

**Parish Of Mendlesham  
Neighbourhood Development Plan  
2018 – 2037  
Submission Modification Draft**

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

**Janet L Cheesley BA (Hons) DipTP MRTPI**

**CHEC Planning Ltd**

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## Summary and Conclusion

1. The Parish of Mendlesham Neighbourhood Development Plan has a clear vision for the Parish, which is supported by social, environmental and business and economic objectives.
2. The emerging Joint Local Plan minimum housing requirement figure for Mendlesham Parish is 161 dwellings. 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. Outstanding commitments together with the site allocations in Policy MP1 exceed the minimum indicative figure requirement of 161 dwellings.
3. I have recommended modification to some of the policies in the Plan. 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 Parish of Mendlesham Neighbourhood Development Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Parish of Mendlesham Neighbourhood Development Plan, as modified by my recommendations, should proceed to Referendum.**

## Introduction

5. On 17 June 2013 Mid Suffolk District Council (MSDC) approved that the Mendlesham Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Mendlesham.
6. The Parish of Mendlesham Neighbourhood Development Plan 2016 - 2031 was made in March 2017. I had the pleasure of examining that Plan in 2016.
7. The qualifying body is Mendlesham Parish Council. The Submission Modified Draft Plan has been prepared by a Neighbourhood Plan Committee on behalf of the Parish Council. The Plan covers the period 2018 to 2037. This is an extension to the end date of the original plan, which was 2031.
8. I was appointed as an independent Examiner for the Parish of Mendlesham Neighbourhood Development Plan Modification in July 2021. 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**

9. Local communities with made neighbourhood plans can modify their plans at any time, although they are not required to do so. The nature of any proposed modifications will affect the process that the neighbourhood plan will need to go through when being reviewed.
10. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 makes provision for the modification of neighbourhood plans.
11. National Planning Practice Guidance (PPG) Paragraph 106 (Reference ID: 41-106-20190509) explains that there are three types of modification which can be made to a neighbourhood plan' and that the process will depend on the degree of change which the modification involves. These are:
  - Minor (non-material) modifications to a neighbourhood plan are those which would not materially affect the policies in the plan.
  - Material modifications which do not change the nature of the plan would require examination but not a referendum.
  - Material modifications which are so significant or substantial as to change the nature of the plan which the modification proposal would modify.
12. The qualifying body and local authority need to state whether they believe the modifications are so significant or substantial as to change the nature of the plan and provide the reasons why.
13. Where material modifications do change the nature of the plan, the local planning authority would publicise and consider the examiner's report in line with the procedure for making a new neighbourhood plan. A decision may be made whether to proceed to referendum so that, if the referendum is successful, the neighbourhood plan becomes part of the development plan. (PPG 085a Reference ID: 41-085a-20180222).
14. Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority. (PPG Paragraph: 086 Reference ID: 41-086-20190509).

15. In a Modification Proposal Regulation 14 Statement, the Parish Council as Qualifying Body considered that because the modification proposal provides for an increased number of dwellings to be developed in the plan period and identifies sites for development both through a new policy and on the Proposals Map, the modification is so significant and substantial as to change the nature of the existing made Mendlesham Neighbourhood Development Plan.

16. MSDC has made the following determination in accordance with Regulation 17(e)(ii) of the Neighbourhood Planning (General) Regulations 2012 (as amended):

*The Mendlesham Neighbourhood Plan was first made (adopted) by Mid Suffolk District Council in March 2017 and covered the period to 2031. It is now undergoing modification. The submission draft 'Mendlesham Neighbourhood Plan 2018 - 2037' (dated May 2021) now includes housing site allocations and increases the number of homes planned for. The opportunity has also been taken by the Parish Council to review and make small amendments to a number of other policies within the Plan. Given that the adopted Plan did not set out any housing allocations, Mid Suffolk District Council are of the opinion that 'this alone is a material modification which does change the nature of the plan' and that 'the plan will require examination and [subject to the examiner's recommendations], it should require a local referendum.'*

17. I am required to determine whether the modifications change the nature of the Plan. I have taken into consideration the nature of the existing plan, alongside representations and the statements on the matters made by the qualifying body and the local planning authority. In this particular instance, the modifications propose housing allocations and the made plan does not. The made plan has an end date to 2031 and the modifications propose extending the end date together with increasing the number of dwellings proposed. All these matters combined have led me to conclude that these are material modifications which are so substantial as to change the nature of the plan. I informed the Parish Council of my conclusion. The Parish Council confirmed that it wished to proceed with the examination.

18. 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.

19. 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.

20. *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).”*

21. 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.

22. 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)**

23. 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).
24. *The Mendlesham Neighbourhood Development Plan (MNDP): Submission Version Strategic Environmental Assessment (SEA): Scoping & Environmental Report – August 2020* was prepared by Place Services. A non-technical summary accompanied the Report.
25. The Report screened in the modified Plan for a Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC due to the modified Plan allocating sites prior to their assessment within the Joint Local Plan Sustainability Appraisal and alongside reasonable alternatives and the need for any significant effects on the environment resulting from them to be identified.
26. The Report identifies a list of 16 SEA objectives for the modified Plan as a starting point for the SEA Framework. Each policy in the Plan has been assessed against the SEA objectives. The SEA appraised options for residential development and considered reasonable alternatives taking into account the objectives and the geographical scope of the plan. In addition, it considered cumulative impacts.
27. Residential sites were identified by the qualifying body and also from MSDC's emerging Joint Local Plan evidence base documents, principally the Strategic Housing and Economic Land Availability Assessment (SHELAA). A number of sites were identified within the Parish boundary through the SHELAA process, as informed by a District-wide call-for-sites undertaken for the emerging Joint Local Plan process. A number of additional sites were identified through discussions with local landowners, some of which had not been submitted for consideration at the District level.
28. An Addendum Report was published in January 2021. This Addendum accompanied the SEA Environmental Report of August 2020, factoring in changes made to the MNDP since an independent 'health check' on the Plan was undertaken.



29. On 20 October 2021 I wrote to the Parish Council and MSDC explaining that I had undertaken an initial high - level assessment and unfortunately I had identified a fatal flaw with the Strategic Environmental Assessment.
30. I had found that *The Mendlesham Neighbourhood Development Plan (MNDP): Submission Version Strategic Environmental Assessment (SEA): Scoping & Environmental Report – August 2020* did 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. This required the SEA process to be revisited to meet these Regulation requirements. I gave the Parish Council the opportunity to submit revised SEA documents that comply with the Regulations.
31. Place Services prepared *the Mendlesham Neighbourhood Development Plan (MNDP) Strategic Environmental Assessment (SEA) Screening Report* in Nov 2021. The report concludes that: *the Mendlesham Neighbourhood Development Plan can therefore be screened in for its requirement of SEA in line with the requirements of Directive 2001/42/EC.* This was sent to the statutory consultees on 27 Jan 2022. MSDC enclosed a letter explaining what had happened and asked the following two questions:
- Do you agree with the conclusion reached in the ‘SEA Screening Report (Nov 2021)’ that “the Mendlesham Neighbourhood Development Plan can therefore be screened in for its requirement of SEA in line with the requirements of Directive 2001/42/EC.”?*
- Assuming that your answer to Q1 is ‘yes’, that then directs us to ask the following:*
- Q2: Based on all the information now presented to you meaning the Screening Report (Nov 2021) and the previously published ‘SEA Scoping & Environmental Report (Aug 2020)’, the ‘SEA Non-technical Summary (Aug 2020)’ and the ‘SEA Addendum Report (Jan 2021)’ are you satisfied that, in combination, these adequately identify and address all appropriate areas of concern?*
32. No response was forthcoming from the Environment Agency, but replies were received from both Historic England and Natural England. Both agree that (1) SEA was required and (2) that all areas of concern have been addressed. The report was subject to public consultation between 15 March 2022 and 29 April 2022. I do not consider that anyone was prejudiced by this approach.
33. I have taken a pragmatic approach to the requirement of the SEA process to meet the Regulations. 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 objectives and geographical scope of the neighbourhood plan.

34. As regards HRA, *the Mendlesham Neighbourhood Development Plan 2016 - 2036: Modification Draft v4.4 (May 2020), Habitats Regulations Assessment (HRA): Screening Report* was prepared by Place Services in July 2020.
35. The report concludes: *Subject to Natural England's review, this HRA Screening Report concludes that the modification draft 4.4 Mendlesham Neighbourhood Development Plan is not predicted to have any Likely Significant Effect on any Habitats site, either alone or in combination with other plans and projects. The content of the modification draft Mendlesham Neighbourhood Development Plan v4.4.(May 2020) has therefore been screened out for any further assessment and Mid Suffolk DC can demonstrate its compliance with the Conservation of Habitats and Species Regulations 2017 (as amended).*
36. MSDC prepared a *Habitats Regulations Screening Determination* in September 2020. The determination concludes: *In the light of the Screening Report prepared by Place Services and the information contained within Natural England's automated response, it is determined that the Mendlesham Neighbourhood Plan modification draft does not require further assessment under the Habitats Regulations 2017.*
37. 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).
38. 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**

39. The Government published a revised *National Planning Policy Framework (NPPF)* in July 2021, which 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.
40. I have examined the Plan against policies in this revised NPPF. As the Plan was prepared under the 2019 NPPF, MSDC extended the Regulation 16 consultation period by a further two - week consultation period inviting

comments on the effect of the revised NPPF on how the Plan meets the Basic Conditions.

41. The current made Plan was examined against the policies in the NPPF 2012. Even where the original policies have not been modified, it is necessary for the modified plan, the subject of this examination, to be examined against the new NPPF 2021. For clarification, my examination has considered the entirety of the modified Plan and has not been confined to those parts of the modified Plan which contain modifications to the made Plan.
42. 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.*
43. Mendlesham Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Parish of Mendlesham 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). The current made Plan was examined against these policies.
44. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.

45. MSDC with Babergh District Council published a new Joint Local Plan Pre-Submission (JLP) (Regulation 19) Consultation Document for public consultation in November 2020. This covers the period to 2037. It was submitted for examination in March 2021. The modified plan was prepared alongside the emerging Joint Local Plan Pre-Submission (Regulation 19) Document.

## **The Neighbourhood Development Plan Preparation**

46. 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 and The Neighbourhood Planning (General and Development Management procedure (Amendment) Regulations 2017.
47. Consultation on the existing made Plan started in 2012 and included consultation with local residents and businesses. The Plan was formally made in March 2017. In June 2017 the Parish Council agreed to produce an update of the Mendlesham Neighbourhood Plan.
48. In October 2017 consultation was held with local residents over additional potential development sites. Two drop-in sessions were arranged, one in the local school and the other in a local meeting room in the heart of the village. At both sessions residents were able to leave short notes on any aspects of the sites that were put forward.
49. The consultation period on the pre-submission modified draft of the Plan ran between 15 February and 12 April 2021. Unfortunately, the Consultation Statement submitted with the modified Plan did not include all the necessary information required in Regulation 15(2)(a) and (b) of The Neighbourhood Planning (General) Regulations 2012 (amended). To rectify the situation, a revised Consultation Statement (November 2021) was prepared. MSDC publicised the revised Consultation Statement as part of the documents for a further consultation period from 15 March to 29 April 2022. I do not consider that anyone was prejudiced by this approach.
50. During the consultation period on the pre-submission draft of the Plan two banners advertising the consultation were placed at central positions in Mendlesham Village and Mendlesham Green. Notifications were also sent via e-mail to external parties who may be affected by the proposals.
51. Since 2017 Mendlesham Parish residents have been kept informed of progress through the local e-News system, on local notice boards and the local parish newsletter.

52. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (amended). It is clear that the qualifying body ensured that local residents were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to continue with the preparation of the Plan during the challenging pandemic period.
53. MSDC publicised the submission draft modified Plan for comment during the publicity period between 12 July and 17 September 2021 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. This included a two-week extension, following publication of the revised National Planning Policy Framework. A total of 12 responses were received. A further 7 responses were received during the additional consultation period on the SEA Screening Report and Consultation Statement between 15 March and 29 April 2022. I am satisfied that all these responses can be assessed without the need for a public hearing.
54. 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 Parish of Mendlesham Neighbourhood Development Plan**

55. Background information is provided throughout the Plan. A clear vision for the Parish has been established and is supported by social, environmental and business and economic objectives.
56. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as projects in this Plan) these have been clearly differentiated from policies for the development and use of land.
57. 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.

58. 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).
59. 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.
60. 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.
61. There are two references to the NPPF (2019) in the Plan in paragraph 3.44 and Appendix 1. These need to be changed to references from the revised NPPF (2021) to ensure that the Plan has regard to national policy.
62. **Recommendation: to meet the Basic Conditions, I recommend that references to the NPPF (2019) in the Plan are altered to relevant references in the revised NPPF (2021).**
63. 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 MP1 - Housing**

64. The NPPF explains the Government's objective of significantly boosting the supply of homes. Paragraph 79 in the NPPF emphasises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
65. Core Strategy Policy CS1 identifies a settlement hierarchy in Mid Suffolk District. Mendlesham village is classified as a Key Service Centre. Mendlesham Green is classified as being within the countryside. Policy SP03 in the emerging JLP identifies Mendlesham village as one of the Core Villages, which act as a focus for development, together with the Mid Suffolk Ipswich Fringe, market towns and urban areas. Mendlesham Green is identified as a Hamlet Village.

66. Whilst Core Strategy Focused Review Policy FC 2 outlines the provision and distribution of housing in the District, this is not up to date.
67. 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 the 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.
68. The emerging JLP minimum housing requirement figure for Mendlesham Parish is 161 dwellings.
69. In December 2021 Inspectors in the process of examining the JLP requested that the JLP to be split into two parts with Part 2 requiring further assessment to addressing 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 (Nov 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.
70. From the evidence before me, I consider the indicative housing figure of a minimum of 161 additional dwellings provides me with the best guidance on total housing numbers for the Mendlesham Parish area.
71. National policy emphasises that development means growth. Policy MP1 supports a minimum of 161 new dwellings. The Table on page 35 supports Policy MP1 and includes a list of outstanding commitments as at 1 April 2018. MSDC has suggested modifications to this table, which the Parish Council has raised no objection to. In the interest of clarity, I recommend that the table on Page 35 is modified in accordance with the MSDC suggestions. This table identifies 229 dwellings for the Parish during the Plan period. It includes a windfall contribution of 2 dwellings per year. Paragraph 3.38 and Supporting Document 29 *Windfall developments in the Parish of Mendlesham* support this assessment. Whilst the emerging JLP already has a windfall allowance of 500 dwellings identified in Policy SP04, paragraph 09.09 in the emerging JLP explains that this is a district wide windfall allowance.
72. Interested parties have promoted other sites for residential development and the site selection process has been criticised. 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, as far as I can reasonably be

expected to be, 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.

73. MSDC has suggested revised wording to Policy MP1 with regard to how the identified growth will be met. In the interest of precision, I recommend revised wording along the lines suggested by MSDC, other than the deletion of reference to incremental growth of small developments of 20 dwellings or less. The Parish Council supports other suggested changes but wishes to retain this reference and there is local support for such incremental growth. Having visited the Parish, I note the compact character of the built up areas.
74. Policy MP1 identifies three sites for residential development, of which two of these sites are for development between 2018-2022. As it is now 2022, I see no need for this phasing. Policy MP1 cross refers to Figure 2.2 with regard to the identification of the sites. That is not a proposals map as it includes site 10 which has not been allocated for development. In addition, that map is not of a scale to precisely identify site boundaries. In the interest of precision, I recommend that there is one Proposals Map on an Ordnance Survey base to a reasonable scale (with an insert for Mendlesham Green) to replace Figures 2.2 and 2.3. This Proposals Map should identify the three residential site allocations, together with the Local Green Spaces, Principal Views and Visually Important Open Spaces referred to in other policies in this Plan. In addition, the Settlement Boundaries and Conservation Area Boundary should be identified. Further inset maps, such as those already included for Local Green Spaces, can be provided where necessary to ensure that the boundaries of the sites can be clearly identified.
75. The settlement boundary for Mendlesham Village on Figure 2.2 is different to that in the made neighbourhood plan. In addition, figure 2.3 now identifies a settlement boundary for Mendlesham Green. As these are new settlement boundaries, there needs to be a policy reference identifying these boundaries. I suggest this is incorporated into Policy MP1. The Parish Council confirmed in an email dated 24 May 2022 that the settlement boundary for Mendlesham Green should follow that in the submission JLP. This would allow for the Parish Council to pursue the development of site 12 as a Community Land Trust rural exception site. In the interest of precision, I agree with this approach.
76. A representation has been made with regard to the Mendlesham Village Settlement Boundary line given that planning permission has been granted for development on Chapel Field, outside the Mendlesham Settlement Boundary. I do see some sense in such an extension to include this site. However, my role is restricted to determining whether the Plan meets the Basic Conditions. This matter does not have any bearing on whether the Plan meets the Basic Conditions.



77. In the latest revision of the NPPF, paragraph 131 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. Therefore, to have regard to national policy I have recommended the inclusion of such a requirement in Policy MP1.
78. I have considered the details for the allocated residential sites below.
79. *Land to the North West of Mason Court known as Old Engine Meadow and Land to the West of Mason Court and adjacent to Horsefair Close.* A reserved matters submission of details under outline planning permission 4242/16 regarding appearance, landscaping, layout and scale for the erection of 28 no. dwellings was granted on 21 October 2020. Nevertheless, the criteria for development within Policy MP1 are still necessary if that development is not constructed. From my observations and from submitted evidence including Supporting Document SD27, *Mendlesham Parish Council Level 2 Strategic Flood Risk Assessment (January 2020)*, I consider the criteria including landscaping, access restrictions and flooding matters to be reasonable and necessary for the development of these sites. In addition, should the planning permission not be implemented, sustainable development of more than the proposed dwellings may be achievable. Therefore, in the interest of precision, I suggest the number of dwellings proposed on these two sites are minimum figures.
80. MSDC has suggested revised wording for this part of the policy. In the interest of precision, I suggest the policy is modified accordingly.
81. *Land to the South of Ropers Farm estate, South of Glebe Way.* The northern part of this site has outline planning permission for up to 28 dwellings. The emerging JLP allocates the whole site for approximately 75 dwellings.
82. From my observations and from submitted evidence including Supporting Document SD27 *Mendlesham Parish Council Level 2 Strategic Flood Risk Assessment (January 2020)*, I consider the criteria for development including landscaping, and flooding matters to be reasonable and necessary for the development of this site.
83. Concern has been raised regarding access. This whole site is supported by the local community as it has the ability to divert traffic from the Conservation Area. However, figure 2.2 does not show direct access onto Church Road. As access to Church Road is via Glebe Way, Policy MP1 should be modified accordingly.
84. MSDC has suggested a number of alterations to this part of Policy MP1. In the interest of precision, I suggest the inclusion of some of these modifications within my limited remit to determine whether the Plan meets the Basic Conditions. These include the requirement for contributions

towards education, healthcare and waste recycling with regard to development of Land South of Glebe Way. This will ensure general conformity with strategic policy in Core Strategy Policy CS6, where it expects new development to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of the development.

85. Subject to the modifications suggested above, Policy MP1 has regard to national policy, contributes towards the achievement of sustainable development and is in general conformity with strategic policy. Modified Policy MP1 meets the Basic Conditions.

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

**1) modification to the table on page 35 as follows:**

**in the second row, change the title to read ‘Outstanding Commitments at 1 April 2018;**

**move the Old Engine Meadow entry (M/4242/OUT) to sit with the other outstanding commitments**

**rename the second section ‘existing commitments’;**

**modify the two existing commitments to read as follows:**

**DC/18/03147/OUT Land South of Glebe Way 28**

**DC/19/05915/OUT Land North East of Chapel Road 20.**

**for the ‘Land South of Glebe Way’ entry under Site Allocations, add in brackets ‘(the remainder of the site).**

**2) the replacement of Figures 2.2 and 2.3 with a Proposals Map on an ordnance survey base to a reasonable scale (with an insert for Mendlesham Green). This Proposals Map should identify the three residential site allocations, together with the Local Green Spaces, Principal Views and Visually Important Open Spaces. In addition, the Settlement Boundaries and Conservation Area Boundary should be identified, with the settlement boundary for Mendlesham Green following that in the submission Joint Local Plan. Further inset maps, such as those already included for Local Green Spaces, can be provided where necessary to ensure that the boundaries of the sites can be clearly identified.**

**3) modification to Policy MP1 to read as follows:**

**Policy – MP1 [Housing]**

**This Plan provides for a minimum total of 161 new homes over the plan period 2018 to 2037.**

**Any significant increase over this figure will need to demonstrate clearly that the existing local services and infrastructure will be able to cope or, if not, then appropriate measures will be provided as part of the development proposals.**

**The identified growth will be met through:**

- the implementation of planning permissions not completed at 1 April 2018;**
- the site allocations made in this plan; and**
- small ‘windfall’ sites or infill plots within the identified settlement boundaries at Mendlesham Village and Mendlesham Green that come forward during the plan period but which are not identified here.**

**The settlement boundaries for Mendlesham and Mendlesham Green are identified on the Proposals Map.**

**Proposals for development located outside of the identified settlement boundaries will only be permitted where they are in accordance with National and District level policies (including relevant policies in this Plan).**

**Across all development proposals, support will be given for the delivery of 2 and 3 bedroomed homes that can be adapted to meet the needs of an ageing population without excluding the needs of younger buyers and families.**

**Residents have a preference for incremental growth of small developments of 20 dwellings or less unless it can be demonstrated that a greater number will deliver a significant and demonstrable benefit.**

**Any proposal(s) for new development at or adjoining a gateway access to the village should allow for buildings to be set back from the highway and provide suitable native hedging and planting schemes on all visible edges to blend the development into the adjoining countryside.**

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

#### **Site allocations**

- 1) Land North West of Mason Court [known as Old Engine Meadow]: minimum 18 dwellings [Part of Site 11 identified on the Proposals Map]**

- This site will be supported for housing development provided it is combined with the site allocation below (Land to the West of Mason Court).
- As an edge of village settlement and gateway site from Cotton Road, the development will require appropriate landscaping and screening along its boundaries.
- Existing mature trees and hedging along the western, northern and eastern boundaries should be retained and enhanced to protect the rural approach and view to the village from Chapel Road.
- Vehicle access to this site from Ducksen Road will not be allowed because of insufficient space and pedestrian risk.
- The provision of a pathway and cycle track via Ducksen Road will be supported.
- The recommendations set out in the SFRA Part 2 should be factored into any forthcoming reserved matters application.

**2) Land West of Mason Court, adjacent to Horsefair Close. minimum 10 affordable dwellings [Part of Site 11 identified on the Proposals Map]**

- This site will be supported for development provided it is combined with the site allocation on Land North West of Mason Court [known as Old Engine Meadow]
- The existing mature trees and hedging along the western boundary should be protected and enhanced.
- The recommendations set out in the SFRA Part 2 should be factored into any forthcoming reserved matters application.

**3) Land South of Glebe Way (and South of the Ropers Farm Estate): Approximately 75 dwellings (including an agreed percentage of affordable housing). [Site 2/13 identified on the Proposals Map]**

**Note: This whole site is the only one possessing the unique ability to protect the historic heart of Mendlesham Village by diverting a significant amount of existing and future local traffic away from the Conservation Area.**

- A Heritage Impact Assessment should be provided;
- Sufficient green space and screening will be provided to protect and enhance the setting of Elms Farm (Grade II\*) to the west of the site;
- The River Dove along the east of the site is in Flood Zone 3. To enhance and protect the rural environment and view from Oak Farm

**Lane it will be provided with a protective buffer zone appropriately planted with native species along the whole stretch of the river on site;**

- Landscaping will be installed on the eastern edge of the site to ensure that it blends in with the surrounding landscape;**
- The existing rural footpath along the north of the site will be retained and a wide buffer zone created and maintained to protect the rural amenity of the residents of Glebe Way.**
- The affordable housing should be distributed around the site so that it is not concentrated in one block;**
- The development should include a link road between Old Station Road and Church Road (via Glebe Way);**
- The recommendations set out in the SFRA Part 2 should be factored into any forthcoming reserved matters application.**
- Contributions towards education, healthcare, and additional household waste recycling provision will be sought.**

#### **POLICY MP2 - Access to Affordable Housing**

87. 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.
88. Core Strategy Policy CS9 seeks to ensure a mix of housing types, sizes and affordability to cater for different accommodation needs.
89. The above policies are relevant to Policies MP2 and MP3.
90. Policy MP2 sets out criteria for the allocation of affordable housing. The need for affordable housing for people living in the Parish and family members is supported by the survey undertaken by Community Action Suffolk in its *Executive Summary and Key Findings* (2018).
91. MSDC has raised objection to this policy, which has not been altered from that in the existing made Neighbourhood Plan. I have not been made aware of any practical problems that have arisen over the last few years as a result of this policy and I note that the local connection criteria in Policy MP2 are listed in the legal agreement for the outline planning permission for land South of Glebe Way (DC/18/03147). Policy MP2 meets the Basic Conditions.

### **POLICY MP3 - Provision of Affordable Housing**

92. MSDC's affordable housing policy for developments of over 10 dwellings requires affordable housing provision of up to 35% of the total provision of housing
93. Policy MP3 requires a proportion of dwellings on market housing development of more than ten dwellings to address evidence of local need. In the absence of an explanation of how that proportion would be assessed, this does not provide for a practical framework for decision making. This uncertainty would not ensure that the needs of groups with specific housing requirements would be addressed. Therefore, in the interest of precision Policy MP3 should refer to that proportion of dwellings being in accordance with District Council policy. MSDC has suggested revised wording for the first paragraph of Policy MP3, which the Parish Council has accepted. In the interest of precision, I recommend such a revision.
94. To meet the Basic Conditions, I recommend the above suggested modification to the first paragraph of Policy MP3. Modified Policy MP3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy.
95. **Recommendation: to meet the Basic Conditions I recommend modification to the first paragraph in Policy MP3 to read as follows:**

**All major residential development shall be expected to provide affordable housing on site in accordance with District policy. The mix of affordable homes shall be determined with regard to District and Parish needs and be provided in small groups or clusters distributed throughout the site.**

### **POLICY MP4 – Business**

96. 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.*

97. Core Strategy Policy CS2 restricts development in the countryside and countryside villages to defined categories. These include new-build employment generating proposals where there is a strategic, environmental or operational justification.
98. Core Strategy Focused Review Policy FC 3 directs the majority of new employment to the towns and Key Service Centres. It supports economic development proposals in rural areas that cannot be more sustainably located closer to existing settlements and where the proposal is restricted in size, scale and type appropriate to a rural setting.
99. Policy MP4 supports small business hubs and change of use from residential to business use in suitable locations. This supports the rural economy whilst ensuring that the rural setting is not compromised and neighbouring amenity is not adversely affected. As such, Policy MP4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy MP4 meets the Basic Conditions.

#### **POLICY MP5 - Historic Environment**

100. 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.
101. 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.
102. Core Strategy Policy CS5 seeks to maintain and enhance the historic environment and retain the local distinctiveness of the area.
103. Policy MP5 seek to conserve and enhance designated heritage assets, which include the Conservation Area. Reference is made to non-designated heritage assets. It was intended to develop a list of such assets. However, I understand that has not happened. Therefore, in the interest of precision, I suggest such references in Policy MP5 and paragraph 5.9 are deleted.
104. A local concern is traffic levels in the Conservation Area. Policy MP5 seeks to ensure that new development minimises traffic impact. Whilst I recognise

local concern, in the interest of precision, I have recommended revised wording for the third and fourth paragraphs in Policy MP5.

105. Policy MP5 seeks to maintain the village environment. In the interest of clarity, I suggest that the last sentence in Policy MP5 refers to the 'context' of Mendlesham, rather than the 'position'.
106. Subject to the above suggested modifications, Policy MP5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy MP5 meets the Basic Conditions.
107. Paragraph 5.1 refers to figure 2.6 being within Section 8, Appendix 3. However, this figure is now within the main text of the Plan on page 23. Thus, paragraph 5.1 should be amended accordingly. The 'Conservation Area' and 'Visual Assessment' need initial capitals in Policy MP5. **I see these as minor editing matters.**
108. **Recommendation: to meet the Basic Conditions I recommend:**

**1) modification to Policy MP5 to read as follows:**

**Policy - MP5 [Historic environment]**

***Any designated heritage assets in the Parish and their settings, will be conserved and enhanced for their historic significance and their importance with particular regard to their local distinctiveness, character and sense of place.***

***A detailed proposal should be put forward for all new developments (with 10 or more dwellings) identifying any potential increases in traffic levels and what mitigating measures will be put in place to minimise any adverse effects.***

***Any proposal for development requiring planning permission which would generate additional traffic needing to access the Conservation Area must provide a transport assessment giving expected traffic volumes emanating from the proposed development and include any necessary mitigation measures to minimise any adverse effects.***

***Any new housing or business development that is within the Conservation Area or the setting of any designated heritage asset will be supported provided it does not have an adverse impact upon the significance of the heritage asset.***

***All new development should demonstrate a clear understanding of the rural context of Mendlesham and the importance of maintaining its village environment. Developments will provide appropriate levels of landscaping, boundary and screening planting to ensure that they***



***blend in with the existing environment. Supporting Document SD19 (“Landscape and Visual Assessment of Mendlesham”) provides examples of the important features of the village that need to be maintained.***

**2) deletion of reference to non-designated heritage assets in paragraph 5.9**

### **POLICY MP6 - Building Design**

109. 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.*
110. 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.*
111. Core Strategy Policy CS5 seeks to ensure high quality design that respects local distinctiveness and the built heritage, enhancing character and appearance of the area.
112. 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.
113. Policy MP6 seeks to ensure that new development respects the locality. In doing so, it specifies that design and materials respond to the local character.
114. The last paragraph in Policy MP6 and paragraph 5.18 in the supporting text refer to environmental controls, with the supporting text referring to the Environment Bill. This has subsequently evolved into the Environment Act 2021, which seeks to address environmental protection and the delivery of

the Government's 25-year environment Plan. Paragraph 5.18 should be updated accordingly. **I see this as a minor editing matter.**

115. Usually, the neighbourhood plan policy should provide an additional level or layer of detail to national policy. It is not appropriate or enforceable to control vehicle emissions or domestic heating through the planning process. Therefore, I recommend deletion of these references in the last paragraph in Policy MP6.
116. The remainder of the last paragraph in Policy MP6 requires development to 'conform' to local guidance. Guidance is not policy. Thus, it is only appropriate to 'have regard' to latest guidance. As such, I have suggested revised wording of this last paragraph in Policy MP6.
117. Subject to the above suggested modifications, Policy MP6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy MP6 meets the Basic Conditions.
118. MSDC has raised concern regarding reference to the Suffolk Guidance for Parking (2019) in paragraph 5.21. I note that MSDC has adopted this guidance and made it operational as non-statutory technical guidance. Therefore, there is no need for a separate policy regarding this matter in the neighbourhood plan.
119. 'Conservation Area' needs initial capitals in paragraph 5.19. **I see this as a minor editing matter.**
120. **Recommendation: to meet the Basic Conditions I recommend modification to the last paragraph in Policy MP6 to read as follows:**
- All new development should have regard to the latest guidance on sustainable water management, including prevention of water run-off that would add to or create surface water flooding, which can be mitigated by above ground open Sustainable Drainage Systems (SuDS) and to guidance in the current *Suffolk Design Guide for Residential Areas*.**

### **POLICY MP7 - High Speed Broadband**

121. An extract from paragraph 114 in the NPPF states: *advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.*

122. Core Strategy Policy CS6 expects new development to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development. This policy is relevant to both Policies MP7 and MP8.
123. Policy MP7 seeks to ensure the provision of high speed broadband for new dwellings and businesses. This has regard to national policy, where it recognises such infrastructure being essential for economic growth and social well-being. In addition, Policy MP7 contributes towards both the social and economic objectives of sustainable development and is in general conformity with strategic policy. Policy MP7 meets the Basic Conditions.

### **POLICY MP8 - Green Areas**

124. Section 8 of the NPPF explains the importance of promoting healthy and safe communities. Planning policies should plan positively for the provision of shared spaces, such as open spaces.
125. Policy MP8 seeks to ensure that there is a suitable provision of green recreational areas. This has regard to national policy to promote healthy communities.
126. The NPPF, in Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment. This includes minimising impacts on biodiversity and providing net gains in biodiversity.
127. One of the principles to protect and enhance biodiversity in Paragraph 180 in the NPPF 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.*
128. Core Strategy Policy CS5 seeks to protect, manage and enhance biodiversity.
129. 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.
130. Policy MP8 requires development proposals to identify their effect on the local green environment. To ensure that regard is had to national policy, particularly in the Environment Act, I have suggested revised wording for this part of Policy MP8. In doing so, it is necessary to move the last sentence in the policy.

131. Subject to the above suggested modifications, Policy MP8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy MP8 meets the Basic Conditions.

132. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy MP8 to read as follows:**

**Policy - MP8 [Green areas]**

**Proposals for new housing must include a suitable provision of, or contribution towards, functional green areas for local residents (including those with limited mobility) recreational purposes in accordance with the current Mid Suffolk District Council's standards for open space provision.**

**Such green areas must maintain the rural character of the parish and respect its linkages to the local countryside.**

**Development proposals will be supported where they provide a net gain in biodiversity in accordance with national policy.**

**POLICY MP9 - Local Green Spaces**

133. 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.*

134. 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. This is relevant to both Policy MP9 and MP10.
135. I have visited the Parish and seen the Local Green Spaces (LGS). The majority of the LGS are those in the made neighbourhood plan. From my observations, there have been no fundamental developments adversely affecting their continuation as LGS. They all continue to meet the criteria for designation as LGS. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period.
136. The church graveyards at St. Mary's site includes the church building. It is now usual practice to exclude large buildings such as church buildings from LGS, to ensure that the LGS restrictions are not imposed on the buildings. As such, I suggest that the church building is removed from the designation.
137. My comments on each of the new proposed LGS sites are set out below.
138. *Green Area at Mayfield Way, Green Area at Horsefair Close, and Green Area at Glebe Way.* These areas are all small areas of informal open space within residential areas. They are local in character and in reasonable proximity to the local communities of these residential areas. I have no evidence to suggest that these LGS are not capable of enduring beyond the end of the plan period. It is clear that they are demonstrably special as they provide open spaces for informal recreation as part of the overall design of the otherwise built up areas. They are not extensive tracts of land. They all meet the criteria for designation as LGS.
139. 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 separately in Policy MP9 as LGS.
140. The site to the north of the allotments is just a field and I have no evidence to suggest that this is demonstrably special. Whilst the Scouts site appears to have a community function, again it is just a field and I have no evidence to suggest that this is demonstrably special.
141. I sought clarification from the Parish Council. In a confirmation email dated 24 May 2022 the Parish Council stated: *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.*

142. I agree with the above approach by the Parish Council. The allotments site continues to meet the criteria for designation as LGS. In these circumstances the footnote to Policy MP9 should be deleted.
143. 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 two sentences in the first paragraph in Policy MP9. 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.
144. With regard to my above comments, I have suggested revised wording for paragraph 6.4.
145. Subject to the above modifications, Policy MP9 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy MP9 meets the Basic Conditions.
146. **Recommendation: to meet the Basic Conditions I recommend:**
- 1. modification to Policy MP9 to read as follows:**
- Policy - MP9 [Local green spaces]**
- The following Local Green Spaces are designated in this Plan and are identified on the Proposals Map and Figures 6.1 to 6.6 and 6.8 to 6.10.**
- **Playing fields at Mendlesham village,**
  - **Children's play area at Mendlesham village,**
  - **Church graveyards at St. Mary's, Mendlesham,**
  - **The Mendlesham Millennium Wood,**
  - **Allotments at Mendlesham Green,**
  - **Baptist Chapel (ex) cemetery at Mendlesham Green ,**

- Children’s play area at Mendlesham Green,
- Green area at Mayfield Way,
- Green area at Horsefair Close,
- Green area at Glebe Way.

2. modification to paragraph 6.4 to read as follows:

**Mendlesham already has a wide range of community open spaces; any impact proposed development may have on these spaces will not be supported. The NPPF (2021) (Section 8) allows us to designate these areas as “Local Green Space” because of their historical and recreational value.**

3. modification to Figure 6.3 by the exclusion of the church building from the designated site

4. modification to Figure 6.5 by the deletion of the site to the north of the allotments and the ‘Scouts site’.

#### **POLICY MP10 - Open Spaces**

147. As previously mentioned, the NPPF, in Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment.
148. The Plan identifies two Visually Important Open Spaces, which Policy MP10 seeks to protect and identifies Principal Views in and around Mendlesham. They are supported by evidence in *Supporting Document SD19 Landscape and Visual Assessment of Mendlesham* (May 2021). I have seen these open spaces and views and am satisfied that they are important to the local community and worthy of protection. As such, Policy MP10 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Policy MP10 meets the Basic Conditions.
149. As I have suggested that the Plan includes a Proposals Map, the end of the second paragraph in Policy MP10 should refer to both Figure 6.7 and the Proposals Map. ‘Conservation Area’ in Policy MP10 should have initial capitals. Reference to emerging Policy LP19 in the JLP in paragraph 6.13 should be deleted as that policy number may alter or the policy may be modified. Reference to Figures 2.2 and 2.3 in paragraph 6.14 should be deleted. **I see these as minor editing matters.**

#### **POLICY MP11 - Public Rights of Way and Countryside Access**

150. At paragraph 100, the NPPF seeks to protect and enhance public rights of way and access.
151. Core Strategy Policy CS5 seeks to increase opportunities for access and appreciation of biodiversity and geodiversity conservation for all sections of the community.
152. Core Strategy Policy CS6 expects *new development to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development*. Such infrastructure can include improvements to pedestrian and cycle routes.
153. Policy MP11 encourages access to existing paths and bridleways and seeks to maximise opportunities to promote safe walking and cycling. This has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy MP11 meets the Basic Conditions.

## **Referendum and the Parish of Mendlesham Neighbourhood Development Plan Area**

154. 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.
155. **I am pleased to recommend that the Parish of Mendlesham Neighbourhood Development Plan 2018 – 2037 as modified by my recommendations should proceed to Referendum.**
156. I am required to consider whether or not the Referendum Area should extend beyond the Parish of Mendlesham Neighbourhood Area. I see no reason to alter or extend the Neighbourhood Area for the purpose of holding a referendum.



## **Minor Modifications**

157. 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 addition, paragraph 3.6 in the Basic Conditions Statement needs updating regarding the Joint Local Plan.

**Janet Cheesley**

**Date 22 June 2022**

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Parish of Mendlesham Neighbourhood Development Plan Modification Examiner's Report

CHEC Planning Ltd

## 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  
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 & Mid Suffolk Joint Local Plan: Pre-Submission (Reg19) Document (November 2020)  
Regulation 16 Representations  
Further Representations  
Examination Correspondence (On the MSDC web site)