

Babergh District Council

**Long Melford
Neighbourhood Plan
2018-2037**

Independent Examiner's Report

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Summary

I have been appointed as the independent examiner of the Long Melford Neighbourhood Development Plan.

Long Melford is a linear settlement orientated around a main north-south road. Its historic centre is along Little St Mary's and Hall Street where buildings are situated on the edge of the pavement. There is evidence of prehistoric activity in the Stour valley and for occupation through the ages. It has a number of listed buildings and a Conservation Area. Melford Hall, a National Trust property and Kentwell Hall are important country estates. With around 3,500 residents, according to the Census 2011, the rich history and independent shops attract many visitors.

The Plan is presented well. The Plan contains 25 policies ranging from a number of site allocations, the designation of Local Green Spaces, flood risk to change of use. The policies do not repeat District level policy, but seek to add local detail 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 Long Melford 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
May 2022



1.0 Introduction

This is the report of the independent examiner into the Long Melford 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 Often representations suggest amendments to policies or additional policies. 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.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ I note the comments made by a representation in relation to land north of Stafford Park; this is an important site, described as strategic in the representation, and includes issues of a former factory, a historic waste site, landfill and contamination. I consider this is a large site which straddles two District boundaries, there is a long history and many complex issues. Whilst I do take the point it could have been assessed as part of the site selection process, given the circumstances of the site, I consider that this site and the issues raised would be better addressed at a District level and a comprehensive scheme may well include excluded development which neighbourhood plans cannot deal with.

I note that the Parish Council in their response to the representations agreed that the site should have been assessed and duly carried out that assessment. To be clear, I have not accepted this as to do so would require further consultation in the interests of fairness.

I have also considered whether there are any implications for the work carried out on Strategic Environmental Assessment. Given that I consider the Parish Council was entitled to exclude this site from assessment for the reasons given above, albeit it would have been useful to acknowledge this and the reasons for so doing at the time of the site assessments, the validity of the Environment Report which I consider in more detail in a future section of the report, remains intact.

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

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

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing. I do however note a number of requests by interested parties 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 chose to make comments which I have taken 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 16 April 2022.

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

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

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

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It includes a very helpful timeline showing the range of activity carried out over a number of years.¹¹

After a public meeting in 2016, the decision was taken to start work on the Plan.

The Steering Group was keen to engage with a wide range of people including businesses and schools as well as the local MP. Two business forums were held as well as individual meetings with local employers and business leaders. Visits to two local

¹¹ Consultation Statement page 8

secondary schools were held as well as meetings with the primary school. Other meetings were held with the GP Practice, the National Trust, local clubs and organisations as well as various Suffolk County Council departments and local landowners and developers.

Updates about the Plan were given in the Parish magazine distributed free to some 1650 addresses. Other local newspapers have included articles on the Plan. The Parish Council website has a dedicated area on the Plan, a specific Plan website was established and a Facebook page set up.

There have been a series of events and meetings, including a public meeting in May 2017 which attracted 155 residents. The issues raised at this meeting led the Steering Group to split into four sub-groups focusing on the key issues raised. A stand was taken at the Street Fair in 2017 with an online survey promoted. An Open Day was held in February 2018. A Residents Survey was undertaken in 2018, hand delivered to all houses in the Parish. House to house follow up resulted in an excellent 75% response rate equating to over 1990 responses. An Open Day to feedback the results of the survey was held in September 2018 alongside direct email contact and an article in the Parish magazine. This led to a further open day in October 2018 which specifically considered draft policies and allocations.

Pre-submission (Regulation 14) consultation took place between 17 January – 28 February 2019. This consultation stage was publicised via posters, the website and in the Parish magazine. Paper copies were available in the Parish office and the library as well as online.

The Consultation Statement then details post Regulation 14 engagement. It is clear that ongoing discussions were held with a wide range of people and groups to continue to refine the Plan. In particular, two policies were revised; the policy on a Local Green Space (LGS) became the Rural Gap and the policy on green spaces became a policy on LGSs. Two consultations, described as informal, were held on these revisions. The LGS consultation was held between 5 February – 19 March 2021 and the Rural Gap between 26 February – 9 April 2021. These consultations included direct contact with the known landowners or leaseholders concerned. I do not comment on this stage given it was informal.

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

Submission (Regulation 16) consultation was carried out between 20 September – 5 November 2021.

The Regulation 16 stage resulted in 12 representations and a late representation which was not accepted by BDC, but provided to me for information. I have considered all of the representations and taken them into account in preparing my report.

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

Long Melford 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 22 February 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 8 of the Plan.

Plan period

The Plan period is 2018 – 2037. This is clearly stated in the Plan itself. This requirement is therefore satisfactorily met.

Excluded development

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

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

In this instance, a range of issues and actions were identified during the Plan preparation process. These are distinguished in coloured boxes at various points in the Plan as "community objectives". Their status is clear and also explained in the introduction in the Plan.¹³ I therefore consider this approach is acceptable in this instance.

¹² PPG para 004 ref id 41-004-20190509

¹³ The Plan para 1.8, page 7

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

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

¹⁴ NPPF para 13

¹⁵ Ibid para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid para 31

¹⁹ Ibid para 16

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 has 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 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

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

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 the Plan 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 (SCC) also form part of the development 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 propose to progress the current emerging JLP as a 'Part 1' local plan. This will be followed by the preparation and adoption of a 'Part 2' local plan as soon as possible. The Councils are currently working to scope and progress the outstanding matters raised by the inspectors. Further details of this work and timescales are expected to be provided soon.

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

The Plan has rightly been produced in parallel with the production of the emerging local plan.

²⁷ NPPF para 9

²⁸ PPG para 009 ref id 41-009-20190509

²⁹ Ibid

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, 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 Report, prepared by Place Services on behalf of BDC, dated March 2019, determined that SEA was required, largely based on the proposed site allocations. A Screening Direction, dated March 2019, from BDC agreed with the conclusions of the Screening Report after consultation responses from the three statutory consultees were received.

³⁰ PPG para 031 ref id 11-031-20150209

Accordingly, an Environmental Report (ER) has been prepared by AECOM following on from a Scoping Report. The Scoping Report underwent consultation with the statutory consultees.

The ER concludes that “When read as a whole, the Neighbourhood Plan is anticipated to result in broadly positive effects in relation to the SEA framework.”³¹

It was published for consultation alongside the submission version of the Plan. The ER deals with the issues appropriately for the content and level of detail in the Plan. This includes the consideration of reasonable alternatives in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.³² In my view, the ER has been prepared in accordance with Regulation 12 of the Regulations.

Taking account of the characteristics of the Plan and the characteristics of the areas likely to be affected, I am of the view that EU obligations in respect of SEA have been satisfied.

Turning now to HRA, the SEA and HRA Screening Report of March 2019 explains that there are two sites which lie within 20km of Long Melford; these are the Stour and Orwell Estuaries Special Protection Area (SPA) and the Stour and Orwell Estuaries Ramsar site. The 13km Zones of Influence for these sites do not overlap with the Plan area. The Screening Report therefore indicates there are no habitats sites within scope.

The HRA Screening Report concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment. NE was consulted and agreed with the conclusions.

The HRA Screening Determination therefore concludes the Plan does not require further assessment.

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, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Determination that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

³¹ SEA Environmental Report Non-Technical Summary and page 41

³² PPG para 030 ref id 11-030-20150209

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.³³ 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.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a brief statement in relation to human rights. 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 high standard and contains 25 policies. There is an eye catching front cover. Photographs throughout the document give it a distinctive and local flavour. The Plan begins with a helpful contents page and details of the appendices, supporting documents and index of policies and community objectives.

1 Introduction

This is a helpful introduction to the Plan that sets the scene very well. It sets out the purpose of the Plan and the context in which it sits. It explains that a Steering Group was established to lead on the work on the Plan and how engagement with the local community has taken place.

It explains that a number of core and community objectives have been identified and that a Parish Infrastructure Investment Plan has been produced.

A short statement on reviewing the Plan is included. Whilst monitoring is not a requirement of neighbourhood planning at the moment, I welcome this intention.

This section shows that the Plan has been carefully thought through.

³³ PPG para 031 ref id 11-031-20150209

2 The Neighbourhood

This well written and informative section sets out the interesting history and context of the Parish as it is today.

3 Characteristics and Vision

This section details some of the main issues and challenges facing the Parish. The vision for the Plan is:

“The vision of this plan is to manage the coming phase of growth for the village and parish in a manner which encourages sustainability.”

This short and succinct vision is supported by 10 core objectives designed to achieve that vision. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

4 Sustainable Growth and Housing

The chapter starts with a discussion that details the issues facing the Parish, the local policy context and the aims of the Plan.

At this juncture, it is useful for me to set out the planning policy context. In the CS, CS Policy CS2 identifies Long Melford as one of ten Core Villages. Core Villages act as a focus for development within their functional cluster.

Following on from BDC’s work on the JLP, in December 2021, BDC confirmed that the minimum housing requirements for neighbourhood plan areas, as set out in the draft JLP of November 2020, should now be treated as indicative figures.

For Long Melford, the draft JLP identifies a need for 367 dwellings of which 217 dwellings are committed through planning permissions (as at April 2018) leaving a residual of 150 dwellings. The Plan accepts these figures. The Plan also points to a scheme for 150 dwellings permitted on appeal after the draft JLP publication. In effect this means the indicative requirement has now been met.

Nevertheless the Plan takes a common sense approach recognising this is a minimum requirement and that, given the issues identified through work on the Plan, additional housing should be supported to help meet local needs and to support village services.

A ‘Call for Sites’ was undertaken. Sites were identified from BDC’s Strategic Housing and Economic Land Availability Assessment (SHELAA), a public call for sites, direct

contact with landowners and other third parties and through local knowledge of the Steering Group. 33 sites came forward and were assessed through a three stage process which included the deliverability of the sites.

Policies LM2 – LM7 are the site allocation policies and follow on from Policy LM 1 which is an overarching growth and development policy.

Policy LM 1: Growth and Sustainable Development

This policy recognises Long Melford's function as a Core Village in Babergh's settlement hierarchy. It defines a settlement boundary which is shown on Map 4B, Policies Map, on page 39 of the Plan.

The policy focuses new development within the settlement boundary. The settlement boundary does not align with the boundaries put forward in the emerging draft JLP. However, as the emerging Joint Local Plan is now split into two parts, the settlement boundaries in the existing adopted Core Strategy are to be carried forward into the Part 1 document of the emerging JLP. This means that settlement boundaries will not be updated until the Part 2 document. I therefore consider that the boundary has been appropriately defined given the linear nature of the village, but would anticipate further work will need to be done in any review of the Plan.

I found this map quite hard to read at this scale and therefore, in the interests of clarity, a full page and clearer version of this map should be included in the Plan.

The policy then provides for around 444 dwellings over the Plan period. This includes the 217 dwellings already committed, the more recent permission at Station Road for 150 dwellings and the proposed site allocations in this Plan, subject of Policies LM2 to LM 7 for around 77 dwellings.

Neighbourhood plans can be developed before or at the same time as a Local Plan is being produced.³⁴ I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence.

The minimum housing requirement figures set out in the emerging JLP have now become indicative. BDC has provided an indicative housing figure based on the best evidence available at this time and the Plan has recognised this and proposed site allocations for development over and above that figure.

If further allocations are needed to meet the housing requirement then this can be achieved through the Part 2 document or a review of the Plan as appropriate and necessary.

³⁴ PPG para 009 ref id 41-009-20190509

The policy includes the site assessment site number and the number of proposed dwellings on each site allocation. I do not consider it necessary or clear for the site assessment numbers to be retained in the policy at this stage of plan making. Where appropriate, I have suggested modifications to the site allocation policies (Policies LM 2 – LM 7) regarding the numbers. In line with those modifications, consequential modifications are needed to this policy.

With these modifications, the policy will meet the basic conditions. It will take account of the NPPF, reflect the current information and evidence on housing provision and delivery available at District level and will help to achieve sustainable development.

- **Include a clearer, larger scale, full page Policies Map in the Plan**
- **Insert a clearer map of the settlement boundary and link it to Policy LM 1 by inserting a reference to the new map after “...as defined on XXXX and the Policies Map...”**
- **Delete the site assessment references (G1, L1 etc.) from the policy**
- **For the dwelling numbers on LM 3, LM 4 and LM 5 in the policy, add the word “*indicative*” and on LM 6 and LM 7 add the words “*a maximum of*”**

Policies LM 2 – LM 7

The six site allocation policies then follow. Each policy is linked to a map which clearly shows the site in question.

Each policy includes a reference in the title which relates to their site assessment reference number. This is now no longer needed and has the potential to cause confusion. In the interests of clarity, these references should be removed.

The site allocation policies then specify the number of units on each site. Where appropriate, I recommend modifications be made to ensure that a design led approach can be taken to what are sensitively located sites in order to help achieve sustainable development.

These two modifications will also reflect those made on the previous policy, Policy LM 1.

Each policy has a number of criteria. I discuss this in relation to Policy LM 2, but my comments apply to the other policies where relevant.

Two of the criteria in Policy LM 2 are worded to minimise the detrimental impact on the Conservation Area and on neighbouring properties.

The first requirement does not reflect the test for new development in Conservation Areas set out in legislation. The statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area, the decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. To refer to “minimal detrimental impact” means, in effect, that development could harm the Conservation Area.

The same principle applies to the phrase in relation to neighbouring properties.

It is necessary to change both criteria so they reflect the statutory duty in the case of the first one, and ensure good planning and the achievement of sustainable development in the second.

In addition whilst it could be assumed that all criteria apply in each policy, a ‘belt and braces’ approach will ensure there is no argument at a later date. A modification is made to this effect in the interests of clarity. This applies to Policies LM 2, LM 3, LM 4 and LM 6.

The supporting text to Policy LM 2 refers to the site as brownfield. I do not consider this site is brownfield and a modification is made in the interests of accuracy.

Policies LM 3 and LM 4 are restricted to occupants over 55. They also displace existing employment uses. Both requirements are explained and justified in the supporting text.

Policy LM 5 is a mixed use scheme, recognising the existing employment use on the site. The policy would allow up to 10 dwellings and around 300 square metres of employment space.

The proposed allocation has generated a number of concerns; a resident has expressed concern, amongst other things, about the use of Ropers Lane as a pedestrian access, pointed out easements and drainage issues and other legalities.

SCC have raised concerns about how pedestrian access to the site could be achieved.

BDC cannot see why the site is not subject to affordable housing provision (the Plan points out that the site may require remedial work due to previous uses). I also cannot see any reason why this could not be achieved subject to viability testing at the planning application stage.

There is also concern about the employment element of the proposal being close to existing residential properties.

From the evidence before me, I share all these concerns. However, an allocation in the Plan does not necessarily or automatically mean that planning permission would be forthcoming for any scheme. Some of the issues raised may well prevent development

from coming forward on the site. Other issues raised can be dealt with through modifications to the policy.

The site, subject to Policy LM 6, is not without some issues. It is a significant site which, if development were to go ahead, would join two built up areas. It is also close to Kentwell Hall and its grounds, a heritage asset. I feel that the Plan has been rather dismissive on the impact of development on this site in paragraph 4.71 on page 49 of the Plan. This paragraph assumes there will be less than substantial harm to the heritage asset and even if this was not the case, the public benefit of the site, which is to provide affordable housing, outweighs that. These are not matters that can be assumed. For this reason, this paragraph should be deleted.

Policy LM 6 has a requirement of 66% affordable housing, but this reflects the terms of the landowner, a charitable trust. BDC have suggested an amendment to the policy to make it clear that the affordable housing earmarked for local people need to be in housing need. In the interests of clarity, a modification is made.

The Heritage and Settlement Sensitivity Assessment, undertaken in 2018 by Place Services and which forms part of the evidence base for the emerging JLP, indicates that development in this area should be resisted.³⁵ The assessment rightly states that the landscape to the north of the settlement with Melford Hall and Kentwell Hall is of exceptional significance and that any development will need to be carefully considered because of the changes in land levels.³⁶ A modification is therefore made to reflect this very important heritage.

In addition, because of the site's heritage and landscape sensitivity, also identified in BDC's Strategic Housing and Economic Land Availability Assessment, I consider that a minimum of 30 units on this site is inappropriate; not just because of the sensitive nature of the site, but also because this would internally conflict with Policy LM 8 which restricts sites to 30 or fewer units.

SCC suggest the addition of supporting text in relation to Policy LM 6 with regard to flooding. This is a helpful suggestion and a modification is made to this effect in the interests of clarity and completeness.

Policy LM 7 has a requirement to provide less expensive market housing as well as affordable housing cross-referencing Policy LM 11 which is recommended for modification. It also cross-references Policies LM 9 and LM 10. Cross-references are not necessary as the Plan will be read as a whole. A modification is made to delete this from the policy. The policy also seeks the provision of allotments.

With these modifications, I consider that Policies LM 2 – LM7 inclusive will meet the basic conditions by taking account of the NPPF, being in general conformity with CS Policies CS11 and CS15 in particular and helping to achieve sustainable development.

³⁵ Heritage and Settlement Sensitivity Assessment Appendix 1 Assessment Sheets for Babergh page 40

³⁶ Ibid

- Remove the site assessment references from the titles of Policies LM 2 – LM 7 inclusive
- Add the words “*an indicative*” before “...three dwellings...” in the first sentence of Policies LM 3 and LM 4
- Change the word “notional” in the second paragraphs of Policies LM 3 and LM 4 to “*indicative*”
- Delete the words “...there being:” from, and add the words “...*all of the following criteria being met:*” to, the first sentence of Policies LM 2, LM 3, LM 4 and LM 6
- Delete the word “...brownfield...” from paragraph 4.39 on page 41 of the Plan
- Change criterion i) in Policy LM 2 and the first bullet points in Policy LM 3 and LM 4 to read: “*The new development preserving or enhancing the character or appearance of the Conservation Area*”
- Change criterion ii) in Policy LM 6 to read: “*The new development preserving or enhancing the character or appearance of the Conservation Area and having an acceptable impact on Kentwell Hall and its grounds, a registered park and garden and its wider landscape setting.*”
- Change criterion ii) in Policy LM 2, the second bullet points in Policies LM 3 and LM 4 and criterion iii) in Policy LM 6 to read: “*Satisfactory impacts on the living conditions of the occupiers of neighbouring properties*”
- Delete the words “...and quality...” from the penultimate paragraph of Policy LM 3 and replace with “...*or appearance...*”
- Change Policy LM 5 to read:

“This site on Borley Road (identified on Map 4F and on the Policies map) is allocated for mixed use development comprising approximately 300sqm of employment/workshop/studio units *compatible with nearby existing residential properties and an indicative capacity of 10 new dwellings.*

Any application for planning permission for the site must be accompanied by an assessment that demonstrates suitable vehicular and pedestrian access can be achieved and that the development has a satisfactory impact on the B1064/Borley Road junction after any suitable and necessary mitigation has been achieved.

[retain existing fifth, sixth and seventh paragraphs; note existing paragraph two is deleted]

- Delete the third sentence which begins “The site also has frontage to Ropers Lane...” from paragraph 4.59 on page 47 of the Plan
- Delete paragraph 4.60 on page 47 of the Plan
- Delete the words in paragraph 4.71 on page 49 of the Plan and replace with *“Kentwell Hall and grounds are of exceptional heritage significance. It will be important for any development to respect the linear pattern of the settlement and ensure that any development does not harm the setting of this heritage asset.”*
- Change the words “...a minimum of 30 new residential dwellings...” in the first sentence of Policy LM 6 to “...a *maximum* of 30 new residential dwellings...”
- Revise the first sentence of paragraph three of Policy LM 6 to read: “At least half the affordable housing should be reserved for local people *in housing need and meeting the definition of local people used by the Hamilton Trust.*”
- Add a new paragraph of supporting text in relation to Policy LM 6 which reads:

“Flood risk from fluvial and pluvial sources within the site is low. However, there have been reported surface water flood incidents within the vicinity of the site.”
- Change the first sentence of Policy LM 7 to read: “...residential development with a *maximum capacity of 30 dwellings.*”
- Delete the second paragraph of Policy LM 7

Policy LM 8: Impact and Character of Developments

This policy firstly seeks to ensure that any new development is commensurate with the availability of services, facilities and infrastructure. This is important given the character of Long Melford and the scale of development proposed as a Core Village.

The policy then seeks to limit the size of developments to 30 units or less. The Plan residents survey showed that about two thirds of people wished to see smaller developments of 20 units or less and 19% preferring developments of 40 units. This also ties in with the encouragement given in the NPPF to small and medium sized sites for smaller builders and developers. It also takes into account the findings of the Settlement and Heritage Assessment, 2018.

None of the representations objecting to this have definitively demonstrated that individual developments of 30 dwellings cannot be designed in an appropriate manner, would not use land sustainably, are not deliverable or that housing growth could not be

achieved in this way. There is no cap on the total number of houses. In my opinion this is not an arbitrary approach; rather it specifically seeks to maintain the village's strong heritage and established sense of place. This approach has regard to the NPPF, where it requires policies to recognise housing growth and respond to and make a positive contribution to local character and distinctiveness.³⁷

Finally, it requires development over 10 units to be supported by various assessments including a heritage impact assessment. Again given the character and sensitive nature of the locality, I do not regard this as particularly onerous or inappropriate in this context. However, this does not align with the NPPF's definition of major development and I cannot see why all new development should not adhere to these requirements. A modification is made to ensure new development will, in particular, achieve sustainable development. An accompanying modification is also made to ensure that this takes a proportionate approach rather than becoming an arduous requirement.

With this modification, the policy will meet the basic conditions in that it will have regard to the NPPF, will be in general conformity with CS Policy CS15 and will help to achieve all three aspects of sustainable development.

- **Delete the words “Major (more than ten residential units or more than 0.5 hectares)” from the third paragraph of the policy and replace with “All”**
- **Insert the words “*appropriate and proportionate*” before “...assessment” in the first sentence of the third paragraph of the policy**

Policy LM 9: Affordable Housing

The NPPF supports boosting the supply of homes and planning for different groups within the community.³⁸ Where a need for affordable housing has been identified, the NPPF indicates that planning policies should specify the type of housing required and expect this to be provided on site.³⁹

Policy LM 9 supports 35% provision of affordable housing on qualifying sites. The policy is written flexibly taking into account viability. The split is also specified but again is subject to the latest evidence and therefore has inbuilt flexibility.

The policy therefore has regard to the NPPF, is based on the latest available evidence in relation to the draft JLP and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications to it are put forward.

³⁷ NPPF paras 190 and 197

³⁸ Ibid paras 60, 62

³⁹ Ibid para 63

Policy LM 10: Housing Reserved for Local People

The NPPF supports the provision of affordable housing. Over 90% of respondents to the residents' survey supported local housing for local people. Evidence collected for the draft JLP showed the need for affordable housing.

This policy sets up local connection criteria for 50% of affordable housing provided. There is little justification for this figure, but I note that BDC has not objected to this. However, I recommend a modification that provides flexibility. This of course means that more than 50% may be provided.

The policy then prioritises those with a connection to the surrounding Parishes.

I am guided by Locality's publication "Local Connection Policies in Neighbourhood Plans" which considers local connection policies can be properly included in neighbourhood plans. However, mindful of BDC's concern on this matter and national policy's objective of creating mixed and balanced communities and the need to identify a range of housing that reflects local demand, I recommend a modification. This will prioritise affordable housing for people with a local connection as defined in this policy, but ensure that any affordable housing provided in the Parish can also contribute to the wider strategic needs across the wider Borough area. I am grateful to the Parish Council for acknowledging that the balance of housing would be available to meet District level needs and consider this modification adds clarity.

With these modifications, the policy will meet the basic conditions by having regard to national policy which seeks to ensure the provision of housing for different groups in the community and help to achieve sustainable development.

A consequential amendment to the policy as a result of modifications to Policy LM 5 is also made.

- **Add the words "*or may be as otherwise justified on a site by site evidential basis*" after "...50%..." in the first sentence of the policy**
- **Add a sentence at the end of paragraph three of the policy that reads: "*If no one meets the above criteria or these requirements, the policy is extended to the whole of Babergh District.*"**
- **Delete the last paragraph of the policy that relates to Policy LM 5**

Policy LM 11: Provision of Less Expensive Market Housing

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.⁴⁰

District level evidence shows that the ratio of median house prices to median earnings is relatively high in Babergh. In addition, smaller houses, including terraced housing, have not been built in recent times. The policy seeks "less expensive market housing". However, there is no definition of "less expensive market housing" and I consider this will mean different things to different people. This leads to ambiguity.

Nevertheless it seems to me that the policy is seeking to ensure that a mix of house types and sizes come forward on sites. It does so taking into account the particular proposal and prevalent local housing needs. It therefore retains flexibility through its needs based evidence approach.

The second concern is that the policy does not apply to Policies LM5 or LM 6. Whilst I can see the logic in relation to the site subject of Policy LM 6 if it is developed by the Hamilton Trust, I can see no reason why this would not apply to Policy LM 5.

With modifications to address the concern about the phraseology used, which is shared by BDC, and to address the other concern outlined above, I consider the policy will have regard to national policy, contribute to the achievement of sustainable development and be in general conformity with strategic policy, particularly CS Policy CS18.

- **Retitle the policy "*Housing Mix*"**

- **Amend the policy to read:**

"Where indicated in the Allocation Policies and in development proposals that may come forward in the future, a mix of house sizes and types, appropriate to the particular development proposal, location of the site and the latest available evidence is required. The mix will be a condition of any planning consent that may be granted. The site subject to Policy LM 6 is not required to comply with this Policy if developed by the Hamilton Trust."

- **Consequential amendments to other policies in the Plan will be needed as a result of modifications**

⁴⁰ NPPF para 60

Policy LM 12: Addressing Flood Risk

The Plan explains that there are extensive areas of the Parish which are subject to fluvial flooding especially along the valleys of the Glem, the Stour and the Chad as well as areas susceptible to surface or pluvial flooding.

This policy sets out a requirement that all new development on such sites must be accompanied by a statement of the risk and any mitigation measures. It also encourages the appropriate use of sustainable drainage systems (SuDs). This latter requirement is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁴¹ However SCC has suggested some amendments to bring the policy in line with national policy and guidance. Modifications are therefore made to the policy.

With these modifications, the policy will take account of national policy and guidance, be in general conformity with strategic policies, in particular CS Policy CS15, and will help to achieve sustainable development.

- **Revise Policy LM 12 to read:**

“On any site where there is a risk of fluvial or surface flooding and where development is proposed, the application for planning permission must be accompanied by a *flood risk assessment* and by *details* of the measures that will be taken to *mitigate* the risk of flooding on *the application site and avoid increasing flood risk elsewhere* as a result of the proposed development. On larger sites of *10 dwellings or more*, or more than 0.5 hectare, the proposals should *incorporate* sustainable urban drainage. *Minor development will be expected to address drainage and flood risk to avoid cumulative impacts on flooding and drainage networks*. Proposals should comply, as appropriate, with SCC’s Local Flood Risk Management Strategy.”

Policy LM 13: Encouraging Biodiversity

The NPPF⁴² 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.

Policy LM 13 seeks to protect and support biodiversity through a range of measures in line with the NPPF.

It also makes reference to a policy in the draft JLP, Policy LP18, and its hierarchical approach. Given the stage the draft JLP has reached, this reference cannot be relied

⁴¹ NPPF paras 167, 169

⁴² Ibid para 174

upon. Therefore there are two options; to insert the text within this policy or delete the reference. I have assumed the former would be preferable to the Parish Council and accordingly make a modification to this effect which will also bring it in line with the NPPF.

With this modification, the policy will take account of national policy and guidance, add a local layer to, and be in general conformity with, the relevant strategic policies, in particular CS Policy CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

- **Delete the last sentence of the policy that starts “The Parish Council also endorses the hierarchical approach...” to end**
- **Insert the following text at the end of the policy: *“All development should follow a hierarchy of seeking firstly to enhance habitats, secondly to avoid harmful impacts, then to mitigate against harmful impacts or, as a last resort, compensate for losses that cannot be avoided or mitigated for. Adherence to the hierarchy should be demonstrated. Development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy is in place.”***

Policy LM 14: Protection of Rural Gap

The Plan explains that there is concern that development at the southern end of Long Melford village and development to the north of the bypass in Sudbury means that the two settlements are edging closer together. In addition, the southern approach to Long Melford village through open countryside has been identified as important to the area’s local character.

The policy identifies a rural gap which is shown on Map 4I on page 59 of the Plan. The Plan explains that the purposes of the rural gap are:

- “To check the unrestricted expansion of Sudbury and to prevent it from merging with surrounding villages.
- To check the unrestricted expansion of Long Melford and to prevent it from merging with Sudbury.
- To preserve the setting and special character of communities north of Sudbury.
- To assist in safeguarding the countryside from encroachment.”⁴³

The policy does not support development within the rural gap other than in exceptional circumstances.

⁴³ The Plan page 58

Firstly, I consider it is appropriate in principle for neighbourhood plans to identify such areas of local importance at the neighbourhood level. I am aware many other neighbourhood plans have included policies with similar aims. They are designated at the neighbourhood level scale as non-strategic policies and are unlikely to appear in Local Plans which tend to deal with larger areas of more strategic importance.

Secondly, I can see the language used in the purposes of the policy is not dissimilar to some of the language used in the NPPF in outlining the purposes for the Green Belt.⁴⁴ However, there is arguably a finite way of discussing such issues. In any case, my interpretation of the policy is that it primarily seeks to deal with coalescence which 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.

Therefore I find no objection in principle to such a policy. There is no evidence before me to suggest that such a policy would adversely affect BDC's strategic policies on housing or other development given Long Melford's position in the settlement hierarchy or the achievement of sustainable development.

On the contrary, there is evidence in the Heritage and Settlement Sensitivity Assessment undertaken in 2018 by Place Services and which forms part of the evidence base for the emerging JLP, which found Long Melford to have high value and high susceptibility giving it an overall "high".

These "high" categorisations means that the characteristics of the settlement are very vulnerable to change and/or settlement values are high and/or development would have significant adverse impacts on the key aspects that contribute to the significance, special interest and importance of the heritage assets or landscape affected.⁴⁵ The same report identified that Long Melford was particularly vulnerable to poorly located development.⁴⁶ It stated that "The development of Long Melford to the south and Sudbury to the north has the potential to create coalescence and it is recommended that this is strongly resisted."⁴⁷

I saw the rural gap as proposed to be designated at my visit. The area is large and much of it is open countryside. There is little evidence to support the area as proposed or its extent given the relationship between Long Melford and Sudbury and the topography of the area. It does not seem to me to have great logic, it does not seem to include areas that I would regard as critical to separation between settlements and needs a stronger relationship with the village and outskirts of Long Melford. As currently put forward, the area seems to relate more to the containment of Sudbury rather than the protection of the setting of Long Melford.

⁴⁴ NPPF para 138

⁴⁵ Heritage and Settlement Sensitivity Assessment, 2018 (Place Services) page 8

⁴⁶ Ibid page 23

⁴⁷ Ibid page 40 of the Assessment's Appendix 1 Assessment Sheets for Babergh

One of the representations includes a suggested alternative area based on landscape evidence. I make no comment on the acceptability or otherwise of this alternative. It seems to me that the policy as put forward is not seeking to have a basis in landscape matters. However, I do agree that there needs to be justification for the area as put forward.

I understand and accept the need for a policy on coalescence, but the area put forward for designation has insufficient justification. I therefore propose to retain the policy, but remove the area from the Policies Map. It will be up to the Parish Council in any future review of the Plan to decide whether it would be appropriate to identify a physical area at a later date. It may well be that such an area also takes into account, or at least is informed by, the landscape characteristics of the locality.

I turn now to the wording of the policy. At present it refers to exceptional circumstances. Yet the purpose of the policy, as I see it and, as based on my assessment above, is first and foremost to prevent coalescence. I therefore recommend the wording of the policy be amended so it does not prevent development per se, or restrict it to exceptional circumstances, but seeks to ensure any development that might occur is appropriate. This land is already subject to countryside policies.

The supporting text will need to be revised accordingly and consequential amendments made to the maps.

With these modifications, the policy will meet the basic conditions by having regard to the NPPF, will be in general conformity with, and add a local layer of detail to, strategic policies and CS Policy CS15 in particular which recognises the need for development to respect the local context and character of the District and will help to achieve sustainable development.

- **Retitle the policy to “*Preventing Coalescence between Long Melford and Sudbury*”**
- **Revise the policy to read:**

“Development will not be permitted outside the settlement boundary of Long Melford, if, individually or cumulatively, it would result in reducing the visual and/or physical separation thereby increasing the coalescence between Long Melford and Sudbury, or otherwise diminish their separate and distinctive identities.”
- **Change paragraph 4.92 on page 58 of the Plan to read: “*The purpose of the policy is to check the unrestricted expansion of Long Melford to prevent it from merging with Sudbury.*”**
- **Delete the fourth bullet point of paragraph 4.93 which begins “Paragraph 139...” and paragraph 4.94, both on page 59 of the Plan**

- **Delete Map 41 on page 59 of the Plan**
- **Consequential amendments will be needed**

Policy LM 15: Mitigating Development Impact

The aim of this policy is to secure funding through planning obligations or Community Infrastructure Levy (CIL) receipts to secure public benefits from development.

The NPPF is clear that planning obligations, which include section 106 agreements, should only be used where it is not possible to address unacceptable impacts through a planning condition.⁴⁸ Planning obligations should only be used where they meet the tests set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010. These tests are that the obligation is necessary to make the development acceptable in planning terms, it is directly related to the development and that it is fairly and reasonably related in scale and kind to the development.

I feel sure that the intention of Policy LM15 is good. However, it could be interpreted in a way that suggests the Parish Council will simply look for opportunities to secure public benefits without taking into account these tests. The policy needs to be unambiguous about its intent and accordingly modifications are recommended. These modifications will also help to address the points made by SCC in relation to this policy.

With these modifications, the policy will have regard to the NPPF and help to achieve sustainable development.

- **Delete the first sentence of the policy which starts “The Parish Council...”**
- **Revise the second sentence of the policy to read: “The *Parish Council* will seek to ensure that any *harmful* impacts *arising from* development are mitigated by *planning obligations which meet all of the statutory tests.*”**
- **Delete the words “...and to have the opportunity to seek s.106 or s.278 contributions in respect of any impacts arising within Long Melford” from the second paragraph of the policy**

⁴⁸ NPPF para 55

5 Transport and Parking

Policy LM 16: Sustainable Travel

This policy firstly encourages sustainable travel including through the reduction of car use and improving accessibility to public transport. It requires developers to link sites to village facilities via footways and if possible, cycleways. The policy indicates this should happen “where relevant”. There are a number of problematic issues with this part of the policy; I consider all development should be encouraged to promote sustainable transport. Then whilst I accept the desirability of links, the reality is that such a requirement can only be sought where this is possible and to do otherwise may adversely affect the ability of the Plan to help to achieve sustainable development.

This element of the policy is therefore recommended for modification so that it can meet the basic conditions.

The policy then requires a transport assessment or transport statement for developments generating a significant amount of movement. Travel plan measures are required as per SCC guidance.

There is a difference between transport statements, transport assessments and travel plans; the definition of each can be found in the glossary to the NPPF. The NPPF⁴⁹ indicates that developments generating significant amounts of movement should be required to provide a travel plan and applications should be supported by a transport statement or assessment so that likely impacts can be assessed. The policy has regard to the NPPF in this respect which also reflects CS Policy CS15.

Finally, the policy encourages guidance with SCC on such matters.

With this modification, the policy will meet the basic conditions.

- **Reword the first paragraph of the policy to read: “*All development is expected to encourage sustainable transport, reduce car use and dependency, and, where possible, improve accessibility to public transport. Where appropriate, developers will be expected to take every available opportunity to protect, enhance or provide pedestrian and cycle links to key village facilities (including but not limited to the village convenience stores, GP Practice and primary school).*”**

⁴⁹ NPPF para 113

Policy LM 17: Parking Guidelines

Policy LM 17 seeks to ensure that new development complies with and “preferably exceeds” SCC Parking Guidelines, effectively turning the guidance into policy. It continues that layouts must ensure that street widths are sufficient to accommodate on-street parking. Lastly, it refers to transport assessments and statements and Policy LM 16.

Taking each element of the policy in turn, the NPPF is clear that if local parking standards are set, policies should take account of the accessibility of the development, the type, mix and use of the development, the availability of, and opportunities for, public transport, local car ownership levels and the need for provision of spaces for charging plug-in and other ultra-low emission vehicles.⁵⁰

Whilst the Plan does explain that car ownership is significantly higher than in England, but lower than Babergh District and correctly points out that car ownership is often higher in rural areas where there is greater dependency on the private car, there is no information to support a higher parking standard than SCC guidelines.

The next part about satisfactory layouts is helpful and valid in achieving sustainable development.

The last part refers to transport assessments and statements and Policy LM 16. Given the Plan is read as a whole this is unnecessary repetition and so should be deleted.

With these modifications, the policy will meet the basic conditions, particularly helping to achieve sustainable development.

- **Delete the words “...and preferably exceed...” from the first sentence of the policy**
- **Delete the last sentence of the policy that begins “A Transport Assessment or Statement...”**

Policy LM 18: Charging Points in New Developments

This short policy requires electric vehicle charging points to be provided in accordance with SCC guidance, effectively turning that guidance into policy. The NPPF supports the provision of spaces for charging when setting local parking standards⁵¹ and I interpret this policy as having regard to that. The policy will meet the basic conditions by having regard to the NPPF, being in general conformity with CS Policy CS15 and helping to achieve sustainable development. No modifications are recommended.

⁵⁰ NPPF para 107

⁵¹ Ibid

Community Objectives

As part of the work on the Plan, some issues that are not development and use of land related were highlighted. This section of the Plan explains those in relation to transport and parking including two community objectives.

6 Village Services and Facilities

Community Objectives

This section starts with a number of community objectives regarding health care, the school and car park.

Policy LM 19: Designation of Local Green Spaces

Nine areas of Local Green Space (LGS) are proposed. All are shown on the Policies Map and Map 6B. However, I do consider that a smaller scale map of each area would be helpful in the interests of clarity.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵²

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.⁵³ 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.⁵⁴ The NPPF sets out three criteria for green spaces.⁵⁵ Further guidance about LGSs is given in PPG.

Information on the proposed LGSs is included in the Plan. I saw the areas on my site visit.

- 1. Harefield** is a grassed area with numerous mature trees with footpaths in front of housing in Harefield and fronting the High Street. As a result, this space contributes to the character and setting of the estate, but also the village. The space falls within the Conservation Area.
- 2. Roman Way, Southgate Gardens** is a grassed area in front of properties in Southgate Gardens. As well as contributing to the setting for this residential estate, given the area runs adjacent to the High Street, it has wider visual appeal and is

⁵² NPPF para 99

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ Ibid para 100

important to the setting of the village. It is not clear to me why only the southern area in front of the properties in Southgate Gardens is shown on the map; the area also extends to the north of Roman Way, but this, without prejudice, could be considered as part of any future review of the Plan.

3. **Cordell Place** is an open space with play area central at the heart of this housing estate, but also serving the wider village. It is particularly valued for its recreation.
4. **Melford Walk** is a green space walk along the former railway line. It is particularly valued for its historical interest, its biodiversity (it is a local nature reserve) and role in the network of footpaths around the village.
5. **Country Park** is a local nature reserve consisting of several different areas including ponds, woodland and grassland and one boundary is formed by the River Stour. At the time of my visit, it was extremely well used with people enjoying the area, picnicking and dog walking. There is a car park, toilets and a café. The Policies Map includes these areas as part of the LGS designation.
6. **Stour Meadows, south of Liston Lane** is an area of meadow close to the village that makes an important contribution to the setting of the village. There is also archeological interest. This area is distinguishable from other land around the village. The space partly falls within the Conservation Area.
7. **Stour Meadows, north of Liston Lane** is particularly valued for its recreation and history.
8. **Sports and Recreation Ground** is actually two adjacent spaces of the football ground and the cricket ground. In the interests of clarity, this should be made clear. The football ground is valued for its sports and recreation function and as the home of the football club. The designation includes the car park area and new clubhouse. The cricket ground is valued for its sport and recreation function. The designation includes the car park and pavilion.

These last four spaces adjoin each other. They are however different.

Some of the spaces include in the proposed designation, buildings and car parking areas. The designation relates to green space and so these elements should be removed from the designation. This can be achieved as part of the smaller scale maps of each open space that I recommend above. The existing maps showing the LGSs will also need to be amended accordingly.

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

I have also considered whether any additional local benefit would be gained by LGS designation given that some of the proposed LGSs also fall within the Conservation Area in line with PPG.⁵⁶ Different designations achieve different purposes and I consider that the LGS will send a signal and recognise the importance these spaces have for the local community.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced to the Policies Map. The next element in setting out what development might be permitted, should take account of, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁵⁷ The policy does this and so meets the basic conditions.

- **Rename the “Sports and Recreation Grounds” LGS in the policy to two separate bullet points of “Football Ground” and “Cricket Ground”**
- **Insert into the Plan, a more detailed, smaller scale map of each LGS**
- **Remove any car parking areas and buildings from each of the LGSs [this applies to the Country Park, the Football Ground and Cricket Ground]**
- **Consequential amendments to the [existing] maps in the Plan and the supporting text will be needed**

Policy LM 20: Provision of New Green Spaces

This policy requires new major development to provide appropriate multi-use green space on site which equates to a minimum of 10% of the site area. Biodiversity should also be supported and climate change mitigated.

Whilst the aims of the policy are laudable, there is no evidence or explanation of how the prescriptive requirement has come about. Therefore whilst it is accepted that the provision of new green space is important, and biodiversity and meeting the challenges of climate change are key policy areas in the NPPF and at BDC level, some modification is made to the policy to make it more flexible to ensure new development can continue to be delivered viably whilst supporting these aims.

With the modification, the policy will meet the basic conditions in that it will have regard to the NPPF and its support for open space,⁵⁸ and its recognition that such space can deliver wider benefits for nature and support efforts to address climate change,⁵⁹ be in general conformity with CS Policy CS15 and help to achieve particularly the social

⁵⁶ PPG para 011 ref id 37-011-20140306

⁵⁷ NPPF para 101

⁵⁸ Ibid paras 84, 92, 93, 98

⁵⁹ Ibid para 98

objective of sustainable development in that open spaces are specifically referred to in the NPPF in its discussion of sustainable development.⁶⁰

- **Delete the sentence that begins: “The green space should extend to 10% of the total site area...” from the policy**

Community Objectives

Two further community objectives appear. These relate to biodiversity and the move to a low carbon economy.

Policy LM 21: Provision of Outdoor Play Equipment

This policy requires major new development to provide appropriate outdoor play equipment. The Plan explains that there is a strong demand to improve play facilities in the village.

The NPPF is clear that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities as well as delivering wider benefits for nature and helping to meet the challenge of climate change.⁶¹ I include children’s play areas within this stance. The policy is worded flexibly by including the word appropriate within it. The policy therefore meets the basic conditions and no modifications to it are recommended.

Community Objectives

Two community objectives are included on outdoor play equipment and allotments.

Policy LM 22: Protection and Enhancement of Public Rights of Way

The NPPF seeks to enable and support healthy lifestyles including through the provision of green infrastructure for example.⁶² Access to a network of high quality open space and opportunities for recreation is also supported.⁶³ As part of this, the protection and enhancement of public rights of way (PROW) is supported including through the provision of better facilities by adding links to existing networks.⁶⁴

⁶⁰ NPPF para 8

⁶¹ Ibid para 98

⁶² Ibid para 92

⁶³ Ibid para 98

⁶⁴ Ibid para 100

Policy LM 22 protects and enhances PROWs and seeks the improvement of pedestrian and cycle networks.

This policy meets the basic conditions as it has regard to the NPPF, is in general conformity with CS Policy CS15 and will help to achieve sustainable development. No modifications are therefore recommended.

Community Objectives

Two community objectives are included at this point in the chapter. They relate to PROWs and tourism and cemetery provision.

7 Business and Tourism

Policy LM 23: Support the Local Economy

Policy LM 23 supports businesses, tourist facilities and the local economy, but does so on the individual merits of each case.

The NPPF indicates that planning policies should support economic growth⁶⁵ and set out a clear economic vision that positively and proactively encourages sustainable economic growth.⁶⁶

Whilst the policy offers support for local businesses and tries to find a balance between that and the protection of the Parish's environment and amenity, there is no policy direction as to how applications might be viewed in the first part of the policy as each application will be viewed on its merits. This would happen with or without the policy. This then does not offer the clear framework, national policy requires and should be deleted.

It also seems to me to be at odds with CS Policy CS3 which promotes and supports employment uses that contribute to the local economy and increase the sustainability of Core Villages. CS Policy CS3 continues that Core Villages will be the main focus for retail, leisure and community uses. CS Policy CS17 supports rural businesses.

The second part of the policy supports applications from small business, defined as those with less than 10 employees, particularly on existing employment land or premises. The NPPF is clear that the sustainable growth and expansion of all types of business should be supported in rural areas,⁶⁷ recognising that in such areas, opportunities may be found adjacent or beyond existing settlements. The emphasis on

⁶⁵ NPPF para 81

⁶⁶ Ibid para 82

⁶⁷ Ibid para 84

existing employment land or premises seems to me to be at odds with the stance and support given to the local economy in the NPPF. It should then be deleted.

The supporting text refers to a draft policy in the draft JLP; given the stage this has now reached, this should be deleted. The remainder of the supporting text for this policy can be retained as general text, if desired, as it does not specifically refer to the policy recommended for deletion. However, the subheading “justification for Policy LM 23” will need to be changed.

- **Delete Policy LM 23**
- **Delete paragraph 7.18 of the supporting text**
- **Consequential amendments will be required**

Policy LM 24: Change of Use: Residential to Employment

This policy seeks to deal with those applications for a change of use from residential to employment where planning permission is required.

The NPPF indicates that planning policies should support economic growth⁶⁸ and set out a clear economic vision which positively and proactively encourages sustainable economic growth.⁶⁹

CS Policy CS3 promotes and supports employment uses that contribute to the local economy and increase the sustainability of Core Villages.

With some amendment, the policy will achieve the aims of the NPPF, be in general conformity with CS Policy CS3 in particular and help to achieve sustainable development, thereby meeting the basic conditions.

The supporting text refers to a draft policy in the draft JLP; given the stage this has now reached, this should be deleted.

- **Amend the policy to read:**

“Applications for residential property to be converted or adapted for employment use, or mixed use, will be *considered against all of the following criteria:*

- ***The public benefit afforded by the proposed use;***
- ***The compatibility of the proposed use in a residential area;***
- ***Impact on the living conditions of neighbouring occupiers;***
- ***Satisfactory parking provision; and***

⁶⁸ NPPF para 81

⁶⁹ Ibid para 82

- *The nature and scale of the proposed use including whether there will be direct sales from the premises, hours of operation, the number of staff and visitors, deliveries and collection frequency and type.”*
- **Delete paragraphs 7.22 and 7.23 of the supporting text**

Policy LM 25: Change of Use: Employment to Residential

This policy deals with proposals for change of use from employment to residential, supporting such changes of use in certain circumstances including the marketing of the employment premises.

The policy also recognises the impact that such a change of use might have on nearby employment uses. This is important and in line with the NPPF’s agent of change principle. This states that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the new development (the agent of change) should be required to provide suitable mitigation.⁷⁰

Finally, the policy recognises that, sometimes, the loss of an employment use to an environmental or community use can be advantageous.

The policy has regard to the NPPF and will help to achieve sustainable development. There is only one modification; the supporting text refers to the draft JLP; given the stage this has now reached, this should be deleted.

- **Delete paragraphs 7.26 and 7.27 of the supporting text**

8 Implementation of the Neighbourhood Plan

This is a helpful section that sets out information on how the Plan will be implemented. It includes a section on reviewing the Plan and the recognition that this may need to be done is to be welcomed.

Appendices

The Plan is accompanied by seven appendices.

⁷⁰ NPPF para 187

8.0 Conclusions and recommendations

I am satisfied that the Long Melford 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 Long Melford 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 Long Melford Neighbourhood Development Plan should proceed to a referendum based on the Long Melford Neighbourhood Plan area as approved by Babergh District Council on 22 February 2017.

Ann Skippers MRTPI

Ann Skippers Planning

13 May 2022

Appendix 1 List of key documents specific to this examination

Long Melford Neighbourhood Plan 2018 – 2037 Regulation 15 Submission Draft July 2021 and its appendices 1 - 7

Statement of Basic Conditions Submission Draft August 2021

Statement of Consultation Submission Draft July 2021

Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report March 2019 (Place Services)

Strategic Environmental Assessment Screening Determination April 2019 (BDC)

Habitats Regulations Assessment Screening Determination April 2019 (BDC)

Strategic Environmental Assessment for the Long Melford Neighbourhood Plan Environmental Report April 2021 (AECOM)

Informal Feedback from BDC on early draft Reg 15 Long Melford NP (v.P22) 17 June 2021 and responses to this from LMNP Steering Group

Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils and Appendix 1 Assessment Sheets for Babergh March 2018 (Place Services)

Babergh Local Plan Alteration No. 2 adopted June 2006

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

Affordable Housing Supplementary Planning Document (SPD) adopted February 2014

Rural Development & Core Strategy Policy CS11 SPD adopted 8 August 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document November 2020

List ends