

Mendlesham Neighbourhood Plan 2018 – 2037 (the Modification Draft Plan)

Record of Independent Examination Correspondence

First published: 22 October 2021

Last updated: 24 May 2022

Introduction

This document will provide an on-going record of all relevant correspondence between the examiner of the Mendlesham Neighbourhood Plan (Janet Cheesley), the Parish Council / NP Working Group, and Mid Suffolk District Council.

As required, specific documents will continue to be published on our Mendlesham NP webpage: www.midsuffolk.gov.uk/MendleshamNP

Copies of e-mails / letters appearing on the following pages:

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2. E-mail exchange on 12 November 2021 confirming the suspension of this examination until further notice.
3. E-mail exchange with Examiner dated 6 and 14 March 2022 - Update on SEA & Consultation Statement matters.
4. E-mail to Examiner dated 29 April 2022 - Copy of representations on examination issues
5. E-mail from Examiner dated 9 May 2022 - Confirmation of resumption of examination and questions for the Parish Council.
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7. E-mail to Examiner dated 24 May 2022 – Parish Council response to questions from 9 May re Policy MP9 and Site 12

1. E-mail from Examiner dated 20 October 2021 - High Level Assessment of the MNDP, recommendation to suspend the examination, and initial response from the Parish Council

Dated: 20 October 2021
From: Janet Cheesley
To: Paul Bryant (BMSDC), Mendlesham Parish Council, Terry Moore
Subject: Revised Mendlesham Neighbourhood Plan Examination

Paragraph 1.10.5. in Part 2 of the *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners* advises that:

the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.

I have undertaken an initial high-level assessment and unfortunately I have identified a fatal flaw with the Strategic Environmental Assessment and have identified that the Consultation Statement does not meet the necessary regulations.

- 1) The Mendlesham Neighbourhood Development Plan (MNDP): Submission Version Strategic Environmental Assessment (SEA): Scoping & Environmental Report – August 2020 does not meet the requirements of the Regulations set out in regulations 9(2)(b) and 12(5) of the Environmental Assessment of Plans and Programmes Regulations 2004. These refer to consulting the statutory consultation bodies at two early stages.

Unfortunately this requires the SEA process to be revisited to meet these Regulation requirements.

I would like to give the Parish Council the opportunity to submit revised SEA documents that comply with the Regulations.

- 2) Regulation 15 (2) in the Neighbourhood Planning (General) Regulations 2012 (as amended) states the requirements for the Consultation Statement submitted by the qualifying body. This is as follows:

15 (2) In this regulation “consultation statement” means a document which —

- (a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan or neighbourhood development plan as proposed to be modified.

The Consultation Statement Document submitted with the Revised Parish of Mendlesham Neighbourhood Development Plan does not include the necessary information regarding consultation on the pre-submission draft of the revised Plan as required under regulation 15(2)a and 15(2)b.

I would like to give the Parish Council the opportunity to submit a revised Consultation Statement that fully complies with Regulation 15(2) a and b.

Unfortunately these requirements will mean that the revised Plan and accompanying documents will have to be subject to further consultation. This may only be a further Regulation 16 consultation period rather than a Regulation 14 consultation period but this decision will depend on the SEA outcome. In these circumstances I would like to suspend the examination.

I realise that this is an important consideration for the local community. I would like to give the Parish Council 7 days from receipt of this email to respond. I am asking for confirmation that the SEA will be revisited and the Consultation Statement amended. In addition I am asking the Parish Council to accept a suspension of the examination. If further time is required, for example to coincide with a Parish meeting, please let me know.

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

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

Kind Regards
Janet Cheesley

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Dated: 21 October 2021
From: Mendlesham Parish Council
To: Janet Cheesley
Cc: Paul Bryant (BMSDC), , Terry Moore
Subject: Re: Revised Mendlesham Neighbourhood Plan Examination

Dear Janet,

On behalf of Mendlesham Parish Council and the MNP Advisory Committee, I acknowledge receipt of your email.

Our next scheduled Parish Council meeting is not until 10th November, would it be possible to come back to you after then, maybe by the 12th November rather than in 7 days if we are not able to come back to you in the meantime?

Perhaps you will confirm either way.

Thank you

Sharon Jones
Parish Clerk for Mendlesham Parish Council

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Dated: 21 October 2021
From: Janet Cheesley
To: Mendlesham Parish Council
Cc: Paul Bryant (BMSDC), Terry Moore
Subject: Re: Revised Mendlesham Neighbourhood Plan Examination

Yes that would be fine.

Regards
Janet Cheesley

2. E-mail exchange on 12 November 2021 confirming the suspension of this examination until further notice.

Dated: 12 November 2021
From: Mendlesham Parish Council
To: Janet Cheesley
Cc: Paul Bryant (BMSDC), Terry Moore
Subject: Re: Revised Mendlesham Neighbourhood Plan Examination

Dear Janet and Paul.

Revised Mendlesham Neighbourhood Plan Examination.

Further to Janet's email of 20th October, at a meeting held Wednesday 10th November 2021 Mendlesham Parish Council unanimously confirmed:

1. To agree to suspend the examination. (Janet, thank you for providing us with the opportunity for us to be able to do this.)
2. Appointed Place Services to produce a Screening Report by the 19th of November at the latest, to then permit the required SEA consultation.
3. Submit a Revised Consultation Document.

It has also been noted that there will need to be changes to location and wording within the main NP document with regard to the site at Mendlesham Green.

I hope this provides the required confirmation, but please do not hesitate to advise accordingly as required.

Many thanks

Sharon Jones
Parish Clerk for Mendlesham Parish Council

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Dated: 12 November 2021
From: Janet Cheesley
To: Mendlesham Parish Council
Cc: Paul Bryant (BMSDC), Terry Moore
Subject: Re: Revised Mendlesham Neighbourhood Plan Examination

Thank you for this email.

I confirm that the examination is suspended until further notice.

Should the further work require a further full Regulation 16 consultation, the Basic Conditions Statement will need to be updated to refer to the revised National Planning Policy Framework of July 2021.

Kind Regards
Janet Cheesley

3. E-mail exchange with Examiner dated 6 and 14 March 2022 - Update on SEA & Consultation Statement matters.

Dated: 6 March 2022
From: Paul Bryant (BMSDC), Mendlesham Parish Council
To: Janet Cheesley
Cc: Terry Moore, Mike Exley, Mendlesham Parish Council
Subject: Mendlesham NP – Update on SEA & Consultation Statement matters
Attached: [See documents listed in main e-mail text below]

Dear Janet, (All)

We owe both you and the Parish Council an update on actions being taken to address the reasons for suspension of examination of the modification draft Mendlesham N'hood Plan (the MNP). Our apologies also for letting this slip.

SEA Screening & Consultation with Stat Bodies

You had identified that consultation with the statutory bodies on SEA matters had not been carried out correctly. After first established that this was the case, the Parish Council commissioned Place Services to prepare an 'SEA Screening Report.' That was completed in Nov 2021 but was not sent by us to the three bodies (the Environment Agency, Historic England, and Natural England) until 27 Jan 2022. Our accompanying letter explained what had happened and asked two questions: (1) *Do you agree that SEA was required?* and (2) *'Based on all the information available to you, are you satisfied that all appropriate areas of concern have been addressed?'*

No response has been forthcoming from the Environment Agency, but we have received replies from both Historic England and Natural England. Both agree that (1) SEA was required and (2) that all areas of concern have been addressed.

For everyone's attention, we now attach:

1. [The SEA Screening Report \(Nov. 2021\)](#), prepared by Place Services
2. [Our Letter to the Stat' Bodies dated 27 Jan 2022 and the response from Natural England, dated 18 Feb 2022 and Historic England, dated 24 Feb 2022](#)

In combination, we trust that these and the already published SEA documents address the first reason for suspending examination of the MNP. We will also make all these documents available on our Mendlesham NP [webpage](#) as soon as possible.

Consultation Statement

You also identified that there was a fault with the published Consultation Statement (May 2021). Working with the Parish Council, it was decided to use the opportunity to not only address the error (the missing list Reg 14 consultees) but to also make the documents content more specific and relevant to the modification draft MNP.

A copy of the now updated [Consultation Statement \(Nov 21\)](#) is attached but we have yet to consult on this. If this should have been done sooner we apologise and will seek to rectify that as soon as possible.

If we have overlooked anything on either the SEA issue or the Consultation Statement issue, your further guidance would be appreciated. Otherwise, we will be in contact again after we have invited comments from all interested parties in both matters.

Yours sincerely

Paul Bryant
Neighbourhood Planning Officer | BMSDC

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Dated: 14 March 2022
From: Janet Cheesley
To: Paul Bryant (BMSDC),
Cc: Terry Moore, Mike Exley, Mendlesham Parish Council
Subject: Re: Mendlesham NP - Update on SEA & Consultation Statement matters

Paul

Thank you for this update. As the SEA main report did not need amending, I see the sensible course of action to be for a further 6 week period of consultation restricted to the revised Consultation Statement and SEA Screening Report.

Kind Regards
Janet Cheesley

4. E-mail to Examiner dated 29 April 2022 - Copy of representations on examination issues

Dated: 29 April 2022
From: Paul Bryant (BMSDC),
To: Janet Cheesley

Dear Janet

You will recall that we have been consulting on the documents prepared to resolve the two issues that caused you to suspend your examination of the modification draft Mendlesham N'hood Plan. That consultation closed this afternoon.

Only seven representations were received:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Mendlesham-NP-Mod-Exam-Issue-Reps.pdf>

All bar one read as 'no further comment' responses. The exception comprises two separate but connected e-mails from Mr Stiff, a Mendlesham resident, whose concerns relate to traffic/highways matters and to consultation related matters.

I have just sent the same PDF file to the NP Group (specifically to Terry Moore, Mike Exley and Sharon Jones, the parish clerk), and asked on your behalf if they would like to respond to the comments from Mr Stiff, which I suspect they will want to do. I've also asked if that could be done asap and preferably by no later than Fri 20 May. I trust that this arrangement is acceptable.

Kind regards,

Paul Bryant
N'hood Planning Officer | BMSDC

5. E-mail from Examiner dated 9 May 2022 - Confirmation of resumption of examination and questions for the Parish Council.

Dated: 9 May 2022
From: Janet Cheesley
To: Paul Bryant (BMSDC), Terry Moore, Mendlesham Parish Council
Attach: [npiers-planning-guidance-to-service-users-and-examiners-rics.pdf](#)

Dear ...

Having received the updated documents and consultation responses, I have resumed the examination of the Neighbourhood Plan.

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

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

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

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

I enclose the NPIERS Guidance to Service Users and Examiners, which may be of interest regarding the examination process. [\[MSDC note: See weblink provided at top of this page\].](#)

Cont./

I confirm that I have received the documents from Mid Suffolk District Council, including the Regulation 16 representations. I understand that Paul has given the Parish Council the opportunity to comment on these representations. I must emphasise that the Parish Council is not obliged to make comments and I am not inviting new evidence. I will take any comments into consideration when I receive them, which I understand will be by 20 May.

I have visited the Parish and seen everything I need to see. As part of the examination, I am able to ask for clarification. I refer to comments made by Mid Suffolk District Council regarding Policy MP9 (Local Green Spaces) (LGS). The Allotments at Mendlesham Green are currently identified as LGS in the made neighbourhood plan. Policy MP9 continues to list the allotments as LGS. Figure 6.5 identifies two other sites as LGS. For ease, I will refer to them as the site to the north of the allotments and the Scouts site (there was a Scouts sign on the gate at the time of my visit). Neither of these sites are listed in Policy MP9 as LGS. In addition, Figure 2.3 identifies a site - site 12 as a community asset. It is not clear if that community asset is a LGS. Again, this is not listed in Policy MP9. I understand that site 12 is proposed as the Community Land Trust (CLT) site. Figure 2.3 locates site 12 within a new settlement boundary for Mendlesham.

Whilst the Parish Council has responded to the concerns of Mid Suffolk District Council, I am seeking further clarification from the Parish Council as to whether my understanding is correct.

As I understand the situation, the only one of the above sites designated as LGS is the allotments site currently designated as such in the existing made neighbourhood plan. The site to the north of the allotments and the Scouts site are not allotments. They are not listed in Policy MP9 and as they are not allotments, I cannot see how they can be considered as extensions to the allotments LGS.

Site 12 is not identified as LGS in Policy MP9 or on Figure 6.5 and is not an allotment so cannot be considered as an extension to the existing allotments site. Therefore, this is not LGS. As this is proposed as a rural exception site for a CLT development, it should not be within the proposed settlement boundary. If my understanding is correct, I need to be provided with a revised settlement boundary for Mendlesham Green. Only if the site is not a LGS and is outside the settlement boundary can there be a separate non-policy section included in the Plan regarding the aspiration to deliver a CLT scheme on this site.

Please can this email be placed on the District Council's website. If there is future correspondence regarding matters of clarification, I will ask for those to be similarly made available.

If this has not already happened, please can it be mentioned on the District Council's website that I have started the examination.

Regards

Janet Cheesley

[Ends]

6. E-mail from Examiner dated 9 May 2022 – Questions for Mid Suffolk DC and response to these dated 18 May 2022

Dated: 9 May 2022
From: Janet Cheesley
To: Paul Bryant (BMSDC),

Dear Paul

As part of the examination of the Plan I am seeking further clarification.

Mid Suffolk District Council has suggested an addition to Policy MP1 with regard to contributions towards education, healthcare and waste recycling associated with any development of Land South of Glebe Way. My question is whether the Council intended for the Policy to seek such contributions from any residential development, or only from this site?

Secondly, please can I have a link to Mid Suffolk District Council's latest Housing Allocations Policy.

Regards
Janet Cheesley

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Dated: 18 May 2022
From: Paul Bryant (BMSDC),
To: Janet Cheesley
Cc: *Terry Moore, Mike Exley, Mendlesham Parish Council*

Dear Janet

Thank you for your e-mail dated 9 May, and apologies for the delay in responding.

Additional criteria to Policy MP1 Glebe Way allocation:

While recognising that contributions towards infrastructure costs can be sought from any new residential development proposal, our suggestion that the Land South of Glebe Way allocation in the Policy MP1 include a specific reference to contributions towards education etc., was intended to mirror similar criteria set out under our allocation reference LA073 in the November 2020 Joint Local Plan.

A similar 'mirror' approach had been applied to a site allocation made in the Copdock & Washbrook Neighbourhood Plan (CWNP). Recognising that there were differences in the allocation criteria for this site in the CWNP when compared with the same allocation in our emerging Joint Local Plan (Nov 2020), the examiner sought to reconcile those differences and explained that this was to ensure that if one policy survived and the other did not (meaning the JLP allocation) this contribution requirement and the other modifications made would allow the CWNP policy to stand on its own two feet.

Cont./

Housing Allocations Policy

Working with other authorities, Mid Suffolk are part of Gateway to Homechoice - a choice based lettings system where social housing properties are advertised in the local authority areas of Babergh, Braintree, Colchester, East Suffolk, Ipswich, Maldon and Mid Suffolk. The most up-to-date Allocations Policy (September 2021) can be found online at:

<https://www.gatewaytohomechoice.org.uk/content/Information/AllocationsPolicy2021>

I trust this covers everything. I will also arrange for your questions and this responses to added to the Exam Correspondence document.

Kind regards

Paul Bryant
N'hood Planning Officer | BSMDC

[Ends]

7. E-mail to Examiner dated 24 May 2022 – Parish Council response to questions from 9 May re Policy MP9 and Site 12

Dated: 24 May 2022
From: Mendlesham PC (fwd by BMSDC)
To: Janet Cheesley
Attach: Fig 2.3 Mendlesham Green growth sites (new) May 2022 [MSDC note: See copy reproduced on next page]

Dear Janet

FYI, please see e-mail below and attached file received from Mendlesham PC in response to your questions about policy MP9 and Site 12.

Kind regards

Paul Bryant
N'hood Planning Officer | BMSDC

Dear Janet

Your e-mail of 9th May, which seeks clarification on the local green space designations in Policy MP9, refers.

The parish council own several parcels of land in and around Mendlesham Green. They include the allotment site you saw on your visit and which we identified as a local green space in Fig 6.5 of our adopted neighbourhood plan. The two sites that were added to Fig 6.5 in our modification draft plan (which you refer to as 'the site to the north of the allotments' and 'the Scouts site') have also historically been associated with allotment use but are not being used as such now. To avoid confusion, we propose that Policy MP9 continue to refer to the 'Allotments at Mendlesham Green' but that Fig 6.5 revert back to the one used in the existing made neighbourhood plan.

You also asked us about Site 12. As requested, we have amended Fig 2.3 to show a revised settlement boundary map for Mendlesham Green. This follows the proposed boundary in the Joint Local Plan.

We hope this answers your queries.

Sharon Jones
Parish Clerk for Mendlesham Parish Council

Fig 2.3 Mendlesham Green growth sites (new) May 2022

