

Elmsett Neighbourhood Development Plan 2017 – 2036

Independent Examination

First published: 7 June 2019

Last updated: 5 July 2019

Introduction

This document will provide an on-going record of all ‘general’ correspondence during the Elmsett Neighbourhood Plan examination between Ann Skippers (the Examiner), the Parish Council / NP Working Group, and Mid Suffolk District Council.

As required, specific documents will be published here and / or on the following webpage: www.babergh.gov.uk/ElmsettNP

Copies of e-mails / letters appearing on the following pages:

- 1. E-mail from Examiner dated 23 May 2019 re Questions for Clarification**
- 2. E-mail to Examiner dated 7 June 2019 - Response to Q’s for Clarification**
- 3. E-mail to Examiner dated 13 June 2019 – Update re Question 4a**
- 4. E-mail to Examiner dated 2 July 2019 – Update on draft Joint Local Plan**

1. Questions for Clarification from Examiner on Botesdale & Rickinghall NDP

From: Ann Skippers
To: Paul Bryant (BMSDC)
Dated: 23 May 2019
Subject: Questions of Clarification from the Examiner on the Elmsett NDP
Attach': 'Questions for Clarification ...'

Dear Paul,

I am making good progress with the above examination and have nearly completed my assessment. However, some matters have arisen on which I would be grateful for your kind assistance and that of the Parish Council.

Firstly, a number of queries of a factual nature or matters on which I seek further clarification or information have arisen during my review of the NP. Subject to the satisfactory resolution of these issues, I do not consider at this stage that a hearing will be needed. It is not unusual at all for me to have a few queries or to ask for some further information so please reassure the Parish Council that this is quite 'normal'.

I would be most grateful if both Councils as appropriate would respond to these queries which are detailed in the attachment. I have sent you this in word format so that the answers may be easily added in to it if you so wish.

It would be very helpful to me if all the answers could be collated together and that just one bundle of responses is sent to me. [\[Note: See questions and collated responses starting on page 3 below\]](#)

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. I am however aware that both of us will not be in the office next week. I'd therefore like to suggest that you might be able to come back to me by close of business on Friday 7 June.

In relation to the updates requests on planning applications, please just let me know the planning application number, the description of the proposal and whether permission has been granted or not or whether there is a resolution to grant and the date of any decision.

This email, the attachment with the questions (and the responses to them) will be a matter of public record and should be placed on the appropriate websites. I anticipate you will forward this email on to the Parish without any delay.

With many thanks in anticipation of your kind assistance, and of course please do not hesitate to contact me if anything is not clear or if any queries arise.

Kind regards Ann

Ann Skippers
Ann Skippers Planning
Chartered Town Planners

2. Response to Questions for clarification ... on the Stowupland NDP

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Alan Newman, Elmsett PC & Ian Poole (Places4people Ltd))
Dated: 7 June 2019
Subject: Response to Qstns of Clarification - Elmsett NDP

Dear Ann

Thank you for your e-mail dated 23 May (copied below) and for the file attached.

As requested, we have worked with the Parish Council and their consultant (Ian Poole) and I am now able to attach our collated response to your questions of clarification. You also remind us that your e-mail etc. are a matter of public record so I will arrange for these to be added to our Elmsett NP webpage as soon as is practically possible.

As a courtesy I have copied in Mr Alan Newman (Chairman to Elmsett PC) and Ian Poole to this reply.

Should you have any further queries, please do not hesitate to contact me.

Kind regards

Paul Bryant
N'hood Planning Officer | Planning for Growth
Babergh & Mid Suffolk District Councils - Working Together

Elmsett Neighbourhood Plan Examination

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

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

1. Please could BDC briefly confirm the latest position on the emerging Joint Local Plan?

Response from BDC: The Babergh & Mid Suffolk Joint Local Plan (JLP) is still in preparation. At the time of writing, the JLP is undergoing viability and deliverability testing. The current timetable provides for a draft Regulation 18 version of the Plan going to both Councils at the end of June for approval to be published for public consultation during summer 2019.

2. Policy EMST1 indicates that "development commensurate with Elmsett's designation of a Hinterland Village" will be accommodated. Please could a brief explanation of the development supported be given or a suggestion for more precise wording be put forward as the current language used may be construed as difficult to know whether a proposal might comply with this policy or not.

Response from Parish Council: Policy CS2 of the adopted Babergh Core Strategy states that "*Hinterland Villages will accommodate some development to help meet the needs within*

them. All proposals will be assessed against Policy CS11.” Policy CS11 includes the following criteria for the consideration of development proposals in Hinterland Villages:

“Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement on sites where the relevant issues listed above are addressed to the satisfaction of the local planning authority (or other decision maker) and where the proposed development:

- i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;*
- ii) is adjacent or well related to the existing pattern of development for that settlement;*
- iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;*
- iv) supports local services and/or creates or expands employment opportunities; and*
- v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.”*

While it is acknowledged that it’s not appropriate to repeat the policy of the Core Strategy in a Neighbourhood Plan, it might be appropriate to provide a cross-reference in Policy EMST1 to the Core Strategy policies. However, this might have a limited lifespan given the intent to produce a new Joint Local Plan for Babergh and Mid Suffolk.

3. Please could BDC confirm (or not) agreement to the housing figures put forward in the Plan and whether (or not) this will generally conform to the strategic housing needs requirements for the District based on the latest available information.

Response from BDC: As stated in our response to Question 1 above, the JLP is still in preparation and, until viability and deliverability testing has been completed, it will not be possible to confirm a housing requirement for this Neighbourhood Plan area.

Our current view is that the level of growth proposed by the Neighbourhood Plan is consistent with Elmsett’s classification in the settlement hierarchy and its location.

4. In relation to the site allocations, Policies EMST3 and EMST4, a number of queries arise:
 - a. please briefly update me on the latest position on any planning application/appeal on the sites which are wholly or partly subject to these policies

Response from both parties:

EMST3	<p><i>B/17/01009/OUT - Residential development of 41 dwellings to incl’ market and affordable housing, new vehicular access, wildlife areas, amenity space and community woodland. Land East Of Hadleigh Road, Elmsett</i></p> <ul style="list-style-type: none"> • The site was granted Outline planning consent on 27 June 2018. • There has been no further planning application submitted on this site.
EMST4	<p><i>B/16/00447/FUL - Erection of 7no. dwellings and associated works, incl’ construction of new vehicular access. The Malting, Whatfield Road, Elmsett</i></p> <ul style="list-style-type: none"> • The planning consent (B/16/00447) remains the only valid permission on this site. This was granted on 15 November 2017

	<ul style="list-style-type: none"> • A non-material amendment application (DC/17/06077) was submitted in December 2017 and refused in February 2018. • A further planning application was submitted in March 2018 for an amended layout (B/18/01041) but this was subsequently withdrawn in January 2019.
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For more details on the two applications above please enter the reference number in the search box at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>

- b. please confirm whether the sites subject of Policies EMST3 and EMST4 are the same sites as covered by the extant planning permissions

Response from Parish Council: We can confirm that both site boundaries are the same as those defined in the approved drawings identified in the respective planning consents.

- c. in relation to both policies, please confirm whether the policies reflect the planning permission and if they differ, including in relation to on-site and off-site requirements, please explain the differences and the rationale for them

Response from Parish Council:

Policy EMST3 – The decision notice contains some 29 conditions. It is not considered appropriate to include all these conditions in the Neighbourhood Plan policy as many are standard conditions that would be applied to almost all planning approvals. The criteria in the Policy reflect what are considered to be the site specific requirements contained within the approval as well as the off-site requirements contained in the associated Section 106 Planning Obligation.

Policy EMST4 – The decision notice does not contain as many conditions as the consent for EMST3 but, as with Policy EMST3, the criteria in the Policy reflect what are considered to be site-specific requirements contained within the decision notice as well as the off-site requirements contained in the associated Section 106 Planning Obligation.

5. Policy EMST8 refers to a Landscape Character Assessment. Please provide me with a copy or link to this document.

Response from Parish Council: This reference is an error as a Landscape Character Assessment has not been prepared in support of the Plan. The Examiner may therefore consider it appropriate to delete the wording as indicated below:

“protect or enhance the special landscape qualities of the area; ~~identified in the Landscape Character Assessment and~~”

In addition, it might be considered useful to make reference to the Suffolk Landscape Character Assessment for this landscape typology (Rolling valley farmlands) in the supporting text as it provides guidance for the consideration of development proposals. See:

<http://www.suffolklandscape.org.uk/userfiles/pdfs/Guidance%20for%20each%20LCT/18%20Guidance%20Note%20Rolling%20Valley%20Farmlands.pdf>

6. Policy EMST15 refers to two sites; Popular Hall and Gate Farm. Does the second element of the policy only refer to these two sites or was it intended to be more generally applied?

Response from Parish Council: The Parish Council can confirm that the second element of this policy is intended only to apply to the two sites identified in the Policy and on the Proposals Map.

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

With many thanks.

Ann Skippers
23 May 2019

3. E-mail to Examiner dated 13 June 2019 – Update re Question 4a

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Alan Newman, Elmsett PC, & Ian Poole, Places4people Ltd)
Dated: 13 June 2019
Subject: Elmsett NP Examination - Update re Q4a

Dear Ann

We recently responded to your e-mail dated 23 May which sought clarification on a number of matters relating to the examination of the Elmsett NP. My e-mail of 7 June refers.

At question 4a you asked that we update you on the latest position re any planning applications / appeals on the two allocation sites, EMST3 and EMST4. With regards the latter, we confirmed that the only valid permission on site was our ref B/16/00447/FUL, which benefits from the grant of planning permission in November 2017.

As part of our year end monitoring, on-site checks have been taking place to establish the current status of granted permissions. These checks have included site visits in Elmsett. We have also been cross-checking with recent Building Control records. Consequently, I can now update you on our response to Q4a and advise that there is clear evidence of a start on site at EMST4.

I trust that this update is of help in your consideration of this Plan.

Should you have any further matters that need clarification, then please do not hesitate to contact me.

Kind regards

Paul Bryant
N'hood Planning Officer | Planning for Growth
Babergh & Mid Suffolk District Councils - Working Together

cc: Mr Alan Newman (Chairman to Elmsett PC), Ian Poole (Places4People).

4. E-mail to Examiner dated 2 July 2019 – Update on draft Joint Local Plan

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Alan Newman, Elmsett PC, & Ian Poole, Places4people Ltd)
Dated: 2 July 2019
Subject: Update on draft Joint Local Plan and implications for Elmsett

Dear Ann, (All)

You are aware that Babergh and Mid Suffolk Councils have been working together to deliver a new Joint Local Plan (JLP) which will set out a strategy for growth and development across our two districts up to 2036 and beyond. An 'issue and options' document which set out four growth scenarios was published for consultation in August 2017. Since then, both Councils have been busy working on and refining the plan and associated evidence base.

A working draft 'Regulation 18 Preferred Options Joint Local Plan' consultation document has recently been published (see link below) to accompany a report that was presented to Babergh Council on Tuesday 25 June and Mid Suffolk Council on Thursday 27 June. The report asked Elected Members to approve the document for public consultation later this summer. The draft JLP is therefore making progress.

[Link to draft JLP: <https://www.babergh.gov.uk/assets/Strategic-Planning/JLP-Reg18-2019/Council-v1-BMSDC-Joint-Local-Plan-Preferred-Options-Req-18.pdf>]

For Neighbourhood Planning groups, the draft JLP now provides some degree of certainty on housing numbers and strategic (housing) site allocations. Other policies within the draft JLP also provide a clear steer. Of particular relevance to Elmsett, whose Neighbourhood Plan is currently with you for independent examination:

- Draft JLP policy SP03 (Settlement Hierarchy) confirms that Elmsett is classified as a Hinterland Village - where appropriate and well-designed development will be permitted within the defined settlement boundary.
- The table appended to draft JLP policy SP04 (Housing Spatial Distribution) sets out a minimum housing requirement for 50 new dwellings within the designated Elmsett neighbourhood plan area.
- The two sites allocated through the neighbourhood plan (EMST3 and EMST4) are now effectively confirmed through a revision to the settlement boundary [see document page 291].
- Re the site allocation at EMST3 (which benefits from an outline planning consent granted on 27 June 2018, and which includes a planning condition on contributions towards habitats mitigation), draft JLP policy SP09 (Cross-boundary mitigation of effects on Protected Habitats Sites) requires development the creates news dwelling(s) within the identified Protected Habitats Mitigation Zone, to consider its impact and be compliant with the Councils Recreational disturbance Avoidance and Mitigation Strategy (RAMS)¹ which will identify and cost the measures necessary to mitigate impacts.

1 The Councils RAMS strategy is scheduled to go to both Councils in August 2019 for formal adoption

We trust that the above is both helpful and informative.