

Babergh District Council

**Little Waldingfield
Neighbourhood Plan
2018-2036**

Independent Examiner's Report

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22 March 2021

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Summary

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

The village of Little Waldingfield lies about four miles northeast of the market town of Sudbury and is a similar distance from the historic village of Lavenham. Much of the village is a Conservation Area surrounded by open countryside. It has a population of around 360 as at 2018.

The Plan is presented well and contains 19 policies covering a range of topics including two site allocations, Local Green Spaces and facilities and services. There is an extensive evidence base accompanying the Plan including a Design Guide and a Village Character Assessment. The policies do not repeat District level policy, but seek to add local detail or address matters of importance to the local community.

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 Waldingfield 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 March 2021



1.0 Introduction

This is the report of the independent examiner into the Little Waldingfield 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 conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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

² 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 2018.³ It states that:

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

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

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

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

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.

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

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

⁵ 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).⁶

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Some representations suggest additions or amendments to 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.

PPG⁸ 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.⁹

I sought clarification on a number of matters from the Parish Council and BDC in writing on 11 February 2021 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

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

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 28 February 2021.

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***.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 056 ref id 41-056-20180222

⁹ 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.

The commitment to produce a Plan started in September 2016 when an overwhelming vote in favour of preparing a Plan for the Parish was held. A Steering Committee was set up.

A Household Survey was conducted in December 2017 and resulted in a commendable 64% response rate. A photographic competition was held in March 2018. A drop-in event was held in June 2018 to discuss the results of the Survey and the draft Village Character Assessment. A further drop-in event was held in May 2019 to feed back progress and to consolidate the direction of travel for the Plan. A questionnaire was available for attendees and non-attendees. A public meeting was held in July 2019 to discuss the emerging Joint Local Plan and its potential impacts.

Throughout the process, there have been regular updates at Parish Council meetings and events have been featured in the local newsletter delivered to all households. Notes of all Steering Committee meetings are available.

Pre-submission (Regulation 14) consultation took place between 5 June – 24 July 2020, delayed because of lockdown and with a little longer than the statutory period to help ensure everyone had a chance to comment if they wished to do so. Hard copies of the Plan were distributed to every household and others in the Plan area as well as being available online. Comments could be made by hand or online. Given the restrictions, an online drop-in event was held. An open-air drop-in event was held on 8 July.

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

Submission (Regulation 16) consultation was carried out between 14 Oct 2020 - 27 Nov 2020.

The Regulation 16 stage resulted in 10 representations including a late representation from Historic England that BDC has accepted. Whilst I make reference to some

responses and not others, 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 Waldingfield 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 13 March 2017. 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 6 of the Plan.

Plan period

The Plan period is 2018 – 2036. 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. This is also helpfully confirmed in the Basic Conditions Statement.

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.¹⁰

¹⁰ PPG para 004 ref id 41-004-20190509

In this instance, a number of other project ideas which arose from engagement have been referred to and explained within the Plan,¹¹ but they are only referred to in passing and no doubt will be followed through as a separate matter at a later date. This is an acceptable approach for this Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. 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 and should shape and direct development outside of these strategic policies.¹²

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹³ 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.¹⁴

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.¹⁵

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.¹⁶

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.¹⁷

¹¹ The Plan page 5

¹² NPPF para 13

¹³ Ibid para 28

¹⁴ Ibid

¹⁵ Ibid para 29

¹⁶ Ibid para 31

¹⁷ 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 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 unambiguous¹⁸ 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.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. An appraisal²² briefly sets out how the Plan aligns with the NPPF's key topic principles.

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.²³ 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.²⁴ The objectives are economic, social and environmental.²⁵

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.²⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan policy helps to achieve sustainable development as outlined in the NPPF.²⁷

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

²¹ Ibid

²² Basic Conditions Statement page 9

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

²⁶ Ibid para 9

²⁷ Basic Conditions Statement page 11

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.²⁸ 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 is at Pre-Submission (Regulation 19) stage at the time of writing.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁹ advises that the reasoning and evidence informing the Local Plan process may be 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.³⁰

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, PPG³¹ 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

²⁸ Basic Conditions Statement page 14

²⁹ PPG para 009 ref id 41-009-20190509

³⁰ Ibid

³¹ Ibid para 031 ref id 11-031-20150209

neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

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

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

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated June 2020 has been prepared by BDC. This in turn refers to a SEA Screening Report prepared by Land Use Consultants which screened out the Plan. It did so on the basis that the two site allocations already have planning permission.

Consultation with the three statutory bodies was undertaken and the Environment Agency (EA), Natural England (NE) and Historic England (HE) agreed with the conclusions.

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

I have treated the Screening 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.³²

³² PPG para 028 ref id 11-028-20150209

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 June 2020 has been submitted. This refers to a HRA Screening Report prepared by Place Services. This explains that there are two habitats sites which lie within 20km of the Plan area. These are the Stour and Orwell Estuaries Special Protection Area (SPA) and the Stour and Orwell Estuaries Ramsar. The Plan area does not fall within any of the Zones of Influence for either 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 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.³³ 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 statement in relation to human rights.³⁴ 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.

³³ PPG para 031 ref id 11-031-20150209

³⁴ Basic Conditions Statement page 21

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 very high standard and contains 19 policies. There is an eye catching front cover. The Plan begins with a foreword and a helpful contents page.

1. Introduction

This is a helpful introduction to the Plan that sets out the background to the Plan and how it has evolved, explaining a Steering Group was set up to lead its preparation. It summarises the key stages of Plan preparation in a succinct and informative way.

Some natural updating will be needed, for example the references to the emerging JLP, to the diagram (on page 7 of the Plan) and to retained EU obligations as the Plan progresses towards its final version. I regard these as matters of final presentation and do not make a specific modification in this respect.

2. Little Waldingfield in Context

This section sets out the interesting history and context of the Parish.

3. Planning Policy Context

This section usefully explains the planning policy context for the Plan. I asked both BDC and the Parish Council whether any implications arose from the publication of the JLP (Regulation 19) in November 2020. I comment on this as necessary throughout the report. However, it is clear that some natural updating to this section and others, including pages 13 and 15, will be needed and I regard this wording as something that can be agreed between the two Councils as the Plan progresses.

4. Vision and Objectives

The vision for the area is:

“In 2036 Little Waldingfield will be a distinct vibrant rural village accommodating limited sustainable development together with facilities and services that:

- meet the needs of the local community;
- respect the high quality historic and natural environment; and
- embrace new technology.”

The vision is supported by nine objectives based on the five topic areas in the Plan of housing, natural environment, historic built environment, development design and services and facilities. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

5. Planning Strategy

Policy LWD 1 - Spatial Strategy

In the CS, Little Waldingfield is identified as a ‘Hinterland Village’.

In Core and Hinterland Villages, the CS states that 1,050 dwellings should be planned for. CS Policy CS2, which defines 43 Hinterland Villages, explains that this means some development to meet the needs within the Hinterland Villages will be accommodated. All proposals are assessed against CS Policy CS11 which indicates development in Hinterland Villages is acceptable where it can be demonstrated that proposals have a close functional relationship to the existing settlement as well as meeting a number of criteria set out in the policy. The cumulative impact of development should also be taken into account.

In the countryside outside Hinterland Villages, CS Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

The Plan explains that Little Waldingfield has few services. Coupled with poor connectivity to other larger settlements, this has resulted in a Plan which supports limited growth. To accommodate this and to ensure that development is focused around the built-up area, a settlement boundary has been defined. This is shown on Map 3 on page 14 of the Plan.

The settlement boundary takes its lead from that defined in the LP 2006, but has been reviewed and updated to reflect recent changes and work carried out on the Village Character Assessment. I am informed that the proposed settlement boundary differs to

that proposed in the emerging JLP, but that this is a matter that BDC can review to ensure consistency through the JLP examination. From my observations, I consider that the boundary shown in the Plan had been drawn up logically and will allow for sustainable development commensurate with the village's designation in the settlement hierarchy.

Outside the settlement boundary, development is only permitted where it is essential for agriculture, horticulture, forestry, outdoor recreation or other uses that needs to be sited in a countryside location. The NPPF is very clear that development can take place in the countryside. For example, it encourages policies to enable the sustainable growth and expansion of businesses in rural areas and supports rural tourism and leisure development that respects the character of the countryside.³⁵ I therefore regard this policy approach as too restrictive in relation to the NPPF.

The policy continues that in addition to the essential uses it sets out, such proposals must also demonstrate a local need and that it cannot be located within the settlement boundary. Although BDC has not raised any objection to this approach, the requirement to set out a local need and to ensure it cannot be located with the settlement boundary is not reflected in the NPPF.

Whilst it is possible to move away from national policy, this requires justification. I can find no justified reason to restrict development in this way in this Plan area. Therefore a number of modifications to the policy are made in this respect to ensure it has regard to the NPPF.

In addition there is a cross-reference to Policy LWD 4 which supports affordable housing on rural exception sites which is in line with Government policy.³⁶

The policy wording is clear, but it refers to the emerging JLP; given the stage this has reached I consider it would be better to avoid references to it in case it changes.

With these modifications, the policy will take account of the NPPF's objective of significantly boosting the supply of homes commensurate with the village's status in the CS and its support for a prosperous rural economy, be in general conformity with the CS and particularly CS Policies CS2, CS3, CS11 and CS15 and take account of the emerging JLP policy context and will help to achieve sustainable development.

- **Change the words “...as a Hamlet in the emerging Joint Local Plan...” in the first sentence of the policy to “...in the District's settlement hierarchy”**
- **Change the third element to read: “Proposals for development located outside the Settlement Boundary will only be permitted *where they are in accordance with national and District level policies or in compliance with Policy LWD 4.*”**

³⁵ NPPF para 83

³⁶ Ibid para 77 and NPPF's Glossary

6. Housing

Policy LWD 2 - Housing Development

This policy provides for around 10 dwellings to be delivered through site allocations and windfall development within the settlement boundary.

In the emerging JLP, Little Waldingfield is identified as a “Hamlet”. With regard to housing numbers, I am informed that the latest position (through the emerging JLP) is that the minimum housing requirement for this Plan area is four dwellings. These four units have been accounted for through existing commitments.

The Plan also refers to the emerging JLP and a site known as land east of The Street and opposite Grove Avenue. With the passage of time, the aforementioned site is, I understand, now not progressing. Some natural updating may therefore be needed of this section.

Neighbourhood plans can be developed before or at the same time as a Local Plan is being produced.³⁷ I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence.

I consider Policy LWD 2 does this. Appendix 3 to the Plan shows five units as existing commitments as at April 2018, the base date for the emerging JLP. Although one permission referred in Appendix 3 for Land at The Grange (reference DC/17/05333) has since expired, I am informed that planning permission was granted (reference DC/20/00899) for one unit on the same site in April 2020. In effect the position shown in Appendix 3 remains the same.

The appendix also shows a net gain of four other units since April 2018 and January 2020. Two of the sites form site allocations in the next policy, Policy LWD 3. Over the time left in the Plan period, the existing commitments, site allocations and allowance for windfall (which the emerging JLP indicates is a significant proportion of housing in Babergh District over the last four years), I am confident that the policy satisfactorily meets the latest requirements.

Policy LWD 2 therefore takes account of the NPPF, reflects the current information and evidence available at District level and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

³⁷ PPG para 009 ref id 41-009-20190509

The supporting text to the policy refers to the emerging JLP in a number of places and with the passage of time, needs updating. This can be carried out and agreed between the two Councils as the Plan progresses.

Policy LWD 3 – Housing Allocation

The Plan notes that five dwellings have been granted planning permission since 1 April 2018 and allocates two sites; Land adjoining the Swan Public House, The Street and Land at The Grange, The Street. The sites are shown on the Policies Maps. Given both sites have planning permission, the sites are acceptable as the principle has already been established. The policy meets the basic conditions in helping to boost housing supply, is in general conformity with the housing element of the CS and will help to achieve sustainable development.

However, given that the application referred to in the policy has now expired and a new planning permission granted, some updating is needed.

- **Replace the reference “...DC/17/05333” in criterion ii. of the policy with “...DC/20/00899”**
- **Consequential amendments may be needed**

Policy LWD 4 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.³⁸ The Plan explains that the average house price in Babergh is around nine and a half times the average wage. An AECOM Housing Needs Assessment was carried out as part of work on the Plan. This supports a clear need for affordable housing. This is also borne out by evidence collected for the emerging JLP.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy. The support for affordable housing on sites which would not usually be supported for housing outside the settlement boundary is in line with national policy.

The AECOM Housing Needs Assessment also supports the local connection principle.

The clearly worded policy will have regard to national policy for the supply of homes in relation to the size, type and tenure of housing needed for different groups and its support for rural exception sites. It will contribute towards the achievement of

³⁸ NPPF para 77

sustainable development, particularly the social objective. It will be in general conformity with the CS and especially CS Policy CS20 which has a flexible approach to the location of rural exception sites and allows proposals that are adjacent or well related to the settlement boundaries of Hinterland Villages.

The supporting text refers to the emerging JLP and, given its nature, this can be deleted in the interests of clarity and ensuring the Plan remains up to date.

- **Delete paragraph 6.12 on page 17 of the Plan**

Policy LWD 5 – Measures for New Housing Development

The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)³⁹ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

This policy seeks compliance with the national technical standards and so whilst it does not set any new standards, I note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁴⁰

PPG also states that where a local planning authority or qualifying body wishes to require an internal space standard, they should do so by reference in their Local Plan to the nationally described space standard.⁴¹ There is therefore, arguably, some ambiguity as to whether neighbourhood plans can include such standards. However, where a need has been identified, there needs to be justification.⁴² No such justification has been put forward in this case.

This element of the policy therefore does not meet the basic conditions as it does not have regard to national policy and guidance.

The policy also refers to storage facilities for cycles and bins. This is also covered in a policy which appears later in the Plan, Policy LWD 15 j and so it is unnecessary to repeat that element of the policy here.

For the above reasons, I recommend Policy LWD 5 be deleted.

- **Delete Policy LWD 5**

³⁹ Written Ministerial Statement 25 March 2015

⁴⁰ PPG para 001 ref id 56-001-20150327

⁴¹ Ibid para 018 ref id 56-018-20150327

⁴² Ibid para 020 ref id 56-020-20150327

Policy LWD 6 – Housing Mix

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.⁴³

The Plan explains that work carried out during the preparation of the Plan revealed that Little Waldingfield has a higher proportion of two and four bedroomed homes than elsewhere in Babergh District. Larger homes are also occupied by small or relatively smaller households suggesting these larger houses may be under occupied.

The AECOM Housing Needs Assessment supports the provision of smaller housing units for families and for older people.

Policy LWD 6 supports houses with three bedrooms or less to try and redress the imbalance and provide for different needs. It resists four or more bedroomed homes unless a need can be demonstrated for larger homes. It therefore retains flexibility through its needs based evidence approach.

The policy has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with strategic policy, particularly CS Policy CS18. It therefore meets the basic conditions and no modifications are put forward.

7. Natural Environment

Policy LWD 7 – Area of Local Landscape Sensitivity

The NPPF requires the planning system to contribute and enhance the natural and local environment including protecting and enhancing valued landscapes.⁴⁴

The Plan explains that land to the northern edge of the Parish lies within the Brett Valley Special Landscape Area (SLA), a designation originally identified in the 1980s and rolled forward ever since. However, it is a designation which is not currently proposed to be taken forward in the emerging JLP.

This policy proposes to replace the SLA designation with a new designation. The area is shown on Map 4 on page 21 of the Plan.

I saw at my visit that this area is distinguishable from surrounding land and the remainder of the Parish and I consider that the area has been appropriately designated.

⁴³ NPPF para 59

⁴⁴ Ibid para 170

Turning now to the wording of the policy, it is clearly and flexibly worded. It does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities of this landscape.

The policy takes account of the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.⁴⁵ It is in general conformity with the CS and in particular Policy CS15 which, amongst other things, sets out how development should respect the local context and character of different parts of the District and helps to achieve sustainable development. It therefore meets the basic conditions.

Policy LWD 8 – 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.⁴⁶

The Plan explains there is little street lighting in the Parish. This policy seeks to provide a balance between safety that lighting can bring with the harm that light pollution can cause.

It is clearly worded with flexibility. It meets the basic conditions particularly taking account of the NPPF and helping to achieve sustainable development and no modifications are put forward.

Policy LWD 9 – Local Green Spaces

Six areas of Local Green Space (LGS) are proposed. All are shown on the Policies Map.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁷

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁴⁸ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁴⁹ The NPPF sets out three criteria for green spaces.⁵⁰ Further guidance about LGSs is given in PPG.

⁴⁵ NPPF para 170

⁴⁶ Ibid para 180

⁴⁷ Ibid para 99

⁴⁸ Ibid

⁴⁹ Ibid

⁵⁰ Ibid para 100

A Local Green Space Appraisal has been undertaken. I also saw all the areas on my site visit.

- 1. Church Field** This is a grassed open space within the Conservation Area. It has a number of trees to the frontage protected by a Tree Preservation Order. It is valued for its historical significance as an open space within the Conservation Area and for the views it affords to the nearby Grade I listed Church and open countryside. The public footpath along the eastern boundary is a historical route. I note that the Conservation Area Appraisal also recognises the important vistas from The Street across this area. The space makes an important contribution to the character and appearance of the village and its setting.
- 2. Green space at Grove Avenue** is an area of amenity space within this housing estate. It is valued for its amenity value, it adds to the setting of the housing and is adjacent to the Recreation Area.
- 3. Amenity space at Wade Crescent** consists of two areas on either side of the entrance of Wade Crescent. Both small and larger areas provide open space within the village and provide a setting for houses in Wade Crescent.
- 4. Amenity space at entrance to Croft Lea** consists of two areas, almost opposite those to Wade Crescent. The areas are at the entrance to Croft Lea. They provide open space within the village.
- 5. Village sign green space, The Street** is a small triangular area of land at the southwestern entrance to the village which hosts the village sign.
- 6. Churchyard and Cemetery** to the Parish Church is valued as a focal point within the village, close to the listed Church, falling within the Conservation Area.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

I have also considered whether any additional local benefit would be gained by LGS designation given that some of the proposed LGSs also fall within the Conservation Area in line with PPG.⁵¹ Different designations achieve different purposes and I consider that the LGS will send a signal and recognise the importance these spaces have for the local community.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced to the Policies Maps. The next element in setting out what development

⁵¹ PPG para 011 ref id 37-011-20140306

might be permitted, should take account of and be consistent with the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁵² Therefore the policy needs modification to ensure that it takes account of national policy and is clear. A modification is also made to the supporting text to reflect this.

With these modifications, the policy and its supporting text will meet the basic conditions.

- **Change the second paragraph of the policy to read: “*Development in the Local Green Spaces will be consistent with national policy for Green Belts.*”**
- **Change the last sentence of paragraph 7.7 on page 22 of the Plan to read: “*The identification of these spaces as LGS means that **managing any development will be consistent with national policy for Green Belts. Permitted development rights, including the operational requirements of infrastructure providers, are not affected by this designation.***”**

Policy LWD 10 – Protection of Important Views

The Plan explains that the landscape around the village of Little Waldingfield affords views in and out of the village important to the character and sense of rural setting. The views have been identified as part of the work on the Village Character Assessment and in response to the pre-submission consultation.

This policy identifies 13 views which are shown on Map 5 in the Plan as well as the Policies Maps. The area is attractive countryside and I am satisfied from what I saw on my site visit, that whilst there were other views which could have been identified, given the character and setting of the village, those selected are appropriate.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the key features of any view. I consider this to be an appropriate and sufficiently flexible approach. It requires proposals for new buildings outside the settlement boundary to be accompanied by a proportionate Landscape Visual Impact Appraisal or similar to show how the proposal can be satisfactorily accommodated within the landscape.

The policy takes account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness,⁵³ will be in general conformity with, and add a local layer of detail to, strategic policies and CS Policies CS11 and CS15 in particular which recognise the need for development to respect the local context and character of the District and will help

⁵² NPPF para 101

⁵³ Ibid paras 127, 170

to achieve sustainable development. It therefore meets the basic conditions and no modifications are put forward.

Policy LWD 11 – Biodiversity

The NPPF⁵⁴ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues⁵⁵ that “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”.

Policy LWD 11 starts with an “exceptional circumstances” reference. I cannot see how this takes account of the NPPF and no explanation has been given for any departure from the NPPF or any such circumstances defined. A modification is therefore made in this respect.

The policy then seeks to ensure development proposals avoid any loss or harm to trees, hedgerows and other features such as ponds. It refers to “important trees”; I see there is a reference in the Village Character Assessment to “important trees that are protected by Tree Preservation Orders”.⁵⁶ The Design Guide also recognises the contribution trees make to village character. It would be helpful to add a paragraph to the supporting text to clarify this reference.

It recognises the need for mitigation, but indicates that where loss or harm to such features is unavoidable, the benefits of the development must outweigh any impacts. This is similar to the test outlined in the NPPF for Sites of Scientific Interest.⁵⁷ There is no explanation in the Plan as to why this test would also be appropriate for these other features in this Parish. This element of the policy therefore does not take account of national policy and guidance. A modification is made to address this issue.

The policy also refers to mitigation proposals forming an integral part of the design concept and layout of any development scheme. Whilst this approach may well be appropriate, off-site mitigation may well also be acceptable and could, on occasion, be preferred. There is no explanation as to why this particular approach is the only one appropriate for this Parish. A modification is therefore made to address this.

Finally, the last part of the policy supports development providing a net gain in biodiversity. This in itself is acceptable, but the wording may inadvertently open the floodgates for all types of development. A modification is therefore made to ensure that development is in itself acceptable.

⁵⁴ NPPF para 170

⁵⁵ Ibid at para 175

⁵⁶ Village Character Assessment page 10

⁵⁷ NPPF para 175

With these modifications, the policy will take account of national policy and guidance, add a local layer to, and be in general conformity with, the relevant strategic policies, in particular CS Policy CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

The supporting text will also require some consequential amendments.

- **Delete the words “Except in exceptional circumstances, “ from the start of the policy [so the policy will start at “Development proposals...”]**
- **Change the second paragraph of the policy to read: “Where such losses or harm are unavoidable, *adequate mitigation measures or, as a last resort, compensation measures will be sought. If suitable mitigation or compensation measures cannot be provided, then planning permission should be refused.*”**
- **Delete the third paragraph of the policy which begins: “It is expected that the mitigation proposals will form...” to end**
- **Add the words “*Otherwise acceptable*” at the start of the last paragraph of the policy which begins “Development proposals will be supported...”**
- **Delete the sentence beginning “Any loss of landscape features...” to end in paragraph 7.10 on page 24 of the Plan**
- **Add a new paragraph of supporting text that reads: “*As explained in the Village Character Assessment, important trees are those subject to a Tree Preservation Order.*”**

8. The Historic Environment

Policy LWD 12 – Buildings of Local Significance

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. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁵⁸ However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁵⁹ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁶⁰

⁵⁸ PPG para 040 ref id 18a-040-20190723

⁵⁹ Ibid

⁶⁰ Ibid

Work on the Village Character Assessment has identified a number of buildings in the village of local significance. Regard has been given to the criteria drawn up by Historic England in identifying such buildings and structures. The Village Character Assessment will need to be corrected to include all of the descriptions following on from a question of clarification. Six buildings are identified in this policy and are shown on the Policies Maps.

The policy identifies these assets, lists them and cross-references the Policies Maps. It seeks to protect them and their settings recognising the stance of the NPPF.

The NPPF⁶¹ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. 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 judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁶²

Historic England has suggested a rewording of the policy. I have put forward a modification on this basis. With this modification, the policy will meet the basic conditions by taking account of the NPPF, adding local detail to, and being in general conformity with CS Policies CS11 and CS15 in particular and helping to achieve sustainable development.

- **Reword the second paragraph of the policy to read: “Proposals for any works that would *cause harm to the significance of these buildings* of local significance should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.”**
- **Consequential changes may be needed including to supporting documents**

Policy LWD 13 - Heritage Assets

Policy LWD 13 seeks to ensure that development proposals preserve or enhance the significance of heritage assets through an understanding of the asset’s significance and the provision of clear justification for any works that would lead to harm.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁶³ It continues⁶⁴ that great weight should be given to the assets’ conservation when considering the impact of development on the significance of the asset.

⁶¹ NPPF para 184

⁶² Ibid para 197

⁶³ Ibid para 184

⁶⁴ Ibid para 193

However, the NPPF distinguishes between designated heritage assets and non-designated heritage assets outlining different approaches. The policy should be clear that it only relates to designated heritage assets.

With this modification, the policy will meet the basic conditions taking account of national policy, be in general conformity with strategic policies and particularly CS Policy CS11 which refers to heritage assets and Policy CS15 which indicates that development proposals must ensure adequate protection or enhancement as appropriate are given to distinctive local features which characterise the heritage assets of Babergh's built and natural environment and especially help to achieve sustainable development.

- **Add the word “*designated*” before “...heritage assets...” in the first sentence of the policy and in criterion a.**

Policy LWD 14 – Holbrook Park Special Character Area

This policy seeks to designate a Special Character Area which is shown on Map 7 on page 27 of the Plan.

The Plan explains that this area contains a number of buildings in a parkland setting. At present, none are listed or have any designation. I saw at my site visit that the area is distinctive. It is a small isolated group of buildings dominated by a large manor house, but also containing a group of commercial buildings.

The policy designates the area and requires any development proposal to enhance the distinct characteristics of the existing buildings and the parkland setting. This is a high bar and more restrictive than Conservation Areas where development schemes are required to preserve or enhance character or appearance.

The policy then continues that where harm is not justified by any public benefits, it will not be supported. This is akin to the NPPF's stance on designated heritage assets and exceeds the NPPF's stance on non-designated heritage assets.

Modifications are therefore made in this respect to ensure there is a balance between the designation of this area and the way in which any development will be considered.

With these modifications, the policy will meet the basic conditions. In particular, it will take account of the NPPF which explains that the creation of high quality buildings and places is fundamental to what planning should achieve⁶⁵ and that neighbourhood plans have an important role to play in identifying the special qualities of each area and what expectations for new development there are.⁶⁶ It also sets out a local layer of policy in general conformity with strategic policy including CS Policy CS15 and will help to achieve sustainable development.

⁶⁵ NPPF para 124

⁶⁶ Ibid para 125

- **Reword the policy to read: “A Special Character Area is identified on the Policies Map. Within this area, proposals will *only* be supported where they *preserve or enhance* the distinct characteristics of the existing buildings and their parkland setting.” [delete the existing second paragraph of the policy]**

9. Development Design

Policy LWD 15 – Design Considerations

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁶⁷ It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁶⁸ It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.⁶⁹ It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁷⁰

Policy LWD 15 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policies CS11 and CS15 in particular.

It refers to Appendix 2 which contains a Development Design Checklist based on the Design Guidelines produced by AECOM.

Two modifications are recommended. The first is to delete the words “and circumstances” in the first sentence of the policy as this is open to interpretation.

The second is to remove the word “important” before open, green or landscaped areas in criterion c. as these areas have not been defined. The criterion also refers to gardens. I note that the NPPF allows for policies resisting the loss of gardens where this would cause harm to the prevailing character and setting of an area.⁷¹ Given the character of the area and that the policy wording refers to a “significant contribution”, I consider this to be acceptable.

⁶⁷ NPPF para 124

⁶⁸ Ibid para 125

⁶⁹ Ibid para 126

⁷⁰ Ibid para 127

⁷¹ Ibid paras 70, 122

Suffolk County Council have suggested a change to criterion g) regarding the addition of a reference to on-street parking provision. The Parish Council comments that a major concern is the narrowness of public highways and I have seen this at my site visit.

Whilst I support the principle, in this local context, given the local highway network and the extent of proposed development supported by the Plan, I consider criterion g. has regard to the NPPF's promotion of sustainable transport and there is no need to revise this criterion to meet the basic conditions.

With these modifications, the policy will meet the basic conditions.

- **Delete the words “and circumstances” from the first sentence of the policy**
- **Delete the word “important” from criterion c.**

Policy LWD 16 – Sustainable Building Practices

The Government introduced national technical standards for housing in 2015 as I have already mentioned. The WMS⁷² explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

This policy applies to all new development not just housing. In order for this policy to meet the basic conditions, it should be made clear that the policy only relates to non-residential buildings. This can also be explained in the supporting text if desired; I see this as a minor editing matter.

The policy otherwise does not seek to set standards, but rather promotes best practice.

Anglian Water has suggested an amendment to the policy which adds detail to it, but I do not regard this as necessary for the policy to meet the basic conditions.

The policy is a local expression of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy.⁷³ It generally conforms to the CS and CS Policies CS11, CS13 and CS15 in particular adding detail at the local level and will help to achieve sustainable development.

With this modification, the policy will meet the basic conditions.

- **Add a new sentence at the start of the policy that reads: “*This policy only applies to non-residential development.*”**

⁷² Written Ministerial Statement 25 March 2015

⁷³ NPPF paras 148, 151

Policy LWD 17 – Flooding and Sustainable Drainage

The Plan explains that surface water drainage is problematic in the village. This policy sets out a requirement that all new development should submit schemes detailing how on-site drainage and water resources will be managed. It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁷⁴

The policy takes account of national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS15 and will help to achieve sustainable development. It meets the basic conditions and no modifications are therefore recommended except for a small presentational matter to make the policy read with greater clarity.

- **Split the existing second bullet point/criterion to create a new third bullet point/criterion that begins “other natural drainage systems where easily accessible maintenance can be achieved.”**

10. Services and Facilities

Policy LWD 18 – Protecting Existing Services and Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁷⁵ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁷⁶

Policy LWD 18 seeks to protect existing services and facilities. The clearly worded policy takes account of national policy, it is in general conformity with strategic policies particularly CS Policies CS11 which seeks to safeguard the needs of local communities and CS15 which seeks the retention, protection or enhancement of local services and facilities. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

⁷⁴ NPPF paras 163, 165

⁷⁵ Ibid para 83

⁷⁶ Ibid para 92

Policy LWD 19 – Protecting Existing Services, Open Space, Sport and Recreation Facilities

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁷⁷ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁷⁸ It also encourages policies to provide recreational facilities and to guard against their unnecessary loss.⁷⁹

This policy supports the provision and improvement of amenity, sport or recreation open space or facilities. The loss of such spaces and facilities is prevented unless they are surplus to requirements or they will be replaced by equivalent or better provision in a suitable location. New development is required to provide such areas as appropriate.

Policy LWD 19 takes account of national policy and guidance, is in general conformity with strategic policies CS Policy CS15 in particular and will help to achieve sustainable development, particularly the social objective referred to in the NPPF which specifically mentions open space. It meets the basic conditions and no modifications are put forward except to deal with a clarification on the title, two typographical errors and to future proof the policy.

- **Amend the policy title to “Protecting *Open Space*, Sport and Recreation Facilities”**
- **Add “s” to “...local planning authority...” in criterion a. of the policy**
- **Delete the duplicated set of words “..of the needs..” from the paragraph in the policy under criterion b.**
- **Add the words “*current and future*” before “...needs...” to the paragraph in the policy under criterion b.**

Policies Maps

The maps are clearly presented.

⁷⁷ NPPF para 92

⁷⁸ Ibid para 91

⁷⁹ Ibid para 92

Glossary

The Plan includes a helpful glossary. However, the definition for “Affordable housing” should better reflect the definition given in the NPPF for accuracy.

- **Change the definition of “Affordable housing” to: “*Housing for sale or rent for those whose needs are not met by the market including social and affordable rented and starter homes. Eligibility is determined with regard to local incomes and local house prices.*”**

Appendices

There are three appendices. Appendix 1 contains details of listed buildings and a helpful statement giving the date and details of where to access information from Historic England.

Appendix 2 is the Development Design Checklist referred to in Policy LWD 15.

Appendix 3 lists sites with planning permission. This was a useful addition at earlier stages of the Plan’s preparation, but consideration could be given to its removal now as it will quickly become outdated. This is not however a modification I need to recommend in respect of my remit. If however it is retained, then I note that one entry, Priory Farm, is double counted. I suggest a note is made of this in the Appendix and the overall figures reduced to nine. Consequential amendments may be needed.

- **Add a note to Appendix 3 noting that the entry for Priory Farm is the same net addition of one dwelling and reduce the overall numbers to nine**
- **Consequential amendments will be needed**

8.0 Conclusions and recommendations

I am satisfied that the Little Waldingfield 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 Waldingfield 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 Waldingfield Neighbourhood Development Plan should proceed to a referendum based on the Little Waldingfield Neighbourhood Plan area as approved by Babergh District Council on 13 March 2017.

Ann Skippers MRTPI
Ann Skippers Planning
22 March 2021

Appendix 1 List of key documents specific to this examination

Little Waldingfield Neighbourhood Plan 2018 – 2036 Submission Stage Draft Plan
September 2020

Basic Conditions Statement September 2020

Consultation Statement September 2020

Strategic Environmental Assessment Screening Determination June 2020

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

Habitats Regulations Assessment Screening Determination June 2020

Habitats Regulations Assessment Screening Report April 2020 (Place Services)

Supporting Document (SD) Household Survey Results February 2018

SD Site Options and Assessment 22 October 2018 (AECOM)

SD Village Character Assessment October 2018

SD Housing Needs Assessment Final Version March 2019 (AECOM)

Little Waldingfield Design Guide April 2019 (AECOM)

Little Waldingfield Masterplanning December 2019 (AECOM)

Local Green Space Assessment May 2020

Little Waldingfield Conservation Area Appraisal 2007

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

Babergh Local Plan Alteration No. 2 adopted June 2006

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document
adopted 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 of clarification from the examiner

Little Waldingfield Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and BDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Policy LWD 3 (Housing Allocation) refers to two site allocations.

The first site is Land adjoining the Swan PH, The Street. It indicates that development on the site is expected to be in accordance with the extant permission (DC/19/01283). However, two issues arise. Firstly, the planning permission is for three dwellings rather than two (the conversion of the PH and two new dwellings). Secondly, only part of the planning application site is designated as the allocation and the Swan PH is shown as being subject to Policy LWD 18 which protects existing services and facilities.

I consider that the whole of the planning application site should be the allocation site and the wording changed to the total of three houses. This would reflect the extant planning permission and avoid any potential conflict between the policies.

The second proposed site allocation is Land at The Grange, The Street. Referring to planning application DC/17/05333, it looks as if this permission would now have expired. However, given the principle has been accepted, I consider that the allocation can be retained with suitable modifications to reflect the now expired permission.

Do either Council have any comments on this proposed course of action?

2. Given the above, can both Councils also outline any implications arising from this situation for Strategic Environmental Assessment and Habitats Regulation Assessment?
3. Page 15 of the Plan refers to a site, Land east of The Street and opposite Grove Avenue. I think this is the same site as Church Green and is no longer being pursued; is this right?
4. Policy LWD 10 identifies important views. I am having trouble finding information on two of the views which have been included on the Policies Maps. These are the view from the edge of the Playing Field looking northwest and the view from the northern side of the Church looking across the cemetery and Church Green. Please could you give me the references for these two views in the evidence documents?
5. Policy LWD 12 refers to Buildings of Local Significance. Please can you point me in the direction of the evidence and criteria used to identify these buildings?
6. Policy LWD 14 refers to Holbrook Park. Can you point me in the direction of any information about this/the reasons for designating this area as a Special Character Area please?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
11 February 2021