

Babergh District Council



Long Melford Neighbourhood Development Plan

Submission Consultation Responses

On 6th August 2021, Long Melford Parish Council (the 'qualifying body') submitted their Neighbourhood Development Plan to Babergh District Council for formal consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation period ran from Monday 20 September until close of business on Friday 5th November 2021.

Twelve written representations were received during this period. They are listed below, and copies are attached.

A representation was also received from the Suffolk Preservation Society (SPS). Although dated 3rd November, it was not received until 9th November, so four days after the consultation had ended. On that basis, SPS were notified that their letter cannot be treated as a duly made representation on this Plan but that it would be made publicly available.

Ref No.	Consultee
(1)	Suffolk County Council
(2)	Babergh District Council
(3)	Suffolk County Councillor Richard Kemp
(4)	Natural England
(5)	Highways England
(6)	National Grid (via Avison Young)
(7)	Marine Management Organisation
(8)	Resident - Ms Hoppit
(9)	Gladman Developments Ltd
(10)	Turley (obo Pigeon Investment Management Ltd)
(11)	Lanpro (obo Bonnington Investments Limited)
(12)	Historic England
	Late Representations
(13)	Suffolk Preservation Society

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(1) SUFFOLK COUNTY COUNCIL

Date: 05 November 2021
Enquiries to: Cameron Clow
Tel: [REDACTED]
Email: [REDACTED]



Babergh District Council
Endeavour House,
8 Russell Road,
Ipswich
IP1 2BX

Dear Robert Hobbs

Submission version of the Long Melford Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the Submission Consultation version of the Long Melford Neighbourhood Plan.

SCC welcome the changes made to the plan in response to comments made at the Reg. 14 pre-submission consultation stage.

As this is the submission draft of the Plan the County Council response will focus on matters related to the Basic Conditions the plan needs to meet to proceed to referendum. These are set out in paragraph 8(2) Schedule 4B to the Town and Country Planning Act. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

Where amendments to the plan are suggested added text will be in *italics* and deleted text will be in ~~strikethrough~~.

Archaeology

The addition of requirements for archaeological assessments to site allocation policies LM6 and LM7 are welcome.

Education

Early Years

There is currently a deficit of early years, however the 150 dwelling development allowed at appeal will be providing a 30-place setting, which will meet the needs of development.

Primary Education

The school is forecast to be over capacity, however it can be expanded to 315 places (set out in the Babergh Mid Suffolk IDP), which will provide capacity for the forthcoming developments.

Secondary Education

Catchment secondary is Ormiston Sudbury, which we are expanding through local plan growth.

Flooding

Site Specific Flood Risk

The addition of flood risk information included for each site is welcome, however there does not appear to be flood risk information included for site LM6. To be consistent with the rest of the plan and clear to developers and decision makers the explanatory text should include the following text, based on the mapping provided by SCC at the Regulation 14 consultation.

“Flood risk from fluvial and pluvial sources within the site is low, however there has been reported surface water flood incidents within the vicinity of the site.”

It would be logical to include this information in paragraph 4.72.

Policy LM12

SCC welcomes this policy in principle, however it requires amendments to be consistent with national policy and guidance, policies in the emerging local plan, and to incorporate appropriate terminology.

To align with paragraph 167, 168 and 169 of the NPPF the policy should:

- make specific reference to ‘flood risk assessments’ ;
- ‘mitigate’ rather than ‘reduce’ flood risk;
- specify that *all sites* (not just those larger than 10 dwellings or 0.5ha) should incorporate sustainable drainage systems, unless inappropriate;
- change the reference to ‘adjacent land’ to ‘avoid increasing flood risk elsewhere’
- correct the definition of major development in the policy to ‘10 dwellings or more’ rather than ‘more than 10 dwellings’; and
- include that minor development will still be expected to address drainage and flood risk to avoid cumulative impacts.

‘POLICY LM 12: ADDRESSING FLOOD RISK

On any site where there is a risk of fluvial or surface flooding and where development is proposed, the application for planning permission must be accompanied by a ~~clear statement of the nature and scale of the risk~~ *flood risk assessment* and by a ~~description~~ *details* of the measures that will be taken to ~~reduce~~ *mitigate* the risk of flooding on ~~either the application site or adjacent land~~ *and avoid increasing flood risk else where* as a result of the proposed development. *Sites with a risk of flooding should include Sustainable Drainage Systems. On larger sites, more than 10 dwellings or more or more than 0.5 hectare, the proposals should incorporate sustainable urban drainage. Minor development will be expected to address drainage and flood risk to avoid cumulative impacts on flooding and drainage networks. Proposals should comply, as appropriate, with SCC’s Local Flood Risk Management Strategy’*

Public Rights of Way

SCC welcomes the new policy LM22 and the community objective promoting Public Rights of Way.

Transport

Site Allocation Policy LM5 Land in Borley Road

SCC has concern with the pedestrian access to this site. At the regulation 14 consultation SCC stated the following (the uses on the allocation have since changed):

‘Site B1 Borley Road Borley Road does not have a footway linking the site to the existing footway network and there is very little highway verge to provide a footway. For 18 dwellings, this would not be acceptable in sustainable access terms. In the past 5 years there have been 7 injury accidents on the B1064/Borley Road junction. This junction will need to be investigated and major mitigation provided. It is recommended that the policy requires any planning application address the pedestrian access issue and the potential impacts on the junction.’

In response the current draft of the neighbourhood plan has altered the allocation to use Roper’s Lane as a pedestrian access. Roper’s Lane is a private, partially unmade lane. Appendix 5, paragraph 5.38, of the plan states the following in relation to cycle routes:

‘...An alternative route was previously identified, following the footpath to Roper’s Lane, through Blunden Close, Theobald’s Close and Stephen Close to Withindale Lane. However, the rights of way on this route are incomplete and the land ownership is uncertain.’

Provision of pedestrian access on Roper’s Lane is uncertain as the ownership is potentially unclear. The current route appears poorly surfaced, and there does not appear to be width on Borley Road to provide a footway. It is not clear to the Highway Authority how suitable pedestrian access to the site can be provided.

Without safe and sustainable access, the allocation fails to meet the basic conditions of having regard to national policy and contributing to the achievement of sustainable development. Specifically, the proposal does not meet paragraph 110 of the NPPF.

Unless the pedestrian access arrangements can be clarified, and that the quality of the route can be improved to a suitable pedestrian route, SCC recommends that the site is removed from the plan.

Policy LP16

SCC welcomes the amendments made to this policy in line with its recommendations at the regulation 14 consultation stage.

Policies LM17 and LM18

SCC welcomes the amendments made to these policies in line with its recommendations at the regulation 14 consultation stage.

Infrastructure Provision

SCC has some concerns regarding policy LM15: Mitigating the Development of Impact, as it is not clear how the Parish Council intends the policy to be used, as it appears to be more of a statement of intent by the Parish Council, rather than a policy to be used by a decision maker in deciding planning applications. SCC is also concerned that the policy is unworkable with regards to section 278 agreements.

The policy states that the Parish Council will seek section 106 contributions to address impacts of development in Long Melford. While the Parish Council is of course able to take a view on infrastructure issues with regards to planning applications, it is not clear what the parish council will seek contributions towards, as contributions are already sought by infrastructure providers in a number of areas (e.g., education by SCC or health provision by Clinical Commissioning Groups).

The policy seems to misunderstand the application of section 278 agreements, referring to Section 278 of the Highways Act 1980. Section 278 agreements enable the highway authority to authorise works to the highway by another party (such as developers). As such a 278 obligation is not a financial contribution, but an agreement to undertake works, so seeking financial contributions towards a 278 agreement as the policy implies is not the intended use of this tool. More fundamentally however, a section 278 agreement is not something that the Parish Council is able to trigger as they relate to powers granted to highway authority, so the Parish Council will be unable to seek these agreements. As stated before, the parish council will be able to comment on highways matters through the planning process, however the mechanism to implement any necessary mitigation is at the discretion of the Highway Authority.

SCC's view is that this policy does not meet the basic conditions because it is not "clearly written and unambiguous" as required by paragraph 16 of the NPPF. The plan can include a policy seeking developer contributions to address the impacts of development, however as currently written this policy would not achieve this.

I hope that these comments are helpful. SCC is always willing to discuss issues or queries you may have. Some of these issues may be addressed by the SCC's Neighbourhood Planning Guidance, which contains information relating to County Council service areas and links to other potentially helpful resources.

The guidance can be accessed here: [Suffolk County Council Neighbourhood Planning Guidance](#).

If there is anything I have raised you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

Cameron Clow
Planning Officer
Growth, Highways, and Infrastructure

(2) BABERGH DISTRICT COUNCIL

Our Ref: Long Melford NP R16

Dated: 5 November 2021

To: Ann Skippers (Independent Examiner)
cc: Long Melford Parish Council

Dear Ann,

- 1. Long Melford Neighbourhood Plan: Regulation 16 Submission Draft consultation**
- 2. Additional comments from Babergh District Council**

This letter is sent for and on behalf of Robert Hobbs, Corporate Manager for Strategic Planning.

Following formal submission of the Long Melford Neighbourhood Plan (the 'Plan' or the 'LMNP'), the District Council broadly welcomes the changes made in response to both our formal comments at the Regulation 14 stage and subsequent informal comments. These have been made available as part of this consultation exercise through the submitted [Consultation Statement](#) and separate '[Table of Informal Comments on the May 21 draft NDP](#)'.

To ensure that nothing has been overlooked, our internal departments were invited to have one last read of this Plan before it is goes to examination. We also received several direct complaints about one specific housing allocation but see that the individual concerned has now submitted a formal representation of their own. We also feel it important to bring you up to date with matters relating to the emerging Joint Local Plan.

The submitted Joint Local Plan

The Parish Council will be aware that the submitted Joint Local Plan (the JLP) has entered its own examination phase and that public hearing sessions have been taking place throughout September and October 2021. As a result of issues raised, it has been agreed by mutual consent that the Matter 9 [Allocation Sites for Housing and other Development and Settlement Boundaries] and Matter 10 [Overall Supply of Housing] hearing sessions, scheduled for early November 2021, have been postponed to allow this Council to undertake further work regarding the JLP's spatial distribution and housing site selection process.

LM5: Land in Borley Road (D1 – 10 dwellings)

Notwithstanding any comments submitted by other consultees, the Councils' Strategic Housing team have reiterated their concerns about the approach to affordable housing in this policy.

While it is recognised that there are on-site constraints and that there is a laudable desire to maintain and enhance the employment space, that does not automatically mean that affordable housing cannot be provided and that this can only be determined after a viability assessment has been carried out.



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It is also pointed out that, if the site delivers 10 dwellings, that will mean it would qualify as a major development scheme per the definition set out in the National Planning Policy Framework (NPPF) and therefore be required to make provision for affordable housing. That would equate 3 affordable homes on site, although it is more likely that this Council would seek a commuted sum for delivery elsewhere, unless a community land trust wished to take these units on.

We therefore recommend that either standard practices for viability appraisal are followed (as per Policy LM9), with the second paragraph deleted entirely, or the policy should be amended as follows:

[...]

Subject to viability appraisal demonstrating that affordable housing cannot be delivered alongside employment and regeneration objectives, ~~The the site is~~ will not be expected to provide affordable housing in accordance with Policy LM 9, Affordable Housing or to provide housing for local people in accordance with Policy LM 10, Housing Reserved for Local People, or less expensive market housing in accordance with Policy LM 11, Provision of Less Expensive Market Housing.

Under either option, paragraph 4.60 should be either deleted or amended to reflect the policy change.

LM6: Land West of the High Street (K1 – 30 dwellings)

This iteration of the policy is broadly supported. The proposed 66% affordable homes offers a boost to affordable housing whilst still including 34% market homes to support a mixed community. The approach of having half the affordable homes being reserved for local people is also welcomed. If the other half (roughly equivalent to the usual 35% affordable homes) remains for District connection this means that it contributes to meeting wider needs. Also supported is the requirement for a green facility available to the public, which will help to integrate the new residents and the existing community.

Our only remaining issue is the way in which it says, “*affordable housing should be reserved for local people, local people being as defined in the Hamilton Trust*”. It might be necessary to make clear that the residents need to be in housing need **and** meet the Hamilton Trust’s definition of local.

LM10: Housing Reserved for Local People

The aspirations that sit behind this policy are understood but the policy also continues to raise concerns about the effective management of affordable housing given that it reduces the ability for those in need to access affordable housing which may not be available in their home or neighbouring parish.

We also remind the Parish Council that the District Council has an obligation to ensure that all its residents who have a registered and identified need are adequately housed. In that sense, a local connection to us means ‘Babergh’.

LM11: Provision of Less Expensive Market Housing

We continue to question how this policy can be implemented given the unlikelihood that all parties involved in a relevant development proposal discussion will share a single common idea as to what ‘*less expensive market housing*’ means.

If this is to remain, our previous suggestion stands, i.e., the policy should use the local evidence to justify a simple, easy to follow, housing mix policy that would require all new development proposals to provide a higher proportion of X or Y-bedroomed homes unless more up to date evidence of housing need mix dictates otherwise.

* * * * *

We trust that these comments are helpful and will be happy to answer any questions on these or other matters identified for clarification through the examination process.

Yours sincerely,

Paul Bryant
Neighbourhood Planning Officer
Babergh & Mid Suffolk District Councils – Working Together

T: 01449 724771 / 07860 829547

E: communityplanning@babberghmidsuffolk.gov.uk

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(3) SCC COUNCILLOR RICHARD KEMP

E from: SCC Councillor Richard Kemp

Rec'd: 17 Sept 2021

Subject: RE: CONSULTATION: R16 Long Melford NP (Babergh) - 20 Sept to 5 Nov '21

Thank you. I have no comments to make.

Cllr Kemp

* * * * *

From: BMSDC Community Planning <communityplanning@baberghmidsuffolk.gov.uk>

Sent: 17 September 2021 10:27

To: BMSDC Community Planning <communityplanning@baberghmidsuffolk.gov.uk>

Subject: CONSULTATION: R16 Long Melford NP (Babergh) - 20 Sept to 5 Nov '21

** This e-mail has been sent obo Robert Hobbs (Corporate Manager - Strategic Planning) **

Dear Sir / Madam

Consultation under Reg' 16 Neighbourhood Planning (General) Regulations 2012 (as amended) – the LONG MELFORD NEIGHBOURHOOD PLAN 2018 - 2037

We are contacting you because you are a statutory consultee or because you/your client may have an interest in, or you have contact us directly about this emerging neighbourhood plan.

On Monday 20 September 2021, we commence formal consultation on the submission draft Long Melford Neighbourhood Plan. Written representations are invited but these must arrive by no later than 4:00pm on Friday 5 November 2021. Further details are set out in the attached letter

Please also note that the consultation documents can now be viewed online at:

www.babergh.gov.uk/LongMelfordNP

Yours faithfully

Paul Bryant

Neighbourhood Planning Officer | Planning for Growth

Babergh & Mid Suffolk District Councils – Working Together

T: 01449 724771 / 07860 829547

E: As above

W: www.babergh.gov.uk / www.midsuffolk.gov.uk

Thank you for contacting us

We are working hard to keep services running safely to support and protect our residents, businesses, communities and staff through this period and beyond.

We will respond to your query as soon as possible. In the meantime, you can find the latest council information, including our response to Covid-19, on our website.



[Ends]

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(4) NATURAL ENGLAND

Date: 05 November 2021
Our ref: 368671
Your ref: Long Melford Neighbourhood Plan



Mr P Bryant
Babergh & Mid Suffolk District Councils
communityplanning@baberghmidsuffolk.gov.uk

Hornbeam House
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Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr Bryant

Reg' 16 Neighbourhood Planning (General) Regulations 2012 (as amended) – the LONG MELFORD NEIGHBOURHOOD PLAN 2018 - 2037

Thank you for your consultation on the above dated 17 September 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this Regulation 16 neighbourhood plan.

However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Joanne Widgery
Consultations Team

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic](http://magic.defra.gov.uk/)¹ website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available [here](#)².

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here](#)³. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here](#)⁴.

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty (AONB)**, the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the [Magic](http://magic.defra.gov.uk/)⁵ website and also from the [LandIS website](http://www.landis.org.uk/)⁶, which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework](#)⁷ sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance](#)⁸ sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

¹ <http://magic.defra.gov.uk/>

² <http://www.nbn-nfbr.org.uk/nfbr.php>

³ <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

⁴ <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making>

⁵ <http://magic.defra.gov.uk/>

⁶ <http://www.landis.org.uk/index.cfm>

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807247/NPPF_Feb_2019_revised.pdf

⁸ <http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/>

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)⁹), such as Sites of Special Scientific Interest or [Ancient woodland](#)¹⁰. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹¹) or protected species. To help you do this, Natural England has produced advice [here](#)¹² to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 171. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹³.

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

⁹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹⁰ <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

¹¹<http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

¹² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

¹³ <http://publications.naturalengland.org.uk/publication/35012>

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance on this](#) ¹⁴).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

¹⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/>

(5) HIGHWAYS ENGLAND

E from: Planning EE <PlanningEE@highwaysengland.co.uk>
Rec'd: 17 Sept 2021
Subject: R16 Long Melford NP Consultation Response

Dear Sir/Madam

Thank you for consulting National Highways on the above Neighbourhood Plan.

National Highways is a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In respect to this Neighbourhood Plan, the nearest trunk road is A14 and A120.

We have reviewed the plan and note the area and location that is covered is remote from the A14/A120. Consequently, the draft policies set out are unlikely to have an impact on the operation of the trunk road and we offer **No Comment**.

Kind Regards

Jarod Harrison, Senior Administrator
Spatial Planning | Operations (east) Highways England
Highways England | Woodlands | Manton Lane | Bedford | MK41 7LW
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Web: <http://www.highways.gov.uk>

For any planning related matters please email PlanningEE@highwaysengland.co.uk

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Consider the environment. Please don't print this e-mail unless you really need to.

[Ends]

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(6) NATIONAL GRID



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avisonyoung.co.uk

Our Ref: MV/ 15B901605



27 October 2021

Babergh & Mid Suffolk District Councils
communityplanning@baberghmidsuffolk.gov.uk
via email only

Dear Sir / Madam

**Long Melford Neighbourhood Plan Regulation 16 Consultation
September – November 2021
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Proposed development sites crossed or in close proximity to National Grid assets:

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Please also see attached information outlining guidance on development close to National Grid infrastructure.



Distribution Networks

Information regarding the electricity distribution network is available at the website below:

www.energynetworks.org.uk

Information regarding the gas distribution network is available by contacting:

plantprotection@cadentgas.com

Further Advice

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: nationalgrid.uk@avisonyoung.com

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(7) MARINE MANAGEMENT ORGANISATION

E from: Corinna Dietz (Marine Planner East | MMO)
Rec'd: 28 Oct 2021
Subject: RE: CONSULTATION: R16 Long Melford NP (Babergh) - 20 Sept to 5 Nov '21

Dear Spatial Planning Policy Team,

I am writing to confirm whether you have received our MMO standard response for this consultation. A copy of the standard response is attached.

No further comment is required from the MMO regarding the Long Melford Neighbourhood Plan - Regulation 16, as the Neighbourhood Plan does not overlap with the East Inshore and Offshore Marine Plans and therefore do not suggest any anticipated impacts on the marine plans.

We advise that you consider any relevant policies within the [East Marine Plan Documents](#) in regard to areas within the plan that may impact the marine environment. We recommend the inclusion of the East Marine Plans when discussing any themes with coastal or marine elements.

When reviewing the East Marine Plans to inform decisions that may affect the marine environment, please take a whole-plan approach by considering all marine plan policies together, rather than in isolation.

Many thanks for the opportunity to comment,

Corinna Dietz

Corinna Dietz | Marine Planner East | Marine Management Organisation

📍 Crosskill House | Mill Lane | Beverley | HU17 9JB

✉ corinna.dietz@marinemanagement.org.uk | ☎ 020 3025 2090 | 📱 [REDACTED]

Our MMO Values: Together we are **Accountable**, **Innovative**, **Engaging** and **Inclusive**

[Website](#) [Blog](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [YouTube](#)



Consultation response - PLEASE READ

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#).

We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemangement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325.

[Ends]

[PLEASE NOTE: THIS PAGE IS INTENTIONALLY BLANK]

(8) Resident – Ms Hoppit

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Ms Hoppit
Job Title (if applicable):	
Organisation / Company (if applicable):	
Address:	██████████ ██████████
Postcode:	
Tel No:	██████████
E-mail:	██████████

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	4.59	Policy No.	LM5 (D1)
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support	No	Oppose	Yes
Support with modifications		Have Comments	Yes

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible ...

Land in Borley Road, site LM 5, D1, p.45

I object to the following points. These are all against my legal rights, my deeds and EU human rights, the rights to enjoy my property.

1: the site does not have the potential to reduce car use as it cannot legally connect to Roper's Lane.

Roper's Lane is private and deeds of residents in the street prove this. Also SCC does not recognise it as a road for which they are responsible for upkeep.

Any footpath accessing Roper's Lane would be illegal and create public liability claims insurance premiums for its residents who privately maintain it. Parts of this lane are only 7ft wide, not wide enough for a pedestrians and cars to pass.

By granting access to it via a building plot LM5, (D1), for residents and commercial usage, and publishing it as such in the LMNDP, you are implying it is a legal right of way.

		the vehicle access on both locations.	requirement may be acceptable).
SG&H	S12(XII)	Site B1 Borley Road Borley Road does not have a footway linking the site to the existing footway network and there is very little highway verge to provide a footway. For 18 dwellings, this would not be acceptable in sustainable access terms. In the past 5 years there have been 7 injury accidents on the B1064/Borley Road junction. This junction will need to be investigated and major mitigation provided. It is recommended that the policy requires any planning application address the pedestrian access issue and the potential impacts on the junction.	Policy LM 5 revised in the light of this guidance. The site is now enlarged, enabling pedestrian access to be provided to Roper's Lane. The proposed scheme is now mixed use: 300 sq.m. of employment space and 10 residential units.
SG&H	S12(XIII)	Site K1, High Street	Noted.

2: In additional D1/LM5 includes land that is in my deeds. I have easement of use of a septic tank. That includes access for maintenance vehicles along the entire length.

My drains are located along the blue line. Current regulations for septic tanks (2020) state that no building or road can be built within 15m of a drainage field, so the area in pink is currently not legally suitable for any new buildings. And this constitutes a large proportion of this site.

The site was visited by Mark Cross [\[see note below\]](#) on 30/09/21 that: "1. The position of the existing septic tank serving West View was established in the land opposite West View."

3. The requirement set out in Approved Document of Building Regulation H1 is that drainage fields from septic tanks should be at least 10m from any water course and 15m from any building."



The proposed commercial premises with mixed housing and a green area between, show no regard for the homes that border this site. Can an order be placed on this site that the commercial area is situated to the very west side, away from the homes in Ropers lane please.

I also noted the word frontage being used in mention to Roper's Lane. This is an unmade road with numerous access, turning, width and pull in issues, meaning vans/lorry's etc currently reverse back out onto Borley Road, any additional traffic or parking would not be suitable. Legally it cannot be made up to standard due to its legal position, so will remain a dirt track.

Roper's Lane (N/S) is quiet and rural in its nature. It needs protecting in any plans, so access is not deemed "handy" "useful" a "short cut" or a "right". It is also a quiet, country, and relaxed area, the whole nature could be changed with bad development.

* [BDC Note: This is presumed to be Mark Cross: Building Control Surveyor - Babergh & Mid Suffolk DC's]

What improvements or modifications would you suggest?

Please be as brief and concise as possible ..

Commercial and residential:

1: protection of over use of Ropers lane, vehicles numbers and pedestrian numbers by clear fences and no access signs.

2: To protect my legal rights to discharge waste, etc. no building within 15m of my tank or it's drainage area, now or in the future if it needs replacing. No blocking access for lorry's or maintenance vehicles, including turning and working. Safe site, no shared public access over land I may have to do work on or access through.

Commercial: limits to smells, noise, hours, to reflect a residential area. Protection and character of Roper's Lane. Visual screening for Roper's lane.

Houses: adequate parking and planning to leave enough room for Ropers Lane residents to turn vehicles around or pull over to allow vehicles to pass (so they are not forced to back onto the Borley road) currently an area used by resident for this purpose is included in the area for building on.

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

I am, not sure that residents of Roper's Lane are aware that the site was extended late into the process area of land nor the footpath has been included and what these means to them in terms of insurance hike etc.

These were included late and after SCC consultation, they were not included in earlier plans.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Yes
The final 'making' (adoption) of the Long Melford NDP by Babergh District Council	Yes

Signed: (Ms) Hoppit	Dated: 11/10/21
----------------------------	------------------------

(9) GLADMAN DEVELOPMENTS

For Office use only:

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Victoria Smith
Job Title (if applicable):	Planner
Organisation / Company (if applicable):	Gladman Developments
Address:	Gladman House Alexandria Way Congleton Cheshire
Postcode:	CW12 1LB
Tel No:	
E-mail:	v.smith@gladman.co.uk

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	Gladman Developments
Address:	Gladman House Alexandria Way Congleton Cheshire
Postcode:	CW12 1LB
Tel No:	
E-mail:	v.smith@gladman.co.uk

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	
---------------	--	------------	--

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible ..

Please see attached representation.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible ..

Please see attached representation.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	X
The final 'making' (adoption) of the Long Melford NDP by Babergh District Council	X

Signed: V.SMITH

Dated: 03/11/2021



Long Melford
Neighbourhood Development Plan

Regulation 16 Consultation

October 2021



gladman.co.uk



01260 288888

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1 INTRODUCTION

1.1 Context

1.1.1 These representations provide Gladman's response to the Long Melford Neighbourhood Plan (LMNP) under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012.

1.1.2 Gladman Developments Ltd. specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Development Plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Local Plan and Neighbourhood Plan examinations.

1.1.3 Through these representations, Gladman provides an analysis of the LMNP and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the LMNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the LMNP must meet are as follows:

“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.

(d) The making of the order contributes to the achievement of sustainable development.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

2.2 National Planning Policy Framework

2.2.1 The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

2.2.2 At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed

housing needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

- 2.2.3 The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of the most up-to-date evidence. This is so that Long Melford Parish Council can assist Babergh District Council (BDC) in delivering sustainable development and be in accordance with basic condition (d).
- 2.2.4 The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.
- 2.2.5 Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.
- 2.2.6 Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

2.3 Planning for the Future White Paper

- 2.3.1 On 6th August 2020, Government published the Planning for the Future White Paper setting out proposals for how it is seeking to 'radically reform' the planning system. The proposals are seeking to streamline and modernise the planning process.

2.3.2 The White Paper Consultation closed on 29th October 2020, and it is important the Parish Council keeps abreast with the proposals and implications this may in turn have on the preparation of the LMNP. Timescales remain uncertain however subject to the outcomes of this process the Government has signalled its intent to make rapid progress toward this new planning system through the swift introduction of new legislation to implement the changes.

3 RELATIONSHIP TO LOCAL PLANS

3.1 Adopted Development Plan

3.1.1 To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

3.1.2 The adopted Development Plan relevant to the preparation of the LMNP and the Development plan against which the LMNP will be tested is the Babergh Core Strategy and Policies (2011-2031). The Plan was adopted in February 2014 and is the overarching planning policy document for the District and forms the decision-making process in relation to all planning applications looking forward to 2031, or such a time as it, or elements of it are superseded.

3.2 Emerging Development Plan

3.2.1 Babergh and Mid Suffolk Councils are currently preparing a new Joint Local Plan. The Plan is currently at Independent Examination. Whilst the Plan was scheduled for adoption in Winter 2021/2022, the Hearing Sessions have been delayed due to the Councils needing to undertake further work regarding the Plan's spatial distribution on account of the SHELAA methodology being flawed.

3.2.2 As the SHELAA forms part of the evidence base for the LMNP, the Parish Council are required to ensure that their site assessment and selection methodology is robust to meet basic conditions.

3.2.3 The Parish Council should be mindful of this delay, any potential changes, and the consequential impact on the LMNP. The Parish Council should be prepared to review the LMNP when the Plan is adopted.

4 LONG MELFORD NEIGHBOURHOOD PLAN

4.1.1 This section is in response to the LMNP consultation document and its supporting evidence base.

4.2 Site Selection and Assessment

4.2.1 As previously noted, the LMNP has identified sites using the Council's SHELAA. As a result of the Matter 4 hearing sessions held in October 2021, the Councils (Babergh and Mid Suffolk) are undertaking further work regarding the Plan's spatial distribution and housing site selection process.

4.2.2 The Parish Council must ensure that the site assessment and selection process is robust and meets the basic conditions.

4.3 Policy LM1: Growth and Sustainable Development

4.3.1 Gladman support the allocation of housing within the LMNP but consider the focus on development within the Settlement Boundary to be unnecessary as sites within the Settlement Boundary already benefit from the presumption in favour of sustainable development.

4.3.2 The supporting text states that 'The Plan allocates sites for more than enough housing to meet the requirement identified for Long Melford [...] the Parish Council will not support development beyond this boundary other than in exceptional circumstances.' The housing requirement is considered a minimum, and while 77 additional dwellings are identified in the Plan, the Plan should not in itself limit the sustainable expansion of Long Melford should the housing allocations not be bought forward.

4.4 Location of Future Development

4.4.1 The site assessments completed as part of the evidence base allude to the southwest of Long Melford being an appropriate location for future development. Long Melford is constrained to the north and west by the Chad Brook and River Stour, and to the northeast by the Melford Walk Local Nature Reserve. It is important that the LMNP does not limit development coming forward in this location in the future.

5 CONCLUSIONS

5.1 Summary

- 5.1.1 Gladman welcomes the opportunity to comment on the LMNP. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF 2021) and the associated updates that were made to Planning Practice Guidance.
- 5.1.2 Gladman have provided comments on the LMNP's evidence base, housing allocations and spatial strategy and recommend that the matters raised are carefully explored during the neighbourhood planning process.
- 5.1.3 We hope you have found these representations informative and useful towards the preparation of the LMNP and Gladman welcome any future engagement with the Parish Council to discuss the considerations within these representations.

APPENDICES

Appendix 1: Title



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(10) TURLEY (obo Pigeon Investment Management Ltd)

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Ms Sophie Pain
Job Title (if applicable):	Associate Director - Planning
Organisation / Company (if applicable):	Turley
Address:	8 Quy Court Colliers Lane Stow-cum-Quy Cambridge
Postcode:	CB25 9AU
Tel No:	
E-mail:	Sophie.pain@turley.co.uk

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	Pigeon Investment Management Ltd
Address:	Linden Square 146 Kings Road Bury St Edmunds Suffolk
Postcode:	IP33 3DJ
Tel No:	C/O Agent
E-mail:	C/O Agent

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy Nos.	LM10, LM11 and LM14
---------------	--	-------------	---------------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	X
Support with modifications		Have Comments	

Please give details of your reasons for support / opposition, or make other comments here:

Please refer to supporting letter, which sets out our reasons for opposing these policies.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please refer to supporting letter, which sets out suggested modifications to the identified policies.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

There are policies within the Neighbourhood Plan, such as Policy LM14, which are flawed and require an open discussion between the relevant parties which cannot be achieved via written representations.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	Yes
The final 'making' (adoption) of the Long Melford NDP by Babergh District Council	Yes

Signed: 	Dated: 5.11.2021
--	-------------------------

5 November 2021

Delivered by email

Long Melford NP Consultation
C/O Mr Paul Bryant
Spatial Planning Policy Team
Babergh and Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

Ref: PIGC3031

Dear Mr Bryant

REPRESENTATIONS TO LONG MELFORD NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION

I write on behalf of Pigeon Investment Management Ltd ('Pigeon') and their Landowners in respect of their land interests as set out on the Landownership Plan contained at **Appendix 1**.

Pigeon welcome the opportunity to be able to make representations to the Regulation 16 Consultation of the Pre-Submission version of the Long Melford Neighbourhood Plan (LMNP), having previously responded to the consultation on Policy LM14 – Protection of Rural Gap in April 2021. These representations are enclosed at **Appendix 2** of this letter and as a consequence will not be repeated in full. However, to assist the appointed Examiner, we provide a summary of the relevant points we raised concerning this policy, together with comments to a limited number of other policies within the Pre-Submission LMNP.

Policy LM10: Housing Reserved for Local People

Whilst the policy intention is understandable and has been borne from comments received to early drafts of the LMNP, Pigeon would question the ability of the Neighbourhood Plan to require 50% of all affordable homes to be made available exclusively for local people. Such a requirement would normally be subject to eligibility criteria that the District Council's Housing Team would be involved in as part of a planning application and associated Section 106 Agreement.

Policy LM11: Provision of Less Expensive Market Housing

Pigeon believe that this policy is seeking to secure a mix of housing sizes and types as part of any future residential schemes and that as part of this mix there are a selection of two and three bedroom properties, together with terraced properties and flats.

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Firstly, Pigeon would suggest that a revised title for this policy might be clearer as Housing Mix, in order to assist future applicants with navigating the Policy.

Notwithstanding this point, Pigeon would suggest that this policy applies to all housing developments of ten or more homes, so that it is in line with the wording of housing policies contained within the emerging Local Plan. Furthermore, that the policy wording should be explicit that such requirements concerning housing size and type are required, unless it can be demonstrated that it is not financially viable to do so, or should the latest publically available housing needs information for the Plan or market analysis demonstrates that there is a need for a different mix.

These two suggested amendments to the Policy would bring the wording into closer alignment with the emerging Joint Local Plan policies on this matter and ensure that the policy meets the required basic conditions.

Policy LM14 – Protection of Rural Gap

Since the consultation on this Policy in April 2021, it is noted that no changes have been made to the wording of the policy or the justification for it, as demonstrated within the Long Melford Neighbourhood Plan Consult Statement July 2021. Therefore, the comments made by Pigeon to the policy in April 2021 remain and their view that this policy should be removed from the LMNP because it does not meet the basic conditions set out in paragraph 8(2) of the Schedule 4B of the Town and Country Planning Act 1990.

It is noted from the consultation documentation, that this is a view shared by Babergh District Council and one that has repeatedly been shared with the Parish Council, most recently through an informal consultation with the District in May/June 2021.

The District Council have stated that they have consistently said that they cannot support policy LM14 because they do not believe it to be NPPF compliant and that it is contrary to paragraph 4.94 (of the LMNP) because it represents an extensive tract of land. They strongly advise deleting the policy from the Neighbourhood Plan. In response to this advice, Long Melford Parish Council have repeated that they are not relying on paragraphs 99 and 100 of the NPPF to justify the policy and without good reasons from the District Council to delete this policy, the decision has been taken to retain it within the Neighbourhood Plan.

Paragraph 4.94 of the LMNP states that:

“The Policy relates to a small area of the parish; it is not a comprehensive or extensive bar to development and it provides for exceptions if they are justified. The Parish Council is not justifying this Policy by reference to NPPF 2021, paragraphs 101 and 102”.

An initial calculation identifies that the Rural Gap covers an area of approximately 149 ha (or 368 acres), of which approximately 132.5 ha (or 327.5 acres) is located between the A134 and the northern settlement boundary for Sudbury. This equates to 89% of the rural gap being located towards the boundary with Sudbury, which is a significant area. Furthermore, this area of land is already designated as countryside on the Policies Map for both the adopted and emerging Local Plans. Therefore, the types of development that are permissible in this area are already limited.

The wording of Policy LM14 seeks to further limit development in the Rural Gap unless it is an ‘*exceptional circumstance*’, which is not defined within the Plan. It is likely that this term has been taken from the Submitted Version of the Joint Local Plan for Babergh and Mid Suffolk, where at Policy SP03 it stated in Part 2 that ‘outside of the defined boundaries, in isolated locations development will only be permitted in

exceptional circumstances’. It could be debated whether any part of the Rural Gap meets with the definition of ‘isolated’ as established by case law, but notwithstanding that, through the hearing sessions for the examination of the Joint Local Plan, the Councils have proposed a main modification to Policy SP03. This is in light of guidance from the Inspectors who questioned whether such a requirement was in compliance with national planning policy. On reflection, the Councils have considered this further and proposed a modification to the Inspectors, which will be consulted upon at a later date. The proposed modification is that *‘outside of defined development boundaries, development will only be permitted in circumstances specified in national policy’*. To retain the requirement in the LMNP for development to only be allowed in the Rural Gap in exceptional circumstances would be actively preventing development that is now proposed as acceptable in the relevant spatial policy of the emerging Joint Local Plan.

Whilst it remains Pigeon’s view that Policy LM14 should be deleted in full from the Neighbourhood Plan for the reasons set out in their representations to the consultation on Policy LM14, should the appointed Examiner consider it meets the basic conditions and should be retained, then Pigeon would request that the wording be amended to reflect the change proposed to the emerging Joint Local Plan and the Council’s spatial policy on the settlement hierarchy.

The relevant examination document with the proposed changes is contained at **Appendix 3** of this letter for convenience.

Pigeon understand that the Parish Council are not justifying Policy LM14 through paragraphs 101 and 102 of the NPPF. However, within their justification for Policy LM14 at paragraphs 4.91 – 4.94 it does specify what the purposes of the Rural Gap are. These are closely aligned with the wording of paragraph 138 of the NPPF which set out the five purposes of the Green Belt. By way of comparison:

NPPF 2021 Paragraph 138	Long Melford Neighbourhood Plan Paragraph 4.92
To check the unrestricted sprawl of large built up areas;	To check the unrestricted expansion of Sudbury and to prevent it from merging with surrounding villages;
To prevent neighbouring towns merging with one another;	To check the unrestricted expansion of Long Melford and to prevent it from merging with Sudbury;
To preserve the setting and special character of historic towns; and	To preserve the setting and special character of communities north of Sudbury; and
To assist in safeguarding the countryside from encroachment.	To assist in safeguarding the countryside from encroachment.

Whilst the Neighbourhood Plan does not designate the Rural Gap as Green Belt, its purposes are effectively the same. Whilst there is the suggestion it is to prevent the unrestricted expansion of Long Melford, one can see from Map 4I that given the Rural Gap does not include any land between the A134 and the Settlement Boundary for Long Melford, it could be assumed that its purpose is more to check the unrestricted expansion of Sudbury towards surrounding villages.

Pigeon did raise the question of how the inclusion of the land for the Rural Gap has been evidenced in their representations in April 2021. This question appears to have gone unanswered and to the best of their knowledge, no landscape evidence has been put forward by a suitably qualified professional to inform the inclusion of the land. Neither have there been any reasonable alternatives tested through the preparation of the Neighbourhood Plan to understand whether an alternative area of land could achieve the same objectives. To this end, within their representations to the consultation on policy LM14, Pigeon

did provide an alternative boundary for the Rural Area, if it were to be retained within the Neighbourhood Plan, which was based upon an initial Landscape Appraisal by a suitably qualified landscape professional. Pigeon would be willing to expand on this further should a hearing be held.

In conclusion to Policy LM14, Pigeon are of the view that in order to meet the basic conditions that the Plan will be assessed against, this policy should be deleted in full, a view that is shared by the District Council. This is because it does not meet the following basic conditions:

- Have regard to national policies and advice; and
- Be in general conformity with the strategic policies contained in the development plan for the area.

The District Council have been clear that they do not support the inclusion of this policy within the Neighbourhood Plan as it does not meet the tests set out in the NPPF. Furthermore, if the District Council considered a policy were required to prevent coalescence of settlements, then this could have been included within the emerging Joint Local Plan. However, no such policy has been included in the submitted draft of the Plan, nor has the need for one arisen in the hearing sessions to date.

In the event that the appointed Examiner considers that this policy should remain, then Pigeon would request that the following changes are made:

- That the wording of the policy is amended to remove the requirement for ‘exceptional circumstances’ and align the wording of the policy with the amended Policy SP03 of the emerging Joint Local Plan; and
- That consideration is given to a revised boundary to the Rural Gap, which is informed by appropriate professional landscape advice as suggested through Pigeon’s earlier representations and provide the justification for why this land should be designated as a ‘Rural Gap’ and that this is not against the purposes for designating land as Green Belt.

Development on Northern Edge of Sudbury

As the Neighbourhood Plan identifies in respect of Policy LM14, the characteristics of the Plan area means that there are two quite distinct character areas. Firstly is the land around Long Melford and to the west of the A134 and secondly the land on the northern fringe of Sudbury and to the east of the A134. Naturally, the area of the Plan around Sudbury is more related to the urban area of Sudbury than Long Melford. It is likely that any future schemes in this area will use services and facilities within Sudbury and will not impact on local issues and concerns within Long Melford.

The Neighbourhood Plan acknowledges through the Rural Gap designation, the strategic allocation at Chilton Woods for a mixed use development and that the ‘Built Up Area Boundary’ of Long Melford accommodates an emerging allocation (LA113) on its eastern side.

Naturally, the policies within the Neighbourhood Plan focus on development within Long Melford, which Pigeon fully support. Given the position of the proposed Rural Gap which prevents development from occurring on the northern edge of Sudbury, there is no acknowledgement of how schemes on the northern edge of Sudbury could come forward, where they could be more closely related to Sudbury than Long Melford.

This is a situation which is not unique to Long Melford and one that other Neighbourhood Plans have had to contend with. For example, as Chilton Parish bring forward their Neighbourhood Plan, they will have similar matters to consider.

If the appointed Examiner chose to remove Policy LM14 from the Neighbourhood Plan, then Pigeon consider that there are two options:

- (a) That a policy is included in the Neighbourhood Plan which informs any development proposals on the northern edge of Sudbury; or
- (b) That the draft policies within the Neighbourhood Plan are amended (where relevant) to reflect the different characters of the Neighbourhood Plan area. For example, draft Policy LM8 states that proposals for residential development should be smaller than 30 units. Such a requirement is understandable within the historic 'Built Up Area Boundary' of Long Melford, but on land to the north of Sudbury in a highly sustainable location, but within the Neighbourhood Plan boundary, is unlikely to make an efficient use of land in line with the NPPF.

Pigeon would suggest that option (a) would be simpler to incorporate and if pursued, the wording of any proposal should be developed in consultation with Sudbury Town Council and Babergh District Council to ensure that there is a coordination of approach across this strategically important area. Pigeon would ask the appointed Examiner to consider this matter further within their assessment of the Neighbourhood Plan.

Finally, Pigeon would make the suggestion that the Parish Council may wish to work with Babergh District Council to review their policies once more in light of the initial hearing sessions which have taken place as part of the Examination of the emerging Joint Local Plan. There are already a number of proposed main modifications to the policies within the emerging Joint Local Plan, as picked up in our comments to policy LM14 and to ensure that the two documents align, it is considered that this would be a beneficial exercise.

It would also be helpful to all participants of the Neighbourhood Plan process, to have access to previous versions of the Neighbourhood Plan and comments made by others as this Plan moves through its process.

Yours sincerely

Sophie Pain
Associate Director
sophie.pain@turley.co.uk

Enclosures:

Appendix 1: Landownership Plan

Appendix 2: Copy of Representations to LM14 Consultation

Appendix 3: Copy of BMSDC modifications to draft Policy SP03

Appendix 4: Response Form to Consultation

Representations to Rural Gap Consultation Long Melford Neighbourhood Plan

April 2021

Turley

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Client

Pigeon Investment Management Limited

Our reference

PIGC3031

April 2021

1. Introduction

- 1.1 This Statement has been prepared by Turley, on behalf of Pigeon Investment Management Ltd ('Pigeon') and their Landowners in respect of their land interests as set out on the Landownership Plan attached at **Appendix 1**.
- 1.2 These representations are duly made to the consultation on draft Policy LM14 'Protection of Rural Gap' of the draft Long Melford Neighbourhood Plan. It is understood that this consultation is taking place, following changes to this policy as a result of the Regulation 14 consultation that took place in 2019.
- 1.3 Pigeon would also like to take the opportunity to make some general observations to other policies in the draft Regulation 15 Neighbourhood Plan. These are made on the basis of assisting the Parish Council to ensure that the Plan can meet the basic conditions as set out in paragraph 8(2) of the Schedule 4B of the Town and County Planning Act 1990. In summary, to satisfy these basic conditions and put to a referendum, the Long Melford Neighbourhood Plan must:
- have regard to national policies and advice;
 - have special regard to the desirability of preserving any listed building or its setting;
 - have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies contained in the development plan for the area;
 - not breach, and is otherwise compatible with, EU obligations; and,
 - ensure that prescribed conditions are met and prescribed matters have been complied with.
- 1.4 Pigeon and their Landowners have requested the right to be heard before the Examiner at the Neighbourhood Plan Examination if required.

2. Policy LM14 – Protection of Rural Gap

Context to Policy LM14

- 2.1 Paragraph 13 of the National Planning Policy Framework (NPPF) (2019) sets out that *‘neighbourhood plans should support the delivery of strategic policies contained in Local Plans or Spatial Development Strategies; and should shape and direct development that is outside of these strategic policies’*.
- 2.2 Paragraph 4.2 of the draft Neighbourhood Plan recognises this and acknowledges that *‘the role of a Neighbourhood Plan in setting out non-strategic policies (strategic policies being the responsibility of Babergh District Council (BDC)) are described at paragraphs 28 and 29 of the NPPF’*.
- 2.3 Pigeon acknowledge that this is the appropriate approach to take regarding Neighbourhood Planning, which is wholly in accordance with national planning policy and guidance.
- 2.4 The draft wording of Policy LM14 is:
- The area hatched green on Map 4B is designated as a Rural Gap, within which development will not be supported other than in exceptional circumstances.*
- 2.5 Setting the context and justification for Policy LM14, the draft Neighbourhood Plan identifies at paragraphs 3.5 – 3.7 that Long Melford is surrounded by farmland, which contributes to its rural setting. It states that the four routes into Long Melford are open spaces and the gap between Long Melford and Sudbury should be protected from development and from the impact of nearby developments.
- 2.6 Justification for Policy LM14 identifies that with development to the south of Long Melford and north of Sudbury (Chilton Woods Extension), there is the view that these two communities with very distinctive identities may begin to merge. This would compromise their identities. Paragraph 4.91 goes on to explain that the southern approach to Long Melford (along Sudbury Road/B1064) through open countryside is very important to the character of the village as a rural community, not a suburb.
- 2.7 Therefore paragraph 4.92 of the draft Plan sets out that the purposes of the Rural Gap are:
- To check the unrestricted expansion of Sudbury and to prevent it from merging with surrounding villages;
 - To check the unrestricted expansion of Long Melford and to prevent it from merging with Sudbury;
 - To preserve the setting and special character of communities north of Sudbury; and,
 - To assist in safeguarding the countryside from encroachment.

- 2.8 Paragraph 4.94 sets out that *'the policy relates to a small area of the Parish; it is not a comprehensive or extensive bar to development and it provides for exceptions if they are justified. The Parish Council does not justify this Policy by reference to the NPPF, 2019 paragraphs 99 and 100'*, which relate to the tests that Local Green Space need to meet.

Representations to Policy LM14

- 2.9 It is understood that in the Regulation 14 consultation, the land now identified as the proposed 'Rural Gap' was part of the Local Green Space designation under the former policy LM-H15.
- 2.10 Through representations to the Regulation 14 consultation, it was identified that the proposed land did not meet the tests set out in paragraph 100 of the NPPF. Reviewing comments from Babergh District Council to the Regulation 14 consultation, they identified that the former policy read more as a buffer policy to prevent coalescence with Sudbury and that it did not meet with the tests set out in the NPPF. They made the suggestion that the issue may be more appropriately dealt with by reinforcing the settlement boundaries.
- 2.11 In partial recognition of these comments, the land has now been removed as a Local Green Space designation and re-designated as a 'Rural Gap', where development will only be allowed in exceptional circumstances, thereby safeguarding the land from future development.
- 2.12 The land contained in the proposed 'Rural Gap' is not covered by any statutory landscape designations. It sits outside of any development boundary for either Long Melford or Sudbury and as such is designated as countryside. This is a strategic designation identified by Babergh District Council and to which policies in their adopted and emerging Local Plans addresses development in this area.
- 2.13 The closest designated landscape is the Dedham Vale AONB located approximately 9km to the southeast. The 'Rural Gap' is located in the Stour Valley Project Area, which as the District Council set out in their comments to the Regulation 14 consultation is *'defined for the purposes of countryside management and does not, of itself, have any planning policy weight'*. Indeed, the recently submitted Joint Local Plan does not contain any policies on these Project Areas.
- 2.14 An area to the south of Sudbury (not including or adjacent to the 'Rural Gap') is being considered for an extension to the AONB. The 'Rural Gap' is not located within the Babergh District Council's local landscape designation of Special Landscape Area which includes landscape to the west of the B1064 Sudbury Road. Due to the hierarchical approach of the NPPF to landscape protection, it is Pigeon's view, supported by their technical advisors, that the landscape within the 'Rural Gap' would therefore be subject to a lower level of protection.
- 2.15 In designating the land firstly as Local Green Space and then as a Rural Gap, there appears to be an absence of any evidence to inform the inclusion of the proposed land. Given the implications of proposing such a landscape designation and the affect it would have on neighbouring areas, as set out within the paragraphs below, Pigeon would have expected a Landscape Appraisal to be carried out by a suitably qualified professional to inform the Neighbourhood Plan.

2.16 The purposes of the 'Rural Gap' as set out in paragraph 4.92 of the draft Neighbourhood Plan applies those which are ordinarily associated with the purposes of allocating land within the Green Belt. This implies that the 'Rural Gap' will be treated as such.

2.17 Paragraph 135 of the NPPF sets out the following policy on designating Green Belt:

The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- (a) Demonstrate why normal planning and development management policies would not be adequate;*
- (b) Set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;*
- (c) Show what the consequences of the proposal would be for sustainable development;*
- (d) Demonstrate the necessity for the Green Belt and its consistent with strategic policies for adjoining areas; and*
- (e) Show how the Green Belt would meet the other objectives of the Framework.*

2.18 Whilst it is appreciated that the draft Neighbourhood Plan does not designate this area in question as Green Belt, the very fact that the justification for the 'Rural Gap' relies on the purposes for designating land as Green Belt very much means that this is the likely intention of the 'Rural Gap'.

2.19 Notwithstanding whether the intention of the 'Rural Gap' is to perform a similar function to that of a Green Belt, any restrictive landscape designation is considered to be a strategic policy, not a non-strategic one. Therefore, as the draft Neighbourhood Plan acknowledges, Babergh District Council is the relevant authority responsible for setting such strategic policies. This is in line with paragraph 20 of the NPPF.

2.20 The nature of the Long Melford Neighbourhood Plan area, which follows the Parish Boundary means that it abuts the boundary of Sudbury. The position of the proposed 'Rural Gap', as a landscape designation on the boundary of Sudbury, a strategic location for growth as defined by Babergh District Council, has greater implications for the Town than for Long Melford.

2.21 As the crow flies, the designation is some 1.92 km from the 'Built Up Area Boundary' of Long Melford and on the eastern side of the A134, which dissects this landscape. There are no proposals to designate land to the west of the A134 as part of the 'Rural Gap', which has a closer relationship to the setting of Long Melford. Therefore, as Babergh District Council identified before, the proposed 'Rural Gap' continues to read more as a buffer policy to prevent coalescence with Sudbury.

- 2.22 A review of the Statement of Community Involvement for the Neighbourhood Plan and comments received to the Regulation 14 consultation, does not reveal any engagement with Sudbury Town Council. As one of two towns in the Babergh Spatial Strategy to which development will be directed, given its sustainable location and availability of services and facilities, such a landscape designation will prevent expansion on this edge of Sudbury.
- 2.23 Ultimately, this is the purpose of Policy LM14, so that the rural setting of Long Melford is protected. Pigeon considers that this goes beyond the remit of a Neighbourhood Plan.

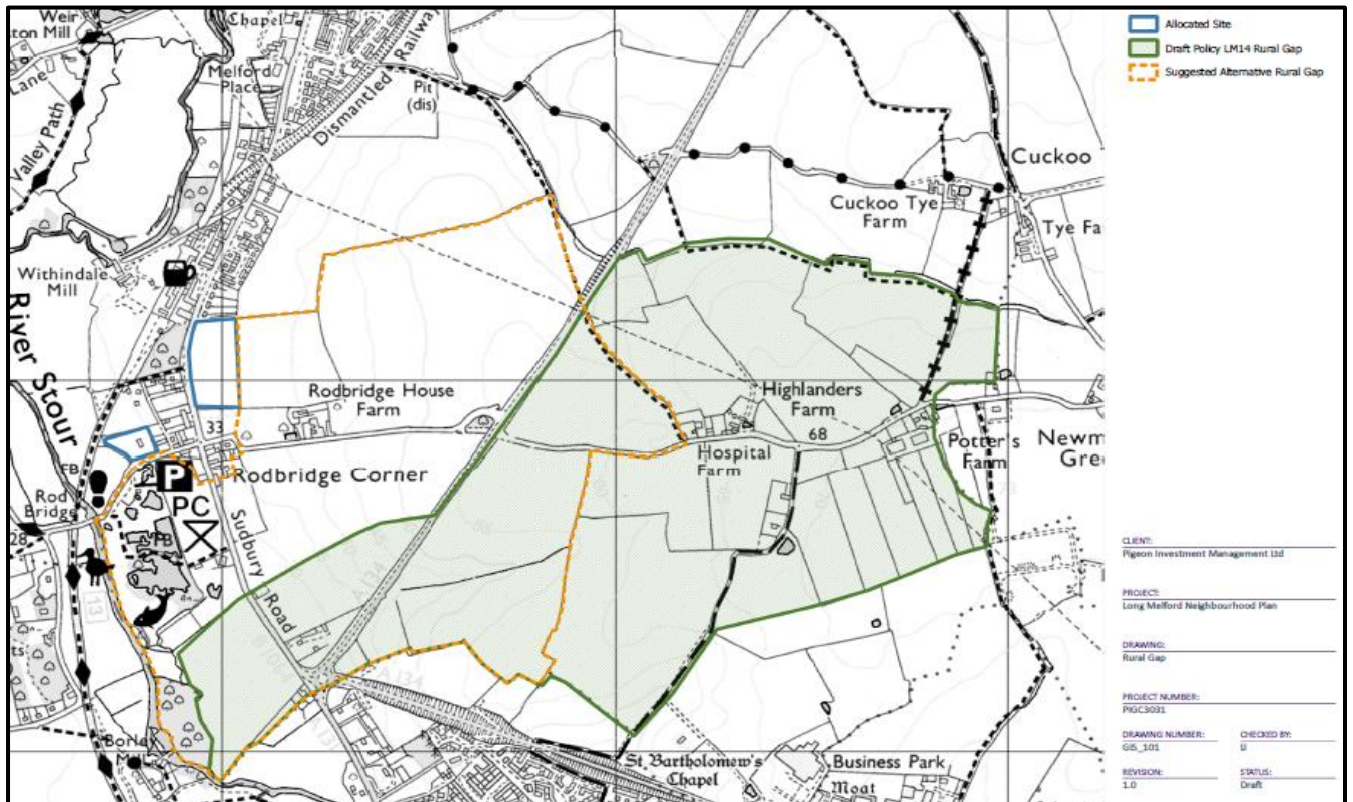
Way Forward

- 2.24 In accordance with the NPPF and national planning guidance, Pigeon suggest that draft Policy LM14 is removed from the draft Neighbourhood Plan. Any type of restrictive landscape designation would need to be addressed through a strategic policy, which would be the responsibility of Babergh District Council, taking into account the overall strategy for the pattern, scale and quality of new development in the District and not through a Neighbourhood Plan. As such, Pigeon would suggest that the preparation of the Joint Local Plan, which has now been submitted for Examination, has fully considered this matter.
- 2.25 The desire to secure some protection to the rural setting of Long Melford is understood. However, it needs to be secured through the correct policy process and to be supported by an appropriate evidence base, which as set out above, to the best of our knowledge, has not been undertaken. It is not sufficient or appropriate to simply draw an area, and one which has implications for the future vitality and viability of a neighbouring town, which is one of two strategic locations for growth in the District.
- 2.26 Therefore, to assist the Parish Council Pigeon would like to offer the following suggestions so that the broad objectives of including the 'Rural Gap' are met.
- 2.27 The Neighbourhood Plan refers to the approach to the village from the south along Sudbury Road as being a key route that is important for preserving the separation with Sudbury. Furthermore it identifies that the four main routes into the village help to define its rural setting.
- 2.28 Supported by planning and landscape professionals from Turley, who have undertaken site visits, Pigeon agree that Sudbury Road provides the key route where one experiences leaving Sudbury and arriving into Long Melford. They are also of the view that the approach via Mills Lane is important to this rural setting. When approaching from the east, at the junction with the A134 is where one first experiences views towards Long Melford with the topography sloping towards the village. There are similar views looking northwest from Mills Lane. The topography of the landscape makes a critical contribution to the separation of the two settlement areas. This is experienced around the junction of Mills Lane and the A134 where the landscape is elevated and the rolling landscape to either side contributes both to the rural setting and containment of the settlement edges.
- 2.29 Furthermore the rolling triangular farmland to the east of Sudbury Road / south of Mills Lane is important and the minor valley to the east of the A134 as it provides containment to Sudbury in views from Sudbury Road. This contributes to the sense of separation experienced when travelling between the two settlements on Sudbury Road.

2.30 As proposed, the 'Rural Gap' does not cover these areas of land and does not extend to the 'Built Up Area Boundary' of Long Melford. The proposed 'Rural Gap' incorporates an extensive area to the eastern side of the A134 and a narrow corridor to either side of Sudbury Road. There is no logical boundary to the land included to the eastern side of Sudbury Road and western side of the A134. The boundaries of the gap should be clearly definable by physical features in the landscape. It is considered that the landscape surrounding the southern settlement edge of Long Melford associated with Sudbury Road is critical in preserving a sense of separation.

2.31 Below is a suggested alternative area for the proposed 'Rural Gap' designation, taking into consideration physical features, such as topography and logical boundaries. A full plan is set out in **Appendix 2**. This has been informed by an initial consideration of landscape and visual characteristics as experienced during the site visit and summarised in **Appendix 3** of this Statement.

2.32 The proposed area would achieve the same outcome for Long Melford. In order to meet the basic conditions that the Plan will be assessed against, Pigeon would suggest that a detailed evidence base including an assessment of landscape character and views would need to be produced to inform the final boundaries of the 'Rural Gap' and justify why this land should be designated as a 'Rural Gap'.



3. Observations to Other Draft Policies in Neighbourhood Plan

- 3.1 Pigeon appreciate that the current consultation is contained to Policy LM14. However, responding to this and reading through the Regulation 15, Pre-Submission Version of the Draft Neighbourhood Plan, they do have some observations that they would like to share.
- 3.2 As the Neighbourhood Plan identifies in respect of Policy LM14, the characteristics of the Plan area means that there are two quite distinct character areas. Firstly is the land around Long Melford and to the west of the A134 and secondly the land on the northern fringe of Sudbury and to the east of the A134. Naturally, the area of the Plan around Sudbury is more related to the urban area of Sudbury than Long Melford. It is likely that any future schemes in this area will use services and facilities within Sudbury and will not impact on local issues and concerns within Long Melford.
- 3.3 The Neighbourhood Plan acknowledges through the draft 'Rural Gap' designation, the strategic allocation at Chilton Woods for a mixed use development and that the 'Built Up Area Boundary' of Long Melford accommodates an emerging allocation (LA113) on its eastern side.
- 3.4 It would appear that in the Regulation 14 Consultation Document, there was a policy (LM-H8 – Contingent Allocation of Sites, Northern Fringe of Sudbury) that referenced Chilton Woods, but that this has been removed. Unfortunately, with no previous versions of the draft Plan available to view, no further comment can be made on this and its appropriateness.
- 3.5 Naturally, the policies within the draft Neighbourhood Plan focus on development within Long Melford, which Pigeon fully support. Given the position of the proposed 'Rural Gap' which prevents development from occurring on the northern edge of Sudbury, there is no acknowledgement of how schemes on the northern edge of Sudbury could come forward, where they could be more closely related to Sudbury than Long Melford.
- 3.6 This is a situation which is not unique to Long Melford and one that other Neighbourhood Plans have had to contend with. For example, as Chilton Parish bring forward their Neighbourhood Plan, they will have similar matters to consider.
- 3.7 If the Parish Council choose to remove Policy LM14 from the draft Neighbourhood Plan, then Pigeon consider that there are two options:
 - (a) That a policy is included in the Neighbourhood Plan which informs any development proposals on the northern edge of Sudbury; or
 - (b) That the draft policies within the Neighbourhood Plan are amended (where relevant) to reflect the different characters of the Neighbourhood Plan area. For example, draft Policy LM8 states that proposals for residential development should be smaller than 30 units. Such a requirement is understandable within the historic 'Built Up Area Boundary' of Long Melford, but on land to the north of Sudbury in a

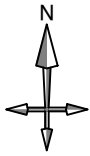
highly sustainable location, but within the Neighbourhood Plan boundary, is unlikely to make an efficient use of land in line with the NPPF.

- 3.8 Pigeon would suggest that option (a) would be simpler to incorporate and if pursued, the wording of any proposal should be developed in consultation with Sudbury Town Council and Babergh District Council to ensure that there is a coordination of approach across this strategically important area.

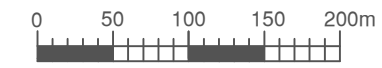
4. Summary

- 4.1 In conclusion, Pigeon consider that the preparation of the neighbourhood Plan has been positively conducted in so far as it relates to the village of Long Melford.
- 4.2 Pigeon is of the view that the introduction of a 'Rural Gap' on the boundary with Sudbury is a strategic designation and one that should be assessed at the District level rather than the Neighbourhood Plan level, in accordance with the NPPF. It is clear from the District Council's emerging Joint Local Plan, which has recently been submitted for Examination, that Babergh do not consider such a policy approach is warranted. In order for the Neighbourhood Plan to therefore meet the basic conditions, against which it will be assessed, Pigeon would recommend that Policy LM14 is removed from the draft Neighbourhood Plan.
- 4.3 In the event that the Parish Council proceed with Policy LM14, then to assist, Pigeon has suggested a modified boundary to the 'Rural Gap', which includes land which aligns with the objectives of the Neighbourhood Plan to maintain the rural and open approach to Long Melford.
- 4.4 Given the distinctive character areas of the village compared to the wider Parish, Pigeon would suggest that a policy is inserted into the draft Neighbourhood Plan which applies to any proposed development on the northern edge of Sudbury. This is because policies within the draft Plan are focused on development within Long Melford, but that the Plan area covers a much wider area and abuts one of the Districts strategic locations for growth. As such, this should be recognised and reflected within the policies contained within the emerging Neighbourhood Plan.

Appendix 1: Landownership Plan



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Notes

1. Do not scale from this drawing.

Key

- Site Boundary (68.71 ha / 168.03 acres)

Rev	Date	Description
-	--/--/----	-
-	--/--/----	-



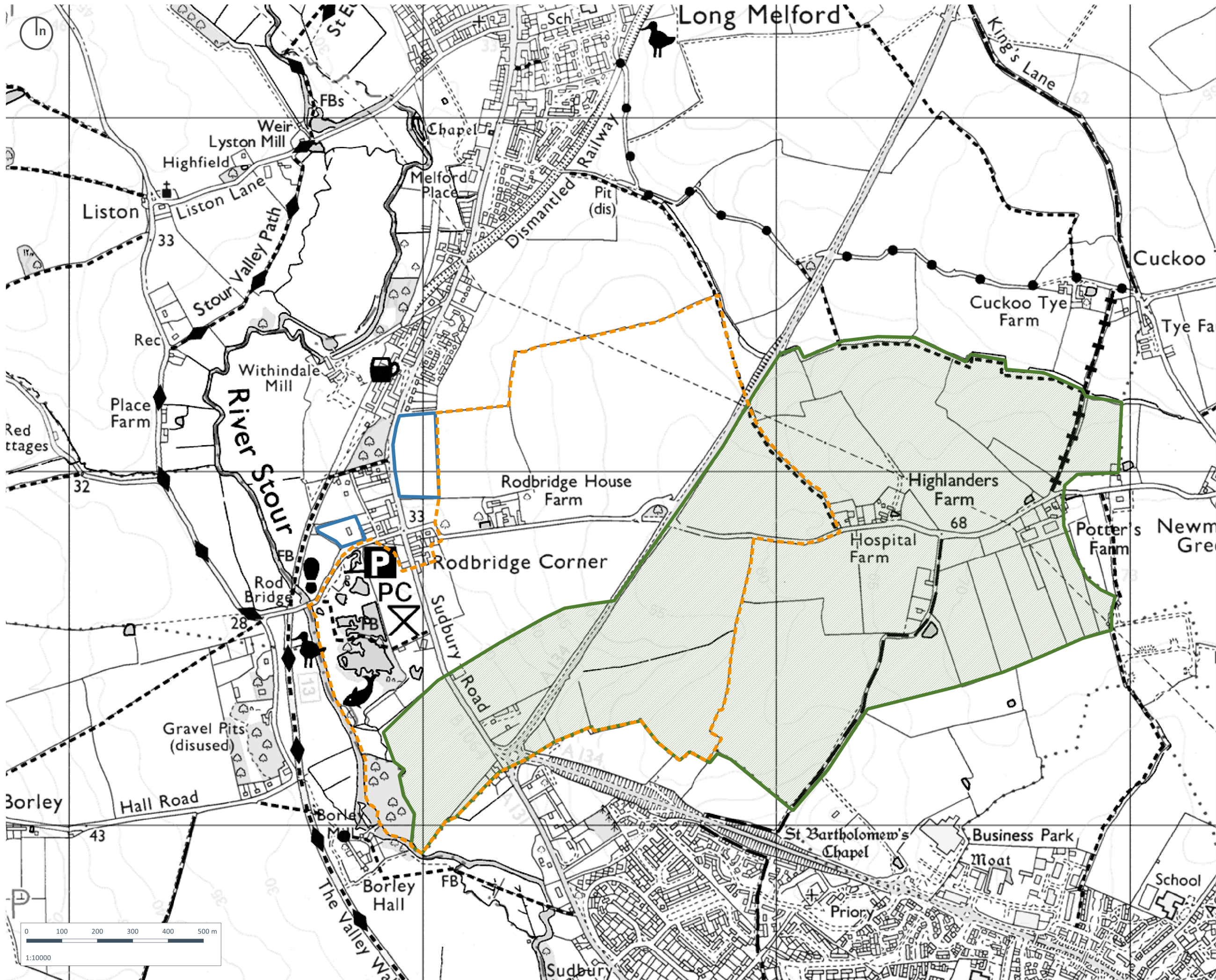
Pigeon Investment Management Ltd
Linden Square
146 Kings Road
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IP33 3DJ

Drawing Title
**LANDOWNERSHIP
PLAN**

Project Name
SUDBURY

Drawn	Check	Scale	@
JK	SBF	1:5000	A3
Date	Drawing No.	Rev	
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Appendix 2: Map to Show Alternative Rural Gap Boundary



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- Allocated Site
- Draft Policy LM14 Rural Gap
- Suggested Alternative Rural Gap

CLIENT: _____
 Pigeon Investment Management Ltd

PROJECT: _____
 Long Melford Neighbourhood Plan

DRAWING: _____
 Rural Gap

PROJECT NUMBER: _____
 PIGC3031

DRAWING NUMBER: _____ CHECKED BY: _____
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REVISION: _____ STATUS: _____
 1.0 Draft

DATE: _____ SCALE: _____
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Appendix 3: Landscape and Visual Summary

A review of the proposed Policy LM14 Projection of Rural Gap has been carried out by a chartered landscape architect from Turley Landscape and VIA. This has been informed by a field study and a desktop review of landscape character assessments, planning guidance and OS mapping.

Designations and Landscape Value

The identified rural gap is not covered by any statutory landscape designations. The closest designated landscape is the Dedham Vale AONB located approximately 9km to the southeast. The rural gap is located in the Stour Valley Project Area which is associated with the Dedham Vale AONB and also receives 'AONB services' and management. The Stour Valley Project Area is identified as sharing similar characteristics as the Dedham Vale which indicates landscape value. An area to the south of Sudbury (not including or adjacent to the rural gap) is being considered for an extension to the AONB. The rural gap is not located within the Babergh District local landscape designation of Special Landscape Area which includes landscape to the west of the B1064 Sudbury Road. Due to the hierarchical approach of the NPPF to landscape protection, the landscape within the rural gap would therefore be subject to the lower end of protection.

The area identified as the 'rural gap' is located to the north of Sudbury and primarily to the eastern side of the A134. There is no evidence base document to support the identification of this area and no separate landscape appraisal has been produced to inform the Neighbourhood Plan.

Landscape Character Context

The landscape character context is set out in the Joint Babergh and Mid Suffolk District Council Landscape Guidelines (2015) and the Suffolk County Council Landscape Character Assessment (2010). The Landscape Guidance has used the Landscape Character Assessment areas as defined by Suffolk County Council and then included information and detail to ensure each Landscape character is clearly relating to the Babergh District.

The majority of the gap is in LCA4: Ancient Rolling Farmlands which is described as:

"A rolling landscape of medium clay soils studded with blocks of ancient woodland – this landscape type encompasses a large area of the Babergh District including to the south the Dedham Vale AONB, River Stour Project, Polstead and Stoke by Nayland, continuing west as far as Little Cornard".

The identified objectives for this LCA are:

- *To maintain and enhance the landscape and the settlement pattern, ensuring the sense of separation between settlements is maintained.*
- *To reinforce hedgerows of locally native species and retain the existing field boundaries.*
- *To safeguard the ancient hedgerow and woodland areas.*
- *To safeguard the orchard areas.*

A corridor of land running along Sudbury Road and including Long Melford is located within LCA15: Rolling Estate Farmlands. The river corridor to the west is in LCA26: Valley Meadowlands. A small extent of the western fringe of the identified 'rural gap' extends into these two character areas.

Landscape Setting to Long Melford and Sudbury

Key landscape characteristics of the landscape between Sudbury and Long Melford include:

- Rolling clayland landscape including the sloping valley sides to the eastern side of the River Stour.
- Dissected by narrow valleys that result in pronounced topographical features.
- Topography makes key contribution to the separation of Sudbury and Long Melford by visual and physically enclosing the settlement edges.
- Field boundaries defined by mature trees, plantation belts and hedgerows which provide a degree of containment to the landscape.
- Landscape is dissected by the A134 which is a key physical feature that separates the landscape between the two settlements.
- Large site allocation will extend the settlement edge of Sudbury further to the north of the A134.
- The main settlement boundary of Long Melford is clearly defined by the dismantled railway line. Recent development and further site allocations will push the settlement boundary further south with the arrival to the town marked by Nethergate Brewery.
- The key route you experience leaving Sudbury and arriving into Long Melford is via Sudbury Road. The rural landscape to either side of this route is important for preserving separation. The NP plan states that the *“southern approach to Long Melford through open countryside is very important to the character of the village as a rural community not a suburb”*.
- Secondary approach from the south is provided via Mills Lane. This is also part of the National Cycle Network and makes a strong contribution to the rural character of the area on approach to Long Melford.

Key views that contribute to the separation between Long Melford and Sudbury:

- Views experienced from the B1064 Sudbury Road make a key contribution to the separation between Long Melford and Sudbury. The rolling triangular farmland to the east of Sudbury Road / south of Mills Lane is important and the minor valley to the east of the A134 as it provides containment to Sudbury in views from Sudbury Road.
- Views from Mills Lane to the east of the A134 have less visual relationship with both Sudbury and Long Melford with the exception of occasional glimpses towards Holy Trinity Church.
- Views from Mills Lane to the western side of the A134 are important in contributing to the rural approach to Long Melford. When approaching from the east, the junction with the A134 is where one first experiences views towards Long Melford with the topography sloping towards the settlement edge.
- Views from the A134 are often contained by vegetated roadside embankments. Due to topography and vegetation, there is only a short stretch of this road where views towards both settlement edges are experienced at the junction with Mills Lane. The elevated landscape that this junction is associated with is important for contributing to the separation of the settlements.

Consideration of the Proposed Rural Gap

- The proposed rural gap incorporates an extensive area to the eastern side of the A134 and a narrow corridor to either side of Sudbury Road.
- There is no logical boundary to the land included to the eastern side of Sudbury Road and western side of the A134. The boundaries of the gap should be clearly definable by physical features in the landscape.
- The rural gap doesn't currently extend to the settlement edge of Long Melford. It is considered that the landscape surrounding the southern settlement edge of Long Melford associated with Sudbury Road is critical in preserving a sense of separation. If the policy is to check the unrestricted expansion of both Sudbury and Great Melford, it should have more relationship with the Long Melford 'built up boundary'.
- The proposed rural gap includes landscape surrounding Highlanders Farm which has limited physical and visual connections with Sudbury and Long Melford. It therefore doesn't play an important role in preserving separation. The gap should include areas that are critical in preserving separation.
- The topography of the landscape makes a critical contribution to the separation of the two settlement areas. This is experienced around the junction of Mills Lane and the A134 where the landscape is elevated. It is considered that the gap should include more of the rolling landscape that contributes to the rural approaches to Long Melford.

Recommendations

In order to define a 'rural gap' a detailed evidence base including an assessment of landscape character and views is required. It is considered that the proposed 'rural gap' does not follow logical boundaries and does not include critical areas that are essential in preserving a sense of separation between Long Melford and Sudbury. A suggested alternative area for the Rural Gap is set out in the above report, taking into consideration physical features, such as topography and logical boundaries. This has been informed by an initial consideration of landscape and visual characteristics as experienced during the site visit.

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Council review of JLP Policies SP03, SP04 & LP01

- 1.01 The below text proposes amendments to SP03, SP04 and LP01 following discussion at the Matter 4 Preliminary Hearing Session which was held on 21 July 2021.
- 1.02 The changes have been proposed having regard to the discussion on 21st July 2021, with the benefit of further consideration, the Councils suggest the below amendments to address matters raised, policy inconsistencies and consistency with the NPPF.
- 1.03 In order to ensure that policy SP03 is effective and consistent with national policy, the following are suggested text changes to the Plan.

Suggested text ref ST40

08.05 In accordance with the NPPF (paragraph 20) Councils need to set out their overall strategy for the pattern and scale of development. The Babergh and Mid Suffolk Joint Local plan makes provision for this under policies SP03, SP04 and LP01. All windfall planning applications should be considered with regard to the criteria as set out in Policy SP03.

Suggested text ref ST41 (superseding ST03 changes)

Policy SP03 – Settlement Hierarchy

- ~~1. In all cases the scale and location of development will depend upon the role of settlements within the settlement hierarchy defined in Table 2 and Table 3, the spatial distribution, the capacity of existing physical and social infrastructure or new/enhanced infrastructure, as well as having regard to the natural, built and historic environment. Development which would lead to visual or physical coalescence of settlements will not be supported.~~
2. **A settlement hierarchy has been created and is set out in Table 2 and Table 3.** Ipswich Fringe settlements, Market Towns/Urban Areas and Core Villages will act as a focus for development, which will be delivered through site allocations in the Plan and/ or in Neighbourhood Plans, and windfall development in accordance with the relevant policies.
3. Settlement boundaries have been created as defined on the Policies Map ~~in order to demonstrate the extent of land which is required to meet the development needs of the Plan. New allocations are included within the defined settlement boundaries.~~ The principle of development is established within settlement boundaries, subject to the other policies in the Plan. Outside of the defined boundaries, ~~in isolated locations~~ development will only be permitted in **exceptional circumstances specified in national policy.**
- ~~4. Development within settlement boundaries will be permitted where:~~

- ~~a. Design is sympathetic to its surrounding and demonstrates high-quality design by having regard to the relevant policies of the Plan~~
- ~~b. A high standard of hard and soft landscaping, appropriate for the location is used;~~
- ~~c. Hedgerows and treelines which make an important contribution to the wider context and setting are protected, particularly in edge of settlement locations; and~~
- ~~d. The cumulative impact of proposals will be a material consideration.~~

- 1.04 In order to ensure the policy is clear, the following are suggested text changes to the Plan.

Suggested text ref ST42

9.02 *Since the 2001 Census, both Districts have delivered housing growth predominantly in the rural areas (approximately 60%). In recent years, both Babergh and Mid Suffolk Districts have experienced difficulty in meeting the identified housing targets for the respective areas and have had a limited number of allocated sites. The Councils are working to address this, including the production of an 'Action Plan' to focus upon the timely delivery of new housing. This Plan has identified a supply of development from April 2018 up to March 2037. In constructing the spatial distribution of this Plan, the Councils have been mindful of the inherent market strengths within the area and have sought to ensure that the most suitable and deliverable sites are proposed. In many instances, this requires the complex alignment with infrastructure improvement programmes and investment to ensure that growth is planned in a sustainable manner. **Policy SP04 sets out spatial distribution of the required land allocations, having regard to the 20% buffer for meeting objectively assessed needs, which broadly equates to around 9,600 dwellings in Babergh and over 12,700 dwellings in Mid Suffolk (rounded figures).***

- 1.05 In order to ensure the policy is positively prepared, effective and consistent with national policy the following are suggested text changes to the Plan.

Suggested text ref ST43

Policy SP04 – Housing Spatial Distribution

In accordance with national policy, for plan-making, the overall pattern and scale of housing development in the Plan is set out below. However, the settlement hierarchy minimum homes numbers are not to be applied for decision-taking purposes.

From April 2018 to March 2037, the broad distribution of new additional housing provision will be as follows:

Babergh

~~[delete whole original JLP table]~~

<u>Settlement Hierarchy</u>	<u>Minimum Homes*</u> <u>(2018 – 2037)</u>
<u>Ipswich Fringe</u>	<u>2,000</u>
<u>Market Towns and Urban Areas</u>	<u>3,200</u>
<u>Core Villages</u>	<u>2,700</u>
<u>Hinterland Villages</u>	<u>900</u>
<u>Hamlets</u>	<u>300</u>
<u>'Windfall'</u>	<u>500</u>

** figures rounded*

Mid Suffolk

~~[delete whole original JLP table]~~

<u>Settlement Hierarchy</u>	<u>Minimum Homes*</u> <u>(2018 – 2037)</u>
<u>Ipswich Fringe</u>	<u>1,700</u>
<u>Market Towns and Urban Areas</u>	<u>4,000</u>
<u>Core Villages</u>	<u>4,800</u>
<u>Hinterland Villages</u>	<u>1,300</u>
<u>Hamlets</u>	<u>400</u>
<u>'Windfall'</u>	<u>500</u>

** figures rounded*

~~All identified home numbers are minimum figures. Allocations and settlement boundaries are identified on the Policies Map.~~

Neighbourhood Plans

*In order to assist with delivery of the overall district housing need requirements, **housing requirements for** designated Neighbourhood Plan areas **are set out in Table 04. Neighbourhood Plans will need to make provision for the requirements, through any combination of allocations (from either this Plan or the relevant Neighbourhood Plan) and outstanding planning permissions.** ~~will be expected to plan to deliver the minimum housing requirements set out in Table 4.~~ Neighbourhood Plan documents can seek to exceed these requirements, should the unique characteristics and planning context of the designated area enable so.*

Suggested text ref ST44

Table 04 – Minimum housing requirement for NP Areas

Babergh

09.11 The numbers contained within the table include outstanding planning permissions (OPPs) granted as of 1st April 2018. If outstanding planning permissions granted as of 1st April 2018 expire during the lifetime of the Plan, then the corresponding offset number of dwellings, will need to be identified within the same Neighbourhood Plan area to meet the total homes requirement

[delete whole original JLP table]

<u>Neighbourhood Plan Area</u>	<u>Minimum Homes (2018 – 2037)</u>
<u>Aldham</u>	<u>13</u>
<u>Assington</u>	<u>38</u>
<u>Bentley</u>	<u>52</u>
<u>Boxford</u>	<u>13</u>
<u>Capel St Mary</u>	<u>792</u>
<u>Chelmondiston</u>	<u>52</u>
<u>Chilton</u>	<u>161</u>
<u>Copdock and Washbrook</u>	<u>274</u>
<u>East Bergholt</u>	<u>241</u>
<u>Elmsett</u>	<u>49</u>
<u>Glemsford</u>	<u>37</u>
<u>Great Waldingfield</u>	<u>39</u>
<u>Hadleigh</u>	<u>871</u>
<u>Hartest</u>	<u>12</u>
<u>Hitcham</u>	<u>17</u>
<u>Holbrook</u>	<u>65</u>
<u>Lavenham</u>	<u>118</u>
<u>Lawshall</u>	<u>23</u>
<u>Leavenheath</u>	<u>44</u>
<u>Little Cornard</u>	<u>3</u>
<u>Little Waldingfield</u>	<u>4</u>
<u>Long Melford</u>	<u>367</u>
<u>Newton</u>	<u>23</u>
<u>Sproughton</u>	<u>1,514</u>
<u>Stoke by Nayland</u>	<u>27</u>
<u>Stutton</u>	<u>65</u>
<u>Whatfield</u>	<u>1</u>
<u>Woolverstone</u>	<u>26</u>

Mid Suffolk

09.12 The numbers contained within the table include outstanding planning permissions granted as of 1st April 2018. If outstanding planning permissions (OPPs) granted as of 1st April 2018 expire during the lifetime of the Plan, then the corresponding offset number of dwellings, will need to be identified within the same Neighbourhood Plan area to meet the total requirement.

~~[delete whole original JLP table]~~

<u>Neighbourhood Plan Area</u>	<u>Minimum Homes (2018 – 2037)</u>
<u>Ashbocking</u>	<u>19</u>
<u>Battisford</u>	<u>12</u>
<u>Beyton</u>	<u>30</u>
<u>Botesdale & Rickingham</u>	<u>194</u>
<u>Debenham</u>	<u>261</u>
<u>Diss & District (covering the parishes of Brome & Oakley, Palgrave and Stuston)</u>	<u>64</u>
<u>Drinkstone</u>	<u>1</u>
<u>Elmswell</u>	<u>834</u>
<u>Eye</u>	<u>663</u>
<u>Fressingfield</u>	<u>56</u>
<u>Haughley</u>	<u>199</u>
<u>Hoxne</u>	<u>43</u>
<u>Laxfield</u>	<u>97</u>
<u>Mendlesham</u>	<u>161</u>
<u>Needham Market</u>	<u>512</u>
<u>Old Newton with Dagworth</u>	<u>141</u>
<u>Redgrave</u>	<u>11</u>
<u>Stowupland</u>	<u>652</u>
<u>Stradbroke</u>	<u>282</u>
<u>Thorndon</u>	<u>75</u>
<u>Thurston</u>	<u>1,489</u>
<u>Walsham le Willows</u>	<u>90</u>
<u>Wilby</u>	<u>7</u>
<u>Woolpit</u>	<u>717</u>

- 1.06 The following suggested text change to the Plan is proposed for deletion as it is not considered relevant to the corresponding policy.

Suggested text ref ST45

~~13.04 It is known the Districts have an ageing population with physical disabilities. Therefore, there is an identified need to meet future housing demands regarding accessible and adaptable dwellings. This windfall policy will support the delivery of M4(2) standards, along with other measures set out in the Plan.~~

- 1.07 In order to ensure consistency of policies, the following are suggested text changes to the Plan. In light of proposed changes to policies SP03 and SP04, dwelling clusters are considered overly complex and ineffective as they are not defined in the settlement hierarchy nor would they have settlement boundaries.

Suggested text ref ST46

Policy LP01 – Windfall development in hamlets ~~and dwelling clusters~~

1. *Proposals for windfall development within ~~dwelling clusters~~²² ~~and/or hamlets~~ may be acceptable, subject to **consideration of circumstances as set out in national policy** and all of the following criteria:
 - a) *It would not be detrimental to the character and appearance of the settlement, landscape (including the AONB), residential amenity or any heritage, environmental or community assets.*
 - b) *It would not result in consolidating sporadic or ribbon development or result in loss of gaps between settlements resulting in coalescence. The cumulative impact of the proposal on the location, context and infrastructure is considered acceptable.*
 - c) *The scale of development is infill only for a single dwelling and or pair of semi-detached dwellings.*
 - d) *Special regard shall be given to development proposals preserving and enhancing the AONB and to protecting and enhancing biodiversity and geodiversity affected by the proposal.*
 - e) *All new development will be expected to minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change through implementation of sustainable construction practices and renewable energy technologies.**

²² ~~A dwelling cluster is defined as a nucleus of at least 10 dwellings adjacent to or fronting an existing adopted highway with no settlement boundary. For the avoidance of doubt and in the interest of good planning small clusters are referred to as hamlets~~

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Long Melford Neighbourhood Plan Consultation,
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Spatial Planning Policy Team,
Babergh & Mid Suffolk District Council,
Endeavour House,
8 Russell Road,
Ipswich,
Suffolk,
IP1 2BX.

Lanpro Project Number – 2533/P.

Email only (communityplanning@baberghmidsuffolk.gov.uk).

Date: 5th November 2021

Dear Sir,

Representations on behalf of Bonnington Investments Limited to the Submission Draft Long Melford Neighbourhood Plan 2018-2037

Land North of Stafford Park, Liston Road, Liston, Sudbury, CO10 7HU

Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

Lanpro Services Limited ('Lanpro') act as planning consultant to Bonnington Investments Limited ('BIL') in respect of their land interests to the north of Stafford Park, Liston Road, Sudbury, CO10 7HU ('the Site'). A plan of the land interests is appended to this letter of response. Lanpro is instructed by BIL to submit a letter of response to the Submission Draft Long Melford Neighbourhood Plan 2018-2037 ('the Neighbourhood Plan').

The Site

Stafford Park is a brownfield site and former flavours and fragrances manufacturing plant. It predominantly comprises the main former factory, effluent treatment area, former landfill, and associated land and structures. The former factory sits to the south of the River Stour, and currently comprises a mixture of both traditional and modern industrial units totalling approximately 17,770 sq m (191,285 sq ft) of floorspace. It also includes areas of hardstanding and open space. The former landfill and effluent treatment area are located to the north of the River Stour.

Stafford Park is located within both the administrative boundaries of Braintree District Council ('Braintree DC') and Babergh District Council ('Babergh DC'). The part of the Site located within Babergh DC is also within the Parish of Long Melford. The boundary between Braintree DC and Babergh DC generally is to the south of the River Stour. Whilst the majority of the former factory is within Braintree DC, parts of the former factory, together with the former landfill and effluent treatment plant, are within Babergh DC. However, the boundary diverts from the River Stour at Stafford Park. The consequence is that some of the main former factory falls within Babergh DC. A plan illustrating this is included at Appendix A. The plan formed part of the cross-boundary application submitted in relation to the Site and summarised in the subsequent section of this response. The application boundary is therefore not of strict relevance in the context of this response, the majority of which is in the ownership of BIL. BIL's



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ownership principally comprises the land outlined in blue and red on the plan, with the boundary between Babergh DC and Braintree DC shown as a black line.

The former landfill was historically operated as part of the factory. Ground investigations have determined that the area of landfill has become contaminated following historic disposal of waste during the operation of the factory. It lies over a natural ground water aquifer and the historic contamination has the potential to pollute the aquifer.

The effluent treatment area comprises two lagoons and oxidation ditches and control rooms. The lagoons and oxidation ditches are interconnected with the former factory through underground and above ground pipework. The effluent treatment area is currently connected to the Anglian Water Sewage works, which is within the Neighbourhood Plan Area, by a rising main.

Water in the River Stour is controlled by a manually operated variable sluice. The sluice is used to manage the water levels adjacent to the former factor and further upstream. It was installed to ensure that a supply of water was always available for the Hydro Electricity Power Unit at the former factory, and for a textile mill formerly within Babergh District when it was in operation.

Planning Applications

A cross-boundary planning application related to the Site was submitted in May 2015 (Braintree DC reference 15/00565/OUT; Babergh DC reference B/15/00649). The main purpose of the planning application was to create sufficient value to remediate the former factory and landfill, and to satisfy the EA that the contaminants present in the ground would not continue to impact upon the main groundwater aquifer used for drinking water supply in the downstream Long Melford area. The planning application was submitted in 'outline' and essentially proposed the development of up to 100 dwellings; 22 apartments; a community building; open space; vehicular and pedestrian access; flood attenuation measures; reinstatement of the River Stour, including the removal of sluice gates and the creation of a rock riffle weir to mitigate any flooding potential and improve the aquatic environment and river system further downstream; and creation of public open space. The flood attenuation measures proposed include compensatory flood storage basins which would protect the Site, and downstream areas including Long Melford, from flooding. An illustrative masterplan was submitted as part of the cross-boundary planning application to indicatively show how the proposed development could be accommodated on the Site.

Following validation of the planning application, representations on behalf of statutory consultees, non-statutory consultees, residents and interested stakeholders were submitted to the District Councils. This included from Long Melford Parish Council ('the Parish Council').

In December 2016, Babergh DC resolved to devolve powers to Braintree DC to determine the planning application. The principal reason was that the majority of the land included within the boundary of the planning application was within Braintree DC.

In December 2017, Babergh DC wrote to Braintree DC advising that had it determined the planning application, it would have been minded to grant planning permission subject to the imposition of appropriate conditions and completion of a Section 106 Legal Agreement.

The planning application was determined at Braintree DC's Planning Committee in March 2019. Officers' recommended that Members of the Planning Committee grant outline planning permission subject to the imposition of appropriate conditions and completion of a Section 106 Legal Agreement. The Officer's

recommendation follows confirmation that the EA, the Environmental Health Officer and Flood Officer did not object to the proposed development. However, Members refused the planning application against the Officer's recommendation.

The Decision Notice was issued on 26th April 2019. Two reasons for refusal were set out on the Decision Notice. The principal reason was that the adverse impacts of granting planning permission were considered to significantly and demonstrably outweigh the benefits when assessed against the development plan and material considerations; and that the Site failed to pass the sequential test in terms of flood risk.

In parallel with the above cross-boundary planning application, application reference B/15/00671 was submitted to Babergh DC. The application sought remediation works to the landfill site in conjunction with the proposed development on the former factory to enable the surrender of the landfill license. The application was subsequently granted planning permission.

Response to the Submission Draft Long Melford Neighbourhood Plan 2018-2037

Principal Comment

BIL welcomes and supports the preparation of the Neighbourhood Plan by Long Melford Parish Council. However, BIL considers that the failure to consider and proactively plan for a strategic site which is a significant contamination threat to the village could result in the Neighbourhood Plan being uncompliant with the 'basic conditions' set out in Section 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). Specifically, the Neighbourhood Plan may not be compliant with national policies (i.e. the National Planning Policy Framework ('NPPF') (July 2021)) relevant in the preparation of the Neighbourhood Plan, and would fail to contribute to the achievement of sustainable development.

As previously noted, land to the north of the River Stour which is within the Neighbourhood Plan Area was historically operated as part of the former factory as landfill, and benefited from an EA License (Environmental Permit). Ground investigations submitted as part of the cross-boundary planning application, and which continue to be periodically undertaken, show that the area of landfill is contaminated following historic disposal of waste during the operation of the factory. This has previously been accepted by the EA and Babergh DC's Environmental Health Officer. The area of landfill lies over a Secondary A aquifer (sands and gravels) followed by a Principal aquifer (chalk). The Site is also adjacent to the River Stour. Both the underlying aquifers and the River Stour are highly environmentally sensitive. The contamination has historically polluted the aquifer, and continues to do so. In this context, the EA has classified the landfill as a 'High Risk Site (Controlled Water)'.

NPPF Paragraphs 183 and 185 seek to prevent unacceptable risks from pollution, and requires the effects, including cumulative effects, of pollution on health, the natural environment or general amenity, together with the potential sensitivity of the area, to be taken into account. The Planning Practice Guidance ('PPG') explicitly stipulates that failing to deal adequately with contamination can cause harm to human health, property and the wider environment. It can also limit or preclude new development, and undermine compliance with the Water Environment Regulations 2017. Adopted Policy CS15 of the Babergh DC Core Strategy & Policies (February 2014) states that, inter alia, any risk of contamination should be identified and adequately managed. This policy direction is reflected in Draft Policy LP17 of the Pre-Submission (Regulation 19) iteration of the Babergh and Mid Suffolk Joint Local Plan (November 2020) (as subsequently amended).

It was generally accepted during the determination of the cross-boundary planning application that



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remedial works associated with the former factory and landfill, and the effluent treatment area, were needed to remediate contaminants that are migrating off the site, and to ensure that there are no future impacts to groundwater and potentially sensitive receptors downstream. The EA in principle supported the proposed development as a means of environmental improvement to both the former manufacturing area (outside of the Neighbourhood Plan Area) and enabling the remediation of the former landfill. The EA also considered that the scheme presented an opportunity for river restoration to a more natural corridor free of unnatural impediments to fish passage and designed to deliver long term sustainable habitats along the river corridor, including reducing flood risk further downstream. However, the refusal of the cross-boundary planning application has meant that no works have taken place, and therefore leachate from the landfill continues to impact upon the surroundings.

The Neighbourhood Plan as currently drafted is silent on the impacts associated with the landfill and other areas within Babergh DC. Given that the Parish Council were actively involved with the cross-boundary planning application, and that the process for preparing the Neighbourhood Plan commenced whilst the planning application was not yet determined, this is surprising and disappointing. The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development, and that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: an economic objective; a social objective; and an environmental objective. The NPPF at Paragraph 8 explicitly includes protecting and enhancing our natural, built and historic environment, and identifies making effective use of land, improving biodiversity and minimising pollution, as ways of achieving this. Given that the delivery of sustainable development should be delivered through the preparation and implementation of plans, including Neighbourhood Plans, it is considered that failure to proactively plan for the landfill renders the Neighbourhood Plan uncompliant with the basic conditions, specifically having regard to national policies (i.e. the NPPF).

It is pertinent to note that the landfill falls within the definition of previously developed land as set out in the NPPF. The NPPF at Annex 2 is clear that land that has been developed for land disposal by landfill is excluded from the definition of previously developed land. However, it continues to note that this is only where provision for restoration has been made through development management procedures. There are no planning obligations which require the remediation of the landfill. In this context, the only logical conclusion is that the landfill constitutes previously developed land in the context of the NPPF definition.

NPPF Paragraph 119 is clear that planning policies should promote an effective use of land in meeting the need for homes and other uses, and that previously developed or 'brownfield' land should be used as much as possible. This direction is reflected in Policy CS15 of the adopted Babergh DC Core Strategy & Policies, and Draft Policy LP17 of the emerging Babergh and Mid Suffolk Joint Local Plan. Despite this, the potential development of land to the north of the River Stour has not been considered as part of the preparation of the Neighbourhood Plan. This is clear from the Sites identified on Map 4A. Whilst it is recognised that the inclusion of the Site as part of the assessment process does not necessarily mean that it would be considered suitable for allocation, failure to include the largest previously developed site within the Neighbourhood Plan Area does call into question the legitimacy of the process.

BIL consider that the potential residential-led development of land to the north of the River Stour would meet the overarching objectives of achieving sustainable development as set out in the NPPF. This would include creating sufficient 'value' to enable the remediation of the landfill and effluent treatment area and therefore removing the threat to contamination of the aquifer, soils and sensitive receptors downstream. There are no other statutory means which can require the remediation of the land, and only development through the planning system can provide the certainty that remediation will be

undertaken. Land potentially susceptible to contamination migrating from the Site includes the proposed designation of Local Green Spaces at Stour Meadows North of Liston Mane and Stour Meadows South of Liston Lane (Draft Policy LM19) which are directly downstream of the landfill. It would also reduce the risk of flooding downstream and improve the biodiversity of the river habitat, which would positively respond to Draft Policies LM12 and LM13 of the Neighbourhood Plan. Furthermore, additional access along the River Stour could be facilitated through a development and therefore would accord with Draft Policy LM22, and criterion d) of the vision set out in Paragraph 3.28. It is a feature of rural areas that smaller hamlets use larger settlements for services, and therefore the Site's physical location is considered to be sustainable in this context.

A further benefit of a development is that a new vehicular connection could be provided from the A1092 into the Site, including the former factory to the south of the River Stour. This would assist in the logistics associated with the remediation of the landfill, and would also reduce pressure on the roads currently used to access the former factory. Whilst those immediately adjacent to the former factory are predominantly outside of the Neighbourhood Plan Area, there would clearly be some positive effects on Long Melford, including removing traffic from the B1064.

In light of the above, and principally the significant benefits which would be created, BIL requests that consideration is given to the proposed residential-led allocation of land to the north of the River Stour as part of the Neighbourhood Plan.

Draft Policy LM8

The Policy as currently drafted states that the Parish Council will support schemes of 30 dwellings or fewer, subject to other criteria in the development plan. The justification for this threshold appears to be responses from a Residents Survey. Whilst the supporting text at Paragraph 4.77 states that the proposed cap on the scale of individual schemes will not compromise or limit the overall scale of housing, it will clearly place an arbitrary constraint on development proposals for which there is no policy basis or robust evidence. For example, there may be instances where windfall developments need to come forward outside of the Plan-making process. This may include developments which enable the remediation of contaminated sites which are the only reasonable opportunity for this to take place. In such instances, there may be justification for the number of units exceeding the cap set out in the Neighbourhood Plan.

In the above context, it is considered that Draft Policy LM8 should be amended to remove the cap. BIL consider that failure to do so will result in the Neighbourhood Plan being non-compliant with the basic conditions, principally the requirement to have regard to national policies.

Babergh and Mid Suffolk Joint Local Plan

Paragraph 1.5 of the Neighbourhood Plan states that it has been prepared in general conformity with the strategic policies of the Babergh and Mid Suffolk Joint Local Plan. Whilst it is recognised that one of the 'basic tests' is that a Neighbourhood Plan should be in general conformity with the strategic policies contained in the development plan, there is no explicit requirement for consideration to be given to emerging planning policy. Whilst the Joint Local Plan has been submitted to the Secretary of State for independent Examination, and a number of hearing sessions have taken place, the Examination has been 'paused' to allow further work to be undertaken relating to the proposed spatial distribution and the housing site selection process. In light of the uncertainty associated with the acceptability of the Joint Local Plan, and having regard to the requirements of the 'basic tests', it is suggested that references to the Joint Local Plan are omitted from the Neighbourhood Plan, and that a commitment to a



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comprehensive review of the Neighbourhood Plan at the point of adoption of the Joint Local Plan is included, to ensure that it continues to be in general conformity with the strategic policies contained in the (then) Development Plan. This approach would ensure compliance with the 'basic conditions'. BIL consider that failure to do so could result in the Neighbourhood Plan being noncompliant with the 'basic conditions'.

Community Objectives

Whilst BIL does not object to the principle of including 'Community Objectives' in the Neighbourhood Plan, it considers that clarification should be included within the document regarding the 'weight' in planning terms which should be attributed to them. Once made, the Neighbourhood Plan will form part of the Development Plan and therefore should be afforded 'full weight' in the context of the determination of planning applications. However, the 'Community Objectives' will not constitute policy. To avoid any ambiguity, it is suggested that clarification is included in the Neighbourhood Plan.

We trust that this response is helpful in the context of the submission version of the Draft Long Melford Neighbourhood Plan 2018-2037. We would be grateful for confirmation that the response has been received, and that the comments have been duly made. We wish to be kept updated regarding consideration of the representations, and the progress of the Neighbourhood Plan more generally.

Yours sincerely,

Tom Pike
Director of Planning

For and on behalf of Bonnington Investments Limited

App. Site Location Plan.

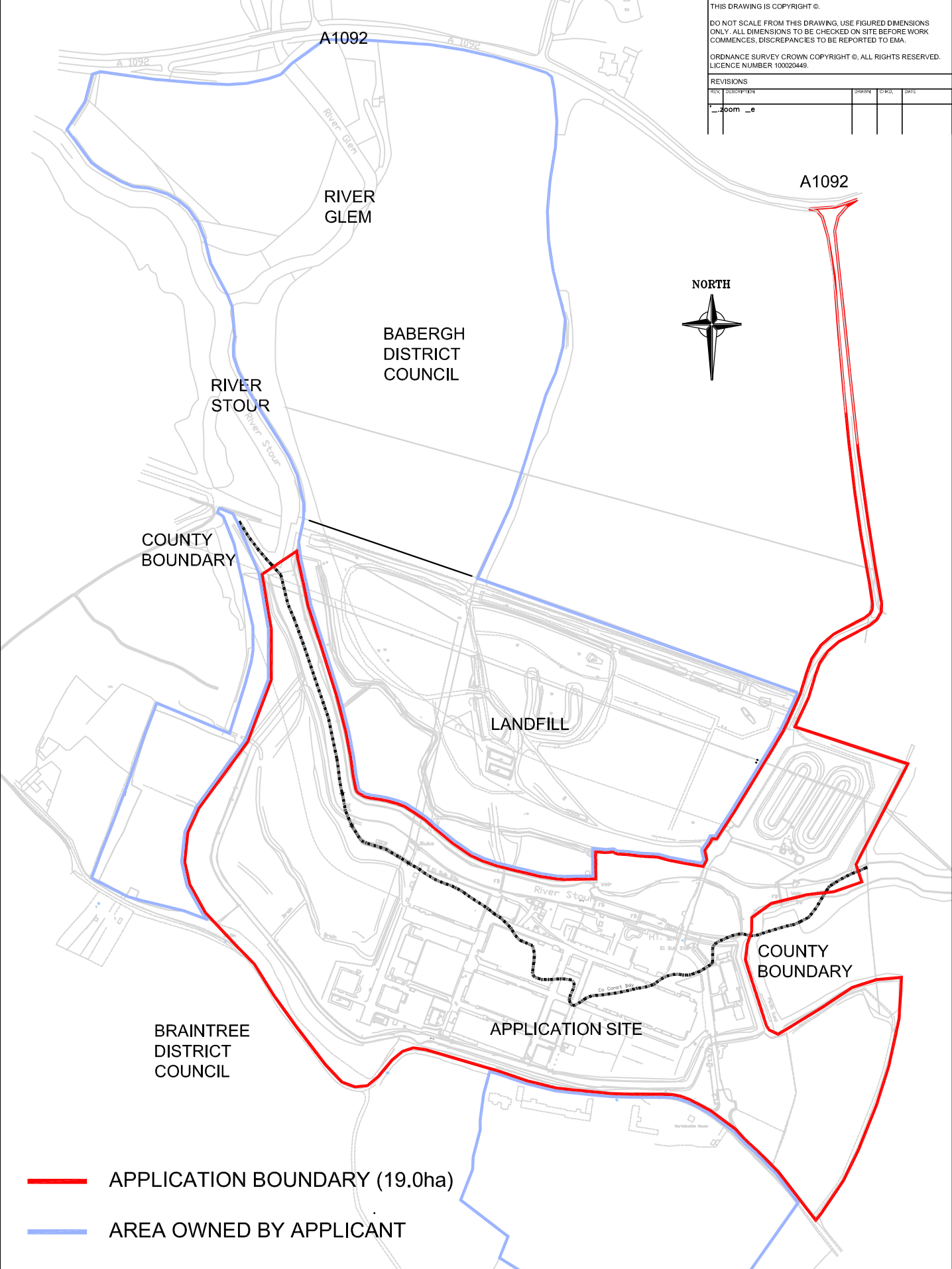


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Annex A

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LOCATION PLAN

SCALE: 1:5000 / A4	DATE: MAY 14 / CM	PROJECT: 13064 (OS) 001F	SHEET NO. / NO. SHEETS: 1 / 1
DRAWING REFERENCE:		PLANNING	
FILE CLASSIFICATION:	WORK STAGE:	FILE REFERENCE:	

(12) HISTORIC ENGLAND



Historic England

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Suffolk
IP7 6SJ

Direct Dial: [REDACTED]

Our ref: PL00063976

5 November 2021

Dear Mr Bryant

Ref: Long Melford Neighbourhood Plan Regulation 16 Consultation

Thank you for inviting Historic England to comment on the Regulation 16 Submission version of this Neighbourhood Plan.

We do not consider it necessary for Historic England to provide further detailed comments at this time. We would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here:

<https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England
Edward.James@HistoricEngland.org.uk

cc:



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



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3 November 2021

Dear Sirs

Re: Long Melford Neighbourhood Plan – Pre-Submission Consultation

I am writing on behalf of the Suffolk Preservation Society (SPS), the only countywide amenity society dedicated to protecting and promoting the special historic and landscape qualities of Suffolk. As Neighbourhood Plans offer the opportunity for protecting or improving the heritage and landscape character of an area, SPS are supportive of plans being drawn up in Suffolk, particularly where they are centred on one of the most important medieval villages in the country.

We congratulate the Neighbourhood Plan team on the draft document and we understand that focus of the Plan includes a positive approach to shaping future growth and housing in the village and the objective of maintaining the important separation between Long Melford and Sudbury. With regards to the heritage and landscape aspects of the plan only, we have the following observations on potential amendments and also inclusions for a future Plan review:

Policy LM 8: Impact and Character of Developments

SPS welcomes the references within Policy LM8 that new developments should make a positive contribution to the local character, shape and scale of the area respecting the landscape, landscape features, streetscape/townscape, heritage assets, important spaces, entry points to the village and historic views into and out of the village. We consider, however, that this should be the case for all developments and not just those of over 10 dwellings, particularly within or close to the Conservation Area. The Policy would also be strengthened by a Character Assessment of the village which would provide detail on each character area including its important open spaces and the scale, grain and materials of the built environment. Such an assessment could be used to inform a Design policy which we note is an intended future project for the team.

In addition, while Long Melford's rural setting and outstanding views are mentioned within the plan, including Policy LM8, no formal assessment of the surrounding landscape or landscape policy is included. A Neighbourhood Plan is an opportunity to identify important views both from, within and towards the settlement in order that they are recognised and taken into account in any future planning decisions. We would therefore strongly recommend that this piece of work is also carried out in order to further strengthen this policy.

Heritage

Whilst there are no historic environment policies within the plan, SPS welcomes the references to Babergh Mid Suffolk's 2018 Settlement and Heritage Sensitivity Assessment which highlights the high sensitivity of Long Melford to harm from inappropriate development. Policy LM8 requires developments of over 10 dwellings to be accompanied by a Heritage Impact Assessment referencing the 2018 assessment.

Site allocations policies LM2 to LM7 require new development to have *Minimal detrimental impact on the Conservation Area*. We are pleased that this objective is included but consider that in order to improve the effectiveness of these policies, the wording should be strengthened to reflect the statutory duty on local planning authorities to pay special regard to the protection of heritage assets (both listed buildings and conservation areas) and their setting (S.16, 66 and 72 of the Planning (Listed buildings and Conservation Areas) Act 1990). We recommend that the wording more closely reflects this duty and that in the National Planning Policy Framework (NPPF): an applicant is required to *describe the significance of any heritage assets affected, including any contribution made by their setting* (para 194) and *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal* (Para 202).

Non-designated heritage assets

No reference is made to Locally Listed Buildings, otherwise known as Non-Designated Heritage Assets (NDHAs). These are unlisted buildings, features and monuments, both within and outside conservation areas, which have a degree of significance meriting consideration in planning decisions. The National Planning Policy Framework sets out the protection given to NDHAs (para 203) when determining planning applications that affect them. Babergh does not currently maintain a district-wide Local List and a Neighbourhood Plan provides an ideal opportunity to provide one for your parish. Historic England advocates this approach and provides advice to local groups via its website, in particular its guidance note [Neighbourhood Planning and the Historic Environment](#). We would therefore encourage your team to consider compiling such a list, in conjunction with Babergh, as a future project to be included in a review of the Plan. This will strengthen protection from demolition, or harmful development within the assets' setting, which is otherwise limited particularly outside the conservation area.

We hope the above is useful in progressing the Plan and wish your team every success with the forthcoming Examination,

Yours sincerely,

Bethany Philbidge BSc (Hons) MSc (Town Planning) MRTPI
Planning Officer