

Babergh District Council

**Wherstead
Neighbourhood Plan
2018-2037**

Independent Examiner's Report

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6 April 2023

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Summary

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

The Parish of Wherstead is located just to the south of Ipswich. The Orwell Estuary in the north east of the Parish is a designated Special Protection Area and Ramsar site and the Parish also lies within the 13km zone of influence for the Stour and Orwell Special Protection Area and Ramsar site. Part of the Plan area falls within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) and there are also a number of Sites of Special Scientific Interest. The Plan area is also home to Jimmy's Farm, the Orwell Food Enterprise Zone and Suffolk Food Hall and a dry slope ski centre.

The Parish has a population of about 322 according to the Census 2021. It is home to a number of businesses and employment uses and falls within the Ipswich Fringe. This means that more people work than live in the Parish leading to a lack of everyday facilities, but there are many services and facilities for both residents and visitors alike.

The Plan contains 17 policies covering a range of topics. A number of supporting documents including a Design Guidelines and Codes document have been produced. The policies seek to add local detail to District level policies or address matters of importance to the local community.

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

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

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

Ann Skippers MRTPI
Ann Skippers Planning
6 April 2023



1.0 Introduction

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

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

I have been appointed by Babergh District Council (BDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

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

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

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

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

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

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

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often representations suggest amendments to policies or additional and new policies or put forward other alternatives. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

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

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 12 February 2023.

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

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

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

In addition there is some natural updating to do, for instance to the diagram on page 7 of the Plan and checks to ensure that footnote links are current and working.

Furthermore, there are some references to emerging Joint Local Plan policies, for example in paragraph 9.4 on page 35 of the Plan. Given the likelihood these will change, it would be sensible to 'future proof' this as BDC suggests.

I regard these issues as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

Work begun on the Plan in 2020 and of course the Covid 19 pandemic impacted on the work. Nevertheless a Steering Group consisting of Parish Councillors and residents was formed. A virtual meeting for all residents was held in October 2020. A questionnaire was distributed to all households in late 2020. Regular updates were given to the local community via the Parish Council's website.

In 2021, a number of background studies were produced.

Pre-submission (Regulation 14) consultation took place between 9 October – 22 November 2021. A drop-in event was held at the Village Hall. Leaflets publicising the consultation were distributed to residents and businesses. The draft Plan was available via the website and made available in paper format.

I consider that the consultation and engagement is satisfactory.

Submission (Regulation 16) consultation was carried out between 16 November 2022 – 20 January 2023.

A total of 10 representations were received at Regulation 16 stage. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 14 September 2020. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 6 of the Plan.

Plan period

The Plan period is 2018 – 2037. This is clearly shown on the Plan’s front cover and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

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

In this case, five ‘community aspirations’ have been included throughout the Plan, but they are clearly distinguishable and their status is explained in the Plan.¹² I therefore consider this approach to be acceptable for this Plan.

¹¹ PPG para 004 ref id 41-004-20190509

¹² The Plan page 5

6.0 The basic conditions

Regard to national policy and advice

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

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹³

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

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

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

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

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly

¹³ NPPF para 13

¹⁴ Ibid para 28

¹⁵ Ibid

¹⁶ Ibid para 29

¹⁷ Ibid para 31

¹⁸ Ibid para 16

updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁹ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²⁰

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

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

Contribute to the achievement of sustainable development

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

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

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

¹⁹ PPG para 041 ref id 41-041-20140306

²⁰ Ibid

²¹ Ibid para 040 ref id 41-040-20160211

²² Ibid

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

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

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

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

General conformity with the strategic policies in the development plan

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

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

Emerging Joint Local Plan

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

Following an exploratory meeting with the inspectors on 16 December 2021, the two Councils agreed to progress this emerging JLP as a 'Part 1' local plan. This will be followed by the preparation and adoption of a 'Part 2' local plan, anticipated to be adopted in Winter 2025. A number of Supplementary Planning Documents will also be produced during this period.

During the course of this examination, the two Councils published the Modifications Schedule to the Joint Local Plan Part 1 for consultation on 16 March 2023. The consultation period ends on 3 May 2023 and only applies to the proposed modifications to the JLP and not on those unchanged aspects.

²⁶ NPPF para 9

An Explanatory Note from the inspectors explains that the main modifications include – where relevant to this examination - the removal of all site allocations, changing settlement boundaries to reflect those on the extant Policies Maps (including those defined in made Neighbourhood Plans as of 15 December 2022 and Policy SP05 (Employment Land).

I asked BDC and the Parish Council to indicate whether, in their view, any implications arise from this current consultation. Both bodies have responded in the negative. I agree with this position.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁷ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested. Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.²⁸

It is clear from the Plan and the Basic Conditions Statement that the direction of the emerging JLP has been a consideration in the preparation of the Plan.

Retained European Union Obligations

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

With reference to Strategic Environmental Assessment (SEA) requirements, PPG²⁹ confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the ‘SEA Regulations’) concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC (‘SEA Directive’), are to

²⁷ PPG para 009 ref id 41-009-20190509

²⁸ Ibid

²⁹ Ibid para 031 ref id 11-031-20150209

provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

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

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

A Screening Determination dated September 2022 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Report prepared by Land Use Consultants which concluded that the Plan was unlikely to have significant environmental effects. Consultation with the statutory bodies was undertaken. Responses from Historic England and Natural England concurred; no response was received from the Environment Agency.

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

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Habitats Regulations Screening Determination dated September 2022 has been prepared by BDC. This refers to a HRA Screening Report of July 2022 prepared by Land Use Consultants.

17 habitats sites are identified within 20km of the Plan area. The Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site fall within the Plan area itself.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects. However, it is expected that any windfall development would need individual project level HRA to determine impacts. The Screening Report made a recommendation to strengthen draft Policy WTD 3 and Natural England in their consultation response whilst concurring with the conclusion,

³⁰ PPG para 028 ref id 11-028-20150209

advised some additions to either draft Policies WTD 3 and WTD 4. Draft Policy WTD 4 has been updated accordingly.

The Screening Determination concludes that Appropriate Assessment (AA) is not required.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance from, the nature and characteristics of the European site and the nature and contents of the Plan, I agree with the conclusion of the Screening Determination and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations

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

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities.³² Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a clear and very high standard with photographs of the local area that really give a sense of the area. There is an eye catching front cover. The Plan begins with a helpful contents page that lists the 17 policies.

³¹ PPG para 031 ref id 11-031-20150209

³² Basic Conditions Statement page 21

1. Introduction

This is a helpful introduction to the Plan that sets out the background and signposts documents produced as part of the work on the Plan or as part of those submitted.

2. Wherstead Past and Present

This section sets out the interesting history and context of the Parish and contains useful information to set the scene. Map 2 on page 10 of the Plan shows a site known as land west of Vicarage Lane consented in July 2022, but the corresponding text needs updating.

- **Update paragraph 2.19 on page 10 of the Plan in relation to the site known as land west of Vicarage Lane**

3. Planning Policy Context

This is a helpful section that sets out the planning policy context for the Parish.

4. Vision and Objectives

The vision for the area is:

“Wherstead will be a Parish where:

1. The village landscape, with its many historic and listed structures and links back to Wherstead’s past, is maintained.
2. Links between the two population centres of the village are strengthened and the more remote homes in the village retain their setting and independence.
3. Wherstead’s separate identity from Ipswich and the surrounding villages is maintained.
4. The unique, distinct character of the village is maintained by ensuring additional housing and business development is in proportion to the current size and needs of the Parish.”

The vision is accompanied by 11 objectives; some of these overlap with the vision statement and are also not limited to the development and use of land. However, they,

along with the vision, are articulated well. Nevertheless those objectives which repeat the vision statements should be deleted in the interests of clarity as the vision and objectives to achieve that vision should not be the same. It would be useful for the Plan to be amended to make it clear that the vision and objectives should be read together.

- **Delete objectives 3, 4, 5 and 6 from paragraph 4.2**
- **Amend paragraph 4.2 to read *“The residents’ view of 'future Wherstead' will be delivered through the implementation of the vision statements and the objectives defined below:”***

5. Planning Strategy

Policy WTD 1 - Spatial Strategy

The CS identifies Wherstead as falling with the Ipswich Fringe (edge of urban area).

CS Policy CS2 explains that most new development will be directed sequentially to the towns and urban areas, to the core villages and the hinterland villages. It states “In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans.”

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

CS Policy CS3 promotes and supports proposals for employment use. It indicates that employment and housing growth will be accommodated in the Ipswich Fringe. It specifically refers to Wherstead Park. This site is identified as a strategic employment site allocation in CS Policy CS9 which in turn seeks to retain and promote this 7 hectare or so site in employment use.

CS Policy CS15 sets out what the implementation of sustainable development means in Babergh District. This includes proposals respecting and making a positive contribution to local context and character, strengthening and diversifying the local economy, ensuring an appropriate level of facilities and services, addressing climate change, flood risk and water issues, biodiversity and so on.

It is also useful to recognise that saved LP Policy EM05 allocated the existing Wherstead Park site and a new area of some three hectares of land to the west for Use Class B1

purposes. The allocation for land to the west is not carried forward in CS Policy CS9. I understand that the land to the west was also considered in the early 'options' stages of the emerging JLP, but this has not been taken forward in the most recently published version of the emerging JLP.

Given this, whilst there is a difference between the LP and the CS, the CS is by far the more up to date development plan and the emerging JLP, as the most recently published document, indicates the direction of travel. In my view, it is not necessary or especially appropriate for the Plan to identify this land to the west as an allocation in this Plan; I consider this would need a robust evidence base to support it which would largely have to deal with strategic employment land needs. I note the site is, in any case, subject to a current planning application and of course the adopted version of the emerging JLP may well be revised to accommodate further growth.

Policy WTD 1 recognises that development can take place in line with the settlement hierarchy and as outlined in the strategic policies of the CS.

It refers to a settlement boundary which is shown on the Policies Map in the Plan. The settlement boundary takes its lead from that defined in the LP 2006 and the emerging JLP and sensibly includes a new development for 75 houses currently under construction at Bourne Hill. It is defined logically around the built up area. It seems to me that this Plan designates the settlement boundary and this should be made explicit in the policy.

The policy refers to the Wherstead Park site as a strategic employment site. A representation points out the site is then identified as an existing employment site on the Policies Map. Policy WTD 9 refers to existing employment sites. Furthermore, another representation considers that other existing employment sites should be recognised in the policy. I agree and a modification is made to this effect. This modification will also address any potential confusion between the names of sites.

The policy then refers to development outside the settlement boundary reflecting the stance of CS Policy CS2.

The final part of the policy does not support major development unless on allocated sites.

I note that in relation to the Area of Outstanding Natural Beauty (AONB) that covers some of the Plan area, the term 'major development' has a particular meaning. However, the policy refers to a definition in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

I cannot see any rationale for this unusual and restrictive stance.

I note that the Plan does not seek to determine the overall amount of houses to be built over the Plan period or allocate any sites for housing. Instead it seeks to support development in line with the CS and within the settlement boundary. This is acceptable

as neighbourhood plans do not have to address housing. The neighbourhood planning examination process does not require a rigorous examination of District level housing requirements; this will form part of the examination into the emerging JLP. It is not my role to determine whether the Plan would be inconsistent with the adopted version of the emerging JLP should it be revised to accommodate further growth.

The addition of 75 homes represents a considerable increase in the number of overall homes within the Parish and is recognised in the revised settlement boundary.

Whilst it may well be the case that more major development is not appropriate, I do not consider a blanket restriction, without greater explanation, can be justified at this point in time. This element of the policy should therefore be deleted.

With these modifications, I consider the Plan's spatial strategy will meet the basic conditions by having regard to national policy, being in general conformity with the most up to date strategic policies in the CS and contribute to the achievement of sustainable development notwithstanding that additional growth may be promoted in a future iteration of the emerging JLP.

- **Change paragraph two of the policy to read:**

“New development within the Settlement Boundary, as designated by the Neighbourhood Plan and shown on the Policies Map or employment or employment related development within the Wherstead Park Strategic Employment Site, or existing employment sites (shaded blue) and land with planning permission for major development (shaded grey) as defined on the Policies Map, will be supported in principle.”

- **Add the words “...or the sites listed above...” after the words “...Settlement Boundary...” in paragraph three of the policy**
- **Delete the fourth paragraph of the policy**
- **Consequential amendments to the Policies Maps are needed namely “land with permission for major development” may need Policy WTD 1 added to the notation**

6. The Natural Environment and Landscape

Much of the eastern part of the Parish falls within the Suffolk Coast and Heaths AONB.

The Parish has a number of designations ranging from international to locally important sites. The Orwell Estuary is part of the Stour and Orwell Estuaries SPA, a Ramsar site and a Site of Special Scientific Interest (SSSI). There are two other SSSIs in the Parish and four County Wildlife Sites associated with the Plan area.

Suffolk Wildlife Trust has prepared a Landscape and Wildlife Evaluation Report as part of the evidence base to inform the Plan.

Policy WTD 2 – Development Affecting the Area of Outstanding Natural Beauty

This policy sets out how development in, or which might affect, the AONB will be considered.

It also requires all proposals within the AONB or on sites that contribute to its setting, to prepare a Landscape Visual Impact Assessment. Whilst I accept this is a further requirement, the policy is flexible in that the assessment should be proportionate to the proposal and its location. I do not regard this as unduly onerous.

The NPPF is clear that great weight should be given to the conservation and enhancement of landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues alongside National Parks and the Broads.³³ The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas.³⁴

In such areas, the NPPF indicates that the scale and extent of development should be limited. Development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts.³⁵

When considering applications for development within AONBs, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.³⁶

As one of the representations points out, in relation to AONBs, the definition of what constitutes major development is a matter for the decision maker. Although the glossary in the NPPF makes this clear by cross-referencing the relevant paragraphs, I consider it preferable to remove the reference in the policy in the interests of clarity given the nuance.

I consider the policy needs further amendment to ensure it has regard to the NPPF.

With these modifications, it will take account of national policy, be in general conformity with the CS, especially CS Policy CS15 and help to achieve sustainable development.

³³ NPPF para 176

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid para 177

- Delete the words “...(as defined within Annex 2 of the NPPF)...” and “...normally be refused unless otherwise justified. Such applications will...” from the second paragraph of the policy
- Change the third paragraph of the policy to read:

“The scale and extent of development in the AONB will be limited. Any development should be sensitively designed and located taking into account the need to conserve and enhance the landscape and scenic beauty in the AONB as well as the consideration of wildlife and cultural heritage. Proposals for non-major development within the AONB will only be supported where they:

- i. do not detract from the *landscape and scenic* beauty and special qualities of the AONB and its setting; and***
- ii. contribute to the delivery of the Suffolk Coasts and Heaths AONB Management Plan; and***
- iii. support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.”***

Policy WTD 3 – Protecting Habitats and Wildlife Corridors

The NPPF³⁷ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues³⁸ that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

As explained above in relation to Policy WTD 2, the NPPF is clear that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.³⁹

Policy WTD 3 seeks to enhance the natural environment including through biodiversity net gain and improvement. It seeks to ensure that priority habitats and species, wildlife corridors and trees and other natural features are protected or mitigated if loss or harm is unavoidable. It reflects the NPPF which is clear that if significant harm to biodiversity results and cannot be mitigated or compensated, permission should be refused. However, the policy refers to substantial whereas the NPPF uses the word “significant”. A modification is made to the wording to ensure the policy has regard to the NPPF.

It requires a project level habitats regulations assessment where appropriate.

³⁷ NPPF para 174

³⁸ Ibid para 180

³⁹ Ibid para 176

Lastly, it seeks to ensure that hedgerows are not lost through the creation of new access points.

The policy is supported by the Landscape and Biodiversity Evaluation 2021 produced by the Suffolk Wildlife Trust. This is referred to in the supporting text as the Landscape and Wildlife Evaluation Report. In the interests of clarity, the report should be referred to consistently.

With this modification, the policy will have regard to national policy and guidance, adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular CS Policies CS14 which protects and enhances green infrastructure and CS15 which, amongst other things, seeks to protect and enhance biodiversity, and helps to achieve sustainable development.

There is a production duplication in paragraph 6.7 on page 20 of the Plan which can be corrected as a minor non-material amendment.

- **Substitute the word “substantial” in the fourth paragraph of the policy with “significant”**
- **Change references to “...Landscape and Wildlife Evaluation Report...” in paragraphs 6.4, 6.5 and 6.6 on pages 19 and 20 of the Plan to “...Landscape and Biodiversity Evaluation Report...”**

Policy WTD 4 – Recreational Disturbance Avoidance and Mitigation

The Parish is located within a 13km of the Stour and Orwell Estuaries SPA and Ramsar Zone of Influence (ZOI). A Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been produced by a number of Suffolk local authorities and was adopted by BDC in November 2019.

The RAMS has been undertaken to address the impact of increased recreational disturbance arising from new housing on Habitats sites and requires mitigation. The mitigation is a combination of a financial contribution to fund a warden and visitor management scheme and green infrastructure on housing sites to encourage people to stay local thereby reducing the pressure on the European site.

Policy WTD 4 refers to the RAMS as well as Suitable Alternative Natural Greenspace provision for large residential developments in paragraph two of the policy. This latter matter has evolved from the response from Natural England of 19 August 2022 to the SEA Screening Opinion. Natural England advised that the policy could be further strengthened for larger scale residential development to align with their minimum open space/green infrastructure recommendations. I am also mindful that such an approach has been taken in other neighbourhood plans in Suffolk.

The policy meets the basic conditions in that it seeks to address any impact from new housing, is in generally conformity with the District level strategy and CS Policy CS15 in particular and will help to achieve sustainable development.

Policy WTD 5 – Protection of Important Views

The NPPF⁴⁰ requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

CS Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape of Babergh's natural environment within both designated and non-designated areas.

This policy details 27 important views which are identified on Map 4 and the Policies Map. A supporting document titled Appraisal of Views numbers and details the views with photographs and short descriptions. This document should be referred to consistently throughout the Plan. It would also be useful to number the views so that cross reference is made more readily.

I have considered each of these views at my site visit. For those views I was not able to see, I was able to understand the extent and context of these views. Many of the views are over the AONB and/or its setting and as such there is clear justification for the protection of these views. Some of the other views are of other parts of open countryside or at the edge of the settlement or are over facilities. There is little justification for these views other than opinion was sought. The Appraisal of Views document also explicitly refers to the impact of unsympathetic development rather than identifying the positive attributes of the views. I consider this could be seen to undermine the importance of the remaining views.

There are also some views which have multiple viewpoints, including one that faces out from the Plan area.

There are some views which I consider could be retained, but appear to have been plotted inaccurately on the Policies Maps. Given at consultation stage, it might have well been the Plan itself (rather than the Appraisal of Views document) that was relied upon to make comments, I recommend deletion, but these could be reviewed in a future iteration of the Plan.

I therefore recommend deletion of the following views: part 9 (insofar as it faces out of the Plan area), 10, 11, 12, 13, 14, 16 (plotted incorrectly), 17 (plotted incorrectly), 19, 20, 21, 26 (plotted incorrectly) and 27 (plotted incorrectly).

⁴⁰ NPPF para 174

Now turning to the wording of the policy, this is flexible referring to the key landscape features. However, these are not always identified in the supporting document. On occasion, the Appraisal of Views document appears to indicate that any development within the viewpoint would be detrimental. It would be helpful for the policy to refer to the supporting document which does offer some explanation of the positive attributes of the viewpoints.

The Design Guidance and Codes also refers to views. They are clearly an important characteristic of the local area and beyond.

The policy also requires new buildings outside the Settlement Boundary to be accompanied by a Landscape Visual Impact Assessment or similar. This is to show that the development is appropriate in its location in respect of the important views. This will help to ensure that the policy will not prevent development per se.

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

- **Delete the viewpoint of View 9 which faces out of the Plan area [for clarity the part which faces into the Plan area can be retained] and Views 10, 11, 12, 13, 14, 16, 17, 19, 20, 21, 26 and 27 completely**
- **Change references to “...Assessment of Important Views...” to “*Appraisal of Views...*” in paragraph 6.11 on page 23 of the Plan**
- **Add a cross reference to the Appraisal of Views document in the policy**
- **Consequential amendments to the Policies Maps will be needed and the retained views should be numbered as per the Appraisal of Views document [for the avoidance of doubt this supporting document could be updated if desired]**

Policy WTD 6 – Dark Skies and Street Lighting

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

This policy seeks to provide a balance between safety that lighting can bring with the harm that light pollution can cause.

The policy meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development.

⁴¹ NPPF para 185

7. The Historic Environment

Policy WTD 7 - Heritage Assets

The Plan area has a number of listed buildings. In addition, the Plan details the rich archeology of the area.

Policy WTD 7 seeks to ensure that development proposals preserve or enhance the significance of designated heritage assets through an understanding of the asset's significance and the provision of clear justification for any works that would lead to harm.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁴² It continues⁴³ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

The policy meets the basic conditions by having regard to national policy. It is in general conformity with strategic policies, particularly CS Policy CS15 which indicates that development proposals must ensure adequate protection or enhancement as appropriate are given to distinctive local features which characterise the heritage assets of Babergh's built and natural environment. The policy will especially help to achieve sustainable development.

Policy WTD 8 – Buildings of Local Heritage Significance

As referred to above, the NPPF⁴⁴ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁴⁵

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁴⁶

⁴² NPPF para 189

⁴³ Ibid para 199

⁴⁴ Ibid para 189

⁴⁵ Ibid para 203

⁴⁶ PPG para 040 ref id 18a-040-20190723

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁴⁷ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁴⁸

In this case, a report called Local List of Buildings and Structures of Architectural and Historic Interest has been produced to support the identification of the list. The list has been compiled based on Historic England's published guidance, has taken a logical approach and supports the designation of these locally important buildings.

The policy seeks to retain and protect these buildings which are specified in the report and cross-referenced in the policy wording. It uses similar language to the NPPF in how such assets will be considered in relation to planning applications where harm may be caused. It meets the basic conditions by having regard to the NPPF, adds local detail to, and is in general conformity with CS Policy CS15 in particular and helps to achieve sustainable development. It is therefore not necessary for me to recommend any modifications.

8. The Local Economy and Tourism

Policy WTD 9 – Existing Employment Sites

The Parish plays an important role in the economy of the local area. Wherstead Park is identified as a strategic employment site and continues to be identified as such in the emerging JLP. There are also other important employment sites given the Parish's proximity to Ipswich and the A14. Permission has been given for employment uses to the north and east of Bobbits Lane and the redevelopment of Park Farm Barns on Vicarage Lane. Employment and retail development on a site between Vicarage Lane and the A137 has also been granted.

The NPPF places significant weight on the need to support economic growth and productivity.⁴⁹

In line with the NPPF's stance on enabling the sustainable growth and expansion of all types of businesses in rural areas,⁵⁰ this policy supports the retention and intensification of employment sites identified on the Policies Map. In the interests of clarity, a modification is made to explicitly refer to existing sites and those with planning permission.

⁴⁷ PPG para 040 ref id 18a-040-20190723

⁴⁸ Ibid

⁴⁹ NPPF para 81

⁵⁰ Ibid para 84

CS Policy CS3 promotes and supports proposals for employment use that contribute to the local economy and increase the sustainability of Hinterland Villages if appropriate in scale, character and nature to their locality. CS Policy CS17 supports and promotes rural businesses.

The policy supports employment uses subject to acceptable impacts on landscape character, residential amenity and traffic effects. All are appropriate considerations, but a modification is made to make the policy more precise.

A representation on behalf of the owners of Wherstead Park considers the policy to be overly restrictive. The policy however supports the retention and intensification of employment uses subject to satisfactory impact. Given the history, location and existence of many employment sites and uses in the Plan area, this seems to me an appropriate way forward as development which would have a detrimental impact would not be supported. I do not consider it necessary for the Plan to specify that any impacts would be assessed on the basis of the existing 'baseline'; my expectation is this would be a consideration at any necessary planning application stage alongside any cumulative impacts.

Non-employment uses on existing employment sites, where there would be an adverse impact on employment generation, will only be supported by the policy if certain criteria are met. These include appropriate marketing of the premises, whether any environmental benefits would be gained, community benefits, whether it would be for a related use or if other sustainability benefits would outweigh the loss. Reading the policy as a whole, the criteria are appropriate.

With this modification, the policy will meet the basic conditions in that it will have regard to national policy, is in general conformity with CS Policies CS3, CS15 and CS17 and will help to achieve sustainable development.

- **Change the first paragraph of the policy to read:**

“The retention and intensification of employment uses within *existing employment sites (shaded blue) and those with planning permission for employment (shaded grey)* on the Policies Map will be supported in principle provided such proposals do not have a detrimental impact on the local landscape character, or residential amenity or generate unacceptable levels of vehicular traffic on access roads.”

Policy WTD 10 – Agricultural Related Employment Development

Policy WTD 10 supports agricultural related employment development subject to four criteria. These are that the development must be located outside the AONB or would not have any adverse impact on its setting, is of an appropriate scale and nature, is

acceptable with regard to landscape and highways and needs to be located outside the Settlement Boundary.

As part of its drive to build a strong, competitive economy, the NPPF supports the sustainable growth and expansion of all types of business in rural areas through conversions of existing buildings and well designed new ones and the development and diversification of agricultural and other land-based rural businesses.⁵¹

Furthermore, in rural areas, the NPPF is clear that sites may need to be found adjacent to or beyond existing settlements whilst remaining sensitive to its surroundings.⁵²

The NPPF places significant weight on the need to support economic growth. Whilst I note that the Plan area has many employment sites and the policy seeks to support more agricultural related activity, I consider this policy is too restrictive without sufficient justification. A modification is therefore recommended.

With this modification, the policy will meet the basic conditions by having regard to national policy, being in general conformity with the CS and helping to achieve sustainable development.

A representation points out that the supporting text to the policy refers to the emerging JLP indicating sufficient provision is made for employment sites. I agree this statement is premature given the examination into the emerging JLP has not concluded on this point. A modification to delete this text is made.

- **Change the policy to read:**

“Proposals for agriculture related employment development will be supported where:

- i. it is *sited in an appropriate location in relation to the AONB and its setting and in relation to the Settlement Boundary as appropriate,***
- ii. it is of a scale and nature appropriate to a countryside location *and***
- iii. *has an acceptable impact on the landscape, residential amenity and highways network.*”**

- **Delete paragraph 8.6 of the supporting text on page 31 of the Plan**

⁵¹ NPPF para 84

⁵² Ibid para 85

9. Development Design

Policy WTD 11 – Design Considerations

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵³

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁵⁴ It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵⁵

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁵⁶

Policy WTD 11 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF and leading on from CS Policy CS15 in particular.

It refers to the Wherstead Design Guidance and Codes produced by AECOM as well the Landscape and Biodiversity Evaluation 2021 and District and County level guidance. A representation makes the point that some of the Design Guidance and Codes character area assessment is out of date; this is not an uncommon issue. I consider the reference to the document should be retained and common sense can prevail as to the relevance of the contents of the document to any particular site.

I note that Anglian Water supports the policy approach.

The policy meets the basic conditions, supporting locally distinctive development of a high quality having regard to the NPPF, leading on from, and being in general conformity with, CS Policy CS15 in particular and achieving sustainable development. No modifications are therefore recommended.

There is a production duplication in paragraph 9.2 on page 33 of the Plan which can be corrected as a minor non-material amendment.

⁵³ NPPF para 126

⁵⁴ Ibid para 127

⁵⁵ Ibid para 128

⁵⁶ Ibid para 130

Policy WTD 12 – Sustainable Building Practices

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁵⁷ It continues that places should be shaped to reduce greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.⁵⁸

The NPPF encourages plans to provide a positive strategy for energy that maximises the potential for suitable development whilst ensuring that adverse impacts are satisfactorily addressed.⁵⁹

This policy relates to non-residential development. It seeks to encourage and promote best practice as appropriate to the site and is a local expression of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy.

I note that Anglian Water supports the policy approach.

I consider this policy meets the basic conditions by having regard to the NPPF, being in general conformity with CS Policies CS13, which supports proposals that include low and zero carbon technologies and community initiatives, and CS15 in particular and helping to achieve sustainable development in particular.

Policy WTD 13- Flooding and Sustainable Drainage

The Plan explains that flooding, both from surface water and the tidal Orwell Estuary, is of concern.

This policy sets out a requirement that all new development should submit schemes detailing how on-site drainage and water resources will be managed. It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁶⁰

I note that Anglian Water supports the policy approach. The East Suffolk Internal Drainage Board has recommended a reference to the relevant regulators be added to the policy. I consider this can be usefully included in the supporting text.

The policy has regard to national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS15 and will help to achieve sustainable development.

⁵⁷ NPPF para 152

⁵⁸ Ibid

⁵⁹ Ibid para 155

⁶⁰ Ibid paras 167, 169

The supporting text refers to the NPPF and quotes from it. A minor correction is made to this section.

- **Add reference in the supporting text to the relevant regulators (East Suffolk Internal Drainage Board, the Environment Agency and the Lead Local Flood Authority) to make it clear that any works to alter a watercourse will require consent from the relevant regulatory body**
- **Change “Paragraph 166 of the NPPF...” in paragraph 9.6 on page 36 of the Plan to “Paragraph 167 of the NPPF...”**

Policy WTD 14 – Parking Standards

The supporting text explains there is a high level of car ownership in the Parish which is greater than the District level. Despite Wherstead’s proximity to Ipswich, public transport is poor. In addition, I saw at my visit that local roads are often narrow and there is little opportunity to provide parking.

Given this local context, the policy seeks to set car parking standards within curtilages for new residential development.

The NPPF is clear that if local parking standards are to be set, account should be taken of the accessibility of the development, the type, mix and use of it, the availability of public transport including opportunities, car ownership levels and the provision of spaces for charging plug-in and other ultra low emission vehicles.⁶¹ Maximum parking standards should only be set if there are clear and compelling reasons.⁶²

I note that the standards set out in this policy are higher than those set out in the Suffolk Guidance for Parking 2019. Suffolk County Council (SCC) has commented that given the Parish’s location within the Ipswich Fringe, there should not be a requirement for unnecessarily high minimum levels of parking.

However, I consider that this policy can be justified given the rural nature of the Plan area, the nature of the local roads, the availability of public transport and car ownership levels as described above.

Nevertheless I agree with SCC’s comments that some on-street parking can be successfully included within new developments. I note that the Design Guidance and Codes document also supports such parking for small pockets of housing in a front or rear parking court.

⁶¹ NPPF para 107

⁶² Ibid para 108

Therefore a modification to this policy is recommended. With this modification, the policy will meet the basic conditions by having regard to the NPPF, be in general conformity with the CS and will help to achieve sustainable development.

- **Delete the words “...within the curtilage of the dwelling...” from the second sentence of the policy**
- **Add a new paragraph after the standards that reads: “A proportion of parking could be provided via parking courts and / or on-street within any new developments where appropriate. This must be well designed, located and integrated into the scheme and avoid any obstruction or visibility impediment to highway users.”**

10. Infrastructure and Services

Policy WTD 15 – Protecting Existing Services and Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁶³ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁶⁴

Policy WTD 15 seeks to protect existing services and facilities and provide additional recreation and community facilities. This includes through new development that enhances the viability of the facility.

The policy has regard to national policy, is in general conformity with strategic policies particularly CS Policy CS15 which seeks the retention, protection or enhancement of local services and facilities. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

11. Travel and Highways

Policy WTD 16 – New Highways Infrastructure

Wherstead village is close to the A14, A137 and the B1456. This policy seeks to ensure that new major development provides for safe, connected and inclusive walking and cycling routes including connections to existing networks, cycle parking and storage,

⁶³ NPPF para 84

⁶⁴ Ibid para 93

enhanced public transport infrastructure and incentivize sustainable modes of transport.

A modification is made to ensure that the policy recognises that such provision must be appropriate.

The second element of the policy is to encourage new development in the south side of the village to route traffic away from existing residential areas where possible. It refers to both existing and future developments and refers to a number of sites. I consider some amendment is desirable to simplify the policy.

I do not find any conflict between this policy and Policy WTD 9 which refers to employment sites. Policy WTD 16 seeks highway solutions to reroute traffic away from residential areas where such opportunities exist and Policy WTD 9 seeks to ensure that any impacts arising from additional traffic as a result of new development are acceptable. It would be difficult for the Plan to specify highway solutions without a great deal of work with relevant partners and owners about future proposals. So I regard this as a positive marker that opportunities should be taken when and if they exist. Both policies seem to go hand in hand.

It seems to me that the policy has regard to the NPPF insofar as it encourages transport issues to be considered at an early stage, opportunities to promote walking and cycling are pursued and that patterns of movement are considered alongside transport mode choices.⁶⁵

The policy has regard to the NPPF, is in general conformity with the CS and in particular CS Policy CS15 and helps to achieve sustainable development. With these modifications, it will meet the basic conditions.

- **Add the words “*Where appropriate*” at the start of the first paragraph of the policy**

- **Amend the second paragraph of the policy to read:**

“Where possible, any development proposals in the South side of the village *should take every available opportunity to include highway solutions to ensure employment traffic volumes created by business park and employment related developments which affect the local highway network are routed away from the existing residential areas including, where appropriate, through the creation of dedicated access routes.*”

⁶⁵ NPPF paras 104, 105, 106

Policy WTD 17 – Public Rights of Way

The NPPF is clear that planning policies should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.⁶⁶ Such networks can also help with providing opportunities and options for sustainable transport modes.⁶⁷

This policy seeks enhancement of the existing network. It has regard to the NPPF, is in general conformity with the CS and in particular CS Policy CS15 and helps to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policies Map

The maps are generally clearly presented throughout the document. Some changes have been recommended to the Policies Maps elsewhere in this report.

Appendix 1

This appendix lists the supporting documents referred to in the Plan and its policies.

Glossary

The Plan includes a helpful glossary.

8.0 Conclusions and recommendations

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

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

⁶⁶ NPPF para 100

⁶⁷ Ibid paras 105, 106

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

I therefore consider that the Wherstead Neighbourhood Development Plan should proceed to a referendum based on the Wherstead Neighbourhood Plan area as approved by Babergh District Council on 14 September 2020.

Ann Skippers MRTPI

Ann Skippers Planning

6 April 2023

Appendix 1 List of key documents specific to this examination

Wherstead Neighbourhood Plan 2018 – 2037 Submission Draft Plan September 2022

Basic Conditions Statement September 2022

Consultation Statement September 2022

Strategic Environmental Assessment Screening Determination September 2022 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report June 2022 (LUC)

Habitats Regulations Screening Determination September 2022 (BDC)

HRA Report Final Report July 2022 (LUC)

Local List of Buildings and Structures of Architectural and Historic Interest May 2021 (WPC)

Landscape and Biodiversity Evaluation 2021 Final Report (Suffolk Wildlife Trust)

Appraisal of Views July 2021 (WPC)

Design Guidance and Codes Final Report August 2021 (AECOM)

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

Babergh Local Plan Alteration No. 2 adopted June 2006

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

Affordable Housing Supplementary Planning Document adopted February 2014

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

Babergh and Mid Suffolk Joint Local Plan – Part 1 Modifications Schedule March 2023

BDC Draft Five-Year Housing Land Supply Position Statement 2022 December 2022 (BDC/Lichfields)

List ends