

Hoxne Neighbourhood Development Plan 2022 - 2037

**Report by Independent Examiner to Mid Suffolk
District Council**

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

23 June 2023

Contents	Page
Summary and Conclusion	4
Introduction	4
Legislative Background	5
EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)	6
Policy Background	7
The Neighbourhood Development Plan Preparation	9
The Hoxne Neighbourhood Development Plan	9
Policy HOX 1 – The Settlement Boundary	11
Policy HOX 2 – Heritage Assets	13
Policy HOX 3 – Design	14
Policy HOX4 – Protecting Key Views	17
Policy HOX 5 – Local Green Spaces	18
Policy HOX 6 – Managing Change on the Landscape	20
Policy HOX 7 – Biodiversity Networks	20
Policy HOX 8 – Flood Risk	22
Policy HOX 9 – Sustainable Construction	23
Policy HOX 10 – Housing Allocations	25
Policy HOX 11 - Affordable Housing Provision	25
Policy HOX 12 – House Types and Sizes	26

Policy HOX 13– Shreeves Farm	27
Policy HOX 14 – Land between Denham Low Road and Hoxne Playing Field	29
Policy HOX 15 – Abbey Farm Business Site	31
Policy HOX 16 – Public Rights of Way	31
Policy HOX 17 – Infrastructure Requirements	32
Referendum & the Hoxne Neighbourhood Development Plan Area	32
Appendix 1 Background Documents	34

Summary and Conclusion

1. The Hoxne Neighbourhood Development Plan sets out clear objectives for the future of the Parish.
2. The minimum housing requirement figure for Hoxne Parish in the emerging Draft Joint Local Plan (November 2020) was 43 dwellings, of which 13 dwellings already had the benefit of planning permission as of 1 April 2018. Whilst further assessment of housing numbers is to be undertaken, Mid Suffolk District Council has decided that the minimum housing requirements for the neighbourhood plan areas should now be treated as indicative figures. This Neighbourhood Plan identifies two sites to provide some 53 new dwellings.
3. I have recommended modification to some of the policies in the Plan and the deletion of Policy HOX 17. My reasons with regard to all these and other suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
4. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Hoxne Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Hoxne Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

5. On 27 August 2019 Mid Suffolk District Council (MSDC) approved that the Hoxne Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Hoxne.
6. The qualifying body is Hoxne Parish Council. The Plan has been prepared by a working group on behalf of the Parish Council. The Plan covers the period 2022 to 2037.
7. I was appointed as an independent Examiner for the Hoxne Neighbourhood Development Plan in September 2022. I confirm that I am independent from the Parish Council and MSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

8. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
9. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions 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 of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
10. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*

1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

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(7).”

11. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

13. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
14. The *Hoxne Neighbourhood Development Plan SEA Screening Opinion* was prepared by Land Use Consultants in November 2021. It concluded that the Plan *has the potential to have significant environmental effects and that SEA is therefore required*. The report explained that this is primarily because the housing allocations are within close proximity to the Conservation Area and a number of listed buildings. Of particular significance is that both housing allocations are located within Impact Risk Zones (IRZs) associated with the Hoxne Brick Pit Site of Special Scientific Interest (SSSI). Historic England agreed with this conclusion.
15. MSDC published the *Hoxne Neighbourhood Plan 2022 - 2037 Strategic Environmental Assessment Screening Determination* in February 2022. It determined: *In the light of the SEA Screening Report prepared by Land Use Consultant and, in particular, the response from Historic England, it is determined that a Strategic Environmental Assessment of the Hoxne Neighbourhood Plan is required in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004*.
16. AECOM prepared the *Strategic Environmental Assessment (SEA) for the Hoxne Neighbourhood Plan Scoping Report* in February 2022. Consultees were invited to comment on the content of this Scoping Report. This led to the production of the *Strategic Environmental Assessment (SEA) for the Hoxne Neighbourhood Plan Environmental Report* published by AECOM in June 2022.

17. Amongst other matters, the SEA assessed the reasonable alternatives for housing development. The identification of chosen sites is explained in Supporting Document 3 - Site Assessment. The chosen sites received local support during a transparent and robust consultation process. Any assessment of land availability in the production of neighbourhood plans needs to be proportionate. I am satisfied that the chosen sites are deliverable and together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
18. Taking all the above reports together and having considered the consultee responses, I am satisfied that it has been identified that there are unlikely to be significant effects on the environment by the implementation of the Neighbourhood Plan policies. Reasonable alternatives have been considered, taking into account the SEA objectives.
19. As regards HRA, Place Services published the *Hoxne Neighbourhood Development Plan 2022-2037: Pre-submission (Regulation 14) Draft Habitats Regulations Assessment (HRA): Screening Report* in February 2022. It concluded that, subject to Natural England's view, the Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects. Natural England concurred with this conclusion.
20. MSDC published the *Hoxne Neighbourhood Plan 2022 - 2037 Habitats Regulations Screening Determination* in February 2022. It determined: *In the light of the Screening Report prepared by Place Services and the response to this from the statutory body it is determined that the Hoxne Neighbourhood Plan does not require further assessment under the Habitats and Species Regulations 2017 (as amended).*
21. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
22. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

23. The *National Planning Policy Framework* (NPPF) (2021) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.

24. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
- 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
25. Hoxne Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Hoxne Neighbourhood Development Plan area comprises the saved policies in the Mid Suffolk Local Plan (1998); The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006); The Mid Suffolk Core Strategy Development Plan Document (2008); and The Mid Suffolk Core Strategy Focused Review (2012).
26. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.
27. MSDC with Babergh District Council published a new Joint Local Plan Pre-Submission (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was submitted for examination in March 2021. A Consolidated Modifications Document was published for consultation in March 2023.
28. The Basic Conditions Statement accompanying the submitted Neighbourhood Plan did not meet the requirements of Regulation 15 (2) (d) in the Neighbourhood Planning (General) Regulations 2012 (as amended). In an email dated 12 April 2023, I invited the Parish Council to amend the Basic Conditions Statement. The amended document was subsequently subject to a six- week consultation period. I do not consider that any parties were prejudiced by this course of action.

The Hoxne Neighbourhood Development Plan Preparation

29. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (as amended).
30. The initial consultation process began with a launch of the Plan at the Annual Parish Meeting in March 2020. The Working Group took account of the consultation outcomes from the Parish Plan in 2010 and priorities identified at the Annual Parish Meeting to develop draft policies. These were set out in a leaflet distributed to all households in August 2020. Two drop in events were held in August 2020. A further leaflet was sent to all households in December 2020 requesting residents to complete a questionnaire.
31. The Consultation period on the pre-submission draft of the Plan ran from 10 January to 23 February 2022. A leaflet was sent to all households informing them of the consultation. Two exhibitions were held in January 2022.
32. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation and publicity went beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan, particularly during the pandemic restrictions. I congratulate them on their efforts.
33. MSDC publicised the submission Plan for comment during the publicity period between 15 February and 31 March 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 (as amended). A total of nine responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
34. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the MSDC web site.

The Hoxne Neighbourhood Development Plan

35. Background information is provided in supporting documents and throughout the Plan. Six distinct objectives of the Plan have been established.

36. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as community policies in this Plan) these have to be clearly differentiated from policies for the development and use of land.
37. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
38. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
39. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
40. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
41. MSDC has suggested a number of amendments to the Plan, including numbering of the Contents Page and updating JLP references in paragraphs 2.5 to 2.10. MSDC has also suggested deletions from the glossary. The Parish Council, in its response to the representations, has agreed with these amendments. In addition, I consider that paragraph 2.2 should refer to the JLP as the emerging November 2020 Plan. **I see these as minor editing matters.**
42. Paragraph 2.4 is a summary of parts of the NPPF. It is not correct to imply that 10% of all homes should be available for affordable home ownership. Not all new developments are required to plant trees. Neither is it correct that development should conform to Design Codes (they should take account of design codes). I realise it is difficult to summarise such a large policy document. It is not for me to re-write the Plan. I will leave it to the Parish Council to amend this paragraph. **I see this as a minor editing matter.**
43. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not

to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy HOX 1 – The Settlement Boundary

44. Paragraph 78 in the NPPF states: *in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 80 seeks to avoid the development of isolated homes in the countryside unless certain circumstances apply such as an essential need for a rural worker or the re-use of a redundant building.*
45. PPG advises: *Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination. Extract Paragraph: 104 Reference ID: 41-104-20190509.*
46. Core Strategy Policy CS1 identifies Hoxne (excluding Low Street) as a Primary Village. These are villages where small scale housing growth to meet local needs, particularly affordable housing, will be appropriate. Development will be limited to sites within settlement boundaries or, by allocation in the Site Specific Allocation document, to sites adjacent to settlement boundaries. The remainder of the Parish is identified as being within the countryside and countryside villages and development is restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. Whilst Core Strategy Focused Review Policy FC 2 outlines the provision and distribution of housing in the District, this is not up to date.
47. In December 2021, Inspectors in the process of examining the JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for Neighbourhood Plan Areas, the spatial distribution and settlement boundaries. In these circumstances, MSDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the emerging JLP (November 2020) should now be treated as indicative figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of this indicative number.
48. Relevant JLP policies which will now be subject to review for Part 2 of the emerging JLP are as follows. Policy SP04 provided a minimum housing requirement figure of 43 dwellings for the Parish. In Policy SP03 Hoxne – Cross Street and Hoxne – Low Street were identified as a Hinterland

Villages. In the Consolidated Modifications Document (March 2023) this Policy was significantly modified, particularly by the deletion of the settlement hierarchy and reverting to settlement boundaries in the adopted development plan. It states that these boundaries will be reviewed, and if necessary revised, as part of the preparation of the Part 2 Plan.

49. Policy LS01 in the Draft JLP (November 2020) allocated a housing site for 30 dwellings on part of the site identified as the Shreeves Farm allocation in this Neighbourhood Plan. This policy has subsequently been deleted in the Consolidated Modifications Document (March 2023).
50. Policy HOX 1 identifies settlement boundaries for Cross Street and Low Street, within which new development should be concentrated. These settlement boundaries incorporate the two site allocations of Shreeves Farm and Land between Denham Low Road and Hoxne Playing field identified in Policies HOX 13 and HOX 14. These two sites would provide some 53 new dwellings. There are an additional 13 dwellings with the benefit of planning permission as of 1 April 2018.
51. I am required to test the indicative minimum housing requirement figure of 43 dwellings. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. The qualifying body and the local planning authority 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.
52. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging JLP. I consider the approach to housing development in the Neighbourhood Plan, including all the housing policies, which I comment on below and subject to any modifications I have recommended, contributes to the achievement of sustainable development. This is notwithstanding that further growth is being promoted above that of the indicative figure and that the emerging JLP in the future might propose additional growth.
53. The settlement boundaries identified in Policy HOX 1 allow for sustainable development within the Parish. This has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy HOX 1 meets the Basic Conditions.
54. Figure 2 and other maps throughout the Plan enclose areas with a red line. There is no indication on the Key as to what these red lines are defining. As they are not referred to in any of the Plan policies, they should be deleted. **I see this as a minor editing matter.**

Policy HOX 2 – Heritage Assets

55. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
56. The NPPF advises at paragraph 199 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
57. Core Strategy Policy CS5 seeks to ensure that all development maintains and enhances the environment, including the historic environment, and retains the local distinctiveness of the area.
58. PPG states: *There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
59. *Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).*
60. Policy HOX 2 requires development to protect and enhance the appearance, character and setting of the heritage assets and protected trees. To have regard to national policy I have suggested revised wording to refer to preserving or enhancing heritage assets. In the interest of precision, I have altered the title to include reference to protected trees.
61. Appendix 3 in *Supporting Evidence Document 6 – Settlement Structure, Heritage and Landscape Setting* lists proposed non-designated heritage assets. I sought clarification from the Parish Council as to whether there was a document in the public realm that explained the criteria used to select these. Whilst it would have been helpful to have been provided with a document detailing their selection, I was informed via email that the selection was made by the Hoxne Heritage Group using criteria in the Historic England Advice Note 7: Local Heritage Listing. This is recognised advice for such listings. It is clear that these buildings and landscapes are worthy of identification as non-designated heritage assets. In these circumstances, I am satisfied that the listing includes sufficient information on the criteria used to select non-designated heritage assets.

62. As regards the location of the non-designated heritage assets, Figures 3 and 4 do not include all thirteen buildings nor any of the landscape non-designated heritage assets listed in Appendix 3 in *Supporting Evidence Document 6*. In the interest of precision and to accord with the requirements for such listing, these figures and the Policies Map should be modified to clearly identify their locations. This may require a series of inset maps. I suggest that each non-designated heritage asset is numbered in accordance with the numbering system used in *Supporting Evidence Document 6* and that the names of each are included in the Key to these inset maps. This will ensure that there is sufficient information about the location of these buildings and landscapes.
63. Subject to the above modifications, Policy HOX 2 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 2 meets the Basic Conditions.
64. **Recommendation: to meet the Basic Conditions, I recommend:**
65. **1) modification to the title and first paragraph in Policy HOX 2 to read as follows:**

Policy HOX 2

Heritage Assets and Protected Trees

Development should preserve or enhance the appearance, character and setting of the heritage assets, including the non-designated heritage assets, shown on Figures 3 and 4 and on the Policies Map.

Development should protect those protected trees shown on Figures 3 and 4 and on the Policies Map.

2) modification to Figures 3 and 4 and the Policies Map to include all non-designated heritage assets listed in Appendix 3 in *Supporting Evidence Document 6 – Settlement Structure, Heritage and Landscape Setting*. I suggest that each non-designated heritage asset is numbered in accordance with the numbering system used in *Supporting Evidence Document 6* and that the names of each are included in the Key to Figures 3 and 4 or any inset maps.

Policy HOX 3 – Design

66. Paragraph 126 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

67. Paragraph 127 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
68. Core Strategy Policy CS5 seeks to ensure that all development maintains and enhances the environment and retains the local distinctiveness of the area. Core Strategy Focused Review Policy FC1.1 seeks to ensure that proposals for development conserve and enhance the local character of different parts of the district.
69. Policy HOX 3 seeks high quality design. It is clear that the *Hoxne Neighbourhood Plan Design Code (October 2021)* is a valuable document to help achieve well designed development. Consideration should be given to attaching The Design Code as an Appendix to the Plan. **I see this as a minor editing matter.**
70. Suffolk County Council has advised that the Design Code should include reference to the need for road and footway layouts to accord with Local Highways Authority requirements for road adoption. Neighbourhood planning groups are being encouraged to set out their own design guidance and thus it is inevitable that at such a local level it may not accord with wider County requirements. In the interest of precision, I suggest that an additional sentence is added to the end of paragraph 3.4 in the Design Code to explain that advice should be sought from the Local Highway Authority with regard to the layouts of roads and footpaths for adoption.
71. Suffolk County Council has suggested other amendments to the Design Code. The Parish Council, in its response to the representations, stated that it had no objections to the Design Code being updated. **I see this as a minor editing matter.**
72. The last paragraph in Policy HOX 3 refers to a requirement for a proportion of on-street parking provision for all new developments. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development does not require any parking. The same paragraph requires adherence to parking guidance. As this is guidance rather than policy, there

should be 'regard to' the guidance. Therefore, in the interest of precision, I have suggested revised wording.

73. Paragraph 131 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Whilst this is covered in the Design Code, to have regard to national policy I recommend the inclusion of such a requirement in Policy HOX 3.
74. Subject to the above modifications, Policy HOX 3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 3 meets the Basic Conditions.
75. MSDC has suggested that the Plan would benefit from a map showing natural features such as meadows, woodlands, hedges and veteran trees. This is not required for the Plan to meet the Basic Conditions. I will leave it up to the Parish Council to decide whether it wishes to include such a map. **I see this as a minor editing matter.**
76. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy HOX 3 to read as follows:

POLICY HOX 3

Design

All development should be of high-quality design and respect local characteristics, materials and distinctiveness.

The rural setting of Hoxne should be reflected in appropriate levels of landscaping and boundary screening/ planting, including through the retention of both protected trees and other trees, tree belts and hedgerows, and make a feature of them as part of the development.

All new developments should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.

Development proposals should demonstrate how they take account of the Hoxne Neighbourhood Design Codes (2021) or any other successor documents.

All parking provision should have regard to standards set out in Suffolk Guidance for Parking (2019), or any other successor documents, and should include a proportion of well-designed on-street parking provision within new developments where appropriate.

2) modification to paragraph 3.4 in the *Hoxne Neighbourhood Plan Design Code (October 2021)* by the inclusion of the following sentence: Advice should be sought from the Local Highway Authority with regard to the layouts of roads and footpaths for adoption.

Policy HOX 4 – Protecting Key Views

77. Paragraph 174 in the NPPF requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes.
78. Core Strategy Policy CS5 seeks to protect and conserve landscape quality, taking into account the natural environment and the historic dimension of the landscape as a whole.
79. The above policies are relevant to Policies Hox 4 and Hox 6.
80. Policy HOX 4 seeks to protect Key Views. The justification for these Key Views is explained in *Supporting Evidence Document 6 – Settlement Structure, Heritage and Landscape Setting*. I have seen these views and acknowledge their importance to the local community.
81. I note that the Parish Council agreed to provide photographs of the Key Views following public consultation at the Regulation 14 stage. The photographs have not been provided. It would be helpful if these photographs are included in the Plan or in the supporting evidence. **I see this as a minor editing matter.**
82. In the interest of precision, I suggest the addition of ‘adverse’ before ‘impact’ in the second paragraph in Policy HOX 4. Subject to this modification, Policy HOX 4 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 4 meets the Basic Conditions. I have noticed that there is a missing ‘on’ on the first paragraph, but this is just an editing matter.
83. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HOX 4 to read as follows:**

POLICY HOX 4

Protecting Key Views

Development proposals should be sited and designed to avoid or mitigate adverse impact on the key views identified in Figure 5 and on the Policies Map.

Development proposals will not be supported if there is a substantial adverse impact on a key view or views which cannot be mitigated.

Policy HOX 5 – Local Green Spaces

84. The NPPF in paragraphs 101 - 103 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

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

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

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

85. I have visited the Parish and seen the proposed Local Green Spaces (LGS). I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. Unless stated, I am satisfied that the proposed LGS meet the criteria for designation.
86. My comments on each of the proposed LGS sites are set out below.
87. *1. Low Street Green.* This area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance and informal recreation provision. It is local in character and is not an extensive tract of land.
88. *2. The Playing Field.* This recreation area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreation provision. It is local in character and is not an extensive tract of land.
89. *3. Heckfield Green.* This small green area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its recreational, public amenity and ecological value. It is local in character and is not an extensive tract of land.
90. *4. Hoxne Meadow, Cross Street.* This green area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its tranquillity, historic value, ecological value and informal

recreation provision along the footpath across the site. It is local in character and is not an extensive tract of land. This site is identified as LGS8 on the Policies Map, whereas it should be identified as LGS4. **I see this as a minor editing matter.**

91. *5. Brakey Wood.* Whilst I recognise that this wood is demonstrably special to the local community, this is an extensive tract of land. Thus, it does not meet the criteria for designation and therefore should be deleted from Policy HOX 5, Figure 6 and the Policies Map.
92. *6. The Community Orchard off Wittons Lane.* This small community orchard is in reasonably close proximity to the local community. It is demonstrably special to the local community and holds a particular local significance, primarily due to its recreational and ecological value. It is local in character and is not an extensive tract of land.
93. *7. The area leading up to St Edmunds monument.* At the time of my site visit the adjacent development was under construction. I understand that the permissive footpath is due to be protected and will be planted as a wild meadow. This area is in reasonable proximity to the local community. It is demonstrably special to the local community especially for its historical significance leading to the monument. It is local in character and is not an extensive tract of land.
94. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the last sentence in Policy HOX 5. This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.
95. Subject to the above modifications, Policy HOX 5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HOX 5 meets the Basic Conditions.

96. **Recommendation: to meet the Basic Conditions I recommend:**

1) modification to Policy HOX 5 to read as follows:

POLICY HOX 5

Local Green Spaces

The following areas below identified in Figure 6 and on the Policies Map area are designated as Local Green Spaces:

1. Low Street Green

- 2. The Playing Field
- 3. Heckfield Green
- 4. Hoxne Meadow, Cross Street
- 5. The Community Orchard off Wittons Lane
- 6. The area leading up to St Edmunds monument.

2) the deletion of the designation of Brakey Wood as a LGS from Figure 6 and the Policies Map.

Policy HOX 6 – Managing Change on the Landscape

97. Policy HOX 6 seeks to maintain and enhance landscape characteristics. It identifies an Area of Local Landscape Sensitivity along the rivers Waveney and Dove. Saved Policy CL2 in the Mid Suffolk Local Plan (1998) identifies this area as a Special Landscape Area. The emerging JLP does not propose such a designation. At my visit to the Parish the local importance of the landscape in the designated area was evident. *Supporting Document 8 Landscape and Wildlife Evaluation* provides justification for this designation. I am satisfied that the definition of this area as an Area of Local Landscape Sensitivity is justified.
98. In the interest of precision, I suggest the addition of ‘adverse’ before ‘impact’ in the last sentence in Policy HOX 6. Subject to this modification, Policy HOX 6 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 6 meets the Basic Conditions.
99. As the emerging JLP is not adopted policy, reference to the JLP should be deleted from paragraph 4.16 and paragraph 4.17 should be deleted. **I see these as minor editing matters.**
100. **Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy HOX 6 to read as follows:**
- Development proposals that have a significant adverse impact that cannot be mitigated will not be supported.**

Policy HOX 7 – Biodiversity Networks

101. The NPPF, in Paragraph 174, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity

and providing net gains in biodiversity. One of the principles to protect and enhance biodiversity in Paragraph 180 states: *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.*

102. Core Strategy Policy CS5 seeks to protect, manage and enhance local biodiversity.
103. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement, are yet to come into force.
104. Policy HOX 7 seeks to protect, restore and enhance ecological assets. *Supporting Document 8 Landscape and Wildlife Evaluation* provides a comprehensive evaluation of wildlife assets within the Parish. Policy HOX 7 refers to a net gain in biodiversity. To ensure that regard is had to national policy, particularly to the Environment Act, I have suggested additional wording to explain that the extent of net gain should be in accordance with national policy.
105. Policy HOX 7 does not recognise the need for mitigation where losses or harm are unavoidable. To have regard to national policy, I have suggested revised wording.
106. Subject to the above modifications, Policy HOX 7 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 7 meets the Basic Conditions.
107. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HOX 7 to read as follows:**

POLICY HOX 7

Biodiversity Networks

Ecological assets should be protected, restored and enhanced. Development proposals should avoid the loss of, or substantial harm to biodiversity habitats. Where such losses or harm are unavoidable, adequate mitigation measures or, as a last resort, compensation measures will be sought. If suitable mitigation or compensation measures cannot be provided, then planning permission should be refused.

Development proposals should demonstrate the measures proposed to achieve biodiversity net gain. The extent of any net gain in biodiversity should be in accordance with national policy.

Opportunities should be taken to reconnect the ecological network including:

- **Linear features such as the rivers and streams and their associated habitats; Hedgerows, mature trees and ditch networks;**
- **Links between ponds, meadows and woodlands should be created and enhanced.**

Plans for mitigation and enhancement should directly reference Supporting Document 8 Landscape and Wildlife Evaluation, unless there is more up-to-date evidence.

Policy HOX 8 – Flood Risk

108. Paragraphs 159 – 169 in the NPPF explain national policy with regard to flood risk. Inappropriate development in areas at risk of flooding should be avoided by directing development away from high risk areas. Where development is necessary in these areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
109. Where flood risk is a consideration, PPG explains the need for a sequential test and, if needed, an exception test to ensure that flood risk is minimised and appropriately addressed in decision making. (Paragraph: 004 Reference ID: 7-004-20220825). PPG goes on to provide links to the applications of these tests.
110. Core Strategy Policy CS4 seeks to ensure that new development contributes to the delivery of sustainable development and reflects the need to plan for climate change. It supports development proposals that avoid areas of flood risk and seeks sustainable drainage systems where technically feasible.
111. Policy HOX 8 seeks to minimise flood risk and supports the use of Sustainable Drainage Systems.
112. Policy HOX 8 does not support any development in the areas of highest flood risk. My concern is that whilst inappropriate development in these areas should be discouraged, the definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development and change of use has no impact on flooding.
113. Policy HOX 8 does not have regard to national policy and guidance with regard to the sequential and exception tests where flood risk is a consideration. It is not necessary to repeat the requirement for these tests in Policy HOX 8, but in the interest of precision, I have suggested the deletion of reference to development not being supported in highest flood risk areas. Any development proposals in these areas will remain subject to the need to meet national sequential and exception tests where appropriate.

114. Paragraph 4.23 refers to development being restricted in the area between Low Street and Cross Street for flooding and other reasons. It is not made clear what these other reasons are. In the interest of precision, and in accordance with modification to Policy HOX 8, I suggest the deletion of the last sentence in paragraph 4.23.
115. Subject to the above modifications, Policy HOX 8 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 8 meets the Basic Conditions.
116. There are two maps annotated as Figure 8. The Parish Council has confirmed that the second map should be Figure 9. **I see this as a minor editing matter.**
117. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to the second paragraph in Policy HOX 8 to read as follows:**
- The areas of highest flood risk are identified in Figures 8 and 9 and on the Policies Map.**
- 2) the deletion of the last sentence in paragraph 4.23.**

Policy HOX 9 – Sustainable Construction

118. Paragraph 152 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
119. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans.
120. Core Strategy Policy CS3 seeks to reduce contributions to climate change.
121. The *Hoxne Neighbourhood Plan Design Code (October 2021)* encourages the use of energy efficient technologies that could be incorporated in buildings. Policy HOX 9 goes beyond the Design Code by requiring development proposals to demonstrate the use of such technologies, rather than encouraging the use of such technologies. It is not appropriate for a

neighbourhood plan policy to require any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. I have suggested revised wording for Policy HOX 9 and paragraph 4.24 to encourage rather than require such technologies. This takes into account the environmental and energy efficiency aspects in the Design Code.

122. Subject to the above modifications, Policy HOX 9 has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy HOX 9 meets the Basic Conditions.

123. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy HOX 9 to read as follows:

POLICY HOX 9

Sustainable Construction

Proposals that incorporate current best practice in energy conservation will be encouraged where such measures are designed to be integral to the building design and minimise any detrimental impact on the building or its surroundings.

Development proposals will be encouraged to consider:

a. maximising the benefits of solar gain in site layouts and orientation of buildings;

b. incorporating best practice in energy conservation and be designed to achieve maximum achievable energy efficiency through a ‘fabric first’ approach;

c. maximising the benefits of natural ventilation or utilising heat recovery mechanical ventilation in well sealed properties;

d. avoiding fossil fuel-based heating systems;

e. including EV charging for homes with the minimum provision of ducting necessary for future installation; and,

f. incorporating sustainable design and construction measures and energy efficiency measures to new dwellings including, where feasible, ground/air source heat pumps, solar thermal, solar photovoltaic, rainwater and stormwater harvesting.

2) modification to paragraph 4.24 to read as follows:

Development in Hoxne is encouraged to play its part in reducing adverse effects on the environment and in particular global warming.

Policy HOX 10 – Housing Allocations

124. I have considered the housing requirement under policy HOX 1. Policy HOX 10 identifies the provision of around 66 new dwellings. Neighbourhood Plans can allocate sites for more housing than the indicative housing requirement, providing, as Paragraph 29 in the NPPF explains, this would not undermine strategic policies. MSDC has not suggested that the allocations, together with the 13 dwellings with planning permission, would undermine strategic policies.
125. I will make detailed comments about the allocated sites under Policies HOX 13 and HOX 14 below. I will explain that I am satisfied that the chosen sites are deliverable. These sites together with the overall housing strategy in the Neighbourhood Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
126. Policy HOX 10 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Policy HOX 10 meets the Basic Conditions.

Policy HOX 11 - Affordable Housing Provision

127. Paragraph 60 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
128. Policy H4 in The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006); seeks an element of affordable housing up to 35% of the total provision on appropriate housing sites. Whilst the size of site thresholds in Policy H4 have been superseded by Government policy thresholds, both of the allocated sites would be within the Government's definition of major development within which affordable housing can be sought.
129. The *Hoxne Housing Survey Report* was published in July 2020. AECOM published the *Hoxne Housing Needs Assessment (HNA)* in November 2020. The findings of these reports are outlined in *Supporting Document 5 – Housing Needs Assessment Response*. There is an identified need for affordable housing, although it is recognised that the overall response rate to the Housing Needs Survey was low. The findings in the Housing Needs Assessment suggest a mix of 71% affordable rented dwellings and 29% with routes to home ownership.
130. Policy HOX 11 seeks about 18 affordable dwellings to be delivered from the two allocated housing sites. This figure is approximately 35% of the total number of dwellings proposed on the allocated sites.
131. Whilst the percentage of 35% is in general conformity with strategic policy, should the number of dwellings being delivered on either allocated site be less than currently specified, this could adversely affect the viability and

deliverability of either or both sites. Therefore, to ensure that the allocated sites are deliverable, thus contributing towards sustainable development, it is necessary to modify Policy HOX 11 by seeking a percentage of affordable dwellings, rather than a defined number. In addition, in recognition that circumstances may change throughout the Plan period, I suggest that the split between rented and routes to home ownership is subject to the latest available evidence of need. This has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Subject to these suggested modifications, Policy HOX 11 meets the Basic Conditions.

132. Paragraph 5.3 refers to the JLP. This should be referred to as the 'draft' JLP (November 2020). **I see this as a minor editing matter.**
133. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HOX 11 to read as follows:**

POLICY HOX 11

Affordable Housing Provision

Residential development sites allocated in this Plan should provide for a contribution of about 35% affordable homes. About 71% of these affordable homes should be rented and about 29% should be through routes to home ownership, unless the latest publicly available evidence of housing need information for the Plan area suggests otherwise.

Affordable homes should be integrated within the development.

Policy HOX 12 – House Types and Sizes

134. As mentioned above, the NPPF states that the needs of groups with specific housing requirements need to be addressed.
135. Core Strategy Policy CS9 seeks to ensure a mix of housing types, sizes and affordability to cater for different accommodation needs.
136. Policy HOX 12 specifies a percentage mix of new dwellings, which can be justified by background evidence outlined in the *Hoxne Housing Needs Assessment* (November 2020). The policy allows for flexibility regarding site circumstances and identified need.
137. For the same reasons as explained under Policy HOX 9, the provision of dwellings built to M4(2) standards cannot be required. Therefore, I have suggested revised wording for Policy HOX 12 and paragraph 5.4.
138. Subject to the above modifications, Policy HOX 12 has regard to national policy, contributes towards sustainable development, particularly the social

objective, and is in general conformity with strategic policy. Modified Policy HOX 12 meets the Basic Conditions.

139. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to the last paragraph in Policy HOX 12 to read as follows:

Some homes suitable for older people should be provided in the form of bungalows or adaptable and accessible homes. Dwellings built to current Approved Document M4(2) standards will be supported.

2) modification to the last sentence in paragraph 5.4 to read as follows:

However, it does seek to ensure some new provision, about 14 homes, is suitable for older people as adaptable and accessible homes and through the allocation of smaller units and bungalows.

Policy HOX 13– Shreeves Farm

140. Policy HOX 13 allocates a site at Shreeves Farm for 38 dwellings. The Plan has to be read as a whole. Policies HOX 11 and HOX 12 already refer to affordable housing and housing types and sizes. The specific mix of dwelling types in Policy HOX 13 does not accord with Policy HOX 12, where that policy allows for flexibility. In addition, as I have suggested revised wording for Policy HOX 11, this would now conflict with Policy HOX 13. Therefore, to avoid internal conflict in the Plan, in the interest of precision, I suggest the deletion of the mix of dwellings from Policy HOX 13, other than the number of homes being suitable for older people and suggest revised wording regarding affordable housing provision.
141. The *Hoxne Neighbourhood Plan Design Code* includes a Masterplan Study for both allocated sites. It identifies constraints, issues and opportunities, from which it has produced a Concept Masterplan. Policy HOX 13 requires the development of Shreeves Farm to accord with the Design Codes and the indicative Masterplan. The *Hoxne Neighbourhood Plan Design Code (October 2021)* is not a policy document. Therefore, in the interest of precision, Policy HOX 13 should refer to the need to take account of this document, rather than accord with it. I have suggested revised wording, including, in the interest of precision, referring to the masterplan as the Concept Masterplan as titled in the Design Code.
142. The Concept Masterplan suggests the provision of 35 dwellings on the site, rather than the 38 proposed in Policy HOX 13. Clearly, without technical information with regard to any possible site-specific constraints it may be that sustainable development can be achieved above or below the maximum of 38 dwellings. Therefore, to contribute towards sustainable development, I suggest that the figure of 38 dwellings is expressed as an approximate number.

143. As regards viability and deliverability, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
144. I am satisfied, as far as I can reasonably be expected to be that the background evidence justifies the developer contributions required in Policy HOX 13. The landowners have indicated that they have worked positively with the Working Group throughout the production of the Plan to ensure the development will be a beneficial, sustainable, enduring and attractive addition to the village. Therefore, I am satisfied, as far as I can reasonably be expected to be that the development is viable and deliverable.
145. Subject to the above modifications, Policy HOX 13 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Modified Policy HOX 13 meets the Basic Conditions.
146. Policy HOX 13 and Policy HOX 14 both refer to Figure 10. This was missing from the Plan. On request, the Parish Council has provided a copy of Figure 10. I will address the rest of Policy HOX 14 below but, with regard to Figure 10, this and the Policies Map and Inset Policies Maps all refer to the site allocated in Policy HOX 14 as the PL2 site. As it is known in the Plan as 'Land between Denham Low Road and Hoxne Playing Field', all these maps should alter their keys accordingly. In the interest of clarity, Figure 10, with the suggested key amendment should be included in the Plan.
147. Paragraphs 5.5 and 5.8 refer to the JLP. MSDC has suggested revised wording. Paragraph 5.5 to read: this Plan allocates two sites for development in the Heckfield Green area. One, also identified in the November 202 Draft Joint Local Plan, is at Shreeves Farm and the other is a site between Denham Low Road and the Playing field. The first sentence in Paragraph 5.8 to read: the majority of this site was also allocated in the Draft Babergh and Mid Suffolk Joint Local Plan for about 30 homes, **I see these as minor editing matters.**
148. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy HOX 13 to read as follows:**
- POLICY HOX 13**
- Shreeves Farm**
- Land at Shreeves Farm (2.23 hectares), identified in Figure 10 and on the Policies Map, is allocated for the development of approximately 38 homes. About 7 of these homes should be suitable for older people such as bungalows or adaptable and accessible homes.**

About 35% of the dwellings should be affordable homes for sale or rent to be provided in accordance with Policy HOX 11 or the latest available evidence of need and should not necessarily be restricted to the smaller bedroom types. They should also be designed so that they are ‘tenure’ blind and, be distributed around the site and not concentrated in any one area.

Development of the site should take account of the Hoxne Neighbourhood Plan Design Code (October 2021), including the indicative Concept Masterplan.

Provision of 0.12 hectares of land should be safeguarded to allow for future building extension, additional playing area and additional parking for the Primary School, if required.

The development should provide a footway link and associated necessary highway improvements on Denham Low Road including improved footway and crossing facilities at the Primary School, either independently or in conjunction with the Denham Low Road site (Policy HOX 14).

Substantial planting will be required to screen the development from views from the South.

Two green spaces should be included with the design replicating The Green at Low Street in character.

A programme of archaeological investigation is likely to be required prior to the development commencing.

2) the inclusion of Figure 10 in the Plan. This was enclosed with an email from the Parish Council’s consultant dated 13 April 2023. Figure 10, the Policies Map and Inset Policies Maps should amend their keys to refer to ‘Land between Denham Low Road and Hoxne Playing Field’, rather than the PL2 site.

Policy HOX 14 – Land between Denham Low Road and Hoxne Playing Field

149. For the same reasons as outlined under Policy HOX 13, I suggest modification to the first three paragraphs in Policy HOX 14.
150. As regards viability and deliverability, I note that the landowners have engaged with the Parish Council to promote a high quality development for this site. I am satisfied, as far as I can reasonably be expected to be that the background evidence justifies the developer contributions required in Policy

HOX 14. I am satisfied, as far as I can reasonably be expected to be that the development is viable and deliverable.

151. The penultimate paragraph in Policy HOX 14 duplicates the requirements in the fourth paragraph and thus, in the interest of clarity should be deleted.
152. Subject to the above modifications, Policy HOX 14 has regard to national policy, contributes towards sustainable development, particularly the social objective, and is in general conformity with strategic policy. Modified Policy HOX 14 meets the Basic Conditions.
153. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HOX 14 to read as follows:**

POLICY HOX 14

Land between Denham Low Road and Hoxne Playing Field

Land between Denham Low Road and Hoxne Playing Field (0.81 hectares) identified in Figure 10 and on the Policies Map is allocated for the development of approximately 15 homes of which at least 7 homes should be suitable for older people such as bungalows or adaptable and accessible homes.

About 35% of the dwellings should be affordable homes for sale or rent to be provided in accordance with Policy HOX 11 or the latest available evidence of need and should not necessarily be restricted to the smaller bedroom types. They should also be designed so that they are ‘tenure’ blind and, be distributed around the site and not concentrated in any one area.

Development of the site should take account of the Hoxne Neighbourhood Plan Design Code (October 2021), including the indicative Concept Masterplan.

The development should provide a footway link and associated necessary highway improvements on Denham Low Road including improved footway and crossing facilities at the Primary School, either independently or in conjunction with the Shreeves Farm site (Policy HOX 13).

Provision should be made for access to the Playing Field, parking for the playing field and for a multi-use games area.

A programme of archaeological investigation is likely to be required prior to the development commencing.

Policy HOX 15 – Abbey Farm Business Site

154. The NPPF supports a prosperous rural economy. Paragraph 84 states:
Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*
155. Core Strategy Focused Review Policy FC 3 directs the majority of new employment to the towns and Key Service Centres. It supports the expansion, upgrading and intensification of employment uses on allocated sites where this is likely to meet the needs of business with least environmental and social impact.
156. Policy HOX 15 supports the retention of the existing employment site at Abbey Farm, recognising the location close to Scheduled Ancient Monuments and the need to protect residential amenity.
157. Policy HOX 15 has regard to national policy, contributes towards sustainable development, particularly the economic objective, and is in general conformity with strategic policy. Policy HOX 15 meets the Basic Conditions.

Policy HOX 16 – Public Rights of Way

158. Paragraph 100 in the NPPF states: planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.
159. Core Strategy Policy CS6, amongst other matters, seeks to reduce the need to travel and make safer and easier access by walking and cycling.
160. Policy HOX 16 seeks to protect and improve the public rights of way network. As such, it has regard to national policy, contributes towards sustainable development, particularly the social and environmental objectives, and is in general conformity with strategic policy. Policy HOX 16 meets the Basic Conditions.

161. Section 6 of the Plan includes two Community Policies, which are distinct from the development and land use policies. Community Policy B should refer to Figure 11, rather than Figure 10. Paragraph 6.2 should refer to Policies HOX 13 and 14 rather than Hoxne 13 and 14. The 'too' in Policy HOX 16 should be 'to'. **I see these as minor editing matters.**

Policy HOX 17 – Infrastructure Requirements

162. As stated under Policy HOX 13 , developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
163. Core Strategy Policy CS6, amongst other matters, expects new development to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development.
164. Policy HOX 17 requires the allocated sites to contribute to the infrastructure requirements of the Parish. However, as explained above, such requirements need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Policies HOX 13 and HOX 14 specify developer contributions for the allocated sites, and this open-ended Policy HOX 17 does not have regard to national policy, nor is it in general conformity with strategic policy. Therefore, I recommend the deletion of this policy. This does not prevent any Community Infrastructure Levy contributions from being spent on infrastructure requirements.
165. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy HOX 17.**

Referendum and the Hoxne Neighbourhood Development Plan Area

166. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

167. **I am pleased to recommend that the Hoxne Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**
168. I am required to consider whether or not the Referendum Area should extend beyond the Hoxne Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Minor Modifications

169. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan. In particular, on page 8 the word 'this' should be removed from the paragraph referring to Supporting Document 2A.

Janet Cheesley

Date 23 June 2023

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2021)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
Joint Babergh and Mid Suffolk District Council Landscape Guidance (August 2015)
The Saved Policies in the Mid Suffolk Local Plan (1998)
The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006)
The Mid Suffolk Core Strategy Development Plan Document (2008)
The Mid Suffolk Core Strategy Focused Review (2012)
Babergh and Mid Suffolk District Council Consolidated Modifications Draft Joint Local Plan (March 2023)
Regulation 16 Representations
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the MSDC web site)