

Our ref: Thorndon NP Policy THN 11

Your ref: n/a

Date: Wednesday 17 February 2021

Sent by e-mail

Dear Sir / Madam

- 1. Single Issue Consultation on post-examination Thorndon Neighbourhood Plan**
- 2. Policy THN 11 - Local Green Spaces**

We are contacting you because you are a statutory consultee or because you have previously submitted a written representation on the Thorndon Neighbourhood Plan [*the 'Thorndon NP' or 'the Plan'*].

Summary:

Mid Suffolk District Council are consulting on a modification to the Local Green Space policy in the Thorndon NP. The proposal is to remove text that refers to development on the allocated sites only being permitted in exceptional circumstances. Because this is a post-examination plan we must consult on the change before making a final decision.

Background:

The Thorndon NP is at an advanced stage, an Independent Examiners report having been published on 21 September 2020. That report set out a number of modifications to ensure that the Plan meets the basic conditions. Subject to those being made, it also recommended that the Plan proceed to a local referendum. The District Council have already agreed that the modifications identified by the Examiner should be made.

Within the Plan, and taking all the modifications into account, Policy THN 11 would reads as follows:

Policy THN 11 – Local Green Space

The following Local Green Spaces are designated on this Plan and identified on the Policies Map:

Kerrison Playing Field
Fen View Play Area and Open Space
All Saint's Churchyard
The Bowling Green

Development on these sites will only be permitted in exceptional circumstances. Permitted development rights, including the operational requirements of infrastructure providers, are not affected by this designation.

Approximately two weeks after the Thorndon NP Examination Report was issued, the Court of Appeal issued a ruling on a case regarding the lawfulness of a Local Green Space [LGS] policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council, [2020] EWCA Civ 1259*). The ruling has implications on appropriate LGS policy wording.



Babergh and Mid District Councils
Endeavour House, 8 Russell Road, Ipswich IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

Subsequent to the publication of the court ruling, two other neighbourhood plans have been independently examined in Mid Suffolk - Wilby (Exam Report dated 16 Nov' 2020) and Laxfield (Exam Report dated 4 Dec' 2020). Both contained a LGS policy which was similarly worded to the one in the Thorndon Plan and, in both cases, the Examiner recommended deletion of the last paragraph in the policy, stating that:

“This will ensure that there can be absolutely no doubt regarding the lawfulness of the policy. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This ensures that the policy meets the Basic Conditions.”

Proposal:

Before the Thorndon NP proceeds to referendum, and to ensure that policy THN 11 complies with the latest advice, the District Council propose to modify Policy THN 11 by deleting the last paragraph.

The relevant text is ~~struck through~~ in the text box below. Note also that the rest of the policy remains unchanged.

Policy THN 11 – Local Green Space

The following Local Green Spaces are designated on this Plan and identified on the Policies Map:

- 1) Kerrison Playing Field
- 2) Fen View Play Area and Open Space
- 3) All Saint's Churchyard
- 4) The Bowling Green

~~Development on these sites will only be permitted in exceptional circumstances. Permitted development rights, including the operational requirements of infrastructure providers, are not affected by this designation.~~

Should anyone disagree with the proposed modification we ask that those views be made known to us as soon as possible and by **no later than 4:00pm on Thursday 1 April 2021**. Your written representation should explain why you think the reference to development in exceptional circumstances should remain.

Please also note that it will not be possible to accept late representations and that only comments relating to the proposed modification can be accepted.

You can e-mail your comments to: communityplanning@babergmidssuffolk.gov.uk or send them by post to: 'Thorndon LGS Consultation', c/o Mr Paul Bryant, Spatial Planning Policy Team, Babergh & Mid Suffolk District Council, Endeavour House, 8 Russell Rd, Ipswich, IP1 2BX

At the end of this consultation period we will make a final decision, publishing both that and any representations received on our Thorndon webpage: www.midsuffolk.gov.uk/ThorndonNP

Yours faithfully

Robert Hobbs
Corporate Manager – Strategic Planning
Babergh and Mid Suffolk District Councils

In case of query, in the first instance, please contact: Paul Bryant (Neighbourhood Planning Officer) T: 01449 724771 or e-mail as per above

Overleaf we publish links to relevant source documents:

Links to relevant source documents:

- Thorndon Neighbourhood Plan (the Submission draft version of the Plan)
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Thorndon-NP-Sub-Jun20.pdf>
- Thorndon Neighbourhood Plan Examiners Report (see section starting at para' 99 on page 17)
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Thorndon-NP-Exam-Report.pdf>
- Court of Appeal ruling dated 2nd October 2020 (as a printable PDF)
<https://www.bailii.org/ew/cases/EWCA/Civ/2020/1259.pdf>
- Wilby Neighbourhood Plan Examiners Report (see paragraph 55 on page 11 re LGS)
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Wilby-NP-Exam-Report.pdf>
- Laxfield Neighbourhood Plan Examiners Report (see paragraph 141 on page 27 re LGS)
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Laxfield-NP-Exam-Report.pdf>