

# **Baylham Neighbourhood Plan 2024 - 2037**

## **Independent Examination correspondence document**

First published: 14 April 2025

Last updated: 22 April 2025

### **Introduction**

This document provides a record of correspondence between the Examiner (Janet Cheesley), the Parish Council (the Qualifying Body or 'QB'), and Mid Suffolk District Council during the examination of the Baylham Neighbourhood Plan.

As required, specific documents will also continue to be published on our Baylham NP webpage:

<https://www.midsuffolk.gov.uk/w/baylham-neighbourhood-plan>

### **Copies of e-mails / letters etc. appearing on the following pages:**

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- 2. 9 April 2025: E from Examiner. Questions for clarification (Baylham Common, and Church Piece) and responses.**
- 3. 14 April 2025: Open Letter from Examiner to Baylham Parish Council relating to proposed significant modification ~ deletion of Local Green Space Areas 1, 2, 3, and 4 from the draft Plan.**
- 4. 16 April 2025: Response from Baylham Parish Council to the Open Letter**

## 1. 2 April 2025: E from Examiner. Examination start and procedures

**From:** Janet Cheesley  
**To:** Baylham Parish Council, Ian Poole (NP Consultant), Paul Bryant (BMSDC),  
**Dated:** 2 April 2025  
**Subject:** Baylham Neighbourhood Plan Examination  
**Attached:** [NPIERS Planning Guidance To Service Users And Examiners Rics.pdf](#)

I am writing to set out how I intend to undertake the examination of the Baylham Neighbourhood Plan. My role is to determine whether the Plan meets the Basic Conditions and other legal requirements. I intend to ensure that the Parish Council feels part of the process. As such, I will copy the Parish Council into all correspondence, apart from contractual matters that are dealt with directly with the local planning authority. Likewise, please can you ensure that any correspondence from you is copied to the other party. This will ensure fairness and transparency throughout the process.

Paul will be my main point of contact. Once I have read all the papers, I may ask for any missing documents or seek clarification on some matters. It may be appropriate for me to seek clarification on matters from the Parish Council. I must emphasise very strongly that this does not mean that I will accept new evidence. In the interest of fairness to other parties, I cannot accept new evidence other than in exceptional circumstances. If the Parish Council is unsure as to whether information it is submitting may constitute new evidence, may I suggest that you send it to Paul in the first instance for an opinion.

It may be that there is very little correspondence from me during the examination. I will endeavour to keep you all up to date on the progress of the examination. The default is for an examination to be conducted without a hearing. If I feel one is necessary, I will inform you as early as possible, but this is likely to be near the end of the examination process. If I do intend to hold a hearing, I will inform you of the procedure at that time.

I will issue a draft report for fact checking by both parties. I will ask you both to check my report for factual errors such as dates, sequence of events, names and so on that might need to be corrected. The report will be confidential and must not be presented to a public meeting. I must emphasise that this is not an opportunity to make comments on the report other than those that relate to factual errors. In particular, I will not be inviting, and will not accept, comment on any suggested modifications. The draft report will only be published as the final version if there are no factual errors found and if there is no other reason, such as a sudden change in national policy, that could be significant to my recommendations. I will endeavour to issue my final report shortly after the fact checking stage.

I confirm that I have received the documents from Mid Suffolk District Council, including the Regulation 16 representations. I understand that Paul has given the Parish Council the opportunity to comment on these representations. I must emphasise that the Parish Council is not obliged to make comments and I am not inviting new evidence. If the Parish Council does not wish to comment, please can they let me know.

I enclose the NPIERS Guidance to Service Users and Examiners, which may be of interest regarding the examination process.

Regards, Janet Cheesley

## 2. 9 April 2025: E from Examiner. Question for clarification (Baylham Common and Church Piece] and responses

**From:** Janet Cheesley  
**To:** Baylham Parish Council, Ian Poole (NP Consultant), Paul Bryant (BMSDC),  
**Dated:** 9 April 2025  
**Subject:** Baylham Neighbourhood Plan Examination

As part of the examination, I am seeking clarification on the following matters.

Reference is made to Baylham Common with regard to proposed Local Green Spaces 2,3 and 4. I am seeking clarification as to whether those sites comprise the extent of the area identified as Baylham Common, or whether this extends further.

Reference is made to Church Piece in paragraph 5.5. Please can I be provided with a map identifying this area, or a detailed explanation of where it is located.

Regards  
Janet Cheesley

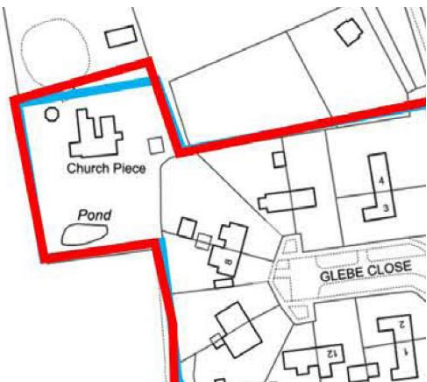
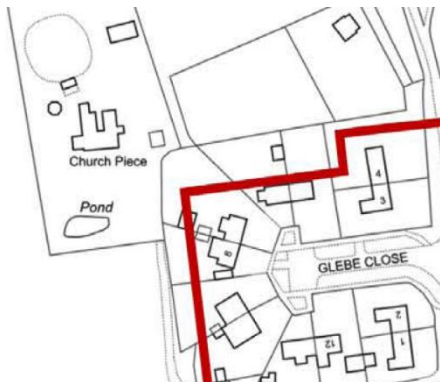
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**From:** Paul Bryant (BMSDC)  
**To:** Janet Cheesley  
**cc:** Baylham Parish Council, Ian Poole (NP Consultant),  
**Dated:** 9 April 2025

Dear Janet

I will leave the Parish Council to respond to your query about Baylham Common.

With regard to your query about 'Church Piece', I think I can offer a quick response by asking you to compare Map 2 (page 10) with Map 3 (page 11). You will see that this is the property that sits adjacent to the Glebe Close development. I have put screen grabs into the table below for convenience:

Baylham NP Map 2	Baylham NP Map 3
	

If you then look at Map 8 (page 25), Church Piece is shown as a listed building within the proposed Special Character Area that also contains Glebe House, and the Flint Walls mentioned in paragraph 8.12 (page 24).

Kind regards

Paul Bryant  
N'hood Planning Officer | Planning Policy Team  
Babergh & Mid Suffolk District Councils – Working Together

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**From:** Baylham Parish Council  
**To:** Janet Cheesley  
**cc:** Ian Poole (NP Consultant), Paul Bryant (BMSDC)  
**Dated:** 10 April 2025

Dear Janet, thanks for your mail.

When preparing the Suffolk Landscape Guidance referenced in our LGS Assessment in Areas 1, 2, 3 & 4, the Suffolk County Team described the Common as an undesignated heritage asset but made no comment on its extent, not least because there is no documentary evidence which, to our knowledge, constrains the boundary of the Common.

The OS from 1892 and 1932 (attached) are likely indicative, and when combined with the topography of the valley demonstrate the Common to be bounded as per Areas 2,3,4 & at least part of 1 in the LGS Assessment.

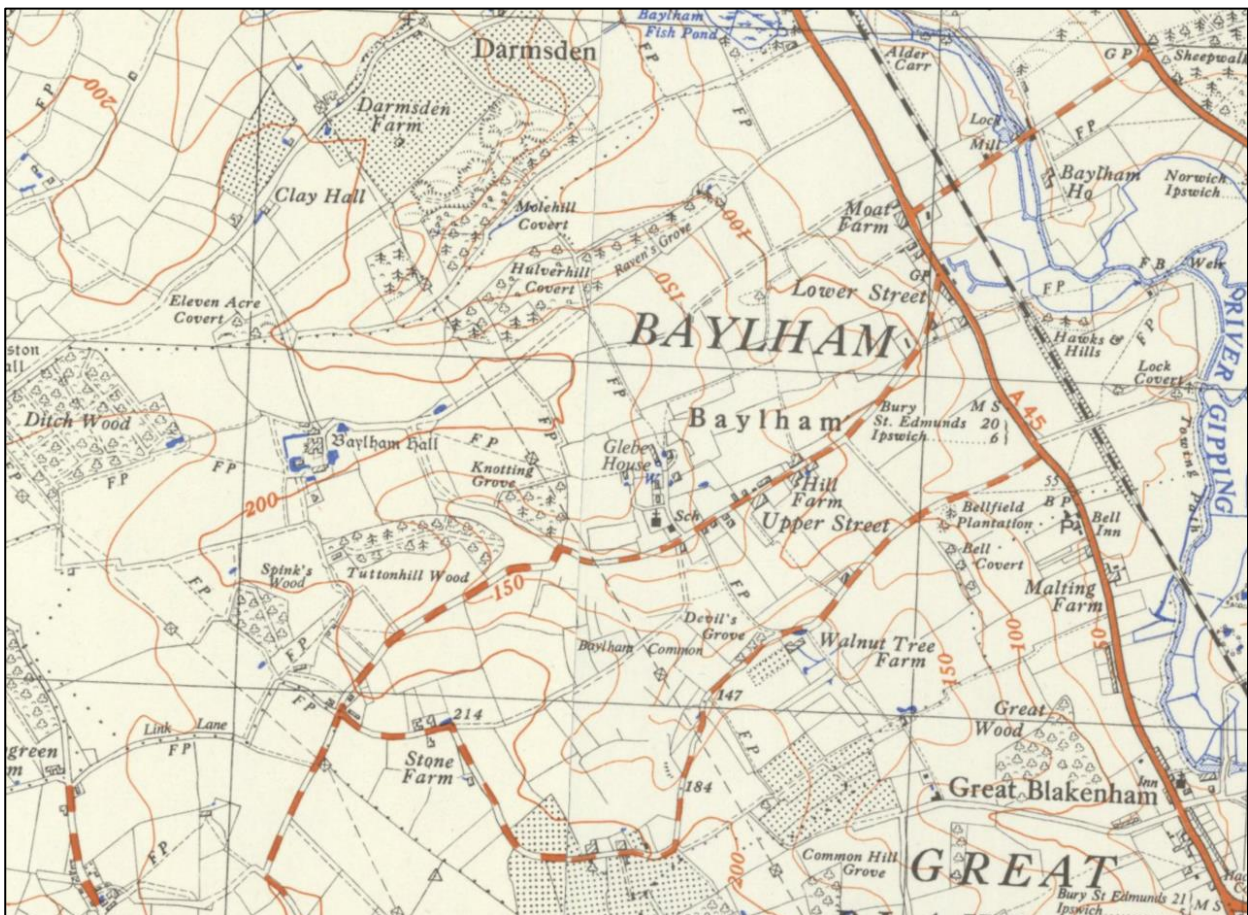
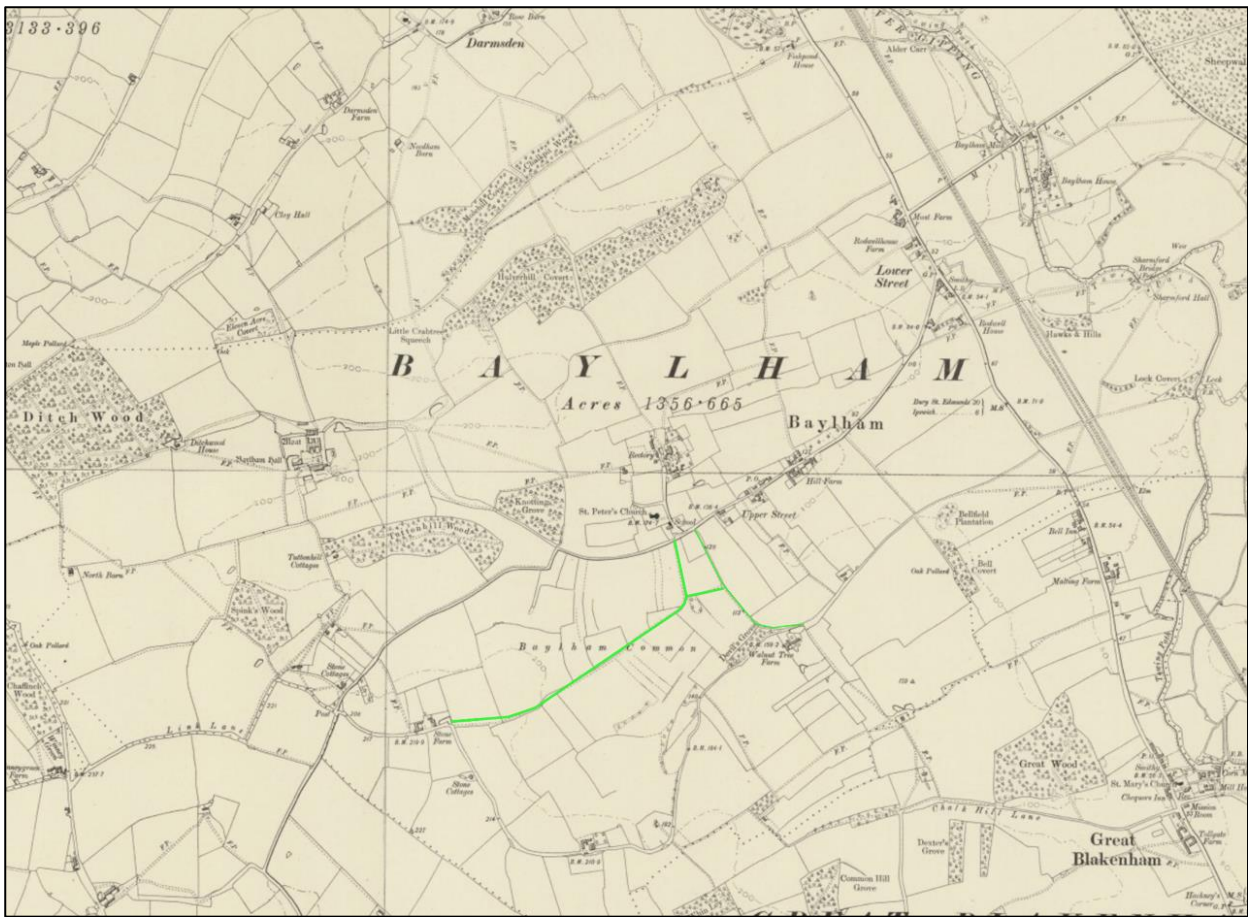
As you will see from the maps and during your visit, it is not so clear where any eastern boundary may have been but the topography of the 'Common' to what is now Hill Farm is the same.

Kind regards,

Keven Thomas  
Chairman Baylham Parish Council

*OS maps on next page ...*





**3. 14 April 2025: Open Letter from Examiner to Baylham Parish Council relating to proposed significant modification ~ deletion of Local Green Space Areas 1, 2, 3, and 4 from the draft Plan**

**From:** Janet Cheesley  
**To:** Baylham Parish Council, Ian Poole (NP Consultant), Paul Bryant (BMSDC),  
**Dated:** 14 April 2025  
**Subject:** Baylham Neighbourhood Plan Examination [Open Letter]

Please [\[see below\]](#) an open letter to the Parish Council.

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As part of a neighbourhood plan examination, an Examiner can recommend modifications to Policies to ensure the plan meets the Basic Conditions. With regard to the examiner's approach to recommending modifications to policies in a neighbourhood plan, the Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and examiners explains at paragraph 2.12.6 that Examiners will not generally refer back to parties on these detailed revisions. But where the modification may necessitate a change which in the opinion of an examiner would be significant, there is a reasonable expectation that a description of the intended modification will be publicised on the local planning authority's website, seeking comments, prior to recommending the change.

Paragraph 2.12.7 in the Guidance to examiners states that what constitutes a significant change will be for the Examiner to determine in the context of the particular plan being examined. Significant changes can lead to concerns over community ownership of the plan, as extensive modifications may mean it effectively becomes a very different plan to the draft submitted for examination and may not necessarily represent the intentions of the community. As well as the plan's preparation process being undermined, the qualifying body may take a view that it does not wish to support the plan when it proceeds to referendum. So, in making significant changes, the Examiner should ensure that the Examiner is not rewriting the plan.

**Policy BAY 6 - Local Green Spaces**

The [NPPE](#) in paragraphs 105 - 107 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

*The Local Green Space designation should only be used where the green space is:*

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

*Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*



I have visited the Parish and seen the proposed Local Green Spaces (LGS). The justification for the designation of the LGS is found in supporting evidence in the [Baylham Neighbourhood Plan Landscape Assessment: Character and Sensitivity and Key Views May 2024](#) and the [Baylham Neighbourhood Plan 2024 - 2037 Local Green Space Assessment January 2025](#). I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period.

My comments on four of the proposed LGS sites are set out below.

*LGS Area 1.* This site is local in character and in reasonable proximity to the local community. Whilst a large site, it is not an extensive tract of land. The *Local Green Space Assessment* explains that this area of paddocks is demonstrably special to the local community because it provides views across the valley and is defined as an Area of Local Landscape Sensitivity in the *Landscape Assessment: Character and Sensitivity and Key Views Report*.

I note that the site has no ecological or historical significance. Whilst there are views across the valley, the whole Parish is designated as an Area of Local Landscape Sensitivity under Policy BAY 3. Thus, I do not consider the designation of this site to be demonstrably special in terms of designation as a LGS.

Whilst I have considered the designations of Areas 2, 3 and 4 separately, I have combined them within my reasoning below.

*LGS Areas 2, 3 and 4.* These sites are local in character and in reasonable proximity to the local community. Individually, they are not extensive tracts of land. These areas comprise paddocks and arable land. The *Local Green Space Assessment* explains that these areas are demonstrably special to the local community because they provide views across the valley and are defined as part of the Area of Local Landscape Sensitivity in the *Landscape Assessment: Character and Sensitivity and Key Views Report*. In addition, Baylham Common is referenced in the *Suffolk Landscape Character Assessment* as one of only 5 historically named arable commons in Suffolk. I note from that document that this is former common arable land.

Whilst there are views across the valley, the whole Parish is designated as an Area of Local Landscape Sensitivity under Policy BAY 3. Thus, I do not consider the designation on these sites to be demonstrably special in terms of designation as LGS.

I requested clarification from the Parish Council as to the extent of Baylham Common. I was informed that there is no documentary evidence which, to the Parish Council's knowledge, constrains the boundary of the Common. From my visit to the Parish and the fact that the boundaries of the common are not clearly defined, it does appear that any historical significance of these proposed LGS can no longer recognised as demonstrably special.

For the above reasons, I do not consider the designation of Areas 2, 3 and 4 to be demonstrably special in terms of designation as LGS.

I have considered whether to hold an exploratory meeting or a hearing before reaching this conclusion. As outlined above, I do not consider there to be robust evidence to justify the designation of Areas 1, 2, 3 and 4 as LGS. I have taken into consideration The *Baylham Neighbourhood Plan Landscape Assessment: Character and Sensitivity and Key Views May 2024*, the *Baylham Neighbourhood Plan 2024 - 2037 Local Green Space Assessment January 2025* and the *Suffolk Landscape Character Assessment*. I have also taken into consideration Regulation 16 representations from Suffolk County Council and Mid Suffolk District Council and the response from

the Parish Council to the Regulation 16 representations on this issue. I see no benefit to any party for a meeting or hearing to be held.

As the proposed LGS comprise a substantial part of the neighbourhood plan I consider the deletion of the LGS Areas 1, 2, 3 and 4 to be significant changes to the Plan.

In the light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the submission Plan from examination or whether I continue with the examination with the understanding that I will recommend the deletion of the Areas 1, 2, 3 and 4 as LGS.

I am not seeking, and will not accept, any representations from the Parish Council or other parties regarding this matter at this stage.

I realise that this is an important consideration for the local community. I would like to give the Parish Council until just after Easter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Should the Parish Council decide not to withdraw the submission plan from examination, the next step will be for the intended deletions to be publicised on Mid Suffolk District's Council's website, seeking comments, prior to the publication of my report. There is no requirement for any further publicity, but I would be happy for both Mid Suffolk District Council and the Parish Council to publicise this matter further, particularly to those who have made representations on this matter at the Regulation 16 consultation stage. However, this should not mean a delay in publicity. I would allow 2 weeks for comments.

During that consultation period, I will only accept comment on these proposed significant changes and will accept no other correspondence on any other aspects of the Neighbourhood Plan. I will not accept new evidence. During that consultation period, both Mid Suffolk District Council and the Parish Council would be welcome to make comments on the proposed significant modifications if they wished to do so.

Please can this open letter be placed on the Mid Suffolk District Council's webpage for the Plan.

Kind Regards, Janet Cheesley

#### **4. 16 April 2025: Response from Baylham Parish Council to the Open Letter**

**From:** Baylham Parish Council  
**To:** Janet Cheesley  
**cc:** Ian Poole (NP Consultant), Paul Bryant (BMSDC)  
**Dated:** 16 April 2025

In response to the open letter attached, the Parish Council is disappointed that LGS 1,2,3&4, which have significant amenity value to this community, will not be designated. As there is no further evidence to bring forward, there is no value in withdrawing the submission plan. The Parish Council therefore understands that the examination will continue with these areas being recommended for deletion.

Regards, Keven Thomas, Chairman Baylham Parish Council