

Wetheringsett cum Brockford Neighbourhood Plan 2022 - 2037

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

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Summary and Conclusion

1. The Wetheringsett cum Brockford Neighbourhood Plan has a clear vision for the Parish and is supported by four objectives.
2. Mid Suffolk District Council has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging Joint Local Plan (Nov 2020) should now be treated as indicative housing figures and that, for the time being, neighbourhood plan groups should continue to proceed on the basis of their indicative number. That emerging plan did not provide a minimum housing requirement figure for the Parish.
3. The Babergh and Mid Suffolk *Spatial Distribution Statement* (September 2021) identified extant planning permissions for 10 dwellings from 2018-2037 and did not seek further dwellings as the total was considered broadly appropriate, taking account of settlement type, transport, geography, settlement scale and the availability of sites.
4. As of 1 April 2023, there were 21 outstanding unimplemented planning permissions for new dwellings in the Parish. Subsequently an appeal for 14 dwellings on the former football field at Hockey Hill has been upheld.
5. This neighbourhood plan does not allocate sites for housing and is not required to do so.
6. I have recommended modification to some of the policies in the Plan. These modifications are predominately in the interest of precision. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
7. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Wetheringsett cum Brockford Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Wetheringsett cum Brockford Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

8. On 21 January 2021 Mid Suffolk District Council (MSDC) approved that the Wetheringsett cum Brockford Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Wetheringsett cum Brockford.

9. The qualifying body is Wetheringsett cum Brockford Parish Council. The Plan has been prepared by a Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2022 to 2037.
10. I was appointed as an independent Examiner for the Wetheringsett cum Brockford Neighbourhood Plan in January 2023. I confirm that I am independent from the Parish Council and MSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of the examination, I have visited the Plan area.
11. I suspended the examination of the submission version of the Plan dated December 2022 on 12 May 2023. This was due to concerns I raised in an open letter to the Parish Council dated 12 April 2023. That letter has been placed on the MSDC's website. The Parish Council withdrew the first version of the neighbourhood plan to allow for further consultation with the local community as appropriate and for procedural matters to be addressed.
12. That version of the Plan supported in principle the development of 'Land East of the A140'. This site may or may not be included as an allocation in a future Part 2 of the Joint Local Plan. The housing site identified as 'Land East of the A140' was not allocated in any adopted development plan document. By supporting the development of this site in Policy WCB1 in the December 2022 version of the submission neighbourhood plan and by identifying the site on Inset Map 1 as an allocated site in that version of the neighbourhood plan, if that version of the neighbourhood plan were to become part of the development plan as a 'made' document, it would be allocating the site for housing development. As Policy WCB1 in that version of the neighbourhood plan would allocate the site for housing development, both the accompanying Strategic Environmental Assessment Screening Report and Habitats Regulations Assessment Report should have acknowledged this in reaching their conclusions.
13. I found that both the former Strategic Environmental Assessment Screening Report and Habitats Regulations Assessment Report did not comply with legal requirements in that their conclusions were partially based on false premises that the site is *proposed for allocation in the emerging Joint Local Plan rather than through the Neighbourhood Plan* and would not *directly result in development*. In addition, in accordance with national guidance, I would have expected the neighbourhood plan background evidence in support of the site to include a call for sites and an appraisal of options. I was not provided with such evidence.
14. I reconvened the examination of the Plan on 7 May 2024 following the submission of a second version of the Plan dated February 2024. It is the second version that is subject to this examination.

Legislative Background

15. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
16. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
17. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*

1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”

18. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
19. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

20. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
21. The final *Wetheringsett cum Brockford Neighbourhood Development Plan SEA Screening Report* was prepared by Land Use Consultants in October 2023. It refers to the Plan not directly impacting on land use through the allocation of sites for housing or other forms of development. It concludes: *on this basis it is considered that the Wetheringsett cum Brockford Neighbourhood Plan is unlikely to have significant environmental effects and that full SEA is therefore not required.*
22. The statutory consultees concurred with this opinion, although the Environment Agency raised concerns on the basis that the Joint Local Plan was yet to be adopted. That plan had actually been adopted a few days before their letter. It contains both strategic and local policies that address many of the Environment Agency’s concerns. At the suggestion of MSDC, Policy WCB1 has subsequently added reference to small scale windfall development not having a significant adverse impact on *other identified constraints (e.g. floodrisk, water and waste water supply)*. I am satisfied that the Environment Agency’s concerns are addressed by both the Local Plan and neighbourhood plan policies.
23. MSDC prepared the *Wetheringsett cum Brockford Neighbourhood Plan 2022 - 2037 Strategic Environmental Assessment and Habitat Regulation Assessment Determination Notices* in January 2024. It concludes: *In light of the SEA Screening Report (Oct 2023) prepared by LUC and having also considered the responses to this from the statutory consultees, it is our determination that the Wetheringsett cum Brockford Neighbourhood Plan*

(October 2023) **does not require** a Strategic Environmental Assessment in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004.

24. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
25. As regards HRA, the final *Wetheringsett cum Brockford Neighbourhood Plan 2022-2037 HRA Report* was prepared by Land Use Consultants in October 2023. It concludes: *At the Screening stage of HRA, no likely significant effects are predicted on European sites, either alone or in combination with other policies and proposals. However, it is expected that any development which the Wetheringsett cum Brockford Neighbourhood Plan supports and is within the plan boundary will be required to undertake an individual project-level HRA to determine impacts.* Natural England concurred with this conclusion.
26. The *Wetheringsett cum Brockford Neighbourhood Plan 2022 - 2037 Strategic Environmental Assessment and Habitat Regulation Assessment Determination Notices* (January 2024) prepared by MSDC determines: *In light of the HRA Screening Report (October 2023) prepared by LUC and having considered the responses to this from the statutory consultees, it is our determination that the Wetheringsett cum Brockford Neighbourhood Plan is ‘screened out’ from further assessment under the Habitats Regulations 2017 and that an Appropriate Assessment is not required.*
27. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan did not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
28. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

29. The *National Planning Policy Framework* (NPPF) (2023) sets out the Government’s planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
30. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which

are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

31. Wetheringsett cum Brockford Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Wetheringsett cum Brockford Neighbourhood Plan Area comprises the Babergh and Mid Suffolk District Council's Joint Local Plan (JLP) adopted on 21 November 2023. Some policies from previous Development Plan documents have been saved and these remaining saved policies also form part of the Development Plan. None of the saved policies are strategic policies relevant to the Wetheringsett cum Brockford Neighbourhood Plan. The second Submission Neighbourhood Plan was prepared having regard to the JLP policies.
32. The strategic policies in the development plan include policies regarding housing provision, climate change and the conservation and enhancement of the natural and historic environment.

The Neighbourhood Plan Preparation

33. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
34. The initial consultation process began in 2018. A questionnaire was published online and delivered to every household in 2019. Following a pause due to the pandemic, views of local businesses were sought in 2021 and a short 5 Things Survey sought to elicit from people their 5 favourite

things about the Parish, what they might like to improve and what they might like to change. In September 2021, a Policy Ideas-Drop-in Exhibition was held.

35. The consultation period on the first pre-submission draft of the Plan ran from 20 June 2022 to 5 August 2022. Hard copies of the Plan were available for view in the porch of All Saints Church and a flyer publicising the consultation and explaining how to respond was delivered throughout the Parish. Copies of the Plan and the response form were posted on the neighbourhood plan web page. Notification letters were sent to the owners of proposed Local Green Spaces and non designated Heritage Assets. The pre-submission consultation was publicised via social media and via an article in the Parish Magazine.
36. I am satisfied that the first pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
37. MSDC publicised the first submission Plan for comment during the publicity period between 23 January 2023 and 10 March 2023 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of nine responses were received.
38. Following the Parish Council's withdrawal of the first version of the neighbourhood plan to allow for further consultation with the local community as appropriate and for procedural matters to be addressed, work on the Plan went back in the process prior to the Regulation 14 Pre-Submission stage.
39. As the suspension of the examination related to housing development and as two outstanding appeal decisions were determined in the Parish, further informal consultation with local residents on housing issues was undertaken during July 2023 asking if the Plan should allocate more land for housing above that already permitted. This consultation was publicised via the village Facebook group, the Parish Council website/Neighbourhood Plan page, posters on village noticeboards and via the parish newsletter.
40. The consultation period on the second pre-submission draft of the Plan ran from 16 October 2023 to 30 November 2023. Publicity and availability followed that of the previous pre-submission draft consultation.
41. I am satisfied that the second pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity for both the first and second versions of the Plan went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
42. MSDC publicised the second submission Plan for comment during the publicity period between 18 March 2024 and 3 May 2024 in line with

Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 12 responses were received.

43. I have taken into consideration all responses received for both the first and second versions of the Plan, including the summary tables of submissions for both the pre submission draft plan stages and Regulation 16 representations for both versions of the Plan. I am satisfied that all these responses can be assessed without the need for a public hearing.
44. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the MSDC website.

The Wetheringsett cum Brockford Neighbourhood Plan

45. Background information is provided throughout the Plan and in supporting documents. A clear vision for the Parish has been established and is supported by four area wide objectives.
46. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as community projects and environmental projects in this Plan) these have to be clearly differentiated from policies for the development and use of land.
47. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
48. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
49. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear

and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.

50. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
51. The terminology for a neighbourhood plan is that it is 'made' rather than 'adopted'. Therefore paragraphs 1.2 and 1.20 in the Plan should just refer to the final stage as being where the plan is 'made'. The first sentences in paragraphs 1.4 and 1.5 should refer to the Babergh and Mid Suffolk Joint Local Plan. Paragraphs 1.9, 1.14 and 1.15 and Figure 1 will need updating. Paragraph 1.16 refers to any relevant saved Local Plan policies. As there are none relevant to this neighbourhood plan this reference should be deleted. Paragraph 1.28 should read 'Part 2' at the end of the last sentence. There is a spelling mistake in paragraph 1.29. Paragraph 4.3 should quote the objectives in Paragraph 8 of the NPPF, rather than seek to summarise the objectives. The penultimate sentence on page 31 should refer to the JLP as there is only one Plan with strategic policies relevant to this neighbourhood plan area. **I see these as minor editing matters.**
52. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

WCB1: Location of new housing

53. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
54. Policy SP01 in the adopted JLP seeks to deliver a minimum of 10,165 net additional dwellings in the District over the plan period (535 dwellings per annum).
55. In December 2021 Inspectors in the process of examining the emerging JLP requested that the JLP be split into two parts with Part 2 requiring further assessment to address matters including housing numbers for neighbourhood plan areas, the spatial distribution and settlement boundaries. The settlement hierarchy will now be a consideration for Part 2 of the JLP.
56. MSDC has decided that the minimum housing requirements for the neighbourhood plan areas, as set out in the former emerging JLP (Nov 2020) should now be treated as indicative figures and that, for the time

being, neighbourhood plan groups should continue to proceed on the basis of these indicative numbers. That emerging JLP did not provide a minimum housing requirement figure for the Parish.

57. AECOM prepared a *Housing Needs Assessment* in September 2021. Whilst MSDC has a number of reservations about the methodology used to prepare this assessment, the report states that the question of how many dwellings to plan for overall is not within the scope of this report.
58. The Babergh and Mid Suffolk *Spatial Distribution Statement* (September 2021) identified extant planning permissions for 10 dwellings from 2018-2037 and did not seek further dwellings as the total was considered broadly appropriate taking account of settlement type, transport, geography, settlement scale and the availability of sites.
59. Paragraph 5.5 in the Plan states that as of 1 April 2023 there were 21 outstanding unimplemented planning permissions for new dwellings in the Parish. Subsequently an appeal for 14 dwellings on the former football field at Hockey Hill has been upheld.
60. I am required to test the indicative housing figure proposed by MSDC. MSDC is yet to publish a revised Part 2 to the JLP, or to publish any revised supporting documentation. Policy WCB1 does not set a minimum housing figure and is not required to do so. Neither is it required to allocate sites for new housing development.
61. The Neighbourhood Plan examination process does not require a rigorous examination of the distribution of the district wide housing land requirements. This is the role of the examination of the JLP Part 2.
62. I am satisfied, as far as I can reasonably be expected to be, that until such time as Part 2 of the JLP is available and the settlement hierarchy is established, local housing need can be accommodated through existing commitments. In reaching this decision, I note that MSDC has not made adverse comment on Policy WCB1 regarding this matter.
63. Policy SP03 in the adopted JLP seeks the sustainable location of new development. It identifies settlement boundaries established in the earlier Local Plan, recognising that these will be reviewed as part of the preparation of Part 2 of the JLP. Policy SP03 recognises that development can take place outside settlement boundaries under various circumstances, including where it is in accordance with a made neighbourhood plan. In addition, it recognises that new housing development can come forward through neighbourhood plans.
64. Policy WCB1 focuses new development within new settlement boundaries, which are those identified in what was the emerging JLP (November 2020) and amendments to reflect latest permissions and commitments. MSDC has pointed out that the northernmost part of the proposed Brockford Street settlement boundary falls within the parish of Thwaite. In the interest of

precision, the Parish Wide Policies Map and Inset Map 1 should be corrected accordingly. In addition, MSDC has pointed out that the site with planning permission in that area is constructed and thus the annotation should be removed from the Parish Wide Policies Map Inset 1.

65. MSDC has suggested that the site with planning permission on the former football field east of Hockey Hill is included within the settlement boundary for Wetheringsett (Church). As paragraph 1.26 explains that the new settlement boundaries reflect latest permissions, in the interest of precision, this site should be included within the settlement boundary.
66. Subject to these modifications, I consider that the revised settlement boundaries are in general conformity with strategic policy, where it recognises that the settlement boundaries are due to be reviewed.
67. Paragraph 135 in the NPPF, amongst other matters, seeks to ensure that developments establish or maintain a strong sense of space. To have regard to national policy, the third paragraph in Policy WCB1 should include the requirement to maintain, as well as enhance, the area's form, character and setting.
68. The penultimate paragraph in Policy WCB1 seeks to ensure that new development would not result in the erosion of undeveloped gaps between the distinct hamlets. My understanding is that within the Plan area hamlets were proposed to be designated at the settlements of Brockford Street, Wetherup Street and Park Green in what was the emerging JLP (November 2020). Wetheringsett Church has either previously been classified as a secondary village in the superseded Core Strategy or as a proposed hinterland village in the emerging JLP (November 2020). The settlement hierarchy will now be a consideration for Part 2 of the JLP.
69. Appendix B is a *Wetheringsett cum Brockford Character Appraisal* for the Parish. Paragraph 6.10 in the Plan explains that the Parish was divided up into nine separate character areas based largely on the distinct hamlets. That paragraph lists the hamlets and Figure 12 in the Plan identifies the areas. I sought clarification from the Parish Council. In an email dated 19 May 2024 the Parish Council confirmed that Policy WCB1 *is intended to apply to gaps between all of the separate hamlets in the Parish and not just those with a settlement boundary. Therefore, it would apply to the gaps between all the character areas identified in paragraph 6.10.*
70. It is clear that the definition of hamlet in the neighbourhood plan differs from that previously proposed in the emerging JLP. Therefore, in the interest of precision, Policy WCB1 should explain that the distinct hamlets are those identified as Character Areas in the *Wetheringsett cum Brockford Character Appraisal* and Figure 12. Having visited the Parish, I recognise the concerns of local residents to ensure that the gaps are not eroded and the importance of maintaining the gaps to retain the rural character and appearance of the area. In the interest of precision, I have suggested additional wording.

71. As part of fact checking my draft report, further comment was made in a joint response from the Parish Council and MSDC on my suggested modifications to Policy WCB1. It was suggested that this policy referred to gaps both within and between distinct hamlets, rather than just gaps between distinct hamlets. The reason being *that the character areas on occasion include more than one distinct area of built development and that there are also existing gaps between these within the wider character area*. I am satisfied that the addition of referring to gaps within the character areas is a minor editing matter that provides clarification for the original intentions of this policy.
72. Supporting paragraph 5.16 states that new development outside settlement boundaries will not be supported. This is not an accurate interpretation of Policy WCB1. In the interest of precision, this paragraph should be modified. As such, I have suggested a new sentence to replace the first sentence in paragraph 5.16.
73. Subject to the above modifications, Policy WCB1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB1 meets the Basic Conditions.
74. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy WCB1 to read as follows:**
- WCB1: Location of new housing**
- The scale of new housing within the parish during the plan period will reflect its position within the adopted Local Plan settlement hierarchy.**
- The focus for new development will be the defined settlement boundaries at Wetheringsett (Church), Brockford Street and Wetherup Street/Park Green as shown on the relevant policies maps.**
- New infill or windfall development within these defined settlement boundaries will be small scale (meaning individual houses or small groups) and proposals should maintain or enhance the area's form, character and setting and not have significant adverse impacts upon:**
- a) Heritage assets (designated or undesignated)**
 - b) Nature conservation interests**
 - c) Highway safety or public rights of way**
 - d) the amenity of adjoining occupiers, or**
 - e) other identified constraints (e.g. floodrisk, water and wastewater supply).**

New developments should actively seek to facilitate walking and cycling.

Proposals for development located outside of the defined settlement boundaries will only be permitted where they are in accordance with adopted national and local policies, they comply with criteria a-e above and where they would not result in the erosion of undeveloped gaps either within or between distinct hamlets. For the purpose of this neighbourhood plan, the distinct hamlets are the Character Areas defined in Appendix B and identified in Figure 12.

Development may only be supported where no likely significant effects (LSE) or adverse effects on site integrity (AEoI) have been demonstrated through an individual project-level HRA.

2) modification to Parish Wide Policies Map and Inset Map 1 to correctly identify the Parish boundary and deletion of the annotation 'site with planning permission'.

3) modification to Parish Wide Policies Map Inset 2 by the inclusion of the identified site with planning permission within the settlement boundary.

4) modification to paragraph 5.16 by the replacement of the first sentence with the following:

The focus for new development will be within the defined settlement boundaries.

WCB2: Housing size, type, and tenure

75. Paragraph 60 in the NPPF states: *To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.*
76. PPG states: *In order to qualify as a First Home, a property must be sold at least 30% below the open market value. Therefore, the required minimum discount cannot be below 30%.*

However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this (part extract from Paragraph: 004 Reference ID: 70-004-20210524).

77. JLP Policy SP01 requires that the mix of tenure, size and type of new housing development should be informed by the district's needs assessment or any local housing needs survey where relevant.
78. JLP Policy SP02 requires that the mix of tenure, size and type of new affordable housing development should be informed by the district's needs assessment, any local housing needs survey and other relevant supporting evidence. The JLP specifically states that it does not address the issue of First Homes.
79. The above policies are relevant to Policies WCB2 and WCB3.
80. Policy WCB2 seeks a housing mix to meet local needs. In doing so it identifies a need for 2-3 bedroom properties, opportunities for self build or custom build properties and housing capable of being adapted to meet changing needs. It identifies a need for at least 75% of affordable housing to be social or affordable rent and for First Homes to be provided at a discount of 50%.
81. AECOM prepared a *Housing Needs Assessment* in September 2021. MSDC has a number of reservations about the methodology used to prepare this assessment, in particular that the notion that affordable housing should only be there to meet the needs of the Parish, whilst MSDC's responsibility is to meet the needs of the District. Nevertheless, MSDC confirmed at the second Regulation 14 consultation stage that it was currently seeking 75% of affordable housing as rented housing and has not subsequently made adverse comment on the current policy at Regulation 16 consultation stage. I am satisfied that the findings of the AECOM study, together with MSDC's comments, provide sufficient evidence to support Policy WCB2.
82. In the interest of precision, a footnote should be added to the end of Policy WCB2 stating that the discount level also applies to First Homes exception sites.
83. Subject to the above modification, Policy WCB2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB2 meets the Basic Conditions.
84. **Recommendation: to meet the Basic Conditions, I recommend the insertion of a footnote at the end of Policy WCB2. The footnote to read: This 50% discount level also applies on First Homes exception sites.**

WCB3: Affordable housing on community led sites

85. Paragraph 82 in the NPPF states: *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet local needs and consider whether allowing some market housing on these sites would help to facilitate this.*
86. Paragraph 73 in the NPPF explains that local planning authorities should support the development of exception sites for community-led development on sites that would not otherwise be suitable as rural exception sites. Such sites should be adjacent to existing settlements and proportionate in size to them.
87. Policy SP03 in the JLP cross refers to non-strategic policies including Policy LP07. That policy refers to criteria for community-led development and rural exception sites. Community-led housing proposals must demonstrate that the scheme was initiated by a legitimate local community group and has general community support. Whilst not a strategic policy, it supports the strategic approach to the provision of affordable housing in JLP Policy SP02.
88. Policy WCB3 is specifically concerned with exception sites for community-led development. As explained above, the NPPF differentiates between these sites and rural exception sites, in that community-led development sites should be located on sites not otherwise suitable as rural exception sites. The accompanying text to Policy WCB3 in paragraph 5.61 does differentiate between rural exception sites and community-led developments and states that Policy WCB3 supports the principle of the delivery of affordable housing on both exception or community-led sites. This paragraph is somewhat misleading. Policy WCB3 only relates to community-led development sites outside settlement boundaries. It does not relate to other exception sites. In the interest of precision, I have suggested revised wording for paragraph 5.61.
89. Policy WCB3 requires community-led development sites to be ‘immediately adjacent’ to the settlement boundaries. The NPPF only refers to such sites being ‘adjacent’ to existing settlements. I would not like the opportunity to provide affordable housing to be lost if a site was adjacent to but not immediately adjacent to a settlement. I see no reason to include the word ‘immediately’ in Policy WCB3. Thus, I recommend its deletion.
90. Subject to the above modifications, Policy WCB3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB3 meets the Basic Conditions.
91. Supporting text in paragraph 5.49 misquotes JLP Policy LP24 and thus should be amended. **I see this as a minor editing matter.**

92. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Paragraph 5.61 to read as follows:

One option considered would be to support the grant of planning permission for development on land outside of the settlement boundary but adjacent to it on an ‘exceptional basis’. Such sites are known as ‘community-led developments’. They require the involvement of ‘not for profit organisations set up primarily for the purpose of meeting the housing needs of the local community e.g. a Community Land Trust (CLT). Such developments also tend to be small scale. Paragraph 73 of the NPPF 2023, restricts Community Led Developments to 1 hectare in size or a maximum of 5% of the size of the existing settlement. Where such sites are proposed, clear justification must be given that demonstrates that there is an identified housing need within the parish and that the proposed site is suitable to meet this need and is an acceptable site in overall planning terms (e.g. scale, design, location etc). It is recognised that the parish does not have many facilities that might be required to support new residents in affordable housing and therefore the location and scale of such development should bear this in mind. This housing must also remain available to meet identified housing need in perpetuity. The following Neighbourhood Plan policy supports the principle of the delivery of affordable housing through community-led development sites outside the settlement boundaries but does not identify any specific sites.

2) the deletion of the word ‘immediately’ from the first sentence on policy WCB3.

WCB4: Employment and Economic Development

93. Paragraph 85 in the NPPF seeks to build a strong competitive economy and requires planning policies to help create the conditions in which businesses can invest, expand and adapt. Paragraphs 88 and 89 in the NPPF support a prosperous rural economy. Planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements.
94. JLP Policy SP05 seeks to ensure that land used for employment purposes outside of designated strategic employment sites shall be protected for ongoing employment use unless such use is convincingly demonstrated to be unviable.
95. Policy WCB4 supports proposals for small scale new businesses on existing employment sites at Mendlesham Airfield and Town Lane, subject to criteria. Conversion of rural buildings would be subject to the same criteria. Large

scale expansion of existing employment sites would need to meet additional criteria of visual, landscape and environmental improvement.

96. Policy WCB4 has regard to national policy, contributes towards sustainable development, particularly the economic objective and is in general conformity with strategic policy. Policy WCB4 meets the Basic Conditions.
97. Supporting text in Paragraph 5.63 refers to emerging JLP policy. This should be updated to refer to relevant adopted JLP policy. **I see this as a minor editing matter.**
98. Supporting text in Paragraph 5.73 may need to be updated if the application for a Lawful Development Certificate has been decided. **I see this as a minor editing matter.**

WCB5: The Middy

99. Paragraph 88 in the NPPF supports a prosperous rural economy including sustainable rural tourism and leisure development which respects the character of the countryside and proposals that would enable the retention and development of accessible local community facilities .
100. JLP Policy SP07 encourages new sustainable tourism development that supports the tourism role of settlements. Historic, recreational and landscape-based tourism proposals that protect the historic and natural environment will be supported.
101. The Middy is a popular tourist attraction. Policy WCB5 supports proposal that would reinforce the important role of The Middy. This has regard to national policy, contributes towards sustainable development, particularly the economic and social objectives and is in general conformity with strategic policy. Policy WCB5 meets the Basic Conditions.

WCB6: High quality and sustainable design

102. Section 12 in the NPPF seeks to achieve well-designed and beautiful places. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
103. Paragraph 132 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have*

as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.

104. Paragraph 136 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.
105. Paragraph 157 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*
106. For a considerable time, it has not been possible to include technical standards for housing construction in neighbourhood plans. A Written Ministerial Statement: Planning - Local Energy Efficiency Standards Update (13 December 2023) explains that the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. *Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:*
- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).*
107. I have no robust evidence before me to justify otherwise than in accordance with the above Written Ministerial Statement.
108. JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes. In addition, all development will be required to protect and enhance biodiversity. This policy is relevant to Policies WCB6, WCB7, WCB8, WCB9, WCB10, WCB11 and WCB12.

109. JLP Policy SP10 requires all development to mitigate and adapt to climate change by: adopting a sequential risk-based approach taking into account futureproofing measures for impacts of flooding; conforming to the principle of Holistic Water Management; applying existing and innovative approaches to sustainable design and construction; and identifying opportunities, where appropriate, to deliver decentralised energy systems powered by a renewable or low carbon source and associated infrastructure, including community-led initiatives.
110. Policy WCB6 is a general design policy supported by background evidence in the *Wetheringsett cum-Brockford Character Appraisal* in Appendix B and the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines October 2023*. For the same reason as explained under Policy WCB1, the second paragraph in Policy WCB6 should refer to enhancing or maintaining the quality of each character area. I have suggested revised wording.
111. Paragraph 136 in the NPPF makes it clear that it is the Government's intention that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. I recommend the inclusion of such a requirement in the Landscaping and Gardens section in Policy WCB6. I have suggested additional wording.
112. Suffolk County Council has pointed out that the latest Suffolk Guidance for Parking is dated 2023. In the interest of precision, the last paragraph in Policy WCB6 should be updated to refer to that document.
113. The *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines October 2023* is not a policy document. Design guidance, is guidance rather than a requirement. Thus, the table on Page 114 in the Design Guidelines should be modified to make it clear that applicants, developers and landowners and the Parish Council should have regard to the guidance.
114. Paragraph 3.2.2 in the Design Guidelines refers to key existing views, main view corridors and locally significant views. The only views identified in the Plan are the Important Public Local Views in Policy WCB9. In the interest of precision, paragraph 3.2.2 in the Design Guidelines should make it clear that the views it refers to are those identified in Policy WCB9.
115. Paragraphs 3.4.8 and 3.5.2 in the Design Guidelines refer to high energy efficiency standards, low energy design and eco-design. Whilst the Design Guidelines can encourage such measures, these paragraphs should explain that it is not appropriate to require measures that go beyond building regulations.
116. Restrictions on the provision of hanging baskets is not a planning matter and has no place in design guidance. Thus, I recommend deletion of such a reference from Paragraph 3.4.9 in the Design Guidelines.
117. In the interest of precision, I suggest that the date of the publication of the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines* is

included in Policy WCB6. The document should refer to the NPPF 2023, rather than NPPF 2021. As I have asked for modification to the Design Guidelines document for other matters, the Local Plan status should be similarly updated.

118. Paragraph 3.7 in the Design Guidelines requires existing views across the countryside to be protected in a number of character areas. Policy WCB9 refers to protecting the visual scenic value of the landscape and countryside within the Parish outside of the defined settlement boundaries 'from development that may adversely affect this character'. In the interest of precision, Paragraph 3.7 in the Design Guidelines should reflect Policy WCB9, where it refers to 'development that may adversely affect this character'.
119. Subject to the above modifications, Policy WCB6, together with guidance in the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines October 2023* have regard to national policy, contribute towards sustainable development, particularly the environmental objective, and are in general conformity with strategic policy. Modified Policy WCB6 meets the Basic Conditions.
120. As the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines October 2023* is such an important background document, the Parish Council may wish to consider including the document as an appendix to the Plan. **I see this as a minor editing matter.**
121. **Recommendation: to meet the Basic Conditions, I recommend:**
 - 1) modification to the first sentence in the second paragraph in Policy WCB6 to read as follows:**

The design of all new development in Wetheringsett cum Brockford should be of a scale and design to reinforce the locally distinctive character of each character area and seek to maintain, or where possible enhance, its quality. (See Appendix B).
 - 2) the inclusion of the following criterion in the Landscaping and Gardens section of Policy WCB6:**

All new development should include tree-lined streets unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate.
 - 3) inclusion of the date of the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines* in Policy WCB6.**

4) update the last paragraph in Policy WCB6 to refer to the Suffolk Guidance for Parking 2023

5) modification to the *Wetheringsett cum-Brockford Neighbourhood Area Design Guidelines October 2023* as follows:

Paragraph 3.2.2 should make it clear that the views it refers to are those identified in Policy WCB9.

Paragraphs 3.4.8 and 3.5.2 should explain that it is not appropriate to require measures that go beyond building regulations.

The document should refer to the NPPF 2023, rather than NPPF 2021 and the Local Plan status should be updated.

Paragraph 3.7 should reflect Policy WCB9, where it refers to ‘development that may adversely affect this character’.

Deletion of reference to hanging baskets from paragraph 3.4.9.

The table on Page 114 should be modified to make it clear that applicants, developers and landowners and the Parish Council should have regard to the guidance.

WCB7: Historic environment

122. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
123. The NPPF advises, at paragraph 205, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
124. Policy WCB7 seeks to protect the historic environment. The first paragraph does not have regard to national policy and to propose modification would be simply repeating parts of The Planning (Listed Buildings and Conservation Areas) Act 1990, part of JLP Policy LP19 or Tree Preservation Order legislation. This is not necessary as usually a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority’s policies. Therefore, I recommend the deletion of this paragraph from Policy WCB7.
125. As great weight should be given to the conservation of a designated heritage asset, it is wrong to simply encourage the retention of designated heritage

assets in criterion a) in the third paragraph of Policy WCB7. I have suggested revised wording.

126. Subject to the above modifications, Policy WCB7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB7 meets the Basic Conditions.
127. Figure 13 requires a Key. MSDC has suggested rearranging the text alongside Policies WCB7 and WCB8. I will leave this up to the Parish Council to decide if it wishes to make such a rearrangement. **I see these as minor editing matters.**
128. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the deletion of the first paragraph in Policy WCB7.**

2) modification to criterion a) in the third paragraph of Policy WCB7 to read as follows:

Supporting the retention and maintenance of designated and non-designated heritage assets which contribute to the overall character and setting of the Conservation Area.

WCB8: Non-designated heritage assets

129. Paragraph 209 in the NPPF refers to the need for a balanced judgement in weighing applications that directly or indirectly affect non-designated heritage assets.
130. PPG states: *There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
131. *Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.* (Extract part of Paragraph: 040 Reference ID: 18a-040-20190723 dated 23 July 2019).
132. Historic England in the Historic England Advice Note 7: Local Heritage Listing advises: *although local heritage lists have long been developed successfully for buildings, all heritage asset types, including monuments,*

sites, places, areas, parks, gardens and designed landscapes may be considered for inclusion.

133. Policy WCB8 identifies six buildings as non-designated heritage assets. . Each proposed non-designated heritage asset has been assessed against the criteria in the Historic England Listing: Historic England Advice Note 7. The evidence for their justification is in Appendix C in the Plan. From the evidence before me and from what I was able to see during my visit to the Parish, I am satisfied that these buildings are worthy of identification as non-designated heritage assets.
134. Whilst all the buildings are identified on Figures 14 - 18, they are not all identified on the Parish Wide Policies Map and relevant Inset Map. In the interest of precision, they should all be included on those maps. Subject to this modification, Policy WCB8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Subject to modification to the Parish Wide Policies Map and relevant Inset Map, Policy WCB8 meets the Basic Conditions.
135. It would be helpful if the buildings were numbered on the Parish Wide Policies Map (and inset maps). **I see this as a minor editing matter.**
136. **Recommendation: to meet the Basic Conditions I recommend the identification of all the non-designated heritage assets on the Parish Wide Policies Map and relevant Inset Map.**

WCB9: Landscape character and important views

137. Paragraph 180 in the NPPF requires the planning system to contribute to and enhance the natural and local environment; including protecting and enhancing valued landscapes.
138. Policy WCB9 seeks to protect the visual scenic value of the landscape and countryside. It identifies seven Important Public Local Views which have been identified following public consultation.
139. PPG advises that proportionate, robust evidence should support the choices made and the approach taken in any policy in a neighbourhood plan. In this particular instance, in such a small parish, local knowledge of local views is significantly robust evidence. This was obtained through survey work undertaken by the Steering Group to inform the Character Appraisal, which was highlighted at an exhibition for public comment.
140. I have seen the Important Public Local Views and understand their significance to the local community. I realise the Plan has to be read as a whole. However, I am concerned because two of the Important Public Local Views are across areas designated as Local Green Spaces (LGS), where restrictions on development are more restrictive than those outlined in Policy

WCB9. Therefore, in the interest of precision, I recommend reference in Policy WCB9 to LGS Policy WCB11.

141. Subject to the above modification, Policy WCB9 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB9 meets the Basic Conditions.
142. Whilst all the Important Public Local Views are identified on Figures 20 - 22, it would be helpful if they were numbered on the Parish Wide Policies Map Inset Maps. **I see this as a minor editing matter.**
143. The third line of paragraph 7.3 should state 'within' not 'with'. MSDC has suggested the use of a direct link to the Landscape Guidance document rather than the link in footnote 19 on page 67. **I see these as minor editing matters.**
144. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of the following sentence at the end of Policy WCB9:**
Where Important Public Local Views are across sites designated as Local Green Spaces, Policy WCB11 applies to those sites.

WCB10: Protecting and enhancing biodiversity

145. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing sites of biodiversity and minimising impacts on biodiversity and providing net gains in biodiversity.
146. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. The requirement for a minimum of 10% biodiversity net gain came into force on 12 February 2024 for major developments and on 2 April 2024 for small sites.
147. JLP Policy SP09 requires development to protect and enhance biodiversity through biodiversity net gain. Whilst not a strategic policy, JLP Policy LP16 seeks a minimum of 10% increase in biodiversity.
148. Policy WCB10 seeks to protect and enhance biodiversity. For the same reasons as explained under Policy WCB9, the fourth paragraph in Policy WCB10 should cross refer to LGS Policy WCB11.
149. The third paragraph in Policy WCB10 refers to achieving a minimum net gain in biodiversity of 10%, rising to 20% where possible. The justification for this rise to 20% is explained in paragraph 7.13 where it is stated that Suffolk County Council has recently committed to deliver twice the net gain required. I asked the Parish Council to provide information on the recent commitment.

In an email dated 19 May 2024 it was explained that Suffolk County Council aims to deliver a further 10% of biodiversity net gain in aggregate across its own housing programme. Thus, it is not a County wide policy requirement for all developments. In the interest of precision, paragraph 7.13 should be modified to accurately explain Suffolk County Council's position.

150. Although I recognise the importance of biodiversity gain, and have taken into consideration representations made by Suffolk Wildlife Trust, requiring a net biodiversity gain 'rising to 20% where possible' does not have regard to national policy and is not supported by strategic policy. I have not been provided with robust evidence in support of this biodiversity gain 'rising to 20% where possible'. In particular, I note that the background report *Environmental Assets in Wetheringsett-cum-Brockford* recommends to adopt biodiversity net gain as described by Babergh and Mid Suffolk District Councils and the NPPF. Therefore, I recommend the deletion of the requirement from Policy WCB10.
151. There are certain types of development that are exempt from biodiversity gain. In the interest of clarity, I suggest the addition of a footnote to the third paragraph in Policy WCB10 to explain these exemptions.
152. Subject to the above modifications, Policy WCB10 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WCB10 meets the Basic Conditions.
153. Figure 23 needs to provide more information in the Key regarding the identification of the coloured areas. Paragraph 7.12 will need updating. **I see these as minor editing matters.**
154. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the inclusion of the following sentence at the end of the fourth paragraph in Policy WCB10:**
- Where these sites are designated as Local Green Spaces, Policy WCB11 applies.**
- 2) the deletion of 'rising to 20% where possible' from the third paragraph in Policy WCB10.**
- 3) the addition of a footnote to the third paragraph in Policy WCB10 to read as follows:**
- Certain types of development are exempt from Biodiversity Net Gain, these are: permitted development rights; householder applications; development which only has a 'de minimis' impact on habitats;**

developments undertaken for the purpose of fulfilling the BNG planning condition for another development; high-speed railway network; and certain self-build and custom build developments.

4) modification to the last sentence in paragraph 7.13 to read as follows:

Suffolk County Council aims to deliver a further 10% of biodiversity net gain in aggregate across its own housing programme.

WCB11: Local Green Spaces

155. The NPPF in paragraphs 105 - 107 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

156. I have visited the Parish and seen the proposed Local Green Spaces (LGS). The justification for the designation of the LGS is found in supporting evidence in Appendix D. I have no evidence to suggest that these proposed LGS are not capable of enduring beyond the end of the plan period. Unless stated, I am satisfied that the proposed LGS meet the criteria for designation.
157. My comments on each of the proposed LGS sites are set out below.
158. *1. Churchyard of All Saints Church.* This churchyard is demonstrably special to the local community because of its historic significance, tranquillity and wildlife. Whilst Policy WCB11 refers to the churchyard and Parish Wide

Policies Map Inset 2 excludes the church building from the LGS, Figure 24 and the map in Appendix D includes the church building within the LGS site. In addition, the front boundary of the site differs on Figure 24 from that in Appendix D and the Policies Proposal Map Inset 2. I sought clarification from the Parish Council as to the correct boundaries of the site. In an email dated 21 May 2024, they provided a revised detailed map which deletes the church building from the designated area and clarified that the front boundary is that shown in Appendix D and on the Policies Proposal Map Inset 2. This has been placed on the MSDC website. Therefore, Figure 24 and Appendix D should be modified accordingly. In addition, in the interest of precision, Figure 24 should be modified on an ordnance survey base, to a scale that clearly identifies all the LGS. It may be appropriate to include inset maps for this purpose.

159. 2. *Cemetery*. This cemetery is demonstrably special to the local community because of its tranquillity.
160. 3. *Playing field adjacent Village Hall*. This playing field is demonstrably special to the local community because of its recreation provision.
161. 4. *Play area (with equipment)*. This play area is demonstrably special to the local community because of its informal recreation provision.
162. 5. *Meadow at Church Street*. This meadow is demonstrably special to the local community because of its historic setting and tranquillity. Figure 24 and the map in Appendix D show different boundaries for this site to those on the Parish Wide Policies Map Inset 2. Appendix D describes the site as an area of improved grassland with hedges on three sides. I sought clarification from the Parish Council as to the correct boundaries of the site. They have provided a revised detailed map in an email dated 19 May 2024, which has been placed on the MSDC website. In the interest of precision, the Parish Wide Policies Map Inset 2 should be modified accordingly.
163. 6. *War Memorial Field*. This field is demonstrably special to the local community primarily because of its historic significance.
164. 7. *Allotments at Knaves Green*. These allotments are demonstrably special to the local community because of their informal recreation provision. The Parish Wide Policies Map Inset 2 only shows part of this site. In the interest of precision, the whole of the site needs to be identified on the Parish Wide Policies Map.
165. 8. *Parkland at Wetheringsett Manor*. This parkland is demonstrably special to the local community primarily because of its historic verdant appearance including veteran trees. I note that the landowners have agreed to the parkland being designated as LGS. However, the site identified on Figure 24, the Parish Wide Policies Map Inset 2 and in Appendix D includes the school buildings. These are not LGS. I invited the Parish Council to liaise with the owner of the site to identify an appropriate parkland area to be defined as LGS. They have provided a revised detailed map in an email

dated 24 May 2024, which has been placed on the MSDC website. In the interest of precision, Figure 24, the Parish Wide Policies Map Inset 2 and the map in Appendix D should be modified accordingly.

166. Following a Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan: (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete the last sentence in Policy WCB11. 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 ensures that the policy meets the Basic Conditions.
167. Subject to the above modifications, Policy WCB11 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy WCB11 meets the Basic Conditions.
168. It would be helpful if the LGS were numbered on the Parish Wide Policies Map Inset Map 2. **I see this as a minor editing matter.**
169. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the deletion of the last sentence in Policy WCB11**
 - 2) modification to Figure 24, the Parish Wide Policies Map Inset 2 and the map in Appendix D as follows:**
 - modify Figure 24 on an ordnance survey base, to a scale that clearly identifies all the LGS. It may be appropriate to include inset maps for this purpose.**
 - modify Figure 24 and the map in Appendix D to identify the churchyard of All Saints Church LGS as that provided on a map from the Parish Council in an email dated 21 May 2024.**
 - modify Parish Wide Policies Map Inset 2 to show the whole of the Allotments at Knaves Green LGS.**
 - modify the Parish Wide Policies Map Inset 2 to identify the Meadow at Church Street LGS as that provided on a map from the Parish Council in an email dated 19 May 2024.**
 - modify Figure 24, the Parish Wide Policies Map Inset 2 and the map in Appendix D to identify the Parkland at Wetheringsett Manor LGS as that provided on a map from the Parish Council in an email dated 24 May 2024.**

WCB12: Amenity and dark skies

170. Paragraph 191 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
171. Policy WCB12 seeks to protect amenity and dark skies. Some outdoor lighting schemes, especially in domestic gardens, do not require planning permission. Therefore, in the interest of precision, I recommend reference to 'where planning permission is required' in the second paragraph of Policy WCB12.
172. Policy WCB10 does not identify priority habitats and species. These are identified in paragraph 7.21. Thus, in the interest of precision, the second paragraph in Policy WCB12 should refer to paragraph 7.21.
173. The criteria at the end of Policy WCB12 are either repetitions of preceding requirements or have not been justified with robust evidence. Therefore, in the interest of precision, I recommend that they are deleted.
174. The last sentence in the fourth paragraph in Policy WCB12 should refer to 'compromising safety'.
175. Subject to the above modifications, Policy WCB12 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy WCB12 meets the Basic Conditions.
176. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WCB12 to read as follows:**

WCB12: Amenity and dark skies

Amenity

Proposals for new development should not adversely affect the amenity of adjacent users, exacerbate existing or cause new pollution problems. This includes pollution (air, noise, dust, vibration, and light) from the use itself and that from traffic generated.

Dark Skies

The existing intrinsically dark skies of the parish will be maintained. Development proposals will be expected to address light spillage and glare and ensure good lighting management and design (including down lighting and environmentally efficient lighting) particularly where adjacent to the countryside, heritage assets and priority habitats and species identified in paragraph 7.21 above.

While ensuring that new development proposals are secure in terms of occupier, other user and vehicle safety, dark skies are to be preferred over lighting. Where planning permission is required, all outdoor

lighting schemes (including street-lighting), should be designed to minimise the overall impact on the environment, including through making use of energy efficient technologies and using technologies that minimise adverse impacts on wildlife.

Where appropriate to the development proposal, planning applications should include a detailed lighting scheme/strategy that demonstrates how the proposal addresses both energy and environmental concerns without compromising safety.

WCB13: Community facilities

177. Paragraph 97 in the NPPF seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
178. The JLP does not have a specific strategic policy with regard to retaining community facilities. Policy SP03 does cross refer to non strategic community facilities policies with regard to development outside settlement boundaries. JLP Policy SP08 requires all development to make provision for appropriate contributions towards community infrastructure.
179. Policy WCB13 seeks to prevent the loss of existing community facilities and supports enhancement of these facilities. The community facilities are identified in the supporting text accompanying this policy. They include the play area and playing field identified as LGS in Policy WCB11. For reasons previously mentioned, the second paragraph in Policy WCB13 should cross refer to Policy WCB11, with regard to the identified sites that are designated as Local Green Spaces. I have suggested additional wording.
180. As the community facilities are identified in Policy WCB13, they should all be identified on the Parish Policies Map Inset Map 2.
181. Subject to the above modifications, Policy WCB13 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy. Modified Policy WCB13 meets the Basic Conditions.
182. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the inclusion of the following sentence at the end of the second paragraph in Policy WCB13:**
- Where these sites are designated as Local Green Spaces, Policy WCB11 applies.**
- 2) the identification of the community facilities on the Parish Policies Map Inset Map 2.**

WCB14: Safe and healthy access

183. Section 9 of the NPPF promotes sustainable transport with an emphasis on firstly giving priority to pedestrian and cycle movements and secondly encouraging public transport use. It recognises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute towards making high quality places.
184. JLP Policy SP08 seeks strategic infrastructure provision. Supporting text explains at paragraph 11.01: *the provision of infrastructure is fundamental to maintaining the quality of life, prosperity and environmental credentials of the area.*
185. Policy WCB14 seeks to ensure safe and healthy access. The definition of development in planning policy encompasses a wide range, including change of use. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF. In this context, whilst the health and wellbeing of residents should be encouraged, the requirement for developers to provide safe and attractive routes and crossings should only be where appropriate to the development. Therefore, I have suggested revised wording for the first paragraph in Policy WCB14.
186. Subject to the above modification, Policy WCB14 has regard to national policy, contributes towards sustainable development, and is in general conformity with strategic policy. Modified Policy WCB14 meets the Basic Conditions.
187. **Recommendation: to meet the Basic Conditions I recommend modification to the first paragraph in Policy WCB14 to read as follows:**
- Where appropriate, new development proposals should demonstrate how they contribute to the health and wellbeing of residents by providing opportunities for safe walking and cycling, including to school, through the provision of safe and attractive routes and crossings suitable for all users.**

Referendum and the Wetheringsett cum Brockford Neighbourhood Plan Area

188. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or

- the Plan as modified by my recommendations should proceed to Referendum; or
- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

189. **I am pleased to recommend that the Wetheringsett cum Brockford Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**

190. I am required to consider whether or not the Referendum Area should extend beyond the Wetheringsett cum Brockford Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

191. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.

Janet Cheesley

Date 8 July 2024

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (2023)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
Babergh and Mid Suffolk District Council's Joint Local Plan (November 2023)
Regulation 16 Representations
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the Mid Suffolk District Council's web site)