

## Mid Suffolk District Council



## Wilby Neighbourhood Development Plan

### Submission Consultation Responses

On the 31 July 2020, Wilby Parish Council (the 'qualifying body') submitted their Neighbourhood Development Plan to Mid Suffolk District Council for formal consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation period ran from Wednesday 12 August until Wednesday 7 October 2020.

Six organisations submitted written representations. They are listed below and copies of their representation are attached.

Ref No.	Consultee
(1)	Suffolk County Council
(2)	Natural England
(3)	Historic England
(4)	Anglian Water
(5)	National Grid (via Avison Young)
(6)	Evolution Town Planning (obo Braiseworth Hall Farms Limited)

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# (1) SUFFOLK COUNTY COUNCIL

Date: 7<sup>th</sup> October 2020  
Enquiries to: Georgia Teague  
Tel: [REDACTED]  
Email: [REDACTED]



Mid Suffolk District Council  
Endeavour House,  
8 Russell Road,  
Ipswich  
IP1 2BX

Dear Robert Hobbs,

## **Submission version of the Wilby Neighbourhood Plan**

Thank you for consulting Suffolk County Council (SCC) on the Submission version of the Wilby Neighbourhood Plan.

SCC welcomes the changes made to the plan in response to comments made at the Reg. 14 pre-submission consultation stage.

As this is the submission draft of the Plan the County Council response will focus on matters related to the Basic Conditions the plan needs to meet to proceed to referendum. These are set out in paragraph 8(2) Schedule 4B to the Town and Country Planning Act. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c) 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 (or any part of that area)
- d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

Where amendments to the plan are suggested added text will be in *italics* and deleted text will be in ~~strikethrough~~.

### Health and Wellbeing

The County Council is supportive in principle of the proposal for homes built to adaptable and accessible as stated in Policy WIL7, however the Lifetimes Homes standard has been replaced by the building standard M4(2). Therefore, the final point of this policy should be amended as follows:

“Support will also be given to the following housing construction methods: .....

- Accessible, Adaptable and ~~Lifetime homes~~ *dwelling that are built to the optional M4(2) standards, in order to meet the needs of the increasingly ageing and frail population without restricting the needs of young families”*

SCC acknowledges that the Written Ministerial Statement 2015 states that neighbourhood plans cannot set additional technical standards, however it is recommended that the Wilby Neighbourhood Plan set out in policy their specific support towards proposals which contain homes built to these adaptable standards. This will help the plan meet the needs of a wider range of groups including older and vulnerable people, reflecting paragraph 61 of the NPPF (“...size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...”), and meets Basic Condition part A and B.

This amendment would help the neighbourhood plan to follow guidance from footnote 46 in the NPPF: “Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.

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I hope that these comments are helpful. SCC is always willing to discuss issues or queries you may have. If there is anything that I have raised that you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

Georgia Teague  
Planning Officer  
Growth, Highways, and Infrastructure

## (2) NATURAL ENGLAND

Date: 17 August 2020  
Our ref: 324904  
Your ref: Wilby Neighbourhood Plan

Paul Bryant  
Babergh & Mid Suffolk District Councils  
[paul.bryant@baberghmidsuffolk.gov.uk](mailto:paul.bryant@baberghmidsuffolk.gov.uk)

**BY EMAIL ONLY**



Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

Dear Mr Bryant,

### **Wilby Neighbourhood Development Plan - Regulation 16 Consultation**

Thank you for your consultation on the above dated 11 August 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

**Natural England does not have any specific comments on this neighbourhood plan.**

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

Jacqui Salt  
Consultations Team

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## (3) HISTORIC ENGLAND



Historic England

Mr Paul Bryant  
Babergh & Mid Suffolk District Councils

Direct Dial: [REDACTED]

Our ref: PL00266082  
7 October 2020

Dear Mr Bryant

### Ref: Wilby Neighbourhood Plan Regulation 16 Consultation

Thank you for inviting Historic England to comment on the Regulation 16 Submission version of this Neighbourhood Plan.

We welcome the production of this neighbourhood plan, and consider that it plans positively for the historic environment, meeting the Basic Conditions in that regard. We welcome and commend the additional work undertaken by the Parish Council to prepare the Site Heritage Impact Assessment.

We do not wish to make any further detailed comments and would refer you to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James  
Historic Places Advisor, East of England  
[REDACTED]

cc:



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk



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## (4) ANGLIAN WATER

For Office use only:

### Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Stewart Patience
Job Title (if applicable):	Spatial Planning Manager
Organisation / Company (if applicable):	Anglian Water Services Ltd
Address:	Thorpe Wood House, , Thorpe Wood, Peterborough, Cambridgeshire.
Postcode:	PE3 6WT
Tel No:	██████████
E-mail:	████████████████████

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

## Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.		Policy No.	WIL4
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support  Support with modifications  Oppose  Have Comments

Please give details of your reasons for support / opposition, or make other comments here:

Anglian Water as sewerage company for the Parish supports Policy WIL4 which promotes the inclusion of grey water recycling, rainwater capture and surface water harvesting as part of new development.

What improvements or modifications would you suggest?

*Please be as brief and concise as possible ..*

*(Continue on separate sheet if necessary)*

If you are including additional pages these should be clearly labelled and referenced.

**Normally the Examiner will aim to consider the responses through written representations.**

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

*Please be as brief and concise as possible ..*

*Continue on separate sheet if necessary)*

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	X
The final 'making' (adoption) of the Wilby NDP by Mid Suffolk District Council	X

Signed: Stewart Patience

Dated: 8<sup>th</sup> August 2020

Our Ref: MV/ 15B901605

T: +44 (0)191 261 2361  
F: +44 (0)191 269 0076

28 August 2020

**avisonyoung.co.uk**

Babergh Mid Suffolk Council  
[communityplanning@baberghmidsuffolk.gov.uk](mailto:communityplanning@baberghmidsuffolk.gov.uk)  
via email only

Dear Sir / Madam  
**Wilby Neighbourhood Plan Regulation 16 Consultation  
August – October 2020  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

#### **About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

#### **Proposed development sites crossed or in close proximity to National Grid assets:**

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- [www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/](http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/)

Please also see attached information outlining guidance on development close to National Grid infrastructure.

### **Distribution Networks**

Information regarding the electricity distribution network is available at the website below:

[www.energynetworks.org.uk](http://www.energynetworks.org.uk)

Information regarding the gas distribution network is available by contacting:

[plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com)

### **Further Advice**

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

**Matt Verlander, Director**

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

**Spencer Jefferies, Town Planner**

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

**Matt Verlander MRTPI**

**Director**

**0191 269 0094**

**[matt.verlander@avisonyoung.com](mailto:matt.verlander@avisonyoung.com)**

**For and on behalf of Avison Young**

## Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's 'Guidelines for Development near pylons and high voltage overhead power lines' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their 'Guidelines when working near National Grid Electricity Transmission assets', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's 'Guidelines when working near National Grid Gas assets' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

- National Grid's Plant Protection team: [plantprotection@nationalgrid.com](mailto:plantprotection@nationalgrid.com)

Cadent Plant Protection Team  
Block 1  
Brick Kiln Street  
Hinckley  
LE10 0NA  
0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

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**Representations to Wilby Neighbourhood Plan  
Submission Version (July 2020)**

**September 2020**

**Land West of B1118, Wilby**

**Representations made on behalf of Braiseworth Hall Farms Limited**

**September 2020**



Opus House  
Elm Farm Park  
Thurston  
Bury St Edmunds  
Suffolk  
IP21 3SH

T 01359 233663  
E [enquiries@evolution-planning.co.uk](mailto:enquiries@evolution-planning.co.uk)  
W [evolution-planning.co.uk](http://evolution-planning.co.uk)

**Representations to Wilby Neighbourhood Plan Pre-Submission  
Submission Version (July 2020)**

**September 2020**

**Land West of B1118, Wilby**

**Reference: E323.C1.Rep.06**



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## 1.0 Introduction

1.1 These representations are submitted by Evolution Town Planning Ltd on behalf of our client and site owner, Braiseworth Hall Farms Limited, in response to consultation on the Submission Version of the Wilby Neighbourhood Plan Consultation (July 2020).

1.2 In considering a Neighbourhood Plan, in order for a Neighbourhood Plan to come into force, it must satisfy the 'basic conditions' tests. These are:

- Policies contained in it relate to the development / use of land.
- It has been prepared by a qualifying body (such as a Parish Council) and relates to a designated Neighbourhood Plan Area.
- It relates to a specified period of time, during which it is to have effect, it does not include provision about excluded development and it only relates to one plan area.
- The Plan has regard to relevant national Planning Policy (i.e. the National Planning Policy Framework) and guidance issued by the Secretary of State (i.e. the National Planning Policy Guidance).
- It contributes towards sustainable development.
- It is in 'general conformity' with strategic policies set out in the development plan for the area.
- It is compatible with EU/UK obligations.

1.3 We have considered the draft Neighbourhood Plan against these basic conditions and made some suggestions of amendments, which could assist helping the Neighbourhood Plan to meet these basic conditions.

1.4 These representations set out comments on the proposed vision and objectives and then each of the proposed policies in turn.

1.5 These representations are **strongly supportive** of the submission version of the Neighbourhood Plan and its allocation of a site for housing on the Stradbroke Road (site H1), and where suggestions are made for amendments, these are only for the purpose of greater clarity, improved conformity with the National Planning Policy Framework (NPPF) and sensible conformity with the 'basic conditions'.

- 1.6 We welcome the allocation of **site H1** for housing and the owner confirms that this site can be delivered without delay in order to meet the local housing need. This site has been included in the Submission version of the Neighbourhood Plan for the development of up to 5 dwellings. Since the previous version of the plan, the Parish Council have commissioned a Heritage Impact Assessment for Site H1 and we include some comments in respect of that work also.

## 2.0 Chapter 4: Vision & Objectives

2.1 The proposed 'vision for Wilby' is given as follows:

*'Our vision for future Wilby sees the rural beauty of its natural environment preserved, with change to its amenities and built environment managed proactively, creatively and sustainably to the benefit of all those living here, working here, visiting or passing through'*

2.2 We continue to **support** the aim and vision of the Wilby Neighbourhood Plan to proactively plan for sustainable growth and changes to the built environment, as this is an essential part of the purpose of any Neighbourhood Plan. The National Planning Policy Framework (NPPF) is clear that Neighbourhood Plans must promote sustainable development.

*'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'* (paragraph 13).

2.3 The Neighbourhood Plan outlines three objectives, all of which we **support**. These are:

- Natural Environment - Objective 1: To ensure that the rural nature of the Parish is maintained, supported and encouraged, whilst safeguarding and enhancing the natural environment and wildlife in the area and minimising all forms of pollution.
- Housing and Built Environment - Objective 2: To preserve the best elements of the heritage and built environment and allow for sensitive, proportionate and sustainable development within the Plan area.
- Community - Objective 3: To encourage cohesion of the whole Parish and promote community wellbeing by providing sufficient and suitable facilities, including support for the vibrant functioning of the school, the church and the community hall.

2.4 Since the previous version of the plan, we note that the scope of the 'Community' objective has been widened in scope to include the promotion of community 'wellbeing'. We support this amendment.

### 3.0 Policies WL1-WL4: The Natural Environment

3.1 We note that there are four Policies which aim to protect the natural environment from negative impacts associated with development and we continue to support these Policies.

#### **WIL1 Landscape and Natural Features**

3.2 This Policy is included to protect the settlement from development which could adversely affect the character of the settlement. In particular, this Policy protects the following features *'from development that would have a significant adverse impact upon their character, appearance and wildlife value'*:

- a) Ancient Hedgerows and Associated Field Boundaries
- b) Traditional Orchards at Wilby House and Rookery Farm
- c) Wood Pasture and Parkland at Wilby Hall
- d) Mixed Deciduous Woodland around Wilby House, along London City Road and at Foals Green
- e) Lowland Meadows at Wilby Hall and Moat Farm
- f) Wilby Green

3.3 Maps are provided at Appendix B of the plan, demonstrating where these features are located. We support the identification of these natural features and the measures included within Policy WIL1 to protect them.

3.4 We note that the wording of this Policy has been amended in accordance with representations we previously made to the Neighbourhood Plan (January 2020). These amendments have improved the original wording of the proposed Policy by introducing some flexibility to allow the lowest quality features and/or allowing mitigation in circumstances where retention of these features is not justified (due to quality) and/or the retention would deem an allocated site to be unviable. This brings the proposed Policy into conformity with the NPPF and we therefore support the amendment. The submission version of the Policy now states:

*'Development proposals will be expected to retain existing features of high landscape and biodiversity value (including ponds, trees, woodland, hedgerows and verges) provided this is justified. In addition, where practical to do so, (or where there is any loss to existing natural features) development*

will be expected to provide a net gain in biodiversity through, for example:

a) the creation of new natural habitats and/or wildlife corridors.

b) the planting of additional trees and hedgerows and restoring and repairing fragmented biodiversity networks'

3.5 With this wording in place, we consider that this Policy will now satisfy the 'basic conditions' tests as the wording is in conformity with national Planning Policy contained in the NPPF. We therefore **SUPPORT** the wording of Policy WIL1 as drafted.

### WIL2 Protection of important views

3.6 The second Policy identifies important vistas, which we support. These are identified as 'locally important views' and includes the following three views.

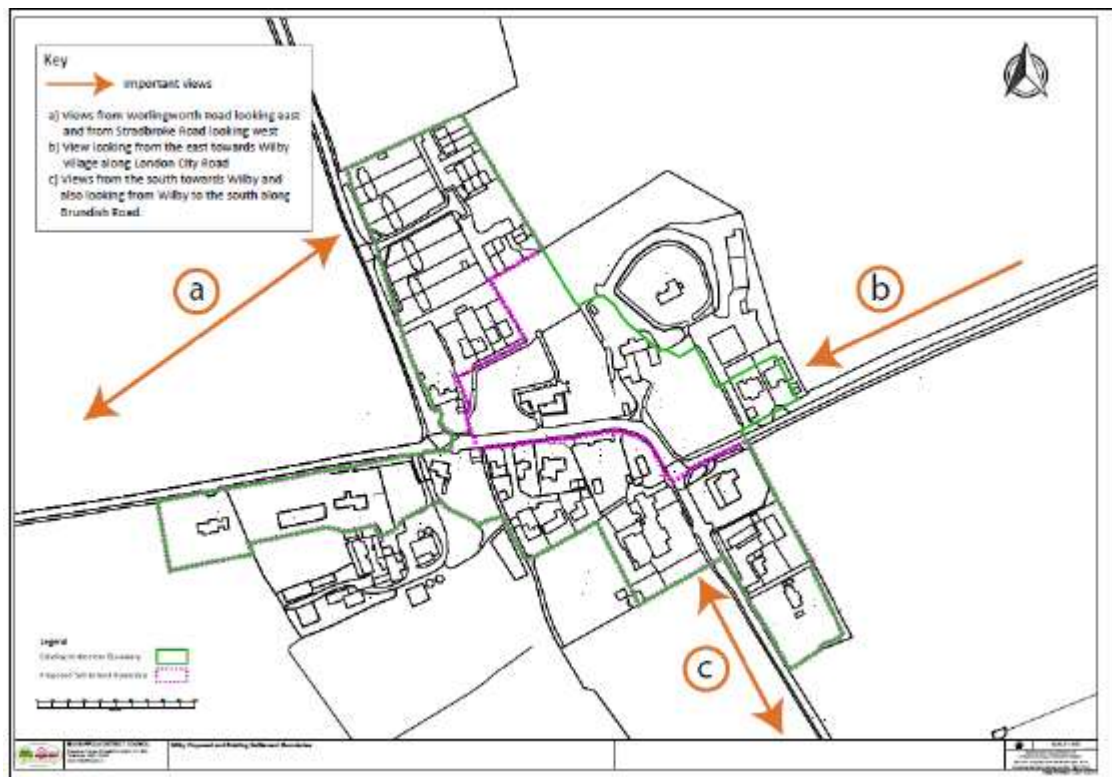


Figure 3.1 Important Local Views in Wilby

3.7 The Submission version of the Policy has remained unchanged since the previous consultation version, and it states:

*‘Proposals within or that would affect an important view should ensure that they respect and take account of the view concerned. Developments which would have an unacceptable adverse impact on the landscape or character of the view or vista will not be supported.’*

- 3.8 Whilst continuing to **SUPPORT** this Policy, we maintain that the Policy could be improved with the following minor amendment, to improve flexibility and conformity with the NPPF. We suggest the following:

*‘Proposals within or that would affect an important view, and which cannot be adequately mitigated, should ensure that they respect and take account of the view concerned. Developments which would have an unacceptable adverse impact on the landscape or character of the view or vista will not be supported.’*

- 3.9 The NPPF is clear that the greatest weight should be attached to landscapes with special designations (such as National Parks, the Broads and Areas of Outstanding Natural Beauty), none of which are relevant within Wilby.

*‘Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework...’ (paragraph 171).*

- 3.10 In settings such as Wilby, the NPPF is clear that allocations for housing can be made and planning decisions and policies should allow room for mitigation, since the landscape is not protected under any special designation. As such, we consider that adding an allowance for mitigation brings the Policy into greater conformity with the NPPF, since the landscape does not warrant the same level of protection, as would be appropriate in National Parks, the Broads and Areas of Outstanding Natural Beauty.

### **WIL3 Local Green Spaces**

- 3.11 The third Policy identifies important local green spaces. These are identified as follows:



**Figure 3.2 Local Green Spaces in Wilby**

3.12 The NPPF is supportive of ‘*the allocation of Local Green Space through local and neighbourhood plans*’ as it ‘*allows communities to identify and protect green areas of particular importance to them*’. The NPPF states, at paragraph 99, that in order to designate Local Green Spaces, Neighbourhood Plans should ensure that they are:

- 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.*

3.13 We consider that the two Local Green Spaces in Wilby which have been selected are clearly and demonstrably in accordance with these criteria. As such, we support the allocation of these two local green spaces.

3.14 We support the protection of these green spaces and the wording of Policy WIL3 in seeking to ensure protection and suggested in the previous consultation that a minor amendment would improve flexibility. We note that this amendment has been incorporated, and we therefore fully **SUPPORT** this Policy.



3.15 The Policy now states:

*‘Development on designated Local Green Spaces will only be permitted in very special circumstances. Development adjacent to a Local Green Space that would adversely impact upon its special qualities will not be supported, unless it can be satisfactorily mitigated.’*

3.16 We consider that this Policy meets the ‘basic conditions’ tests and is in conformity with the NPPF.

#### **WIL4 Renewable Energy and Future Sustainability**

3.17 The NPPF encourages new plans to *‘help increase the use and supply of renewable and low carbon energy and heat, plans should... (a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)’* (paragraph 151).

3.18 The submission version of Policy WIL4 relates to renewable energy and sustainability issues. This Policy supports small scale solar energy development, energy saving measures where they are ‘small scale’ and there is no ‘adverse visual impact’. Likewise, the proposed Policy supports energy saving measures within new developments, where visual impacts are minimal:

*‘Proposals that incorporate energy saving measures into new development which help to mitigate or offset climate change and minimise visual impact will be supported.’*

3.19 We **SUPPORT** the proposed Policy as it is in conformity with NPPF paragraph 151. We also support the Policy in its support for other technologies. We consider that this Policy meets the ‘basic conditions’ tests and is in conformity with the NPPF.

## 4.0 Policies WL5-WL9: Housing and the Built Environment

4.1 This section responds to the five Policies which aim to deliver housing and manage built development. We are **SUPPORTIVE** of these Policies. The NPPF states that in Neighbourhood Plans, local communities have the power to shape and direct development, including the allocation of non-strategic housing sites.

### WIL5 Future Housing Provision

4.2 In conformity with the 'basic conditions', this Policy responds to the minimum Local Plan requirement for Wilby. We note that since the 'Pre-Submission Consultation (REG14) Version' of the Wilby Neighbourhood Plan (January 2020), Policy WIL5 has been revised to allow for the development of **16 new dwellings in the village**, rather than the 12 dwellings previously proposed. This is because in January 2020 only 7 of these dwellings were already committed. However, it is now the case that there are 12 dwellings which are 'committed development', meaning that the Plan would not accommodate any uncommitted additional growth, if the Plan had not been amended.

4.3 The Policy states:

*'The Neighbourhood Plan will accommodate development in Wilby commensurate with its classification in the settlement hierarchy. This plan provides for around 16 dwellings to be developed in the Neighbourhood Plan area between April 2018 and March 2036 of which 11 dwellings are already committed. The housing target will be met through a combination of the existing commitment together with:*

*1) Allocation of a site for around 5 dwellings (H1), east of Stradbroke Road (B1118) See Map E.*

*2) small 'windfall' sites and infill plots within the Settlement Boundary that come forward during the Plan period and are not specifically identified in the Plan;*

*3) conversions and new development opportunities outside the Settlement Boundary in accordance with paragraph 79 of the NPPF 2019.'*

4.4 Site H1 belongs to our client and he confirms that it is immediately available for housing development. As such, it is considered a deliverable site and one which will

meet the need for housing in the village, with minimal negative impacts. We note that the proposed Policy also includes suitable flexibility within the Plan to support other windfall development and conversions. We consider that this provision, along with the allocation, will meet the need for housing within Wilby. As such, Policy WIL5 has our support.

4.5 We therefore fully **SUPPORT** the amendment of Policy WIL5 to plan for a new total of 16 new dwellings in the village, allocating land for five new dwellings within the village.

4.6 Map E is shown below:

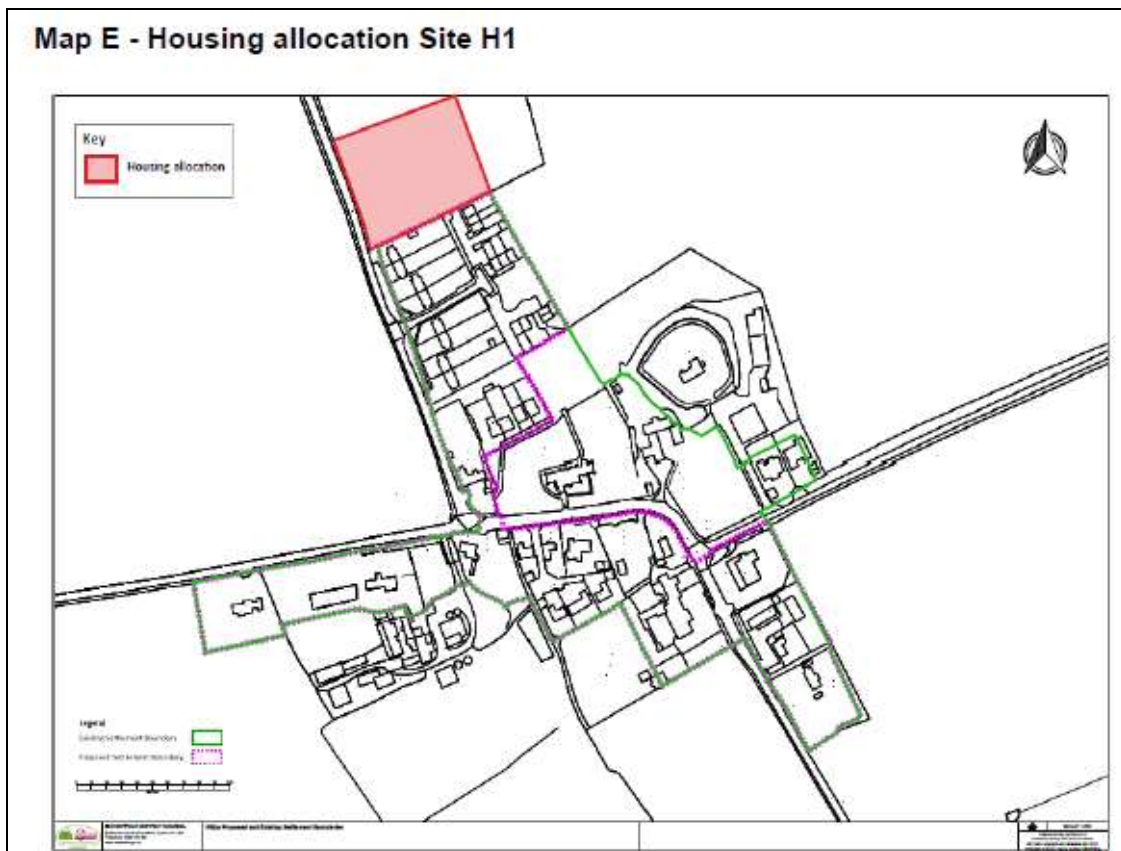


Figure 4.1 Map E Wilby Housing Allocation

### WIL6 Housing Allocation – Site H1 – East of Stradbroke Road

4.7 Policy WIL6 stated in the previous draft of the plan:

*‘A site as shown on the Policies Map, east of Stradbroke Road is allocated for 5 dwellings.’*

4.8 We supported this allocation, although we previously suggested that the wording of this Policy should be amended to be in line with Policy WIL5, as follows:

*‘A site as shown on the Policies Map, east of Stradbroke Road is allocated for **around 5 dwellings.**’*

4.9 We welcome this amendment, as it increases flexibility at the site and improves the consistency between the policies of the Neighbourhood Plan.

4.10 Since the previous draft of the plan, a Site Heritage Impact Assessment was carried out (June 2020), in order to assess any potential impacts and to consider any mitigation measures that might be required. We have reviewed this document and we note that it recommends additional amendments to the proposed Policy WIL6. We support the overall conclusion of the Heritage Impact Assessment that the development of this site will **not** directly affect the significance of the church building itself or the immediate church yard because of:

- (1) the enclosed nature of the churchyard, its mature and well treed boundaries,
- (2) the lack of inter-visibility between the church, the churchyard and the allocation site,
- (3) the distance to the allocation site and the presence of intervening development.

4.11 Whilst the assessment does conclude that the development of the site does have the ‘potential’ to affect the setting of the church tower (when viewed from the northern approach to the village), we note that the assessment puts forward potential mitigation options to reduce this impact. Whilst we support some of these mitigation measures, we consider that some (in particular the View Safeguarding Zone) are not justified. The View Safeguarding Zone introduces excessive restrictions on the development of the site, which could negatively compromise the final development.

4.12 The revised Policy now states:

*‘A site (0.6ha) as shown on the Policies Map, east of Stradbroke Road is allocated for around 5 dwellings.*

*Detailed proposals for this development should include the following:*

- i) Access from Stradbroke Road; which should be designed to ensure that any proposed junction infrastructure and footway design respect the rural character and edge of village location rather than employ a standard design; the use of very urban form of tarmacked pavement and concrete kerbs along the edge of the road should be avoided with a preference for a softer and more rural appearance.
- ii) Appropriate screen planting using predominantly native species of a type to be agreed on the northern, southern and eastern boundaries; with a soft well landscaped edge on the northern boundary;
- iii) The View Safeguarding Zone as identified on Map E to be kept clear of development that would occlude, obscure or interrupt the views of the Church tower currently available through the identified View Channel;
- iv) The housing mix e.g. size and type of dwelling provided will be in accordance with Policy WIL7
- v) A footway connection to link the site to the existing footway on Church Close, which will allow for a safe route to the rest of the village including the school.
- vi) A lighting scheme which maximise the use of downlighting low lux/non-sodium lighting in order to minimise light pollution and avoid harm to the setting of the Church,

Outline applications will not be supported and full details of the proposed layout, building heights, landscaping etc will be required at application stage in order to safeguard the setting of the Church.

Applications for development on this site will be expected to be accompanied by a Heritage Statement that specifically justifies the chosen layout in terms of potential heritage impacts. See Maps E and F'

4.13 We have underlined those revised elements which we provide comment and further representations on below.

## View Safeguarding Zone

4.14 The Heritage Impact Assessment observes:

*'The Church tower sits behind and just above, the rooftops of Church Cottages and further behind the mature trees on the edge of the Churchyard. Furthermore, the positioning of the two trees acts to screen the eastern most corner of the tower and partly occludes and softens the views. The views across the proposed allocation site are currently open and unimpeded however, the entire view towards the tower is not unobscured or unimpeded and consists of visual interruptions such as the rear and side elevations of properties fronting the B1118, rear garden trees, the rooftops of Church Cottages and the treed edges of the church yard...*

*...The development of the site has the potential to obscure of views of the church tower form the northern approach to the village and development within the identified 'visual channel. would reduce the significance of the setting of the church tower, which is currently visible (in part) from all directions, resulting in a minor level of harm to the overall significance of the church.'*

4.15 In response to the identification of this important view of the heritage asset, the Heritage Impact Assessment recommends the inclusion of a 'View Safeguarding Zone', to protect the view of the tower. It is envisaged that the '*identification of the View Safeguarding Zone will provide more specificity as to where this zone falls and will require development to be located towards the rear of the site.*'

4.16 The wording of Policy WIL6 has been amended to ensure that the View Safeguarding Zone be kept clear of development that would occlude, obscure or interrupt the views of the Church tower currently available through the View Channel.



**Figure 4.2 Proposed View Safeguarding Zone**

- 4.17 Having reviewed the Heritage Impact Assessment, and the proposed amendment in respect of the proposed ‘*View Safeguarding Zone*’, we are not entirely satisfied that this zone is either fully justified or proportionate to the value of the view or the Heritage Asset. ‘*View Protection Zones*’ are normally introduced to truly safeguard strategic views and we are not persuaded that this is a ‘*strategic view*’ of sufficient magnitude to warrant a protection zone. Certainly, no such justification of the views being truly ‘*strategic*’ is provided in the accompany Heritage Statement. Our main concern is that in attempting to protect this one view, the overall result will be a cramped development on the remainder of the site, which is set back from the road, which has a negative impact on the urban form because the proposed ‘*View Protection Zone*’ transects the site, leaving an awkwardly laid out development site.
- 4.18 If the Parish Council are minded to retain a ‘*View Safeguarding Zone*’, we consider that this part of the Policy should be revised to be less restrictive. For example, the Policy should be made clear that this ‘*View Protection Zone*’ is not a ‘*no build zone*’. It should be perfectly acceptable for the gardens of residential properties to be within this zone and buildings to be developed of up to one storey, albeit we question whether such a zone is justified at all. We are concerned that an entire zone with no development would almost certainly lead to a cramped, unusual layout and an unattractive development, which could undermine the aims of the zone altogether.

#### Outline Applications on Site H1

- 4.19 In addition, Policy WIL6 has also been reworded to require a full (not an outline) application. Lawfully, an outline application is a reasonable tool to agree the principle of development, since reserved matters can later deal with the matters of detailed design which the Policy seeks to secure.
- 4.20 We are concerned that it may be considered inappropriate for the Parish Council to state in policy that they would be unwilling to support an outline application, with reserved matters later determined, lawfully any developer should have both options available in developing the site. We consider that it is may be an extension beyond the remit of planning policy to stipulate which type of application may be brought forward at the site and this could fail the test of soundness.
- 4.21 We suggest that the Policy would be improved to be more ‘positively prepared’ with a revision to state:

*‘If an application is made in outline, this should include full details of the layout and building heights, with the option of leaving other matters to reserved matters stage. However, a full application would be the preferred mechanism for securing planning permission, in order to safeguard the setting of the Church.’*

#### Materials for Access from Stradbroke Road

- 4.22 With regard to the stipulation regarding materials for the junction infrastructure and footway design, we have some concerns that the requirement for materials may not meet with the satisfaction of County Highways. We consider that the Policy would be improved if greater flexibility were added to ensure compliance with County Highways’ standards in the first instance. As such, we consider that the Policy should state the importance of gaining the support of County Highways – since the use of materials on the road in this junction may be more of a matter for the Highways Department to determine than it will be for the LPA. County Highways may not support the materials suggested in the draft Policy. This part of Policy could be improved with the following addition to improve flexibility:

*‘Access from Stradbroke Road; which should be designed to ensure that any proposed junction infrastructure and footway design respect the rural*



*character and edge of village location, whilst also ensuring that County Highways are satisfied that the proposals comply with Highways Standards; the use of very urban form of tarmacked pavement and concrete kerbs along the edge of the road should be avoided with a preference for a softer and more rural appearance, unless County Highways require this.*

#### Landscape Buffer to Northern Boundary

- 4.23 Finally, we note the proposed amendments to the previously proposed 5m buffer along the northern boundary. The amendment removes the requirement for a 5m landscape buffer (because the buffer could prevent views of the church through the 'Visual Channel'). The revision to remove the requirement for a full 5m buffer allows flexibility. We support this revision.

#### Footpath Link to Church Close

- 4.24 At the previous consultation, it was recommended that further clarity was regarded in relation to the requirements for a footpath link from the site to the rest of the village. This amendment has now been made and the owners welcome the revision.

#### WIL6 conclusion

- 4.25 We continue to **SUPPORT** this Policy in principle, but have some concerns about the recent revisions which we consider could be improved to assist the Plan in meeting the 'basic conditions'. We consider that further amendments to the Policy ought to be made to:

1. Add wording which ensures that County Highways are satisfied that the proposals comply with Highways Standards;
2. Remove reference to the *View Safeguarding Zone*' (or at least state that single storey dwellings and gardens will be accepted within the zone); and,
3. Remove the stipulation for a full application on the site.

- 4.26 We consider that with these amendments the Policy will pass the basic conditions tests and we would be willing to support this Policy. As it is, there are some concerns from the owners regarding the proposed wording. With these minor amendments, this Policy will not be at risk from being found to be unsound.

- 4.27 Subject to the points raised above, we **SUPPORT** this proposed allocation, and some of the wording of the accompanying Planning Policy.

#### **WIL7 Housing Mix**

- 4.28 We support Policy WIL7 which relates to housing mix. It states that new developments should comply with the latest evidence of need and that this should include family housing (of 2-3 bedrooms), starter homes for first time buyers and affordable housing. We consider that the Policy could be clarified to state that affordable housing will only be required on proposals of more than ten homes, in accordance with the NPPF paragraph 62. This is necessary to comply with the basic condition of conforming with national Planning Policy.
- 4.29 We also welcome the express support for self-build and custom-built housing and sustainable construction methods, along with Accessible, Adaptable and Lifetime homes.
- 4.30 We especially **SUPPORT** the clarification that *'the above housing types may not be suitably accommodated on every site'*.

#### **WIL8 Designed Development**

- 4.31 We **SUPPORT** Policy WIL8 which seeks to ensure that all new development will *'reflect Wilby's local distinctiveness'*. The Policy seeks to protect local distinctiveness, by ensuring that new development respects its immediate setting, in particular the *'scale and character of existing and surrounding buildings'*. We note that this does not preclude modern design and welcome express support for *'innovative and contemporary design which respects the character of the area and promotes the use of sustainable and high-quality materials'*.
- 4.32 We support all of the examples of good design listed in a) to i), although we note that some of these examples of good design may not be deliverable in practice. For example, a proposed design which *'b) respects the established building arrangements of residential front gardens, walls, railings or hedges'* by providing a walled or hedged front garden, may conflict with the requirement to provide adequate visibility splays to the satisfaction of the Highways Department. We continue to suggest that the Policy could be provided with the following wording:

*'This can be achieved where development proposals consider ways in which they could:*

- 4.33 This amendment would then allow the Policy to provide appropriate guidance without being too rigid.

#### **WIL9 Non-Designated Heritage Assets**

- 4.34 We **SUPPORT** the inclusion within the Neighbourhood Plan of an identified list of Non-Designated Heritage Assets. In a recent appeal decision, PINS ref: 19/3239171, Mid Suffolk Council were criticised for failing to have an up to date local list, which included a non-designated heritage asset, which they were seeking to protect by refusing development which would impact it. The inspector noted:

*'I have not been informed that [the non-designated heritage asset] is included on a local list and there is limited evidence before me that demonstrates its significance or heritage interest.... As such, there is insufficient justification to treat [the heritage asset] as a non-designated heritage asset in the assessment of this appeal'.*

- 4.35 By identifying Town Farmhouse and Barn and Willow Farmhouse and Ancient Barn in this Policy, the Neighbourhood Plan will enable the protection of these assets.

## 5.0 Policy WL10: Community

### WIL10 Community Facilities

- 5.1 Wilby has a good range of community facilities for a village of its size. These are identified on Map H:

MAP H - COMMUNITY FACILITIES

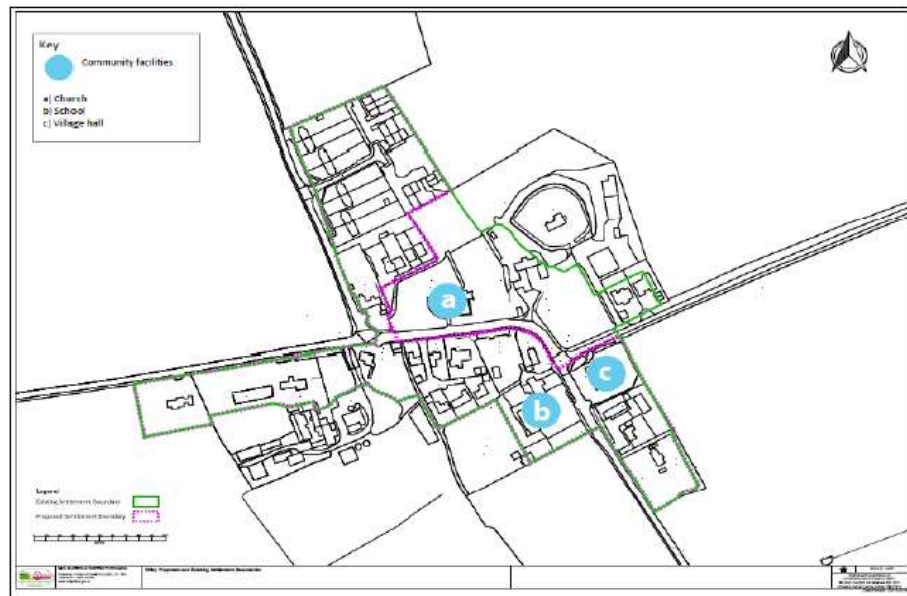


Figure 5.1 Community Facilities in Wilby

- 5.2 The community facilities in the village are the church, the school and the village hall.
- 5.3 Policy WIL10 relates to these community facilities, seeking to protect and enhance existing facilities and to provide additional facilities, where necessary.
- 5.4 We **SUPPORT** the Policy, as currently worded.

## 6.0 Conclusion

6.1 This report offers representations from the landowner of proposed site H1 of the Wilby Neighbourhood Plan, following revisions since the January 2020 draft of the Neighborhood Plan. These representations support the Wilby Neighbourhood Plan and having reviewed the 'basic conditions' tests for Neighbourhood Plans we made a number of recommendations.

6.2 Our representations are as follows:

- We **SUPPORT** the aim and vision of the Wilby Neighbourhood Plan to proactively plan for sustainable growth and changes to the built environment, as this is an essential part of the purpose of any Neighbourhood Plan.
- We **SUPPORT** the three objectives of the Neighbourhood Plan.
- WIL 1 - We **SUPPORT** the wording of Policy WIL1 as drafted.
- WIL 2 - Whilst continuing to **SUPPORT** this Policy, we had previously suggested that the Policy could be improved with the following minor amendment, to improve flexibility and conformity with the NPPF to allow for mitigation regarding views.
- WIL3 - We **SUPPORT** the wording of Policy WIL3 as drafted.
- WIL4 - We **SUPPORT** the proposed Policy as it is in conformity with NPPF paragraph 151 and consider that this Policy meets the 'basic conditions' tests.
- WIL5 – We **SUPPORT** this Policy.
- WIL6 - We **SUPPORT** this Policy and its amendments, but suggest additional amendments to ensure conformity with the NPPF and secure the Policy's soundness.

(1) With regard to the stipulation regarding materials for the junction infrastructure and footway design, we have some concerns that the requirement for materials may not meet with the satisfaction of County Highways and consider that the Policy would be improved if it stated the importance of gaining the support of County Highways regarding the choice of materials.

(2) We have concerns that the proposed view protection zone is not reasonable, since the view is not 'strategic'. An entire zone with no development would almost certainly lead to a cramped, unusual layout and an unattractive development, which could undermine the aims of the zone altogether. If the zone is retained, we consider that it should allow gardens and single storey dwellings to be developed within the protection area.

(3) We have concerns that the proposed approach of only supporting full applications may not be found to be reasonable. We recommend the following amendment: *'If an application is made in outline, this should include full details of the layout and building heights, with the option of leaving other matters to reserved matters stage. However, a full application would be the preferred mechanism for securing planning permission, in order to safeguard the setting of the Church.'*

- WIL7 – We **SUPPORT** the Policy and the clarification that *'the above housing types may not be suitably accommodated on every site'*.
- WIL8 – We **SUPPORT** this Policy, suggesting an amendment to ensure that guidance on design is appropriate without being too rigid.
- WIL9 - We **SUPPORT** the inclusion within the Neighbourhood Plan of an identified list of Non-Designated Heritage Assets.
- WIL10 We **SUPPORT** the wording of Policy WIL10 as drafted.