

Stowupland Neighbourhood Development Plan 2016 – 2036

Independent Examination

First published: 18 January 2019

Last updated: 24 January 2019

Introduction

This document will provide an on-going record of all ‘general’ correspondence during the Stowupland 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/StowuplandNP

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

- 1. E-mail from Examiner dated 10 Jan 2019 re Questions for clarification on the Stowupland NDP**
- 2. Response to Questions for clarification (17 Jan 2019)**
- 3. Update on Qstns for clarification and note re Policy SNP2 (22 Jan 2019)**
- 4. Update on response from Natural England (24 Jan 2019)**

1. Questions for clarification from the Examiner on the Stowupland NDP

From: Ann Skippers
To: Paul Bryant (BMSDC)
Dated: 10 January 2019
Subject: Questions for Clarification on the Stowupland NDP
Attach': 'Questions for clarification ...' and 'New Basic Condition'

Dear Paul,

I am writing to let you know I am making good progress with the above examination and have nearly completed my assessment. However, two matters have arisen on which I would be grateful for your kind assistance.

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 matters, 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.

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. [\[Note: See questions and collated response on page 5 below\]](#)

Secondly, you will be aware that a new basic condition relating to habitats was brought into force on 28 December. I attach a note on this for your kind attention and action. [\[A copy of this note appears on page 3 below\]](#)

I would usually suggest a week or so to come back to me with the responses to maintain momentum with the examination. I'd like to suggest that you might be able to come back to me by close of business on Friday 18 January please?

All being well, assuming no further queries, I would then try and have a fact check report to you on the NP the following week.

This email, the attachment with the questions (and the responses to them) together with the note on the new basic condition will be a matter of public record and should be placed on the appropriate websites and so 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.

Kindest regards Ann
Ann Skippers
Ann Skippers Planning
Chartered Town Planners

Copy of advisory note re 'New Basic Condition'

Letter to Paul Bryant
Mid Suffolk District Council

10 January 2019

Dear Paul,

Examination of the Stowupland 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.

[\[Cont/...\]](#)

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.

There are no transitional arrangements and so the substituted basic condition applies from 28 December 2018. It will therefore apply to any neighbourhood plans currently at examination or those submitted for examination on or after 28 December 2018.

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 -]

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

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Jackie Ward, Paul Munson)
Dated: 17 January 2019
Subject: RE: Questions for Clarification ... on the Stowupland NDP

Dear Ann

Thank you for your e-mail dated 10 January [...] 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 your questions. You also remind us that our response, and your note re the new basic condition are a matter of public record. I will now arrange for these to be added to our Stowupland NP webpage as soon as is practically possible.

As a courtesy to the Parish Council please note that am copying in Jackie Ward (Chair of the Stowupland NP Group) to this reply. Also cc'd in is Paul Munson.

Should you have any further questions, 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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Stowupland Neighbourhood Plan Examination

Response from Stowupland Parish Council and Mid Suffolk District Council to 'Questions of clarification from the Examiner'

Dated: 17 January 2019

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 confirm the date the Plan area was designated.

Response: The Plan area was designated on 3 February 2015. Please see:
<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Stowupland-NP-Area-Designation.pdf>

2. The table on page 12 of the Basic Conditions Statement does not appear to have reproduced properly and there are some words or sentences missing. Please send me the full version.

Response: There appears to have been a formatting error. A corrected version of the table appears as Appendix 1 to this response.

3. **The Strategic Environmental Assessment (SEA) Screening Report of July 2018 produced by Place Services and the Screening Determination of September 2018 by MSDC indicate that it was not necessary to have a full SEA as the proposed site allocations already had the benefit of planning permission. Please confirm whether or not the three sites subject of Policies SNP2, 3 and 4 have planning permission and if so, the dates of the grant of permission.**

Response:

SNP2: Land between Church Road and Gipping Road

Planning application ref no' 3112/15/OUT was submitted with all matters reserved except main site access. The application was validated on 28 August 2015. The application was subsequently refused and a decision notice issued on 26 Nov 2015. An Appeal was lodged and permission subsequently granted by the Planning Inspectorate on 25 May 2016. Appeal Ref: APP/W3520/W/15/3139543 refers.

A reserved matters application for Phase 1 (75 dwellings) was approved on 7 November 2017 (Ref. 17/02755). This is currently under construction and is approx. 50% built.

A reserved matters application for Phase 2 (100 dwellings) was approved on 10 April 2018 (Ref. 18/00097).

SNP3: Land between Church Farm Barn and Brecklands

Planning application ref no' 0117/17/FUL [Erection of 10 dwellings and construction of new access and service road] was granted planning permission on 19 December 2017. A completed s106 agreement was published on the same date.

SNP4: Land on south-east side of Church Road

Application ref no' 1884/16/OUT [erection of 18 dwellings, parking for primary school and extension to cemetery].

The Mid Suffolk Development Control Sub Committee B resolved to grant planning permission on 23 May 2018 subject to conditions and to the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to provide:

- 35% affordable housing
- The use of the car park

At the time of writing the section 106 agreement has not been completed and no decision has been issued.

4. **Specifically in relation to Policy SNP4, the Environment Agency indicates the need for further assessment as the site lies over a Source Protection Zone 3 should planning permission not be granted. What might be the best course of action on this matter?**

Response: The Environment Agency objection to planning application reference 1884/16/OUT was withdrawn on the basis that the number of ashes spread / buried on the proposed cemetery extension would be no more than 12 per year.

Should planning permission not be granted under reference 1884/16/OUT we think the need for further assessment could be covered by a modification to insert an additional criterion in Policy SNP 4 as follows:

(Any development proposals on Site SNP4 shall)

- *Provide an assessment of the risk of groundwater pollution for the proposed cemetery extension in accordance with environment agency requirements*

5. **The Screening Determination relies on the Screening Report of July 2018 prepared by Place Services. Natural England (NE) responded but do not specifically mention Habitats Regulation Assessment (HRA) in their response. NE do not offer any specific comments in their response at Regulation 16 stage. Please confirm that NE was specifically consulted on HRA and the dates of any such consultation and whether or not a response was received. If there was a response please provide me with a copy of or link to it.**

Response: The Council consulted Natural England on both the SEA and HRA Screening Reports on 1 August 2018. Natural England's response is set out in their letter dated 30 August 2018.

We acknowledge that this letter does not specifically refer to the HRA screening and our interpretation was that it was a response to both matters. For the avoidance of doubt we have now asked Natural England to confirm that they accept the findings of the HRA screening by Essex Place Services that:

"the Stowupland Neighbourhood Plan is not predicted to have any likely significant effects on a N2k site. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore screened out."

We will forward Natural England's response to you when we receive it.

6. Policy SNP 1

- a) **Are the "important gaps" referred to in Policy SNP1 (and Policy SNP8) the same as the "Green Gaps" indicated on the Proposals Map and if so (and if found to meet the basic conditions) should these be referred to in the same language?**

Response: The language used in Policies SNP1 and SNP8 and on the Proposals Map should be consistent. It is accepted that the term "important gaps" is imprecise and doesn't accurately reflect what is intended in these policies. Modifications to both policies would help clarify this and would also afford the opportunity to refer to the Green Gap notation on Map 9 and the Proposals Map.

The second paragraph of SNP1 could be modified as follows:

The protection of the natural and historic environment, the distinctive village character and maintenance of the ~~visual gap and separation~~ countryside that separates the built-up areas The Green Gaps identified on the Proposals Map shall be protected and remain undeveloped to maintain this separation ~~and these are identified on the Proposals Map.~~

The words "important gaps" are unnecessary in criterion iv) of SNP8 and could be deleted.

The final paragraph of SNP8 could be modified to include reference to the Green Gaps:

"The Green Gaps and ~~key~~ views to the wider landscape at the points"

b) What does the phrase “take priority” mean in the second paragraph of the policy?

Response: This attempts to capture the local context set out in the supporting paragraphs in section 7, particularly paragraph 7.6, and is intended to emphasise the importance of the landscape character and environmental qualities identified when considering the balance between the three elements of sustainable growth. We accept that this is rather clumsy wording and would be happy with a modification.

The following could be added to the suggested modification of the second paragraph of Policy SNP1 as set out in our response to a) above:

The protection of the natural and historic environment, the distinctive village character and maintenance of the countryside that separates the built-up areas of the village and Stowmarket will be given significant weight when ~~determining the location of all development proposals~~ considering proposals for development. The Green Gaps identified on the Proposals Map shall be protected and remain undeveloped to maintain this separation.

7. 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: The Babergh and Mid Suffolk Joint Local Plan is still in preparation. Evidence on infrastructure requirements and viability needs to be completed before housing requirements for the period 2018-2036 can be confirmed. Stowupland PC was advised by the District Council at the Regulation 14 stage that:

“it is not possible to provide certainty on the likely requirement for Stowupland at present but a higher figure than that currently provided for in the Neighbourhood Plan cannot be ruled out.”

8. Policy SNP2

a) Does the brown shaded site allocation on Map 3 include the “strip” referred to in criteria a) of the policy and the “margin” referred to in criterion d)? If not, why have these areas been excluded from the allocation? It would be appropriate for any site allocation to include areas of green space, buffer zones, landscaping areas and so on as otherwise the policy cannot relate to anything which is not shown on the accompanying plan/map. What might be the best way of dealing with this issue?

Response: Map 3 does not include the areas of land referred to in criteria a) and d) of the policy. However, your comments are noted, and we do wish to include these areas in the allocation to make clear that criteria a) and d) apply. We are happy to modify the allocation boundary on Map 3 to include these areas in the brown shading.

b) Would it be useful for Columbine Hall to be identified on a map?

Response: Although Columbine Hall appears on other maps it would be useful for Map 4 to be modified to be larger so that Columbine Hall can be identified on it.

9. Policy SNP6 defines “small scale” as a maximum of 20 units. Please point me to the justification for this figure.

Response: Section 7 of the Plan sets out the background to the strategy for Stowupland that was developed through engaging with the community. Paragraph 7.3 and Fig.2 on pages 15 and 16 summarise responses to one of the questionnaires that clearly demonstrate the preference for infill, small and medium size developments. A fuller analysis of both questionnaires is provided in Supporting Document 5.

10. **Policy SNP12 includes a definition of “very special circumstances” that could be argued, on the face of it, to go against the grain of designating Local Green Spaces and their management which is akin to Green Belt policy. Please could a brief explanation be given?**

Response: The definition attempts to reflect the value placed on these areas as summarised in supporting paragraph 12.4. However, we acknowledge that this may not be clear, and we are happy to modify the policy by simply deleting the definition.

11. **Please update me on the planning application/site referred to in the Gladman Developments Ltd representation, land south of Gipping Road.**

Response: Planning application reference number DC/18/04357 was submitted as an outline application (with all matters reserved) for the erection of up to 70 dwellings. The application was validated on 2 October 2018 and will be referred to the Council’s Planning Committee for determination. At the time of writing, no Committee date has been set.

It may be the case that on receipt of your anticipated assistance on these matters that I may 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
10 January 2019

Appendix 1 follows on the next page

Appendix 1 – Basic Conditions Statement – corrected table from pg 12 (see Qstn 2)

3.4 How the purpose of the Neighbourhood Plan policies achieves sustainable development

The table below identifies the purpose of each policy in the Neighbourhood Plan and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
SNP1	To identify the minimum housing growth levels and locational strategy for the Neighbourhood Plan	Ensures that Stowupland plans positively for the amount and location of new housing required in the village during the plan period. Directs new development to locations within or closely related to the main part of the village where the exiting services and facilities are located and ensures that the distinct separation of the village from Stowmarket is maintained.
SNP2	Housing site allocation.	Policy makes provision for housing development during the lifetime of the Plan.
SNP3	Housing Site Allocation	Policy makes provision for housing development during the lifetime of the Plan.
SNP4	Housing Site Allocation	Policy makes provision for housing development during the lifetime of the Plan.
SNP5	Provision of affordable housing	To ensure that where proposed housing sites exceed the threshold for the provision of affordable housing, such housing is delivered in a timely manner and meets local needs.
SNP6	Enabling the provision of local needs affordable housing outside the settlement boundaries as an exception to policy	Contributes to meeting identified housing need in suitable locations in close proximity to the village centre.
SNP7	Defines settlement boundaries	Limits the opportunity for the loss of the best and most versatile land and the further outward expansion of the village into the distinct and high-quality landscape of the Plan Area.
SNP8	Maintains a high-quality landscape around the built-up area of the village	Protects the important landscape setting of the village including the important gaps between the built-up areas of the village and between the village and Stowmarket
SNP9	Protects high quality agricultural land	Ensures that the best and most versatile land is protected from loss to development
SNP10	Protects the natural environment of the Plan Area and its biodiversity	Places a principle of retaining natural features and habitats, minimising any loss through development and encourages the creation of new landscape features and habitats.
SNP11	Protects the loss of playing fields	Ensures that playing pitches are retained and only lost if paragraph 74 of the NPPF is complied with.
SNP12	Identifies and designates Local Green Spaces	Ensures that locally identified green spaces that meet the national criteria are protected from inappropriate development.
SNP13	Seek to protect and enhance public rights of way	Increases the opportunity to takes journeys by foot or cycle.
SNP14	Sets standards for design and construction of development	Minimises impact of development on historic and natural environment, infrastructure and services and reduces impact on climate change.
SNP15	To retain existing and enable new employment, retail and business uses	Maintains investment in the local economy and the provision of jobs and services.
SNP16	Protects the loss of important and valued local facilities	Maintaining local facilities reduces the need to travel

3. Update on Qstns for clarification and note re Policy SNP2 (22 Jan 2019)

To / From: Paul Bryant (BMSDC)
To / From: Ann Skippers (cc. Jackie Ward, Paul Munson)
Dated: [see e-mails below]
Subject: [see e-mail below]

From: Ann Skippers
Sent: 20 January 2019
To: Paul Bryant
Cc: Jackie Ward; Paul Munson
Subject: Re: Questions of clarification from the examiner on the Stowupland NDP

Dear Paul,

Many thanks for this helpful information and all the effort that has gone into the responses.

I believe the only outstanding matter now is the confirmation from Natural England you are seeking. Please let me know when this is received or what deadline you have suggested to them etc.

The only other thought which occurs is whether Policy SNP 2 is now redundant given that the houses are under construction? I sent the queries before going on site - as you will probably have gathered. Should you or the PC wish to offer any thoughts on this then please do so.

Best wishes Ann

Ann Skippers
Ann Skippers Planning

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From: Paul Bryant
Sent: 22 January 2019
To: Ann Skippers
Cc: Jackie Ward; Paul Munson
Subject: Re: Questions of clarification from the examiner on the Stowupland NDP

Dear Ann

Thank you for your e-mail. Please see the updates below:

1. We have not heard back from **Natural England** but are chasing this up and will forward their response as soon as we have it.
2. Regards Policy **SNP2**, we consulted the NP Group on whether this Policy is still required and they have commented as follows:

"I have thought long and hard over Ann's query about whether SNP2 is redundant, and I am happy to leave this to her. Obviously events have overtaken the original allocation, and the intention behind the policy was to set out the important criteria for developing the site reflecting the changes made and conditions imposed by the Inspector (an architect) at appeal. Bloor Homes have made a couple of applications for non-material amendments, and the latest one is being

considered by officers (who have rejected the long list of changes to materials considerably reducing the amount of render). However, the policy is probably not going to make a difference now, so I am content to leave this to Ann, and I am happy for you to convey this to her."

Although a reserved matters application for Phase 2 of this site was approved on 10th April 2018, construction of this phase has not started. It is possible therefore that the Policy may continue to have some relevance if further applications for amendments are submitted. We suggest that it may therefore be prudent to retain the policy.

3. There is one final matter to update you on. In Q11, you asked about the **Gladman** application at **Land south of Gipping Road**. You also advised us not to send or direct you to evidence that was not already in the public domain. In our response dated 17 January we therefore advised that no Planning Committee date has been set. That situation has changed with the publication overnight of the agenda and papers for [Mid Suffolk's Development Control Committee B](#) who will convene on Wednesday week, the 30 January 2019 to consider the following item:

- [DC/18/04357 Land to the south of Gipping Road, Stowupland, Stowmarket](#). (Note that the Case Officer's report recommends approval subject to certain conditions being met.)

Also made publicly available are:

- [DC/18/04357 Land to the south of Gipping Road, Stowupland, Stowmarket – Presentation](#) – Location Plans and other maps
- [DC/18/04357 Land to the south of Gipping Road, Stowupland, Stowmarket - Consultee comments](#)

With your permission, I will update our Examination Correspondence file accordingly.

Kind regards

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

cc: Jackie Ward (Stowupland NP Group), Paul Munson (BMSDC)

[- Ends -]

4. Update on response from Natural England (24 Jan 2019)

From: Paul Bryant (BMSDC)
To: Ann Skippers (cc. Jackie Ward)
Dated: 24 January 2019
Subject: Response from Natural England

Dear Ann

Further to my e-mail dated 22 January we have now received a written response from Natural England regards the HRA matter. They confirm that they agree with the findings of the HRA screening report.

A copy of the e-mail is attached [\[see below\]](#). I will arrange for this to be put on our website via the Examination Correspondence document.

We await your further instruction.

Kind regards

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

From: Natural England
To: Paul Munson
Dated: 24 January 2019
Subject: RE: STOWUPLAND NEIGHBOURHOOD PLAN - SEA/HRA SCREENING

Dear Paul

Further to your email as below. I can confirm that Natural England concurs with the findings of the HRA screening report and agrees that there are no likely significant effects on any N2K sites.

Best regards

Dawn Kinrade
Natural England

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From: Paul Munson
Sent: 15 January 2019
To: consultations@naturalengland.org.uk
Cc: Paul Bryant
Subject: FW: STOWUPLAND NEIGHBOURHOOD PLAN - SEA/HRA SCREENING - CASE REFERENCE 254105

Hello

I would be grateful if you could provide clarification of your response to our consultation with you on the SEA/HRA Screening of the Stowupland Neighbourhood Plan.

Our original e-mail to you dated 1st August 2018 [...] and your response received on 30th August 2018 [... refer].

The Neighbourhood Plan is currently being examined and the Inspector has asked a question of clarification as follows:

“The Screening Determination relies on the Screening Report of July 2018 prepared by Place Services. Natural England (NE) responded but do not specifically mention Habitats Regulation Assessment (HRA) in their response. NE do not offer any specific comments in their response at Regulation 16 stage. Please confirm that NE was specifically consulted on HRA and the dates of any such consultation and whether or not a response was received. If there was a response please provide me with a copy of or link to it.”

Our consultation e-mail to you of 1st August 2018 does refer to both the SEA and HRA. However, as the Inspector has stated, your response of 30th August 2018 does not specifically refer to the HRA screening, although our interpretation was that it was a response to both matters. For the avoidance of doubt I would be grateful if you could confirm that you accept the findings of the HRA screening by Essex Place Services that:

“the Stowupland Neighbourhood Plan is not predicted to have any likely significant effects on a N2k site. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore screened out.”

Please let me know if you require any further information or clarification.

Regards

Paul Munson
Planning Consultant - Spatial Planning Policy
Babergh and Mid Suffolk District Councils - Working Together

[- Ends -]