

Mid Suffolk District Council

**Haughley Parish
Neighbourhood Plan
2016-2036**

Independent Examiner's Report

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12 June 2019

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Summary

I have been appointed as the independent examiner of the Haughley Parish Neighbourhood Development Plan. The Plan area which differs from the Parish, lies about 3 miles north of Stowmarket and 11 miles east of Bury St Edmunds. As well as the village of Haughley, there are two smaller settlements of Haughley Green and Haughley New Street and hamlets of Tothill, Dagworth and Haughley Park.

The Plan is presented well and has a clear vision underpinned by six objectives. The vision is translated into 16 policies. These include three site allocations, revisions to the settlement boundary of Haughley and new settlement boundaries for Haughley Green and Haughley New Street as well as policies on employment, landscape, design and community facilities.

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 intention or 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 Mid Suffolk District Council that the Haughley Parish 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
12 June 2019



1.0 Introduction

This is the report of the independent examiner into the Haughley Parish Neighbourhood 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 Mid Suffolk District Council (MSDC) 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 twenty-five 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 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, European Union (EU) obligations
- 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.

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

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² 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 check³ 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.⁴

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 Mid Suffolk District Council. 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.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ 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 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2014. A Working Party was established with a mixture of residents, Parish Councillors and a District Councillor. A public event was held early in 2015 to introduce the process and objectives of the Plan. Evidence to support the Plan was gathered including a Housing Needs Survey undertaken by Community Action Suffolk. Drop in events were held in 2017. A questionnaire was sent to every household and an event held to 'feedback' the results.

Pre-submission (Regulation 14) consultation took place between 25 May – 7 July 2018. An invitation was sent to all residents in the Parish. A display and copies of the Plan were available on two days in the Village Hall and a further three drop-in 'surgeries' held; all with members of the Working Party on hand. Documents were available on the Parish website. Copies of the Plan and supporting documents were available in seven locations. Advertisements were placed in the Parish News and posters displayed.

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

Submission (Regulation 16) consultation was carried out between 21 January – 6 March 2019.

The Regulation 16 stage resulted in 12 representations. I have considered all of the representations and taken them into account in preparing my report.

4.0 The examination process

I have set out my remit earlier in this report. 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).⁵ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ 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.

A representation from Pegasus Group, on behalf of Amber REI Ltd, owners of a site at Haughley Park, consider that this site should be given more prominence in the Plan. It is argued this would recognise the importance of this disused poultry factory and its proximity to a Grade 1 listed building. Indeed Policy HAU6 of the Plan does refer to the

⁵ PPG para 055 ref id 41-055-20180222

⁶ *Ibid* para 055 ref id 41-055-20180222

site. Another representation from Richard Brown Planning Ltd seeks the allocation of a further site. There is however no need for the Plan to include further or different consideration of any sites or locations if the local community has no appetite to do so.

Earlier this year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body, in this case, Haughley Parish Council, 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 the Parish Council to make any comments; it is only if they wish to do so. If a qualifying body wishes to make comments, the guidance indicates that any such comments should be made within two weeks after close of the Regulation 16 stage. The Parish Council sent comments and I have taken these into account.

PPG⁷ 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.⁸

I sought clarification on a number of matters from the Parish Council and MSDC in writing and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

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

I made an unaccompanied site visit to familiarise myself with the Plan area on 23 April 2019.

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 carried out and the Plan's presentation made consistent.

⁷ PPG para 056 ref id 41-056-20180222

⁸ *Ibid*

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

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

Plan area

The Plan area is not coterminous with the administrative boundary for the Parish. The Plan clearly explains on page 5 that there are two differences; firstly an area to the southeastern part of the Parish and south of the A14 has been excluded. Secondly, an area to the north of the A14 lying within Harleston Parish has been included. This area includes Gallowsfield Wood which is, the Plan explains, owned and managed by Haughley Parish Council. It seems to be to be a logical Plan area and MSDC approved the designation of the area on 11 November 2015. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown clearly on page 4 of the Plan.

Plan period

The Plan period is 2016 – 2036. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore 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.⁹

⁹ PPG para 004 ref id 41-004-20170728

In this instance, community needs and aspirations have been included in separate coloured boxes and clearly labeled. I consider this to be an appropriate approach for this Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised last July.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

As the Plan was submitted before 24 January 2019, it is clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹⁰

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹¹

¹⁰ NPPF paras 14, 16

¹¹ *Ibid* para 184

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹²

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 planningguidance.communities.gov.uk 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.

On 9 May 2019, PPG was updated including in relation to neighbourhood planning. The Government website states that:

“Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework published in 2012 will continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.”

Therefore it is clear that it is the previous PPG which should be applied to this examination.

PPG indicates that a policy should be clear and unambiguous¹³ 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 context and the characteristics of the area.¹⁴

PPG states there is no ‘tick box’ list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁵ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁶

Whilst this has formed part of my own assessment, the Basic Conditions Statement comprehensively sets out how the Plan has responded to national policy and guidance. An appraisal¹⁷ sets out how the Plan’s objectives and policies align with the NPPF’s core planning principles. More detail is then given¹⁸ with a discussion of how the key themes of the NPPF relate to the Plan.

¹² NPPF para 17

¹³ PPG para 041 ref id 41-041-20140306

¹⁴ *Ibid*

¹⁵ *Ibid* para 040 ref id 41-040-20160211

¹⁶ *Ibid*

¹⁷ Basic Conditions Statement page 8

¹⁸ *Ibid* page 24

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 as a whole¹⁹ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains a table²¹ which explains how the Plan's policies align with each of the three components of sustainable development outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the saved policies of the Mid Suffolk Local Plan 1998 (LP 1998); the Mid Suffolk Local Plan First Alteration: Affordable Housing 2006 adopted on 13 July 2006; the Core Strategy 2008 (CS) adopted on 4 September 2008, the Core Strategy Focused Review 2012 (CSFR) adopted on 20 December 2012 and the Stowmarket Area Action Plan 2013 (SAAP) adopted 21 February 2013. The LP 1998 has mostly been superseded by CS, CSFR and SAAP policies. 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 Plan objective complements the objectives of the CS and CSFR and how policy generally conforms to relevant CS, CSFR and LP 1998 policies.²²

Emerging Joint Local Plan

MSDC with Babergh District Council published a new Joint Local Plan Consultation Document in August 2017 (JLP Draft). This covers the period up to 2036. At the time of writing, MSDC indicate that the JLP Draft is undergoing viability and deliverability testing. It is currently envisaged that a draft Regulation 18 version will go to both District Councils towards the end of June for approval to be published for public consultation during the Summer. Once adopted, it will replace all other policies across the two Districts.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²³ 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.

¹⁹ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

²⁰ *Ibid* para 7

²¹ Basic Conditions Statement page 28

²² *Ibid* pages 31 and 35

²³ PPG para 009 ref id 41-009-20160211

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.²⁴

The Plan has rightly been produced in parallel with the production of the emerging Local Plan. While there is no requirement for the Plan to conform to emerging policies, I see no harm in it referencing the JLP Draft. Conformity with emerging plans can extend the life of neighbourhood plans, providing this does not result in conflict with adopted policies. However, the JLP Draft could change significantly and so this should be carefully considered.

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG²⁵ confirms that it is the responsibility of the local planning authority, in this case MSDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is MSDC who must decide whether the draft plan is compatible with 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

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

A Screening Determination of August 2018 has been submitted. This in turn refers to a Screening Report of July 2018 prepared by Place Services. This concluded that a SEA would be required. Although two of the three statutory consultees considered a SEA would not be required, a SEA was prepared on the basis of the determination.

²⁴ PPG para 009 ref id 41-009-20160211

²⁵ *Ibid* para 031 ref id 11-031-20150209

A Scoping Report of October 2018 was prepared by AECOM. It was sent to the statutory consultees for comment. The Environment Agency and Historic England responded and those comments have been taken on board.

An Environmental Report of December 2018 has been prepared by AECOM.

I am of the view that EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁶ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Determination of August 2018 has been submitted. The Screening Determination relies on the Screening Report of July 2018 prepared by Place Services. This indicates that there are three European sites within 20km of the Parish. Table 3 shows that these are the Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC) and the Redgrave and South Lopham Fens Ramsar site. The Screening Report states that none of the sites are within 13km of the Parish which is the distance confirmed by NE as the largest zone of influence for any sites in Suffolk including to identify potential recreational impacts on coastal statutory sites in Suffolk. As a result it concludes there are no likely significant effects.

The three statutory consultees also responded to the consultation. NE agrees there are unlikely to be significant environmental effects and the EA and HE did not specifically comment on the HRA screening.

I have also considered any implications arising from the judgment in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*²⁷ and subsequent cases. I consider the Screening Determination is legally compliant in the light of the judgments and that no further action is required as a result of these judgments in relation to this particular Plan.

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.

I wrote to MSDC on 7 May 2019 drawing attention to this and asking whether this change to the basic conditions gave rise to any implications for the examination of this

²⁶ PPG para 047 ref id 11-047-20150209

²⁷ Case C-323/17

particular neighbourhood plan. My letter is attached as Appendix 3. MSDC responded and their letter is attached as Appendix 4. This indicates that as the Screening Report had been prepared prior to the introduction of the new basic condition in December 2018, Place Services have been reconsulted. They confirm that the conclusion of the Screening Report remains valid and that the making of this Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. MSDC is therefore satisfied that the submitted Haughley Neighbourhood Plan meets the basic condition introduced in December 2018.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that a full HRA is not required and that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a detailed statement and assessment on the Plan's objectives and policies in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented clearly and contains 16 policies. There is a useful contents page at the start of the Plan.

1. Introduction

This contains a map of the Plan area.

2. Why have we prepared a Neighbourhood Plan?

A short section which explains the impetus behind the Plan and explains the rationale for the Plan area.

3. Haughley Parish Neighbourhood Plan Vision

The clearly articulated vision for the area is:

“By 2036 Haughley Parish will be a connected, viable and attractive rural area with a strong heritage and community spirit. It will have a range of homes and essential public services (including high speed broadband connection) that meet the growing needs of the community and are in keeping with the area. The natural and historic environment will be protected and enhanced. Haughley Parish will be a safe and sustainable rural community where people want to live and which they want to use into the future.”

4. Objectives of the Haughley Parish Neighbourhood Plan

The vision is supported by five objectives. All are clearly worded, relate to the development and use of land and relate to the vision.

5. Background

Offering a short introduction to the Parish, this section leads onto the next.

6. History

An interesting, well written section that sets the scene well.

A representation considers that an existing poultry factory at Haughley Park should be recognised in the text. In the interests of completeness, I agree this would be appropriate.

- **Add a new sentence to paragraph 7.4 on page 8 of the Plan that reads: “*There is also a poultry factory which, whilst, at the time of writing, is vacant, we understand could be used for Use Class B2 uses at any time.*”**

7. Facilities and Employment

This section sets out the variety of facilities and employment the Parish has to offer.

8. The Neighbourhood Plan Process

A useful diagram sets out the process followed.

9. National and Local Planning Policy

This section explains the policy context for the Plan. In addition to selectively quoting from the NPPF, it also refers to the emerging JLP. This demonstrates that the emerging planning policy context has been considered during Plan preparation. However this section is likely to need some updating as the Plan progresses and I am not generally a fan of selective quotes as this sometimes leads to accusations of ‘cherry picking’ and can be misleading.

10. Local Consultation and Locally Identified Issues

Summarising the engagement carried out, this section also signposts further information in supporting documentation.

An interesting SWOT table is included highlighting key issues of importance to the community. Whilst a representation indicates that this is incomplete, I do not consider it is designed to cover every possible issue. In addition a representation from Suffolk County Council has raised concern about the lack of capacity at the primary school even though the table identifies a falling school roll as being of concern. The JLP recognises infrastructure provision is important when planning for new development and growth referencing the NPPF’s emphasis on school places. It includes a draft policy on new education provision.

11. Policies and Proposals of the Haughley Parish Neighbourhood Plan

This section sets out the overall strategy for new development.

In the CS, Haughley is identified as one of 12 Key Service Centres which are the main focus for development outside the towns of Stowmarket, Needham Market and Eye in CS Policy CS 1. CSFR Policy FC 2 seeks to deliver 750 new dwellings in the Key Services Centres over a 15 year period from April 2012.

Numerous references to the emerging JLP Draft are made. This includes accepting the principle of development set out in the JLP Draft. However, the JLP Draft is at an early stage and potentially could change.

The NPPF²⁸ is clear that outside the strategic elements neighbourhood plans will be able to shape and direct sustainable development in their area. The JLP Draft sets the housing requirement for the whole District as 9,951 dwellings for the period 2014 - 2036. In the emerging JLP, Haughley is identified as a Core Village. For Core Villages, the JLP Draft suggests options for growth ranging between 15 - 30% of the total District requirement. This has not been further broken down to a percentages or 'targets' for each Core Village. The Neighbourhood Plan examination process does not require a rigorous examination of District-wide housing land requirements, as this is the role of the examination of the emerging JLP.

MSDC undertook two District-wide 'Call for Sites' in 2014 and 2016. This resulted in a Strategic Housing Land Availability Assessment (SHLAA) being published in May 2016 and an updated draft SHLAA being published in 2017. The SHLAA identified nine sites in Haughley of which three were considered to have potential.

The JLP Draft identifies these three sites in the Plan area. It indicates that "many of the sites presented...will not be needed to meet the development needs of the Districts and not all will be taken forward in the Plan into allocations".²⁹ It continues that "the selection of allocations will be informed by consultation outcomes, evidence and appraisals".³⁰ It makes it clear that whilst these sites are "technically suitable" for development, views are sought on whether the sites are appropriate for development.

In addition, it states there is an opportunity for communities to bring forward sites in neighbourhood plans alongside the Local Plan process and in line with the emerging level of growth agreed with the two Districts and an opportunity to share evidence.

These three sites have been assessed as part of the work carried out by AECOM.

Whilst the Parish did not issue its own 'Call for Sites' as part of the Plan process, instead relying on recent work at District level, other sites have been put forward during the consultation process. Subject to detailed comments on the site allocation policies themselves, I am as confident as I can reasonably be expected to be that the sites selected are deliverable.

The JLP Draft explains that settlement boundaries are a recognised and generally accepted tool for managing the location of development. The boundaries were established by the LP 1998, but the JLP Draft will review the boundaries.

The Plan revises the settlement boundary for Haughley and establishes two new settlement boundaries for Haughley Green and Haughley New Street.

The Parish Council and MSDC have worked closely together. MSDC in response to my query on the level of growth proposed in the Plan have confirmed that it is not possible to confirm a housing requirement for Haughley at this point in time because of the

²⁸ NPPF para 185

²⁹ Joint Local Plan Consultation Draft August 2017 page 77

³⁰ *Ibid*

stage the JLP Draft has reached. However, the current stance of MSDC is that the level of growth proposed is consistent with Haughley's classification in the settlement hierarchy.

Overall I consider that the Plan will provide for sustainable growth in line with the basic conditions given its mix of site allocations and settlement boundary work. Therefore it is not necessary to include additional or alternative sites or to consider a different strategy. However, I recognise this is against the backdrop of an emerging JLP and changes to the way housing figures are calculated and therefore future development plan documents may provide for more growth.

I turn now to the specific content of this section.

Whilst a representation raises objection to the use of language and content in this introductory section, I see nothing particularly controversial in paragraph 11.4.

Paragraph 11.5 refers to infill or groups up to five dwellings within the settlement boundaries. However, these have been revised to include the three site allocations and there is no policy follow through on this number in either Policies HAU1 or HAU2 which deal with development in the settlement boundaries. This statement should then be deleted in the interests of consistency.

Paragraph 11.6 explains that outside the settlement boundaries "Generally, development will not be permitted...unless in exceptional circumstances or...a specific allocation..." is made. This statement does not accord with national policy or District level policy. Both permit a variety of development types in the areas outside settlement boundaries and within the countryside. This statement should be deleted.

Paragraph 11.9 refers to "up to" 150 new homes and indicates this is the "maximum acceptable number". This figure has been derived from a variety of sources and is supported by evidence available at the time of producing the Plan. As I have explained MSDC do not object to this level of growth. It is further recognised this may change in the future given the stage the JLP Draft has reached. However, it is not appropriate for the Plan to impose a maximum figure. Therefore a modification is recommended in this respect.

- **Delete "...or groups of up to five homes..." from paragraph 11.5 on page 18 of the Plan**
- **Delete the second sentence in paragraph 11.6 on page 18 of the Plan**
- **Replace "up to" with "*approximately*" and "maximum acceptable number" with "*figure acceptable to the local community*" in paragraph 11.9 on page 18 of the Plan**

Policy HAU1 Haughley's Spatial Strategy

Settlement boundaries are identified for Haughley, Haughley Green and Haughley New Street. Each boundary is clearly shown on Proposals Maps PM2, PM3 and PM4. However, the key for Proposals Map PM2 shows a yellow line for the boundary whereas a red line is used. To be consistent with the other Proposals Maps, the red line should be retained and the key corrected.

The boundaries are logically drawn and reflect the proposed site allocations and in the case of the new boundaries at Haughley Green and Haughley New Street reflect the proposals in the JLP Draft. This also explains that boundaries are recognised in managing development appropriately.

The policy supports development subject to four criteria. All four criteria are clearly worded and appropriate to the Parish.

Outside the settlement boundaries, the policy applies restraint unless specifically permitted. However, it only refers to the neighbourhood plan rather than any other plan which forms part of the development plan. A modification is therefore made to address this in the interests of accuracy.

- **Correct the key on Proposals Map PM2 for the revised settlement boundary**
- **Change the words “...in this Plan...” in the last sentence of the policy to “...in the development plan...”**

Policy HAU2 Housing Developments within Settlement Boundaries

Policy HAU2 is a long policy that sets out the expectations for the type and standard of housing development sought in the settlements. All are clearly worded.

As part of the work on the Plan, an independent study from AECOM was commissioned to provide masterplanning and design guidelines for any allocated sites and any other development which comes forward. This is referenced in the policy.

The policy meets the basic conditions and no modifications are recommended.

Policy HAU3 New Homes at Land East of King George V Playing Field

As explained earlier, MSDC made two 'Call for Sites'. Three sites were considered suitable for development by MSDC. The sites were 1) Station Road, east of Millfields (Site SS0270), 2) west of Fishponds Way and north of the River Gipping tributary (Site

SS0047) and 3) north of Fishponds Way and north of the River Gipping tributary and east of Abbeyfields (Site SS0149).

A Site Assessment Report was commissioned as part of the work on the Plan. This was undertaken independently by AECOM. This concluded that Sites SS0270, SS0047 and SS0149 were suitable for development.

The Plan allocates Sites SS0270 and SS0047 and the land east of King George V Playing Field. It explains that Site SS0149, which AECOM indicated had potential for development, but significant constraints would have to be overcome, should be reassessed in the future for its suitability should any new housing need arise. This seems to me to be a sensible approach.

The Masterplanning and Design Guidelines Report by AECOM provided guidelines for the possible layout and design guidelines for Sites SS0270 and SS0047.

Policy HAU3 allocates land east of King George V Playing Field for “up to” 98 homes subject to nine criteria. It is not appropriate for a neighbourhood plan to impose a cap on housing numbers as this may prevent the achievement of sustainable development.

The policy then includes a number of detailed requirements aimed at ensuring any development respects local character, integrates well with the existing settlement and addresses local infrastructure requirements. All are worded clearly.

One criterion imposes a cap on housing density. The density is relatively low at 23 dwellings per hectare. The NPPF³¹ indicates that design policies should avoid unnecessary prescription or detail and should instead concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. CS Policy CS 9 indicates that densities of at least 30 dwellings per hectare should be achieved to make the best use of land. It does however recognise that in villages a lower density may be justified taking account of the character and appearance of the built environment. There is no specific explanation of why a lower density would be appropriate on this site. Therefore this should be revised.

Although Suffolk County Council object to any further site allocations because of concern over primary school capacity, outline planning permission for 98 dwellings was been granted on 31 May 2018.

With these modifications to make the policy more flexible in line with national policy and guidance, the policy will meet the basic conditions.

- **Replace the words “up to” in the first sentence of the policy with “*approximately*”**

³¹ NPPF para 59

- **Change the second bullet point to read: “The housing density *should reflect the prevailing character and appearance of the village.*”**

Policy HAU4 Land at Station Road East of Millfields

This site is allocated for between 18 – 31 new homes. The policy proposes a range of number of dwellings. I do not consider that restricting the total number of dwellings in this way would constitute sustainable development. A modification is therefore made to address this.

The allocation is subject to Policies HAU1 and HAU2 and the AECOM Site Assessment Report and Masterplanning and Design Guidelines Report and to eight additional criteria. I consider that more flexibility is needed and that the AECOM reports should be taken into account rather than be prescriptive whilst recognizing the value of this work.

In line with my recommendations to Policy HAU3, and for the same reasons, the bullet point on density should be made more flexible.

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

- **Replace the words “...follow the guidelines...” with “*take account of the guidelines...*” in paragraph two of the policy**
- **Insert the word “*approximately*” after “...between...” and before “...18 - 31 new homes...” in the first sentence of the policy**
- **Change the first bullet point to read: “The housing density *should reflect the prevailing character and appearance of the village.*”**

Policy HAU5 Land at West of Fishponds Way

The policy allocates the site for a range of between 25 – 50 new homes. It recognises the site is constrained by its proximity to Flood Zones 1 and 2, the sewerage works and a tree line. The supporting text also refers to the potential for archaeological finds. The policy refers to adherence with the two AECOM Reports and 10 criteria.

One element is two new routes; one from the River Gipping tributary to the Eve Balfour Way junction and the other between the development and Fishponds Way. Both routes are shown clearly on Figure 3.

In line with my recommendations on Policies HAU3 and HAU4, some modifications are made for the same reasons.

Anglian Water express concern that this site is close to a water recycling centre and that nuisance may be caused to occupiers of housing on this proposed site. Revised wording is put forward for one of the bullet points to ensure that new housing on this site would not adversely affect the operation of the centre. Given this concern and in line with the agent of change principle, and in the interests of achieving sustainable development, a modification is made.

Lastly, the Environment Agency indicate that as the site lies within Flood Zones 1, 2 and 3 and as the Haughley watercourse is a statutory main river, a flood risk assessment is needed for any development within Flood Zones 2 and 3. A new bullet point is recommended to cover this issue.

I note that a planning application on a larger site has been submitted. However, I understand that the resolution to grant planning permission is subject to a legal agreement and the permission has not yet been issued.

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

- **Insert the word “*approximately*” after “...between...” and before “...25-50 new homes...” in the first sentence of the policy**
- **Replace the words “...follow the guidelines...” with “*take account of the guidelines...*” in paragraph two of the policy**
- **Change the first bullet point to read: “*The housing density should reflect the prevailing character and appearance of the village.*”**
- **Change the penultimate bullet point of the policy to read: “*Satisfactorily demonstrate that the living conditions of the occupiers of the new housing will not be adversely affected from the operation of the nearby existing Water Recycling Centre with particular regard to noise, lighting, traffic movements, odour and any other amenity matters, incorporate any mitigation measures necessary to achieve this in the design and layout of the development and ensure that the continuous operation of the Water Recycling Centre is not prejudiced.*”**
- **Add a new bullet point to the policy that reads: “*Advice should be sought from the appropriate agencies about flood risk and any necessary assessment of the flood risk associated with the site should be provided in line with details to be agreed with the local planning authority.*”**

Policy HAU6 Sites for Commercial and Industrial Development and Policy HAU7 Protection of Employment and Existing Businesses

Policies HAU6 and HAU7 refer to employment sites and so I will deal with them together.

Policy HAU6 identifies three sites which are shown on Proposals Maps PM5 and PM6. It supports a variety of commercial and industrial development on each. It specifies the Use Classes considered to be acceptable on these three sites.

I saw all three sites at my visit.

The first is the ex Little Chef building adjacent to the Travelodge Hotel on the south side of the old A14. The policy supports Use Classes A3 and B2 on this site. I see no reason why, in principle, some other Use Classes would not be appropriate on this site. For this reason, I asked for the rationale for these uses and they reflect current uses and uses in the locality. This is acceptable, but I consider there should be more flexibility. A modification is therefore made to achieve this.

The second site is referred to as “previous commercial areas” of Haughley Park. Use Classes B1 and Bs are supported.

A representation made on behalf of Amber REI Ltd, the owners of the existing factory at Haughley Park, explain that this is currently non-operational, but was previously used as an intensive poultry processing factory. It is considered that the factory is unattractive and detrimentally affects the adjacent Haughley Park and attached Garden Walls, which are Grade 1 listed. This ownership is not exactly the same as the proposed employment site shown on Proposals Map PM6.

The owners of much of the site shown in the representation documents object to this element of the policy because they consider it does not recognise the economic circumstances associated with redevelopment of the poultry factory or the site’s location close to a Grade 1 listed building. They submit evidence in support of their case that industrial development or employment uses are unviable and raise concern about impact on the listed building including through the impact of HGV traffic.

The owners of the site have indicated it is not feasible to support Policy HAU6. I share their concern about the extent of the site and its relationship with the nearby listed building. Given this, and because of the ambiguity in the language used in the policy about “previous commercial areas” and “Class Bs”, I have little option but to delete this element from Policy HAU6 based on the information before me.

Even though I am informed “Bs” should be “B2” and errors of this nature can occur, it can make no difference as unfortunately it is “Bs” uses which have been consulted upon and others may well have shared my interpretation that all Use Classes B uses were being suggested.

Whilst the representation then seeks a new policy to allocate this site for residential use, this would represent a significant change to the Plan and likely to warrant the need for further work on SEA for example.

If there is some doubt about the impact of commercial and industrial uses, I agree that the site needs careful consideration. I consider this is best done outside the examination of this Plan. I asked for an update on planning application DC/18/03592 for residential development. This was refused on 13 February 2019 reinforcing my stance.

The third site is the Tothill site surrounding and adjacent to the BP Garage and retail outlets on the north side of the old A14. Use Classes A1, A3 and B1 are supported. In line with my comments on the ex Little Chef building, I see no reason why other Use Classes might not be appropriate on this site and therefore recommend a modification to make the policy more flexible.

Policy HAU7 seeks to protect employment sites designated by the Plan. The policy only supports non-employment uses subject to seven criteria.

Before considering the criteria, I will discuss the sites themselves. These are shown on Proposals Maps PM4, PM5 and PM6. Whilst the latter two Proposals Map are referred to in the policy PM4 is not and this omission should be corrected.

The site shown on PM4 in Haughley New Street is currently operating as an employment site and is appropriately identified. Three sites are shown on PM5, the Travelodge Hotel and the Little Chef building subject to Policy HAU6, the Tothill site including those areas subject to Policy HAU6 and the Narey's Garden Centre. The Garden Centre is appropriately identified. PM6 shows the Haughley Park site which I have discussed in relation to Policy HAU6. Given the comments of the site owner, it is also appropriate to delete this site in respect of Policy HAU7.

I found the Proposals Maps confusing; this is because they show the employment sites subject to Policy HAU7 in brown, but the buildings show as a darker brown and for the potential employment sites in Policy HAU6, a lighter brown colour is used. As Policy HAU6 supports commercial and industrial development, then it would be simpler for the sites which are not subject to deletion, to be identified in one colour.

In addition it is important to ensure that the buildings do not appear in a darker or difficult colour or are otherwise distinguished as this could potentially lead to arguments about whether the policy applies only to the buildings rather than the land around them which forms part of the identified site.

I turn now to the criteria. The first seeks to ensure that any non-employment use will not result in a loss of employment provision in the Plan area. This seems to me to be contradictory and is not a reasonable requirement for that reason. The second criterion is similar to the first in that it seeks to retain a sufficient supply of employment land. A

modification to amalgamate these criteria and reword them will address the concerns about a practical framework for decision making.

The third element refers to the viability of the site in question and marketing for 12 months.

The fourth element refers to the loss of a use which is not regarded as appropriate for the site in that there are environmental issues caused by the use.

The fifth criterion is positively worded allowing regeneration and community benefits.

The sixth supports employment related facilities such as crèches.

The seventh is a 'catch all' where an alternative use or mix of uses provides benefits that outweigh the loss of the site.

It is clear that the criteria are alternative rather than to be read altogether despite the "and" between the final two bullet points. Reading the policy as a whole, the criteria are appropriate subject to some amendment for clarity. One such amendment is the amalgamation of criteria five and seven due to their similarity.

With these modifications, Policies HAU6 and HAU7 will meet the basic conditions. In particular they reflect the NPPF's drive to support the sustainable growth and expansion of all types of businesses in rural areas³² and to build a strong, competitive economy.³³ The policies are a local expression of CSFR Policy FC 3 which indicates that a range of good quality sites will be made available for employment uses in some of the Key Service Centres through policies to protect existing employment sites, new allocations and support for improvements to existing sites.

- **Revise the first bullet point in Policy HAU6 to read: "The ex-Little Chef building adjacent to the Travelodge Hotel situated on the south side of the old A14, with Use Classes A3 and B2 preferred."**
- **Delete the second bullet point that refers to Haughley Park from Policy HAU6**
- **Revise the third bullet point in Policy HAU6 to read: "The Tothill site surrounding and adjacent to the BP Garage and retail outlets on the north side of the old A14 leading towards Stowmarket, with Use Classes A1, A3 and B1 preferred."**
- **Insert the words "PM4" after "...Proposals Maps..." and before "...PM5 and PM6..." in the first sentence of Policy HAU7**
- **Remove Haughley Park as an employment site from Proposals Map PM6**

³² NPPF para 28

³³ *Ibid* Section 1

- **Change the designation for Policies HAU6 and HAU7 to be one colour on the Proposals Maps and ensure the buildings do not appear as a darker or different colour**
- **Amalgamate the first two criteria of Policy HAU7 and reword to read: *“It can be demonstrated that the loss of the site for employment generating uses will not adversely affect the net provision of employment land,”***
- **Amalgamate criteria five and seven of Policy HAU7 and reword to read: *“An alternative use or mix of uses would assist in urban regeneration and offer greater community or sustainability benefits that would outweigh the loss of the employment site.”***
- **Consequential amendments will be required (including to the Proposals Maps)**

Policy HAU8 Broadband

This policy seeks to support the provision of broadband. This aligns with the NPPF’s support for a high quality communications infrastructure and will help support economic growth and local facilities and services. It is a short policy that meets the basic conditions and no modifications are recommended.

Policy HAU9 Development affecting Haughley’s Historic Environment

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment.³⁴ The conservation or enhancement of the historic environment is reflected in the NPPF. One of the core planning principles in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance.³⁵ It encourages positive strategies for the conservation of the historic environment.

This long policy sets out that expectation for the Plan area. It is clearly worded, takes account of national policy and guidance and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

³⁴ NPPF para 109

³⁵ *Ibid* para 17

Policy HAU10 Possible New Development in the Conservation Area

The policy expects all new development within the Conservation Area or within the setting of a listed building to “enhance the positive attributes” of the heritage asset. It then continues that development which harms a heritage asset or its setting will not be supported unless substantial public benefits outweigh that harm.

The first element of the policy does not reflect the statutory duty in the Planning (Listed Buildings and Conservation Areas) Act 1990. This 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. The policy refers to “enhance”. It therefore goes beyond the statutory duty. Policy HAU9 also covers the matter satisfactorily.

The second element mirrors the wording of the NPPF and so is not needed.

The title of the policy is also a little ambiguous and does not refer to all of the issues covered by the policy.

Therefore the policy does not provide the practical framework for decision making required by national policy and guidance. As a result it should be deleted.

- **Delete Policy HAU10**

Policy HAU11 Development Design and Character

This is a long policy that applies to all new development.

All the criteria are clearly worded. However, the first bullet point asks for consideration of the “ability and viability of the development to take place on vacant brownfield sites or the conversion of existing buildings” where greenfield development is proposed. I understand that encouragement is being given to the effective use of land by reusing previously developed land in line with one of the core planning principles of the NPPF,³⁶ but I think this would be difficult for the development industry or any applicants to achieve. It is unlikely this information would be readily available or reliable. Therefore this element does not provide the practical framework for decision making sought by national policy and guidance and should be removed from the policy.

The policy seeks to ensure that new development is of the highest quality and reflects and reinforces local distinctiveness. It takes account of national policy and guidance which particularly seeks good design indicating it is indivisible from good planning.³⁷ It

³⁶ NPPF para 17

³⁷ *Ibid* para 56 and section 7

reflects LP 1998 Policy H13 and CS Policies CS 3 and CS 5 and CSFR Policy FC 1.1 in particular. It will help to achieve sustainable development. Therefore with this modification, it will meet the basic conditions.

- **Delete the second sentence in bullet point one from the policy which begins “For greenfield sites...”**

Policy HAU12 Protection of Local Community Facilities

This policy seeks to resist the loss of local community facilities unless there is no longer a demand for the use or equivalent or better provision is made elsewhere.

It is a clearly worded policy. It takes account of the NPPF³⁸ which promotes the retention, and development, of local services and community facilities. It reflects SAAP Policy 5.5 which protects retail services. It will help to achieve sustainable development. As a result the policy meets the basic conditions and no modifications are suggested.

Policy HAU13 Provision of New Retail and Community Facilities

Policy HAU13 supports new or enhanced retail and community facilities in Haughley village subject to five criteria. This is again in line with the NPPF and the stance of the SAAP.

Three of the criteria warrant further comment. The first is that proposals are only acceptable where they enhance the character of the immediate surroundings. This is a very high bar and one that is higher than for proposals within conservation areas as discussed in relation to Policy HAU10. This then needs some modification.

The fourth criterion seeks provision for walking and cycling links and provide cycle parking in line with County standards. This is a desirable outcome, but may not be appropriate for all development or minor extensions to existing facilities for example. Therefore a modification is made to increase flexibility.

The fifth element refers to off-road car parking in Haughley village. Again this may not be appropriate for all types of development, but is a laudable aim. A modification is made to increase flexibility.

With these modifications, the policy will have regard to the NPPF and help to achieve sustainable development in particular. It will meet the basic conditions.

³⁸ NPPF paras 28 and 70

- Change the word “enhances” in the second bullet point of the policy to “respects”
- Reword bullet point four of the policy to read: “They *take every available opportunity to provide for walking and cycling and link to existing pedestrian and cycle routes wherever possible and new or enlarged facilities provide for cycle parking to at least the minimum standard outlined in the Suffolk Guidance for Parking updated 2015, and*”
- Reword bullet point five of the policy to read: “*Where appropriate, off-road car parking in the central part of Haughley village should be considered as part of a proposed facility. Retail parking standards in the Suffolk Parking Guidance should be taken into account.*”

CND1 Haughley Crawford’s School, CND2 King George V Playing Field and Ron Crascall Pavilion and CND3 Cemetery Space

Three Community Needs and Desires are included in this part of the Plan. All are clearly worded and clearly distinguished from the planning policies.

It is recommended, in line with the representation from the Environment Agency that CND3 is revised.

- Add a new sentence to CND3 that reads: “*It is recognised that planning permission would be needed for any expansion of the burial grounds and that other consents will be needed.*”

Policy HAU14 Protection of Local Green Spaces

Six areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.³⁹ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

All six proposed LGSs are shown on Proposals Maps PM2, PM3 and PM5 as appropriate.

³⁹ NPPF paras 76, 77 and 78

The Cricket, Haughley Green and Gallowsfield Wood are shown clearly on Proposals Maps PM3 and PM5 respectively. However, I found it difficult to decipher the precise areas in Haughley village shown on Proposals Map PM2. This is because only one area, the Football Pitch and Children's Play Area (King George V Playing Field), is shown clearly and in the light green colour indicated on the map's key. The Village Green, Church Graveyard and Haughley Castle Motte and Bailey are seem to coincide or adjoin other areas identified as "Visually Important Open Spaces" (VIOS). I therefore requested, and was provided with, a clearer map of these three areas.

Taking each area in turn:

Haughley Green The Cricket is in part a recreation area with play equipment and seating and in part a wildlife area. It is valued for its historic and ecological significance and its recreational value in this settlement.

Gallowsfield Wood is a site valued for its ecological significance as a County Wildlife Site and is used for recreational purposes.

Football Pitch and Children's Play Area (King George V Playing Field) is a recreational area with play equipment used for football and bowls. It adjoins a pavilion which has facilities for the football club, social club, bowls club and Scouts as well as a meeting room. It is particularly valued for its recreational use.

Village Green is a triangular area situated in the heart of Haughley village. It is situated within the Conservation Area. It is particularly valued for its contribution historically and as a main feature of the village. It is surrounded by a proposed VIOS (which is subject to Policy HAU15).

Haughley Castle Motte and Bailey This area falls within the Conservation Area. The Motte and Bailey is a Scheduled Ancient Monument. There is no public access to the Motte and Bailey, but it can be seen from a nearby public footpath. It is valued for its historical significance and is important to Haughley's identity. The proposed LGS includes buildings as well as dwellings which should all be removed from the designation. The area is also a proposed VIOS.

Church Graveyard adjoins the Church and Motte and Bailey and is within the Conservation Area. It is the current burial ground in Haughley and valued for its historic significance. The revised map sent to me also shows the Church building as being included within the proposed LGS and this should be removed from the proposed LGS designation. The area including the Church is also a proposed VIOS.

Some of the proposed LGSs are already protected by another designation; that of the Conservation Area or as a Scheduled Ancient Monument. PPG⁴⁰ advises that different types of designation are intended to achieve different purposes. I consider that there

⁴⁰ PPG para 011 ref id 37-011-20140306

would be local benefit gained by the LGS designation as this would demonstrate the special value placed on these areas by the community.

Haughley Castle Motte and Bailey and the Church Graveyard are also proposed as VIOS subject to Policy HAU15. I make a recommendation in this respect in my discussion of that policy.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily subject to the removal of the buildings from the proposed designations.

Turning now to the wording of the policy itself, it refers to “exceptional circumstances”. The NPPF explains that development in LGSs should be managed in line with policy for Green Belts. The language used in the NPPF on Green Belts is “very special circumstances”. I consider that, in the interests of practicality, the same language should be used. The policy also specifically refers to permitted development rights which is unnecessary, but there is no harm in retaining.

- **Remove the Church and any buildings (including dwellings) falling within the Haughley Castle Motte and Bailey from the LGS designation**
- **Ensure that a more detailed map such as the one sent in response to my questions of clarification clearly shows the proposed LGSs and their extent (bearing in mind buildings should be removed from the designation)**
- **Replace the words “exceptional circumstances” in the policy with “*very special circumstances*”**
- **Consequential amendments to the maps will be required**

Policy HAU15 Protection of Rural Landscape

The preamble to this policy includes a statement in paragraph 11.33 on page 40 of the Plan that “there is a presumption against the development of any land other than those sites identified...”. This does not reflect national policy or guidance which does not impose any such presumption. It is also a policy statement. CS Policy CS2 sets out a list of development that is acceptable in the countryside. This presumption does not then accord with national policy or District level policy. As a result it should be deleted.

Policy HAU15 identifies a series of “Visually Important Open Spaces” (VOIS) within the settlement boundaries. These are identified on Proposals Map PM2. Five areas are identified on PM2, but, as I have mentioned in my discussion of Policy HAU14, some overlap the LGSs or adjoin LGSs.

The five areas are an area of grass with trees in St Mary's Avenue, the verges to either side of Old Street, the Village Green, the area around the Church, the area around the Motte and Bailey and the area around Castle Barn.

The LP 1998 identified areas of Visually Important Open Space (VIOS) which were designated for their visual and amenity value. The designation was carried forward in the SAAP.

The policy protects these areas from development. This then gives these spaces a higher protection than Green Belt or the LGSs. Whatever the merits and contribution these spaces make to the character and appearance of the village, this is not appropriate or in line with national policy and guidance. A modification is therefore made to this part of the policy.

I also consider that it is important to have a clear distinction between the LGS designation and the VIOS designation. Given the recommended modification to the words of the policy, I consider that it would be confusing to have areas which are designated as both LGS and VIOS.

Therefore I recommend deletion of the Village Green, the area around the Church and the area around the Motte and Bailey as VIOSs.

The second element of the policy seeks to ensure impacts on landscape are minimised and enhancements made wherever possible. The language used should be clearer and more precise to provide the practical framework sought by national policy and guidance. In line with my comments above about the bar on development outside the settlement boundaries, a modification is made to this element as well.

The third element in large part replicates the second element regarding no development outside the settlement boundaries. This element should be deleted; national and MSDC level planning policy supports a range of development in the countryside. An amalgamation of these two elements is suggested.

I noticed that Proposals Maps PM3, PM4 and PM7 show a number of views on the approaches to Haughley village regarded as having visual sensitivity. Whilst these are referenced in the supporting text, as is the Landscape and Visual Assessment of Haughley (SD5) there is no specific policy link and so the views shown on the Proposals Maps should be deleted. Instead a modification to add a reference to SD5 is suggested in the modified second and third paragraphs. This will add a layer of local detail to CSFR Policy FC 1.1 which requires proposals to conserve and enhance the local character of different parts of the District.

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

- **Delete the Village Green, the area around the Church and the area around the Motte and Bailey from the VIOS designation**

- Delete the first sentence of paragraph 11.33 on page 40 of the Plan which starts “There is a presumption...”
- Change the first paragraph of the policy to read: “Within Settlement Boundaries, visually important open spaces, as identified on the Proposals Map PM2, will be protected from development *that would detract from their visual contribution or function as open space* to the character or appearance of their surroundings and their amenity value to the local community.”
- Change the second and third paragraphs of the policy to read: “*All development should minimise adverse impacts on the landscape and enhance landscape character wherever possible. It is important to respect the landscape setting of the settlements. Any proposal should therefore take account of the Landscape and Visual Assessment of Haughley (SD5).*”
- Delete the views shown on Proposals Maps PM3, PM4 and PM7
- Consequential amendments to the maps will be required

Policy HAU16 Rights of Way and Access

LP 1998 Policy RT12 seeks to safeguard and improve the footpath and bridleway networks. CS Policy CS 6 seeks to reduce the need to travel and encourage alternatives to the car. This policy seeks to ensure that new development supports connections to the existing network, protect the network and enhance the network.

However, the wording of the policy is not clear or precise enough. Therefore a modification to it is recommended.

- **Reword the policy to read: “New housing and business developments shall *take every available opportunity to provide or improve connections from the development to the existing network of paths and bridleways in the Parish.* This network will be protected.”**

Objective 5 - Traffic

CND4 – Traffic Calming Haughley Crawford’s School, CND5 – Fishponds Way Footpath, CND6 Haughley Green Footpath and CND7 Haughley Traffic Calming and Safety

Four Community Needs and Aspirations are included in this section of the Plan. All are clearly worded and distinguished from the planning policies elsewhere in the Plan.

Appendices

Appendix 1 contains details of the listed buildings in the Parish. It would be useful to add a sentence suggesting readers seek the most up to date information available.

Appendix 2 contains general design guidelines as shown in the AECOM Masterplanning and Design Guidelines document. The appendix is referred to in Policy HAU2.

- **Add a sentence to Appendix 1 that reads: *“The information in this appendix reflects information correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the Parish Council or appropriate statutory body.”***

Proposals Maps

I have referred to the various maps at different junctures in this report and made some modifications in respect of clarity.

In addition, the colours and notations used for different designations and so on across the range of maps should be consistent so that a practical framework for decision making is produced.

- **Ensure consistency between, and clarity on, all maps**

8.0 Conclusions and recommendations

I am satisfied that the Haughley 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 Mid Suffolk District Council that, subject to the modifications proposed in this report, the Haughley 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. As the Plan differs from the Parish Council area, I asked both the Parish and District Councils for their views on the extent of the referendum area. Both Councils suggest the Plan area and this also coincides with my own view. I therefore see no reason to alter or extend the Plan area for the purpose of holding a referendum. There have not been any representations on this issue that would lead me to reach a different conclusion.

I therefore consider that the Haughley Neighbourhood Development Plan should proceed to a referendum based on the Haughley Neighbourhood Plan area as approved by Mid Suffolk District Council on 11 November 2015.

Ann Skippers MRTPI

Ann Skippers Planning

12 June 2019

Appendix 1 List of key documents specific to this examination

Haughley Parish Neighbourhood Plan 2016 – 2036 Submission Version December 2018

Basic Conditions Statement December 2018

Consultation Statement December 2018

Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Report July 2018 Place Services

Strategic Environmental Assessment Screening Determination August 2018

Strategic Environmental Assessment Scoping Report October 2018 AECOM

Strategic Environmental Assessment Environmental Report December 2018 AECOM

Habitats Regulations Screening Determination August 2018

Supporting Document SD1 Community Consultation Report including Housing Needs Survey Report May 2016

Supporting Document SD2 AECOM Site Assessment Final Report March 2018

Supporting Document SD3 AECOM Masterplanning and Design Guidelines March 2018

Supporting Document SD4 Local Green Space Appraisal

Supporting Document SD5 Landscape and Visual Assessment of Haughley Parish March 2018

Supporting Document SD6 Traffic Issues in Haughley Parish including Traffic Census January 2018 Gerald Brown & Sons

Saved Policies of the Mid Suffolk Local Plan adopted September 1998

Mid Suffolk Local Plan First Alteration Affordable Housing adopted July 2006

Stowmarket Area Action Plan adopted February 2013

Core Strategy adopted September 2008

Core Strategy Focused Review adopted December 2012

Babergh and Mid Suffolk Joint Local Plan Consultation Document August 2017

Other supporting documents on www.haughley.org.uk/parish-neighbourhood-plan/

List ends

Appendix 2 Questions of clarification from the examiner

Haughley Neighbourhood Plan Examination

Questions of clarification from the Independent Examiner to the Parish Council and MSDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. The Plan area is not coterminous with the administrative boundary for the Parish. There are two differences; a) an area to the southeastern part of the Parish and south of the A14 has been excluded and b) an area to the north of the A14 lying within Harleston Parish has been included. I seek the views of both parties on what might be an appropriate referendum area.
2. Please could MSDC briefly confirm the latest position on the emerging Joint Local Plan?
3. Please could MSDC confirm (or not) agreement to the housing figures put forward in the Plan and whether (or not) this will generally conform to the strategic housing needs requirements for the District based on the latest available information.
4. Please briefly update me on the latest position on any planning application/appeal on the sites which are wholly or partly subject to Policies HAU3, HAU4 and HAU5.
5. In relation to Policy HAU6 –
 - a. It refers to a) the ex-Little Chef building adjacent to the Travelodge, old A14 indicating its reuse is acceptable for Use Classes A3 or B2 and b) the Tothill site and its acceptability for A1, A3 and B1 uses. Please point me to the justification or explanation as to why these uses are considered appropriate on these particular sites (and why other uses are considered to be inappropriate)?
 - b. Please briefly update me on the latest position planning application DC/18/03592 in relation to Haughley Park.
 - c. Please inform me of any other planning applications or appeals which concern the three sites referred to in this policy since the submission document was submitted.
6. Policy HAU14 refers to proposed Local Green Spaces. Please provide clear(er) map(s) of the a) village green, b) Church graveyard and c) Haughley Castle Motte and Bailey. I found Proposals Map PM2 hard to decipher as these three areas seem to overlap with a Visually Important Open Space (VIOS) designation and it is not clear to me what the extent of the proposed Local Green Spaces are. It may be necessary to clarify the extent of the VIOSs as well. In addition, please confirm whether the Haughley Castle Motte and Bailey includes any buildings?
7. A number of views are identified on various Proposals Maps, but there appears to be no policy reference to views in the Plan. Is this correct?

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers 7 May 2019

Appendix 3 Letter from the examiner

Letter to Paul Bryant
Mid Suffolk District Council

7 May 2019

Dear Paul,

Examination of the Haughley Neighbourhood Plan Amendment to the Basic Conditions

I am writing to draw your attention to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018.

Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute a new basic condition which states:

- **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 Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind*, *Peter Sweetman v Coillte Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

This resulted in some confusion as to whether neighbourhood plans 'screened in' could progress because of the wording of the basic condition.

The substituted basic condition removes this confusion; it gives certainty that those neighbourhood plans which have been 'screened in' and therefore require appropriate assessment can continue to progress (provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met).

The process for appropriate assessment of neighbourhood plans is the same as assessments for Local Plans.

As all basic conditions must be met by a neighbourhood plan before it can proceed, I would be grateful if you would consider this change to the basic conditions and let me know of any implications arising from it for the examination of this neighbourhood plan. I will reach my own view on this matter as well.

Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner

Appendix 4 Note from MSDC

Haughley Neighbourhood Plan Examination

Response from Mid Suffolk District Council re 'New Basic Condition'

With regards to the Habitats issue, the Screening Report prepared by Place Services in July 2018 concluded that there were no European Sites within 13km of Haughley parish. Therefore, no sites fell within the scope of assessment and the screening concluded that it is possible to rule out likely significant affects. An Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 was not therefore required. The statutory bodies were consulted on the Screening Report and agreed with its conclusions.

As the Screening Report was prepared prior to the introduction of the new basic condition in December 2018 we have reconsulted Place Services. In reply, they have confirmed that the conclusion of the July 2018 Screening Report remains valid and that the making of this Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The District Council is therefore satisfied that the submitted Haughley Neighbourhood Plan meets the basic condition introduced in December 2018.

[- Ends -]