

Mid Suffolk District Council

**Needham Market
Neighbourhood Plan
2020 - 2036**

Independent Examiner's Report

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Contents

	Summary	3
1.0	Introduction	4
2.0	The role of the independent examiner	4
3.0	The examination process	6
4.0	Neighbourhood plan preparation	7
5.0	Compliance with matters other than the basic conditions	8
6.0	The basic conditions	9
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	10
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	14
7.0	Detailed comments on the Plan and its policies	14
	1. Introduction	14
	2. Needham Market	15
	3. National and local context	15
	4. The story so far	15
	5. Vision and Objectives	15
	6. Neighbourhood Plan policies	
	- Housing (Policies NM1 and NM2)	16
	- Employment and business (Policies NM3, NM4 and NM5)	19
	- Community infrastructure (Policy NM6)	22
	- Natural and built environment (Policies NM7 and NM8)	24
	- Transport (Policies NM9 and NM10)	26
	7. Implementation and monitoring	27
	Appendices	27
8.0	Conclusions and recommendations	28
	Appendix 1 List of key documents	29

Summary

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

Needham Market is a historic market town located about eight miles northwest of Ipswich. Its historic core spreads out in a linear fashion along what was formerly the main road between Ipswich and Bury St Edmunds. There are historic mill complexes to the east close to the River Gipping.

Whilst there are no site allocations, this well-presented Plan contains ten policies covering a variety of issues including community uses, heritage and landscape.

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

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

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

Ann Skippers MRTPI
Ann Skippers Planning
24 May 2021



1.0 Introduction

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

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

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

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

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

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

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

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

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

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

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

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

3.0 The examination process

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

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Some representations⁸ suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments are required. There is also no obligation for a neighbourhood plan to cover all or every aspect of planning through its policies.

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

Having considered all of the documentation submitted and the representations received, it was not necessary for me to hold a hearing.

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

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 8 May 2021.

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

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ For example the representation from the Suffolk Wildlife Trust

⁹ PPG para 056 ref id 41-056-20180222

¹⁰ Ibid

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

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

4.0 Neighbourhood plan preparation

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

The idea for the Plan formally began in 2013. A Steering Group of Town Councillors and volunteers from the local community was set up to oversee and guide the process.

A dedicated web page was established as well as Facebook and Twitter. The Town Council website includes meeting notes and updates of progress as well as publicising events and consultations. Updates have been placed in the local newsletter. Events have been held with local groups. Open days and popup shops have been held. A Business Community Survey was carried out in July 2014. Flyers and posters were used to publicise events and consultations.

A first period of pre-submission consultation was carried out between July – September 2015. Due to the uncertainty around housing figures given the production of a new Joint Local Plan, the Town Council decided to suspend work on the Plan until there was more clarity.

A second period of pre-submission consultation was carried out between 27 January – 10 March 2020. A two day community consultation open public event was held before this period began with over 110 people visiting the exhibition. The consultation was publicised on the Town Council website, an article in the local newsletter and via public notices. The draft Plan was available online and in paper form.

Appendices D and E of the Consultation Statement details the pre-submission responses received.¹¹

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

Submission (Regulation 16) consultation was carried out between 2 December 2020 – 27 January 2021 sensibly allowing for extra time over the festive season.

¹¹ Consultation Statement pages 19 and 52 respectively

The Regulation 16 stage resulted in 12 representations, including a late representation from the Ipswich and East Suffolk CCG which MSDC has accepted. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

Needham Market Town Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Town Council. MSDC approved the designation of the area on 30 September 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 4 of the Plan. I consider that the plan which shows the Plan area could be clearer.

- **Change the map of the Plan area to ensure the boundaries of the Plan area are clearly defined**

Plan period

The Plan period is 2020 – 2036. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met. Consideration could be given to extending the Plan period to 2037 to accord with the emerging Joint Local Plan.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider

community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

In this instance, a number of 'community action projects' have been included in section 7 of the Plan. The Plan explains what they are and that they do not form part of the policies.¹³ I consider this to be an appropriate approach for this particular Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹⁴

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

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

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁸ Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

¹² PPG para 004 ref id 41-004-20190509

¹³ The Plan, page 48

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁹

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

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

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. An appraisal²⁴ sets out how the Plan aligns with the NPPF's key topic principles.

Contribute to the achievement of sustainable development

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

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁵ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁶ The objectives are economic, social and environmental.²⁷

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁸

¹⁹ NPPF para 16

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

²⁴ Basic Conditions Statement page 6

²⁵ NPPF para 7

²⁶ Ibid para 8

²⁷ Ibid

²⁸ Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan policy helps to achieve sustainable development as outlined in the NPPF.²⁹

General conformity with the strategic policies in the development plan

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant policies.³⁰ Where I have not specifically referred to a strategic policy, I have considered all strategic policy in my examination of the Plan.

Emerging Joint Local Plan

MSDC and Babergh District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP is at Pre-Submission (Regulation 19) stage at the time of writing.

There is no legal requirement to examine the Plan against emerging policy. However, PPG³¹ advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore qualifying bodies and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.³²

The representation from MSDC explains that the Plan was submitted to them on 11 November 2020. Later that day MSDC resolved to publish the Regulation 19 JLP for consultation purposes. As a result of this timing, the Plan now contains some references in its supporting text which will be out of date.

As further time has passed, the JLP has now been submitted for examination and the examination has now started. The supporting text to the policy refers to the emerging JLP in a number of places and with the passage of time, needs updating. I regard any

²⁹ Basic Conditions Statement page 14

³⁰ Ibid page 6

³¹ PPG para 009 ref id 41-009-20190509

³² Ibid

out of date wording in this Plan as something that can be amended and agreed between the two Councils as the Plan progresses, but I have made specific modifications in this respect in relation to Policy NM1.

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³³ confirms that it is the responsibility of the local planning authority, in this case MSDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is MSDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

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

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination. Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.

The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A SEA Screening Determination dated May 2020 has been submitted. It in turn refers to a SEA Screening Report prepared by Land Use Consultants. This notes that the Plan

³³ PPG para 031 ref id 11-031-20150209

does not contain any site allocations. On this basis, the Screening Report screened out the Plan.

Consultation with the three statutory bodies was undertaken and the Environment Agency (EA), Natural England (NE) and Historic England (HE) agreed with the conclusions.

The Screening Determination therefore concludes that the Plan does not require a SEA.

I have treated the Screening Report and the Screening Determination to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³⁴

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

A HRA Screening Determination dated May 2020 has been submitted. It refers in turn to a HRA Screening Report prepared by Place Services.

The Screening Determination states there are five habitats sites which lie within 20km of the Plan area. These are the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar, the Deben Estuary SPA and Ramsar and the Sandlings SPA.

Part of the Plan area falls within the Zone of Influence for the Stour and Orwell Estuaries SPA and Ramsar. The Screening Report prepared by Place Services assessed this and concluded that no likely significant effects, alone or in combination with other plans and projects would occur.

The Screening Determination concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out.

Consultation with NE has taken place and they concur with this conclusion.

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

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening

³⁴ PPG para 028 ref id 11-028-20150209

Determination that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁵ In undertaking work on SEA and HRA, MSDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.³⁶ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to a high standard and contains ten policies. There is an eye catching front cover. The Plan begins with a helpful preface and contents page.

1. Introduction

This is a helpful introduction to the Plan that sets out the background to the Plan and how it will be used.

A modification is made in the interests of consistency to the Plan period referred to in paragraph 1.2.

In addition, some natural updating will be needed as the Plan progresses towards its final version. I regard this as a matter of final presentation and do not make a specific modification in this respect.

- **Change the “2018” in paragraph 1.2 to “2020”**

³⁵ PPG para 031 ref id 11-031-20150209

³⁶ Basic Conditions Statement page 19

2. Needham Market

This section sets out the interesting history of the town and the key issues it faces today.

There is a typo in the heading on page 8 and one in the evolution diagram to correct as minor presentational matters.

3. National and local context

This section usefully explains the planning policy context for the Plan. It is clear that some natural updating to this section and others will be needed and I regard this wording as something that can be agreed between the two Councils as the Plan progresses.

There is a correction to paragraph 3.3 in relation to the date of the CS.

- **Change the “2006” in paragraph 3.3 to “2008”**

4. The story so far

This section usefully summarises the key stages of the Plan’s evolution and the key issues resulting from public engagement and other work carried out on the Plan. It contains an interesting SWOT analysis from earlier work on the Town Health Check and one which updates this.

5. Vision and Objectives

The vision for the area is:

“To ensure that Needham Market’s future growth occurs in a balanced and sustainable way, which preserves and enhances its attractive, historic core, promotes the health and well-being of local people and maintains the community way of life already present in the town. Needham Market will continue to be a self-contained settlement providing the necessary housing and jobs needed by its local residents.”

The vision is supported by seven objectives based around five topic areas of housing, employment and business, community, natural and historic environment and transport.

All are articulated well, relate to the development and use of land and will help to deliver the vision.

6. Neighbourhood Plan policies

6.1 Housing

There are two corrections to the supporting text. The first is a correction to paragraph 6.1.2 in relation to the date of the CS. The second is a correction to the NPPF paragraph number quoted.

- **Change the “2006” in paragraph 6.1.2 to “2008”**
- **Change “paragraph 102” in paragraph 6.1.9 to “paragraph 103”**

Policy NM1 – Housing Mix – Size, Type and Tenure

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.³⁷

The Plan explains that the Strategic Housing Market Assessment Update of January 2019 (SHMA) identified future housing needs.

Policy NM1 sets out a housing mix requirement. It applies to all developments of six or more units. It is not clear to me how this threshold has been derived. It does not reflect those thresholds in either the NPPF or the strategic policies of the development plan. As it is not satisfactorily evidenced, a modification to remove the threshold is made.

The policy then seeks a wide range of mix of housing unless there are “exceptional circumstances”. There is no hint as to what such circumstances might be. There is little flexibility or recognition of viability in the policy. Modifications are therefore made to address these concerns.

MSDC have correctly pointed out in their representation that affordable housing can only be sought in sites of ten or more dwellings or 0.5 hectare sites. In addition not all housing types referred to in the policy may be appropriate on each site. MSDC have suggested two footnotes to be added to the policy to address these concerns, but I have gone further in amending the policy. The representation from MSDC indicates that

³⁷ NPPF para 59

changes are required to this policy and its supporting text in the light of the emerging JLP and the latest housing figures and extension to the end date of the emerging JLP.

Some changes to the supporting text to reflect the most up to date position are therefore also put forward. In essence, the changes reflect the latest JLP in that the end date for the JLP has now been extended by one year to 2037 and the housing requirement for Needham Market has been updated to a minimum of 512 new homes.

There is no obligation for the Plan to include site allocations and the Plan chooses not to make any preferring to leave this to the District level. Even if the Plan contained site allocations, it is only possible to allocate land which falls within the Plan area.

With these modifications, the policy will have regard to national policy, will contribute to the achievement of sustainable development and be in general conformity with strategic policy, particularly CS Policy CS 9, thereby meeting the basic conditions.

- **Amend the policy to read:**

“All new development proposals shall provide a range of housing types to enable the creation of mixed and inclusive communities and to reflect the latest available local housing needs evidence subject to the location, suitability and viability of the site.

The mix of housing could include:

- a) **Housing for older people (to include retirement living housing, supported/sheltered housing, bungalows and/or retirement complexes)**
- b) ***Smaller and larger family housing both market and affordable***
- c) **Adaptable ‘life time’ homes**
- d) **Self-build.”**

- **Update paragraph 6.1.3 on page 19 of the Plan to reflect the Regulation 19 JLP figure of 512 dwellings for Needham Market and update the revised housing figures for the allocations referred to in that paragraph namely 41 for the former Needham Market Middle School site and 94 for the former MSDC Offices and Car Park**
- **Update paragraph 6.1.5 on page 20 of the Plan to reflect the Regulation 19 JLP’s stance that given its plan period extension to 2037, market towns and urban areas are now expected to account for 31% of the growth over the new plan period which equates to 3,966 dwellings**
- **Update paragraph 6.1.9 on page 20 of the Plan to correct the reference to the NPPF, namely paragraph 103 and to reflect the Regulation 19 JLP’s minimum figure for Needham Market and its plan period to 2037**

Policy NM2 – Securing good design and layout

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.³⁸

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.³⁹ It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.⁴⁰

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁴¹

Policy NM2 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policy CS 5 and CSFR Policy FC 1.1.

A number of modifications are recommended.

Under the subheading “layout”, there are a number of phrases that are open to interpretation and therefore are changed in the interests of clarity.

Under “parking”, a modification is made to enhance certainty.

Under “wildlife and landscaping”, modifications are made in the interests of clarity.

Under “sustainability”, a modification is made to point n). This is because the Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁴² explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. In addition, a modification is made to enhance flexibility in point o). A change is made to point q) to reflect the definition of major development in the NPPF as the NPPF indicates that (only) major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.⁴³

³⁸ NPPF para 124

³⁹ Ibid para 125

⁴⁰ Ibid para 126

⁴¹ Ibid para 127

⁴² Written Ministerial Statement 25 March 2015

⁴³ NPPF para 165

With these modifications, the policy will meet the basic conditions by taking account of national policy, being in general conformity with CS Policy CS 5 which, amongst other things seeks high quality design which respects local distinctiveness and CSFR Policy FC 1.1 in particular which refers to local character and helping to achieve sustainable development.

- Change the phrase “...with that existing in the adjacent locality” in point a) to “...with those prevailing in the immediate locality”
- Add the words “and appearance” after the word “character” in point b)
- Reword point c) to read: “Proposals will avoid overdevelopment of a site by ensuring that a residential plot can *satisfactorily* accommodate the needs of modern dwellings, including *the provision of useable private garden space which, where appropriate, can also be accessed externally.*”
- Change the phrase “...enough external amenity space” in point d) to “...sufficient external space for refuse and recycling storage”
- Change point h) to read: “Satisfactory provision shall be made to accommodate...” [retain remainder as existing]
- Change point j) to read: “Proposals will retain trees and hedgerows worthy of retention wherever possible and minimise their loss by limiting this to essential access requirements.”
- Change the word “significant” in point l) to “appropriate”
- Change the word “shall” in point n) to “are encouraged to”
- Change point o) to read: “Should a development site be located adjacent or close to any footway or cycle route every opportunity should be taken to secure a connection to them and...” [retain remainder as existing]
- Change point q) to read: “Proposals for development of 10 or more dwellings, where appropriate,...” {retain remainder as existing}

6.2 Employment and business

Policy NM3 – Encouraging commercial activity and employment opportunities

The Plan explains that the Lion Barn Estate, to the south of the town off the B1113, is an important site for a variety of uses.

The NPPF is clear that policies should help create the conditions in which businesses can invest, expand and adapt.⁴⁴ The NPPF also supports walking and cycling.⁴⁵

Lion Barn is identified in CS FR Policy FC 3 as employment land. The policy normally permits only employment generating development in Use Classes B1, B2 and B8. The expansion, upgrading or intensification of employment uses is given priority.

Lion Barn is also identified in the emerging JLP as a strategic employment site. These sites are protected for employment purposes and their expansion is supported in principle.

This policy directs new development to the estate; the uses specified in the policy accord with the strategic policies. It then sets out that new development will contribute to a long held local ambition of providing a footpath and cycleway link from the estate to the town. The policy explains the contributions will be proportionate.

The last element of the policy supports the expansion of existing businesses subject to various locational focused criteria. All are appropriate given the nature and location of the estate.

I consider that the policy takes account of national policy in that it supports sustainable economic growth and promotes sustainable transport modes, is a local expression of CS FR Policy FC 3 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

There is a small typo to correct in the interests of accuracy.

- **Change “B1114” in paragraph 6.2.11 on page 26 of the Plan to “B1113”**

Policy NM4 – Reinforcing the town centre vitality and viability

This policy identifies a primary shopping area for the town centre and this is shown on Map 3. From my site visit, I consider the area has been identified appropriately.

Within this area, new retail, leisure and town centre uses are encouraged. Non town centre uses are discouraged. Outside the area, development which changes the use from Use Classes B1 (now Class E (g)), B2 or B8 to retail and leisure uses will be refused.

CS Policy CS 12 indicates that Use Classes A1 – A5 will be acceptable and supports new retail, commercial and service development to enhance the vitality and viability of the town centres as well as strengthen the existing use and accessibility by public transport. Use Classes A1 – A3 have been effectively replaced by Class E a, b and c, but Use Classes A4 and A5 have been sui generis since 1 September 2020.

⁴⁴ NPPF para 80

⁴⁵ Ibid paras 102, 103

The more recent NPPF states that policies should support the role of town centres by taking a positive approach to their growth, management and adaptation.⁴⁶ This includes defining primary shopping areas and making it clear what uses will be permitted in such locations.⁴⁷

The emerging JLP supports new retail and town centre uses in town centres identifying Needham Market as one such area.

The policy's approach in identifying a primary shopping area and defining what range of uses will be acceptable and those which will not be acceptable in the area accords with national policy and is a local, more defined expression of the District's town centre policies. In order for absolute clarity, it would be useful to define town centre uses and to add this to the Plan's glossary.

A further modification is made to reflect the change to the Use Classes Order.

With these modifications, the policy will meet the basic conditions by defining and setting out the uses in the primary shopping area which will be acceptable and seeking to reinforce its vitality and viability. This is in line with the strategic policies of relevance and will help to achieve sustainable development.

- **Replace "Use Classes B1" in the final sentence of the policy with "Use Class E (g)"**
- **Add the NPPF's definition of "main town centre uses" to the Plan's glossary**

Policy NM5 – Redevelopment opportunities in the Town Centre

The Plan explains that significant new housing development has taken place on brownfield sites including the former MSDC offices, the former Middle School and a garage showrooms. A number of 'gap' and underused sites in the town centre remain.

This policy seeks to support the redevelopment of these sites for a variety of different uses including housing and tourism. It sets out that sufficient parking should be provided and any impact on highways be acceptable.

The NPPF promotes the effective use of land in meeting housing and other needs.⁴⁸ The use of brownfield land and the development of under utilised land and buildings is promoted.⁴⁹

The CS promotes the use of brownfield land.

⁴⁶ NPPF para 85

⁴⁷ Ibid

⁴⁸ Ibid para 117

⁴⁹ Ibid para 118

It seems sensible to promote a mix of uses on such sites including for housing and tourism.

The policy meets the basic conditions in that it promotes the redevelopment and more efficient use of brownfield sites in the town centre which will lead to opportunities for a variety of uses as well as the regeneration of this market town. This policy therefore takes account of national policy and guidance and generally conforms to strategic policy. It will help to achieve sustainable development. No modifications are therefore recommended.

6.3 Community infrastructure

Policy NM6 – Community infrastructure

This policy seeks to do a number of different things.

It firstly gives blanket support for health and social care, school provision, meeting spaces, community cafes, sports and recreation facilities and other community infrastructure. Whilst the intention is understood, this inadvertently could lead to otherwise unacceptable development. A modification is made to address this concern.

The second element of the policy sets out an expectation that new development will provide for community infrastructure commensurate with the scale of the proposal. It is important to ensure that new development keeps pace with infrastructure requirements and that these are centred around hubs, characteristic of Needham Market, wherever possible.

The third element resists the loss of community facilities unless a number of criteria are met. The criteria are appropriate and provide flexibility in this location should suitable alternatives be provided or a facility is no longer viable. A modification is made to ensure that the criteria are alternative rather than in combination. Reference to heritage is deleted from this policy as it is covered appropriately by other policies in the development plan.

The fourth element returns to the provision of new community facilities. I recommend a modification to change the 'running' order of the policy so it is clearer as well as other changes to ensure it reads well as a result of the reordering and to remove duplication and to enhance clarity.

The rewritten policy will meet the basic conditions as it will take account of the NPPF's expectation that planning policies should achieve healthy, inclusive and safe places,⁵⁰ and provide positively for the provision and use of shared spaces and community facilities⁵¹ and to enable the retention and development of accessible local services and

⁵⁰ NPPF para 91

⁵¹ Ibid para 92

community facilities.⁵² It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁵³

It is in general conformity with strategic policies particularly CS Policy CS 6 which seeks to ensure new development provides the necessary infrastructure in a timely way and sets out the importance of local priorities and accessibility. It will help to achieve sustainable development.

A representation from the Ipswich and East Suffolk Clinical Commissioning Group requests a change to the supporting text to reflect more recent developments. The Town Council has indicated agreement to this. A modification is therefore also made to update the supporting text in the interests of accuracy and clarity.

- **Reorder and change the policy to read:**

“New Community Facilities

Proposals that promote and enhance community services and infrastructure for all sectors of the community will be supported where such schemes are otherwise acceptable.

In particular support will be given to proposals that:

- a) **enable the expansion of the NM Country Practice**
- b) **support health and social care services**
- c) **provide new or improved school provision**
- d) **ensure safe access to community facilities**
- e) **encourage new community *meeting places* such as community cafes**
 - a. **provide and improve facilities for younger people in the town**
 - b. **incorporate natural spaces and green areas for community recreational use.**

New development will be expected to provide for necessary community infrastructure commensurate with the scale of the proposed development. These facilities should be clustered together to enable opportunities for shared spaces and promote accessibility.

Existing community facilities

Proposals that would result in the loss of an existing community building or facility will not be supported unless:

- a) **It can be demonstrated that the need for the building or facility no longer exists or it is no longer viable or**
- b) **It can be demonstrated that suitable alternative provision exists in an equally more accessible location elsewhere within the Town and this would avoid a duplication of facilities or**
- c) **Suitable alternative provision will be delivered by new**

⁵² NPPF para 83

⁵³ Ibid para 92

development.”

- Reword the first sentence in paragraph 6.3.9 on page 33 of the Plan to read:

“Although historic anticipation of future health care needs for the local and expanding population has not been regarded as a strength by the local community, it is acknowledged that the Clinical Commissioning Group now control all aspects of primary health care planning. The Town Council is pleased to note that the CCG welcomes the opportunity to work in partnership with them and other healthcare providers to enhance future healthcare provision.”

6.4 Natural and built environment

Policy NM7 – Preserving the town’s setting and retention of important views

The Plan explains that Needham Market is located within the valley of the River Gipping. It sits south of the river and the railway line. There are a number of mills and lakes to the east and west of the river and the town is otherwise surrounded by agricultural land and some woodlands.

The Plan refers to the Heritage and Settlement Sensitivity Assessment carried out for MSDC by Place Services in 2018. The report considered the potential impact on the settlements as a whole and on the significance of individual heritage from residential expansion to support site allocations in the emerging JLP. As part of this work, key views were identified.

Policy NM7 has two elements. The first element seeks to protect the scenic value of the landscape from development that harms its character. The second element seeks to protect the four views identified in the Heritage and Settlement Sensitivity Assessment.

The four views are identified and shown on Map 6.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the landscape and the key features of any view. I consider this is an appropriate and sufficiently flexible approach.

The policy takes account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness.⁵⁴ It is in general conformity with, and adds a local layer of detail to, strategic policies and CS Policy CS 5 in particular which seeks to maintain and enhance the environment and retain local distinctiveness and CSFR Policy FC 1.1. It will help to

⁵⁴ NPPF paras 127, 170

achieve sustainable development. It therefore meets the basic conditions and no modifications are put forward.

Policy NM8 – The historic town centre and conservation area

Needham Market is a historic market town with evidence relating to Roman activity. It has a Conservation Area and numerous listed buildings of all grades. The historic core is linear in nature running along the main street, historically the road between Ipswich and Bury St Edmunds.

The Plan again makes reference to the Heritage and Settlement Sensitivity Assessment undertaken by Place Services in 2018. This describes the core as “susceptible”⁵⁵ to development along the main road and to the mill complexes to the east of the settlement.

The policy seeks to ensure that new development is acceptable in relation to the historic core.

The NPPF explains that the creation of high quality buildings and places is fundamental to what planning should achieve⁵⁶ and that neighbourhood plans have an important role to play in identifying the special qualities of each area and what expectations for new development there are.⁵⁷

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁵⁸ It continues⁵⁹ that great weight should be given to the assets’ conservation when considering the impact of development on the significance of the asset.

However, the NPPF also sets out the approach for considering proposals in relation to heritage assets.

Some modifications to the policy are therefore recommended to ensure the policy takes account of the NPPF’s stance.

With these modifications, the policy will meet the basic conditions taking account of national policy, setting out a local layer of policy in general conformity with strategic policy particularly CS Policy CS 5 and will help to achieve sustainable development.

- **Change the first paragraph of the policy to read: “*Development within the Historic Town Centre and Conservation Area will be supported where they respect the historic fabric and preserve or enhance the character or*”**

⁵⁵ Heritage and Settlement Sensitivity Assessment 2018 Place Services page 64

⁵⁶ NPPF para 124

⁵⁷ Ibid para 125

⁵⁸ Ibid para 184

⁵⁹ Ibid para 193

appearance of the area *taking into account the significance of any heritage assets affected, including the contribution made by their setting.*”

- **Delete the second paragraph of the policy that begins “The established special character...” [retain remainder of policy]**

6.5 Transport

This chapter of the Plan goes into detail about the transport issues of concern to the local community. It refers to earlier versions of the Plan which set out an aspiration for a link road, but there is no current support for this proposal at District Council or strategic level. It could also be considered to be at odds with Policy NM7.

The supporting text to the two policies in this section also refer to additional car parking at the railway station, concern about traffic levels along the High Street and the possibility of extending 20 mph speed limits.

None of these issues, as the Plan recognises, are grounded in evidence, but are rather aspirations to consider further at a later date. I have considered whether the information in this chapter should be moved to a different section or even removed from the Plan. However, it is sufficiently clear in the way the Plan is presented and so it can remain in its current format.

Policy NM9 – Reducing and managing the impact of traffic

This policy offers blanket support for any development which helps to minimise through traffic in the town centre. It specifies the need to reduce traffic from the employment areas travelling through the town centre and seeks to improve accessibility by modes other than the car between the town centre and the employment areas.

Some modifications are put forward to remove the blanket support for any development given this may be development which is not otherwise welcomed and to improve clarity.

With these modifications, the policy will take account of the NPPF’s promotion of sustainable transport in particular its stance on the patterns of movement and impact on making high quality places⁶⁰ and widening transport choices.⁶¹ It will add a local layer to strategic policies and help to achieve sustainable development. It will thereby meet the basic conditions.

- **Add the words “*Otherwise acceptable*” at the start of the policy**

⁶⁰ NPPF para 102

⁶¹ Ibid para 104

- **Change point b) to read: “improve accessibility by *modes other than the car* between the town centre and the employment areas”**

Policy NM10 – Encouraging safe walking and cycling

Walking and cycling is promoted by this policy. Existing footpaths and cycleways are protected and new ones and connections encouraged. This is in line with the NPPF’s support for walking and cycling to be promoted and high quality networks to be provided for.⁶²

The policy meets the basic conditions in that it takes account of the NPPF, is in general conformity with strategic policies and will help to achieve sustainable development. No modifications are therefore recommended.

7. Implementation and monitoring

This section starts with a section entitled “Community Action Projects”. I consider this should be a separate section 7 and that the following section which has two sections entitled “Implementation” and “Monitoring” should be a new chapter 8. There are also two paragraphs numbered 7.1; a simple typo, but the modification will address this.

Monitoring is not currently a requirement for neighbourhood plans, but this is welcomed as good practice.

- **Make the current section 7 entitled “Community Action Projects” a separate and new Chapter 7**
- **Make the current chapter 7 dealing with Implementation and Monitoring a new chapter 8**
- **Consequential amendments will be needed**

Appendices

Appendix A is a Policies Map. Appendix B contains information relating to the Town Council. Appendix C shows the Conservation Area. Appendix D is a flood risk map from the Environment Agency. It would be useful if this could be future proofed and a modification is made to address this. Appendix E is a glossary.

⁶² NPPF paras 102, 103, 104

- Add a sentence to Appendix D that reads: ***“The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from the Environment Agency or other reliable sources of information.”***

8.0 Conclusions and recommendations

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

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

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

I therefore consider that the Needham Market Neighbourhood Development Plan should proceed to a referendum based on the Needham Market Neighbourhood Plan area as approved by Mid Suffolk District Council on 30 September 2013.

Ann Skippers MRTPI
Ann Skippers Planning
24 May 2021

Appendix 1 List of key documents specific to this examination

Needham Market Neighbourhood Plan 2020 – 2036 Submission Version (REG16)
October 2020

Basic Conditions Statement October 2020

Consultation Statement October 2020

Strategic Environmental Assessment Screening Determination May 2020

Habitats Regulations Assessment Screening Determination May 2020

Strategic Environmental Assessment Screening Opinion Final Report February 2020
(Land Use Consultants)

Habitats Regulations Assessment Screening Report March 2020 (Place Services)

Needham Market Conservation Area Appraisal 2011

Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District
Councils March 2018 (Place Services)

Development Framework and Design Guidelines for Future Growth at Needham Market
Final Report November 2020 (AECOM)

Ipswich Housing Market Area Strategic Housing Market Assessment - Partial Part
2 update January 2019 (Peter Brett Associates)

Saved Policies of the Mid Suffolk Local Plan adopted September 1998

Mid Suffolk Local Plan First Alteration Affordable Housing adopted July 2006

Core Strategy adopted September 2008

Core Strategy Focused Review adopted December 2012

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

List ends