

Mid Suffolk District Council

**Beyton
Neighbourhood Plan
2018-2037**

Independent Examiner's Report

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Summary

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

The village of Beyton lies about five miles east of Bury St Edmunds and about eight miles west of Stowmarket. The Plan area lies mainly to the south of the A14. One of its key features is its large village green and stream, home to its famous geese. There is a Conservation Area which has two distinct centres and a number of listed buildings including the Grade II* All Saints Church. The Plan area is otherwise characterised by small meadows and pockets of woodland.

The Plan is presented to an exceptionally high standard containing many photographs which help to give a distinctive local feel to the Plan. The Plan's vision is underpinned by a set of objectives and 19 policies. The policies include site allocations, a revision to the settlement boundary, Local Green Spaces, views, design, community facilities and flooding to name but a few. The Plan is wide ranging covering a variety of topics and local aspirations.

A short focused period of additional consultation was held on two matters; the first was the submission of an evidence document to support the proposed designation of an Area of Local Landscape Sensitivity which had unfortunately not been submitted with the original suite of documents. The second related to minor changes to boundaries of three of the proposed Local Green Spaces due to some discrepancies between the Policies Maps and submitted appraisal.

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

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

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

Ann Skippers MRTPI
Ann Skippers Planning
August 2023



1.0 Introduction

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

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

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

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

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

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

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

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

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

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

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

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

3.0 The examination process

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

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often, as in this case, representations suggest amendments to the submitted policies or new policies or put forward other alternative suggestions. It is my role only to consider the submitted plan and not whether any new policies should be included. However, I feel sure that the Parish Council will wish to give serious consideration to some of the suggestions in any future review of the Plan. Where I find that the submitted policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

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

I sought clarification on a number of matters from the Parish Council and MSDC in writing on 19 June 2023 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

This clarification stage highlighted two matters. Unfortunately a supporting evidence document on the proposed Area of Local Landscape Sensitivity (Policy BTN 8) referred to in the Plan had not been submitted with the original suite of documents.

Secondly, there were some discrepancies between the boundaries of three proposed Local Green Spaces (Policy BTN 11) shown on the Policies Maps and in the supporting Appraisal.

It was decided to hold a short focused consultation on these two matters. The consultation was held between 4 – 18 August 2023. Six representations were received.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

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

The Parish Council were also given an opportunity to comment on the representations received during the focused consultation, but indicated they did not wish to add anything further.

The Government updated the National Planning Policy Framework (NPPF) on 5 September 2023 at the fact check report stage. The update focused on national policy for onshore wind. Transitional arrangements are set out in the updated NPPF. These explain that the policies on renewable and low carbon energy and heat only apply to local plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or that reach that stage within three months of the publication of the updated NPPF. Although that relates to Local Plans, I consider the same principle can pragmatically be applied to this Plan. I set out this proposed course of action and MSDC confirmed their agreement.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 27 June 2023.

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

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

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

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2019. A Steering Group was formed consisting of both Parish Councillors and volunteers was set up.

A drop-in event in 2019 launched two surveys for residents; one for those over 16 and one for those aged between 11 – 16. Information gathering took place in 2019 leading to another drop-in event in March 2020 which fed back the results of the surveys and the housing site assessment process. Further design led work was also carried out in 2020.

The Covid 19 pandemic restricted events and meetings, but regular updates were provided through the Beyton Village News publication.

Pre-submission (Regulation 14) consultation took place between 1 March – 23 April 2021. A copy of the draft Plan, an explanatory letter and a comments form was distributed to every home and business in the Plan area due to the restrictions of the pandemic. Documents were available on the Parish Council website as well.

The consultation was publicised through a special cover on the Village News publication alongside an article. An online event was held in lieu of face to face events. Reminders were sent out via social media.

The consultation period generated a high number of responses and so I have no doubt that the consultation was effective even during the pandemic restrictions. Appendix 6 of the Consultation Statement details the pre-submission responses received.¹¹

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

Submission (Regulation 16) consultation was carried out between 6 March – 26 April 2023.

The Regulation 16 stage resulted in ten representations including two representations received just after the period ended and accepted by MSDC.

I note that a representation from the Defence Infrastructure Organisation explains that the creation of environments attractive to large and flocking bird species can pose a hazard to aviation safety in safeguarding zones identified. As a result the Ministry of Defence should be consulted on certain applications within the safeguarding zones. This is primarily a matter for development management at MSDC level.

¹¹ Consultation Statement page 25

As I outline in the previous section, a short additional focused period of consultation was held between 4 – 18 August 2023. Six representations were received.

I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. MSDC approved the designation of the area on 20 March 2019. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

The Plan area is shown on page 6 of the Plan, but two parts of the Plan area have been 'chopped off' in the reproduction and the green line used for the boundary extends along the A14 and so the boundary is not shown as clearly as it might. A modification is made in the interests of clarity.

- **Replace Map 1 on page 6 of the Plan with one that shows the full extent of the Plan area and show the A14 in a colour other than green to differentiate it from the Plan area boundary**

Plan period

The Plan period is 2018 – 2037. This is clearly stated in the Plan itself and confirmed in the comprehensive Basic Conditions Statement. The requirement is therefore satisfactorily met.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

In this instance, there is reference to community aspirations and actions on page 37 and Section 11 of the Plan in amongst policies. The Plan explains what they are and that they do not form part of the policies.¹³ They are clearly distinguishable from the planning policies. I consider this to be an appropriate approach for this particular Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government updated the National Planning Policy Framework (NPPF) on 5 September 2023. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018, updated in February 2019 and revised in July 2021.

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

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹⁴

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹⁵ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁶

¹² PPG para 004 ref id 41-004-20190509

¹³ The Plan, page 8

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁷

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁸

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁹

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²⁰ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²¹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²² It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²³

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

Contribute to the achievement of sustainable development

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

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁴ This means that the planning system has

¹⁷ NPPF para 29

¹⁸ Ibid para 31

¹⁹ Ibid para 16

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

²⁴ NPPF para 7

three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁵ The three overarching objectives are:²⁶

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁷

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

General conformity with the strategic policies in the development plan

The development plan consists of the saved policies of the Mid Suffolk Local Plan 1998 (LP 1998); the Mid Suffolk Local Plan First Alteration: Affordable Housing 2006 adopted on 13 July 2006; the Core Strategy 2008 (CS) adopted on 4 September 2008 and the Core Strategy Focused Review 2012 (CSFR) adopted on 20 December 2012. The LP 1998 has mostly been superseded by CS and CSFR policies. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan complements the objectives of the LP 1998, the CS and the CSFR and how policy generally conforms to relevant LP 1998, CS and CSFR policies. It also includes an assessment of the Plan’s policies alongside the vision and objectives of the emerging JLP.

²⁵ NPPF para 8

²⁶ Ibid

²⁷ Ibid para 9

Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

Emerging Joint Local Plan

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

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

On 16 March 2023, the two Councils published the Modifications Schedule to the Joint Local Plan Part 1 for consultation. The consultation period ended on 3 May 2023 and only applied to the proposed modifications to the JLP and not on those unchanged aspects.

An Explanatory Note from the inspectors explains that the main modifications include – where relevant to this examination - the removal of all site allocations and changing settlement boundaries to reflect those on the extant Policies Maps.

I do not consider that any implications arise from the consultation held earlier this year. Indeed the consultation period on this Plan would have allowed any interested party to make comments about the position with the emerging JLP as part of the consultation on this Plan as the two periods overlapped.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁸ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested. Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.²⁹

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

European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these

²⁸ PPG para 009 ref id 41-009-20190509

²⁹ Ibid

purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case MSDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is MSDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

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

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

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

A Screening Determination dated May 2021 has been prepared by MSDC. This in turn refers to a SEA Screening Opinion Report dated March 2021 and prepared by Land Use Consultants (LUC) which concluded that the Plan required SEA given the sensitivity of the areas in which the proposed site allocations were located.

Consultation with the statutory bodies was undertaken. Responses from Historic England and Natural England were received, but no response was forthcoming from the Environment Agency. Historic England agreed with the conclusions of the Screening Report on heritage grounds, but Natural England concluded that there were unlikely to be significant environmental effects.

³⁰ PPG para 031 ref id 11-031-20150209

An Environmental Report (ER) dated February 2022 and prepared by AECOM has been submitted. The ER confirms that a Scoping Report was prepared and sent to the statutory consultees. The ER was based on the submission version of the Plan.

The ER was published alongside the submission version of the Plan.

Once made, the Plan will be monitored every year by MSDC.

The ER is a comprehensive document that deals with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice that confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.³¹ In my view, it has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. Therefore I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Habitats Regulations Screening Determination dated May 2021 has been prepared by MSDC. This refers to a HRA Screening Report of April 2021 prepared by Place Services.

Four habitats sites are identified within 20km of the Plan area, but the Plan area does not fall within any of the Zones of Influence for these sites.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects. It concluded an Appropriate Assessment (AA) was not needed. Natural England concurred with the findings of the Screening Report.

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

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

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³² In undertaking work on SEA and HRA, MSDC has considered the compatibility of the Plan in regard to

³¹ PPG para 030 ref id 11-030-20150209

³² Ibid para 031 ref id 11-031-20150209

retained EU obligations and does not raise any concerns in this regard. MSDC will also review this again in reaching a view on whether the Plan can proceed to referendum following receipt of my report.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities.³³ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a very high standard and contains 19 policies. There is a foreword which sets the scene and a helpful contents page at the start of the Plan.

1. Introduction

This is a helpful introduction to the Plan that sets out basic information about the Plan and how it has evolved. This is a very clear and well-written section that offers a good explanation of the work carried out and the next stages.

2. Beyton Past and Present

As well as setting out the most interesting history of the Parishes, this well written and presented section contains much information about the Plan area.

3. Planning Policy Context

This section usefully explains the policy context for the Plan.

³³ Basic Conditions Statement page 30

Reference is made to the emerging JLP and a settlement hierarchy which identified Beyton as a Hinterland Village. This is correct information, but has now been superseded and draft Policy SP03 of the emerging JLP and the settlement hierarchy are significantly changed including deletion of that proposed settlement hierarchy. I consider that the now outdated references are removed or text added to make it clear the current position with the emerging JLP. The final wording is to be agreed between Parish and District Councils.

4. Vision and Objectives

The vision for the area is:

“To remain a distinct and rural village by preserving and enhancing our surroundings and delivering new housing of an appropriate form, location and scale. A safe, thriving and tranquil place where valued services are improved and enhanced, leading to a better quality of life for all.”

The vision is supported by 12 objectives across six thematic topic areas of housing, natural environment, historic environment, services and facilities, development design and transport. All are articulated well, relate to the development and use of land and will help to deliver the vision to which they are clearly linked.

5. Planning Strategy

Policy BTN 1 - Spatial Strategy

This section sets out the overall strategy for new development.

In Policy CS 1 of the CS, Beyton is identified as a Secondary Village which are defined as villages unsuitable for growth but capable of taking appropriate residential infill and development for local needs. CS CSFR Policy FC 2 does not identify any housing distribution or allocations to the secondary villages.

The emerging JLP identified Beyton as a Hinterland Village in emerging policy SP03 which is referred to in the Plan on page 16. This policy is now proposed to change and the identification of a settlement hierarchy is not being pursued through Part 1 of the emerging JLP. Some modification to the Plan is therefore needed.

The policy defines a settlement boundary updating the boundary contained in the LP 1998 and based on what was proposed through the emerging JLP (and now to be determined through Part 2 of the emerging JLP at a later date). It differs from that put forward in the now revised emerging JLP by including the site allocations proposed in

this Plan rather than those proposed in the emerging JLP although one of the three proposed allocations site is the same.

The issue for me is whether this Plan identifies a settlement boundary which is acceptable. I consider that the boundary has been defined in a logical way.

Turning now to the policy, it accommodates development commensurate with the village's status. It refers to Beyton's status as a Hinterland Village in the emerging JLP. Given the situation with the emerging JLP, a modification is made to address this. The second part of the policy focuses new development to within the settlement boundary.

The last part of the policy refers to development outside the settlement boundary explaining that only development in line with national and District level policies will be permitted. It also cross references Policy BTN 6. This approach is broadly in line with CS Policy CS 2 which specifies the categories of development accepted in the countryside. The supporting text at paragraph 5.2 refers to exceptional circumstances which I do not consider has regard to national policy. A modification is therefore made to address this point.

With these modifications, the Plan's planning strategy will meet the basic conditions by having regard to national policy, being in general conformity with the strategic policies in the CS and CSFR namely CS 1, CS 2, FC 1, FC 1.1, FC 2 and contribute to the achievement of sustainable development notwithstanding that a different level of growth may be promoted in a future iteration of the emerging JLP.

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

"The Neighbourhood Plan area will accommodate development commensurate with Beyton's status *in the adopted settlement hierarchy.*"

- **Update paragraph 5.1 on page 16 of the Plan by removing reference to Policy SP03**

- **Change paragraph 5.2 on page 16 of the Plan to read:**

"A Settlement Boundary is defined for the main built-up area of the village to manage the location of future development and to protect the countryside that surrounds it from inappropriate development. The Neighbourhood Plan Settlement Boundary is based on that *put forward* in the *now modified* emerging Joint Local Plan with the exception that it *took* account of the proposed allocations in this Plan rather than of the Joint Local Plan. The reasoning for the difference is addressed in the Housing chapter. Development will be focused within the designated Settlement Boundary, ensuring that the undeveloped rural countryside remains largely undeveloped. There may be occasional *circumstances* where it would be appropriate to allow development to take place outside the Settlement Boundary. However, this

will *generally* be limited to that which is essential for the operation of existing businesses, agriculture, horticulture, forestry, outdoor recreation and other uses for which it can be demonstrated, by robust evidence, that the development needs to be located in the countryside *as well as those types of development identified through national and local policy to be acceptable in countryside locations*. This could include the re-use of redundant buildings to provide new, but acceptable, uses.”

6. Housing

Policies BTN 2 - Housing Development, BTN 3 – Land at the Former Nursery, Tostock Road, BTN 4 – Land South of Bury Road and BTN 5 – Land Opposite the Bear Public House, Tostock Road

The Plan explains that the emerging JLP proposed a minimum of 30 new homes for Beyton over the plan period which coincides with the time period for this Plan. 11 commitments had been identified, leaving a shortfall of a minimum of 19. Since that base date, 12 dwellings were granted planning permission, leaving a residual of a minimum of seven.

The changes to the emerging JLP mean that these figures are no longer taken forward at this time. Yet, the Plan takes a robust approach by seeking to accommodate new housing development.

The supporting text to the policy refers to Appendix 1 which sets out details of the permissions. MSDC commented that the Appendix requires some updating; the Parish Council concur and I suggest that the version prepared by MSDC and included in their representation is substituted in the interests of accuracy.

Policy BTN 2 provides for some 43 new homes over the Plan period. This will be achieved through existing commitments, windfall sites, appropriate development in the countryside and through three site allocations. A modification is made to the policy to remove the reference to exceptional circumstances.

The second part of Policy BTN 2 refers to redundant agricultural barns.

The first of the site allocations, **Policy BTN 3**, is land at the former nursery, Tostock Road.

This site was granted planning permission under reference DC/19/02829 in August 2019 for nine houses. A further single unit was granted permission, reference DC/19/05050, in January 2020 on a site to the west of the larger site and sharing the same access. Both permissions appear to have expired.

Policy BTN 3 identifies the site as one parcel and sets out a number of appropriate criteria for the development. The policy refers to Map 5 which should be Map 4. With regard to the criteria I consider all are appropriate and, in relation to the conservation area reference, in line with the recommendations made in the ER. However the cross-reference to Policy BTN 15 should be updated to BTN 13.

The supporting text needs updating in relation to references to the emerging Joint Local Plan and the current position with the planning applications. It also refers to the need to allocate land for housing in line with the emerging JLP which is now not the case and this should be removed from the Plan.

In relation to the two other site allocations, subject of **Policies BTN 4 and BTN 5**, a Call for Sites was made in 2019. Six sites were submitted through this process and one had been identified by MSDC as part of its work on the Strategic Housing and Land Availability Assessment of 2019. Another site received planning permission and so was not assessed.

AECOM were appointed to assess the sites. AECOM's Site Options and Assessment 2020 concluded that two sites were suitable for allocation with three others potentially suitable if constraints could be addressed. The AECOM assessment found that land west of Church Road and land opposite The Bear Public House scored best. Public consultation was held and two sites were preferred; land south of Bury Road and land opposite The Bear Public House, Tostock Road.

Policy BTN 4 allocates land south of Bury Road for around 12 dwellings. The policy refers to the provision of affordable housing, the housing mix, the principles outlined in the site concept diagram, trees and archaeological assessment. All of the criteria are appropriate.

I noted that the Site Concept diagram referred to in the policy and included in the Plan on page 24 was not the same as shown in the AECOM Site Masterplans document of August 2022. The Parish Council has confirmed that the Site Concept diagram in the Plan is the correct one. A revision to paragraph 6.25 is needed in the interests of clarity.

In their response to the representations, the Parish Council asks for a correction to be made to the site area referred to in the policy. A modification is made.

Paragraph 6.21 of the supporting text refers to a Masterplanning Report (February 2021). This reference should be updated to refer to the most recent and correct document.

Policy BTN 5 allocates land opposite The Bear Public House, Tostock Road for around eight dwellings. In relation to a query of clarification on this policy, the Parish Council informs me development on a previous planning permission for two dwellings has commenced. As a result, this site is no longer deliverable and it would seem sensible to delete the policy from the Plan.

With these modifications, I consider that Policies BTN 2 – BTN 5 will meet the basic conditions by having regard to national policy, being in general conformity with strategic policies in the CS and CSFR namely CS 1, CS 2, FC 1, FC 1.1, FC 2 and contribute to the achievement of sustainable development notwithstanding that a different level of growth may be promoted in a future iteration of the emerging JLP.

- **Substitute the revised table submitted by MSDC in their representation in Appendix 1 of the Plan**
- **Change the reference to “...Map 5...” in Policy BTN 3 to “...Map 4...”**
- **Change the cross reference to “...Policy BTN 15...” in Policy BTN 3 to “...Policy BTN 13...”**
- **Update paragraph 6.18 in relation to the emerging JLP and the need to meet the minimum housing requirement as this is no longer the case]**
- **Correct the site area in Policy BTN 4 from “...1.1 hectares...” to “...0.8 hectares...”**
- **Update the reference to “...the Beyton Masterplanning Report (February 2021)...” in paragraph 6.21 on page 23 of the Plan to “...*Site Masterplans (Updated August 2022)*...”**
- **Change paragraph 6.25 on page 24 of the Plan to read:**

“A Site Concept has been prepared as part of the *work on* the Masterplanning Report *and this is shown* in Diagram 1. It is expected that the development will be undertaken in accordance with the Site Concept unless it can be demonstrated by more up-to-date evidence that any amendments to the form and mix of the development is justified.”
- **Delete Policy BTN 5 and paragraphs 6.26, 6.27, 6.28 and 6.29; Map 7 and Diagram 2 Site Concept**
- **As a consequence of the deletion of Policy BTN 5, the dwellings number should be reduced to 37 [instead of 43] in Policy BTN 2; the reference to Policy BTN 5 should also be removed from Policy BTN 2; and the Policies Maps will need updating**

Policy BTN 6 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.³⁴ A Housing Needs Survey carried out in 2018 also supports the provision of affordable housing. This is also borne out by evidence collected for the emerging JLP.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy. It refers to entry-level homes and paragraph 72 of the NPPF.

The policy has regard to national policy in providing for housing for different groups and its support for rural exception sites. It provides a flexible approach taking account of Altered Policy H5 of the Mid Suffolk Local Plan First Alteration. It will contribute towards the achievement of sustainable development, particularly the social objective. It will therefore meet the basic conditions.

There is a small update to be made to the supporting text; paragraph 77 of the NPPF should now be 78.

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

- **Change the reference to paragraph 77 of the NPPF in paragraph 6.32 on page 27 of the Plan to “78”**

Policy BTN 7 – Housing Mix

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.³⁵

Policy BTN 7 supports the provision of smaller houses to redress the balance of house size within the Parish and to support those wishing to downsize or who might need a different type of property and reflect local circumstances. However, the policy is also, and rightly, flexible recognising that these needs may change over time.

The policy also supports bungalows. The Plan indicates that over a quarter of Beyton’s population was aged 65 or over. Whilst I recognise that housing suitable for older people or for frail or mobility restricted occupants is not limited to bungalows, I saw at my site visit that there are some bungalows in the village and so in this case, I consider

³⁴ NPPF para 78

³⁵ Ibid para 60

this to be acceptable.

The policy meets the basic conditions and it has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with strategic policy, and is a local expression of, CS Policy CS 9 which requires new development to provide a mix of house types, sizes and affordability.

7. Natural Environment

Policy BTN 8 – Area of Local Landscape Sensitivity

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

The Plan seeks to reaffirm this designation under LP 1998 and its Policy CL2 recognising the high quality of this landscape. This also reflects CS Policy CS 5 which, amongst other things, seeks to protect and conserve landscape qualities.

A Special Landscape Area Appraisal to support the policy is referred to in the Plan and I requested a copy of this be forwarded to me. As explained earlier, this had unfortunately been excluded from the suite of submitted documents at the time of submission. A short focused consultation was held on the document alongside another matter related to Policy BTN 11.

The area put forward for designation is the same as the SLA with the exception of the proposed site allocation subject of Policy BTN 4.

I saw at my visit that this area is distinguishable from surrounding land and the rest of the Parish given its topography and character. I consider that the area has been appropriately designated and is supported by the Appraisal.

The policy reflects the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.³⁶ It reflects CS Policy CS 5 which, amongst other things, seeks to protect and conserve landscape qualities as well as CSFR Policy FC 1.1. and helps to achieve sustainable development.

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

³⁶ NPPF para 174

The policy meets the basic conditions by having regard to national policy, being in general conformity with strategic policy and helping to achieve sustainable development.

Policy BTN 9 – Biodiversity

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

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

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

With this modification, the policy will meet the basic conditions by having regard to national policy and guidance, adding a local layer to, and being in general conformity with, the relevant strategic policies, in particular CS Policies CS 4 which recognises the importance of biodiversity in adapting to climate change and CS 5 which protects, manages and enhances biodiversity and helping to achieve sustainable development.

- **Substitute the word “substantial” in the first paragraph of the policy with “significant”**

Policy BTN 10 – Protection of Important Views

The NPPF³⁹ requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. I consider that the identification of views is integral to conserving local landscape and built environment character and is important in conserving local distinction.

³⁷ NPPF para 174

³⁸ Ibid para 180

³⁹ Ibid para 174

The Plan explains that a number of important views have been identified. These are supported by an Assessment of Important Views document. This document identifies 21 views, includes a photograph and a short description. The views are shown on the Policies Maps. It would be useful to number the views on the Policies Map so that cross-reference is made more readily to the supporting document.

One of the views, View 15, does not seem to be on any of the Policies Map and so for completeness this should be included.

From my site visit, I consider that all the views have been appropriately identified and have key features and attributes identified in the supporting document to a sufficient extent.

Now turning to the wording of the policy, this is flexible seeking to ensure that any new development does not have a detrimental impact on the key features of the views. It does not prevent development per se. It would be helpful to cross-reference the supporting document in the policy.

With these largely presentational modifications, the policy will meet the basic conditions. It will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness, add a local layer to CS Policy CS 5 in particular which, amongst other things, seeks to protect and conserve landscape qualities, protecting the District's most important components and encouraging development that is consistent with conserving its overall character and CSFR Policy FC 1.1. which, amongst other things, conserves and enhances the local character of different parts of the District. It will help to achieve sustainable development.

- **Number the views on the Policies Map so that they correspond to those in the supporting document**
- **Include View 15 on the Policies Map**
- **Add a reference at the end of the policy to the Assessment of Important Views document so that it reads “...key features of important views identified on Map 9 and the Policies Maps *and described in the Assessment of Important Views January 2023 document.*”**

Policy BTN 11 – Local Green Spaces

The Plan proposes 12 areas as Local Green Space (LGS). They are shown on the Policies Map and more detailed boundaries are shown in the accompanying LGS Assessment document. The policy reference on both Inset Maps should be updated to refer to Policy BTN 11 rather than BTN 12.

As explained earlier in this report, for three of the proposed LGSs there were minor discrepancies between the boundaries shown on the Policies Maps and in the LGS Assessment. The Parish Council decided to ensure the boundaries aligned and so a short focused consultation was held on this alongside another matter relating to Policy BTN 8. I indicate the changes below in my discussion of each proposed LGS as relevant.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁴⁰

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁴¹ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁴²

The NPPF sets out three criteria for green spaces.⁴³ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw the proposed areas on my site visit.

1. Thurston Road consists of two separate areas of amenity space within this area of residential development.
2. Adjacent to Old Thatch, Thurston Road is an open area with trees which falls within the Conservation Area (CA) and provides part of the setting for the larger Village Green.
3. The Green is a registered village green. It is triangular in shape and has a number of impressive trees which I understand are subject to Tree Preservation Orders (TPO). The Green is at the heart of the village and is used for village events and forms an integral part of the character of the local area. It also lies within the CA.
4. The Pond, east of The Green is a village pond opposite the Green within the CA. At my visit I saw the locally famous geese and this is a tranquil space enjoyed by wildlife and residents and visitors alike.

This is one of the proposed LGSs subject to the further focused consultation as slightly different boundaries were shown in the LGS Assessment document and the Policies Map. The consultation has been to correct the Policies Map to bring

⁴⁰ NPPF para 101

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid para 102

it in line with the Assessment which has resulted in a small area being deleted from that shown on the Policies Map.

5. Verges between The Green and The Bear Public House consists of multiple areas valued for their contribution to The Green and its environs. They fall within the CA. Although SCC raises some concern about this proposed LGS, the supporting document points out its historic significance and the TPOs. It is also, as the SCC representation acknowledges, part of the Village Green. I cannot therefore find a reason why there is an objection to this space as a standalone designation.

This was one of the three LGSs subject to the additional focused consultation. In this case, an additional area of grass verge shown in the Assessment document has been added to the Policies Maps.

6. Community Woodland at Thurston Community College Beyton Sixth Campus. This is a wildlife area of trees, scrub and pond at the Sixth Form Campus valued for its biodiversity and orchard.
7. West of Church Road is described as grazing land with walnut trees, lime trees and ponds. Some of the trees, I understand, are subject to TPOs. It is valued for its ecology, visual contribution and history.
8. The Churchyard falls within the CA and the Church is Grade II* listed. It provides an area of community space valued for its tranquility and is a focal point of the village.
9. Ponds north of Quaker Lane is a community managed wildlife area valued by the community for its wildlife, biodiversity and barn owls.
10. Meadow south of Quaker Lane is a discrete area of meadow valued for its habitat.
11. Meadow adjoining Quaker Farmhouse, Quaker Lane is valued for its contribution to the character of this edge of village location and for its wildlife.

This is the third LGS subject to the focused consultation. Again the mapping between the LGS Assessment and the Policies Map differs; the Parish Council advises it should be the smaller area shown in the LGS Assessment.

12. Open space opposite Beyton House is valued for its openness at the edge of the village and its wildlife and tree corridor.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and

investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I have also considered whether there is any additional benefit to be gained by the designation for spaces falling within the CA. I consider that there is additional local benefit to be gained by identifying those areas of particular importance to the community and that these designations serve different purposes.

Turning now to the wording of the policy, it designates the LGSs and indicates that development in the LGSs will be consistent with national policy for Green Belts. This has regard to the NPPF which is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁴⁴

The policy meets the basic conditions and no modifications are recommended except for the corrections to the Policies Maps.

- **Change references to “BTN12 – x” on the Inset Maps to “BTN11 – x”**
- **Change the Policies Maps in respect of LGS 4, The Pond, east of The Green, LGS 5 Verges between The Green and The Bear Public House and LGS 11, Meadow adjoining Quaker Farmhouse, Quaker Lane to show the boundaries in the LGS Assessment document as subject to the additional focused consultation**

8. Historic Environment

Policy BTN 12 – Buildings of Local Significance

The NPPF⁴⁵ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁴⁶

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁴⁷

⁴⁴ NPPF para 103

⁴⁵ Ibid para 189

⁴⁶ Ibid para 203

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

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁴⁸ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁴⁹

In this case, a Non-Designated Heritage Asset Assessment has been produced by the Parish Council to support the identification of the assets. The list has been compiled based on Historic England's published guidance, has taken a logical approach and supports the designation of these locally important buildings and structures.

I note there is an objection from one of the owners of the proposed buildings; the Old Mill, Thurston Road. Requests not to designate are carefully considered. However, on the basis of the information before me, including from the owner, I consider on balance this building can remain on the list. In particular, it is valued as a group with Magnolia House and its history as a mill as well as its architectural detailing. Such a designation is not necessarily incompatible with making improvements to the property using modern design and construction methods to, for example, make it more energy efficient.

Turning now to the policy itself, the policy is titled and refers to buildings, but I note that some of the non-designated heritage assets are features or structures such as the pump or the telephone kiosk. A modification is made in the interests of clarity and completeness.

The policy seeks to retain and protect these buildings which are specified in the supporting document and cross-referenced in the policy wording. It uses similar language to the NPPF in how such assets will be considered in relation to planning applications where harm may be caused.

A further modification is made in the interests of consistency and clarity to the title of the supporting document in the policy and the supporting text.

With these modifications, the policy will meet the basic conditions by having regard to the NPPF, adding local detail to, and is in general conformity with CS Policy CS 5 in particular which conserves and enhances the historic environment and helping to achieve sustainable development.

The supporting text indicates that it is the responsibility of MSDC to designate the assets as Local Heritage Assets; this is not the case as explained above. The Plan itself is able to designate non-designated heritage assets. A modification to the supporting text should be made.

- **Add the words “*and Structures*” to the title of Policy BTN 12 and in the first sentence of the policy after “...setting of the following Buildings...”**
- **Change the last sentence of the policy to read: “The separate *Non-designated***

⁴⁸ PPG para 040 ref id 18a-040-20190723

⁴⁹ Ibid

Heritage Asset Assessment (January 2023) describes their significance.”

- **Change paragraph 8.4 on page 40 of the Plan to read:**

“The preparation of the Neighbourhood Plan has identified a number of buildings and structures in the village that are of local significance which *make* a significant contribution to the historic environment and character of Beyton and *are* worthy of *protection*. These are identified in the separate *Non-designated Heritage Asset Assessment (January 2023)* as well as on the Policies Map. A brief description of the buildings and maps to show their location is noted in Appendix 3. Any development proposed at or in the setting of the *heritage asset* should take into account its special character as detailed in the *Assessment*.”

Policy BTN 13 - Heritage Assets

The Plan area has a number of listed buildings including the Grade II* listed Church.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁵⁰ It continues⁵¹ that great weight should be given to the assets’ conservation when considering the impact of development on the significance of the asset.

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

The policy also references the Design Guidelines which have been produced by AECOM. This reference should be to the Design Codes document.

The policy meets the basic conditions by having regard to national policy. It is in general conformity with strategic policies, particularly CS Policy CS 5 which conserves and enhances the historic environment. The policy will especially help to achieve sustainable development. The only modification is to correct the reference to Design Codes in the interests of consistency.

- **Change the two references in the policy to “Design Guidelines” to “Design Codes”**

⁵⁰ NPPF para 189

⁵¹ Ibid para 199

9. Services and Facilities

Policy BTN 14 – Protecting Existing Services and Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁵² It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁵³

This policy seeks to protect existing services and facilities permitting their loss only subject to a number of criteria such as viability and local need. All the criteria are appropriate.

The policy has regard to national policy, is in general conformity with strategic policies and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy BTN 15 – Open Space, Sport and Recreation Facilities

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁵⁴ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁵⁵ It also encourages policies to provide recreational facilities and to guard against their unnecessary loss.⁵⁶

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

The policy has regard to the NPPF, is in general conformity with strategic policies and is a local expression of CS Policy CS 6 in particular and will help to achieve sustainable development, particularly the social objective referred to in the NPPF which specifically mentions open space. It meets the basic conditions and no modifications are put forward.

⁵² NPPF para 84

⁵³ Ibid para 93

⁵⁴ Ibid

⁵⁵ Ibid para 92

⁵⁶ Ibid para 93

10. Development Design

This section starts with a number of design principles in green boxes on pages 47 – 50 of the Plan. I consider it could be clearer that these are design principles. A modification is therefore made in the interests of clarity.

- **Add the word “*design*” in front of “...principles which, where appropriate,....” In paragraph 10.2 on page 47 of the Plan**
- **Add at the end of paragraph 10.2 a new sentence which reads: “*These design principles are shown in green boxes on the following pages.*”**

Policy BTN 16 – Design Considerations

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵⁷

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁵⁸ It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵⁹

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁶⁰

Policy BTN 16 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policy CS 5 which, amongst other things, requires development to be of a high quality design that respects local distinctiveness and CSFR Policy FC 1.1.

The policy cross-references the Development Design Checklist in Appendix 4 of the Plan which is taken from the Design Codes document.

The Design Codes document could be referenced in the policy in addition to the

⁵⁷ NPPF para 126

⁵⁸ Ibid para 127

⁵⁹ Ibid para 128

⁶⁰ Ibid para 130

Development Design Checklist; this will make the policy more robust. A modification is therefore recommended.

Anglian Water suggests a modification to criterion i. which I consider adds clarity. A modification is therefore made to this effect.

SCC considers that the policy could be enhanced by the addition of a reference to public rights of way (PROW). This would take account of the NPPF's protection and enhancement of PROWs.⁶¹ In their response to the representations, the Parish Council has indicated its support for this.

The references to the two appendices in the policy are the wrong way round. A modification is made to address this typo.

With these modifications, the policy will meet the basic conditions by supporting locally distinctive development of a high quality having regard to the NPPF, leading on from, and being in general conformity with the strategic policies referred to above and achieving sustainable development.

- **Amend paragraph two of the policy to read: “Planning applications should demonstrate how they *have taken the Design Codes document into account and how they satisfy the requirements of the Development Design Checklist in Appendix 4 of the Neighbourhood Plan, as appropriate to the proposal.*”**
- **Change “Appendix 2” to “Appendix 3” and “Appendix 3” to “Appendix 2” in criterion d. i.**
- **Add at the end of criterion i. “*and comply with Policy BTN 19;*”**
- **Add a new criterion to the policy to read:**

“Public Rights of Way should be protected and enhanced. Development which would adversely affect the character or result in the loss of existing or proposed PROW, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use.”

Policy BTN 17 – Sustainable Building

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁶² It continues that places should be shaped to reduce greenhouse gas emissions, minimise vulnerability and

⁶¹ NPPF para 100

⁶² Ibid para 152

improve resilience and support renewable and low carbon energy and associated infrastructure.⁶³

The NPPF encourages plans to provide a positive strategy for energy that maximises the potential for suitable development whilst ensuring that adverse impacts are satisfactorily addressed.⁶⁴

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

I note Anglian Water particularly supports this policy.

I consider this policy meets the basic conditions especially by having regard to the NPPF, and helping to achieve sustainable development in particular.

Policy BTN 18 – Dark Skies

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.⁶⁵

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

The policy meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are recommended.

Policy BTN 19 - Flooding and Sustainable Drainage

The Plan explains that parts of the Plan area is liable to flooding.

This policy sets out a requirement for all new development to assess drainage and to ensure that surface water and fluvial flooding is managed.

It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁶⁶

⁶³ NPPF para 152

⁶⁴ Ibid para 155

⁶⁵ Ibid para 185

⁶⁶ Ibid paras 167, 169

I note Anglian Water welcomes this policy, but suggests a reference to the Suffolk SuDs Design Guide be added. This would be a useful addition to the supporting text.

The policy has regard to national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS 4 which refers to flood risk as part of adapting to climate change, and will help to achieve sustainable development. It therefore meets the basic conditions.

- **Add a new paragraph of supporting text to read: “Landowners and developers are also advised to take account of the information and guidance in the Suffolk Flood Risk Management Strategy Appendix A Sustainable Drainage Systems A Local Design Guide 2023 or any successor document.”**

11. Transport and Travel

This section of the Plan does not contain any planning policies, but outlines a number of important issues of concern to the local community and sets out a detailed discussion of aspirations.

One such aspiration relates to the provision of slip roads to the A14 in paragraph 11.8 on page 57 of the Plan. National Highways, responsible for the strategic road network, makes it clear how this would only be considered through a local plan and if a strategic growth test could be met. Nevertheless I consider it important that community aspirations are recorded. However, the text should, in the interests of clarity, recognise the situation. A modification is therefore recommended.

Another aspiration refers to noise barriers in paragraph 11.9 on page 57 of the Plan. Again the policy of National Highways should be recorded so that the aspirations are presented realistically.

- **Add at the end of paragraph 11.8 on page 57 of the Plan: “It is recognised that National Highways, the responsible body for the strategic road network, considers any new highway connections would be best considered through a local plan and subject to a strategic growth test being met.”**
- **Add at the end of paragraph 11.9 on page 57: “It is recognised that National Highways policy does not currently allow the erection of any noise barrier or fencing within their land boundary.”**

Policies Map

The maps are generally clearly presented. I have made recommendations in my report which will result in some consequential amendments to the Policies Map as needed.

Appendices

Appendix 1 lists sites with planning permission. I have commented elsewhere in this report on Appendix 1 of the Plan.

Appendix 2 contains details of listed buildings.

Appendix 3 is a list of buildings of local significance referenced in Policy BTN 12.

Appendix 4 is the Development Design Checklist referred to in Policy BTN 16.

Glossary

The Plan includes a helpful glossary.

8.0 Conclusions and recommendations

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

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

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

I therefore consider that the Beyton Neighbourhood Development Plan should proceed to a referendum based on the Beyton Neighbourhood Plan area as approved by Mid Suffolk District Council on 20 March 2019.

Ann Skippers MRTPI

Ann Skippers Planning

11 September 2023

Appendix 1 List of key documents specific to this examination

Neighbourhood Plan 2018 – 2037 Submission Plan January 2023

Basic Conditions Statement January 2023

Consultation Statement August 2022

Strategic Environmental Assessment Screening Determination May 2021 (MSDC)

Strategic Environmental Assessment Screening Opinion Final Report March 2021 (LUC)

SEA Environmental Report February 2022 (AECOM)

Habitats Regulations Screening Determination May 2021 (MSDC)

Habitats Regulations Assessment Screening Report April 2021 (Place Services)

Site Options and Assessment January 2020 (AECOM)

Site Masterplans Final report Updated August 2022 (AECOM)

Assessment of Important Views January 2023 (Places4People/BPC)

Local Green Space Assessment January 2023 (BPC)

Beyton Design Codes Final Report February 2021 (AECOM)

Non-designated Heritage Asset Assessment January 2023 (BPC)

Special Landscape Area Appraisal February 2021 (BPC)

Saved Policies of the Mid Suffolk Local Plan adopted September 1998

Mid Suffolk Local Plan First Alteration Affordable Housing adopted July 2006

Core Strategy adopted September 2008

Core Strategy Focused Review adopted December 2012

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

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

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

Appendix 2 Questions of clarification from the examiner

Beyton Neighbourhood Plan Examination

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

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

1. Please could the PC confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any comments to me as part of this stage.
2. MSDC make a comment in their representation about Appendix 1 (Planning Consent for New Dwellings) and the need to update this. Please could this appendix be updated and sent to me?
3. In relation to Policy BTN 4, Land south of Bury Road, the concept diagram included on page 24 of the Plan is not the same as either site option in the AECOM Site Masterplans updated August 2022 document. I would invite the PC's comments on this.
4. In relation to Policy BTN 5, Land opposite the Bear Public House, Tostock Road, the supporting text at paragraph 6.26 seems to be missing some wording and needs updating. Please could the PC provide the wording for an amended paragraph?
5. Policy BTN 8 – Area of Local Landscape Sensitivity. The supporting text refers to a separate Special Landscape Area Appraisal in paragraph 7.7 on page 33 of the Plan. Please could this document be forwarded to me? Was it submitted with the other supporting documents or available during the public consultation period(s)?
6. Please could you confirm whether View 15 (Policy BTN 10 – Protection of Important Views) should be included on the Policies Maps?
7. Policy BTN 11 – Local Green Spaces (LGS). I have noted that proposed LGS 4 the Pond, east of the Green; LGS 5 Verges between The Green and The Bear Public House; LGS 11 Meadow adjoining Quaker Farmhouse, Quaker Lane; and LGS 12 Open space opposite Beyton House all appear to have slightly different boundaries between the detailed maps in the LGS Appraisal document and the Policies Maps. Please could this be clarified?
8. The owner of one of the proposed non-designated heritage assets in Policy BTN 12 – Buildings of Local Significance – the Old Mill – has objected to its inclusion on the list. I invite the PC to comment.
9. Policy BTN 13 – Heritage Assets refers twice to AECOM Design Guidelines; is the same document as the Design Codes?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination. Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

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

With many thanks,

Ann Skippers MRTPI
Independent Examiner
19 June 2023