

# **EAST BERGHOLT NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Babergh District Council  
into the examination of the  
East Bergholt Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

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## 1.0 Summary

- 1.1 The East Bergholt Neighbourhood Plan has been prepared to set out the community's wishes for this dynamic village with a very special character. The Plan aims to maintain the attractive village environment, meeting local needs for new housing and services, and respecting the village's special character, heritage assets and its setting within a unique landscape in the heart of Constable Country.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern improving the clarity of the wording of the policies so that they are clear and unambiguous and can be used in a consistent manner by decision makers. In summary, it is recommended that:
- the phasing is deleted from Policy EB1;
  - criteria are included in Policy EB2 on the location of new housing development from the background text;
  - Policy EB4 is revised to include reference to the provision of affordable housing;
  - Policies EB5 and EB6 are amalgamated and the wording clarified to improve housing options for older people;
  - Policy EB7 is revised to require development proposals to demonstrate their impact on the village setting. The safeguarded views are to be deleted;
  - Policy EB8 is reframed to accord with NPPF guidance on Local Green Space. The appropriateness of the sites proposed has been reviewed;
  - Policy EB11 is revised to include specific reference to the consideration of non-listed heritage assets in conservation areas. The proposal for a Local List is moved to the Projects section and
  - Policy EB23 on infrastructure is deleted.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that the East Bergholt Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Statutory Requirements

- 2.5 I was appointed as an independent examiner to conduct the examination on the East Bergholt Neighbourhood Plan by Babergh District Council in February 2016. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development.
- 2.8 The Neighbourhood Plan includes a number of projects in each chapter of the Plan. These are clearly distinguished from the policies by different coloured boxes. Recommendations are made in paragraph 3.15 below to state clearly that the projects do not form part of the Neighbourhood Development Plan. In addition, the explanation in Section 2.6 should be revised to make it clearer that it is the Policies that make up the Neighbourhood Development Plan.
- 2.9 The Neighbourhood Plan area is co-terminus with the parish of East Bergholt and was designated by the Babergh District Council on 31st March 2014 as a Neighbourhood Area (Appendix B of the Basic Conditions Statement sets out the confirmation of designation letter). Paragraph 2.3 of the Basic Conditions statement states that the Plan relates to the East Bergholt Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.10 The lifespan of the Neighbourhood Plan is stated to be from 2015 to 2030 and the date is shown on the front cover of the Neighbourhood Plan.
- 2.11 The neighbourhood plan making process has been led by East Bergholt Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Committee supported by members of the community.
- 2.12 I am satisfied therefore that the East Bergholt Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

### **Basic Conditions**

- 2.13 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;

- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
  - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).

## Policy Background

- 2.14 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.15 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.16 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.17 The third basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan covering the neighbourhood plan area is the Babergh Core Strategy and Policies Document 2011 – 2031 (adopted February 2014) and the saved policies of the Babergh Local Plan Alteration No 2 (adopted 2006). Work has commenced on the Babergh and Mid Suffolk Joint Local Plan that will replace the 2006 Local Plan and update elements of

the Core Strategy. This Plan is in its early stage with the Issues and Options Consultation undertaken between January – March 2015.

- 2.18 The Basic Conditions Statement sets out an assessment of each policy to demonstrate how it has had regard to national policy and that it is in general conformity with the local strategic policies of the adopted Local Plan.
- 2.19 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Babergh Core Strategy and Policies Document 2011 – 2031 and the saved policies of the 2006 Babergh Local Plan Alteration No 2. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.20 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.21 Screening Opinions for the Strategic Environmental Assessment and Habitats Regulations Assessment were undertaken on the draft Neighbourhood Plan. The SEA screening report was consulted on in November 2015. Responses were received from Natural England, Environment Agency and Heritage England. The conclusion was that, subject to the findings of a Habitats Regulation Assessment, an SEA was not required.
- 2.22 A Habitats Regulations Assessment Screening Report was published on 7 January 2016. This concluded that subject to Natural England's review, the screening report indicates that the East Bergholt Neighbourhood Plan is not, subject to the amended policy text, predicted to have likely significant effects on any European site, (as defined in the Conservation of Habitats and Species Regulations 2010 (d)), either alone or in combination with other plans and projects. Natural England responded on 14 January 2016 to confirm that the amendments to the wording of the policies and projects should ensure appropriate protection is given the above designated sites and, on this basis, Natural England agreed with the conclusion of the HRA Screening Report.
- 2.23 Further, the screening opinion on the HRA concluded that a project level Habitats Regulations Assessment screening report will be needed for projects such as Project EB14, which is likely to have recreational impacts on Stour & Orwell Estuaries SPA, to meet the requirements of the Habitats Regulations. For Natural England to approve such a document, adequate mitigation would need to be sought and compensation agreed in order to reduce or negate any negative impacts. This should be sufficient to avoid a Likely Significant Effect from East Bergholt NDP.

- 2.24 The Basic Conditions statement includes a human rights and equality impact assessment. In order to confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. It concludes that it is considered that the Neighbourhood Plan has met the following Human Rights Articles and does not give rise to any potential impacts on these human rights.
- 2.25 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.26 Section 4 of the Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how the plan contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.27 I am satisfied that, subject to the modifications proposed, the East Bergholt Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.28 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.29 The preparation of the Neighbourhood Plan commenced in September 2013. An initial public meeting was held in December 2013 to gauge the views of the community. Considerable effort was given to raising awareness within the community about the Neighbourhood Plan including visits to local groups, the nursery and the primary school, a one day event “East Bergholt on Show”, questionnaires to all households and local businesses, feedback forms in pubs and shops, posters and the website.
- 2.30 The draft Vision was published on the website and two months allowed for comment. Various studies and assessments were undertaken by the community and the draft Plan was agreed for Regulation 14 consultation on 8 October 2015. A period of 6 weeks was allowed for responses with the closing date of 23 November 2015. Leaflets were sent to all households and 3 open days were held to publicise the consultation as well as documents being placed on the website. Statutory consultees were also consulted.
- 2.31 The Consultation Statement sets out an overview of the consultation process. The list of statutory consultees set out in the Consultation Statement included three landowners and a number of local businesses who were consulted on the draft plan. A comprehensive summary of the issues raised at each stage

of consultation and the action taken to address them as appropriate is included in the Consultation Statement.

- 2.32 Two representations have been received from a landowner and a developer with an interest in land within the Plan area stating that they “do not consider that there has been sufficient engagement with either landowners or the development industry in the drafting of the plan”. The developer’s representation does note that they made comments on the draft plan in September 2015. I am satisfied that the qualifying body has consulted landowners and others as required by the Regulations and that the landowner and associated developer of land at Moores Lane have had the opportunity to comment on the emerging plan.
- 2.33 Consultation on the submission draft plan ran from 18th January 2016 until 1st March 2016. This resulted in 18 representations of which 3 make no comments.
- 2.34 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.35 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.36 One representor has requested a hearing to enable all issues regarding housing need, supply and demand in East Bergholt to be comprehensively discussed. I am satisfied that I am in a position to properly examine the plan without the need for a hearing. I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan.
- 2.37 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies.
- 2.38 This report is the outcome of my examination of the Submission Draft Version of the East Bergholt Neighbourhood Plan 2015 - 2030. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended it can go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be “made” following approval by Babergh District Council.

- 2.39 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - That the plan should proceed to referendum if modified; or
  - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.40 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.
- 2.41 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.42 Apart from minor corrections and consequential adjustment of text (referred to in paragraph 4.161 of this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

### 3.0 Neighbourhood Plan – As a whole

3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

3.2 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

3.3 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

3.4 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “support the strategic development needs set out in the Local Plan” and further states that the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”.

3.5 Prior to considering each policy in turn I now address an issue that applies to several policies. Some policies state “development will be permitted” or “planning permission will be granted for” subject to the proposal meeting “all policies in this Plan”. With regard to the issue of decision making the Framework states “the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

3.6 The basis for decision making should be made clear through the use of the term “proposals will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and other factors may be applicable in addition to those set out in the policy. It is not possible therefore to prescribe whether or not permission will be granted solely through a single policy. I have recommended a modification so that the basis of decision making on planning applications should be clarified. Those policies that state “Planning

permission will be granted”, or similar, should instead state “Proposals will be supported” or “proposals shall demonstrate”. Those policies that refer to meeting the “policies of this plan” should be amended to read “the development plan”.

- 3.7 The following recommendation is made to improve clarity and avoid ambiguity in accordance with NPPF guidance so as to make the Neighbourhood Plan easier to use.

**Recommendation 1:**

**The paragraphs of the plan are numbered.**

**All maps are numbered and cross referenced from the policy or text. Maps should include clear titles and place names and should be at a scale that sites and their boundaries are legible and identifiable. Cross reference to maps in Appendices in separate documents would not then be necessary.**

**Those policies that include a list of criteria where all factors are to be taken into account in considering development proposals should be punctuated with a semicolon at the end of each criterion with an “and” at the end of the penultimate criterion to ensure that all factors are taken into account.**

**Current Status of this Plan**

- 3.8 The Neighbourhood Plan opens with a section outlining the progress of the plan preparation from the draft plan through to its submission. Further information on the plan preparation process is included in section 2.

**Recommendation 2: This Current Status section of the Plan be reviewed as the plan progresses to ensure that it is up to date.**

**The Neighbourhood Plan’s Vision for East Bergholt**

- 3.9 The Neighbourhood Plan includes a section entitled Vision, the second paragraph of which sets out a succinct vision statement that

*“East Bergholt will continue to maintain its attractive village environment, meeting local needs for new housing and services, and respecting the village’s special character, heritage assets and its setting within a unique landscape in the heart of Constable Country. The village will retain its sense of community, respect the natural environment, be welcoming to visitors and tourists, and through sustainable development will support a successful rural economy to meet the future needs of all those who live and work in the village”.*

- 3.10 The section also includes six principles which have emerged through consultation and it is stated “*will be applied in managing the development*

*of our village over the next 15 years. These principles shape the Objectives in our Neighbourhood Plan which drive both the Plan Policies and Projects”.*

To improve the clarity of the Plan, it would be helpful to more clearly identify the Vision statement eg through setting it out in bold print in a box and to include sub-heading above the principles.

## **Chapter 1 The Village of East Bergholt**

- 3.11 This section includes a summary of key facts about the parish and its significance as the birthplace of John Constable: its history and development; heritage and environment; housing; social; employment; transport and communications; sustainability and local area considerations.

## **Chapter 2 Developing Our Plan**

- 3.12 This chapter sets out a summary of the key stages of consultation that have been carried out during the course of the preparation of the Plan. When the Plan is finalised it is suggested that sections 2.2, 2.4 and 2.5 could be removed and a brief statement added that summarises the process of preparing the plan and makes reference to the consultation statement. This will help to ensure that the plan remains succinct whilst the full details of the consultation process will be available for interested parties in the consultation statement. Section 2.3 should be retained and placed earlier in the plan under the heading of “The area of the East Bergholt Neighbourhood Plan”.
- 3.13 Section 2.6 is headed “Our Neighbourhood Plan Policies and Projects” and explains that the plan is made up of policies and projects. The section explains that *“The Policies will become a statutory consideration in determining all planning applications once the Plan is made (adopted) by Babergh District Council”*. It goes on to state that the *“projects are activities identified in the feedback from the community and these will be managed by the Parish Council over the Plan period. When the Plan is approved, the Parish Council will consider a priority list for the Projects”*.
- 3.14 The parish council has confirmed that the projects do not form part of the planning policies in Neighbourhood Development Plan and will not be used in determining planning applications. As such they have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area.
- 3.15 Recommendations are made to revise section 2.6 to make it explicit that the projects do not form part of the Neighbourhood Development Plan and to head each section of the projects accordingly. Alternatively the projects could be grouped together in an Annexe or Part 2 of the Neighbourhood Plan.
- 3.16 This recommendation is made to reflect Planning Practice Guidance which states that neighbourhood plans should contain planning polices to be used in

determining planning applications. The projects clearly do not fulfil this purpose. The projects are set out in different coloured boxes and are therefore clearly differentiated; however the plan fails to explain the status of the projects ie that they are not part of the neighbourhood development plan.

**Recommendation 3: Revise the fourth paragraph of section 2.6 to read:**

**“The Policies *will constitute the Neighbourhood Development Plan and will become a statutory consideration.....*”**

**Revise the fifth paragraph of section 2.6 to read:**

**“Projects *do not form part of the Neighbourhood Development Plan. They are activities identified in the feedback.....*”**

**For the avoidance of doubt it is recommended that each section of projects is headed with the following text “*These do not form part of the Neighbourhood Development Plan*”.**

## 4.0 Neighbourhood Plan – The Policies

- 4.1 The Neighbourhood Plan contains the following sections: Housing, Natural Environment, Landscape and Open Space, Design Character and Heritage, Transport, Economy, Physical Infrastructure and Sustainability. Each section opens with the objectives followed by a background section summarising relevant evidence followed by the policies and projects.

### Chapter 3 Housing

- 4.2 The plan sets out two objectives for housing development in the village and a summary of the findings of the housing needs surveys and other evidence. East Bergholt has been designated a Core Village in the Babergh Local Plan Core Strategy and is expected to contribute to housing provision to meet the needs of East Bergholt and its Hinterland Villages. The plan includes criteria based policies to consider the suitability of sites for potential housing development to deliver the housing objectives to provide a good mix of house types, sizes and tenures enabling people to stay in the village throughout their lifetime with special focus on low cost market housing for young families, housing suitable for older people with appropriate numbers of affordable homes. New housing is to be accommodated where the location, scale of development and design would enable it to be integrated well into East Bergholt’s village character.
- 4.3 The Plan does not include any allocations for new housing development and there is no requirement for it to do so.

#### Policy EB1 Housing Numbers and Phasing

- 4.4 Policy EB1 is in two parts. Firstly it “allows for” a minimum number of 86 new homes to be developed in the plan period to be phased proportionately over the three 5 year periods. The second part of the policy refers to the housing being located on sites that meet the other criteria based policies in the plan, if

appropriate using the current SHLAA sites or any others that have come forward subsequently.

- 4.5 The examiner's responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development have had regard to national policy and are in general conformity with the strategic policies contained in the Development Plan for the area.
- 4.6 I turn first to the matter of the number of new homes to be delivered by the plan.
- 4.7 National planning advice in NPPF paragraph 184 is that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 4.8 East Bergholt is identified in the adopted 2014 Babergh Local Plan Core Strategy Policy CS2 Settlement Pattern as one of 10 Core Villages. These villages are at the centre, or core, of hinterlands of smaller villages and rural settlements that form 'functional clusters'. The settlements identified as Core Villages have been defined as such not because of size or potential opportunities for growth, but because of the role they play, providing a number of essential services and facilities to a catchment area of smaller villages and rural settlements.
- 4.9 The Local Plan states that the amount of housing growth and employment land to be accommodated in Core and Hinterland Villages will depend on their individual capacity to accommodate growth, the scale and character, role and function of the settlement and the views of the local community. With respect to housing development, Policy CS3: Strategy for Growth and Development sets out the allowance for rural housing growth in the 10 Core Villages and the Hinterland Villages of the District at 1050.
- 4.10 The Local Plan's strategy for the rural areas is for continued, incremental growth, at a scale appropriate to the size and character of the existing settlement. In all cases the scale and location of development will depend upon the local housing need, the role of settlements as employment providers and retail/service centres, the capacity of existing physical and social infrastructure to meet forecast demands and the provision of new / enhanced infrastructure, as well as having regard to environmental constraints and the views of local communities as expressed in parish / community / neighbourhood plans.
- 4.11 Local Plan Policy CS2: Settlement Pattern states that "*Core Villages will act as a focus for development within their functional cluster and, where appropriate, site allocations to meet housing and employment needs will be made in the Site Allocations document*". Hinterland Villages will accommodate some development to help meet the needs within them.

- 4.12 Paragraph 2.8.5.1 of the background to Policy CS11 explains that the policy is intended to provide greater flexibility within rural communities allowing growth and service/ infrastructure improvements to develop in line with day to day practice of people living in those communities. Paragraph 2.8.5.3 goes on to explain that as each village is different in size, character, location and the role it plays within its rural hinterland it is not possible to identify a number or range of homes in the Local Plan at this stage. It is intended to consider the amount and locations for development in detail with local communities at the site allocations stage taking account of an analysis of local needs, opportunities, environmental, physical and social infrastructure constraints. A set of factors is listed.
- 4.13 The approach to the distribution of new housing is to be driven by the function of the villages, their role in the community, and the capacity for a particular level of growth which will be guided by many factors and taking account of the inbuilt flexibility of the policy. The provision of an appropriate level of infrastructure is considered important.
- 4.14 The Built Up Area Boundaries were defined in the 2006 Local Plan Saved Policies. Paragraph 2.8.5.7 of the Core Strategy states that they will be used to *“provide a useful starting point when considering the relationship of proposed development in relation to the existing pattern of development for that settlement and for defining the extent of its developed area and a distinction between the built up area and the countryside. Policy CS11 intentionally provides greater flexibility for appropriate development beyond these, for identified Core and Hinterland villages subject to specified criteria”*.
- 4.15 Policy CS11 sets out the following matters to be considered when assessing development proposals in Core Villages which score positively when assessed against the sustainability factors set out in Policy CS15:
- the landscape, environmental and heritage characteristics of the village;
  - the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
  - site location and sequential approach to site selection;
  - locally identified need - housing and employment, and specific local needs such as affordable housing;
  - locally identified community needs; and
  - cumulative impact of development in the area in respect of social, physical and environmental impacts.
- 4.16 In conclusion, the strategic policies of the Local Plan require that Core Villages such as East Bergholt provide for the future housing needs of the village and its hinterland villages. A flexible approach to determining the amount and location of growth is set out depending on the capacity of the village to accommodate growth. Incremental growth, at a scale appropriate to the size and character of the existing settlement taking account of the environmental considerations is key to the approach set out. An approach

based on an analysis of local needs, opportunities, environmental, physical and social infrastructure constraints is advised in the Local Plan.

- 4.17 Whilst the Local Plan proposes that this assessment is to be carried out through the Site Allocations Plan, it is considered appropriate for the local community to take the lead on this through the preparation of its Neighbourhood Plan. The Plan has included an analysis of housing needs, landscape capacity, open spaces, biodiversity, heritage, transport and other social and infrastructure constraints. The consultation on the Neighbourhood Plan has provided an indication of the community's views on the future of the village. I am satisfied that this approach to plan making is in general conformity with Local Plan Policy CS11.
- 4.18 A background paper has been prepared setting out the various options and assumptions used for calculating housing growth. Guidance prepared by the Planning Advisory Service has been employed and discussions held with the officers from Babergh Council to consider the methodology.
- 4.19 The qualifying body has rightly appreciated the difficulties in arriving at a figure that will make adequate provision for much needed new housing, particularly affordable and low cost market housing to meet not only the needs of this village and but also those of the surrounding villages that form part of its cluster. The Neighbourhood Plan has considered a number of options to arrive at an estimate for an appropriate figure for housing growth in the plan. The term "correct" in paragraph 3.3.2 is a misnomer and it is recommended that it should be amended to "appropriate".
- 4.20 A representation has been made by Babergh District Council concerning the way the calculations have dealt with Brantham, in particular that:
- Baseline position 1 deducts the proposed development allocated at Brantham
  - Baseline position 2 does not take into account the strategic housing need or local housing need in accordance with the Core Strategy settlement hierarchy. The Council has elaborated on this to say that this relates to the way that the calculations assume that Brantham will accommodate most of its own housing need. One option is for it to accommodate most of its own housing growth and thus be treated more like a Core Village.
- 4.21 Brantham is a hinterland village in the East Bergholt cluster. It is almost as large as East Bergholt with a population of 2551 against that of East Bergholt of 2769. The village has a number of services, nevertheless it is classified in the Core Strategy as a hinterland village and should therefore be included in the calculations for housing growth of the cluster.
- 4.22 A Regeneration Area has been allocated under Policy CS10 at Brantham primarily for economic uses but including some housing. No figure is given in the Local Plan for housing numbers at the Brantham site as the scale and timing of this development cannot yet be identified accurately. Babergh District Council has stated that the delivery of some homes is likely for the

Brantham redevelopment site during the Plan period but because of the uncertainty over delivery the site is being treated as a housing 'windfall' site. As such it will provide some flexibility in the Local Plan's housing delivery programme. This results in the requirement to plan for other housing sites to meet the village's housing needs.

- 4.23 The first option was to consider apportioning the Rural Area housing figure of 1050. Various apportioning options were considered in the background evidence paper for the Neighbourhood Plan. The highest figure of 155 is based on the fact that the East Bergholt cluster of villages accounts for 15% of the population in the rural area. The figure is reduced to 99 if it is assumed that Brantham will accommodate a proportion of new housing in accordance with its population. These figures are further reduced by taking account of housing already developed in the plan period to give a minimum figure of 64 homes.
- 4.24 Babergh District Council has explained why the housing that is likely to be provided in the Regeneration Area at Brantham should not be included in the calculations. However, it is not clear whether or not any other housing sites may come forward for development in Brantham during the life of the plan. Nor is it clear what potential there is for housing development in any of the other hinterland villages.
- 4.25 The second approach considered the results of the Housing Needs Survey which showed that 25 affordable homes were needed by East Bergholt residents. This figure was multiplied by 35% to give the total number of homes needed to subsidise the number of affordable homes as 88 homes. Various other assumptions were then applied concerning Brantham and whether other villages would accommodate their own affordable housing needs.
- 4.26 Babergh Council's housing department made a representation about these assumptions and noted that at 2 March 2016 there are 70 households on the Choice Based Lettings Register with a local connection to East Bergholt and its cluster villages. This figure gives an indication of the level of affordable housing need in the area. However, it cannot be assumed that housing provision should be made in East Bergholt to meet all this need.
- 4.27 It is considered that the assumptions and calculations based on the results of the Housing Needs Survey are simplistic. They have not taking into account that the Housing Needs Survey is a snapshot of current need for a five year period and that the level of need is likely to change in the future; the number of registered households in housing need in the cluster of villages; and the differing rates of delivery of affordable housing depending on the viability of a site and market conditions.
- 4.28 The third scenario for determining a suitable rate of future housing growth based on past house building rates. The figure was 108 dwellings over the 13 year period from 2001 to 2014.

- 4.29 An average is then taken of the figures from the three scenarios to arrive at the figure of 86.
- 4.30 The Local Plan envisaged that opportunities and constraints on development should also be taken into account in assessing the amount of future development to be accommodated in each Core Village. Some Core Villages may have more opportunities and may be able to accommodate more than their proportional share of the rural area's housing growth whilst others have more environmental constraints and should accommodate less. Drawing up a Neighbourhood Plan for the Core Village in a cluster of villages in isolation means that the opportunities and constraints affecting other cluster settlements and other Core Villages cannot be taken into account. This exercise will be more appropriately undertaken as part of the forthcoming Local Plan site allocations document.
- 4.31 The Neighbourhood Plan has nevertheless provided valuable local information concerning the environment of the village environs and the community's views on further development. A landscape capacity study has been undertaken. This has demonstrated that five areas have a medium landscape capacity and several others have a low to medium capacity. No further assessment has been carried out to identify the potential of these areas as opportunity sites or any constraints on them. It is acknowledged that the location of part of the village in the AONB may well limit development there although three of the medium landscape capacity sites are within the AONB.
- 4.32 The Neighbourhood Plan has selected a minimum figure of 86 which is significantly below the figure of 155 that was derived from the apportionment of the total rural population to this cluster of villages according to population. However the Local Plan policies do not require housing growth to be simply apportioned by population but state that it should take into account the local housing need and the capacity of the settlement for growth as well as environmental factors.
- 4.33 Concerns have been expressed that as the Housing Needs Survey related to social affordable housing only and was carried out only in East Bergholt and not the hinterland villages, consequently its results may be an underestimate of the housing needs of the cluster of villages both for social and low cost market housing. The Choice Based Lettings Register indicates a higher level of need for the cluster. The Neighbourhood Plan has sought to address this by assuming that the other villages meet their own affordable housing needs or a only proportion of the need is met in East Bergholt. However no evidence has been submitted to demonstrate that these assumptions are feasible or deliverable.
- 4.34 The local and strategic housing needs surveys give an indication of the type and tenure of housing needed which are subject to change as demographics and local housing markets change. There is a commitment in Policy EB4 to undertake future surveys to monitor the position.

- 4.35 The housing growth figure is set as a minimum and would not therefore restrict a higher growth rate should future surveys demonstrate a higher level of local housing need within the cluster of villages and/ or suitable development proposals came forward that satisfied the policies of the development plan.
- 4.36 I have to consider whether the housing number set out in Policy EB1 has regard to national planning guidance and is in general conformity with the strategic local policies. I am satisfied that the housing requirement of a minimum of 86 homes set out in Policy EB1 would not restrict housing development that would contribute towards the delivery of the Local Plan housing provision for market and affordable housing for the Core and Hinterland Villages of the East Bergholt Cluster. The policy should however be worded more clearly to state that this is the minimum number of new dwellings to be “developed” rather than “allowed for”.
- 4.37 Policy EB1 seeks to phase the new housing proportionately through each 5 year period. Whilst this is a laudable aim in order to maintain a steady supply of new housing in the village, in practice it may be difficult to implement using criteria based policies to manage the release of sites in a single parish. Such a policy is likely to restrict the delivery of development and the release of sites that may be needed to deliver affordable and other housing to meet local housing need under Policies CS19 and CS20. I am therefore recommending that it be deleted as it is considered that it is not in general conformity with these strategic local policies.
- 4.38 The second part of Policy EB1 states that housing sites may be accommodated that meet other criteria based policies in the plan using the Strategic Housing Land Availability Assessment Sites that informed the 2014 Core Strategy or sites that have come forward more recently.
- 4.39 It is considered that this paragraph does not give clear guidance on the factors to be taken into account in considering the suitability of a site for housing development. The SHLAA is an assessment of strategic sites over 2 ha. proposed by landowners and developers for allocation in the Local Plan and is subject to continual updating and review. It is considered that this paragraph is imprecise and does not provide guidance on the location of new housing and suitability of sites.

**Recommendation 4: Revise Policy EB1 to read**

**Retitle Policy EB1 “Housing Numbers”**

***“A minimum of 86 new homes shall be developed in East Bergholt during the Plan period 2015 to 2030”.***

**Delete “to be phased in proportion over three 5 year periods”. Delete those paragraphs of section 3.3.2 relating to phasing.**

**Delete the second paragraph from Policy EB1.**

**Replace “correct” in paragraph 6 of section 3.3.2 with “appropriate”.**

### **Policy EB2 Development Size and Location**

- 4.40 This policy sets out the factors to be considered in assessing the suitability of sites for future housing development. It contains three elements:
- It sets out criteria for considering the suitability of sites within or adjacent to the Built Up Boundaries and 800 metres of the village heart or Focal Points.
  - It sets out criteria for considering sites outside this area.
  - It sets out a maximum size for housing developments of 15 dwellings with three exceptional circumstances.
- 4.41 The Babergh Local Plan states that the Built Up Area Boundaries (BUABs) remain as those previously defined in the 2006 Babergh Local Plan Saved Policies. It is intended to review them, if necessary, and incorporate them into the Site Allocations DPD. There are three separate Built Up Area Boundaries in the Neighbourhood Plan area around the distinct built up parts of the village.
- 4.42 The Neighbourhood Plan has not sought to review the Built Up Area Boundaries. It includes a criteria based policy to set out the factors to be considered in assessing the suitability of sites for housing development to deliver the housing numbers set out in Policy EB1. The Plan requires new housing to be within or immediately adjacent to the Built Up Area Boundaries and within walking distance of the Village Heart or Focal Points. The Village Heart has been defined in the Neighbourhood Plan covering the central part of the main village and the roads linking the two main parts of the village and including a relatively undeveloped area between. Policy EB3 sets out additional requirements for proposals in the Village Heart. Focal Points have been defined in the parish around the schools, the medical centre and community facilities.
- 4.43 The map in the Neighbourhood Plan showing the areas that are within 800 metres of the Focal Points clearly indicates that they include areas of open countryside outside the Built Up Boundaries capable of accommodating significantly more than the 86 homes specified in Policy EB1. Whilst Policy EB2 refers to the need to meet all policies of the Plan it would be helpful to plan users to identify the main policy matters that should be taken into account in considering the acceptability of potential sites. Of significant importance is the impact on the Area of Outstanding Natural Beauty (and its setting) which abuts the main built up areas of the parish.
- 4.44 Environmental matters are major concerns in the parish and reference is made in the introduction to the policy to the proximity of the AONB, the results of the landscape capacity study and village character assessment. Section 4 on the Natural Environment refers to these and other studies which should be

taken into account in assessing the suitability of sites, including significant views, important open spaces and biodiversity areas. It would be helpful to users of the Neighbourhood Plan to highlight these matters in Policy EB2 as important considerations in assessing the suitability of sites for housing.

- 4.45 Paragraph 3.3.3.4 summarises the intention of the policy in considering the suitability of sites and refers to “the criteria in Section 3.3”. This section includes three bullet points that summarise the site selection criteria set out in other sections of the Plan. To ensure that Policy EB2 is clear and unambiguous, it is recommended that these criteria are incorporated into the policy.
- 4.46 NPPF paragraph 55 sets out the special circumstances where new housing may be permitted in the countryside. Local Plan Policy CS2 states that development in the countryside outside of the Core Village will only be permitted in exceptional circumstances subject to a proven justifiable need. It is considered that that part of the policy on the conversion of existing buildings has taken account of national policy, however, it is considered that the remainder of points 4, 5 and 6 of Policy EB2 does not accord with this advice. It is considered that the policy does not have regard to national policy neither is it in conformity with local strategic policy. The policy does not make provision for other forms of development that may be justified in the countryside under the provisions of NPPF paragraph 55 and Policy CS2.
- 4.47 Local Plan Policy CS20 sets out the factors to be considered in assessing the delivery of Rural Exception Sites. Sites should be adjacent, or well related, to the settlement development boundaries of Core and Hinterland Villages subject to a number of criteria being satisfied. It is noted that point 6 of Policy EB2 is not so specific and could permit rural exceptions sites at some distance from the Built Up Areas Boundaries and it is considered that it is not in general conformity with Local Plan Policy CS20.
- 4.48 Point 5 of Policy EB2 supports the development of one or two self-build homes on land adjacent to existing properties. NPPF would allow for the development of homes of exceptional quality or an innovative nature in the countryside. However, it is considered that Policy EB2 gives a greater degree of flexibility than is intended in the national guidance.
- 4.49 Point 8 refers to the exceptional benefits that housing development of more than 15 dwellings should demonstrate. This refers to the provision of housing for older and younger people of or with direct connections to East Bergholt. As discussed in paragraphs 4.8 – 4.11 above, the Local Plan requirement is that East Bergholt as a Core Village will contribute towards the housing needs of the cluster of hinterland villages. It is considered that it would be restrictive to impose a local connections requirement on new housing development limiting it to those with a connection to East Bergholt only. Such a requirement would only be applicable to rural exceptions affordable housing. It is considered that this requirement would not be in general conformity with

Policy CS11. It is recommended that it be deleted and that the requirement be clarified to better reflect the results of the housing needs survey.

- 4.50 The following recommendations are proposed to ensure that the policy takes account of national planning policy and is in general conformity with local strategic policies and to improve the clarity of the policy for decision makers.

**Recommendation 5: Revise Policy EB2 as follows:**

***Housing development will be supported within or immediately adjacent to the village Built Up Area Boundaries provided that the development:***

- 1. would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty, Local Green Spaces or sites of biodiversity and geodiversity importance;***
- 2. conserves, enhances and respects the conservation area, heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene;***
- 3. would not have an unacceptable adverse impact on the local highway network;***
- 4. would be of an acceptable size and scale that contributes to the character of the village and the “Sense of Place”; and***
- 5. is within 800 metres of the Village Heart or Focal Points.***

***Housing development on sites not adjacent to the Built Up Boundaries or outside the 800 metres zones will be supported where they satisfy the special circumstances set out in paragraph 55 of the National Planning Policy Framework.***

***Rural Exceptions Affordable Housing will be encouraged on sites adjacent to or well related to the Built Up Boundaries in accordance with Local Plan Policy CS20.***

***Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people.***

**Revise Section 3.3.3.4 to read:**

***“Policy EB2 sets out the criteria to be used in assessing the suitability of potential housing sites. The intention of the policy is to:”***

**Retain Bullet points 1-2. Add new bullet point to read: “avoids adversely impacting on important environmental and heritage assets”.**

**Revise third bullet point to read: “*respects the conservation area and village character including houses with large gardens and green aspects .....*”**

### **Policy EB3 Village Heart**

- 4.51 The Village Heart area is defined in the Neighbourhood Plan. It is the historic centre of the village and contains most of the conservation area. A conservation area appraisal has not been prepared for the conservation area. The area lies within the AONB. The area is characterised by older properties with large gardens with many buildings of historic importance. There has been pressure for housing development in this area as there are a number of areas of open land.
- 4.52 The policy seeks to carefully manage new housing development in this area by limiting housing development to “small scale infill development” that demonstrates a positive contribution to the village’s built environment and complies with policies in chapter 5. Development in large gardens will be resisted. No definition has been included on the term “small scale infill development”.
- 4.53 NPPF paragraph 115 states that great weight should be given to conserving the landscape and scenic beauty of the AONB. NPPF paragraph 131 refers to the consideration of new development making a positive contribution to local historic character. Paragraphs 133 to 135 state that the benefits of a proposed development on a heritage asset should be weighed against the significance of the asset.
- 4.54 Saved Local Plan Policy CN08 covers new development in conservation areas and includes among other things the following requirement for the erection of new buildings in a conservation area that they should:
- preserve or enhance the character of the conservation area or its setting;
  - retain all elements and components, including spaces, which contribute to the special character of the area;
  - be of an appropriate scale, form, and detailed design to harmonise with its setting.
- 4.55 Heritage England has requested that the policy be clarified by including the following: “*small scale infill developments should also reflect the traditional scale, form, massing and siting of buildings in the area, and that developments should not harm the character or appearance of the conservation area, nor adversely impact on the setting of a designated heritage asset*”.
- 4.56 It is considered that this additional wording would help to ensure that proper consideration is given to the design and layout of new development in this important part of the village and to ensure that account is taken of its

character and heritage. The amendments would ensure that the policy has regard to national policy and local strategic policies on new development affecting heritage assets and conservation areas.

- 4.57 It is recommended that the wording of the second paragraph of the policy should be clarified to ensure that it is in general conformity with Policy CN08. The policy should not be limited solely to backland development and should refer to the character of the historic assets and conservation area.

**Recommendation 6: Revise Policy EB3 as follows**

***“Within the Village Heart, housing development that satisfies the requirements of Policy EB2 will be supported only for small scale infill development that does not harm the character or appearance of the conservation area, nor adversely impact on the setting of a designated heritage asset. Development should reflect the traditional scale, form, massing and siting of buildings in the area.***

***“Development, including backland development, on large gardens that adversely affects the character of the conservation area and setting of listed buildings will not be supported.”***

**Policy EB4 Housing Type and Tenure**

- 4.58 This policy provides guidance on the mix of housing types, sizes and tenures to be developed in the plan area. Housing Needs Surveys have been undertaken that demonstrate the need for affordable housing for people with a local connection, low cost market housing and housing for older people. There is recognition that the Housing Needs Surveys should be reviewed every 5 years.
- 4.59 The second part of the policy requires that at least 40% of new homes on “suitable sites” should be one or two bedroomed. The replacement of smaller homes with larger homes is resisted.
- 4.60 Local Plan Policy CS18 states that the mix, type and size of the housing development will be expected to reflect established needs in Babergh district.
- 4.61 Local Plan Policy CS19: Affordable Homes promotes inclusive and mixed communities by requiring all residential development to provide 35% affordable housing, although individual targets may be set in further documents for core villages. Where the proposed development is for only one or two dwellings, and where affordable homes cannot be provided on site, a commuted sum will be required.
- 4.62 Babergh adopted an Affordable Housing SPD in 2014 that sets out the details of the implementation of the Local Plan Core Strategy Policies on affordable housing.
- 4.63 The policy is titled “Housing type and tenure” however the policy makes no reference to affordable housing. It is recommended that the policy includes

reference to the strategic local policies and supporting guidance on affordable housing to ensure that the means of implementation of the policy is clear to decision makers.

- 4.64 A representation from Babergh District Council states that as the village is a core village it should include an assessment of need for the hinterland villages and should include an assessment of housing need across all tenures and not just social affordable housing. The Suffolk Housing Survey (2014) had highlighted the need for housing for newly forming households (ie adults within existing households looking to establish their own household).
- 4.65 The policy refers to the “housing needs of the Parish”. As discussed in paragraphs 4.8 – 4.11 above, the Local Plan Policy CS11 requires East Bergholt as a Core Village to accommodate housing to meet the needs of other hinterland villages in the cluster. To ensure conformity with this policy, a recommendation is made to revise the policy to the “parish and its hinterland villages”. The background text should also be revised to reflect the Local Plan policy that new housing should be planned in the village to meet the needs of the hinterland villages. It would be helpful to decision makers to note that affordable housing cannot be restricted to households with a local connection, except for rural exceptions sites. As a Core Village, East Bergholt will be expected to take any household from the general needs list.
- 4.66 It is considered that as worded the intentions of the policy towards the development of one and two bedroomed homes are unclear. The Qualifying Body has clarified that the aim of the policy is to set a target that 40% of new housing should be one or two bedroomed homes. This figure is derived from feedback on the Household Questionnaire to reflect the needs of older people wishing to stay in the village and to provide low cost market housing. The intention is that the target should apply to all homes, both market and affordable. It is not intended to impose the target on every site but to seek to deliver more small homes to meet the need. It is intended to monitor the provision and needs on a five yearly basis.
- 4.67 A recommendation is made to improve the clarity of the wording of the second part of the policy so that it can be applied consistently by decision makers as required by NPPF. It would also be helpful to include a paragraph in the background text to explain how the target figure was derived and how it is intended to be implemented and monitored. The findings of the Suffolk Housing Survey which highlighted the need for housing for newly forming households (ie adults within existing households looking to establish their own household) may also be included. Reference to Policy EB2 would be helpful, to explain how sites of more than 15 dwellings can contribute to meeting the need for smaller dwellings. It is considered unnecessary to identify the types of dwellings that could be developed as small homes in the policy itself.
- 4.68 The third part of the policy seeks to resist the loss of smaller homes by their replacement with larger homes. Saved Policy HS05 of the Babergh Local Plan Alteration No 2 sets out the policy on replacement dwellings in the

countryside. This policy requires that the size and massing of the new dwelling should not be significantly different from the existing dwelling. The guidance explains that this should be no more than about a 30 -35% increase in floorspace. The replacement of dwellings in settlements should take account of the suitability of the site to accommodate the proposed dwelling.

- 4.69 It is considered that this third aspect of the policy is restrictive and does not conform to Policy HS05 and should therefore be deleted.

#### **Recommendation 7: Revise Policy EB4 to read**

##### **Revise the title of the Policy to read “Housing Types, Tenures and Sizes”**

***“Residential development shall provide a mix of house types, tenures and sizes to support the delivery of the identified housing needs of the parish and its hinterland villages. Affordable housing shall be provided in accordance with Babergh Core Strategy and the Babergh Affordable Housing SPD.***

***“At least 40% of new dwellings should be one and two bedroom homes.***

**Delete the third paragraph on replacement homes.**

**Include a paragraph in the background text to explain how the target figure for small dwellings was derived and how it is intended to be implemented. Include reference to the need for a five year review of housing needs in the background to the policy rather than the policy itself. The findings of the 2014 Suffolk Housing Survey which highlighted the need for housing for newly forming households (ie adults within existing households looking to establish their own household) may also be included. Cross reference to Policy EB2 would be helpful, to explain how sites of more than 15 dwellings can contribute to meeting the need for smaller dwellings.**

##### **Policy EB5 Supporting Older People**

##### **Policy EB6 Supportive Care Accommodation for Older People**

- 4.70 The Housing Needs Survey has demonstrated that there is a need for housing designed to meet the needs of older people. Policy EB5 seeks to ensure that up to one third of new housing that is developed in the village is suitable for older people. The policy states that it should include “purpose built and sheltered housing as well as market housing suitable for older people and retirees” but excluding specially adapted homes. Policy EB6 seeks to encourage the provision of supportive care accommodation for older people with a connection to the village.

- 4.71 Representations have been received from Suffolk County Council and Babergh District Council about these policies. It is considered that the terminology used is unclear. That the text in paragraph 3.3.5 that “This will

translate into no more than 28 properties using an average occupancy of 1.5 people” could be viewed as a cap on this form of development.

- 4.72 Concerns have been expressed about the feasibility and viability of delivering a care home in East Bergholt. Most “supportive care” is provided in the person’s own home.
- 4.73 Babergh District Council has advised that the principles set out in the ‘Housing our Ageing Population Panel for Innovation’ (HAPPI) report would help to define suitable homes for older people. The report states that “*good retirement housing involves plenty of space and natural light, accessibility, bathrooms with walk-in showers, the highest level of energy efficiency and good ventilation, a pleasing natural environment outside, balconies / outside space.*” Older persons housing could include level access bungalows, purpose built apartments allocated to over 55’s, sheltered accommodation, very sheltered accommodation, retirement villages and assisted living schemes. It is recommended that this description should be included in the background to the policy to help describe the type of housing to be sought to meet this need.
- 4.74 The results of the Questionnaire has given an indication that there is a need for a greater choice of housing suited to the needs of people as they age. The need will change over time as the population of the area ages and should be monitored through future surveys. It is not considered appropriate to translate the expressed need into a specific number of new dwellings to be built as this could be viewed as a restriction on the number of homes to be built. It is recommended therefore that the final sentence of the first paragraph of section 3.3.5 should be deleted.
- 4.75 Both Policies EB5 and EB6 concern the provision of a wider choice of housing suited to the varying needs of older people. The titles of the two policies referring to “supporting” and “supportive care” are misleading. It is recommended that the policies be combined and retitled “Increasing the choice of housing options for older people”.
- 4.76 The following recommendation is made to improve the clarity of Policy EB5 to conform to the NPPF requirement for policies to be clear and unambiguous.

**Recommendation 8: Revise Policy EB5 to read:**

**Amend title of the policy to: “*Increasing the choice of housing options for older people*”**

**“*Up to one third of new housing developed in the plan area should be designed to meet the needs of older people. The development of homes suitable for older people, including affordable and market housing, of types and sizes that meet local housing need will be supported on sites that satisfy the requirements of Policy EB2. Small scale infill development of older people’s housing within 400 metres of St Mary’s Church will be supported where they provide homes with easy access*”**

*to the facilities in the Village Heart, subject to conforming to other policies of the development plan.”*

*“Subject to the need and viability being demonstrated, the development of a care home in the village will be supported.”*

**Insert Map to show 400 metres of St Mary’s Church.**

**The background to the policy to include a description of the various types of homes that are envisaged under this policy with reference to the Housing our Ageing Population Panel for Innovation’ (HAPPI) report. Older persons housing could include level access bungalows, purpose built apartments allocated to over 55’s, sheltered accommodation, very sheltered accommodation, retirement villages and assisted living schemes.**

**Delete the following sentence from paragraph 3.3.5 “This will translate into no more than 28 properties using an average occupancy of 1.5 people”. Add a statement that the need for housing for older people will be monitored through future surveys.**

**Delete Policy EB6 Supportive Care Accommodation for Older People**

## **Chapter 4 Natural Environment, Landscape and Open Space**

- 4.77 The section includes five objectives. Objective 5 refers to working with the East Bergholt Society and the District Council to extend the Conservation Area. This is an action rather than an objective and it is recommended that this it translated into a project.

**Recommendation 9: Delete objective bullet point 5 and move the subject to the projects section.**

### **Policy EB7 Landscape and Views**

- 4.78 This section recognises the national importance of the Dedham Vale AONB which abuts the western and southern edge of the village and the need to protect its landscape and scenic beauty in accordance with NPPF paragraphs 115 and 116. Saved Local Plan Policy CR02 sets out the planning policy for the area.
- 4.79 Guidance prepared for the Dedham Vale AONB recognises the importance of the AONB as a historic asset and advises on the approach to considering development in the setting of the AONB (Dedham Vale AONB Position Statement September 2013).
- 4.80 As part of the preparation of the Neighbourhood Plan, two assessments have been undertaken of the landscape and views in the areas surrounding the village built up areas mainly outside the AONB.

- 4.81 A comprehensive assessment has been undertaken of views from roads and paths around the village and East End that contribute to the distinctive local character. Nineteen of 25 views have been identified as significant and valued and are shown on maps in the Neighbourhood Plan.
- 4.82 A Landscape Sensitivity and Capacity Study was undertaken by consultants following Natural England guidance. The conclusions of the study are shown on a map in the Neighbourhood Plan.
- 4.83 A representation has been received from a developer that the views have not been identified by way of an established methodology and neither are they significant in the context of the wider landscape. They consider it unreasonable to restrict development on the basis that it would not protect these views. The representation suggests that the policy should require development to demonstrate that it would not have an adverse impact on the local landscape through a Landscape and Visual Impact Assessment. Further it is noted that there are a number of river and surface water flood constraints affecting areas to the south and east of the village.
- 4.84 Following a site visit, it is evident that the views are general views of open countryside containing arable land bounded in the main by hedges with some hedgeline trees and small areas of woodland. It is acknowledged that the village residents value the views from roads into the village which confirm the importance of the rural setting of the village. Those views that have been selected are mainly around the northern and central area. Only one view towards the AONB has been included. The analysis of the views has not been carried out in accordance with any nationally accepted methodology.
- 4.85 It is considered that it would be unduly restrictive to use this assessment to preclude any development in the areas indicated. It is recommended that the policy be amended to require developers to undertake a Landscape and Visual Impact Assessment using an established nationally agreed methodology to demonstrate how their proposals would impact on the landscape and views.
- 4.86 Policy EB7 includes 6 criteria against which development proposals are to be considered. These refer to the AONB and to the wider landscape setting of the village.
- 4.87 As this policy sets out some of the many factors to be taken into account in considering whether a development proposal is acceptable, it is recommended that the policy does not refer to “will be permitted”. The term “shall demonstrate” is considered more appropriate for this type of policy see paragraph 3.6 above. Furthermore as some of the criteria are not relevant to sites in the AONB, it may not be possible for proposals to meet all the criteria, as it will depend on the location of the proposal, whether it is inside or outside the AONB. It is recommended therefore that “all meet the following criteria” should be deleted from line 1.

- 4.88 To improve the clarity of the policy to conform to the NPPF requirement that policies should be clear and unambiguous, it is recommended that the criteria be reordered so that those relating to the AONB are grouped together and prioritised.

**Recommendation 10: Revise the wording of Policy EB7 as follows:**

***Development proposals shall demonstrate that they:***

- 1. comply with the policies and guidance relating to the Dedham Vale AONB and its setting;***
- 2. where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;***
- 3. respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting;***
- 4. have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Appendix D.8); and***
- 5. would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment.***

**Revise the second paragraph of section 4.2 to read “The western and southern parts of the parish lie within the Dedham Vale AONB. The boundary which abuts the built up part of the village is shown on Map XX. ....**

**Policy EB8 Open Spaces**

- 4.89 Policy EB8 seeks to safeguard areas of Important Open Space. Development that would affect the loss of or would adversely affect the function or appearance of such areas would only be permitted in the case of essential utility infrastructure where no alternative siting were available. The policy recognises that areas of recreational and amenity value are of special importance as their use reduces recreational pressure on the Stour and Estuaries Special Protection Area. Another exceptional circumstance is set out of the expansion of a school.
- 4.90 The open spaces assessment identifies 30 areas of Important Open Space which have varied amenity or historic value under the headings of local visual, wider visual, social or recreational, and historic. The sites include small and medium sized landscaped verges and areas within housing estates, playing fields, the cemetery, the allotments, areas of agricultural land and natural areas within the built up area.
- 4.91 A representation from Suffolk County Council comments that section 4.3.2 would benefit from a greater explanation of the rationale for designating the important open spaces. Another representation states that they consider that the definition of open space has been stretched too far.
- 4.92 The qualifying body has confirmed that it was their intention that the policy would designate open areas as Local Green Space in accordance with

paragraph 77 of the NPPF. They have stated that the sites have been proposed through responses to public consultation.

- 4.93 There is no single national definition of green space; it can include a wide range of land including public parks, sports and recreational areas, allotments, cemeteries and areas with nature conservation importance. National guidance and Local Plan policies seek to protect and enhance green infrastructure to support healthy lifestyles and to enhance the local environment. The NPPF provides local communities the opportunity to designate areas that are locally important as Local Green Space.
- 4.94 NPPF paragraph 76 enables local communities to designate Local Green Spaces in neighbourhood plans for special protection which will rule out new development on them other than in very special circumstances. Paragraph 78 states that the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.
- 4.95 Paragraph 77 states that Local Green Space designation will not be appropriate for most green areas or open spaces. The designation should only be used where:
- *“the green space is in reasonably close proximity to the community it serves;*
  - *the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - *where the green area concerned is local in character and is not an extensive tract of land”.*
- 4.96 PPG advises that where land is already protected by a designation such as an AONB, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.
- 4.97 Saved Local Plan Policy CN03 states that *“Development leading to the loss of important open space, visually important gaps in the street scene or recreational facilities within towns and villages will not be permitted”*. A number of sites are identified on the Local Plan Proposals Map as Areas of Visual and/or Recreational Value under this policy (AVRA). Some of these sites have been included in the neighbourhood plan assessment.
- 4.98 The historic development of the communities at East Bergholt has resulted in many undeveloped areas and large gardens within and between the built up sections of the village. These help to contribute to the built character and visual amenity of the village. Some of these areas are safeguarded under Policy CN03 as visually important gaps. It is considered that it would not be appropriate to identify these undeveloped areas and gardens as Local Green Space. The appropriateness of developing such sites should be considered under policies in the development plan, including Policy EB2, which would

enable the impact of any development proposal on the character of the area to be assessed.

- 4.99 The open areas assessment included a number of areas of mainly arable agricultural land on the edge of the built up area. The assessment states that they have been included as they contribute to the character of the village. It is considered that the reasons given in the assessment do not demonstrate why these agricultural areas of land are demonstrably special and hold a particular local significance that they should be afforded special protection as local green space.
- 4.100 During a site visit I visited each site and reviewed the assessment. I have concerns about the methodology for selecting the sites and inconsistencies in the process of site selection and assessment. Some highway estate verges are included others are omitted. The playing field at the primary school is included; those at the secondary school are not, although the verge alongside the school car park is included. Several areas of agricultural land are included which do not appear to have any social, recreational or historic importance other than as areas of open countryside on the edge of the village.
- 4.101 I am not satisfied that the assessment has been carried out fully in accordance with the criteria set out in NPPF paragraph 77. Nevertheless there are sites that clearly do merit safeguarding as local green space in particular the playing fields, play area, larger amenity areas within estates, allotments and the cemetery. I am not however satisfied that undeveloped areas and large gardens, agricultural land and highway verges warrant safeguarding as green infrastructure.

**Recommendation 11: Revise Policy EB8 to read:**

**Policy EB8: Safeguarded Open Space or Local Green Space**

***Those areas defined Map No XX shall be protected as Local Green Space. Development that would result in the loss of, or adversely affect the function or appearance of, a Local Green Space will only be permitted in very special circumstances.***

**Of special importance are Open Spaces within the village which *have* recreational *and* amenity value and reduce recreational pressure on the Stour & Orwell Estuaries Special Protection Areas.**

**The Proposals Map should show the following sites Map at sufficient clarity that the boundaries are clearly legible:**

**Sites, 1, 2, 3, 4 (larger area only), 5, 6 (larger area only), 7, 20 (playing fields only excluding car park and buildings), 21, 23, 24, 25 (allotments only), 26, 27 (larger area only).**

**Examples of the very special circumstances should be set out in the background to the policy rather than the policy itself.**

## Policy EB9 Biodiversity

- 4.102 This policy sets out the factors to be considered to ensure that development proposals protect and enhance sites and areas of biodiversity and geodiversity importance.
- 4.103 NPPF policies are set out in paragraphs 109, 117 and 118. Babergh Local Plan Policy CS15: Implementing Sustainable Development in Babergh provides the strategic framework for considering the impact of development on a wide range of environmental assets.
- 4.104 A representation from the RSPB refers to reference to “mitigation preservation” in criteria 4 and 7 of Policy EB9. The representation seeks to ensure that there is no adverse effect on European or nationally important sites, so policies should avoid damage in the first instance. With the already established commitment to conserve and enhance, it is suggested that the word “mitigation” is removed.
- 4.105 The organisation also suggests that specific reference to integrated nest-bricks for swifts and house sparrows should be included in criterion 8 as a “biodiversity feature to be incorporated in new developments”. This would accord with the principles outlined in point 4 for “the protection and recovery of priority species”.
- 4.106 Policy EB9 addresses the matters of concern in strategic policies. The following recommendations are made to improve the clarity of the policy wording in accordance with NPPF guidance.

### **Recommendation 12: Revise Policy EB9 as follows:**

#### **Paragraph 1: Proposals for development *should*...**

**Delete “mitigation” from Criterion 4 to read: Promoting the preservation....**

**Criterion 6 to read: Line 2... Proposals *should* demonstrate...**

**Criterion 6 to read Lines 5 and 7... measures *should be* carried out...**

**Delete criterion 7 as it repeats criteria 4.**

**Delete final paragraph as it repeats much of criterion 6.**

**Include in the background to Policies EB9 and EB10, “*the incorporation of nest bricks for swifts and house martins will be encouraged*”.**

## Chapter 5 Design, Character and Heritage

- 4.107 This chapter aims to provide policies and design guidance for new development and on heritage assets in order to safeguard and enhance the

character of the village and to encourage quality and diversity of design and construction.

- 4.108 To support this, a character assessment was undertaken. Local Design Guidance has been included in the Neighbourhood Plan covering New Housing Size and Plot, and New Housing Materials and Appearance.
- 4.109 The first section addresses a number of issues besides housing and plot size. For the sake of clarity, it is recommended that it be retitled “Housing Size, Design and Layout”. Criterion 10 states that “Town houses are not acceptable in the village setting.” It would be helpful to users of the plan if the term “town houses” were defined. The Qualifying Body has provided the following definition “large terraced or semi-detached houses of at least three storeys, often with an integral garage at ground level”. It is recommended that this be included in the criterion.
- 4.110 NPPF paragraph 58 states that neighbourhood plans “should develop robust and comprehensive policies that set out the quality of development that will be expected for the area”. Babergh Local Plan Policy CS15 addresses the need to protect and enhance the built environment and heritage assets. It is considered that the design guidance has had regard to national policy and is in conformity with local strategic policies.

**Recommendation 13:**

**Revise the title of section 5.3.1.1 to “Housing Size, *Design and Layout*”.**

**Include the definition of townhouses in criterion 10: “*large terraced or semi-detached houses of at least three storeys, often with an integral garage at ground level*”.**

**Policy EB10 Housing and Non Residential Design**

- 4.111 The policy has regard to the components of the NPPF concerned with promoting good design. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Babergh Local Plan (2006) and Babergh Local Plan Policy CS15. It is considered that this policy meets the basic conditions.

**Policy EB11 Preservation of Designated and Non Designated Heritage Assets**

- 4.112 This policy opens with the statement that the plan supports existing policies providing protection for designated assets. It is considered that this is unnecessary and will become out of date as the Local Plan is progressed. It is recommended that it be deleted.
- 4.113 The second part of the policy refers to assessing proposals that affect non-designated heritage assets and includes criteria to be used in identifying these assets. It is considered that the preparation of a Local List of Non

Designated Heritage Assets should be included in the Projects section of the Plan and the criteria should be moved to that section.

- 4.114 Historic England has suggested that the policy could be expanded to include the expectation that non-listed buildings that make a positive contribution to the character or appearance of the conservation area should be retained, and that their demolition would only be permitted in exceptional circumstances.
- 4.115 The Suffolk Preservation Society has expressed their concerns that the application of Policy EB11 should not be delayed until the production of the Village Local List and suggests deleting “defined in the Village Local List”.
- 4.116 NPPF paragraphs 132 and 135 provides guidance on development proposals affecting non-designated heritage assets. Local Plan Policy CS15 aims to protect and where possible enhance heritage assets.
- 4.117 Recommendations are made to ensure that the policy has regard to national guidance on protecting non-designated heritage assets.

**Recommendation 14: Revise Policy EB11 as follows:**

**Revise the title of the policy to “Preservation of Non Designated Heritage Assets”.**

**Delete the first paragraph.**

**Revise the second paragraph of Policy EB11 by deleting “defined on the Village Local List” and by adding the following at the end: “*Non-listed buildings that make a positive contribution to the character or appearance of the conservation area should be retained, and their demolition should only be permitted in exceptional circumstances*”.**

**Delete the criteria for identifying Non Designated Heritage Assets. Include the proposal to draw up a Village Local List and the criteria for identifying Non Designated Heritage Assets to the Projects section.**

**Section 7.3.2 includes a paragraph on the County Archaeological Service which may be placed more appropriately in the background to Policy EB11.**

## **Chapter 6 Transport**

- 4.118 This chapter covers car parking, footpaths, cycleways and bridleways.
- 4.119 The first objective is to “avoid a heavily congested Village Heart whilst facilitating good accessibility around the village”. The background section explains that the Village Heart is experiencing congestion due to on street parking on the narrow roads. It is evident that the Plan will be unable to “avoid” congestion completely and it is therefore recommended that the objective be reworded

**Recommendation 15: Revise the first Transport Objective:**

***“To reduce congestion in the Village Heart.....”***

**Policy EB12 Red Lion Car Park**

- 4.120 This policy seeks the safeguarding of the public Red Lion Car and Coach Park to provide parking provision for the Village Heart. The policy is worded negatively to state that “anything other than parking as the predominant use will be refused”. Babergh Local Plan Policy TP12 supports the positive management of the District Council car parks.
- 4.121 It is considered that the wording of the policy is unclear and would leave open the possibility of smaller parts of the site being used for other purposes which is clearly not the intention. The recommendation is made to improve the clarity of the wording of the policy in accordance with NPPF guidance.

**Recommendation 16: Revise Policy EB12 to read:**

***“The Red Lion Car and Coach Park identified on the Map No X shall be safeguarded for parking. The change of use of the site shall only be permitted if alternative parking provision of a similar size is provided in a location accessible to the local facilities in the Village Heart.”***

**Policy EB13 New Development, Parking**

- 4.122 This policy requires new developments to demonstrate how they remove the need for on road parking and provides for well-located cycle and short term parking spaces. The second part of the policy states that well located cycle and short term parking spaces to meet the needs of businesses will be positively considered.
- 4.123 Suffolk County Council has made comments that it is not good practice to exclude on street parking entirely from new development as it cannot be eliminated. The latest guidance on parking covering the village is the “Suffolk Guidance for Parking Technical Guidance Adopted November 2014 Second Edition - November 2015”. This sets out considerations for housing developers in providing off road and on road parking within their developments. The revision is proposed to improve the clarity of this policy in accordance with NPPF guidance. Saved Local Plan Policy TP15 requires the provision of car parking in new development in accordance with its adopted parking standards.
- 4.124 The recommendation is made to ensure that the policy is in general conformity with strategic policies on parking provision and to improve its clarity.

**Recommendation 17: revise Policy EB13 to read:**

***“New residential and commercial development shall provide on-site parking provision in accordance with the Suffolk Guidance for Parking Technical Guidance.***

***“The provision of cycle parking close to businesses will be supported.”***

#### **Policy EB14 New Development, Walking and Cycling**

- 4.125 This policy supports the provision of footpath and cycle routes in new developments which is in conformity with Babergh Local Plan Policies TP01 and TP03
- 4.126 The recommendation is made to improve the clarity of the wording of the policy in accordance with NPPF guidance.

#### **Recommendation 18: Revise Policy EB14:**

***“New developments should provide.....good pedestrian links to pedestrian routes to the village and nearby countryside. Schemes should.....”***

#### **Policy EB15 New Developments, Footpath, Cycleways and Bridleways**

- 4.127 This policy supports the enhancement of the wider network of footpaths, cycleways and bridleways. To improve the clarity of the policy in accordance with NPPF guidance the following revision is recommended:

#### **Recommendation 19: Revise the first paragraph of Policy EB15 as follows:**

***“.....enhance and protect existing “footpath, cycleway and bridleway” networks, create new networks.....***

### **Chapter 7 Economy**

- 4.128 This section aims to support a prosperous rural economy, local services and shops and the tourism potential of the village. NPPF paragraph 28 refers to supporting a prosperous rural economy. It is recommended that the first paragraph of the background section be revised to accurately restate paragraph 28:

#### **Recommendation 20: Revise the first paragraph of section 7.2**

***“.....states that policies should support economic growth.....and increase prosperity by taking a positive approach.....”***

#### **Policy EB16 Maintaining and Enhancing Existing Facilities**

- 4.129 The Neighbourhood Plan seeks to maintain the mix of essential businesses in the village and ensure that services are not lost. Babergh Local Plan Policy CS15 seeks to protect or create jobs and sites to strengthen or diversify the local economy; and to retain, protect or enhance local services and facilities and rural communities. Policy CS16 supports continued retail, leisure, tourist, cultural and office development in village centres of an appropriate scale and

character. The saved Babergh Local Plan Policy EM24 sets out a framework for considering their redevelopment or reuse of existing or vacant employment land, sites and premises for non-employment uses.

- 4.130 Policy EB16 states that *“existing service outlets, employment sites and uses in the Parish will be supported”*. Policy EB17 considers how proposals for the change of use of such schemes will be assessed and it is considered that it would be more appropriate to include this aspiration as part of Policy EB17.
- 4.131 The remainder of the policy covers the expansion of existing businesses and the development of new businesses and sets out criteria to be considered.
- 4.132 Criterion 1 refers to the *“service or facility demonstrating an acceptable relationship with nearby residential or other uses”*. It is unclear what *“an acceptable relationship”* refers to and it is recommended that this be revised to clarify the application of the criterion. The fourth criterion refers to the proposal according with other planning policies in this Plan. As stated in paragraph 3.6 above, proposals will be considered against the policies of the development plan which consists of the Local Plan and the Neighbourhood Plan. It is therefore recommended that this criterion should refer to the *“development plan”*.
- 4.133 Policy EB16 refers to business premises anywhere in the parish and as such it would cover business development in the countryside. In order for the policy to be in general conformity with the Local Plan policies that safeguard and enhance environmental assets, it is recommended that wording similar to that recommended for Policy EB2 be included in the policy to refer to and highlight the important environmental assets of the area and the need to consider the impact of traffic on the local highway network.

**Recommendation 21: Revise Policy EB16 as follows:**

**Retitle Policy EB16: The Development of New and Expanded Businesses**

Delete first line of the policy.

***“Proposals for the development of new businesses and the expansion of existing businesses will be supported provided that they:***

- 1. would not have an unacceptable adverse impact on nearby residential or other uses;***
- 2. would not lead to an unacceptable impact on the local highway network or traffic in East Bergholt village;***
- 3. make provision for adequate vehicle parking;***
- 4. would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty, Safeguarded Open Spaces or sites of biodiversity and geodiversity importance; and***
- 5. would conserve, enhance and respect the conservation area, heritage assets and built character of the local area.”***

## Policy EB17 Change of Business Use

- 4.134 This policy indicates that proposals that would result in the loss of jobs, services and community facilities will only be supported where the facility is replaced a similar of better facility or where the service or facility is no longer viable. The policy also proposes that mixed uses be considered before residential uses and a 12 month period is allowed to explore other options.
- 4.135 Babergh saved Local Plan Policy EM24 addresses the safeguarding of existing or vacant employment land, sites and premises for non-employment purposes. Proposals will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. The Babergh Safeguarding Employment Land SPD (Adopted March 2008) sets out guidance on the application of this policy.
- 4.136 Policy EB17 extends the principle of safeguarding employment sites to services and community facilities, although these are not defined. Shops, public houses, community facilities and other services are important to rural communities and the policy would extend the principle of seeking to safeguard such uses.
- 4.137 The adopted SPD on Safeguarding Employment Sites and Premises sets out guidance on marketing campaigns to promote the availability of the site or premises for a minimum period of 12 months.
- 4.138 The recommendations are made to ensure that the policy is in general conformity with Local Plan policies EM24 and CS15 and to improve the clarity of the wording of the policy in accordance with NPPF guidance.

### **Recommendation 22: Revise Policy EB17 to read:**

**Policy EB17 to be retitled “Safeguarding Employment Land and Premises and Community Facilities”.**

***“Existing employment sites, services and businesses that serve the community should be retained in employment, business or community uses, wherever possible.***

***“Proposals to redevelop or re-use existing employment land, sites and premises or community facilities for non-employment or community purposes, will only be supported if the applicant can demonstrate that their retention for an appropriate employment or community use has been fully explored; or the community facility is to be replaced by a similar or improved facility within the parish.***

***“The site or premises shall be marketed for a minimum period of 12 months in a manner consistent with the advice in Babergh District Council’s’ SPD on Safeguarding Employment Land.”***

**The background to the policy should set out the type of sites, premises and community facilities that the policy applies to.**

### **Policy EB18 Agricultural Land**

- 4.139 This policy aims to ensure that non-agricultural developments avoid the loss of best and most versatile agricultural land.
- 4.140 NPPF Paragraph 112 states that local planning authorities should take into account the economic and other benefits of the best and most versatile land. Major developments involving the loss of agricultural land should seek areas of poorer quality land in preference to higher quality land.
- 4.141 It is considered that the policy as worded should be simplified to improve its clarity in accordance with NPPF guidance. It is considered that the requirement that uses should be connected with the farming activity of the Parish is restrictive and should be deleted. The second paragraph in effect explains the term “best and most versatile land” and should be placed in the background text or a glossary.

#### **Recommendation 23: Revise Policy EB18 to read:**

***“New development not connected with agriculture should avoid the loss of best and most versatile agricultural land.”***

**Place the second paragraph of the policy in the background text.**

**The second paragraph of the background section refers to consultation with the Historic Environment Record. It is suggested that this reference may be better placed within paragraph 5.3.2 on the Historic Environment.**

### **Policy EB19 New Development and Farm Vehicle Access**

- 4.142 This policy seeks to ensure that due regard is given to routes in the parish shown on a map used by farmers for moving agricultural machinery and accessing fields.
- 4.143 This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Babergh Local Plan (2006) and Babergh Core Strategy.
- 4.144 The policy has regard to the components of the NPPF concerned with transport. This policy meets the basic conditions.

### **Policy EB20 Conversion of Agricultural Buildings**

- 4.145 This policy sets out criteria to be considered in proposals for the reuse of redundant farm and rural buildings for residential, business or tourism purposes.
- 4.146 Babergh saved Local Plan Policy CR18 covers the conversion of barns, or other redundant or under-used buildings in the countryside, to industrial, business, community or recreational uses. Saved Policy CR19 covers the conversion to residential use.

- 4.147 NPPF paragraphs 28 and 55 provide national guidance on the conversion of redundant or disused buildings in the countryside.
- 4.148 A representation has been made that the policy should also refer to the need to consider the conservation of protected species such as barn owls and bats.
- 4.149 It is considered that the wording of criterion 6 is not clear in that it refers to “*land use must be maintained so that the conversion respects the original rural location of the property*”. A recommendation is proposed to improve the clarity of the criterion in accordance with NPPF guidance. The new criterion is added to ensure that the policy reflects national guidance and local policy to safeguard protected species. A revision to criterion 3 is proposed to ensure a consistent form of wording with that in other policies of the neighbourhood plan.

**Recommendation 24: Revise Policy EB20 as follows:**

**Revise criterion 3 to read “*would not have an unacceptable impact on the local highway network*”.**

**Delete criterion 6 and replace with “*The conversion should be sensitive to the setting of the building and its relationship with its immediate surroundings and landscape character; and*”**

**Add a new criterion 7: “*There would be no material adverse impact on protected species, particularly bats and barn owls.*”**

**Policy EB21 Tourist Facilities and Services**

- 4.150 The policy sets out criteria for the consideration of proposals for a wide range of developments that would serve tourists and visitors, including accommodation, retail, food and drink and associated businesses. The background text acknowledges the need to balance the protection of the important landscape of the area with the needs of the tourism industry.
- 4.151 The recommendation is made to improve the clarity of the policy in accordance with NPPF guidance.

**Recommendation 25: Revise Policy EB21 to read:**

**“*Developments that provide facilities or services for the visitor or tourist should be supported provided that they:***

- 1. demonstrate that they would *conserve and enhance* the landscape, *heritage*, character and appearance of the area. Special consideration should be given to developments in or affecting the setting of the Dedham Vale Area of Outstanding Natural Beauty and the East Bergholt Conservation Area;**
- 2. would not have an unacceptable impact on the local highway network and would provide adequate parking provision;**
- 3. be of a scale *and design* that is sensitive to the character of the *landscape and heritage* of the area; and**

**4. *would not have an unacceptable adverse impact on nearby residential or other uses.***

**The definition of the types of developments that this policy refers to could be included in the background text.**

**Further advice on the assessments required could be set out in the background text.**

**Policy EB22 Working Hub**

- 4.152 This policy expresses support for the development of a “working hub” which would provide office space for people wishing to work locally or from home.
- 4.153 The second paragraph in the policy gives examples of how the proposal may be implemented. It is considered that this does not constitute policy and it would be more appropriate to include this information in the background text.

**Recommendation 26: Revise Policy EB22 as follows:**

**Delete the second paragraph of Policy EB22 and place the text within the background to the policy.**

**Chapter 8 Physical Infrastructure Provision**

- 4.154 This policy seeks to set out a requirement that any new development estimates the additional likely impact on physical infrastructure such as roads, schools and utilities and demonstrates that these will not have a severe impact on current capacity or that capacity can be enhanced to meet demand. The second paragraph repeats part of Babergh Core Strategy Policy CS21.
- 4.155 A representation from Suffolk County Council is concerned that the policy would not be effective for all types of infrastructure and that the “severe” test as set out in NPPF paragraph 32 relates to traffic impacts only.
- 4.156 A comprehensive and up to date policy on infrastructure provision is set out in Babergh Policy CS21. It is considered that Policy EB23 is unclear and repeats only part of the Core Strategy Policy. The recommendation is made as the policy is not in general conformity with Local Plan Policy CS21 and does not have regard to NPPF paragraph 32 and guidance that policies should be clear and unambiguous.

**Recommendation 27: Delete Policy EB23. Renumber subsequent policies.**

**Chapter 9 Sustainability**

**Policy EB24 Electric Cars**

- 4.157 This policy proposes that new developments “will provide” electric charging points for vehicles. The recommendation is made to revise the policy wording to improve its clarity in accordance with NPPF guidance to refer to “*should provide*” as it may not always be feasible to provide such charging points.
- 4.158 Suffolk CC has advised that the background text should refer to the Suffolk Guidance on Parking which sets out details on electric vehicle charging points.

**Recommendation 28: Revise Policy EB24 to read:**

**“New development *should provide*...”**

**Add reference to the Suffolk Guidance for Parking in section 9.3.2**

**Policy EB25 Sustainable Drainage Systems**

- 4.159 This policy requires major developments to provide sustainable drainage systems to manage surface water run-off.
- 4.160 Suffolk CC has proposed minor amendments to clarify the background text and their responsibilities. Recommendations are made to improve the clarity of the wording of the policy in accordance with NPPF guidance. Reference to the Surface Water Guidance note should be included in the background text.

**Recommendation 29: Revise Policy EB25 as follows:**

**Revise the first paragraph to read:**

**“.....will be ten or more) or for non-residential development with a floor space of 1000 square metres or more or a site area of 1 hectare or more will be expected to provide.....”**

**Delete the second paragraph of the policy and include the following text in the background section:**

**“New development should take note of Suffolk County Council’s *Local Surface Water Drainage Guidance: Standards and Information Protocol for Advising Babergh District Council on Surface Water Drainage Aspects of Planning & Development Control*’. This document provides guidance on those elements of flood risk management *and surface water drainage* for which the County Council is a statutory consultee on major *development*.”**

**Revise the first line of section 9.3.2 to read “.....the risk of flooding from river, surface water and ground water. ....”**

**Other Corrections and Typographical Errors**

- 4.161 In addition to the points raised in the representations concerning the basic conditions, a number of matters were highlighted about inaccuracies and

misleading statements. The following recommendations are put forward to address these.

**Recommendation 30:**

**Revise text in section 1.2 (page 17) to refer to the RSPB “Wildlife Garden” and not Information Centre.**

**Delete the first sentence of paragraph 1 of section 1.3 “The tenure pattern is judged to be well balanced.....”.** This sentence presents a judgement that may not fully reflect housing need and is considered to be misleading. It conflicts with the background text in the housing section which highlights the needs for housing for younger and older people.

**Revise the table in Appendix D17 to set out the correct figures from the SHLAA (2011).**

**Delete reference to the views of two landowners on deliverability in section 3.3 and Appendix D18.** It is not clear which sites are being referred to and the letters give no future commitment to deliverability. Evidence to support the statement is considered to be misleading and implies that all landowners support the plan.

**Delete the paragraph in 3.2.1 “A survey of estate agents .... not yet been built”.** This is considered to be misleading and does not provide robust evidence to support the delivery of the plan’s policies. It conflicts with the background text in the housing section which highlights the needs of younger and older people.

**Revise the minimum garage size in point 5 of section 5.3.1.1 to 3 metres by 7 metres.** Suffolk County Council has noted that this is the minimum garage size in the Suffolk Guidance for Parking.

**Include reference to the Suffolk Guidance for Parking in section 5.3.1.1 point 6.** Suffolk County Council has pointed out that the Suffolk Guidance for Parking provides detailed guidance on electric vehicle charging points.

**Delete the second sentence of section 1.8 concerning traffic generated by a housing development in Brantham. Revise the third sentence to read: “*There are concerns amongst the community about the capacity of the junction between the A12 and B1070.*”** The County Council has commented that the comments in section 1.8 do not necessarily reflect the corporate view of the Highway Authority and should be deleted. A consequential revision to the third sentence is recommended as a result of the deletion.

**Include reference to Historic England guidance on the conversion of traditional farm buildings in the background text to Policy EB20.**

**Revise section 7.3.3 which refers to “two policies addressing tourist and visitor facilities”. This should be amended to “one” policy.**

## 5.0 Referendum

- 5.1 The East Bergholt Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and other requirements.
- 5.3 **I am pleased to recommend to Babergh Council that the East Bergholt Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Babergh Council on 7 March 2013.

## 6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- East Bergholt Neighbourhood Plan Submission Draft Version 2016
- East Bergholt Neighbourhood Plan Basic Conditions Statement
- East Bergholt Neighbourhood Plan Statement of Public Consultation
- East Bergholt Neighbourhood Plan SEA Statement
- East Bergholt Neighbourhood Plan HRA Screening Report
- East Bergholt Baseline Report and Appendices
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Babergh Local Plan 2011-2031 Core Strategy & Policies adopted February 2014
- Babergh Local Plan 2006 Saved Policies
- Babergh Rural Development and Core Strategy Policy CS11 SPD (Adopted 8 August 2014)
- Babergh Affordable Housing SPD (Adopted 13 February 2014)
- Housing our Ageing Population Panel for Innovation' (HAPPI) report
- Dedham Vale Area of Outstanding Natural Beauty (AONB) and Stour Valley Project Area Management Plan 2015-2020 draft Aug 2015
- Development in the setting of the Dedham Vale Area of Outstanding Natural Beauty Dedham Vale AONB Position Statement (September 2013)
- Good Practice Guide for Local Heritage Listing: English Heritage
- Conversion of Traditional Farm Buildings, A guide to good practice, Historic England 2006
- Suffolk Guidance for Parking Technical Guidance Adopted November 2014 Second Edition - November 2015
- Suffolk County Council's "Local Surface Water Drainage Guidance: Standards and Information" Protocol for Advising Babergh District Council on Surface Water Drainage Aspects of Planning & Development Control'
- Safeguarding Employment Land SPD (Adopted March 2008)
- Agricultural Land Classification: protecting the best and most versatile agricultural land (Natural England Technical Information Note TIN049 Second edition 19 December 2012)

## 7.0 Summary of Recommendations

### Recommendation 1:

The paragraphs of the plan are numbered.

All maps are numbered and cross referenced from the policy or text. Maps should include clear titles and place names and should be at a scale that sites and their boundaries are legible and identifiable. Cross reference to maps in Appendices in separate documents would not then be necessary.

Those policies that include a list of criteria where all factors are to be taken into account in considering development proposals should be punctuated with a semicolon at the end of each criterion with an “and” at the end of the penultimate criterion to ensure that all factors are taken into account.

### Recommendation 2:

This Current Status section of the Plan be reviewed as the plan progresses to ensure that it is up to date.

### Recommendation 3:

Revise the fourth paragraph of section 2.6 to read:

***“The Policies will constitute the Neighbourhood Development Plan and will become a statutory consideration.....”***

Revise the fifth paragraph of section 2.6 to read:

***“Projects do not form part of the Neighbourhood Development Plan. They are activities identified in the feedback.....”***

For the avoidance of doubt it is recommended that each section of projects is headed with the following text ***“These do not form part of the Neighbourhood Development Plan”***.

### Recommendation 4: Revise Policy EB1 to read

Retitle Policy EB1 “Housing Numbers”

***“A minimum of 86 new homes shall be developed in East Bergholt during the Plan period 2015 to 2030”.***

Delete “to be phased in proportion over three 5 year periods”. Delete those paragraphs of section 3.3.2 relating to phasing.

Delete the second paragraph from Policy EB1.

Replace “correct” in paragraph 6 of section 3.3.2 with “appropriate”.

**Recommendation 5: Revise Policy EB2 as follows:**

***Housing development will be supported within or immediately adjacent to the village Built Up Area Boundaries provided that the development:***

- 6. would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty, Local Green Spaces or sites of biodiversity and geodiversity importance;***
- 7. conserves, enhances and respects the conservation area, heritage assets and built character of the local area, respecting the density, rhythm, pattern, proportions and height of existing development in the street scene;***
- 8. would not have an unacceptable adverse impact on the local highway network;***
- 9. would be of an acceptable size and scale that contributes to the character of the village and the “Sense of Place”; and***
- 10. is within 800 metres of the Village Heart or Focal Points.***

***Housing development on sites not adjacent to the Built Up Boundaries or outside the 800 metres zones will be supported where they satisfy the special circumstances set out in paragraph 55 of the National Planning Policy Framework.***

***Rural Exceptions Affordable Housing will be encouraged on sites adjacent to or well related to the Built Up Boundaries in accordance with Local Plan Policy CS20.***

***Housing development of up to 15 homes that is well designed and integrated into the village will be preferred. Developments of 15 or more dwellings will be supported where they deliver exceptional benefits to meet the housing needs of the community including affordable and low cost market housing suitable for newly forming households, young families and homes for older people.***

**Revise Section 3.3.3.4 to read:**

***“Policy EB2 sets out the criteria to be used in assessing the suitability of potential housing sites. The intention of the policy is to:”***

**Retain Bullet points 1-2. Add new bullet point to read: “avoids adversely impacting on important environmental and heritage assets”.**

**Revise third bullet point to read: “respects the conservation area and village character including houses with large gardens and green aspects .....”**

**Recommendation 6: Revise Policy EB3 as follows**

***“Within the Village Heart, housing development that satisfies the requirements of Policy EB2 will be supported only for small scale infill development that does not harm the character or appearance of the***

*conservation area, nor adversely impact on the setting of a designated heritage asset. Development should reflect the traditional scale, form, massing and siting of buildings in the area.*

*“Development, including backland development, on large gardens that adversely affects the character of the conservation area and setting of listed buildings will not be supported.”*

**Recommendation 7: Revise Policy EB4 to read**

**Revise the title of the Policy to read “Housing Types, Tenures and Sizes”**

***“Residential development shall provide a mix of house types, tenures and sizes to support the delivery of the identified housing needs of the parish and its hinterland villages. Affordable housing shall be provided in accordance with Babergh Core Strategy and the Babergh Affordable Housing SPD.***

***“At least 40% of new dwellings should be one and two bedroom homes.***

**Delete the third paragraph on replacement homes.**

**Include a paragraph in the background text to explain how the target figure for small dwellings was derived and how it is intended to be implemented. Include reference to the need for a five year review of housing needs in the background to the policy rather than the policy itself. The findings of the 2014 Suffolk Housing Survey which highlighted the need for housing for newly forming households (ie adults within existing households looking to establish their own household) may also be included. Cross reference to Policy EB2 would be helpful, to explain how sites of more than 15 dwellings can contribute to meeting the need for smaller dwellings.**

**Recommendation 8: Revise Policy EB5 to read:**

**Amend title of the policy to: “Increasing the choice of housing options for older people”**

***“Up to one third of new housing developed in the plan area should be designed to meet the needs of older people. The development of homes suitable for older people, including affordable and market housing, of types and sizes that meet local housing need will be supported on sites that satisfy the requirements of Policy EB2. Small scale infill development of older people’s housing within 400 metres of St Mary’s Church will be supported where they provide homes with easy access to the facilities in the Village Heart, subject to conforming to other policies of the development plan.”***

***“Subject to the need and viability being demonstrated, the development of a care home in the village will be supported.”***

Insert Map to show 400 metres of St Mary's Church.

The background to the policy to include a description of the various types of homes that are envisaged under this policy with reference to the Housing our Ageing Population Panel for Innovation' (HAPPI) report. Older persons housing could include level access bungalows, purpose built apartments allocated to over 55's, sheltered accommodation, very sheltered accommodation, retirement villages and assisted living schemes.

Delete the following sentence from paragraph 3.3.5 "This will translate into no more than 28 properties using an average occupancy of 1.5 people". Add a statement that the need for housing for older people will be monitored through future surveys.

Delete Policy EB6 Supportive Care Accommodation for Older People

Recommendation 9: Delete objective bullet point 5 and move the subject to the projects section.

Recommendation 10: Revise the wording of Policy EB7 as follows:

*Development proposals shall demonstrate that they:*

- 6. comply with the policies and guidance relating to the Dedham Vale AONB and its setting;*
- 7. where appropriate, satisfy the development tests set out in paragraph 116 of the National Planning Policy Framework;*
- 8. respond positively to the special qualities and scenic beauty of the Dedham Vale AONB and its setting;*
- 9. have taken full account of the capacity assessment set out in the Landscape Sensitivity and Capacity Assessment (Appendix D.8); and*
- 10. would not have an unacceptable adverse impact on the landscape setting of the village demonstrated through a Landscape and Visual Impact Assessment*

Revise the second paragraph of section 4.2 to read "The western and southern parts of the parish lie within the Dedham Vale AONB. The boundary which abuts the built up part of the village is shown on Map XX. ....

Recommendation 11: Revise Policy EB8 to read:

**Policy EB8: Safeguarded Open Space or Local Green Space**

*Those areas defined Map No XX shall be protected as Local Green Space. Development that would result in the loss of, or adversely affect the function or appearance of, a Local Green Space will only be permitted in very special circumstances.*

Of special importance are Open Spaces within the village which *have* recreational *and* amenity value and reduce recreational pressure on the Stour & Orwell Estuaries Special Protection Areas.

The Proposals Map should show the following sites Map at sufficient clarity that the boundaries are clearly legible:

Sites, 1, 2, 3, 4 (larger area only), 5, 6 (larger area only), 7, 20 (playing fields only excluding car park and buildings), 21, 23, 24, 25 (allotments only), 26, 27 (larger area only).

Examples of the very special circumstances should be set out in the background to the policy rather than the policy itself.

**Recommendation 12: Revise Policy EB9 as follows:**

Paragraph 1: Proposals for development *should*...

Delete “mitigation” from Criterion 4 to read: Promoting the preservation....

Criterion 6 to read: Line 2... Proposals *should* demonstrate...

Criterion 6 to read Lines 5 and 7... measures *should be* carried out...

Delete criterion 7 as it repeats criteria 4.

Delete final paragraph as it repeats much of criterion 6.

Include in the background to Policies EB9 and EB10, “*the incorporation of nest bricks for swifts and house martins will be encouraged*”.

**Recommendation 13:**

Revise the title of section 5.3.1.1 to “Housing Size, *Design and Layout*”.

Include the definition of townhouses in criterion 10: “*large terraced or semi-detached houses of at least three storeys, often with an integral garage at ground level*”.

**Recommendation 14: Revise Policy EB11 as follows:**

Revise the title of the policy to “Preservation of Non Designated Heritage Assets”.

Delete the first paragraph.

Revise the second paragraph of Policy EB11 by deleting “defined on the Village Local List” and by adding the following at the end: “*Non-listed buildings that make a positive contribution to the character or appearance of the conservation area should be retained, and their demolition should only be permitted in exceptional circumstances*”.

**Delete the criteria for identifying Non Designated Heritage Assets. Include the proposal to draw up a Village Local List and the criteria for identifying Non Designated Heritage Assets to the Projects section.**

**Section 7.3.2 includes a paragraph on the County Archaeological Service which may be placed more appropriately in the background to Policy EB11.**

**Recommendation 15: Revise the first Transport Objective:**

***“To reduce congestion in the Village Heart.....”***

**Recommendation 16: Revise Policy EB12 to read:**

***“The Red Lion Car and Coach Park identified on the Map No X shall be safeguarded for parking. The change of use of the site shall only be permitted if alternative parking provision of a similar size is provided in a location accessible to the local facilities in the Village Heart.”***

**Recommendation 17: revise Policy EB13 to read:**

***“New residential and commercial development shall provide on-site parking provision in accordance with the Suffolk Guidance for Parking Technical Guidance.***

***“The provision of cycle parking close to businesses will be supported.”***

**Recommendation 18: Revise Policy EB14:**

***“New developments should provide.....good pedestrian links to pedestrian routes to the village and nearby countryside. Schemes should.....”***

**Recommendation 19: Revise the first paragraph of Policy EB15 as follows:**

***“.....enhance and protect existing “footpath, cycleway and bridleway” networks, create new networks.....***

**Recommendation 20: Revise the first paragraph of section 7.2**

***“.....states that policies should support economic growth.....and increase prosperity by taking a positive approach.....”***

**Recommendation 21: Revise Policy EB16 as follows:**

**Retitle Policy EB16: The Development of New and Expanded Businesses**

**Delete first line of the policy.**

***“Proposals for the development of new businesses and the expansion of existing businesses will be supported provided that they:***

6. *would not have an unacceptable adverse impact on nearby residential or other uses;*
7. *would not lead to an unacceptable impact on the local highway network or traffic in East Bergholt village;*
8. *make provision for adequate vehicle parking;*
9. *would not have an unacceptable adverse impact on the Dedham Vale Area of Outstanding Natural Beauty, Safeguarded Open Spaces or sites of biodiversity and geodiversity importance; and*
10. *would conserve, enhance and respect the conservation area, heritage assets and built character of the local area.”*

**Recommendation 22: Revise Policy EB17 to read:**

**Policy EB17 to be retitled “Safeguarding Employment Land and Premises and Community Facilities”.**

***“Existing employment sites, services and businesses that serve the community should be retained in employment, business or community uses, wherever possible.***

***“Proposals to redevelop or re-use existing employment land, sites and premises or community facilities for non-employment or community purposes, will only be supported if the applicant can demonstrate that their retention for an appropriate employment or community use has been fully explored; or the community facility is to be replaced by a similar or improved facility within the parish.***

***“The site or premises shall be marketed for a minimum period of 12 months in a manner consistent with the advice in Babergh District Council’s SPD on Safeguarding Employment Land.”***

The background to the policy should set out the type of sites, premises and community facilities that the policy applies to.

**Recommendation 23: Revise Policy EB18 to read:**

***“New development not connected with agriculture should avoid the loss of best and most versatile agricultural land.”***

Place the second paragraph of the policy in the background text.

The second paragraph of the background section refers to consultation with the Historic Environment Record. It is suggested that this reference may be better placed within paragraph 5.3.2 on the Historic Environment.

**Recommendation 24: Revise Policy EB20 as follows:**

Revise criterion 3 to read ***“would not have an unacceptable impact on the local highway network”***.

Delete criterion 6 and replace with “*The conversion should be sensitive to the setting of the building and its relationship with its immediate surroundings and landscape character; and*”

Add a new criterion 7: “*There would be no material adverse impact on protected species, particularly bats and barn owls.*”

Recommendation 25: Revise Policy EB21 to read:

“*Developments that provide facilities or services for the visitor or tourist should be supported provided that they:*

5. demonstrate that they would *conserve and enhance* the landscape, *heritage*, character and appearance of the area. Special consideration should be given to developments in or affecting the setting of the Dedham Vale Area of Outstanding Natural Beauty and the East Bergholt Conservation Area;
6. would not have an unacceptable impact on the local highway network and would provide adequate parking provision;
7. be of a scale *and design* that is sensitive to the character of the *landscape and heritage* of the area; and
8. *would not have an unacceptable adverse impact on nearby residential or other uses.*”

The definition of the types of developments that this policy refers to could be included in the background text.

Further advice on the assessments required could be set out in the background text.

Recommendation 26: Revise Policy EB22 as follows:

Delete the second paragraph of Policy EB22 and place the text within the background to the policy.

Recommendation 27: Delete Policy EB23. Renumber subsequent policies.

Recommendation 28: Revise Policy EB24 to read:

“New development *should* provide...”

Add reference to the Suffolk Guidance for Parking in section 9.3.2

Recommendation 29: Revise Policy EB25 as follows:

Revise the first paragraph to read:

“.....will be ten or more) or *for non-residential development with a floor space of 1000 square metres or more or a site area of 1 hectare or more will be expected to provide.....*”

Delete the second paragraph of the policy and include the following text in the background section:

**“New development should take note of Suffolk County Council’s *Local Surface Water Drainage Guidance: Standards and Information Protocol for Advising Babergh District Council on Surface Water Drainage Aspects of Planning & Development Control*. This document provides guidance on those elements of flood risk management *and surface water drainage* for which the County Council is a statutory consultee on major *development*.”**

Revise the first line of section 9.3.2 to read **“.....the risk of flooding from river, surface water and ground water. ....”**

**Recommendation 30:**

Revise text in section 1.2 (page 17) to refer to the RSPB “Wildlife Garden” and not Information Centre.

Delete the first sentence of paragraph 1 of section 1.3 **“The tenure pattern is judged to be well balanced.....”**. This sentence presents a judgement that may not fully reflect housing need and is considered to be misleading. It conflicts with the background text in the housing section which highlights the needs for housing for younger and older people.

Revise the table in Appendix D17 to set out the correct figures from the SHLAA (2011).

Delete reference to the views of two landowners on deliverability in section 3.3 and Appendix D18. It is not clear which sites are being referred to and the letters give no future commitment to deliverability. Evidence to support the statement is considered to be misleading and implies that all landowners support the plan.

Delete the paragraph in 3.2.1 **“A survey of estate agents .... not yet been built”**. This is considered to be misleading and does not provide robust evidence to support the delivery of the plan’s policies. It conflicts with the background text in the housing section which highlights the needs of younger and older people.

Revise the minimum garage size in point 5 of section 5.3.1.1 to **3 metres by 7 metres**. Suffolk County Council has noted that this is the minimum garage size in the Suffolk Guidance for Parking.

Include reference to the Suffolk Guidance for Parking in section 5.3.1.1 point 6. Suffolk County Council has pointed out that the Suffolk Guidance for Parking provides detailed guidance on electric vehicle charging points

Delete the second sentence of section 1.8 concerning traffic generated by a housing development in Brantham. Revise the third sentence to read: **“There are concerns amongst the community about the capacity of the junction between the A12 and B1070.”** The County Council has

commented that the comments in section 1.8 do not necessarily reflect the corporate view of the Highway Authority and should be deleted. A consequential revision to the third sentence is recommended as a result of the deletion.

**Include reference to Historic England guidance on the conversion of traditional farm buildings in the background text to Policy EB20.**

**Revise section 7.3.3 which refers to “two policies addressing tourist and visitor facilities”. This should be amended to “one” policy.**

Signed

Rosemary Kidd

11 May 2016