

Babergh District Council



Wherstead Neighbourhood Plan 2018 - 2037

Reg 16 Submission consultation responses

On 19 October 2022, Wherstead 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 Wednesday 16 November 2022 until Friday 20 January 2023.

Ten representations were received. They are listed below and copies are attached.

| Ref No. | Consultee |
|---------|--|
| (1) | Suffolk County Council |
| (2) | Babergh District Council |
| (3) | Natural England |
| (4) | Historic England |
| (5) | Anglian Water |
| (6) | Marine Management Organisation |
| (7) | East Suffolk Drainage Board |
| (8) | Armstrong Rigg Planning, obo Burnt Wood Ltd |
| (9) | Boyer Planning, obo East of England Co-operative Society |
| (10) | Pigeon Investment Ltd |

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(1) SUFFOLK COUNTY COUNCIL

Date: 20 January 23
Enquiries to: Georgia Teague
Tel: [REDACTED]
Email:
neighbourhoodplanning@suffolk.gov.uk



Spatial Planning Policy Team,
Babergh & Mid Suffolk District Councils,
Endeavour House,
8 Russell Rd,
Ipswich, Suffolk,
IP1 2BX

Dear Mr Bryant & Mr Hobbs,

Submission Consultation version of the Wherstead Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the Submission Consultation version of the Wherstead 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~~.

Policy WTD11, and meeting the needs of an ageing population

During the Reg14 consultation, SCC suggested the inclusion of M4(2) into Policy WTD11, to provide homes that are built to adaptable and accessible standards to meet the needs of an ageing population.

The response in the Consultation Statement indicated that "There are no proposals in the Neighbourhood Plan for additional housing schemes other than infill plots within the Settlement Boundaries". We acknowledge this, and as there are no housing policies in the plan, we feel the

inclusion of support for building adaptable and accessible homes should be included as part of the Design Considerations policy.

Paragraph 8, part b) of the NPPF indicates that the social side of sustainable development means that a “range of homes can be provided to meet the needs of present and future generations”.

The Plan clearly indicates in the graph on page 9 that the highest age ranges are 45-65 years, and 65+, both of which are higher proportions in Wherstead than they are in Babergh.

Objective 2 aspires for a safe community to “live in for now and for future Generations”, however, it is unclear how the plan is helping to meet the needs of both the current and future older generations.

It is known that there is an ageing population in Suffolk, and the needs of the elderly should be considered across the county. SCC would suggest that the plan could include the desire and support for smaller homes that are adaptable and accessible, which meets the requirements for both older residents as well as younger people and families.

Therefore, the following wording is proposed to be added to Policy WTD11 Design Consideration:

“In addition, proposals will be supported where they:

m) Are adaptable (meaning built to optional M4(2) standards), in order to meet the needs of the aging population, without excluding the needs of the younger buyers and families.”

This will help the plan meet the needs of a wider range of groups including older and vulnerable people, reflecting paragraph 61 of the NPPF.

This additional text suggested will help the plan to meet Basic Condition A (to be in line with national guidance) and B (to contribute to sustainable development).

Parking standards

Policy WTD14 sets a minimum standard of residential parking. SCC has noted that this standard is higher than what is set out in the adopted Suffolk Guidance for Parking 2019, and strongly recommends that Policy WTD14 is amended to accord with this guidance. As Wherstead falls within the Ipswich Fringe, there should not be a requirement for unnecessarily high minimum levels of residential parking.

Policy WTD16 states that proposals for developments should provide “Incentives to use sustainable modes of transport and encourage behaviour change.”

However, by requiring a higher level of residential car parking in Policy WTD14, this will encourage higher car usage and ownership in Wherstead, as people will choose to drive into Ipswich rather than take public transport, or travel by active and sustainable modes such as walking or cycling.

SCC believes that these policies are, therefore, incompatible and contradictory.

Thus, it is recommended that Policy WTD14 and supporting text is amended to remove the minimum standards of parking that are higher than what is set out in the Suffolk Guidance for Parking.

Previously, we also recommended the inclusion of the provision of on-street parking within new developments.

Paragraph 9.12 raises the issue of inconsiderate on-street parking which hinders access, particularly for emergency service vehicles, and Community Aspiration 4 indicates the illegal and nuisance parking “on pavements and over drives, or parking in areas that reduce visibility”.

On-street parking will always be inevitable from visitors, deliveries, or maintenance. Having provisions that are well-designed and integrated into the new developments will help to ensure the safety of pedestrians and road users, and help to minimise disruptions to access, including for emergency service and refuse collections vehicles.

Therefore, Policy WTD14 should be amended as follows:

“Development proposals should maintain or enhance the safety of the highway network ensuring that all vehicle parking is designed to be integrated into the site without creating an environment dominated by vehicles.

A proportion of parking should be provided on-street within any new developments, but that is well designed, located and integrated into the scheme to avoid obstruction to all highway users or impede visibility.

~~In residential developments the following minimum provision shall be made within the curtilage of the dwelling: ...”~~

In order to meet Basic Condition A (to be in conformity with paragraph 92 of the NPPF, by creating healthy, inclusive and safe places for all), the Wherstead Neighbourhood Plan should be amended to follow the direction regarding on-street parking as stated in the Suffolk Guidance for Parking 2019¹.

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

Yours sincerely,

Georgia Teague
Planning Officer
Growth, Highways, and Infrastructure

¹ <https://www.suffolk.gov.uk/assets/planning-waste-and-environment/planning-and-development-advice/Suffolk-Guidance-for-Parking-2019-Adopted-by-SCC.pdf>

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(2) BABERGH DISTRICT COUNCIL

Ref: Wherstead NP R16

Date: 19 January 2023

FAO:

Ann Skippers - Independent Examiner to the Wherstead NP

cc: Wherstead Parish Council

Dear Ann

1. **Wherstead Neighbourhood Plan 2018 – 2037**
2. **Regulation 16 Submission consultation: Additional comments from Babergh District Council**

This response is made for and on behalf of Robert Hobbs (Corporate Manager for Strategic Planning).

In November 2021 we made a formal representation on the Wherstead Neighbourhood Plan (the 'Plan') at the Regulation 14 Pre-submission stage. Having reviewed this latest iteration, it is clear that the Neighbourhood Plan Committee / Parish Council have listened to what we said and have implemented many of our recommendations, particularly around presenting a more positively worded Plan. We also welcome the helpful updates in Chapter 3 which summarise the current situation regarding our emerging Joint Local Plan.

We do have a few observations to make. These repeat in part what was put forward at the R14 stage and, in most cases, may simply have been overlooked in error. We also suggest that these can all be dealt with by way of minor modifications:

Page 7: A reminder that the stages chart will need updating. The proposed timetable did seem a little optimistic.

Para 6.1: Amend the footnote 1 to correct an error.

This paragraph is unchanged from the R14 draft Plan apart from, at our suggestion, the inclusion (as a footnote) of a hyperlink to the 'Suffolk Coast & Heaths AONB Partnership Position Statement (Dec 2015)'. The Consultation Statement (page 60) refers to this modification but adds that "*the link supplied is no longer valid.*"

The link, repeated below, still works with the error seemingly a simple copy and paste one.

<https://www.suffolkcoastandheaths.org/wp-content/uploads/2021/01/ENDORSED-SCH-AONB-Position-Statement-on-Development-in-Setting-of-AONB-2015.pdf>

Cont.



Babergh and Mid Suffolk District Councils
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Telephone: (0300) 1234 000
www.babergh.gov.uk / www.midsuffolk.gov.uk

Para 6.7: There is some repetition of text in this updated paragraph:

“In order to demonstrate this, proposals should be accompanied by sufficient information, including any proposed prevention, ~~this, proposals should be accompanied by sufficient information, including any proposed prevention,~~ mitigation or compensation measures, for Babergh District Council to assess the effects of development on priority habitats and species, protected sites, protected species, biodiversity or geology.”

Para 9.2: A reminder that the words ‘to ensure’ are repeated twice in the penultimate sentence.

Para 9.4: The numbers assigned to ‘Local Policies’ in the emerging Joint Local Plan will change as a result of the modifications currently being made. We recommend that the last sentence in paragraph 9.4 be amended to read as follows:

“The emerging Joint Local Plan will set out a number of measures for sustainable construction and design of all new development, and it is not the intention of this Neighbourhood Plan to undermine whatever requirements the final adopted Local Plan policy sets.”

Policy Maps: A reminder to swap the Inset Maps (page 43 & 44) around, as acknowledged on page 98 of the Consultation Statement.

Appendix 1: Suggest adding that the supporting evidence documents are also published on the District Council website, and can be accessed from our dedicated webpage:

<https://www.babergh.gov.uk/WhersteadNP>

We trust that these comments are helpful.

Yours sincerely,

Paul Bryant
Neighbourhood Planning Officer
Babergh & Mid Suffolk District Councils

T: 01449 724771 / 07860 829547

E: communityplanning@babermidsuffolk.gov.uk

(3) NATURAL ENGLAND

Date: 24 November 2022
Our ref: 413308
Your ref: Wherstead Neighbourhood Plan



Babergh District Council

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
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Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

Consultation under Reg' 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) – The Wherstead Neighbourhood Plan 2018 - 2037

Thank you for your consultation on the above dated 16 November 2022 which was received by Natural England on 16 November 2022

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 draft 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 faithfully

Corben Hastings
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/>

(4) HISTORIC ENGLAND



Historic England

Mr Paul Bryant
Babergh & Mid Suffolk District Councils
Endeavor House
8 Russell Road
Ipswich
Suffolk
IP7 6SJ

Direct Dial: [REDACTED]

Our ref: PL00716202

17 January 2023

Dear Mr Bryant

Ref: Wherstead Neighbourhood Plan Regulation 16 Consultation

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

Having reviewed the plan and relevant documentation we do not consider it necessary for Historic England to provide detailed comments at this time. We are pleased to note that our comments submitted at Regulation 14 stage have been taken into consideration. We would refer you if appropriate to those previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into a neighbourhood plan, which can be found here:

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

We would be grateful if you would notify us on eastplanningpolicy@historicengland.org.uk [<mailto:eastplanningpolicy@historicengland.org.uk>](mailto:eastplanningpolicy@historicengland.org.uk) if and when the Neighbourhood Plan is made by the 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 plan, 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



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



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(5) ANGLIA WATER

E from: Tessa Saunders | Spatial Planning Advisor

Rec'd: 20 December 2022

Subject: Consultation on R16 Wherstead NP

Good afternoon,

Thank you for consulting Anglian Water on the Wherstead Neighbourhood Plan submission version. We would like to make the following comments in support of the Neighbourhood Plan:

Policy WTD 11 - Design Considerations

We support the policy approach and reference to the Wherstead Design Guidance and Codes, which provides informative advice regarding the management and use of water.

With regard to the design guidance and codes developed for the Wherstead neighbourhood plan area, we are supportive of those codes that particularly advise on the following matters:

- Permeable driveways
- Energy and water efficiency measures for new and existing homes
- Flood resilience and resistance
- Sustainable drainage systems
- Permeable pavements
- Storage and slow release e.g. Rainwater harvesting
- Bioretention systems

Such measures reduce the amount of water and surface water run-off entering our wastewater network and helps to reduce the risk of sewer flooding.

Policy WTD 12 - Sustainable Building Practices

We support the policy approach to encourage measures to minimise water consumption and maximise water efficiency. We recognise that the new joint Babergh and Mid Suffolk Local Plan includes a policy requirement to meet the higher water efficiency standards of 110 litres per person per day. Therefore we consider the policy meets the Basic Conditions for this specific policy area.

Policy WTD 13 - Flooding and Sustainable Drainage

We fully support the approach to flooding and surface water drainage which recommend SuDS as an appropriate means to manage surface water flows and minimise the risk of surface water flooding, particularly through nature based solutions that provide multi-functional benefits including for biodiversity net gain.

Please could you acknowledge receipt of this response.

Kind regards,



Tessa Saunders MRTPI
Spatial Planning Advisor

Web: www.anglianwater.co.uk

Anglian Water Services Limited

Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon,
Cambridgeshire, PE29 6XU Ends]

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(6) MARINE MANAGEMENT ORGANISATION

E from: Consultations.MMO@marinemanagement.org.uk

Rec'd: 20 January 2023

Subject: Wherstead NP Reg 16 Consultation

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@marinemanagement.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

Marie Canny (She/Her) | Marine Planner (South East) | Marine Management Organisation

☒ Nobel House | 17 Smith Square | London | SW1P 3JR

To receive marine planning updates and our newsletter enter your details [here](#).

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

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



The Marine Management Organisation (MMO) The information contained in this communication is intended for the named recipient(s) only. If you have received this message in error, you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the content is strictly prohibited and may be unlawful. Whilst this email and associated attachments will have been checked for known viruses whilst within MMO systems, we can accept no responsibility once it has left our systems. Communications on the MMO's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

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(7) EAST SUFFOLK DRAINAGE BOARD



East Suffolk Internal Drainage Board
Pierpoint House
28 Horsley's Fields
KING'S LYNN
Norfolk PE30 5DD

01553 819600
planning@wlma.org.uk

Our Ref: 22_07484_P

11/01/2023

Dear Sir/Madam

RE: Wherstead Parish Neighbourhood Plan

Wherstead parish falls partially within the Internal Drainage District (IDD) of the East Suffolk Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. It also falls within the Board's watershed catchment (meaning water from the site will eventually enter the IDD). A copy of the Board's Byelaws can be accessed on our website (https://www.wlma.org.uk/uploads/ESIDB_Byelaws.pdf), along with maps of the IDD (https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf). Mapping indicating the watershed catchments of each Board are also available on our website: (https://www.wlma.org.uk/uploads/ESIDB_Watershed.pdf).

The principal function of the IDB is to provide flood protection within the Board's area. Certain watercourses within the IDD receive maintenance by the Board. The maintenance of a watercourse by the IDB is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD. The Board will comment on planning for all major developments (10 or more properties) within the IDD watershed that are likely to discharge surface water into a watercourse within the IDD. Under certain circumstances, some major developments outside the IDD boundary may also be regulated by the Board's byelaws. We request that the Board is consulted as any planning application comes forward relating to any of the identified allocation sites. For any development site, we recommend that a drainage strategy is supplied which has been considered in line with the Planning Practice Guidance [SuDS discharge location hierarchy](#).

Main Rivers within the IDB are regulated by the Environment Agency. Therefore, I recommend that an applicant proposing a discharge or any other works affecting a main river to contact the Environment Agency.

In order to avoid conflict between the planning process and the Board's regulatory regimes and consenting processes where developments are proposed within or partially within a Board's IDD, please be aware of the following:

- If a development proposes to dispose of surface water via infiltration, we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, the proposed development will require consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water

Jane Marson (Chairman) Michael Paul (Vice-Chairman)

Phil Camamile (Chief Executive)

Constituted by The East Suffolk Internal Drainage Board Order 2008
Statutory Instrument 2008 No 750



Development Contribution fee, calculated in line with the Board's charging policy (available at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).

- If a development proposes to discharge surface water to a watercourse, the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available at https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf).
- If a development proposes to discharge surface water to a sewer, I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.
- If a development proposes to discharge treated foul water to a watercourse, this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).
- Should any development include works within 9 metres of a Board maintained watercourse, consent would be required to relax Byelaw 10 (no obstructions within 9 metres of the edge of drainage or flood risk management infrastructure).
- Should any development include works to alter a Board maintained watercourse consent will be required under the Land Drainage Act 1991 (and byelaw 4).
- Should and works be proposed to alter a riparian watercourse, consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

As outlined above, proposed works to alter a watercourse will require consent from the relevant regulatory body. Therefore, we would strongly recommend that Policy WTD 13 - Flooding and Sustainable Drainage within the Neighbourhood Plan includes reference to the relevant regulators (such as the East Suffolk Internal Drainage Board, the Environment Agency and the Lead Local Flood Authority).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

For developments outside a Board's IDD but within its watershed catchment, where surface water discharges have the potential to indirectly affect the Board's IDD, we would offer the following advice:

- If it is proposed that a site disposes of surface water via infiltration, we recommend that the viability of this proposal is evidenced. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If it is proposed to discharge surface water to a watercourse within the watershed catchment of the Board's IDD, we request that this discharge is facilitated in line with the [Non-Statutory technical standards for sustainable drainage systems](#) (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

The reason for our recommendation is to promote sustainable development within the Board's Watershed Catchment therefore ensuring that flood risk is not increased within the Internal Drainage District (required as per paragraph 163 of the [National Planning Policy Framework](#)). For further information regarding the Board's involvement in the planning process please see our [Planning and Byelaw Strategy](#), available online.

Kind Regards,

Ellen.

Ellen Moore
Sustainable Development Officer
Water Management Alliance

How to Apply for Land Drainage Consent

To apply for Land Drainage Consent please complete an application form.

Application forms, application fees and 'Frequently Asked Questions' can be found on the 'Development' section of the Board's website, here:

<https://www.wlma.org.uk/east-suffolk-idb/development/>

For any additional help please call us on 01553 819600 or email planning@wlma.org.uk.

Byelaws

East Suffolk IDB Byelaws can be found via the following link:

https://www.wlma.org.uk/uploads/ESIDB_Byelaws.pdf

Mapping

Mapping of the district can be viewed via the following link:

https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf

Planning and Byelaw Strategy

The Board's Planning and Byelaw Strategy seeks to provide:

- Guidance on how (and why) the Board will review and comment on planning applications.
- Information on the policies against which the Board will assess and determine applications.
- Guidance to riparian (waterside) landowners regarding watercourse maintenance.

The Planning and Byelaw Strategy can be found via the following link:

https://www.wlma.org.uk/uploads/WMA_Planning_and_Byelaw_Policy.pdf

Arterial Watercourses

Maps on the Board's website show which watercourses are designated as Arterial Watercourses by the Board. You may also have heard these watercourses referred to as 'Main Drains' or 'Maintained Watercourses'. The designation is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB using the Board's Permissive Powers. Although the Board opts to proactively maintain this arterial network, there is no change in the ownership or liability associated with the watercourse resulting from this designation.

Why we have commented on this application:

By engaging with the planning process the Board is seeking to:

- Reduce flood risk to communities within the Internal Drainage District
- Promote sustainable development in sustainable locations by supporting sound planning decisions in accordance with the National Planning Policy Framework (especially [Paragraph 167](#)) and the [Non-standard technical standards for SuDS](#).
- Reduce the potential for conflict between the planning process and the Board's regulatory process.

For further information please refer to the Board's Planning and Byelaw Strategy.

(8) ARMSTRONG RIGG PLANNING, obo Burnt Wood Ltd



Ref: GA/RW/06322/L001

19 January 2023

Wherstead NP Consultation
c/o Mr P Bryant
Spatial Planning Policy Team
Babergh District Council
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

By E-mail: communityplanning@baberghmidsuffolk.gov.uk

Dear Sir/Madam

Wherstead Neighbourhood Plan 2018-2037, Submission Stage (Regulation 16) Consultation

I write on behalf of our clients Burnt Wood Ltd under direct instruction from Mr Robert Paul (Company Director) to provide our representations to the Wherstead Neighbourhood Plan. These representations are made in the context of Mr Paul's role as proprietor of the Suffolk Food Hall, Park Farm Barns business premises and extensive land and property ownership within the Wherstead Neighbourhood Plan Area. The broad geographical extent of this is shown on the plan attached at **enclosure 1**.

Last year Burnt Wood Ltd were granted outline planning permission for a new commercial development on land West of Vicarage Lane, Wherstead, IP9 2AE, issued on 11 July 2022 (LPA Ref. DC/19/05624). The site location plan and concept masterplan for that development are at **enclosure 2**.

Background

As outlined above as a business and extensive land and property owner, with planning permission for further business development within the Neighbourhood Plan area Burnt Wood Ltd are clearly a key stakeholder in the area and its future development.

In that role it understands the local community's desire to produce a Neighbourhood Plan, yet it is important that the Neighbourhood Plan does not unnecessarily stifle or restrict development in the area, particularly business growth within Wherstead. Wherstead has been identified as key nodal point locally within the Ipswich

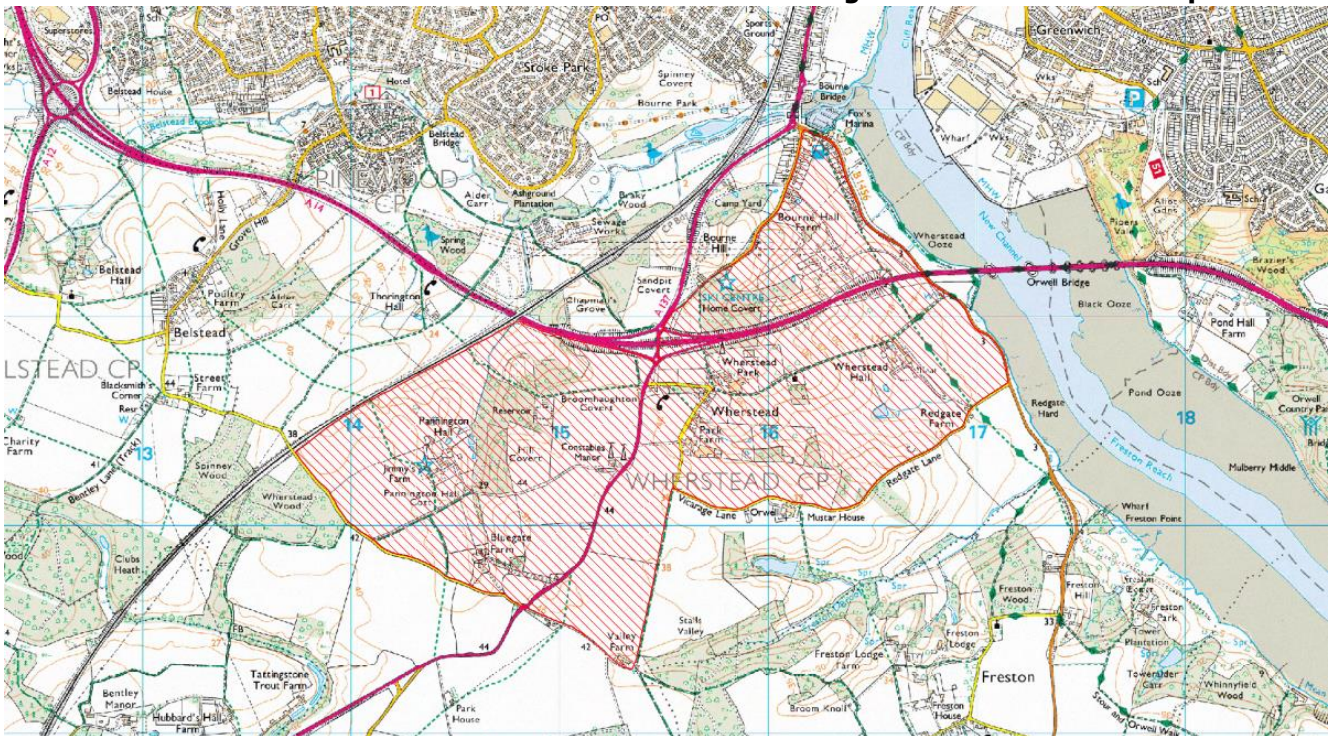
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Fringe Area identified in the emerging Joint Local Plan, in recognition of its close proximity to Ipswich and its close functional relationship with it. It is also well placed in relation to the key transport corridors of the A14 and the A12, where the emerging Local Plan is encouraging net additional employment uses (Policy SP05). It is close to Ipswich mainline railway station and the port of Felixstowe is easily accessible via the A14.

The importance of Wherstead as a business location in the food related sector is reinforced by its designation as the Orwell Food Enterprise Zone, the extent of which is shown in **figure 1** below. The Orwell Food Enterprise Zone is commented on further below as part of this representation. Its existence gets no mention in the NP.

Figure 1: Orwell Food Enterprise Zone



It is in this context that the following comments are made which are intended to be constructive in identifying matters which need to be addressed to ensure the Neighbourhood Plan can be progressed forward for Examination in a form which satisfies the necessary regulations.

Representations

These representations have been prepared with regard to the parts and policies of the Neighbourhood Plan which Burnt Wood Ltd consider require particular attention. They have been structured under relevant sub-headings to make it clear which part of the Neighbourhood Plan or policies the comments relate to. In recommending amendments to specific policies, these are shown in *italics* below, with additions shown in **bold** and deletions ~~struck through~~.

Wherstead Past and Present

Wherstead Today (page 9)

In this section of the Neighbourhood Plan (NP) it is considered that the NP should confirm that a large part of the NP area is the Orwell Food Enterprise Zone (EZ). This confirms the importance of the area for food production and the priority which should be afforded business needs in the food sector. The EZ was designated in 2015 by DEFRA to attract inward investment and stimulate the expansion of business and jobs growth in food related industries, including those in the supply chain such as marketing and e-commerce. The clustering of modern business space for companies in the food sector in the Orwell Food EZ can benefit from the

clustering effects of locating businesses in close proximity to one another improving the potential for close ties to be developed between related businesses.

The NP should be doing more to recognize the importance of this business sector in Wherstead and ways in which NP policies can create conditions in which businesses can invest, expand and adapt, consistent with the EZ designation and national policy.

At paragraph 2.19 the NP refers to 'A further major development...' which has received a resolution to approve by Babergh District Council but the decision has not yet been issued.

If this relates to our clients application ref. DC/19/05624, in relation to a commercial development for land west of Vicarage Lane, Wherstead, IP9 2AE, the text should be updated to confirm that planning permission was granted on 11 July 2022.

POLICY WTD 1 – SPATIAL STRATEGY

It is considered that draft policy WTD 1 is unduly restrictive and fails to reflect the support which national and district level policies express towards sustainable development and in particular the significant weight it states should be placed on the need to support economic growth and productivity.¹ This should be an important aspiration of the NP given the designation of much of the area as part of the Orwell Food Enterprise Zone.

The policy as currently worded is considered inconsistent with policies CS3 and CS15 of the adopted Core Strategy and the support they convey for proposals which will contribute to the local rural economy and create jobs.

With regard to the emerging Local Plan, policy WTD 1, as drafted undermines the aims of policy SP05 to support net additional employment uses along the strategic transport corridors (A12, A14 and A140).

The final paragraph of draft policy WTD 1 proposes a blanket ban on all 'major' development.

It is recommended that in order to satisfy the basic conditions the policy wording should be amended as follows:

POLICY WTD 1 – SPATIAL STRATEGY

The Neighbourhood Plan area will accommodate development commensurate with Wherstead's designation in the District's Settlement Hierarchy.

*New development within the Settlement Boundary, or employment development within the ~~Wherstead Park Strategic Employment Site~~ **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.*

*Proposals for development located outside the Settlement Boundary **or the sites listed above** will only be permitted where they are in accordance with national and District level policies.*

~~Except on sites allocated for such uses in the development plan, proposals that constitute "major" development as defined by The Town and Country Planning (Development Management Procedure)(England) Order 2015 or subsequent amendment will not be supported.~~

¹ NPPF, paragraph 81.

POLICY WTD 2 – DEVELOPMENT AFFECTING THE AREA OF OUTSTANDING OF OUTSTANDING NATURAL BEAUTY

The wording of this policy is inconsistent with national policy, unduly restrictive and overly onerous in its requirements. The reference to proposals for 'major development' wrongly indicates that these are as defined at Annex 2 of the NPPF.

For the purposes of the AONB and the guidance on considering 'major development' at paragraph 177 of the NPPF, the reference should be to footnote 60 of the NPPF. This explains that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. This is not to be determined by reference to the NPPF Annex 2 definition of major development. A point which is reiterated at footnote 75 of the NPPF.

Notwithstanding this observation the need for the inclusion of the policy at all is questioned given that clear guidance is provided in the NPPF and district level policy CS15 in the adopted Core Strategy and policy LP20 in the emerging Local Plan.

The final paragraph requiring a Landscape Visual Impact Assessment (LVIA) for all proposals is unduly onerous.

We recommended **omitting** policy WTD 2. In the event it is retained we recommend the following changes:

POLICY WTD 2 – DEVELOPMENT AFFECTING THE AREA OF OUTSTANDING NATURAL BEAUTY

The Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB) is identified on the Policies Map

*Proposals for major development (as **guided by** ~~defined within Annex 2~~ **by footnote 60** of the NPPF) within the AONB should ~~normally be refused unless otherwise justified. Such applications will be determined in accordance with the approach set out in national planning policy.~~*

Proposals for non-major development within the AONB will ~~only~~ be supported where they:

- i. Do not detract from the natural 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.*

Proposals on sites that contribute to the setting of the AONB will ~~only~~ be permitted where they would not detract from the visual qualities and essential characteristics of the AONB and, having regard to the incorporation of mitigation measures, would not adversely affect the views into, within, and out of the AONB by virtue of its location or design.

All proposals within the AONB or on sites that contribute to the setting of the AONB should be accompanied by Landscape Visual Impact Assessment at a level of detail proportionate to the scale of the development and its location. All proposals shall include appropriate landscaping to mitigate impact identified in the Landscape Visual Impact Assessment.

POLICY WTD 3 – PROTECTING HABITATS AND WILDLIFE CORRIDORS

The policy as worded is more onerous and restrictive than national policy. Furthermore it is considered unnecessary given the clear national policy which relates to this topic.

It is recommended that the policy is **omitted**. In the event the policy is retained it is recommended it is amended as follows:

POLICY WTD 3 – PROTECTING HABITATS AND WILDLIFE CORRIDORS

*Development ~~must~~ **should** achieve a **measurable** ~~minimum of 10% Biodiversity Net Gain, or higher as stipulated in national legislation, over the pre-development biodiversity value as measured by the DEFRA Biodiversity Metric or agreed equivalent.~~*

*Biodiversity improvement **should** ~~must~~, where possible, form an integral part of the design of any proposal, for example through:*

- a) the creation of new natural habitats including ponds; **or***
- b) the planting of additional native trees and hedgerows of local provenance; **or***
- c) restoring and repairing fragmented biodiversity networks; ~~and~~ **or***
- d) the creation of wildlife corridors.*

Contributions to off site mitigation in respect to Policy WTD 4 will be additional to the biodiversity net gain requirements of this policy.

Development proposals should protect and avoid the loss of, or substantial harm to priority habitats and species, as well as the protection of wildlife corridors and trees (including veteran trees), hedgerows and other natural features such as ponds. In the extremely rare cases where such losses or harm are unavoidable, adequate mitigation or compensatory habitat creation will be sought. If suitable mitigation or compensation measures cannot be provided, then planning permission will be refused.

Any development with the potential to impact on a Special Protection Area, Special Area for Conservation or Ramsar site within or outside of the plan area will need to be supported by information to inform a Project Level Habitat Regulations Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017, as amended (or subsequent revisions).

Where new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species of local provenance shall be planted on the splay returns into the site to restore and maintain the appearance and continuity of hedgerows in the vicinity.

POLICY WTD 5 – PROTECTION OF IMPORTANT VIEWS

Policy WTD 5 of the NP seeks to protect some 27 'important views'. The evidence base for this restrictive policy is the Wherstead Appraisal of Views document (July 2021). This illustrates that many of the protected views are either of developed sites, sites with planning permission or private or relatively inaccessible views many of which are unremarkable and do not warrant protection. Some are taken from the edge of highway links, where the perception of the view will be extremely fleeting. Our review of the document indicates the majority of 'important views' identified do not warrant specific protection. These include: 2, 3, 4, 5, 6, 8, 9, 12, 18, 20, 21, 22, 24, 25

By seeking to protect a plethora of wide-ranging viewpoints the policy is seen as a blunt tool of seeking to apply a blanket restriction against development.

This is contrary to national policy and the policy should be **omitted**, unless a fundamental review of the selected views is undertaken to reduce the number of 'important views' whose reasoned qualitative assessment justifies their protection.

In an area where much of the land is subject to the AONB designation this additional tier of protection is considered unwarranted and unnecessary.

POLICY WTD 8 – BUILDINGS OF LOCAL HERITAGE SIGNIFICANCE

While we have no objection in principle to identifying buildings of local heritage significance, as with the comments provided above on 'important views' it is considered that these need to be justified by reference to an informed assessment of buildings which merit such protection, given the extra tier of protection which is being sought to be introduced.

It is considered that several of the buildings identified do not warrant particular protection. Furthermore the wording of the policy is not considered to be consistent with national policy. For these reasons the following amendments are recommended:

POLICY WTD 8 – BUILDINGS OF LOCAL HERITAGE SIGNIFICANCE

*The **impact of proposed development on the significance** retention, protection and the setting of the following Buildings of Local Heritage Significance, as identified on the Policies Map, will be **taken into account when considered planning applications.***

- 1 ~~1-3 Bourne Cottages, Bourne Hill~~
- 2 ~~The Barn, Bourne Hill~~
- 3 ~~Bourne Terrace~~
- 4 ~~Holly Cottage/Walnut Tree Cottage, Constables Corner~~
- 5 ~~Lychgate to St Mary's Church~~
- 6 ~~Lodge adjacent to Mansion Stables~~
- 7 ~~New Lodge, The Street~~
- 8 ~~North Lodge, Bourne Hill~~
- 9 ~~Pannington Hall barns~~
- 10 ~~Pannington Hall Cottages~~
- 11 ~~Units 1-5, Peninsula Business Centre (Park Farm Barns)~~
- 12 ~~Red House, Peppers Lane/The Strand~~
- 13 ~~The Old Byre, 44 Bourne Hill~~
- 14 ~~The Old School (Harland House), The Street~~
- 15 ~~Walled Garden, The Street~~
- 16 ~~The Water Tower, Walled Garden, The Street~~
- 17 ~~Units 1-5 Alton Business Centre (Valley Farm Barns)~~
- 18 ~~Vicarage Cottages~~
- 19 ~~Vicarage, Vicarage Lane~~
- 20 ~~Well Cottage, The Street~~
- 21 ~~Wherstead Hall Lodge, Church (Peppers) Lane~~

*Proposals for any works that would cause harm to or negatively impact the significance of the structure or setting of buildings of local significance should be supported by an appropriate analysis of the significance of the asset to enable a balanced judgement to be made having regard to the scale of any harm or **impact on loss** and the significance of the heritage asset, **weighed against the public benefits of the proposal.***

POLICY WTD 9 – EXISTING EMPLOYMENT SITES

This policy should be updated to reflect the planning status of sites which have planning permission for business use, shown shaded grey on the Policies Map.

The opening paragraph of the policy should be amended as follows:

POLICY WTD 9 – EXISTING EMPLOYMENT SITES

*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 **an unacceptable** 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

Located at the heart of the Orwell Food Enterprise Zone this is a policy which should endorse and support agricultural related employment development, without imposing policy restrictions which render modern day agriculture and development in related sectors unviable. The policy wording should be amended as follows:

POLICY WTD 10 – AGRICULTURAL RELATED EMPLOYMENT DEVELOPMENT

Proposals for agriculture related employment development will be supported where:

- ~~i. It is not located within the Area of Outstanding Natural Beauty or would have an impact on its setting.~~
- ~~ii. It is of a scale and nature appropriate to its countryside location.~~
- iii. **It does not result in an unacceptable impact on the landscape and highways infrastructure and**
- iv. ~~It can be satisfactorily be demonstrated that it needs to be located outside the Settlement Boundary.~~

POLICY WTD 11 – DESIGN CONSIDERATONS

Chapter 9 Development Design and policy WTD 11 make reference to the Wherstead Design Guidance and Codes document (August 2021). Map 5 on page 33 of the draft NP shows the character areas from the document. It shows that our clients land west of Vicarage Lane, which has planning permission for over 10,000sqm of business floorspace (LPA Ref. DC/19/05624) has not been considered as part of the Employment and Leisure Sites character area. The document is therefore out of date and should not be referred to in policy WTD 11 unless and until it has been appropriately updated.

Furthermore we remain concerned that the Wherstead Design Guidance document goes beyond its remit to comment on design, including restrictive comments such as the first bullet point on page 70 of the document that:

"Further employment or leisure developments along the A14 should be limited."

This is at odds with emerging Local Plan policy SP05 which states at part 6 that:

"To ensure a deliverable supply of employment sites to meet accommodate the changing needs of the economy, development of net additional employment uses along the strategic transport corridors (A12, A14 and A140) shall be supported in principle."

We remain concerned that this lengthy policy, which is highly prescriptive and draws across a range of different disciplines is unnecessary duplicating policy guidance which is already in place. We consider it should be **omitted**.

In the event it is retained, until such time as the Wherstead Design Guidance document is updated we consider the policy should be amended as follows:

POLICY WTD 11 - DESIGN CONSIDERATIONS

Proposals for new development must reflect the local characteristics in the Neighbourhood Plan Area and create and contribute to a high quality, safe and sustainable environment.

*Planning applications should, as appropriate to the proposal, demonstrate how they are designed to take account of the National Design Guide and National Model Design Code 2021, or subsequent versions, ~~the Wherstead Neighbourhood Plan Design Guidance and Codes,~~ **and** the Suffolk Constabulary Residential Design Guide. ~~and for commercial sites, advice from the Designing Out Crime Officer at Suffolk Constabulary.~~*

In addition, proposals will be supported where they:

- a. Recognise and address the key features, characteristics, landscape/building character, local distinctiveness and special qualities of the area. ~~in order to maintain the rural feel of the Parish and prepare a landscape character appraisal to demonstrate this;~~*
- b. ~~Produce designs that maintain the local character of the area as defined in the Wherstead Design Guidance and Codes;~~*
- c. ~~Do not involve the loss of gardens, open, green or landscaped areas, which make a significant contribution to the character and appearance of that part of the village;~~*
- d. Taking mitigation measures into account, do not **unacceptably** affect adversely:*
 - i. Any historic, architectural or archaeological heritage assets of the site and its surroundings;*
 - ii. Important landscape characteristics including trees and ancient hedgerows and other prominent topographical features;*
 - iii. Sites, habitats, species and features of ecological interest as noted in the Wherstead Neighbourhood Plan Landscape and Biodiversity Evaluation 2021;*
 - iv. The amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated, and/or residential amenity;*
- e. Do not locate development where its users and the amenity of nearby residents would be significantly and adversely affected by noise, smell, vibration, or other forms of pollution from existing sources, unless adequate and appropriate mitigation can be implemented;*
- f. Where appropriate, make adequate provision for the covered storage of all wheelie bins;*
- g. Include suitable ducting capable of accepting fibre to enable superfast broadband;*
- h. ~~In the case of new access roads, design them for speeds of no more than 20 mph;~~*
- i. ~~Will not generate additional vehicles on a designated Quiet Lane such that it would likely to immediately or subsequently exceed average movements in excess of 1,000 vehicles a day and/or 85th percentile speeds in excess of 35 mph in that designated Lane;~~*
- j. As appropriate to the proposal, include measures to promote public safety and deter crime. ~~and disorder that might include::~~*
 - i. ~~public spaces that are overlooked and which avoid the creation of concealed areas~~*
 - ii. ~~entry barriers that would not result in queuing on the highway~~*
 - iii. ~~out of hours security patrols~~*
 - iv. ~~secure fencing~~*
 - v. ~~well lit and secure areas whilst also complying with the dark skies policy~~*
 - vi. ~~as appropriate, the provision of CCTV and automatic number plate recognition systems with appropriate monitoring and support services; and~~*
 - vii. ~~signage to support police prosecutions.~~*
- k. For every new residential car parking space, one electric vehicle charging point shall be provided. Non residential development should include electric vehicle charging provision in accordance with the minimum standards in the current Suffolk Parking Guidelines.*
- l. Design and access to off-street parking should otherwise comply with the current standards in the Suffolk Parking Guidelines.*

m. Cycle parking provision shall be in accordance with the adopted cycle parking standards and shall include secure and covered storage where appropriate to the development.

POLICY WTD 12 – SUSTAINABLE BUILDING PRACTICES

Recommend **omit**, unnecessary duplication of adopted Core Strategy policies CS13 and CS15

POLICY WTD 13 – FLOODING AND SUSTAINABLE DRAINAGE

Recommend **omit**, unnecessary duplication of adopted Core Strategy policy CS15

POLICY WTD 14 – PARKING STANDARDS

It is considered that there are considerable benefits of having a single point of reference for parking standards across the County as already in existence in the form of Suffolk County Council Guidance for Parking (2019). It is not considered necessary to apply a higher standard in Wherstead. The policy is unnecessary is inconsistent with County wide guidance and should be **omitted**.

POLICY WTD 16 – NEW HIGHWAYS INFRASTRUCTURE

It is important to recognize that transport related improvements will need to be agreed with the Highway Authority and/or other service providers. Any development related highway improvements or service provision improvement will need to demonstrably meet the CIL (2010) Regulation 122 tests, i.e

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

To reflect this the following amendments to the policy are recommended.

POLICY WTD 16 - NEW HIGHWAYS INFRASTRUCTURE

Proposals for major development should include provision for:

- *Safe, connected, and inclusive walking and cycle routes;*
- *Secure cycle parking/storage;*
- *Linkages to existing pedestrian and cycle networks and improvements to those routes if necessary, **directly related to the development and fairly and reasonably related in scale and kind to the proposed development;***
- *Public transport, such as new or revised services, and physical measures such as bus stops, improvements, **where these are necessary, directly related to the development and fairly and reasonably related in scale and kind to the proposed development;** and*
- *Incentives to use sustainable modes of transport and encourage behaviour change, including through Travel Plans.*

*Where possible any development proposals in the South side of the village, **which materially impact on the local highway network**, should include highway solutions to ensure employment traffic volumes created by existing and future business park developments, e.g. Wherstead Park, Peninsula and Park Farm Barns redevelopment and the emerging HomeField development, are routed away from the existing residential areas through the creation of dedicated access routes.*

Summary and Conclusions

Thank you for the opportunity to comment on this Regulation 16 submission stage version of the Neighbourhood Plan. The amendments recommended above are required to ensure the Neighbourhood Plan satisfies the basic conditions.

It is considered in its current form the NP is unduly restrictive and fails to meet basic conditions: a) national policy; d) achievement of sustainable development and e) conformity with strategic policies in the development plan.

These matters should be explored more fully at an Examination Hearing.

Please keep us updated as the NP progresses including any details of:

- Any hearing;
- The publication of any questions, points of clarification from the Examiner;
- Examiner recommendations;
- The making of the NP.

I trust that the content of this letter is clear. In the event you should have any queries or require any additional information please do not hesitate to contact either myself or my colleague Roger Welchman.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Geoff Armstrong', written in a cursive style.

Geoff Armstrong (geoff.armstrong@arplanning.co.uk)

Director

Armstrong Rigg Planning

Direct Line: 01234 867130

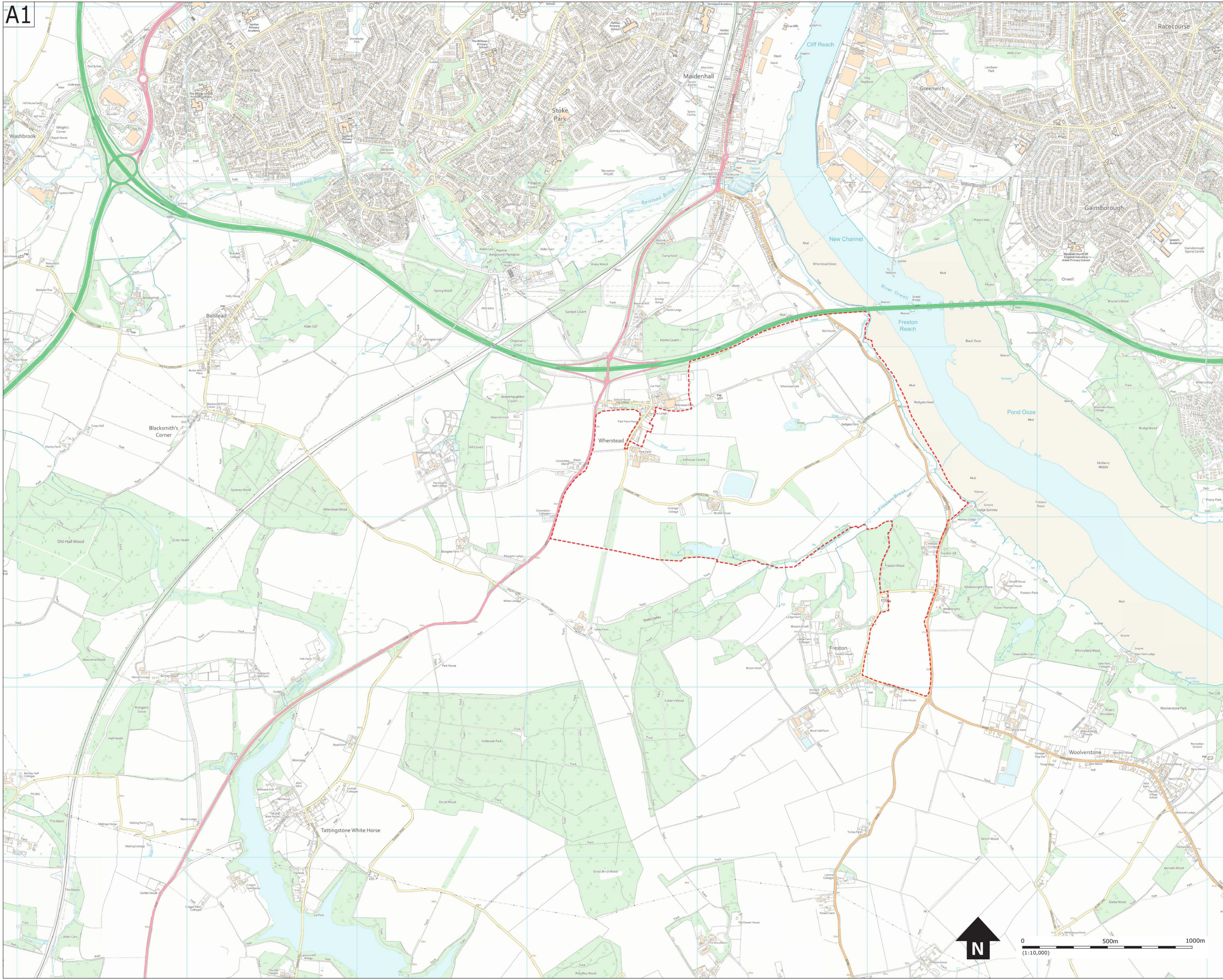
Mobile: 07710 883907

Enclosures

Enclosure 1 – Land Ownership Plan

Enclosure 2 – Planning permission ref. DC/19/5624 Site Location Plan and Concept Masterplan

Enclosure 1
Land Ownership Plan



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| REV | DESCRIPTION | DATE | AUTHOR | CHK'D |
|-----|-------------------|----------|--------|-------|
| P1 | Preliminary Issue | 19.01.23 | PR/AA | PR |

 Redline Boundary



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PROJECT
 Land at Wherstead
 Wherstead
 For: Burnt Wood Ltd

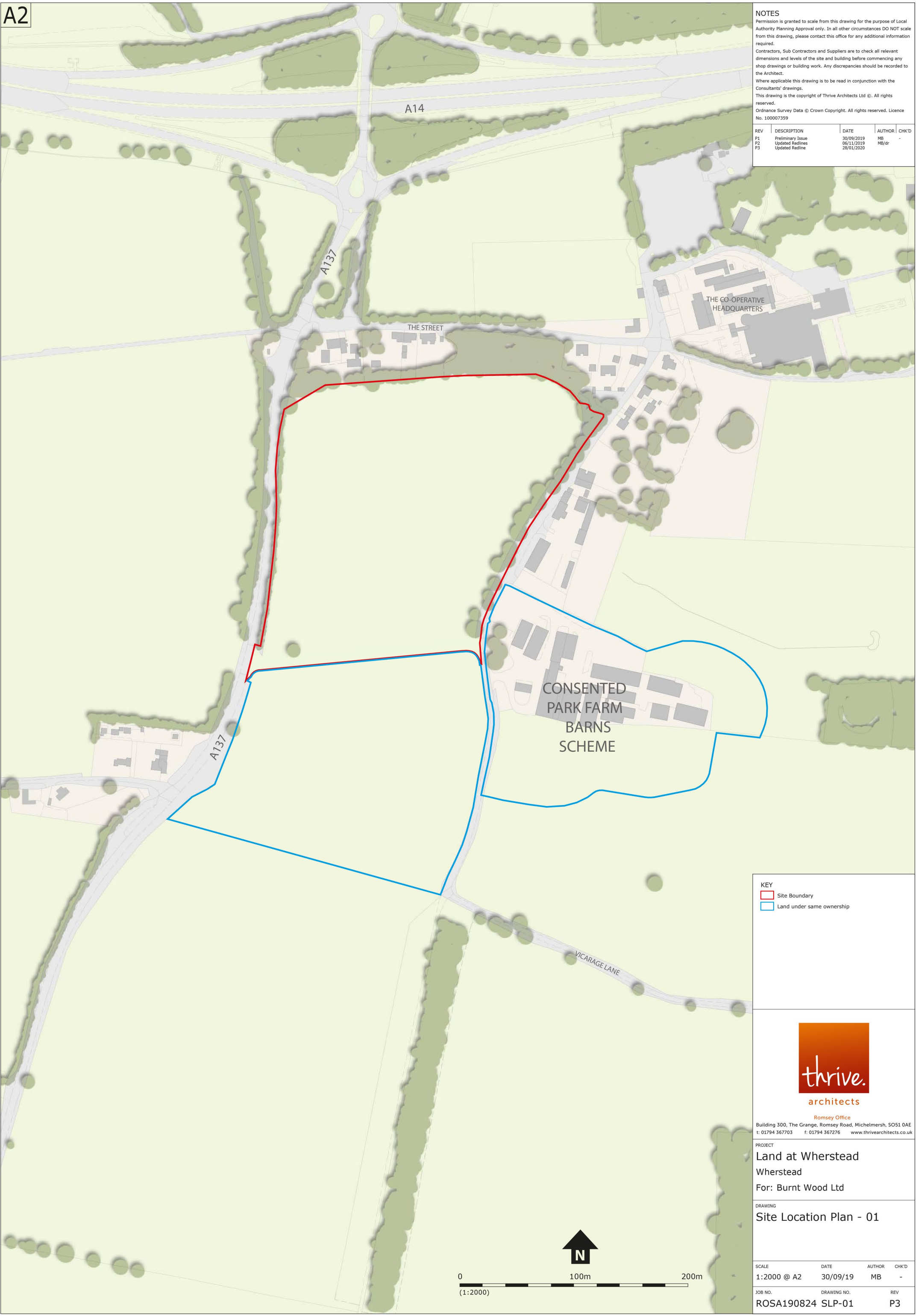
DRAWING
 Land Ownership Plan - 01

| SCALE | DATE | AUTHOR | CHK'D |
|------------------------------|------------------------------|------------------|-------|
| 1:10000 @ A1 (1:10,000) | 19/01/23 | PR/AA | PR |
| JOB NO. BURN230111 | DRAWING NO. LOP-01 | REV P1 | |

Enclosure 2
Planning permission ref. DC/19/5624
Site Location Plan and Concept Masterplan

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| REV | DESCRIPTION | DATE | AUTHOR | CHK'D |
|-----|-------------------|------------|--------|-------|
| P1 | Preliminary Issue | 30/09/2019 | MB | - |
| P2 | Updated Redlines | 06/11/2019 | MB/dr | - |
| P3 | Updated Redline | 28/01/2020 | | |



KEY

- Site Boundary
- Land under same ownership



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PROJECT
 Land at Wherstead
 Wherstead
 For: Burnt Wood Ltd

DRAWING
 Site Location Plan - 01

| SCALE | DATE | AUTHOR | CHK'D |
|-------------|-------------|--------|-------|
| 1:2000 @ A2 | 30/09/19 | MB | - |
| JOB NO. | DRAWING NO. | REV | |
| ROSA190824 | SLP-01 | P3 | |



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| REV | DESCRIPTION | DATE | AUTHOR | CHK'D |
|-----|---|----------|--------|-------|
| P1 | Preliminary Issue | 13/07/19 | MB | HM |
| P2 | Layout Updated | 17/09/19 | DI | HM |
| P3 | Amend Updated | 26/09/19 | MB | MB |
| P4 | Final Ammendments, Proposed Landscaping Updated | 28/01/20 | AA | MB |
| P5 | Land Use Areas Updated, Landscaping Updated | 13/02/20 | AA | MB |

KEY

- Site Boundary
- Employment (B1/B2)
- Commercial (A1)
- Main Access
- Main Route
- Street
- Private Drive
- Footpath
- Parking Courtyard
- PROW
- Strategic Pedestrian Routes
- Sustainable Drainage System (SuDS)
- Existing Trees
- Root Protection Area
- Existing Vegetation
- Proposed Trees
- Verges / Public Open Space
- Parkland
- Woodland Plantations
- Wildflower Grassland Planting

Land Use Areas

| Designation | Area (sqm) |
|--------------|--------------|
| Employment | 10625 |
| Commercial | 625 |
| Total | 11250 |



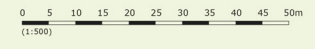
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PROJECT
Land West of Vicarage Lane
 Wherstead
 For: **Burnt Wood Ltd**

DRAWING
Concept Masterplan - 02
 Commercial Mixed Use

| SCALE | DATE | AUTHOR | CHK'D |
|------------|----------|--------|-------|
| 1:500 @ A0 | 13/09/19 | MB/ij | PM |

| JOB NO. | DRAWING NO. | REV |
|------------|-------------|-----|
| ROSA190824 | CMP-02 | P5 |



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(9) BOYER PLANNING, obo East of England Co-operative Society

Consultation Response Form

Wherstead Neighbourhood Plan 2018 - 2037

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: | Mark Edgerley |
| Job Title (if applicable): | Associate Director |
| Organisation / Company (if applicable): | Boyer Planning |
| Address: | Unit 15, De Grey Square, De Grey Road, Colchester |
| Postcode: | CO4 5YQ |
| Tel No: | 01206 584 753 |
| E-mail: | markedgerley@boyerplanning.co.uk |

| Part B: Agents – Please complete details of the client / company you represent | |
|--|---|
| Client / Company Name: | East of England Co-Operative Society |
| Address: | Wherstead Park, The Street, Wherstead, Ipswich, Suffolk, |
| Postcode: | IP9 2BJ |
| Tel No: | |
| E-mail: | |

Section Two: Your comment(s)

To which part of the Plan does your comment relate? Use separate forms if necessary.

| | | | |
|----------------------|--|-------------------|--|
| 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 see attached representations

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please see attached representations

(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 matter through the written representations.

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

Note: The 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 see attached representations

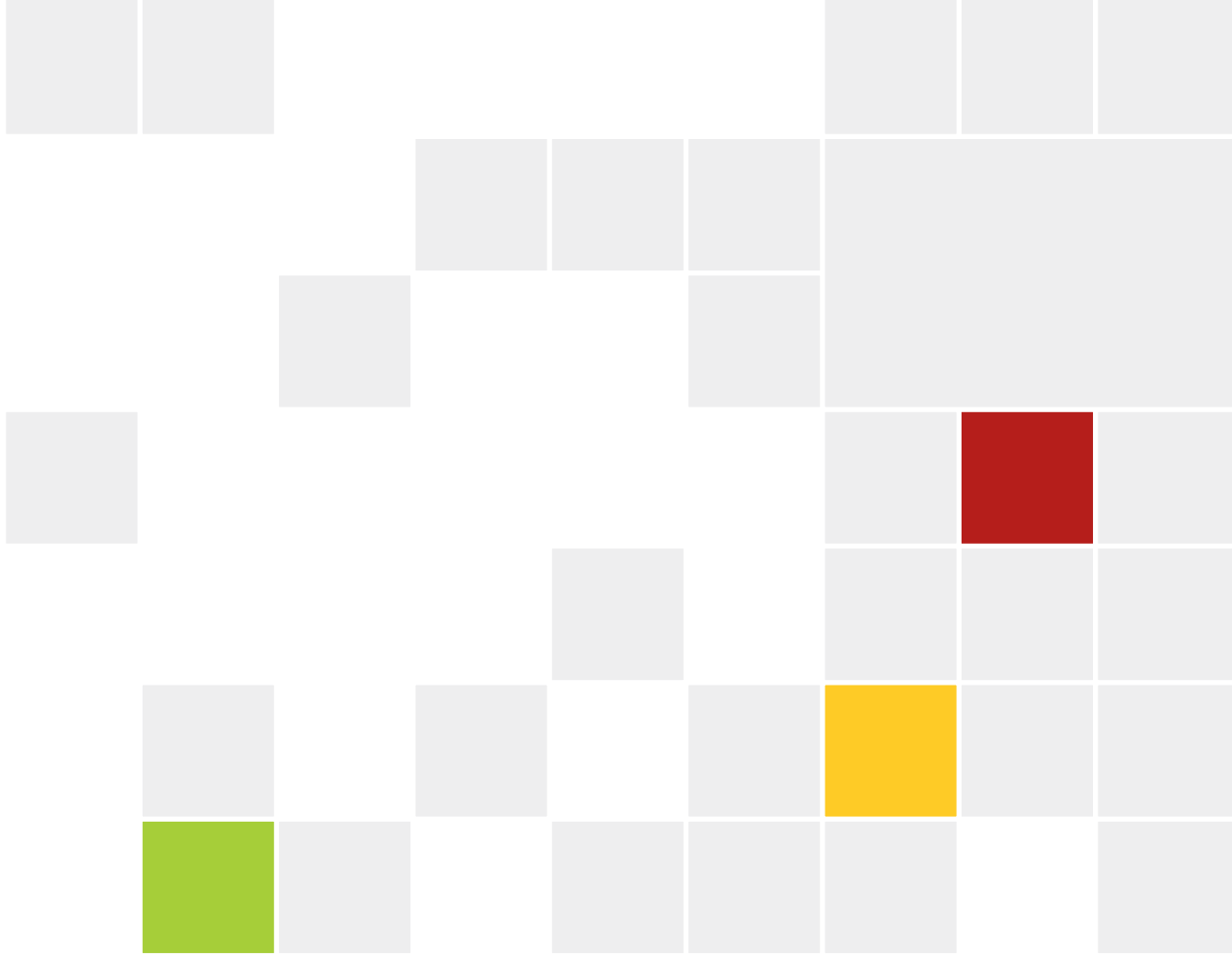
(Continue on separate sheet if necessary)

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

| | |
|---|---|
| The publication of the recommendations of the Examiner | x |
| The final 'making' (adoption) of the Wherstead NP by Babergh District Council | x |

Signed: Mark Edgerley

Dated: 20 January 2023



Representations to Wherstead Neighbourhood Plan



Regulation 16



Boyer

Report Control

| | |
|----------------|--|
| Project: | Wherstead NP Representations – Regulation 16 |
| Client: | East of England Co-Operative Society |
| Reference: | 11.650 |
| File Origin: | Document1 |
| Primary Author | Alice Salomonsson |
| Checked By: | Mark Edgerley |

| <i>Issue</i> | <i>Date</i> | <i>Status</i> | <i>Checked By</i> |
|--------------|-------------------------------|---------------|-------------------|
| 1 | 13 th January 2023 | DRAFT | ME |
| 2 | 20 th January | FINAL | ME |
| | | | |

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1. INTRODUCTION

- 1.1 These representations are submitted by Boyer on behalf of the East of England Co-Operative Society Ltd (the Society) in response to the consultation on the Wherstead Neighbourhood Plan (WNP) Submission consultation under the Regulation 16 of the Neighbourhood Planning Regulations.
- 1.2 The Society is a significant landowner within the parish as the owners and operators of Wherstead Park which is identified as Existing Employment Site within the Neighbourhood Plan. The Society supports the production of the Neighbourhood Plan and encourage local residents to undertake an active role in delivering new development in their local area.
- 1.3 The Society has previously engaged with the Neighbourhood Plan by submitting representations to the Regulation 14 consultation in October 2021. Representations have also been submitted to Babergh and Mid Suffolk District Councils in response to their emerging Joint Local Plan over recent years.
- 1.4 In preparing these representations the Consultation Statement (2022), submitted alongside the Neighbourhood Plan, has been reviewed, and will be referenced when appropriate, to continue the discussion raised during the previous Regulation 14 consultation.
- 1.5 As set out within National Planning Practice Guidance (NPPG), Neighbourhood Plan policies should be clear and unambiguous (Paragraph: 041 Reference ID: 41-041-20140306). Moreover, National policy and guidance requires that Neighbourhood Plans are in general conformity with the adopted Local Plan in their area (Paragraph: 065 Reference ID: 41-065-20140306). Whilst the current adopted Local Plan for Babergh is the Core Strategy 2014, Babergh is currently in the process of preparing a joint Local Plan with Mid Suffolk District Council. It is therefore necessary for the preparation of the Wherstead Neighbourhood Plan to be in general conformity with the reasoning and evidence of the emerging Draft JLP to ensure that it is in general conformity with the Joint Local Plan when it is made (Paragraph: 009 Reference ID: 41-009-20190509).
- 1.6 The Basic Conditions relevant to the making of a neighbourhood plan are:
 - Condition (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;
 - Condition (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - Condition (e) the making of the neighbourhood development 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);
 - Condition (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with EU obligations; and

- Condition (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

1.7 The WNP must have appropriate regard to national policy. The National Planning policy framework is created with a presumption in favour of sustainable development. As defined by the Framework, sustainable development has three overarching objectives:

- 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;
- 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
- 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.

1.8 It is our view, that as currently drafted, the Submission Neighbourhood Plan published by Wherstead Parish Council demonstrates a range of issues facing the parish but requires further amendments to meet the Basic Conditions.

2. WHERSTEAD NEIGHBOURHOOD PLAN SUBMISSION DRAFT

- 2.1 Within this Section of the representations, responses are provided to relevant paragraphs and policies in the Wherstead Neighbourhood Plan Submission Draft Plan and made in keeping with the Response Form available on Babergh District Council's website. The comments are in chronological order based on the Submission Draft WNP for ease of reference.

Vision and Objectives

- 2.2 The four-part vision statement for the future of Wherstead is broadly supported by the Society. It is, however, considered that the importance of the economic activity and areas of significant employment such as Wherstead Park in the parish should be highlighted more within the Vision and Objectives of the Neighbourhood Plan.
- 2.3 Economic activity, along with the number of jobs this supports in the Parish should be recognised within the Vision and Objectives for the Neighbourhood Plan. The employment generating uses and economic activity that takes place at Wherstead Park amongst other areas contributes to the economic sustainability of the parish by providing employment opportunities, and should be recognised as it would contribute to the plan meeting Basic Condition (d).

Policy WTD1 – Spatial Strategy

- 2.4 It is welcomed that Policy WTD1 – Spatial Strategy, and supporting text, identifies Wherstead Park as a Strategic Employment Site and supports employment development at the site in principle. Policy WTD 1 ensures that the WNP achieves sustainable development as set out by national policy, and condition (d) through ensuring that appropriate development is located in the most sustainable locations.
- 2.5 As the Parish Council will be aware, land adjacent to Wherstead Park and north of The Street was allocated in the Babergh Local Plan as an employment allocation. The allocation was removed from the emerging Joint Local Plan which has been paused at Examination stage.
- 2.6 As the emerging Joint Local Plan has been delayed and time of writing (January 2023), there is no confirmed details on timescales from the District Councils or the Planning Inspectorate it is our view that removing the allocation is not in accordance with the adopted Development Plan for the area.

- 2.7 Babergh District Council are however considering outline planning application DC/21/06427 for employment uses on this site. Although the application is yet to be determined and the Joint Local Plan is still under preparation, the WNP and Policy WTD1 should also reflect the current Local Plan allocation to ensure it meets with Basic Condition (e).
- 2.8 Policy WTD1 references Wherstead Park as a “Strategic “Employment Site” but when viewed on the Policies Map found at the end of the Plan, the key is labelled as “Existing Employment Site” which may potentially cause confusion for a future decision maker.

Policy WTD2 – Development affecting the Area of Outstanding Natural Beauty

- 2.9 The importance that new development in the AONB has regard to the character and setting as set out in this Neighbourhood Plan, the emerging Development Plan and National Policies is understood by the Society. There is however concern about the wording of policy WTD2 – Development Affecting the Area of Outstanding Natural Beauty.
- 2.10 The policy text states that “major developments within the AONB should normally be refused unless otherwise justified”. This has been changed from the pre-submission draft as developments no longer need to be “justified by exceptional circumstances”. This change is welcomed, although there are concerns about the policy not being a positive starting point to new development within the designated area.
- 2.11 As seen on the Policies Map accompanying the WNP, Wherstead Park is within the Area of Outstanding Natural Beauty and therefore any future development proposals would need to be judged against Policy WTD2 and supported by proportionate landscape and visual impact assessments as necessary. Where proposals are supported by appropriate evidence and justified this will enable the Society to undertake developments which are necessary to meet future needs as required.
- 2.12 Policy WTD2 as currently written is therefore broadly supported by the Society and will enable the delivery of sustainable development as required in basic condition (d).

Policy WTD5 – Protection of Important Views

- 2.13 The previously submitted representations for the pre-submission draft commented on policy WTD5 – Protection of Important Views, with the view that the policy could be used to restrict development in the parish, rather than providing a positive starting point for development to come forward to. It was suggested that the policy should acknowledge the positive benefits that developments can bring, such as framing and shaping the important views of the parish.

- 2.14 In the consultation statement (September 2022) submitted alongside the submission draft of the WNP, the Parish Council have responded that the policy does not prevent development taking place but seeks to ensure it does not have a detrimental impact on important views. We are however concerned that the policy has not been amended and it is still our view that the policy should reflect the benefits appropriate developments can bring to important views. This change would ensure that the policy is in line with national policy as the NPPF paragraph 16. B) states that all plans should be prepared positively.
- 2.15 Policy WTD5 highlights “key landscape features” but these are not described within the Neighbourhood Plan and instead only highlighted in the evidence base document “Appraisal of Views” dated July 2021. Although the views from publicly accessible parts of the parish are identified, the appraisal does not provide any justification as to what type of development may be appropriate and instead reaches conclusions that development would be detrimental. Without further justified explanation, we disagree with the view that the policy “does not prevent development taking place” and Policy WTD5 is restrictive in its nature and therefore fails to meet Basic Condition (e).

Policy WTD7 – Heritage Assets

- 2.16 Whilst it is agreed that heritage assets in the Parish should be preserved and enhanced, the policy should be amended to reflect the specific context of Wherstead Parish. As it stands, the policy repeats the contents of the National Planning Policy Framework and policies within the emerging Joint Local Plan. Planning policies should take local circumstances in account to reflect the character, needs and opportunities of each area. This policy therefore does not meet Basic Condition (d) as it does not promote sustainable development in a local context. It also goes against national policy in the NPPF paragraph 16. F) which states that plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area”.

Policy WTD9 – Existing Employment Sites

- 2.17 As the Owners and operators Wherstead Park, the Society supports the identification of the site as a Strategic Employment Site in the emerging Joint Local Plan.
- 2.18 However, we are concerned that Policy WTD9 – Existing Employment Sites, restricts development at the site to respond to future demands for economic activity and job creation. The policy states that the retention and intensification of employment uses on identified employment sites will be supported provided they do not have a detrimental impact on local landscape character, residential amenity, or generate unacceptable levels of traffic on access roads.

- 2.19 Policy WTD9 and the supporting text should make it clear that any existing employment site in the parish has an impact on landscape character, residential amenity, and levels of vehicular traffic. As such any future development proposals should be considered by using the established and existing lawful position for the employment use and the known operations of the site which will include vehicular movements and residential amenity.
- 2.20 As outlined in Policy WTD16, the Parish Council is seeking highway solutions to route traffic away from routes to certain sites, such as Wherstead Park. The principal of seeking to reduce traffic movements is reasonable but the Society are concerned that the Neighbourhood Plan as currently prepared has an internal conflict between supporting existing employment sites (Policy WTD9) but seeking to route traffic away from business park developments (Policy WTD16).
- 2.21 Without clear justification and explanation as to how these policies would work together, the Neighbourhood Plan does not meet the Basic Conditions.

Policy WTD 15 – Protecting Existing Services and Facilities

- 2.22 The Society is pleased to see Wherstead Park identified in paragraph 10.1 as a commercial facility which serves Wherstead and the wider area.
- 2.23 Policy WTD15 is broadly supported and the Society agree that proposals which enhance the viability of a community facility and provide additional recreation and community facilities should be encouraged. Community Facilities such as Wherstead Park and those listed in paragraph 10.1 of the plan all make important social and economic contributions to the local community.
- 2.24 Policy WTD15 however, should also recognise that in order for the viability of some facilities to be supported, it may require additional development or intensification through changes in opening hours, range of activities and vehicular movements to ensure the protection (and retention) of existing services and facilities.

Policy WTD16 – New Highways Infrastructure

- 2.25 The Society recognise the intention of Policy WTD16 and broadly support the intention for highway solutions to route traffic away from existing residential areas. However, the Neighbourhood Plan still fails to identify any dedicated routes or solutions to enable the implementation of the Policy.
- 2.26 Without identifying the highway solutions within the Policy, the plan is reliant on development proposals coming forward over the plan period which adds a level of uncertainty and the implementation of a solution cannot be secured.

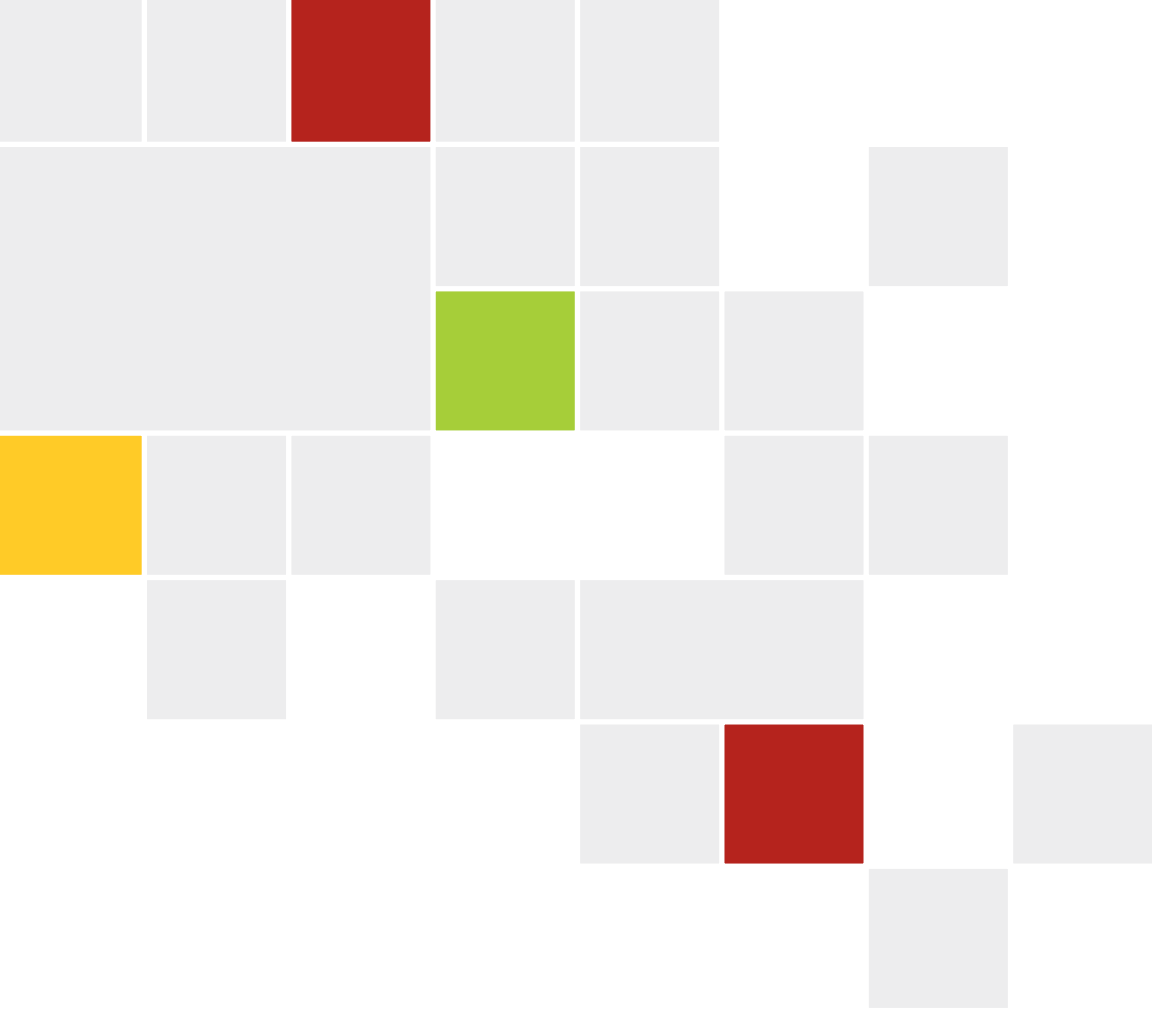
- 2.27 The Babergh Local Plan (2014) identifies an employment allocation on land adjacent to the The Street and the A14 with a direct highway connection been made from the roundabout during the preparatory stage of the Neighbourhood Plan. As currently presented the Neighbourhood Plan fails to make a positive allocation which would help deliver a “highway solution” required in Policy WTD16.
- 2.28 As noted above, application DC/21/06427 which has been pending for consideration by Babergh District Council during the preparation of the Neighbourhood Plan could provide a “highway solution” in the South side of the village. However, the Neighbourhood Plan has removed this allocation and potential development site which is an opportunity missed and as such fails to meet Basic Condition (d).

Policies Map

- 2.29 The Society are pleased to see land at Wherstead Park identified as an employment site on the Policies Map which supports the written parts of the Neighbourhood Plan. However question that labelling of the designation in the key as outlined in the response to Policy WTD1 above.

3. CONCLUSION

- 3.1 These representations are submitted by Boyer on behalf of the East of England Co-Operative Society Ltd (the Society) in response to the consultation on the Wherstead Neighbourhood Plan (WNP) Submission consultation under the Regulation 16 of the Neighbourhood Planning Regulations.
- 3.2 The Society is a significant landowner within the parish as the owners and operators of Wherstead Park which is identified as Existing Employment Site within the Neighbourhood Plan. The Society supports the production of the Neighbourhood Plan and encourage local residents to undertake an active role in delivering new development in their local area.
- 3.3 The Society has previously engaged with the Neighbourhood Plan by submitting representations to the Regulation 14 consultation in October 2021. Representations have also been submitted to Babergh and Mid Suffolk District Councils in response to their emerging Joint Local Plan over recent years.
- 3.4 These representations have been prepared to demonstrate the Society's continued involvement and engagement with the Neighbourhood Plan as well as the long standing relationship with the community of Wherstead.
- 3.5 The Society looks forward to engaging in future stages of the Neighbourhood Plan preparation and assisting the Council and Examiner as required as the plan progresses through Examination and Referendum stages.



Boyer

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colchester@boyerplanning.co.uk | boyerplanning.co.uk

(10) PIGEON INVESTMENT MANAGEMENT



19th January 2023

Wherstead Neighbourhood Plan Team
David Baldry
Restholme
The Strand
Wherstead

SENT VIA EMAIL TO david.baldry@whersteadpc.co.uk and communityplanning@baberghmidsuffolk.gov.uk

Dear Sirs

SUBMISSION DRAFT NEIGHBOURHOOD PLAN RESPONSE ON BEHALF OF PIGEON INVESTMENT MANAGEMENT LTD

Thank you for consulting Pigeon Investment Management Ltd ('Pigeon') on the draft Wherstead Neighbourhood Plan (NP).

Pigeon, as developers and landowners in Wherstead, very much welcome the opportunity to engage with the Neighbourhood Plan Team on the preparation of the NP.

Housing Need

At paragraph 3.7 the NP is clear that matters relating to housing development are not addressed due to the emerging Joint Local Plan identifying the minimum number of additional homes required across Babergh District to 2037, and that the level assigned to Wherstead parish is based on the *'sum of extant planning permissions as at 01/04/18 and any site allocations made in the Plan'* with this growth (76 homes) already fulfilled.

The emerging Joint Local Plan is currently subject to examination and it is important to recognise the examining Inspectors comments, as set out in their letter of 9 December 2021 (Appendix A), includes a requirement on Babergh (and Mid Suffolk) Council to update both the settlement hierarchy and spatial distribution of housing allocations, along with the consequent housing requirement for Neighbourhood Plan areas.

It is also noted the NP is not supported by a housing needs survey.

Therefore, whilst it is not a requirement for a NP to address matters relating to housing development, it is important to recognise that it cannot be stated that the NP meets the identified need for new homes in accordance with the emerging Local Plan.

Basic conditions

Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 requires Neighbourhood Plans to meet the following basic conditions:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, 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, and*
- (g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

The NP in part fails to meet some of these requirements, and as such Pigeon **objects** to some elements.

POLICY WTD1 - SPATIAL STRATEGY and POLICY WTD 9 – EXISTING EMPLOYMENT SITES

Section 3 Planning Policy Context correctly identifies the current development plan for the area comprises the adopted Core Strategy (2014) and 'saved policies' of the Local Plan (2006). Saved Local Plan (2006) Policy EM05 allocates 3.3 ha of land (known as the Walled Garden site) immediately to the west of the existing Wherstead Office Park for B1 development. The NP fails to recognise the status of this allocated land, which is not identified on any of the policy maps.

Moreover, policy WTD1 Spatial Strategy and WTD 9 Existing Employment Sites seek to restrict development within the settlement boundary or existing employment sites including Wherstead Park Strategic Employment Site, but fails to recognise the status of the Walled Garden as allocated for employment.

This allocation is located adjacent the A14 strategic transport corridor at Junction 56 which Pigeon have recently upgraded at considerable cost through replacing both tier-drop shaped roundabouts with larger round roundabouts to enhance capacity as part of the ongoing development of the Garage Field site. These works, which include the construction of a new vehicular access to adoptable standards into the Walled Garden, have recently been completed. An employment application is currently pending on the Walled Garden site. This was undertaken with the full intention that the Walled Garden is land allocated for employment provision.

The failure of the NP to recognise the planning status of this site conflicts with the strategic policies of the development plan, and furthermore undermines the promotion of sustainable development conflicting with the basic conditions test.

To address this concern the NP should be amended to recognise the status of the 3.3ha employment site to the west of Wherstead Office Park for B1 employment use.

Turning to the 4th paragraph of policy WTD1 which seeks to place a blanket ban on new 'major' development within the parish. Such an approach is contrary to achieving the wider objectives of promoting sustainable development and has no national planning policy support, and Pigeon do not support it's inclusion.

POLICY WTD 3 – PROTECTING HABITATS AND WILDLIFE CORRIDORS

Whilst Pigeon supports the objectives of promoting biodiversity, the policy as drafted should be amended to remove the 'absolute' requirement for permission to be refused in the circumstances set out in the third paragraph. The policy as drafted conflicts with national policy and advice.

POLICY WTD 4 – RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION

The policy seeks to put forward an approach which requires development proposals of 50 or more homes to be accompanied by SANG provision. It is unclear what the evidence is for supporting this requirement, and Pigeon suggest the appropriate approach would be to apply a requirement for such projects to undertake a project level Habitats Regulations Assessment to determine appropriate mitigation.

POLICY WTD 5 – PROTECTION OF IMPORTANT VIEWS

The evidence base (Appraisal of Views July 2021) underpinning this policy was prepared directly by the Parish Council without input from external consultants (unlike the Design Guide and Landscape and Biodiversity Evaluation reports), and the level of professional expertise/competencies of those undertaking this work is unclear as it is not set out in the document. One would expect as a minimum the qualifications and summary of the authors relevant experience to be included.

Although the appraisal references that views put forward by residents were assessed using the principles of The Landscape Institutes Technical Guidance Notes there is no explanation of the methodology used in undertaking this exercise, and in particular what considerations were given to the existing evidence base (e.g. Suffolk Coast and Heaths Area of Outstanding Natural Beauty Management Plan and the Landscape Character Assessment supporting the emerging Joint Local Plan.)

It is also unclear from reading the document what considerations (if any) have been given to the importance of the AONB and need to distinguish between viewpoint locations within and outside this designation, or how the landscape impact of the Orwell Bridge has been taken into account.

The evidence base supporting a NP is required (Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211) to be robust, and it is Pigeon's view taking into account the above -



and extensive number of important views identified - this is not the case. Pigeon object to the policy as drafted.

POLICY WTD 6 – DARK SKIES AND STREET LIGHTING

Pigeon supports the policy as drafted and look forward to working with the Parish Council on how this objective can be realised.

POLICY WTD 7 – HERITAGE ASSETS

Pigeon supports the objectives of preserving and enhancing heritage assets, however the policy as drafted should be amended to remove the absolute requirement set out in the first paragraph to ensure regard is had to national policy and advice.

POLICY WTD 9 – EXISTING EMPLOYMENT SITES

Planning policy is required to be unambiguous and clear to understand for all parties.

The NP identifies both 'Existing Employment Sites' (to which this policy applies), as well as 'Land with planning permission for major development' (to which this policy does not apply). It is unclear how future applications on 'major development sites' would be assessed under this policy, and it is recommended the policy be amended to provide this clarity.

Pigeon advocates that the consented employment sites within the parish be identified as 'Existing Employment Sites' on the Inset maps. This would offer the level of protection (from conversion from employment to non-residential use) desired by the NP.

POLICY WTD 10 – AGRICULTURAL RELATED EMPLOYMENT DEVELOPMENT

The supporting text at paragraph 8.6 advises the emerging Joint Local Plan identifies sufficient deliverable locations for strategic employment growth to meet forecast need. The examining Local Plan inspectors have yet to reach a conclusion as to whether this is the case in the context of supporting economic growth along the A14 strategic transport corridor serving the Port of Felixstowe. This statement is incorrect and should be removed.

Moreover, it should be noted draft Local Plan Policy SP05 Employment Land supports the expansion of identified strategic employment sites including Wherstead Business Park.

Turning to the policy, it is not justified to place a blanket ban on restricting new employment sites within the AONB. Whilst clearly consideration should be given to the landscape impact of any such proposals it is not justified to rule out such development perse.

POLICY WTD 11 - DESIGN CONSIDERATIONS

Pigeon supports new development being of a high-quality design, but considers the policy as drafted confusing and to include numerous criteria (e.g. out-of-hours security patrols) that fall beyond the



scope of land use planning. It is suggested the policy is simplified with many of the design aspirations transferred to the Design Guide which supports the NP.

POLICY WTD 12 - SUSTAINABLE BUILDING PRACTICES

Pigeon supports the objectives of promoting sustainable building practices, but the policy should be reworded to remove reference to best practice. No evidence has been provided as to why it is necessary to achieve higher standards beyond Building Control requirements. Moreover, it is unclear what standards will need to be met to comply with policy.

POLICY WTD 16 - NEW HIGHWAYS INFRASTRUCTURE

This second paragraph of the policy requires development proposals in the south of the village to include highway solutions to address existing employment volumes. This is not justified, and should be amended accordingly.

We trust the above comments will assist the Parish Council in finalising the NP, and would welcome the opportunity to meet with the Parish Council to discuss the contents of this letter.

If there are any matters you wish to discuss please do not hesitate to contact me.

Yours faithfully

Andrew Fillmore

BABERGH AND MID SUFFOLK JOINT LOCAL PLAN EXAMINATION

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Tom Barker
Assistant Director – Planning and Building Control
Babergh and Mid Suffolk Councils

9 December 2021

Dear Mr Barker

Babergh and Mid Suffolk Joint Local Plan Examination

1. Thank you for your letter of 18 November 2021 detailing the Councils' thoughts on additional work to be undertaken to address the concerns we raised at the hearing sessions about the soundness of various aspects of the plan.
2. We have now had the opportunity to reflect further on the evidence we have read and heard and to consider your letter in detail. In the light of this we currently believe that a more fundamental review than your letter proposes is likely to be necessary in respect of the settlement hierarchy, spatial distribution of housing and the housing site selection process in order to determine whether or not these aspects of the plan are sound (in essence policies SP03, SP04 and the LS01 and the LA housing allocation policies).
3. In particular we believe that the settlement hierarchy review needs to consider all tiers of settlement and the concept/boundary of the Ipswich Fringe, not just core villages, hinterland villages and hamlets. Furthermore, to ensure that the plan as a whole is robust it would also be necessary to reassess the housing allocations in all tiers of settlement, not simply market towns/urban areas and core villages. Additionally, whilst your letter proposes potentially appraising additional reasonable alternatives for the spatial distribution of housing, it is

not clear how the preferred strategy would be determined and robustly justified against these. You will recall this was a key concern we raised at the Preliminary Matter 4 Hearing Session about the existing Sustainability Appraisal, site selection process and spatial strategy formulation.

4. Moreover, as your letter details, significant additional work is also necessary in respect of open space designations (policy LP30) and housing for gypsies, travellers and travelling show-people (policy LP09).
5. Based on the indicative timetable in your letter, such work would be likely to take more than a year to carry out which is, in itself, an undesirable delay in the examination. Furthermore, it would leave the examination in an extremely difficult position if it were to be determined at that stage that these crucial aspects of the plan as submitted are not sound. Deleting and adding site allocations often proves to be a complex and difficult process during an examination.
6. We recognise that a large proportion of the housing sites allocated in the plan already have either full or outline planning permission. As a result it is very likely that the majority of them will be implemented. However, if these sites appear in the plan as allocations they have a formal planning status of significance if the existing permissions are not implemented. Consequently, notwithstanding the existing permissions, these sites need to be robustly justified in their own right against possible alternative sites and form part of a robust spatial strategy.
7. Furthermore, we understand that, across the two districts, around 90% of the housing requirement figure detailed in policy SP01 is already provided for by existing completions, sites under construction, sites with full or outline planning permission, sites with a resolution to grant planning permission subject to s106 agreement, allocations in made Neighbourhood Plans and the, reasonable, allowance for 1,000 windfall dwellings. This unusual situation means that demonstrating a supply of developable housing land for the vast majority of the plan's overall housing requirement figure is, for some years to come, unlikely to be dependent on the allocation of the housing sites included in the submitted plan.
8. Whilst we cannot reach final conclusions on the other aspects and policies of the plan at this stage (pending consultation on Main Modification and further SA/HRA work), we anticipate that, subject to the Main Modifications discussed at the hearing sessions, it is likely that we will be able to find them sound.
9. On this basis and subject to detailed discussion and consultation and necessary alteration to the Councils' Local Development Schemes, we currently consider that the most appropriate way forward would be to:

- Delete policies SP04, LP09, LP30 and the LS01 and LA housing allocation policies;
- Retain the settlement boundaries in the current (as opposed to proposed) policies map;
- Significantly modify policies SP03 and LP01 to make clear where new housing development will be permitted;
- Retain the open space designations included in the current (as opposed to proposed) policies map and retain as “saved” the relevant open space policies in the extant plans;
- Include in the plan a positively-worded policy, consistent with the PPTS, against which any applications for accommodation for gypsies, travellers and travelling show-people can be assessed;
- Modify the remaining policies in line with the discussions held at the hearing sessions.

10. In essence the plan would be a “Part 1” local plan, to be followed by the preparation and adoption of a “Part 2” local plan as soon as possible. The “Part 2” plan (and associated policies map alterations) would be likely to include:

- An up-to-date, robust settlement hierarchy;
- A spatial distribution for any housing allocations included insofar as are necessary to provide flexibility and ensure that the plan period housing requirement can be met;
- Consequent housing requirement figures for Neighbourhood Plan areas;
- Up-to-date and robustly justified settlement boundaries reflecting commitments and allocations;
- Robustly justified open space designations and a relevant development management policy;
- An up-to-date assessment of need for accommodation for Gypsies, Travellers and Travelling show-people and, if necessary, allocations to provide for this need.

Other matters may also need to be addressed dependent on the circumstances at the time and the extent to which the evidence base is up-to-date.

11. In essence the preparation of the Part 2 plan would involve the same work detailed in paragraph 2 above, but could be undertaken, outside the constraints and difficulties of a “live” local plan examination, and with the benefit of an up to date plan in place setting out a housing requirement figure and development management policies.

12. We would like to discuss this proposed way forward (and the precise Main Modifications which would be necessary to achieve it) at the Exploratory Meeting on 16 December 2021, but in the meantime feel free to contact us with any initial thoughts you have. However, at this stage we are not seeking,

nor do we envisage accepting, any comments from other parties to the examination.

Yours sincerely

Malcolm Rivett and Alison Partington

INSPECTORS

Previous Highway layout with 'Tear Drop' shape roundabouts either side of A14

Recently updated Highways layout with new access into Walled Garden



Notes

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2. Do not scale from this drawing.

Key

- 1** Klondyke Field
Consented Scheme for 75 New Homes and Community Woodland currently being build out by Bellway Homes
- 2a** Garage Field
Consented Scheme for Petrol Filling Station and Drive-Through Restaurant
- 2b** Garage Field
Consented Scheme for Employment use in accordance with Adopted Policy
- 3** Walled Garden
Live Application for Employment Scheme
- 3** Consented Employment Development
- Wherstead Administrative Boundary



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Project
**LAND AT WHERSTEAD, IPSWICH
SUFFOLK, IP10 0DE**

Drawing Title
CONTEXT PLAN

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