

Mid Suffolk District Council

**Stowupland  
Neighbourhood Development Plan  
2016-2036**

**Independent Examiner's Report**

By Ann Skippers MRTPI FRSA AoU

29 January 2019

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## Summary

I have been appointed as the independent examiner of the Stowupland Neighbourhood Development Plan. The Parish lies to the north of Stowmarket and comprises two settlements; Stowupland, one of the largest villages in Mid Suffolk District and the smaller settlement of Saxham Street.

The Plan is presented well with a clear vision. The vision is underpinned by a set of objectives. The vision is translated into 16 policies including three site allocations, revisions to the settlement boundary of Stowupland and a new settlement boundary for Saxham Street and landscape and design related criteria based policies.

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 intention or 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 Stowupland 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  
29 January 2019



## 1.0 Introduction

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

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

I have been appointed by Mid Suffolk District Council (MSDC) with the agreement of the Parish 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 twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

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

The basic conditions<sup>1</sup> are:

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

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> 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 check<sup>3</sup> 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.<sup>4</sup>

The examiner must then make one of the following recommendations:

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

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

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

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

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

<sup>4</sup> 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 Neighbourhood plan preparation

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

Work began on the Plan in 2014. A Group was established and engagement began with a 'mini-questionnaire', a drop-in event and stall at a Fun Day in July 2015. Individuals, groups and organisations were also contacted.

After this a questionnaire was devised together with one specifically aimed at young people. Results were published through drop-in events, the Parish newsletter, Telstar and through Parish Council meetings. The results can be found in "Engaging the community- the two questionnaires" document.

Pre-submission (Regulation 14) consultation took place between 14 June – 27 July 2018. Copies of the draft Plan were available at a drop-in launch event together with an exhibition and from various outlets in the Parish. Notices in Telstar, posters and banners advertised the consultation. Appendix 4 of the Consultation Statement details the statutory and non-statutory consultees contacted as part of this stage. Appendix 5 of the Consultation Statement details the pre-submission responses received.

A range of consultation activities has been used throughout the process. These have included a dedicated Plan page on the Parish Council website, updates in the Parish newsletter, use of Parish noticeboards and open day / drop-in sessions.

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

Submission (Regulation 16) consultation was carried out between 19 October – 30 November 2018.

The Regulation 16 stage resulted in six representations, including one received late from Historic England accepted by MSDC. I have considered all of the representations and taken them into account in preparing my report.

### 4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

A representation from the Ipswich and East Suffolk Clinical Commissioning Group suggests the addition of a statement to which the Parish Council indicates their support. This is not a modification I need to make given my remit. However, if the Parish Council felt so inclined, such an addition, which could be included as a community aspiration, would not affect my overall conclusions on the Plan.

PPG<sup>7</sup> 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.<sup>8</sup>

I sought clarification on a number of matters from the Parish Council and MSDC in writing and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Earlier this year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body, in this case, Stowupland Parish Council, will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage. The Parish Council sent comments and I have taken these into account.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 16 January 2019.

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

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.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> *Ibid* para 056 ref id 41-056-20180222

<sup>8</sup> *Ibid*

In addition some policies have criteria identified as a), b), c) and so on whilst others have bullet points.

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

## **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**

Stowupland Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

### **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. MSDC approved the designation of the area on 3 February 2015. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown clearly on page 1 of the Plan.

### **Plan period**

The Plan period is 2016 – 2036. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore met.

### **Excluded development**

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

### **Development and use of land**

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



be clearly identifiable.<sup>9</sup> In this instance, community aspirations have been included in a separate box entitled “Actions” after planning policies. I consider this to be an appropriate approach for this Plan, but feel the distinction would be even clearer if the “Actions” were termed “Community Actions”. This would also tie up with the diagram on page 4 of the Plan. Some consequential amendments will be needed.

- **Add the word “Community” to each “Actions” box throughout the Plan**
- **Add the word “Community” before “...’Actions’ to achieve community aspirations...” in the second sentence in paragraph 2.2 on page 4 of the Plan**
- **Add the word “community” before “...actions are noted to achieve some of the...” in the second sentence in paragraph 6.1 on page 14 of the Plan**

## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. Paragraph 214 in Annex 1 of that document explains that:

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

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

It is therefore clear that it is the previous NPPF published in 2012 that is relevant to this particular examination.

However, I note that the Plan at paragraph 3.3 acknowledges the publication of the revised NPPF. It indicates that the Plan has been revised and policies checked to ensure they comply with the revised NPPF. This will help to ensure that the Plan does not become out of date quickly.

Nevertheless, it is the NPPF published in 2012 which applies to this examination as explained above. Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

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<sup>9</sup> PPG para 004 ref id 41-004-20170728

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>10</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>11</sup>

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>12</sup>

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 [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk) 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 unambiguous<sup>13</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>14</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>15</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>16</sup>

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 appraisal<sup>17</sup> briefly sets out how the Plan's policies align with the NPPF's core planning principles. More

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<sup>10</sup> NPPF paras 14, 16

<sup>11</sup> *Ibid* para 184

<sup>12</sup> *Ibid* para 17

<sup>13</sup> PPG para 041 ref id 41-041-20140306

<sup>14</sup> *Ibid*

<sup>15</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>16</sup> *Ibid*

<sup>17</sup> Basic Conditions Statement page 7

detail is then given<sup>18</sup> with a discussion of how the key themes of the NPPF relate to the Plan.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>19</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>20</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a table<sup>21</sup> which explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF. It is noted that the originally submitted Basic Conditions Statement had a formatting error on this page. The correct version of this page was sent as part of the responses to my questions. No one raised this matter in representations and given the differences between the two pages, I do not consider anyone has been prejudiced by this action.

### **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 and the Stowmarket Area Action Plan 2013 (SAAP) adopted 21 February 2013. The LP 1998 has mostly been superseded by CS, CSFR and SAAP policies. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each Plan objective complements the objectives of the CS and how policy generally conforms to relevant CS, CSFR and LP 1998 policies.

### ***Emerging Joint Local Plan***

MSDC with Babergh District Council published a new Joint Local Plan Consultation Document in August 2017. This covers the period up to 2036. The Joint Local Plan Regulation 18 Draft (JLP Draft) is, at the time of writing, due to be considered by Full Council in June 2019. A six week consultation will follow. Once adopted, it will replace all other policies across the two Districts.

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<sup>18</sup> Basic Conditions Statement page 9 and following

<sup>19</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>20</sup> *Ibid* para 7

<sup>21</sup> Basic Conditions Statement page 12

The JLP Draft identifies two sites in the Parish. The JLP Draft indicates that “many of the sites presented...will not be needed to meet the development needs of the Districts and not all will be taken forward in the Plan into allocations”.<sup>22</sup> It continues that “the selection of allocations will be informed by consultation outcomes, evidence and appraisals”.<sup>23</sup> It makes it clear that whilst these sites are “technically suitable” for development, views are sought on whether the sites are appropriate for development. In addition, it states there is an opportunity for communities to bring forward sites in neighbourhood plans alongside the Local Plan process and in line with the emerging level of growth agreed with the two Districts and an opportunity to share evidence.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>24</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>25</sup>

### **European Union Obligations**

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

PPG<sup>26</sup> confirms that it is the responsibility of the local planning authority, in this case MSDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is MSDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment***

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

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<sup>22</sup> Joint Local Plan Consultation Draft August 2017 page 77

<sup>23</sup> *Ibid*

<sup>24</sup> PPG para 009 ref id 41-009-20160211

<sup>25</sup> *Ibid*

<sup>26</sup> *Ibid* para 031 ref id 11-031-20150209

law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

A Screening Determination of September 2018 has been submitted. This in turn refers to a Screening Report of July 2018 prepared by Place Services. This concluded that a SEA would not be needed. Although it was noted that the Plan contains three site allocations, both the report from Place Services and the Screening Determination refer to all three sites as having the benefit of planning permission. The sites subject to Policies SNP2 and SPN3 have planning permission and the site subject to Policy SNP4 has a resolution to grant planning permission subject to a planning obligation.

I have considered, as permission has not yet been granted for the site subject of Policy SNP4, whether this affects the outcome of the Screening Report and Determination. There is a clear indication that permission would be forthcoming and the principle of development has been established outside of the Plan process. Any likely significant effects have been identified and considered at the application stage. I am also mindful that the requisite consultation with the statutory consultees was undertaken. All three statutory consultees, the Environment Agency (EA), Natural England (NE) and Historic England (HE) responded and all concurred that a SEA would not be required.

Bearing these factors in mind and taking account of the characteristics of the Plan and the characteristics of the effects and area likely to be affected, I consider the conclusions of the Screening Report and Determination remain valid.

I have treated the Screening Determination to be the statement of reasons that PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>27</sup>

I am of the view that EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>28</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Determination of September 2018 has been submitted. This explains that three European sites lie within 20km of the Plan area: the Breckland Special Protection Area (SPA), the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Ramsar. The Screening Determination states that none of the sites are within 13km of the Parish which is the distance confirmed by NE as

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<sup>27</sup> PPG para 028 ref id 11-028-20150209

<sup>28</sup> *Ibid* para 047 ref id 11-047-20150209

the largest zone of influence for any sites in Suffolk including to identify potential recreational impacts on coastal statutory sites in Suffolk. As a result it concludes there are no likely significant effects.

The Screening Determination relies on the Screening Report of July 2018 prepared by Place Services.

NE responded but do not specifically mention HRA in their response. NE does not offer any specific comments in their response at Regulation 16 stage. I asked whether NE had been consulted on the HRA Screening. MSDC confirmed this was the case, but decided to ask NE to confirm their acceptance of the HRA Determination. NE responded on 24 January 2019 confirming that they concur.

I have also considered any implications arising from the judgment in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*<sup>29</sup> and subsequent cases. I consider the Screening Determination is legally compliant in the light of the judgments and that no further action is required as a result of these judgments in relation to this particular Plan.

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.

I wrote to MSDC on 10 January 2019 drawing attention to this and asking whether this change to the basic conditions gave rise to any implications for the examination of this particular neighbourhood plan. My letter is attached as Appendix 3. MSDC have not replied specifically to this issue.

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

### **European Convention on Human Rights (ECHR)**

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

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<sup>29</sup> Case C-323/17

## 7.0 Detailed comments on the Plan and its policies

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

The Plan is presented clearly and contains 16 policies. There is a useful contents page at the start of the Plan.

### 1. Introduction

This is a helpful introduction to the Plan that sets out how the Plan came into being and key stages in its evolution.

### 2. Structure of the Plan

This is a short section that takes the reader through the document. It also explains the community aspirations or 'actions'.

### 3. Policy Context

This section explains the policy context for the Plan. In paragraph 3.2 it refers to the NPPF, but does not fully reflect the relevant basic condition. In the interests of accuracy, a modification is recommended to address this.

- **Reword paragraph 3.2 on page 4 of the Plan to read: “The Neighbourhood Plan must *take account of* the National Planning Policy Framework (NPPF) and *be in general conformity with* the strategic policies in the Mid Suffolk Local Plan documents, and contribute towards achieving sustainable development.”**

### 4. An Introduction to Stowupland

This section contains a wealth of information about the Parish. It refers to some of the specific studies such as the Landscape Appraisal carried out as part of the work on the Plan. It signposts readers to supporting documents that contain more detail on, for example, listed buildings. It is a well written and informative section.

## 5. Key Issues – Vision and Objectives

The vision for the area is:

“Our vision is to conserve Stowupland as a traditional, attractive, tranquil Parish, with a strong, friendly community and a separate distinct village identity, retaining open and inspirational countryside views and habitats. Growth will be managed through environmental constraints.”

The vision is supported by 11 objectives. All are articulated well, relate to the development and use of land and will help to deliver the vision.

## 6. Planning Policies

This short section explains that policies follow together with a summary of the evidence and justification as well as any relevant community aspirations.

## 7. A Strategy for Stowupland

### Policy SNP1: Strategy for Sustainable Growth

The policy provides for a minimum of 203 homes subject of site allocations in Policies SNP2, SNP3 and SNP4 and through windfalls. Given the available information, this level of growth is acceptable. The policy supports the use of previously developed land and infill sites. It then seeks to protect the natural and historic environments, the character of the village and the visual gap between the village and Stowmarket. It defines and seeks to protect two gaps identified as “green gaps” on the Proposals Map. One is to Saxham Street, the other to Stowmarket.

The policy refers to “important gaps”; I asked whether these were the same as the “green gaps” identified on the proposals map. The Parish Council agreed the terminology should be consistent.

I saw at my site visit that residential development in Stowmarket is clearly visible from the Parish and as the A14 is in a cutting, the physical division caused by the A14 is not visually apparent. There is a sense of encroachment. Therefore the Green Gap is very important to prevent Stowupland visually merging with Stowmarket.

The Green Gap to Saxham Street is also important to ensure that both settlements retain a sense of identity.



In addition, I found the policy wording could be more precise. Therefore in order to provide the clarity and precision required by national policy and guidance, a modification is made to address this issue.

- **Change the second paragraph of the policy to read: “The protection of the natural and historic environment, the distinctive village character and maintenance of the visual gap and separation between the built-up areas of the village and Stowmarket and Saxham Street will be given significant weight when assessing any development proposals. The Green Gaps identified on the Proposals Map shall be protected and remain undeveloped to maintain this separation.”**

## 8. Planning for Housing Growth

In the CS Stowupland village is identified as one of 12 Key Service Centres which are the main focus for development outside the towns of Stowmarket, Needham Market and Eye in CS Policy CS1. In the emerging JLP, Stowupland is identified as a Core Village.

The supporting text explains that housing numbers have been calculated and historic build rates examined. Expressions of interest were invited from landowners. The community was asked to ‘rank’ areas with potential suitability for development. This work was complemented by a Character Area Assessment and a Landscape Appraisal. Whilst the Plan was prepared, 188 dwellings were granted permission with a further 143 on appeal. Although Table 3 on page 19 of the Plan indicates that two of the three proposed site allocations have already been granted planning permission, the Plan explains that it is important for these sites to be included in case the permissions lapse.

The text explains that the Parish Council will assess the need to review the Plan annually.

### Policy SNP2: Land between Church Road and Gipping Road

This policy allocates a site for “up to” 175 dwellings. The supporting text explains that this site was granted permission on appeal and construction has started on the first phase.

It is not appropriate for a neighbourhood plan to impose a cap on housing numbers as this may prevent the achievement of sustainable development.

It would be prudent for the policy to cross-refer to the associated map which shows the site.

The policy then includes a number of detailed requirements aimed at ensuring any development respects local character and integrates well with the existing settlement.

All are worded clearly. However, criteria a) and d) refer respectively to a 30m deep strip and a woodland belt. In response to a query, the Parish Council confirmed that both areas should fall within the boundary of the site allocation. This would ensure that the policy requirements apply to these two areas. A modification is therefore recommended to Maps 3, 4 and 8, the Proposals Map and its inset to ensure the Plan provides a practical framework.

Criterion e) refers to Columbine Hall. I consider it would be helpful for Map 3 to be changed to enable this property to be identified.

Criterion f) refers to public rights of way. In order for it to be flexible, a modification is made to ensure it provides the necessary flexibility to provide the practical framework for decision-making required by national policy and guidance.

Subject to the modifications suggested below, the policy will meet the basic conditions.

- **Replace the words “up to” in the first sentence of the policy with “*approximately*”**
- **Add to the end of the first sentence of the policy “*and as shown on Map 4.*”**
- **Modify Maps 3, 4 and 8, the Proposals Map and the Inset Map to include the areas referred to in criteria a) and d) of the policy**
- **Modify Map 3 to enable Columbine Hall to be identified on it**
- **Change criterion f) to read: “protect and, *wherever possible*, enhance existing rights of way through the site and *take every available opportunity to increase and improve links with the wider network in the parish. Where changes to the existing network are necessary to accommodate development, mitigating measures will be needed to ensure that the network is not adversely affected.*”**

### **Policy SNP3: Land between Church Farm Barn and Brecklands, Church Road**

Policy SNP3 allocates a site for “up to” 10 dwellings. The same issue therefore arises as for Policy SNP1 and for the same reason, a modification is recommended.

In line with the recommendations for Policy SNP2, this policy should also refer to the relevant maps.

Again this site already has planning permission. Nevertheless should that permission lapse or changes be sought, the policy has four criteria for any future schemes to address. All the criteria are development and use of land related and appropriate for this edge of settlement site. However, the first criterion could be more precise and for this reason a modification is recommended.

Bullet point four requires revision in line with the recommendation made on a similar matter for Policy SNP2 for the same reasons.

- **Replace the words “up to” in the first sentence of the policy with “*approximately*”**
- **Add to the end of the first sentence of the policy “*as shown on Map 5.*”**
- **Change the first criterion to read: “*demonstrate through good design how the proposal respects the edge of village context of, and rural views from, this site;*”**
- **Change bullet point four to read: “*protect and, wherever possible, enhance existing rights of way through the site and take every available opportunity to increase and improve links with the wider network in the parish. Where changes to the existing network are necessary to accommodate development, mitigating measures will be needed to ensure that the network is not adversely affected.*”**

#### **Policy SNP4: Land on the south-east side of Church Road**

This policy allocates a site for “up to” 18 dwellings, an extension to the cemetery and car park. This site is subject to planning application reference number 1884/16/OUT; there is a resolution to grant planning permission subject to the completion of a planning obligation.

In line with Policies SBP2 and SNP3, a modification is made to remove the cap on the number of units and to relate the policy to the accompanying map.

A number of criteria then follow. The first relates to a desire to ensure that the car park is not used as a school drop-off or pick up. The second relates to the provision of a crossing over the A1120. The fourth relates to traffic management measures. These would all be difficult to achieve through the planning system and so need removing from the policy itself, but could be separate community aspirations.

Bullet point eight requires revision in line with the recommendation made on a similar matter for Policy SNP2 for the same reasons.

A representation from the Environment Agency indicates the site lies over a Source Protection Zone 3. I asked the Parish Council and MSDC to consider the issues raised by the EA and an addition to the policy was suggested. I agree this would be an appropriate way forward to ensure that the policy provides a practical framework for decision-making.

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

- **Replace the words “up to” in the first sentence of the policy with “*approximately*”**
- **Add to the end of the first sentence of the policy “*as shown on Map 6.*”**
- **Move bullet points 1, 2 and 4 of the policy to a separate community aspiration section**
- **Change bullet point eight to read: “*protect and, wherever possible, enhance existing rights of way through the site and take every available opportunity to increase and improve links with the wider network in the parish. Where changes to the existing network are necessary to accommodate development, mitigating measures will be needed to ensure that the network is not adversely affected.*”**
- **Add a new bullet point that reads: “*Provide an assessment of the risk of groundwater pollution for the proposed cemetery extension in accordance with Environment Agency’s requirements.*”**

I note that Suffolk County Council have indicated a lack of support for one of the actions which accompany this planning policy – the introduction of a 20 mph speed limit along Church Road. This is not a development and use of land matter as is recognised by this aspiration appearing in the “Action” box and will be a matter between the Parish and County Councils.

## 9. Affordable Housing

### Policy SNP5: Affordable Housing

Affordable housing of 35% is sought by this policy on sites of more than 10 units or of more than 0.5 hectare. The policy then seeks to secure such provision of a type, size and tenure that meets identified local needs.

Altered Policy H4 of the Mid Suffolk Local Plan First Alteration indicates that, on appropriate sites (defined in that policy), the local planning authority will seek to negotiate an element of affordable housing of up to 35%. Local needs, the economics and viability of the development as well as the availability of local services will be taken account of. That policy therefore includes flexibility. The viability and deliverability of development is also an important consideration in the NPPF.<sup>30</sup>

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<sup>30</sup> NPPF para 173

The revised NPPF, referred to throughout the Plan, changes the definition of affordable housing and indicates that at least 10% of homes should be affordable on major developments, but refers to exemptions and has some flexibility. However, this Plan falls to be examined against the previous NPPF.

Policy SNP5 reflects the site thresholds now in place increasing the thresholds in Altered Policy H4 to 10 units. It then retains the 35% level referred to in that policy. I note that the JLP Draft suggests retaining the approach of setting a requirement for affordable housing above 10 units although the specific requirement will be subject to various assessments yet to be carried out.

Policy SNP5 is therefore somewhat of a hybrid in the approach it takes. Although the supporting text refers to viability and includes flexibility, the wording of the policy does not reflect this. I consider it necessary to include this in the policy itself in order to meet the basic conditions. Therefore a modification is recommended.

- **Change the first paragraph of the policy to read: “Proposals for residential development of more than 10 units or on sites of 0.5ha or more *will be expected to provide 35% affordable housing on the site (with at least 10% of these being homes to be available for affordable home ownership) subject to viability assessment and identified local needs with the aim of creating mixed and inclusive communities. Affordable homes must be delivered at the same time as the market homes.*” [retain remainder of policy as is]**

### **Policy SNP6: Rural Exception Sites**

Sites adjoining the settlement boundaries of Stowupland village and Saxham Street are supported for affordable housing by this policy. Market housing to facilitate this is supported. Self-build and custom build is also supported. The policy also includes criteria to ensure that any development is acceptable in its context.

The policy is clearly worded. It generally conforms to Altered Policy H5 of the Mid Suffolk Local Plan First Alteration. However, it introduces a maximum number of dwellings to be provided of 20. I asked for further information about this figure. Whilst the community has a preference for small-scale developments, it is not clear whether this figure applies to an overall development or the number of affordable units or market units. In addition, the policy indicates this figure is a “limit”. This therefore might, however, inadvertently, prevent the achievement of sustainable development and the delivery of affordable housing. A modification is therefore made to address this and ensure the policy meets the basic conditions. The retention of the words “small-scale” in the policy will help to ensure that larger developments not favoured by the community can be resisted appropriately.

- **Delete “(\*maximum of twenty dwellings)” from the second bullet point and its accompanying \*Note 2 at the end of the policy**

## 10. Settlement Boundary Review

### Policy SNP7: Settlement Boundaries

Work on preparing the Plan has included a review of the settlement boundary for Stowupland village last considered as part of the LP 1998. Policy H3 of the LP 1998 explains that development will be considered in relation to its impact and will be for small scale development of up to five or nine units depending on the village's amenities. Policy 6.4 of the SAAP indicates that residential development proposed within or abutting settlement boundaries will conform to the prevailing development plan.

Using the Character Area Assessments and the Landscape Appraisal commissioned as part of the evidence base for the Plan, two site allocations have been included in the revised boundary, but the site subject to Policy SNP 4 has not been. In the interests of consistency, it would seem appropriate to include it within the boundary and a modification is made in this respect.

A new settlement boundary has been designated for Saxham Street.

The JLP Draft proposes a review of all settlement boundaries. It reviews the boundary for Stowupland and introduces a new boundary for Saxham Street. In comparing the boundaries put forward in the Plan against those in the JLP Draft, I note that both differ.

The boundary for Stowupland differs in a number of places. However, the boundary includes more of the settlement than the one proposed in the JLP Draft. I do not consider there is any compelling reason why they should be the same and given the one proposed in the Plan which has reached a more advanced stage than the JLP Draft, is larger and has been drawn appropriately subject to the inclusion of all the site allocations, there is no reason for it not to proceed.

Turning now to Saxham Street, the boundary proposed in the Plan is larger in two places. It has been drawn appropriately.

As both boundaries are also shown on Map 8 as well as the Proposals Map, a reference to Map 8 is added for completeness.

The wording of the policy supports residential development within the boundaries up to 10 unit groups. It also encourages self-build and custom build units. The policy is clearly worded. It reflects LP 1998 Policy H3 and uses a threshold in common use within planning terminology. However, the threshold is expressed as a maximum which potentially caps development and therefore is not acceptable.

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

- **Include the site subject of Policy SNP4 in the settlement boundary for Stowupland and revise Map 8, the Proposals Map and the Inset Map accordingly**
- **Add “Map 8 and” before “the Proposals Map, there is...”**
- **Replace the words “up to” in the first sentence of the policy with “approximately”**

## 11. Landscape and Environment

### Policy SNP8: Landscape Character – important gaps, views and features

This policy supports development where the rural setting of the village and the visual qualities of the upland landscape are protected. It seeks to ensure that the distinct identity of Stowupland is maintained and that coalescence with Stowmarket and Saxham Street is prevented. It seeks to ensure that the particular features of this landscape are maintained. Particularly important views into the wider landscape are identified on the Proposals Map.

The policy is supported by sufficient evidence, both collected and commissioned by the community. The Landscape Appraisal supports the views identified and fewer are identified in this policy than by that report.

I note that the CS recognises the issue of separation and coalescence,<sup>31</sup> referring to the protection of the A14.<sup>32</sup> The SAAP recognises the importance of having, what is termed, an “acceptable” level of separation between Stowmarket and the surrounding villages in its discussion of urban fringe development around Stowmarket.<sup>33</sup> The importance of maintaining the separate identify of the two settlements is also recognised.<sup>34</sup> Since the adoption of the SAAP further development has taken place.

The policy reflects national policy and guidance, generally conforms to CS Policy CS 5 and will help to achieve sustainable development. It is clearly articulated. It therefore meets the basic conditions.

Policy SNP1 introduces Green Gaps and the phrase “Important Gaps” has been dropped from the Plan. In the interests of consistency, some modifications are made to this policy.

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<sup>31</sup> CS para 2.7

<sup>32</sup> *Ibid* para 2.25

<sup>33</sup> SAAP para 6.38

<sup>34</sup> *Ibid* para 6.42

- **Change the title of the policy to “Landscape Character – *Green Gaps*, views and features”**
- **Delete the words “important gaps” from criterion iv.**
- **Add “*Map 9 and*” before “the Proposals Map)” in criterion iv.**
- **Change the final paragraph of the policy to read: “*The Green Gaps and key views to...*” [retain remainder as existing]**
- **Change the title of Map 9 to align with the title of the policy i.e. “Landscape Character – *Green Gaps*, views and features”**

### **Policy SNP9: Protecting Best and Most Versatile Agricultural Land**

A short policy that resists development on the best and most versatile agricultural land on sites of 1 hectare and above. LP 1998 Policy CL11 encourages the conservation of agricultural land.

The NPPF<sup>35</sup> indicates that the economic and other benefits of the best and most versatile agricultural land should be taken into account. Where significant development of agricultural land is needed, the NPPF indicates that poorer quality land should be used in preference to that of higher quality.

The blanket embargo imposed by this policy does not therefore take account of the NPPF. In order for it to do so satisfactorily, a modification is recommended.

- **Change the policy to read: “To protect opportunities for food production and the continuance of the agricultural economy, proposals for development on sites of 1 hectare or more *on the best and most versatile agricultural land will not usually be supported unless it can be satisfactorily demonstrated that land of a poorer quality is not available.*”**

### **Policy SNP10: Protecting the Natural Environment and Biodiversity – Strengthening Green/Blue Infrastructure**

There are a number of environmental and historical features in the Plan area. Policy SNP10 seeks to ensure that all development retains natural features such as ponds and trees. Where any damage or loss is unavoidable, replacements are sought.

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.<sup>36</sup> The conservation or enhancement of the historic

<sup>35</sup> NPPF para 112

<sup>36</sup> *Ibid* para 109



environment is reflected in the NPPF. One of the core planning principles in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance.<sup>37</sup>

The policy is clearly worded. It reflects national policy and guidance, generally conforms to CS Policy CS 5 and will help to achieve sustainable development. No modifications are recommended.

## **12. Local Green Space, Recreational Open Space and Public Rights of Way**

The preamble to this group of policies explains that the LP 1998 identified three areas of Visually Important Open Space (VIOS): the Village Green; the school playing field and the village playing field. VIOSs were designated for their visual and amenity value. The three VIOSs are adjacent to each other creating what the Plan aptly describes as a “green heart”. The designation was carried forward in the SAAP. Recognising that things have evolved since the original designations, a group of policies follows which updates the VIOSs.

### **Policy SNP11: Playing Fields**

This policy identifies the school and parish playing fields and designates them for sport and recreation uses. Their loss is prevented unless in accordance with the revised NPPF’s criteria that shows they are surplus to requirements or they will be replaced by equivalent or better provision in a suitable location or the proposal is for alternative sports provision where the benefits clearly outweigh any loss. The policy refers to paragraph 97 of the revised NPPF.

The policy takes account of national policy and guidance, reflects LP 1998 Policy RT3 and the evidence in the emerging Joint Local Plan that there is a deficiency in accessible open space across the two Districts and will help to achieve sustainable development. It is clearly worded and no modifications are therefore suggested.

### **Policy SNP12: Local Green Spaces**

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

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

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<sup>37</sup> NPPF para 17

<sup>38</sup> *Ibid* paras 76, 77 and 78

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

I visited both areas on my site visit. Taking each one in turn:

**The village green** is of historic importance previously known as Thorney Green. This T-shaped area is shown on Hodkinson's Map of 1783 according to the Landscape Appraisal and is described in that document as "arguably the defining character of Stowupland village",<sup>39</sup> something which I do not disagree with. I saw at my visit it is an open expanse of grassland at the heart of the village. It is also valued for recreational purposes and local events are held there too.

**The Meadow** is valued for its quiet character, the sense of enclosure and its biodiversity, historic field pattern, views of Church steeple and recreation, the Plan explains. The area is adjacent to the land allocated under Policy SNP2. It is also subject to a current planning application reference number 18/04357 which covers this area and adjacent land. This application seeks outline planning permission for up to 70 dwellings. It is recommended for approval by MSDC subject to the completion of a planning obligation and proposed public open space being transferred to the Parish Council and due before committee on 30 January 2019. Whilst on the face of it, there is no conflict, this is, in my view, an unfortunate circumstance given the stage the Plan has reached.

In my view, both proposed LGSs meet the criteria in the NPPF satisfactorily.

The policy is clearly worded. It refers to "very special circumstances" which reflects the NPPF's policy on LGSs which is to manage development in LGSs in line with policy for Green Belts. However, Policy SNP12 seeks to include alternative uses or small scale development for community interest within the definition of "very special circumstances". The NPPF<sup>40</sup> is clear that LGSs should be "capable of enduring beyond the end of the plan period" and managed in line with Green Belt policy. It is therefore not appropriate to extend those very special circumstances through policy, but this could be included in the supporting text to demonstrate that the community might regard any such proposals as not inappropriate development. A suitable location might be to move the existing paragraph 12.5 to appear before the policy and insert a new paragraph just after the policy before the Actions box. Some consequential amendments to numbering of paragraphs and so on will of course be needed.

The policy also seeks to ensure that proposals adjacent to or affecting the setting or particular qualities of the two LGSs have been considered. I do not consider this to be adding a 'buffer' to the policy; instead given the nature of these two particular sites, it is sensible to ensure that nearby development that might affect the LGSs is appropriate.

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<sup>39</sup> Landscape Appraisal, Alison Farmer Associates, January 2017 page 18

<sup>40</sup> NPPF para 76

Subject to the following modifications, the policy meets the basic conditions.

- **Delete the “\*” from the second sentence of the policy**
- **Move the “\*Very special circumstances” at the end of the policy into the supporting text at an appropriate location**

### **Policy SNP13: Public Rights of Way**

LP 1998 Policy RT12 seeks to safeguard and improve the footpath and bridleway networks. This policy seeks to protect existing public rights of way. Where any are to be rerouted, the policy requires any loss of amenity value to be minimised. Although the policy takes its lead from CS Policy CS 6, I feel it would be difficult to know how to comply with this policy as it is currently written and it is not sufficiently clear or flexible and may inadvertently hamper the achievement of sustainable development. Therefore the first paragraph of the policy requires modification in order for it to meet the basic conditions.

- **Reword the first paragraph of the policy to read: “Existing Public Rights of Way in the Parish will be protected. Where rerouting is essential to accommodate sustainable development, any loss of amenity value will be minimised *and mitigation measures will be taken to ensure that the network is not adversely affected or reduced.*” [retain second paragraph of policy as is]**

## **13. Built Environment, Local Character, Design Policy and Sustainable Development**

### **Policy SNP14: Quality of Development, Resource Efficiency and Design Considerations**

This is a long policy that applies to all new development. It seeks to ensure that it is of the highest quality and reflects and reinforces local distinctiveness.

There are three criteria: g), h) and i) that require some revision. This is because in a Written Ministerial Statement,<sup>41</sup> the Government announced it is not appropriate to include any local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Therefore to ensure that the policy takes account of national policy and guidance, modifications to these criteria are recommended.

The policy reflects LP 1998 Policy H13 and CS Policy CS 5 and CSFR Policy FC 1.1 whilst seeking to address areas of concern in the locality. It will help to achieve sustainable

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<sup>41</sup> Written Ministerial Statement of 25 March 2015

development. It takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.<sup>42</sup> With this modification, the policy will meet the basic conditions.

- **Amalgamate criteria g), h) and i) into one new criterion that reads: “*for non-residential development, measures to promote environmental sustainability and high levels of resource efficiency, including design and construction methods and energy (including lighting) and water efficiency measures should be included wherever possible:*”**

## 14. Village Employment, Shops and Local Businesses

### Policy SNP15: Retention of Employment, Retail and Business Premises

Employment in the Parish is in a variety of sectors; agricultural and small businesses including motor vehicle repair, plumbing and bespoke kitchens to name but a few.

Policy SNP15 offers support for employment generating and service providing uses. New employment uses are supported where they are appropriate. This is in line with CSFR Policy FC 3.

However, the policy, inadvertently, supports the change of use and expansion of existing employment uses including their redevelopment regardless of the impact of any changes. The policy therefore requires modification to ensure that it achieves sustainable development.

Subject to this modification, the policy will help to achieve sustainable development. It is in line with national policy’s support for the rural economy and the NPPF’s support for economic growth. It is in line with the general thrust of SAAP Policy 5.5 which seeks to safeguard and improve the viability of village facilities and ensure a mix of retail that complements that on offer in Stowmarket and CSFR Policy FC 3 which supports employment uses.

- **Add a new second sentence to the policy that reads: “*Any such development must be appropriate in scale and have an acceptable impact on their surroundings including on the amenity of nearby residents and on access and car parking provision.*”**
- **Put the next sentence that begins “Proposals for new employment uses...” into a new paragraph**

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<sup>42</sup> NPPF para 56 and section 7

## 15. Protection of Locally Valued Community Services and Resources

### Policy SNP16: Protection of Locally Valued Resources

A list of Locally Valued Resources has been compiled and is shown on page 60 of the Plan. The list includes churches, schools, allotments and public houses. The policy seeks to resist the loss of these facilities unless the use is not economically viable and has been marketed for at least 12 months or there is no local demand for the use and the premises is not needed for another similar use or suitable alternative or replacement provision is made.

It is a clearly worded policy. It takes account of the NPPF<sup>43</sup> which promotes the retention, and development, of local services and community facilities. It will help to achieve sustainable development. As a result the policy meets the basic conditions and no modifications are suggested.

### Proposals Map

I have made various modifications throughout the document in relation to the maps and the Proposals Map and its Inset.

### Glossary

The Plan includes a helpful glossary. Two definitions are not as accurate as they might be. For that reason, modifications are recommended.

- **Change the definition of “examination” to “This is a test of the plan to ensure that it is compliant *with a set of basic conditions including the need to have regard to national policy and advice and generally conform to strategic policies in the Core Strategy or Local Plan and several other requirements.*”**
- **Change the definition of “Green Infrastructure and Green/blue infrastructure” to “Green, or green/blue infrastructure is a term used to describe *a network of elements which together provide a range of environmental and quality of life benefits for local communities.* Examples of green infrastructure elements *include trees, hedgerows, copses, bushes, orchards, woodlands and grassland as well as green spaces, both rural and urban.* Blue infrastructure elements are linked to water and include ponds and pond systems, moats, streams and**

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<sup>43</sup> NPPF paras 28 and 70

other watercourses.”

## Appendices

Appendix 1 contains Parish Aspirations and Projects. It explains that a Parish Infrastructure Improvement Plan will be drawn up.

Appendix 2 contains details of the listed buildings in the Parish.

## 8.0 Conclusions and recommendations

I am satisfied that the Stowupland 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 Stowupland 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 Stowupland Neighbourhood Development Plan should proceed to a referendum based on the Stowupland Neighbourhood Plan area as approved by Mid Suffolk District Council on 3 February 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
29 January 2019

## Appendix 1 List of key documents specific to this examination

Stowupland Neighbourhood Development Plan 2016 – 2036 Submission Version  
September 2018

Basic Conditions Statement September 2018

Strategic Environmental Assessment Screening Determination September 2018

Habitats Regulations Screening Determination September 2018

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA)  
Screening Report July 2018 Place Services

Consultation Statement September 2018

Supporting Documents: Landscape Appraisal January 2017 Alison Farmer Associates;

Character Area Assessments February 2016;

Planning for housing growth in Stowupland;

Examples of building types and styles in Stowupland;

Engaging with the community – the two questionnaires;

2011 Census Profile and

Historical Context

Saved Policies of the Mid Suffolk Local Plan adopted September 1998

Mid Suffolk Local Plan First Alteration Affordable Housing adopted July 2006

Stowmarket Area Action Plan adopted February 2013

Core Strategy adopted September 2008

Core Strategy Focused Review adopted December 2012

Babergh and Mid Suffolk Joint Local Plan Consultation Document August 2017

Other supporting documents on <http://www.stowupland.com/neighbourhood-plan>

**List ends**

## Appendix 2 Questions of clarification from the examiner

### Stowupland Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and MSDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the date the Plan area was designated.
2. The table on page 12 of the Basic Conditions Statement does not appear to have reproduced properly and there are some words or sentences missing. Please send me the full version.
3. The Strategic Environmental Assessment (SEA) Screening Report of July 2018 produced by Place Services and the Screening Determination of September 2018 by MSDC indicate that it was not necessary to have a full SEA as the proposed site allocations already had the benefit of planning permission. Please confirm whether or not the three sites subject of Policies SNP2, 3 and 4 have planning permission and if so, the dates of the grant of permission.
4. Specifically in relation to Policy SNP4, the Environment Agency indicates the need for further assessment as the site lies over a Source Protection Zone 3 should planning permission not be granted. What might be the best course of action on this matter?
5. The Screening Determination relies on the Screening Report of July 2018 prepared by Place Services. Natural England (NE) responded but do not specifically mention Habitats Regulation Assessment (HRA) in their response. NE do not offer any specific comments in their response at Regulation 16 stage. Please confirm that NE was specifically consulted on HRA and the dates of any such consultation and whether or not a response was received. If there was a response please provide me with a copy of or link to it.
6. Policy SNP 1
  - a) Are the "important gaps" referred to in Policy SNP1 (and Policy SNP8) the same as the "Green Gaps" indicated on the Proposals Map and if so (and if found to meet the basic conditions) should these be referred to in the same language?
  - b) What does the phrase "take priority" mean in the second paragraph of the policy?
7. Please could MSDC confirm (or not) agreement to the housing figures put forward in the Plan and whether (or not) this will generally conform to the strategic housing needs requirements for the District based on the latest available information.
8. Policy SNP2
  - a) Does the brown shaded site allocation on Map 3 include the "strip" referred to in criteria a) of the policy and the "margin" referred to in criterion d)? If not, why have these areas been excluded from the allocation? It would be appropriate for any site allocation to include areas of green space, buffer zones, landscaping areas and so on as otherwise the policy cannot relate to anything which is not shown on the accompanying plan/map. What might be the best way of dealing with this issue?
  - b) Would it be useful for Columbine Hall to be identified on a map?



9. Policy SNP6 defines “small scale” as a maximum of 20 units. Please point me to the justification for this figure.
10. Policy SNP12 includes a definition of “very special circumstances” that could be argued, on the face of it, to go against the grain of designating Local Green Spaces and their management which is akin to Green Belt policy. Please could a brief explanation be given?
11. Please update me on the planning application/site referred to in the Gladman Developments Ltd representation, land south of Gipping Road.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites as appropriate.

With many thanks.  
Ann Skippers  
10 January 2019

## Appendix 3 Letter from the examiner

Letter to Paul Bryant  
Mid Suffolk District Council

10 January 2019

Dear Paul,

### **Examination of the Stowupland Neighbourhood Plan Amendment to the Basic Conditions**

I am writing to draw your attention to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018.

Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

**The Regulations substitute a new basic condition which states:**

- **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 Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind*, *Peter Sweetman v Coillte Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

This resulted in some confusion as to whether neighbourhood plans 'screened in' could progress because of the wording of the basic condition.

The substituted basic condition removes this confusion; it gives certainty that those neighbourhood plans which have been 'screened in' and therefore require appropriate assessment can continue to progress (provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met).

The process for appropriate assessment of neighbourhood plans is the same as assessments for Local Plans.

There are no transitional arrangements and so the substituted basic condition applies from 28 December 2018. It will therefore apply to any neighbourhood plans currently at examination or those submitted for examination on or after 28 December 2018.

As all basic conditions must be met by a neighbourhood plan before it can proceed, I would be grateful if you would consider this change to the basic conditions and let me know of any implications arising from it for the examination of this neighbourhood plan. I will reach my own view on this matter as well.

Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI  
Ann Skippers Planning  
Independent Examiner