

Babergh District Council

**Great Waldingfield
Neighbourhood Plan
2018-2037**

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Great Waldingfield Neighbourhood Development Plan.

The village of Great Waldingfield lies about two miles north east of Sudbury and about four miles south of Lavenham. It was home to a world war two airfield. The Parish has two hamlets. There is a large Conservation Area and the Grade I listed St Lawrence Church and the surrounding hamlet appear like an island sitting on higher ground.

The Plan contains 19 policies covering a range of topics. A number of supporting documents have been produced. The policies seek to add local detail to District level policies or address matters of importance to the local community.

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

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

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

Ann Skippers MRTPI
Ann Skippers Planning
2 August 2023



1.0 Introduction

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

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

I have been appointed by Babergh District Council (BDC) with the agreement of the Parish Council, to undertake this independent examination.

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

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

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

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

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

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

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

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

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

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

3.0 The examination process

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

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often representations suggest amendments to policies or additional and new policies or put forward other alternatives. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

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

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

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

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 19 July 2023.

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

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on. There may also be references to the emerging JLP which will benefit from some natural updating.

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

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted.

Work begun on the Plan in 2017 and of course the Covid 19 pandemic impacted on the work. Nevertheless village meetings and drop-in events and individual meetings with harder to reach groups have been held when it was possible to do so. A survey was carried out in July 2020 and delivered to over 750 households. A good response rate of 65% was achieved. Six focus groups were held to have more detailed discussions about key topics. In addition, regular contact about progress and feedback has been given, including through leaflets and Facebook. A drawing competition for children was held. Village walks assessed various elements such as local character. A very useful diagram in the Consultation Statement demonstrates the variety and regularity of engagement.¹¹

Pre-submission (Regulation 14) consultation took place between 11 June – 1 August 2022. This stage was publicised via a summary leaflet drop to each household and business in the Parish. It was launched with a drop-in event. Both paper and online versions of the Plan were available.

I consider that the consultation and engagement is satisfactory.

Submission (Regulation 16) consultation was carried out between 19 April – 2 June 2023.

A total of 13 representations were received at Regulation 16 stage. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

I note that a representation from the Defence Infrastructure Organisation explains that development can form a physical obstruction to the safe operation of aircraft and the creation of environments attractive to large and flocking bird species can pose a hazard

¹¹ Consultation Statement page 8

to aviation safety in identified safeguarding zones. As a result the Ministry of Defence should be consulted on certain applications within the safeguarding zones. This is primarily a matter for development management at BDC level.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

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

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 26 July 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 6 of the Plan.

Plan period

The Plan period is 2018 – 2037. This is clearly shown on the Plan’s front cover and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

¹² PPG para 004 ref id 41-004-20190509

In this case, ‘community aspirations’ have been included throughout the Plan, but they are clearly distinguishable from the planning policies and their status is explained in the Plan.¹³ I therefore consider this approach to be acceptable for this Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government’s planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹⁴

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

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

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁸

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁹

¹³ The Plan page 7

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid para 31

¹⁹ Ibid para 16

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

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

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan's objectives and policies have responded to national policy and guidance.

Contribute to the achievement of sustainable development

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

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁴ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁵ The three overarching objectives are:²⁶

- 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

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

²⁴ NPPF para 7

²⁵ Ibid para 8

²⁶ Ibid

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.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁷

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

General conformity with the strategic policies in the development plan

The development plan consists of the saved policies of the Babergh Local Plan Alteration No 2 (LP), adopted in June 2006, and the Babergh Core Strategy (CS) 2011 – 2031, adopted in February 2014. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant LP and CS policies. It also includes an assessment against the emerging policies of the emerging Joint Local Plan. Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

Emerging Joint Local Plan

BDC and Mid Suffolk District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP was formally submitted to the Secretary of State for Housing, Communities and Local Government on 31 March 2021.

Following an exploratory meeting with the inspectors on 16 December 2021, the two Councils agreed to progress this emerging JLP as a 'Part 1' local plan. This will be followed by the preparation and adoption of a 'Part 2' local plan, anticipated to be adopted in Winter 2025. A number of Supplementary Planning Documents will also be produced during this period.

On 16 March 2023, the two Councils published the Modifications Schedule to the Joint Local Plan Part 1 for consultation. The consultation period ended on 3 May 2023 and

²⁷ NPPF para 9

only applied to the proposed modifications to the JLP and not on those unchanged aspects.

An Explanatory Note from the inspectors explains that the main modifications include – where relevant to this examination - the removal of all site allocations and changing settlement boundaries to reflect those on the extant Policies Maps.

I do not consider that any implications arise from the recent consultation and indeed the consultation period on this Plan would allow any interested party to make comments about the position with the emerging JLP as part of the consultation on this Plan.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁸ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested. Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.²⁹

It is clear from the Plan and the Basic Conditions Statement that the direction of the emerging JLP has been a consideration in the preparation of the Plan.

Retained European Union Obligations

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

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case BDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations,

²⁸ PPG para 009 ref id 41-009-20190509

²⁹ Ibid

³⁰ Ibid para 031 ref id 11-031-20150209

which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated September 2022 has been prepared by BDC. This in turn refers to a SEA Screening Opinion Final Report prepared by Land Use Consultants which concluded that the Plan was unlikely to have significant environmental effects. Consultation with the statutory bodies was undertaken. Responses from Historic England and Natural England concurred; no response was received from the Environment Agency.

I have treated the Screening Opinion Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³¹

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Habitats Regulations Screening Determination dated September 2022 has been prepared by BDC. This refers to a HRA Screening Report of August 2022 prepared by Land Use Consultants.

The Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site lies within 20km of the Plan area itself.

The Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects. Natural England concurred with the findings of the Screening Report.

³¹ PPG para 028 ref id 11-028-20150209

The Screening Determination concludes that Appropriate Assessment (AA) is not required.

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

Given the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I agree with the conclusion of the Screening Determination and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³² In undertaking work on SEA and HRA, BDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

BDC will no doubt review this work when it takes the decision on whether the Plan should proceed to referendum and when it takes the decision on whether or not to make the Plan as PPG³³ states, particularly given the screening determinations were based on the pre-submission version of the Plan.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities.³⁴ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented to an exceptionally clear and high standard with many

³² PPG para 031 ref id 11-031-20150209

³³ Ibid

³⁴ Basic Conditions Statement page 20

photographs of the local area that really give a sense of place. The Plan begins with a foreword from the Steering Group Chair and a helpful contents page that lists the 19 policies.

1. Introduction

This is a very helpful introduction to the Plan that sets out the various stages the process has involved including through the difficulties of the Covid 19 pandemic. A diagram detailing all the various activities and stages on page 9 of the Plan is very clear.

2. Great Waldingfield Past and Present

This section sets out the interesting history and context of the Parish and contains useful information to set the scene.

There is a spelling error to correct; this is “Domesday” in paragraph 2.3 on page 11 of the Plan and can be corrected as a non-material amendment.

3. Planning Policy Context

This is a helpful section that sets out the planning policy context for the Parish.

4. Vision and Objectives

The vision for the area is:

“In 2037 Great Waldingfield parish, which includes the hamlets of Upsher Green, and Washmere Green and the historic area around the church, will remain separated from its neighbours by green, biodiverse corridors. It will continue to be an attractive, rural village in an agricultural setting in which the protection of its important heritage and natural features is a priority. New development will be respectful of the character of the village and Great Waldingfield will be a thriving and vibrant community where residents of all ages can meet, live and work.”

The vision is supported by 13 topic based objectives covering housing, natural environment, historic environment, development design, village services and facilities, highways and movement and employment and business.

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

5. Planning Strategy

Policy GWD1 - Spatial Strategy

The CS identifies Great Waldingfield is identified as a 'Hinterland Village'.

In Core and Hinterland Villages, the CS states that 1,050 dwellings should be provided for. CS Policy CS2, which defines 43 Hinterland Villages, explains that this means some development to meet the needs within the Hinterland Villages will be accommodated.

CS Policy CS2 explains that most new development will be directed sequentially to the towns and urban areas, to the Core and Hinterland Villages. It states "In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans."

In the countryside outside Hinterland Villages, CS Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

All proposals are assessed against CS Policy CS11 which indicates development in Hinterland Villages is acceptable where it can be demonstrated that proposals have a close functional relationship to the existing settlement as well as meeting a number of criteria set out in the policy. The cumulative impact of development should also be taken into account.

CS Policy CS3 promotes and supports proposals for employment use. It supports employment uses that contribute to the local economy and increase the sustainability of Hinterland Villages and the rural economy where they are appropriate in scale, character and nature.

CS Policy CS15 sets out what the implementation of sustainable development means in Babergh District. This includes proposals respecting and making a positive contribution to local context and character, strengthening and diversifying the local economy, ensuring an appropriate level of facilities and services, addressing climate change, flood risk and water issues, biodiversity and so on.

The Plan explains that four settlement boundaries have been defined. The settlement boundary for the main village takes its lead from that defined in the LP 2006, but has been reviewed and updated. The new boundaries align with those put forward in the

emerging JLP including the new settlement boundaries defined for the cluster of dwellings on Folly Road, the hamlet area around St Lawrence Church and the hamlet known as Upsher Green.

I consider that the boundaries shown in the Plan have been drawn up logically and will allow for sustainable development commensurate with the village's designation in the settlement hierarchy.

The policy supports development in line with its status in the settlement hierarchy and focuses new development within the settlement boundaries.

Outside the settlement boundary, development is supported in line with national and district level policies subject to impacts on heritage and landscape designations and on important gaps between settlements. A modification is recommended to add reference to the neighbourhood plan as well.

An Important Gap is defined on the Policies Maps, but on the Maps it is identified as a Settlement Gap. A modification is made to this policy to ensure it is referred to consistently. A modification is also made to the supporting text for the same reason.

I discuss the Settlement Gap later in this report in relation to Policy GWD6. The policy does not prevent development per se in the Settlement Gap.

I have also considered carefully a representation that requests specific reference is made to employment sites. Given the support later in the Plan for existing and new employment sites, I do not consider this is necessary, but I have recommended a modification that specifically refers to neighbourhood level policy for the avoidance of doubt.

With these modifications, I consider the Plan's spatial strategy will meet the basic conditions by having regard to national policy, being in general conformity with strategic policies in the CS and contributing to the achievement of sustainable development.

- **Change the words “...national and district level policies...” in the third paragraph of the policy to “...national, *district and neighbourhood level policies...*”**
- **Change the reference in the policy from “important gaps” to “*Settlement Gap*”**
- **Amend the last sentence in paragraph 5.7 on page 18 of the Plan to refer to “...the defined *Settlement Gap...*”**

6. Housing

Policy GWD2 - Housing Development

Policy GWD2 sets out a presumption in favour of housing development for small brownfield windfall sites and infill plots of one or two dwellings.

The rationale for the policy is that development of this type would help to meet the local needs. The Plan explains that there are many more detached dwellings than the District average and very few smaller units although the figures for the Parish broadly equate to the District overall.

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.³⁵

CS Policy CS18 indicates that the mix, type and size of housing developments will be expected to reflect the needs of the District.

Given the character of the settlements with a defined boundary, there would be few other opportunities, but the encouragement for smaller units would have regard to the NPPF. As a result, the policy meets the basic conditions by having regard to national policy, contributing to the achievement of sustainable development and is in general conformity with strategic policy, and is a local expression of, CS Policy CS18.

Policy GWD3 – Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.³⁶ A Housing Needs Survey supports the provision of affordable housing. This is also borne out by evidence collected for the emerging JLP.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy. It refers to entry-level homes and paragraph 72 of the NPPF.

The policy has regard to national policy in providing for housing for different groups and its support for rural exception sites. It will contribute towards the achievement of sustainable development, particularly the social objective. It will be in general conformity with the CS and especially CS Policies CS11 and CS20 which takes a flexible

³⁵ NPPF para 60

³⁶ Ibid para 78

approach to the location of rural exception sites and allows proposals that are adjacent or well related to the settlement boundaries of Hinterland Villages.

However, the policy refers to sites outside, but adjoining or otherwise well related to the settlement boundary. Given four settlement boundaries have now been defined, I feel there may be a conflict with the proposed Settlement Gap if this policy directs rural exception schemes to be adjacent to or otherwise well related to settlement boundaries and indicates that this will include locations where housing would not normally be permitted. I appreciate that schemes are arguably better located near existing facilities. However, a modification is made to the policy to take account of the proposed Settlement Gap; this will be a local expression of this policy whilst still ensuring that it is in general conformity with the CS.

Other modifications need to be made to the policy to ensure it is clear. The first is to change the reference to the Village in criterion ii. to the Parish. The second is to add some words to make sure it is the Parish in criterion iii. The third is to again change the word Villages to Parishes in criterion iii.

With these modifications, the policy will meet the basic conditions.

- **Change the first paragraph of the policy to read:**

“Proposals for the development of small-scale affordable housing schemes, including entry level homes for purchase (as defined by paragraph 72 of the NPPF) on rural exception sites outside but adjoining or otherwise well related to the Settlement Boundary, where housing would not normally be permitted by other policies (*but where Policy GWD5 Settlement Gap will still apply*), will be supported where there is a proven need in the parish and provided that the housing:...”
- **Change the word “...Village...” in criterion ii. of the policy to “...Parish...”**
- **Add the words “...to the Parish...” after “...demonstrated local connection...” in criterion iii. of the policy and change the word “...adjoining villages...” to “...adjoining Parishes...” in the same criterion**

7. Natural Environment

Policy GWD4 – Protection of Landscape Setting of Great Waldingfield

The NPPF³⁷ is clear that planning policies should contribute to and enhance the natural and local environment including through the protection and enhancement of valued landscapes, sites of biodiversity value and soils, recognising the intrinsic character and beauty of the countryside and minimising impacts on biodiversity and providing net gains.

CS Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate, are given to distinctive local features which characterise the landscape of Babergh's natural environment within both designated and non-designated areas.

As part of the work on the Plan, a Landscape Character Appraisal (LCA) has been carried out independently by Ubiety Landscape and Urban Design Consultancy. This is a joint study with the neighbouring parish, Chilton Parish Council. This is an analysis of the character of the Plan area and is the supporting document for policies in this section. The LCA identifies six character areas within this Plan area.

This policy requires development proposals to have regard to the rural and landscape character and the setting of the built-up areas and conserve or enhance the landscape and scenic beauty using the findings of the LCA.

The policy also requires new buildings outside the Settlement Boundaries to be accompanied by a Landscape Visual Impact Assessment or similar. This is to show that the development is appropriate in its location.

The policy meets the basic conditions; it has regard to national policy and guidance, adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular CS Policy CS15 and helps to achieve sustainable development. No modifications are therefore recommended.

Policy GWD5 – Protection of Important Views

The NPPF³⁸ requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

³⁷ NPPF para 174

³⁸ Ibid

CS Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape of Babergh's natural environment within both designated and non-designated areas.

This policy details 15 important views which are identified on the Policies Map. The LCA identifies 16 views, but view 3 lies outside of the Plan area and has not been included on the Policies Maps.

I have considered each of these views at my site visit. For those views I was not able to see, I was able to understand the extent and context of these views. I consider all of the views have been appropriately identified.

Turning now to the wording of the policy, it is worded to ensure that any new development does not have a detrimental visual impact on the key attributes of the views. Policies of this nature do not prevent development per se.

The policy meets the basic conditions. It takes account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness,³⁹ is in general conformity with, and adds a local layer of detail to, strategic policies and CS Policies CS11 and CS15 in particular which recognise the need for development to respect the local context and character of the District and helps to achieve sustainable development. No modifications are therefore recommended.

Policy GWD6 – Settlement Gaps

This policy designates a Settlement Gap which is shown on the Policies Map. I found it hard to easily decipher the extent of the Settlement Gap across the three parts of the Policies Map and would recommend that a map just showing the full extent of the Settlement Gap is included in the Plan for convenience.

Such designations or those similar in nature are a common designation in neighbourhood plans. They tend to recognise local landscape and topographical character and the importance of individual settlement identities often being used as an anti-coalescence tool as in this instance. Coalescence is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted.

The LCA identifies six local landscape character areas. The Heritage Fields area largely covers the area proposed for the Settlement Gap. The proposed area is also largely covered by the existing Conservation Area (CA) designation although some parts of it fall outside the CA.

³⁹ NPPF paras 127, 170

The LCA describes the area as a distinctive landscape type. Its topography is gently undulating and rises to St Lawrence Church whilst Upsher Green is in a fold in the landscape. The landscape is largely enclosed.

To the south, the remainder of the proposed area identified as the Settlement Gap falls within the Southern Farmlands Local Landscape Area. This has a different character and is generally arable farmland with long distance views.

The assessment contained within the LCA indicates that the area is important for its particular landscape attributes and the inclusion of land north of Folly Lane between the village and the separate group of dwellings to the east is important to maintain character as well as the historic separation between properties to the northeast. The intervisibility of the rural setting of the village with St Lawrence Church and its surrounds is important.

I saw at my site visit that the gaps between the identified enclaves of development and the village are important and add to the distinctive local character of the area. The gaps are an important attribute of the local area.

I consider that the Settlement Gap has been appropriately designated with the exception of the land south of Folly Lane and east of Lynns Hall Close. This is because there is very little built development to the east and therefore the stated purpose of preventing coalescence does not apply. In all the other parts of the Settlement Gap there are two or more points of built development (either the edge of Great Waldingfield village or one of the hamlets) which the land separates. A modification is therefore made to remove this field from the proposed designation.

The wording of the policy itself is clear and will achieve the desired outcomes. However, I consider that the policy, its title and any references to the “Settlement Gaps” would better reflect the changed designation if it was referred to in the singular. A modification is made accordingly.

With these modifications, I consider the policy will meet the basic conditions as it has regard to the NPPF and its emphasis on an understanding and evaluation of each area’s defining characteristics and special qualities as well as a reflection of local aspirations.⁴⁰ It is in general conformity with the CS adding a layer of local detail and will help to achieve sustainable development.

- **Insert a new plan which shows the Settlement Gap in its entirety on one page**
- **Remove the field to the south of Folly Lane and east of Lynns Hall Close from the proposed designation [the image submitted for information at fact check stage shows this area correctly]**
- **Amend any references to “Settlement Gaps” to “Settlement Gap” [singular]**

⁴⁰ NPPF para 127

Policy GWD7 - Biodiversity

The NPPF⁴¹ is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues⁴² that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. Various parts of this Act, including this biodiversity net gain requirement, are yet to come into force.

CS Policy CS14 seeks to protect and enhance existing green infrastructure.

CS Policy CS15 seeks to protect and enhance biodiversity, create green spaces and/or extend existing green infrastructure. In addition, Core Strategy Policy CS15 seeks to ensure that proposals for development ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh’s natural environment, including habitats.

Policy GWD7 seeks to conserve and enhance the natural environment including through biodiversity net gain and improvement. It seeks to ensure that priority habitats and species, trees and other natural features are protected or mitigated if loss or harm is unavoidable. It reflects the NPPF which is clear that if significant harm to biodiversity results and cannot be mitigated or compensated, permission should be refused. However, there is a subtle difference between the NPPF which refers to significant harm and the policy’s reference to material harm. A modification is therefore made to ensure the policy has regard to the NPPF.

Lastly, the policy seeks to ensure that hedgerows are not lost through the creation of new access points.

With this modification, the policy will have regard to national policy and guidance, adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular CS Policies CS14 which protects and enhances green infrastructure and CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

- **Substitute the word “material” in the first paragraph of the policy with “significant”**

⁴¹ NPPF para 174

⁴² Ibid para 180

8. Historic Environment

Policy GWD8 - Heritage Assets

The Plan area has a number of listed buildings including the Grade I listed Church and the Grade II* listed Babergh Hall. There is also a large CA. In addition, the Plan refers to the rich archeology of the area.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁴³ It continues⁴⁴ that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

This policy seeks to ensure that development proposals preserve or enhance the significance of designated heritage assets through an understanding of the asset's significance and the provision of clear justification for any works that would lead to harm.

The policy also references the Design Code produced by AECOM and the CA Appraisal.

The first element of the policy requires proposals to preserve and enhance the significance of designated heritage assets. This does not reflect the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. This then requires modification.

It also refers to "Village"; I think this should be parish to ensure that this policy would apply to all heritage assets throughout the Plan area rather than those in the village.

The policy at criterion f. refers to harm and substantial benefit. This is revised to better reflect the stance of the NPPF.

With these modifications, the policy will meet the basic conditions by having regard to national policy. It is in general conformity with strategic policies, particularly CS Policy CS15 which indicates that development proposals must ensure adequate protection or enhancement as appropriate are given to distinctive local features which characterise the heritage assets of Babergh's built and natural environment. The policy will especially help to achieve sustainable development.

- **Change the first sentence and criterion a. of the policy to read:**

"To conserve or enhance the Parish's designated heritage assets, proposals should:

⁴³ NPPF para 189

⁴⁴ Ibid para 199

- a. *conserve or enhance the significance of the designated heritage assets of the Parish, their setting and the wider built environment;*"
- **Change criterion f. of the policy to read:**

"provide clear and convincing justification, through the submission of a proportionate heritage statement, for any works that could harm a heritage asset and where this would be less than substantial harm, weigh this against the public benefits of the proposal and in the case of substantial harm, show that this is necessary to achieve substantial public benefits that outweigh that harm."

Policy GWD9 – Buildings of Local Heritage Significance

As referred to above, the NPPF⁴⁵ explains that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁴⁶

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁴⁷

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁴⁸ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁴⁹

In this case, a document called Assessment of Local Significant Buildings and a map has been prepared to support the identification of the list.

The policy seeks to retain and protect these buildings which are specified in the report and cross-referenced in the policy wording. It uses similar language to the NPPF in how such assets will be considered in relation to planning applications where harm may be caused.

⁴⁵ NPPF para 189

⁴⁶ Ibid para 203

⁴⁷ PPG para 040 ref id 18a-040-20190723

⁴⁸ Ibid

⁴⁹ Ibid

Given that not all of the assets listed are buildings, it would be useful to amend the policy's title in the interests of clarity.

BDC considers that three of the candidates are unsuitable for designation. Given this comment was made at pre-submission stage, there has been opportunity for discussion with the Heritage Officers and a chance to submit further evidence. As it stands, I am not convinced of the merit of these three buildings and so recommend a modification to remove them from the designation at this point in time. That is not to say they are not worthy candidates or have other merits; simply that there is contrary evidence.

The supporting text indicates that it is the responsibility of BDC to designate the assets as Local Heritage Assets; this is not the case as explained above. I therefore recommend two further modifications that make it clear that the policy designates these buildings and features as non-designated heritage assets.

With these modifications, the policy will meet the basic conditions by having regard to the NPPF, adding local detail to, and being in general conformity with CS Policy CS15 in particular and helping to achieve sustainable development.

- **Amend the policy's title to "Buildings *and Structures* of Local Significance"**
- **Remove Heath House, Peartree Cottage and White Cottage, Folly Road from the policy and maps**
- **Delete the penultimate sentence of paragraph 8.4 on page 31 of the Plan and the words "In the meantime..." in the last sentence in the same paragraph**
- **Add a new sentence at the start of the policy to read:**

"This policy designates the following buildings and features as non-designated heritage assets."

9. Development Design

Policy GWD10 – Design Considerations

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁵⁰

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in

⁵⁰ NPPF para 126

development.⁵¹ It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁵²

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁵³

Policy GWD10 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF and leading on from CS Policy CS15 in particular.

One criterion would benefit from modification; criterion h.. This requires all car parking to be provided within the plot. I note that the Design Code indicates that on-plot parking should generally be provided for residents and visitor spaces can be provided on-street and that it generally supports on plot provision. A modification is made to reflect this evidence.

A further modification is made to criterion i. to ensure the criterion takes account of the NPPF's prioritisation and emphasis on these modes of travel.⁵⁴

The policy cross-references the Design Checklist in Appendix 5 of the Plan which is taken from the Design Code and the LCA.

I note that Anglian Water supports the policy approach.

With these modifications, the policy will meet the basic conditions by supporting locally distinctive development of a high quality having regard to the NPPF, leading on from, and being in general conformity with, CS Policy CS15 in particular, and achieving sustainable development.

- **Amend criterion h. of the policy to read:**

“produce designs, in accordance with standards, that maintain or enhance the safety of the highway network ensuring that *residents’* vehicle parking is provided within the plot and that spaces and garages meet the adopted minimum size standards;”

- **Amend criterion i. of the policy to read:**

⁵¹ NPPF para 127

⁵² Ibid para 128

⁵³ Ibid para 130

⁵⁴ Ibid para 112

“seek always to ensure permeability through new housing areas, connecting any new development into the heart of the existing settlement whilst prioritising the movement of pedestrians and cyclists”

Policy GWD11 - Flooding and Sustainable Drainage

The Plan explains that whilst there is little flooding from watercourses, surface water flooding can be problematic.

This policy sets out a requirement that all new development should submit schemes detailing how on-site drainage and water resources will be managed. It also encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁵⁵

I note that Anglian Water supports the policy approach.

The policy has regard to national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS15 and will help to achieve sustainable development.

Policy GWD12 – Dark Skies

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.⁵⁶

This policy seeks to provide a balance between safety that lighting can bring with the harm that light pollution can cause.

The policy meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development.

10. Village Services and Facilities

Policy GWD13 – Protecting Existing Services and Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁵⁷ It

⁵⁵ NPPF paras 167, 169

⁵⁶ Ibid para 185

⁵⁷ Ibid para 84

also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁵⁸

The Plan explains that the Parish has a number of services and facilities including a primary school and pre-school, shop, public house and garage. Nearby Sudbury and Lavenham are also convenient for services.

This policy seeks to protect existing services and facilities permitting their loss only subject to a number of criteria such as viability and local need. All the criteria are appropriate.

The policy has regard to national policy, is in general conformity with strategic policies particularly CS Policy CS15 which seeks the retention, protection or enhancement of local services and facilities and helps to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Policy GWD14 – Open Space, Sport and Recreation Facilities

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁵⁹ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁶⁰ It also encourages policies to provide recreational facilities and to guard against their unnecessary loss.⁶¹

This policy supports the provision and improvement of amenity, sport or recreation open space or facilities. The loss of such spaces and facilities is prevented unless they are surplus to requirements or they will be replaced by equivalent or better provision in a suitable location. New development is required to provide such areas as appropriate.

The policy has regard to the NPPF, is in general conformity with strategic policies and CS Policy CS15 in particular and will help to achieve sustainable development, particularly the social objective referred to in the NPPF which specifically mentions open space. It meets the basic conditions and no modifications are put forward.

Policy GWD15 - Local Green Spaces

The Plan proposes 14 areas as Local Green Space (LGS). They are shown on the Policies Map. A separate Local Green Space Appraisal has been carried out.

⁵⁸ NPPF para 93

⁵⁹ Ibid

⁶⁰ Ibid para 92

⁶¹ Ibid para 93

The NPPF explains that LGSs are green areas of particular importance to local communities.⁶²

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁶³ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁶⁴

The NPPF sets out three criteria for green spaces.⁶⁵ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw the proposed areas on my site visit.

1. Folly Road Allotments is a well used well tended space valued for its use as allotments but also has a native hedge and some established trees.
2. Green Acre is a recreational area serving as the village green. It has a large conifer tree in the middle as well as a number of other trees. It is used for village events and is home to the village noticeboard and sign and has some conveniently located seating.
3. Lavenham Road Allotments is valued as an allotment space and has a native hedge and other mature trees.
4. Playing Field is valued as a recreational area. It has a children's play area.
5. Queen's Jubilee Gardens is surrounded by the playing field, but is an area of garden used for recreation established to celebrate the Queen's Diamond Jubilee and is valued as a quieter area. I saw at my visit this was a very special place and one of the best examples of a beautiful garden that I have seen on any visit.
6. Heath Estate Gardens is formed of three areas of amenity open space at the heart of this residential area. The areas are picturesque and an important and integral part of the character of this housing area.
7. Folly Road Open Space is a recreational area with children's play area.
8. Overing Avenue Open Space is an open area with trees surrounded by housing. It is open in character and integral to the local area.

⁶² NPPF para 101

⁶³ Ibid

⁶⁴ Ibid

⁶⁵ Ibid para 102

9. Knights Field is a field which falls within the CA. It is valued for its footpaths linking the village with Old School Wood and the views afforded to the CA and the Church. The view in itself is of historic significance apparently appearing in the Times in 1935.
10. Old School Wood is a community woodland within the CA. It is valued as a community managed space valued for its biodiversity, openness and location in the CA. It ranked highly in the Residents Survey of facilities used.
11. Churchyard of St Lawrence's Church, a Grade I listed building, falls within the CA and is described as a focal point for the community who value the space for its peace and tranquility and wildlife as well as its primary purpose.
12. Ten Trees Road Open Space is an open space with a wildlife corridor with particular emphasis on bees and butterflies.
13. Cherry Orchard, Folly Road is an open space with cherry trees and seating. It is valued as a central community space in the village.
14. Land at former Airfield consists of four areas; two formed part of the airfield and contain hedgerows and the other two important trees which, amongst other things, screen the industrial buildings. Valued for ecology and historically due to the former use as a world war two airfield and used informally for recreational purposes.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

In line with PPG advice,⁶⁶ I have also considered whether any additional local benefit would be gained by LGS designation for those spaces which also fall within the CA. Different designations often achieve different purposes and I consider that the LGSs will send a signal and recognise the particular importance these spaces have for the local community.

Turning now to the wording of the policy, it simply designates the LGSs. This is acceptable as the NPPF sets out that any new development should be consistent with how development is managed in the Green Belt.⁶⁷ Therefore the policy meets the basic conditions and no modifications are recommended.

⁶⁶ PPG para 010 ref id 37-010-20140306

⁶⁷ NPPF para 103

11. Highways and Movement

Policy GWD16 – Public Rights of Way

The NPPF is clear that planning policies should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.⁶⁸ Such networks can also help with providing opportunities and options for sustainable transport modes.⁶⁹

The Design Code document describes the fragmented nature of the village as causing challenges for pedestrian and cycle connectivity.⁷⁰ Therefore the improvement and creation of new routes and links is particularly important in this locality.

This policy seeks enhancement of the existing network. It has regard to the NPPF, is in general conformity with the CS and in particular CS Policy CS15 and helps to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

12. Employment and Business

Policy GWD17 – Employment Sites

As a Hinterland Village, it is unusual for Great Waldingfield to have a designated employment site; this was once part of the Airfield and is designated as a Rural Employment Area in LP 2006 Policy EM14. The emerging JLP does not take the designation forward. Nevertheless a variety of businesses operate from the site.

The NPPF places significant weight on the need to support economic growth and productivity.⁷¹ In rural areas, the NPPF enables the sustainable growth and expansion of all types of businesses.⁷²

CS Policy CS3 promotes and supports proposals for employment use that contribute to the local economy and increase the sustainability of Hinterland Villages if appropriate in scale, character and nature to their locality. CS Policy CS17 supports and promotes rural businesses.

In line with the NPPF, this policy supports the retention and development of

⁶⁸ NPPF para 100

⁶⁹ Ibid paras 105, 106

⁷⁰ Design Code page 32

⁷¹ NPPF para 81

⁷² Ibid para 84

employment and business uses, including those identified on the Policies Map at the former Airfield.

The policy supports employment uses subject to acceptable impacts on landscape character, residential amenity, traffic generation, heritage, important views and important gaps. All are appropriate local considerations, helping to add detail to CS Policy CS3, but I consider the policy should be worded positively rather than negatively because of the inclusion of the important views and Settlement Gap criteria which are subject to other policies in the Plan.

Non-employment uses expected to have an adverse impact on employment generation will only be supported by the policy if certain criteria are met. These include whether any environmental benefits would be gained, community benefits, whether it would be for a related use or if other sustainability benefits would outweigh the loss. Reading the policy as a whole, the criteria are appropriate and sufficiently flexible to respond to the NPPF's support for building a strong, competitive economy and the need to respond rapidly to changing economic circumstances.⁷³

There is also a modification made in the interests of referring to the Settlement Gap consistently.

With these modifications, the policy will meet the basic conditions in that it will have regard to national policy, be in general conformity with CS Policies CS3, CS15 and CS17 and will help to achieve sustainable development.

- **Change the words “...do not have a detrimental impact on...” in the first sentence of the policy to “...have an acceptable impact in relation to ...”**
- **Change the reference to “...identified important gaps in the built-up area...” at the end of the first paragraph of the policy to “...identified *Settlement Gap*.”**

Policy GWD18 – New Businesses and Employment

This policy supports new businesses within the settlement boundaries. Outside the settlement boundaries, support is given for those sites designated for such uses or where it relates to small-scale leisure and tourism uses or other uses appropriate in scale to a countryside location and where there is a need for such uses to be located outside the settlement boundaries.

It continues that where possible, development should utilise existing buildings, be on previously developed land and be of an appropriate size and scale. The policy does not exclude new employment and business use outside the settlement boundaries per se where it accords with development plan policies at national or district level. It supports

⁷³ NPPF para 82

in principle new employment and business uses on land designated in the development plan for business uses. In addition, the previous policy, GWD17, supports the retention and development of employment and business uses on existing employment sites subject to criteria.

The policy meets the basic conditions in that it has regard to national policy, is in general conformity with CS Policies CS3, CS15 and CS17 and will help to achieve sustainable development.

Policy GWD19 – Farm Diversification

The policy supports employment uses in redundant rural buildings subject to satisfactory impacts.

As part of its drive to build a strong, competitive economy, the NPPF supports the sustainable growth and expansion of all types of business in rural areas through conversions of existing buildings and well-designed new ones and the development and diversification of agricultural and other land-based rural businesses.⁷⁴

Furthermore, in rural areas, the NPPF is clear that sites may need to be found adjacent to or beyond existing settlements whilst remaining sensitive to its surroundings.⁷⁵

The policy meets the basic conditions by having regard to national policy, being in general conformity with the CS, especially CS Policy CS17, and helping to achieve sustainable development.

Policies Map

The maps are generally clearly presented throughout the document. Some changes have been recommended to the Policies Maps elsewhere in this report.

Appendices

A number of appendices are included in the Plan.

Appendix 1 is a list of community engagement events and a diagram of the key stages.

Appendix 2 shows the six local landscape character areas identified in the Landscape Character Appraisal and includes a short description of each area.

⁷⁴ NPPF para 84

⁷⁵ Ibid para 85

Appendix 3 lists the listed buildings in the Parish. To future proof the information, I suggest a sentence is added to signpost where the most up to date information can be obtained.

Appendix 4 lists the buildings and features of local significance designated by Policy GWD9.

Appendix 5 is the Development Design Checklist referred to in Policy GWD10.

- **Add a sentence to Appendix 3 that reads: “The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.”**

Glossary

The Plan includes a helpful glossary.

8.0 Conclusions and recommendations

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

I am therefore pleased to recommend to Babergh District Council that, subject to the modifications proposed in this report, the Great Waldingfield Neighbourhood Development Plan can proceed to a referendum.

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

I therefore consider that the Great Waldingfield Neighbourhood Development Plan should proceed to a referendum based on the Great Waldingfield Neighbourhood Plan area as approved by Babergh District Council on 26 July 2017.

Ann Skippers MRTPI
Ann Skippers Planning
2 August 2023

Appendix 1 List of key documents specific to this examination

Great Waldingfield Neighbourhood Plan 2018 – 2037 Submission Draft Plan February 2023

Basic Conditions Statement February 2023

Consultation Statement February 2023

Strategic Environmental Assessment Screening Determination September 2022 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report August 2022 (LUC)

Habitats Regulations Screening Determination September 2022 (BDC)

HRA Report Final Report August 2022 (LUC)

Design Code August 2021 (AECOM)

Chilton & Great Waldingfield Landscape Character Appraisal (Ubiety Landscape + Urban Design)

Great Waldingfield Conservation Area Appraisal 2019

Evidence Base Master Summary

Local Green Space Assessment February 2023

Assessment of Locally Significant Buildings and accompanying map

Residents Survey

Babergh Local Plan 2011 – 2031 Core Strategy & Policies February 2014

Babergh Local Plan Alteration No. 2 adopted June 2006

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document adopted August 2014

Affordable Housing Supplementary Planning Document adopted February 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission document November 2020

Babergh and Mid Suffolk Joint Local Plan – Part 1 Modifications Schedule March 2023

List ends