

Haughley Neighbourhood Development Plan 2016 – 2036

Independent Examination

First published: 16 May 2019

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Introduction

This document will provide an on-going record of all 'general' correspondence during the Haughley Neighbourhood Plan's examination period between the Examiner (Ann Skippers), 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.midsuffolk.gov.uk/HaughleyNP

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

- 1. E-mail dated 7 May 2019 from Ann Skippers: Examination of the Haughley NP - Questions of Clarification.**
- 2. E-mail dated 16 May 2019 to Ann Skippers: Response to Questions for Clarification and Question re new Basic Condition.**

1. Examination of the Haughley NP - Questions of Clarification

From: Ann Skippers
To: Paul Bryant (BMSDC)
Dated: 7 May 2019
Subject: Questions for Clarification
Attach': 'Questions for clarification ...' and 'New Basic Condition'

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. Secondly, there is one other matter on habitats and the new basic condition. Subject to the satisfactory resolution of these issues, I am confident at this stage that a hearing will not 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. [\[MSDC Note: See Q&As which start on page 3 below.\]](#)

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.

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. In terms of the maps I have requested these can be fairly 'rough and ready' as long as I can see the areas in more detail. 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. In relation to the habitats issue, I suspect this will be a fairly straightforward matter of confirming there are no further implications once you have reviewed the documentation. [\[MSDC Note: See copy of new 'Basic Condition' advice note and the District Council's responses which starts on page 8 below.\]](#)

I'd like to suggest that you might be able to come back to me by close of business on Monday 13th May please to allow me to send a fact check report (all being well) later that week. However, if you and the Parish Council need more time, please agree a date between you and let me know that date as soon as possible so I can make sure I set time aside to complete the examination once I have heard back from you. Please note though that I am away in business and do have some time off towards the end of this month and so it would be great to get this examination on its way.

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.

2. Response to Questions for clarification ...

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Marian Adams [Haughley NP Group], Paul Munson)
Dated: 16 May 2019
Subject: RE: Questions for Clarification ...

Dear Ann

Thank you for your e-mail dated 7 May 2019 and for the files attached.

As requested, we have worked with the Parish Council on this matter and I am now able to attach our collated response to all your questions. You have also reminded us that your e-mail, our collective response, and your note re the new basic condition are a matter of public record. I have therefore arranged for these to be published on our Haughley NP webpage.

As a courtesy to the Parish Council please note that I have copied in Marian Adams to this reply.

Should you have any further questions, then please do not hesitate to contact us.

Kind regards

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

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Haughley Neighbourhood Plan Examination

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

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

1. The Plan area is not coterminous with the administrative boundary for the Parish. There are two differences; a) an area to the south-eastern part of the Parish and south of the A14 has been excluded and b) an area to the north of the A14 lying within Harleston Parish has been included. I seek the views of both parties on what might be an appropriate referendum area.

Response from Haughley Parish Council: We believe that the referendum should be the Neighbourhood Plan Area. The differences between the Neighbourhood Plan Area and the Haughley Parish Boundary are purely practical. The area north of the A14 is mostly made up of Gallowsfield Wood which, although it lies within Harleston Parish, is owned and managed by Haughley Parish Council. The rest of that area is a small copse of trees. The south eastern part south of the A14 is in practice part of Stowmarket with the A14 forming a physical boundary between Haughley and Stowmarket.

Response from Mid Suffolk: The decision that the A14 should form the southern boundary of the Haughley Neighbourhood Plan Area was a conscious one made by the Parish Council at the area application stage. Saved e-mails from the time show that it was also done with the full knowledge and consent of Harleston Parish Council. The District Council carried out consultation on the proposed Neighbourhood Plan area in September 2015 and no representations were received proposing a different area. The District Council's view is that the referendum area should be the same as the designated Neighbourhood Plan area.

2. Please could MSDC briefly confirm the latest position on the emerging Joint Local Plan?

Response from Mid Suffolk: 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.

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

Response from Mid Suffolk: As stated in the response to question 2 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 Haughley. The Parish Council were advised by the District Council at the Regulation 14 stage (July 2018) that:

“The [District] Council is currently considering the responses received to last year’s Joint Local Plan consultation and is anticipating further consultation shortly. This will include consultation on a preferred spatial strategy and the distribution of housing. As you will appreciate it is not possible to provide certainty on the likely requirement for Haughley at present but a figure higher than that currently provided for in the Neighbourhood Plan cannot be ruled out. The Council will therefore work closely with the Parish Council and the Neighbourhood Plan Group to ensure that there is consistency between the Neighbourhood Plan and the emerging Joint Local Plan.”

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

4. Please briefly update me on the latest position on any planning application/appeal on the sites which are wholly or partly subject to Policies HAU3, HAU4 and HAU5.

Response from Mid Suffolk:

HAU3	<p>DC/17/04113/OUT Outline Application for 98 dwellings (incl. 34 affordable homes), provision of junior football pitch, areas of public open space and off site highway improvements. Land East Of King George’s Field Green Road Haughley IP14 3RA</p> <ul style="list-style-type: none"> • Considered at MSDC Planning Committee on 13 Dec 2017 and approved as recommended but with alterations to 106 requirements. • Final Decision Notice and s106 Agreement both dated 31 May 2018. • No Reserved Matters application has come forward to date but the site is currently being offered for sale. [See: https://www.rightmove.co.uk/commercial-property-for-sale/property-75290840.html]
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HAU4	Nothing to report at this stage except to note that there is a record of an initial pre-application enquiry relating to this site received by the District Council in mid-2018.
HAU5:	<p><i>DC/18/04773/OUT Outline Application (Access to be considered) - Erection of up to 65no. dwellings including means of access into the site (not internal roads), parking, pedestrian / cycle bridge and associated highway works Land To The West Of Fishponds Way Haughley Suffolk</i></p> <ul style="list-style-type: none"> • Considered at MSDC Planning Committee on 13 Mar 2019 and approved as recommended but with an extra condition for reserved matters to be in general conformity with the indicative layout plan. • It is understood that discussions have been taking place regards s106 agreement but both that and our formal decision notice have not yet been published. Consequently, we have no indication as to when a Reserved Matters application might come forward.

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/>

5. In relation to Policy HAU6

- a. It refers to a) the ex-Little Chef building adjacent to the Travelodge, old A14 indicating its reuse is acceptable for Use Classes A3 or B2 and b) the Tothill site and its acceptability for A1, A3 and B1 uses. Please point me to the justification or explanation as to why these uses are considered appropriate on these particular sites (and why other uses are considered to be inappropriate)?

Response from Parish Council: The designated uses stated under Policy HAU6 are an attempt to enable any new possible development to reflect the current uses and the uses in the immediate surrounding areas, recognising that permitted development rights may enable changes within these uses.

Response from Mid Suffolk: In addition to the above:

- the ex-Little Chef building has benefited from a previous A3 use. Planning permission was also granted on 23 July 2014 for change of use to a church (1708/14/FUL) which has not been implemented.
- The proposed uses for the Tothill site reflect current and previous uses which have included kitchen and bathroom sales, motor-cycle service, repairs and training, a café and business uses.

- b. Please briefly update me on the latest position planning application DC/18/03592 in relation to Haughley Park.

Response from Mid Suffolk: Outline application DC/18/03592 was considered by MSDC Planning Committee on 13 February 2019. The application was refused as per the Officer recommendation. We are not aware of any appeal being lodged at this time. We also note that there is an error in the policy – “Bs” should be corrected to “B2”.

- c. Please inform me of any other planning applications or appeals which concern the three sites referred to in this policy since the submission document was submitted.

Response from Mid Suffolk:

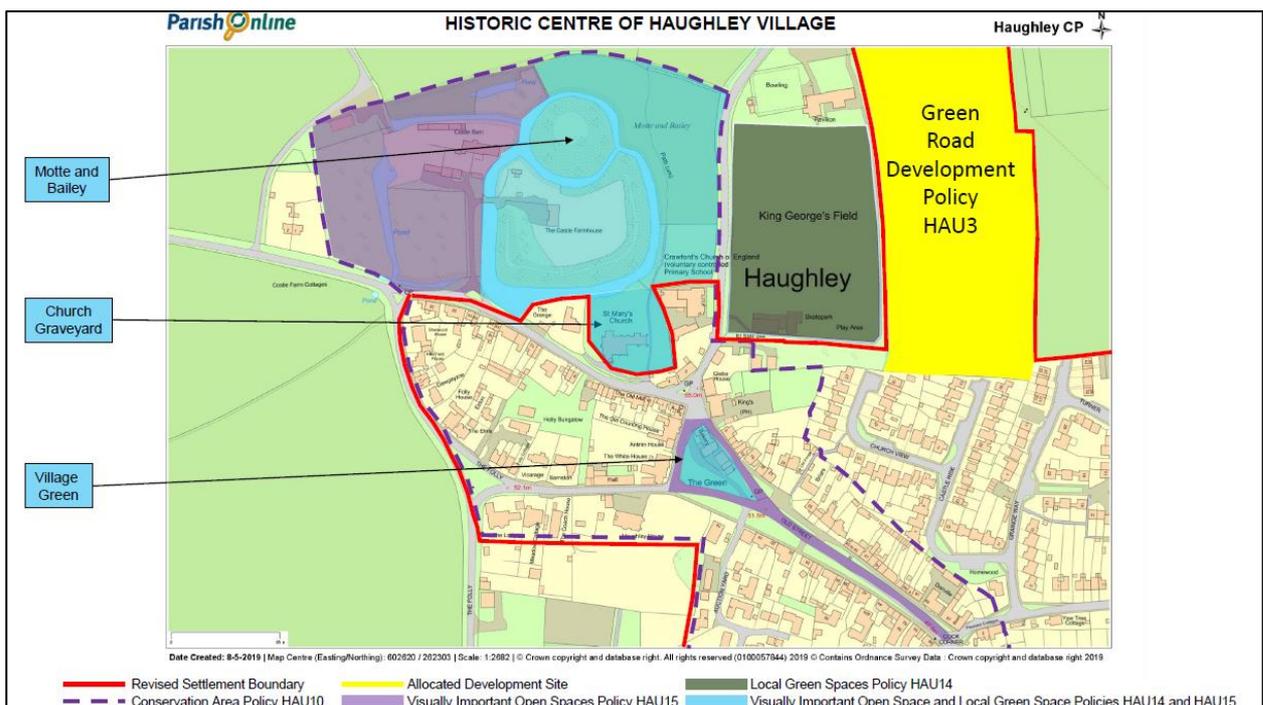
- **ex-Little Chef building** - None that we are aware of.
- **previous commercial areas of Haughley Park** - None that we are aware of.
- **'Tothill site'** - None that we are aware of.

6. Policy HAU14 refers to proposed Local Green Spaces. Please provide clear(er) map(s) of the a) village green, b) Church graveyard and c) Haughley Castle Motte and Bailey. I found Proposals Map PM2 hard to decipher as these three areas seem to overlap with a Visually Important Open Space (VIOS) designation and it is not clear to me what the extent of the proposed Local Green Spaces are. It may be necessary to clarify the extent of the VIOSs as well. In addition, please confirm whether the Haughley Castle Motte and Bailey includes any buildings?

Response from Parish Council: We have prepared a more detailed / annotated map of the historic centre of Haughley [see screen shot below] to show a) the Village Green, b) Church graveyard and c) Haughley Castle Motte and Bailey as requested and trust that this provides the clarity you seek. There are three notations:

1. An area that is solely Local Green Space (the King George V Playing Field) shown in dark green.
2. Areas that are solely Visually Important Open Spaces shown in purple.
3. Areas which are both Local Green Space and Visually Important Open Space (the Village Green, the Motte & Bailey and Church Graveyard) shown in light blue. There is an error on the submitted Policies Map which shows the Church Graveyard solely as Visually Important Open Space but it should have the combined designation as it is listed as a Local Green Space in Policy HAU14.

There are two residential dwellings and one small structure in the vicinity of the Haughley Castle Motte and Bailey.



7. A number of views are identified on various Proposals Maps, but there appears to be no policy reference to views in the Plan. Is this correct?

Response from Parish Council: At present, there are no specific policy references to the views identified on the Proposals Maps which, in hindsight, is an error on our part.

You may have seen that supporting document SD5 (Landscape & Visual Assessment of Haughley Parish) identifies and provides commentary on the seventeen viewpoints into and out of Haughley, Haughley Green and Haughley New Street which are shown on Proposal Maps PM3, PM4 and PM7.

It might therefore be appropriate for Policy HAU11 to include the following additional bullet point:

- Does not adversely affect the identified important views into, out of or within the built-up area of the village and, in particular, those views identified on Proposals Map 7

As a footnote to the above, we also notice that, in the key to Proposal Map PM3 and PM4, after “xx – xx *View Reference Numbers*”, the words in bracket should read “(see SD5)” and not “(see SD11)” as shown. We will make this amendment.

[-Ends-]

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

With many thanks.

Ann Skippers 7 May 2019

Copy of advisory note re 'New Basic Condition'

Letter to Paul Bryant
Mid Suffolk District Council

7 May 2019

Dear Paul,

Examination of the Haughley Neighbourhood Plan Amendment to the Basic Conditions

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

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

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

The Regulations substitute a new basic condition which states:

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

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

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

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

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

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

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

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

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner

[- Ends -]

RESPONSE FROM MID SUFFOLK DISTRICT COUNCIL

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

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

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

[- Ends -]