

Mid Suffolk District Council

**Botesdale & Rickinghall
Neighbourhood Plan
2017-2036**

Independent Examiner's Report

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15 August 2019

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Summary

I have been appointed as the independent examiner of the Botesdale and Rickinghall Neighbourhood Development Plan. The Plan area consists of three Parishes. With origins as agricultural communities mainly growing hemp for the linen market in nearby Diss, the villages of Botesdale and Rickinghall have grown together.

The Plan is presented well with a clear vision. The vision is underpinned by a set of objectives. The vision is translated into 22 policies including five site allocations which reflect existing planning permissions, revisions to the settlement boundary of both villages and a range of other policies covering heritage, design, community facilities, Local Green Spaces, landscape and business.

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 Botesdale and Rickinghall 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 2019



1.0 Introduction

This is the report of the independent examiner into the Botesdale and Rickinghall 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 Councils, 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, European Union (EU) obligations
- 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.

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

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² 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 check³ 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.⁴

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 Mid Suffolk District Council. 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.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ 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 to this report. 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).⁵ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Planning Practice Guidance (PPG)⁷ 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.⁸

I sought clarification on a number of matters from the Parish Councils and MSDC in writing on 22 May 2019 and my list of questions is attached to this report as Appendix 2. I then asked a set of further questions on 17 June 2019 and these are attached as Appendix 3. 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.

Last year 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 the qualifying body to make any comments; it is only if they wish to do so. The Parish Councils sent comments and I have taken these into account.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 4 August 2019.

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***.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

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

I regard these 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 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 2017 after interest was shown in preparing a neighbourhood plan at a village meeting in 2016. A Steering Group consisting of Parish Councillors from the Parish Councils and residents was established.

A number of meetings to publicise and raise awareness about the Plan were held during 2017 alongside securing funding and the production of supporting evidence.

In 2018, further meetings were held with residents to disseminate progress and discuss options and debate the key issues.

The monthly Parish Magazine was used to keep residents updated about progress. A number of meetings with residents were held including informal drop in events and more formal meetings. Three surveys were conducted; household, youth and business. The Parish Councils' websites were used to publicise all minutes of the Steering Group meetings amongst other things.

Pre-submission (Regulation 14) consultation took place between 9 November – 21 December 2018. This stage was advertised through banners and posters. Three events were held with exhibition displays and the opportunity to ask questions and respond to the draft Plan.

Appendix B of the Consultation Statement details the pre-submission responses received.⁹

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

Submission (Regulation 16) consultation was carried out between 11 February – 27 March 2019.

⁹ Consultation Statement page 59

The Regulation 16 stage resulted in nine representations. 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

The two Parish Councils of Botesdale and Rickinghall (covering Rickinghall Inferior and Rickinghall Superior Parishes) together constitute 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 three Parishes. MSDC approved the designation of the area on 11 May 2017. 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 clearly on page 8 of the Plan.

Plan period

The Plan period is 2017 – 2036. This is clearly stated in the Plan itself and confirmed in the 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.¹⁰ In this instance, 'community actions' have been included in amongst policies. The Plan explains what they are and that they do not form part of the

¹⁰ PPG para 004 ref id 41-004-20190509

policies.¹¹ 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 published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised last July.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

As the Plan was submitted before 24 January 2019, it is clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹²

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹³

¹¹ The Plan, pages 6, 20

¹² NPPF paras 14, 16

¹³ Ibid para 184

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹⁴

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 unambiguous¹⁵ 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 context and the characteristics of the area.¹⁶

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁷ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁸

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. An appraisal¹⁹ briefly sets out how the Plan aligns with the relevant NPPF's core planning principles. More detail is then given with a discussion of how the key themes of the NPPF relate to the Plan.

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 as a whole²⁰ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains two tables²² which explain how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

¹⁴ NPPF para 17

¹⁵ PPG para 041 ref id 41-041-20140306

¹⁶ Ibid

¹⁷ Ibid para 040 ref id 41-040-20160211

¹⁸ Ibid

¹⁹ Basic Conditions Statement page 8

²⁰ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

²¹ Ibid para 7

²² Basic Conditions Statement pages 12 and 13

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, 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 each Plan objective complements the objectives of the CS and CSFR and how policy generally conforms to relevant CS, CSFR and LP 1998 policies.²³

Emerging Joint Local Plan

MSDC with Babergh District Council are working together to deliver a new Joint Local Plan (JLP Draft) which will cover the period up to 2036. Once adopted, it will replace all other policies across the two Districts.

At the time of writing a Preferred Options Joint Local Plan Consultation Document (Regulation 18) is currently out to consultation and this period ends on the 30 September 2019.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁴ 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.²⁵

The Plan has rightly been produced in parallel with the production of the emerging Local Plan. While there is no requirement for the Plan to conform to emerging policies, I see no harm in it referencing the JLP Draft. Conformity with emerging plans can extend the life of neighbourhood plans, providing this does not result in conflict with adopted policies. However, the JLP Draft could change significantly and so this should be carefully considered. Some natural updating of the Plan's references to the JLP Draft may also be needed.

²³ Basic Conditions Statement pages 16 and 20 respectively

²⁴ PPG para 009 ref id 41-009-20190509

²⁵ Ibid

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG²⁶ 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 is MSDC who must decide whether the draft plan is compatible with 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

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁷ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Determination of January 2019 was submitted. This in turn refers to a Screening Report of December 2018 prepared by Place Services.

The following European sites lie within 20km of the Plan area; the Breckland Special Protection Area (SPA), the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC), the Norfolk Valley Fens SAC and the Redgrave and South Lopham Fen Ramsar.

The Plan area lies within the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens SAC and the Redgrave and South Lopham Fen Ramsar.

²⁶ PPG para 031 ref id 11-031-20150209

²⁷ Ibid para 047 ref id 11-047-20150209

The Screening Report noted that the Plan contains site allocations, but both the report from Place Services and the Screening Determination refer to the sites as having the benefit of planning permission. The principle of development has therefore been established outside of the Plan process and the status of the site allocations cannot be changed.

The Screening Determination concluded that a SEA would not be needed. It explains that the site allocations do not fall within the ZOIs. As all the site allocations in the Plan have the benefit of planning permission, the Report concludes there are no likely significant effects.

The requisite consultation with the statutory consultees, Environment Agency (EA), Natural England (NE) and Historic England (HE), was carried out and all three bodies concurred that neither a SEA nor HRA would be needed.

However, in response to a query I raised, it became apparent that in fact all of the site allocations fall within the ZOIs. This is an easy error to make. MSDC and the consultancy carrying out the Screening Report consider that the scale and nature of the proposed development does not alter the conclusions reached and that consultation with NE is not triggered. They explain that the trigger is based on likely significant effects. In addition it is pointed out to me that NE did not identify the error as an issue.

However, having established that all of the site allocations in the Plan fall within the ZOIs for the Waveney and Little Ouse Valley Fens SAC and the Redgrave and South Lopham Fen Ramsar, it was clear that unfortunately the SEA and HRA Screening Report contained a factual error as it indicated that the site allocations did not fall within the ZOIs. Whilst I appreciate that all of the sites subject to the site allocation policies have now received planning permission, I considered it necessary for this to be addressed. This was subject to my "Further Questions" sent on 17 June 2019 (Appendix 3).

As a result of this, MSDC asked Place Services to rescreen the Plan. A Screening Report of June 2019 was produced and this concludes that the need for a SEA and/or a HRA are screened out.

All three statutory consultees have been consulted and their attention drawn to the earlier error now rectified in the Screening Report of June 2019. All three bodies have helpfully responded. NE concurs with the conclusions that the SEA and HRA can be screened out from any further assessments. HE and EA confirm that their original responses remain unchanged.

MSDC has now issued updated Screening Determinations of July 2019 for SEA and HRA. Both confirm that no further assessment is required.

I have treated the Screening Determination to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and

made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.²⁸

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

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.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a detailed statement and assessment on the Plan's objectives and policies in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

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 22 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 how the Plan has evolved. Given this is a multi-Parish area, a Steering Group was set up and this was supported by a Neighbourhood Plan forum of residents to act, as described in the Plan, as a support network. This is an interesting concept that others will wish to consider.

²⁸ PPG para 028 ref id 11-028-20150209

2. The Process

Another introductory section that is well written and summarises the key stages of preparation for the Plan.

3. Botesdale and Rickinghall – History and Now

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.

4. Current Issues

A SWOT (Strengths, Weaknesses, Opportunities, Threats) has been carried out and is included in this section which also explains some of the main issues facing the Parishes and the preferences of the community.

5. Planning Policy Context

This section usefully explains the policy context for the Plan.

6. The Plan

Another useful section that explains the Plan focuses on four themes. It takes the reader through the three elements of sustainable development set out in the NPPF. A diagram of how the Plan is structured is helpful.²⁹

7. Vision and Objectives

The vision for the area is:

“In 2036 Botesdale and Rickinghall will have maintained its significant historic built and natural environment while accommodating sustainable growth that meets the needs of the Parishes and their hinterland and ensures that appropriate levels of infrastructure and services are retained and improved.”

²⁹ The Plan page 20

The vision is supported by 15 objectives across the four thematic topic areas. All are articulated well, relate to the development and use of land and will help to deliver the vision.

8. Planning Strategy

Policy B&R 1 - Spatial Strategy

This section sets out the overall strategy for new development.

In the CS, Botesdale / Rickinghall is identified as one of 12 Key Service Centres which are the main focus for development outside the towns of Stowmarket, Needham Market and Eye in CS Policy CS 1. CSFR Policy FC 2 seeks to deliver 750 new dwellings in the Key Services Centres over a 15 year period from April 2012.

The NPPF³⁰ is clear that outside the strategic elements neighbourhood plans will be able to shape and direct sustainable development in their area.

The recently published JLP Draft sets the housing requirement for the whole District as 10, 008 dwellings for the period 2018 - 2036. The JLP Draft confirms Botesdale and Rickinghall as Core Villages. It sets a minimum housing requirement for the Plan area between 2018 – 2036 of 294 houses. It includes four proposed site allocations. Three of those allocations coincide with Policies B&R 3, B&R4 and B&R7. Another allocation on land between The Street and the A143 is included in the JLP Draft, but not allocated in the Plan.

The Plan provides for 200 new homes in the period 2017 – 2036 which spans both the plan periods for the CS and the JLP Draft. I discuss this further in relation to the next policy, Policy B&R 2.

Policy B&R 1 defines a settlement boundary for the main built up areas of the villages based on the boundaries contained in the LP 1998, but the opportunity to review the boundary has been taken. It is enlarged to reflect any alterations in the built up areas over the last 20 or so years and the proposed site allocations which are subject to later, separate policies.

The policy is clearly written. However, it does not cross-reference the defined settlement boundary shown clearly on the Proposals Map. In the interests of providing a practical framework for decision making and clarity, it is suggested a cross reference is inserted into the policy.

³⁰ NPPF para 185

It explains that the Plan area will “accommodate development commensurate with the villages’ designation as Key Service Centres”.

It focuses new development within the defined settlement boundary.

Outside the settlement boundary, development is only permitted where it is essential for agriculture, horticulture, forestry, outdoor recreation or other uses that needs to be sited in a countryside location. CS Policy CS 2 restricts development in the countryside other than in defined categories. Policy B&R 1 is more restrictive. In particular it would not allow dwellings to be extended or potentially other projects such as flood protection or waste management facilities. This element of the policy is not then in general conformity with CS Policy CS 2 and no robust evidence has been put forward to indicate why development in this Plan area should be more restrictive than elsewhere in the District.

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

- **Add the words “*as identified on the Proposals Map*” after “...within the defined Settlement Boundary...” in the first paragraph of the policy**
- **Add at the end of the second paragraph of the policy: “*or meets the requirements of other development plan policies.*”**

9. Housing

Policy B&R 2 - Housing Development

The Plan explains that the CSFR allocated growth of 750 homes to the Key Service Centres. It recognises that the end date for this Plan extends the CSFR by five years. It extrapolates the figure to give an additional 450 dwellings.

The Plan then indicates 411 homes have been built in the Key Service Centres since 2011 and a further 2,693 houses permitted but not yet completed. Taking on board methodology in the NPPF published in 2018, the Plan proposes 6, 670 new dwellings for the District. It then extrapolates this further by using the range for growth in the JLP Draft. Then on a population based approach, the Plan explains that between 53 – 105 new homes to 2036 results. However, the Plan considers this is insufficient and makes provision for some 200 homes.

In turn these will be provided via commitments, site allocations and a reasonable allowance for windfall development.

Although neighbourhood plans can be developed before or at the same time as a Local Plan is being produced³¹ and whilst I recognise the Plan's desire to find an appropriate level of growth, I do not consider it prudent for the Plan to try and gauge what the District wide figure might now be or to seek to extrapolate this into a figure for the Plan area in this way. My view is reinforced by the lack of confirmation from MSDC as to whether this Plan provides for sufficient housing numbers and, with the passage of time since the Plan was submitted, the publication of the JLP Draft which now does contain housing figures both for the District and the Plan area as discussed earlier.

I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence.

Whilst it is laudable that the Plan has sought to set a figure, things have now moved on. The Plan was submitted when there was uncertainty over housing numbers and a lack of figures from MSDC and used its best endeavours to set its own figures and to plan for growth.

Policy B&R 2 refers to 200 dwellings and allocates five sites as well as identifying a windfall allowance.

The five sites have been selected using those identified by MSDC in Strategic Housing and Employment Land Availability Assessment (SHELAA) of 2017 and a 'Call for Sites' made as part of the Plan process. Reasonably the sites already rejected by MSDC through the SHELAA process were not considered further.

Although the Plan indicates AECOM were appointed to assess sites independently, from my reading of the AECOM Report, the sites subject to the policies in the Plan were not assessed by AECOM. As a result, it was not clear to me how the sites were selected. In response to a query on this, the Parish Councils indicated that the sites were selected because they have the benefit of planning permission since 1 April 2018.

The site allocations are therefore simply a reflection of the current situation and the Plan does not add to any growth already committed.

Given it is now clearer at District level that further growth will be needed, it would seem sensible for the Plan to be reviewed to ensure it remains up to date. This is because PPG advises that if there is a conflict between a policy in a neighbourhood plan and a policy in a local plan, the conflict must be resolved in the last document to become part of the development plan.³²

Whilst the policy is clearly written, it should not impose a cap on housing numbers however admirable the attempt to define housing numbers is, particularly given the most up to date evidence available.

³¹ PPG para 009 ref id 41-009-20190509

³² Ibid para 044 ref id 41-044-20190509

With this modification, the policy will meet the basic conditions. It would also seem sensible to update the supporting text to reflect the latest information.

- **Add the words “*a minimum of*” after “This Plan provides for...” in the first sentence of the policy**
- **Update the supporting text to reflect the most up to date position at District level**

Policy B&R 3 - Land at Back Hills

This policy allocates this site shown on Map 9 for 40 dwellings along with public open space including community woodland, use by the preschool and school as a woodland classroom and the retention and improvement of a public footpath to The Street. A mix of single storey and two storey development is sought along with 35% affordable housing.

The Plan explains that outline planning permission was granted in July 2018 on this basis and that the policy reflects the consent. MSDC confirm the permission was granted in July and not August as the Plan states. A modification is made in the interests of accuracy to correct this.

Although permission has been granted for 40 units, the policy could include some greater flexibility on the numbers should that permission lapse.

A plan of the site is found on page 29 of the Plan. This should be cross referenced in the policy in the interests of providing certainty.

Subject to these modifications, the policy will meet the basic conditions.

- **Change “August” to “July” in paragraph 9.13 on page 29 of the Plan**
- **Add “*and as shown on Map 9*” after “...Back Hills ...” and before “...is allocated for:...” in the first sentence of the policy**
- **Insert the word “*approximately*” before “40 dwellings...” in criterion a) of the policy**

Policy B&R 4 – Land North of Garden House Lane

This site is allocated for 42 dwellings with 35% affordable housing. The policy also requires links to the adjoining public rights of way network, boundary screening and play provision.

Outline planning permission was granted in November 2018. Paragraph 9.15 of the Plan should be updated accordingly. The Plan explains no details were part of that application save for access. The Plan indicates the illustrative layout however provided for the requirements set out in the policy.

In line with the recommendations for Policy B&R 3 and for the same reasons, two other modifications are made.

Subject to these modifications, the policy will meet the basic conditions.

- **Update paragraph 9.15 on page 30 of the Plan to reflect that outline planning permission has now been granted**
- **Add “*and as shown on Map 10*” after “...Garden House Lane...” and before “...is allocated for:...” in the first sentence of the policy**
- **Insert the word “*approximately*” before “42 dwellings...” in the first sentence of the policy**

Policy B&R 5 – Land East of Rectory Hill

Ten dwellings are allocated on this site. There are three requirements relating to boundary planting, removal of frontage hedgerow for access and a new footpath.

The Plan explains there is outline planning permission for ten units. It is not however clear whether these other requirements formed part of the consent.

However, the requirements are reasonable given the location of the site. On this basis, the policy, subject to the same modifications recommended for the previous two site allocation policies and for the same reasons, will meet the basic conditions.

- **Add “*and as shown on Map 11*” after “...Rectory Hill...” and before “...is allocated for:...” in the first sentence of the policy**
- **Insert the word “*approximately*” before “10 dwellings...” in the first sentence of the policy**

Policy B&R 6 – Land to the Rear of Willowmere, Garden House Lane

Ten dwellings are allocated on this site including, subject to viability, 35% affordable housing. Retention of existing trees and hedgerows on the site’s boundaries are also required together with a link to an existing footpath.

Outline planning permission was granted on this site which, the Plan explains, included a financial contribution in lieu of on-site affordable housing provision.

In line with the recommendations for other site allocation policies, and for the same reasons, two modifications are made. There is also a small typo to correct; “lane” instead of “land” in the first paragraph of the policy.

Subject to these modifications, the policy will meet the basic conditions.

- **Add “*and as shown on Map 12*” after “...Garden House Lane...” and before “...is allocated for:...” in the first sentence of the policy**
- **Insert the word “*approximately*” before “10 dwellings...” in the first sentence of the policy**

Policy B&R 7 – Land South of Diss Road

This policy allocates the site for “up to” 69 dwellings including 35% affordable housing and public open space provision as well as footpath and cycleway links and screen planting to the southern boundary of the site.

Outline planning permission has been granted on this basis. However, a cap on numbers is not appropriate as this may restrict the ability to achieve sustainable development on this site.

Reflecting modifications recommended on the other site allocation policies, a cross reference to the relevant map should be made in the policy itself.

A representation queries the accuracy of Map 13. I raised a question about this. The Parish Councils explain that Map 13 includes additional land to the east of the Park View garages and the proposed access road. A Masterplan for the site showed this area as a grass/wildflower meadow, but this does not form part of the planning permission. I consider that given the sites have not been assessed and the allocations are based on planning permissions, Map 13 should reflect the permissioned site to avoid any confusion. This may result in a change to the settlement boundary.

Subject to these modifications, the policy will meet the basic conditions.

- **Add “*and as shown on Map 13*” after “...Diss Road...” and before “...is allocated for:...” in the first sentence of the policy**
- **Replace the words “up to” in criterion a) of the policy with “*approximately*”**

- **Alter Map 13 and any other maps which show the site subject to Policy B&R 7 so that the site boundary is the same as that of the site granted planning permission**

Policy B&R 8 – Affordable Housing on Rural Exception Sites

Taking account of Altered Policy H5 of the Mid Suffolk Local Plan First Alteration, this policy takes a flexible approach to the location of rural exception sites supporting such sites outside the Settlement Boundary. The NPPF supports the provision of rural exception sites to enable local needs to be provided for.³³ The policy is clearly worded. However, there is one element of it which gives rise to concern. Paragraph three tries to indicate that proposals should show that a local need exists which cannot be met elsewhere. The language used though leaves room for interpretation which may inadvertently open the doors to other development. A modification is made to address this concern.

With this modification, the policy will meet the basic conditions.

- **Reword the first sentence of paragraph three of the policy to read: “To be acceptable, proposals should demonstrate that a local need exists which cannot *otherwise be met.*” [retain second sentence as is]**

Community Action 1

A well worded action that explores the possibility of setting up a Community Land Trust.

Policy B&R 9 – Housing Mix

The NPPF³⁴ emphasises the need to deliver a wide choice of high quality homes. Local planning authorities should, amongst other things, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

The supporting text to the policy explains that there is a shortfall of three bedroomed homes compared to the District as a whole. The policy therefore seeks developments of ten or more houses to provide a higher proportion of three bedroomed homes. It does not specify any figures or thresholds and also has in-built flexibility in respect of the tenure of the particular housing scheme. This policy then seeks to redress the balance and reflect local circumstances.

³³ NPPF para 54

³⁴ Ibid para 50

However, it would be useful for a reference to up to date needs to be added to ensure that the most recently available information is used.

With this modification, the policy will have regard to national policy and guidance, contribute to the achievement of sustainable development and be in general conformity with strategic policy, particularly CS Policy CS 9.

- **Add at the end of the policy “...or where such provision is demonstrated to not be in accordance with the latest available housing needs information for the Plan area.”**

Policy B&R 10 – Delivering Homes to Meet the Needs of All Potential Occupants

This policy seeks to particularly encourage dwellings that meet standards for all. Whilst this is a laudable aim, the Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)³⁵ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

The Nationally Described Space Standard was introduced as a compulsory standard. Secondly, three levels of accessibility were defined in Approved Document M; Category 1: Visitable dwellings M4(1); Category 2: Accessible and adaptable dwellings M4(2) and Category 3: Wheelchair user dwellings M4(3), of which there are two standards: adaptable and accessible.

My understanding is that Part M of the Building Regulations requires that all new dwellings to which Part M of the Building Regulations applies should be designed to a minimum of M4(1) ‘visitable dwellings’ and that local authorities can opt into, or ‘switch on’, requirements for M4(2) and M4(3) via Local Plan policy. However, it is clear from the WMS that neighbourhood plans cannot set this standard.

The wording of the policy indicates that those developments which meet M4(2) and M4(3) will be supported. This may result in otherwise unacceptable development being permitted.

Therefore on both issues, it is with regret I have reached the conclusion that the policy does not meet the basic conditions. It should be converted into a reworded community action.

- **Change the policy into a community action and reword it to read: “*Otherwise acceptable proposals for dwellings are particularly encouraged to meet Part M4(2) and M4(3) of the Building Regulations.*”**

³⁵ Written Ministerial Statement 25 March 2015

- **Consequential amendments will be required**

Policy B&R 11 – Housing Space Standards

As I have explained above, the Government introduced national technical standards for housing in 2015. The WMS³⁶ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

This policy seeks compliance with the national technical standards and also to include storage facilities for cycles and bins. It therefore does not seek to set additional local standards.

The policy is clearly worded. It will help to achieve sustainable development and is in line with current Government thinking.³⁷ It therefore meets the basic conditions and no modifications are recommended with the exception of a change to the title of the policy in the interests of clarity.

- **Change the title of the policy to “*Measures for New Housing Development*”**

10. Historic and Natural Environment

Policy B&R 12 – Area of Local Landscape Sensitivity

The supporting text explains that an independent Landscape Character Appraisal was commissioned to identify the important features of the landscape and to recommend how best to manage development.

Land to the north and northeast of the village has been designated as a Special Landscape Area (SLA) in the development plan since the mid 1980s. The Plan seeks to reaffirm that designation under LP Policy CL2 recognising both the uncertainty over SLAs in the JLP Draft, but more particularly in recognition of the high quality of this landscape. This also reflects CS Policy CS 5 which, amongst other things, seeks to protect and conserve landscape qualities.

The policy is clearly 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. I saw at my visit that this area is distinguishable from surrounding land and the rest of the Parishes given its topography and character.

³⁶ Written Ministerial Statement 25 March 2015

³⁷ See NPPF 2019 para 110 for example

A representation from Anglian Water indicates that the Water Recycling Centre is included within this area pointing out that restrictive designations result in unintended barriers to water and water recycling operations and improvements. In response the Parish Councils indicate that the Water Recycling Centre is located in the existing SLA designation. I consider the policy would not prevent any operational or other necessary development coming forward, but that it would be helpful to recognise the existence of the Water Recycling Centre in the supporting text.

In response to my query, the Parish Councils confirm that the reference to “Landscape Character Assessment” should be “Landscape Appraisal” (the document produced by Alison Farmer Associates). A modification is made to correct this minor point.

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

- **Add a new sentence at the end of paragraph 10.3 on page 39 of the Plan which reads: *“It is noted that a Water Recycling Centre is located within the Area of Local Landscape Sensitivity and that this has been the case since the original Special Landscape Area designation in the 1980s. It is not intended that the policy would prevent essential or other operational development from being supported, but the expectation is that any such development would be designed to ensure that the quality of the landscape would not be compromised.”***
- **Change the reference to “Landscape Character Assessment” in the policy to “Landscape Appraisal”**

Community Action 2

This is a clearly worded action giving support to the preparation of a map of locally important natural and wildlife features.

Policy B&R 13 – Local Green Spaces

27 areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁸ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this

³⁸ NPPF paras 76, 77 and 78

designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

I saw all the areas on my site visit. In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy is clearly worded. It refers to “exceptional circumstances” whereas the NPPF’s policy on LGSs (which is to manage development in LGSs in line with policy for Green Belts) refers to “very special circumstances”. It would provide more of a practical framework for decision making if the policy reflected this language and I do not consider this would change the stance of the policy. This would also reflect the supporting text for the policy.

With this modification, the policy will meet the basic conditions.

- **Change the words “...exceptional circumstances...” in the policy to “...very special circumstances...”**

Policy B&R 14 – Local Heritage Assets

The Plan explains that a number of buildings of local significance have been identified through a Built Character Appraisal. Recognising that these are not yet formally locally listed, the policy refers both to local heritage assets and “buildings of local significance”, identifying the latter in Appendix 3 of the Plan as well as on the Proposals Map.

These are in effect non-designated heritage assets. Whilst the NPPF promotes a positive strategy for the conservation of the historic environment, it indicates that their significance should be taken into account and that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.³⁹

The language used in the policy is not reflective of this; rather it reflects the stance of the NPPF in relation to designated heritage assets. The policy then gives these identified buildings a higher status than the hierarchy in the NPPF. To ensure that the policy will meet the basic conditions and in particular takes account of national policy and advice, a modification is recommended.

- **Add the word “*appropriately*” after “...local interest must be...” in the first sentence of the policy**
- **Delete the words “...together with an explanation of the wider public benefits of the proposal” from the second paragraph of the policy and replace with**

³⁹ NPPF para 135

“...to enable a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.”

Policy B&R 15 – Protection of Heritage Assets

The policy seeks to ensure that development proposals preserve or enhance the significance of heritage assets through an understanding of the asset’s significance and the provision of clear justification for any works that would lead to harm. The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁴⁰

The policy is clearly worded. It will particularly help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

Policy B&R 16 – Design Considerations

The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.⁴¹ It continues that neighbourhood plans should set out robust and comprehensive policies that set out the quality of development expected for the area.

Policy B&R 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 and CSFR Policy FC 1.1.

It refers to Appendices 3 and 4 which respectively list heritage assets and contain a Development Design Checklist.

A number of modifications are made to ensure it provides the practical framework for decision making sought by national policy and guidance. They are made to add clarity, avoid ambiguity or phrases that could be open to interpretation or be difficult to demonstrate, or to remove repetition between other policies in the Plan, or to ensure that the policy will achieve sustainable development.

In addition Suffolk County Council has objected to criterion h) in respect of its requirement that “all vehicle parking is provided within the plot”. I understand the desire to ensure sufficient parking is provided and that indiscriminate on-street parking can cause problems, but agree that such a requirement may, however, inadvertently, lead to precisely the problems the Parish Councils seek to avoid. Therefore a modification is made to ensure that the provision of parking can be design-led and lead

⁴⁰ NPPF para 126

⁴¹ Ibid para 56

to the achievement of sustainable development. This also chimes with the advice in the Design Support Document.⁴²

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

- **Change the first paragraph of the policy to read: “Proposals for new development must reflect the local *character* of the Neighbourhood Plan area and create and contribute to a high quality, safe and sustainable environment.”**
- **Change the word “significant” in criterion c) to “*positive*”**
- **Add the words “*and subject to Policy B&R 14*” at the end of criterion e) i.**
- **Changing criterion g) to read: “produce designs that respect the character, scale, *height*, density of the locality;”**
- **Change criterion h) to read: “produce designs, in accordance with standards, that maintain or enhance the safety of the highway network ensuring that all vehicle parking is provided *in accordance with adopted guidance and designed to be integrated into the development without creating an environment dominated by vehicles* and seek always to ensure *satisfactory* permeability through new housing areas, connecting any new development into the heart of the existing settlement;”**

Community Action 3

A clearly worded action that seeks to explore the possibility of a local ‘blue plaque’ scheme to commemorate locally connected people of interest.

Community Action 4

Another well worded action exploring opportunities for information boards providing historical information and designed by local artisans.

Community Action 5

This community action explores the potential for provision of a dedicated space for village archives and finds.

⁴² Design Support Document page 36

11. Jobs, Services and Facilities

Policy B&R 17 – Retention of Existing Employment Sites

This policy seeks to firstly protect employment sites subject to a number of criteria in general and secondly, seeks to support Rickinghall Business Centre uses. With one modification in the interests of clarity, the policy will meet the basic conditions. In particular it reflects the NPPF's drive to support the sustainable growth and expansion of all types of businesses in rural areas⁴³ and to build a strong, competitive economy.⁴⁴ The policies are a local expression of CSFR Policy FC 3 which indicates that a range of good quality sites will be made available for employment uses in some of the Key Service Centres through policies to protect existing employment sites, new allocations and support for improvements to existing sites.

- **Amalgamate criteria d. and f. of the policy and reword to read: “An alternative use or mix of uses would assist in urban regeneration and offer greater community or sustainability benefits that would outweigh the loss of the employment site.”**

Policy B&R 18 – New Businesses and Employment

This policy supports new businesses and employment uses within the Settlement Boundary and outside the Settlement Boundary where it is on designated land for such purposes and/or relates to small scale leisure or tourism activities. The Policy has an “and/or” which does not make much sense and would be restrictive.

With this modification, the policy will support the economy in line with national policy and District level policies, particularly CSFR Policy FC 3, and help to achieve sustainable development.

- **Delete the “and” in criterion a)**

Policy B&R 19 – Farm Diversification

The NPPF⁴⁵ supports economic growth in rural areas recognising this will help to create jobs and prosperity. All types of business and enterprise are supported including farm and other land-based rural businesses. This policy supports farm diversification preferring economic development uses subject to viability and need.

⁴³ NPPF para 28

⁴⁴ Ibid Section 1

⁴⁵ Ibid para 28

Given the NPPF refers to farm and other land-based rural businesses, this should be recognised in the policy.

With this modification, the policy will be a local expression of CSFR Policy FC 3 in particular and meet the basic conditions.

- **Add the words “*and other rural buildings*” after “...farm buildings” in the first sentence of the policy**

Policy B&R 20 – Protecting Existing Services and Facilities

Community facilities and services are protected by this policy. The NPPF encourages planning policies to plan positively for the provision of facilities and other local services to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services.⁴⁶

The clearly worded policy takes account of national policy and has sufficient flexibility. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

Community Action 6

This action relates to assets of community value.

Community Action 7

This action relates to the desire to identify land for additional community facilities.

Community Action 8

The Post Office has gone and this action refers to exploring other opportunities to provide this facility.

Community Action 9

A suitable premises for wrap around care for school children is sought through this action.

⁴⁶ NPPF paras 28 and 70

Policy B&R 21– Open Space, Sport and Recreation Facilities

This policy supports the provision and improvement of amenity, sport or recreation open space or facilities subject to other development plan policies. This is a sensible cross-reference given some areas are designated as LGSs for example.

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.

Finally, the policy requires associated buildings such as clubhouses or pavilions to be of a high standard of design. It also refers to internal layout which is not usually covered by planning control. Therefore this element is removed.

Additionally, the areas are shown on the Inset Maps West and East. It would be useful to cross reference the policy to these maps.

With these modifications, the policy will take account of national policy and guidance, is a local expression of CS Policy CS 6, will reflect the evidence in the JLP Draft that there is a deficiency in accessible open space across the two Districts and will help to achieve sustainable development.

- **Delete “...and internal layout” from the last paragraph of the policy**
- **Add “*and as shown on the Inset Maps*” after “...open space or facilities...” in the first sentence of the policy**

12. Transport and Travel

Policy B&R 22 Public Rights of Way

LP 1998 Policy RT12 seeks to safeguard and improve the footpath and bridleway networks. CS Policy CS 6 seeks to reduce the need to travel and encourage alternatives to the car. This policy seeks to ensure that the network is protected and enhanced and that new development supports connections to the existing network including to the countryside and green infrastructure.

The wording of the policy is clear. It meets the basic conditions and no modifications are recommended.

Community Action 10

An increase in permissive paths is sought by this action.

Community Action 11

Safe cycling routes are promoted by working in partnership with other organisations by this action.

Community Action 12

A reduction in street clutter is sought through this action.

13. Monitoring and Delivery

Although monitoring and review of neighbourhood plans is not mandatory, I consider it to be good practice. The Plan indicates that regular reviews will take place and I welcome this. It also rightly recognises the dynamic situation at District level with the production of the JLP Draft indicating this will also trigger a need to review.

Community Action 13

Joint Parish Council working is promoted by this action to develop a Community Infrastructure Levy Delivery Plan.

Appendices

Appendix 1 lists sites with planning permission, but not complete as at 1 April 2017. I think this was a useful addition at earlier stages of the Plan, but consideration could be given to its removal now. This is not however a modification I need to recommend in respect of my remit.

Appendix 2 contains the Fields in Trust guidelines referred to in Policy B&R 4.

Appendix 3 is a list of buildings of local significance referenced in Policy B&R 14.

Appendix 4 is the Development Design Checklist referred to in Policy B&R 16.

Glossary

The Plan includes a helpful glossary.

Proposals Map

The maps are clearly presented. I have made recommendations in relation to Maps within the Plan which will result in some consequential amendments to the Proposals Map as needed.

In addition, I consider it would be wise in the interests of clarity to change the background green colour around the inset for the Rickinghall Business Centre as this is a very similar colour to the Area of Local Landscape Sensitivity.

- **Change the background colour to the Rickinghall Business Centre inset map to differentiate it from any of the designations in the Plan**

8.0 Conclusions and recommendations

I am satisfied that the Botesdale and Rickinghall 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 Botesdale and Rickinghall 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 Botesdale and Rickinghall Neighbourhood Development Plan should proceed to a referendum based on the Botesdale and Rickinghall Neighbourhood Plan area as approved by Mid Suffolk District Council on 11 May 2017.

Ann Skippers MRTPI

Ann Skippers Planning
15 August 2019

Appendix 1 List of key documents specific to this examination

Neighbourhood Plan 2017 – 2036 Submission Plan January 2019

Basic Conditions Statement January 2019

Consultation Statement January 2019

Strategic Environmental Assessment Screening Determination January 2019

Strategic Environmental Assessment Screening Determination Updated July 2019

Habitats Regulations Screening Determination January 2019

Habitats Regulations Screening Determination Updated July 2019

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report December 2018 (Place Services)

Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report June 2019 (Place Services)

Supporting Document SD1 Alison Farmer Associates Landscape Appraisal February 2018

Supporting Document SD2 Local Green Space Assessment January 2019

Supporting Document SD3 Historic Character Appraisal November 2018

Supporting Document SD4 AECOM Site Assessment Final Report January 2018

Supporting Document SD5 AECOM Design Support Document July 2018

Supporting Document SD6 People and Population Report November 2018

Supporting Document SD7 Household/Housing Need Survey Summary November 2018

Supporting Document SD8 Youth Survey Summary November 2018

Supporting Document SD9 Business Survey Summary November 2018

Other information on www.botesdale.onesuffolk.net/neighbourhood-plan/ and www.rickinghall.onesuffolk.net/neighbourhood-plan/

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 Consultation Document August 2017

List ends

Appendix 2 Questions of clarification from the examiner

Botesdale & Rickinghall Neighbourhood Plan Examination

Questions of clarification from the Independent 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 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 MSDC briefly confirm the latest position on the emerging Joint Local Plan?
2. Please could MSDC confirm (or not) agreement to the housing figures put forward in the Plan and whether (or not) this will generally conform to the strategic housing needs requirements for the District based on the latest available information.
3. The Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report indicates that the Plan area lies within the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fen Ramsar. The Screening Report explains that the site allocations do not fall within the ZOIs. Please provide a map/plan showing the ZOIs with the site allocations clearly identified in relation to the ZOIs.
4. Should there be a comma between “historic, built and natural” in the vision?
5. In relation to the site allocations, subject of Policies B&R 3 – 7 inclusive, a number of queries arise:
 - a. please confirm whether it is the ‘pink’ coloured areas the Plan seeks to allocate
 - b. please briefly update me on the latest position on any planning application/appeal on the sites which are wholly or partly subject to these policies
 - c. please confirm how these sites were selected (as they do not appear to have been assessed by AECOM)
 - d. in relation to Policy B&R 3, please confirm whether the policy reflects the planning permission and if it differs, please explain the differences and the rationale for them
 - e. please confirm that the illustrative layout referred to in paragraph 9.15 in relation to Policy B&R 4 does include the requirements set out in the policy in relation to footpath links and boundary planting
 - f. in relation to Policy B&R 6, please check and confirm whether the site allocation shown and the access point is correct and whether or not it reflects the land with the benefit of planning permission
 - g. it is not clear to me whether Policy B&R 6 seeks on-site or off-site provision of affordable housing, please confirm
 - h. in relation to Policy B&R 7, please confirm whether the site shown reflects the planning permission and if it differs, please explain the differences and the rationale for them.

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. 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.

With many thanks.
Ann Skippers
22 May 2019

Appendix 3 Further questions of clarification from the examiner

Botesdale & Rickinghall Neighbourhood Plan Examination - June 2019

Further questions of clarification from the Independent Examiner to the Parish Councils and MSDC

My thanks to both the Qualifying Body and MSDC for responding to my questions of clarification of 22 May 2019. There are two outstanding matters on which your further assistance is sought.

1. It is now established that all of the site allocations in the Plan fall within the Zone of Influence (ZOI) for the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fen Ramsar. Unfortunately the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report contains a factual error as it indicated that the site allocations did not fall within the ZOIs. Whilst I appreciate that all of the sites subject to the site allocation policies have now received planning permission, I consider it is necessary for this to be addressed.

Therefore the Screening Report and/or the Screening Determinations should be updated with the error corrected or redone. This could take the form of an addendum if desired, but the assessment needs to be redone. Further consultation with Natural England should then take place. Whilst it has been pointed out to me that Natural England did not pick up the error, in my view it would have been reasonable for Natural England to rely on information in these professionally prepared documents and simply because the error was not picked up at that juncture, it has now and is important to rectify.

Furthermore, although the responses to my queries indicate that residential development within the ZOIs does not trigger any need for consultation with Natural England, it is not clear to me what the ZOIs relate to or why this is the case as little detail is provided on any characteristics or pathways. The opportunity to remedy this should also be taken.

Once the documents have been corrected with new assessments, Natural England should be consulted, the error brought to their attention and a request for their view on whether SEA and HRA are needed in the light of these sites falling within the ZOIs obtained.

2. Should references to "Landscape Character Assessment" in the Plan be "Landscape Appraisal" (the document produced by Alison Farmer Associates)?
3. In relation to the Area of Local Landscape Sensitivity subject of Policy B&R 12, the policy refers to the Landscape Character Assessment, but there seems to be little in the Landscape Appraisal that identifies the landscape qualities of this proposed area? How should the policy be modified to address this point?
4. The Landscape Appraisal and Proposals Maps refer to key views. There does not seem to be any policy that specifically refers to key views? Was the intention that Policy B&R 16 criterion a. would cover this?

Please inform me of the proposed timescales involved for the work on SEA/HRA to be completed.

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this note 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. With many thanks.

Ann Skippers
17 June 2019