning now to the modifications I propose, Policy LC05 refers to all barns and outbuildings, but then, in the second criterion, indicates that the policy particularly relates to those barns identified in Policy LC06 as non-designated heritage assets. I consider this is confusing and it is not clear to me why Policy LC05 does not relate to all barns. In line with the Parish Council's suggestions, I intend to delete criterion B. with consequential amendments.

Policy LC06 requires amendment to criterion A. as I now propose it is this policy which designates the proposed non-designated heritage asset; the pill box in Spout Lane.

Criteria B. and C. of Policy LC06 do not have sufficient regard to the NPPF and its stance on non-designated heritage assets as detailed above. Modifications are therefore made to address this. This will also mean that if additional non-designated heritage assets are identified, this policy will apply to them as well.

I consider that, with the following modifications, Policies LC05 and LC06 have regard to national policy and advice, will be in general conformity with the CS and will help to achieve sustainable development.

- **Delete criterion B. from Policy LC05**
- **Delete paragraphs 5.3 and 5.4, Table 1 and Figure 11**
- **Consequential amendments will be required including to the Policies Map and subheading on page 31 of the Plan [remove the word "Other"]**
- **Reword Policy LC06 to read:**

***"A. The pillbox in Spout Lane is identified as a non-designated heritage asset.***

***B. Proposals for the re-use of non-designated heritage assets will be supported if they are compatible with the significance of the asset (including any contribution made by setting) and demonstrate a high quality of design and the use of appropriate materials.***

***C. New uses should seek to retain the asset's physical structure wherever possible. Consideration will be given to the nature of the physical structure and whether it is structurally unsound or beyond feasible and viable repair (for reasons other than deliberate damage or neglect).***

***D. Where a development proposal would result in the loss of, or harm to a non-designated heritage asset, a balanced judgement will be made as to the acceptability of the proposal having regard to the scale of any harm or loss and the significance of the heritage asset.”***

## **6 Other Issues**

This section of the Plan addresses a number of issues highlighted in the Plan process. It explains the issue, what action will be taken and explains why these do not form planning policies.

## **7 Policies Map**

This brings together the areas and designations referred to in the suite of policies.

## **Appendix**

There is one appendix which whilst not directly relevant to the Plan, is referred to in the Plan and so contextually it is useful.

## **8.0 Conclusions and recommendations**

I am satisfied that the Little Cornard Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Babergh District Council that, subject to the modifications proposed in this report, the Little Cornard Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Little Cornard Neighbourhood Development Plan should proceed to a referendum based on the Little Cornard Neighbourhood Plan area as approved by Babergh District Council on 6 August 2018.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
22 April 2022

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

Little Cornard Neighbourhood Plan 2020 – 2037 Submission Consultation (Regulation 16) Version September 2021

Basic Conditions Statement September 2021

Consultation Statement September 2021

Strategic Environmental Assessment Screening Determination February 2021 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report December 2020 (Land Use Consultants)

Habitats Regulations Assessment Screening Determination February 2021 (BDC)

Habitats Regulations Assessment Screening Report January 2021 (Place Services)

Babergh Local Plan Alteration No. 2 adopted June 2006

Babergh Local Plan 2011 – 2031 Core Strategy & Policies adopted February 2014

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document adopted 8 August 2014

Affordable Housing Supplementary Planning Document adopted February 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document November 2020

**List ends**

## Appendix 2 Questions sent by email 14 March 2022 to BDC and the Parish Council

I had very much hoped to send you the fact check version of my report on the above neighbourhood plan today. I appreciate that the examination has been subject to considerable delay at my end for which I sincerely apologise.

The only outstanding matter from my point of view was the site visit which I carried out today.

This has resulted in a query in relation to the barns proposed for designation as non-designated heritage assets.

Please could I have more detailed maps/plans which show each of the barns and their curtilages proposed for designation? I can see a general location and position from the information in the Plan, but many of the locations contained a number of barns. I therefore consider, in the interests of clarity, that the assets need to be specifically identified on a map base with a short description of their heritage merits/most important features etc. Please send me the criteria used for the proposed designations or confirm that the selection relied on the advice given by Historic England. It would also be helpful to identify those which already fall within the curtilage of any listed buildings to enable you to inform me as to whether they would be listed by virtue of being curtilage buildings and then (if appropriate) to understand what the benefit would be to designate such barns as non-designated heritage assets if they are already covered by a listing. I would be grateful for comments on this aspect. Finally, I'd be grateful if the Parish Council could please confirm that owners have been informed as part of the work carried out on the Plan to date.

It is my intention to recommend modifications to Policies LC05 and LC06. I suggest that Policy LC05 deals with agricultural buildings generally and that Policy LC06 identifies non-designated heritage assets and how they might be considered in relation to development proposals. I do not consider these modifications would be significant but would welcome any comments on this proposed course of action from the LPA and the PC at this stage.

Whilst writing could I also please check with you whether the planning permission referred to in paragraph 2.14 on page 8 of the Plan is extant? The reference given in the Plan is B/15/00813. I was going to do this as part of the fact check stage but given there is now a more substantive query, it seems best to deal with this matter now too.

I know that you have annual leave soon and that I am asking for maps/plans which could take some time to produce. Please could you come back to me by close of business on Friday 8 April. However, if the parties are able to complete the additional work earlier, this would be appreciated.

I would like to reassure you and the Parish Council, given the delay with the examination, and confirm that once I receive this information from you, the examination can be concluded quickly as there are now no other outstanding matters from my perspective.

This email will be a matter of public record. I anticipate you will forward this onto the Parish Councils and their representatives as soon as you can.

Please let me know if any queries arise,

With many thanks for your assistance.