

Woolpit Neighbourhood Plan

**Report by Independent Examiner to Mid Suffolk
District Council**

Janet L Cheesley BA (Hons) DipTP MRTPI

CHEC Planning Ltd

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Summary and Conclusion

1. The Woolpit Neighbourhood Plan has a clear Vision for the Parish, and is supported by well - defined objectives.
2. I have recommended significant changes to the Plan. A neighbourhood plan must meet the Basic Conditions in order to proceed to referendum. One of the Basic Conditions is that the Plan contributes towards sustainable development.
3. The spatial strategy in Policy WPT1 does not take into consideration the up to date housing need evidence informing the emerging Local Plan. Indeed, there is a shortfall of around 477 dwellings. This is such a significant shortfall that I have reached the conclusion that I do not consider the spatial strategy has regard to national guidance and does not contribute towards sustainable development. Thus, I have recommended the deletion of Policy WPT1 and as a consequence I have recommended that there are no housing allocations in the Plan.
4. I do understand the frustration of such a change after such a long preparation of the Plan by the local community. The local community should not be despondent. This is an excellent plan with a comprehensive range of other policies which will be valuable for guiding the location and scale of future new housing development.
5. I have recommended that the site with planning permission identified in Policy WPT3 remains as an existing commitment, rather than an allocation. I have recommended that Policy WPT4 is deleted as this site is currently under construction. I have recommended that Policy WPT5 is deleted as this site does not currently have planning permission. This does not prevent the site from being promoted for residential development if a proposal accords with other policies in the Plan.
6. In accordance with guidance to examiners in the *NPIERS Guidance to Service Users and Examiners* I sought comments on significant proposed modifications to the Plan. The guidance recommends that the description of the intended modifications are publicised on the local planning authority's website. I asked for this to be publicised for two weeks and invited comments during this period.
7. I have recommended other modifications to some of the policies in the Plan. In particular, I have recommended the deletion of Policy WPT10. In Policy WPT12 I have recommended the deletion of the designation of Local Green Space for land North of Monks Close and for part of the former allotment site adjacent to Rags Lane. I have recommended the deletion of Key Views B and G in Policy WPT15. My reasons are set out below. None of these significantly or substantially alters the intention or nature of the Plan.
8. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the**

Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Woolpit Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Woolpit Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.

Introduction

9. On 4 May 2016 Mid Suffolk District Council (MSDC) approved that the Woolpit Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Woolpit.
10. The qualifying body is Woolpit Parish Council. The Plan has been prepared by a Steering Group on behalf of the Parish Council. The Plan covers the period 2016 to 2036.
11. I was appointed as an independent Examiner for the Woolpit Neighbourhood Plan in November 2019. I confirm that I am independent from the Parish Council and MSDC. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

12. 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:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
13. I am obliged to determine whether the Plan complies with the Basic Conditions. 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; and
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.

14. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:

Amendment to the Neighbourhood Planning (General) Regulations 2012.

3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.

(2) In Schedule 2 (Habitats), for paragraph 1 substitute:

“Neighbourhood development plans

1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—

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(7).”

15. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
16. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

17. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).

18. The Woolpit Neighbourhood Development Plan 2016 - 2036 Pre-submission Draft Strategic Environmental Assessment (SEA) & Habitat Regulations Assessment (HRA): Screening Report was prepared by Place Services in April 2019. Based on this Screening Report MSDC prepared a Strategic Environmental Assessment (SEA) Screening Determination in May 2019. It states: *The Screening Report prepared by Place Services notes that the Neighbourhood Development Plan allocates three sites for development in advance of the emerging Babergh & Mid Suffolk Local Plan, one of which (WPT5) does not have planning permission. That would normally warrant the full application of the SEA Directive in the form of a SEA Environmental Report but, in consideration of the findings of the relevant environmental assessment work undertaken for the Plan's allocations, those concerns have been satisfactorily addressed.*
19. *As such, the content of the Woolpit Neighbourhood Plan has therefore been **screened out** for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC. Further analysis of the environmental characteristics of the Plan area and the Plan's policies within the Screening Report has further indicated that there would be no significant effect on the environment.*
20. The statutory consultees concurred with this conclusion. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
21. As regards HRA, MSDC prepared a Habitats Regulations Screening Determination in May 2019. There are no habitats sites considered to be within scope for this assessment.
22. The Screening Determination concludes that *subject to Natural England's review, the Woolpit Neighbourhood Plan is not predicted, without mitigation, to have any likely significant effects on a Habitats site. Natural England has subsequently confirmed that they concur with the conclusion of the HRA Screening. The requirement for the Plan to undertake further assessment under the Habitats Regulations 2017 is therefore **screened out**.*
23. Based on the screening determination and consultee response, I consider that the Plan did not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
24. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

25. The *National Planning Policy Framework* (NPPF) (2019) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
26. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
27. Woolpit Parish is within the local authority area of Mid Suffolk District Council (MSDC). The development plan for the Woolpit Neighbourhood Plan Area comprises the saved policies in the Mid Suffolk Local Plan (1998); The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006); The Mid Suffolk Core Strategy Development Plan Document (2008); and The Mid Suffolk Core Strategy Focused Review (2012).
28. The strategic policies in the development plan include policies regarding housing provision and the conservation and enhancement of the natural and historic environment.
29. MSDC with Babergh District Council published a new Joint Local Plan Preferred Options Consultation Document in July 2019. This covers the period to 2036. This has been followed by recent consultation on the BMSDC Sustainability Scoping Report (March 2020).
30. There is no legal requirement to test the Neighbourhood Plan against emerging policy, but as stated in PPG, *the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic*

conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

The Neighbourhood Plan Preparation

31. 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.
32. The initial consultation process started in January 2016 where two meetings were held to seek support for the production of a neighbourhood plan. Web pages were attached to the village website to host information about neighbourhood planning, provide news about the plan, publish agendas and minutes of Steering Group meetings as well as newsletters, documents and reports, and link to local and national neighbourhood planning resources. These web pages were updated monthly.
33. A series of informal events took place between May and July 2016, using a pop-up stand. Local businesses were interviewed and invited to respond to a survey. The Plan's vision for Woolpit was formulated in August 2016. A presentation was held at the school and a public exhibition took place in November 2016.
34. The results of consultations were disseminated to subscribers of the emailing list and published on the web site. Feedback was also provided by a bimonthly newsletter to these subscribers and made available to the public at two sites in the village centre. There were regular notices in the Woolpit Diary, and the local press. In June 2017 a community questionnaire was distributed to households. An exhibition of the results was held in February 2018.
35. The consultation period on the pre-submission draft of the Plan ran from 1 March 2019 to 19 April 2019. A booklet together with a copy of the Consultation Response Form was distributed in February 2019 to all households in the Parish. During the consultation period drop in sessions were held at the Woolpit Institute and there was a public consultation event on 23 March 2019. A notice advertising the Pre-Submission Consultation was placed in the Woolpit Diary and posters were displayed on several noticeboards in the Parish.
36. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. My summary of the consultation process does not do it the full justice it deserves. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable

lengths to ensure that local residents and businesses were able to engage in the production of the Plan over an extensive time period. I congratulate them on their enormous efforts.

37. MSDC publicised the submission Plan for comment during the publicity period between 16 December 2019 and 7 February 2020 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 14 responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
38. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the MSDC web site.

The Woolpit Neighbourhood Plan

39. Background information in Section 2 of the Plan and in supporting documents published on the Parish Council's Web page provide an overview of the Plan area and supporting evidence for the policies. As such, they provide a detailed evidence base to the Plan. This has provided a useful and easily accessible source of background information.
40. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
41. PPG states: *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.* (Paragraph: 041 Reference ID: 41-041-20140306).
42. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.

43. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
44. Whilst a neighbourhood plan is not required to outline the Basic Conditions, paragraph 1.5.1 in the Plan should include all of the Basic Conditions including the following Basic Condition: *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(7)*. **I see this as a minor editing matter.**
45. Paragraph 1.1.4 in the Plan states that the plan period starts in 2017. I questioned this as other documents suggested it starts in 2016. The Parish Council has confirmed that the correct start date is 2016. Thus, paragraph 1.1.4 should be amended accordingly. **I see this as a minor editing matter.**
46. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as Community Actions in this Plan), these have to be clearly differentiated from policies for the development and use of land.
47. A clear Vision for the Parish has been established and is supported by three specific objectives under the headings social, business and economic and environmental.
48. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy WPT1 Spatial Strategy

49. On 4 March 2020 I wrote an open letter to the Parish Council outlining my concerns regarding the housing strategy. I have included the letter as Appendix 2 to this report. That is a full statement of my reasoning, which I will now summarise below.
50. The Babergh and Mid Suffolk Joint Local Plan Consultation Document was published in August 2017. The Woolpit Neighbourhood Plan Regulation 14 consultation commenced in April 2019. At that time, MSDC informed the Parish Council through representations that the housing numbers set out in the August 2017 document were out of date. This was due to the publication of the Government's new national Planning Policy Framework and the introduction of a new standardised methodology for calculating district wide housing need. MSDC advised at that time that the final housing number and

sites required cannot be finalised, but a figure higher than that in the pre-submission neighbourhood plan could not be ruled out.

51. The Babergh and Mid Suffolk Joint Local Plan Preferred Options Consultation Document was published in July 2019. Woolpit is identified as a Core Village with a minimum requirement of 727 new houses.
52. The spatial strategy in Policy WPT1 in the Plan proposes the provision of around 250 new dwellings, predominately on three identified sites, with the remaining new dwellings comprising infill building within the settlement boundaries. The justification for the spatial strategy in the neighbourhood plan is clearly outlined in paragraphs 4.1.2 and 4.1.3 in the Plan.
53. There is no legal requirement to test the Neighbourhood Plan against emerging policy, but as stated in PPG, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development.
54. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements or the distribution of those requirements. This is the role of the examination of the emerging Joint Local Plan. From the evidence before me, I consider the minimum housing figure of 727 dwellings in the emerging Joint Local Plan provides me with the best guidance on housing numbers for the Plan area. The spatial strategy in Policy WPT1 falls significantly short of this figure. I do realise that at the time of the Pre-submission Plan, the Parish Council could not have been aware of the current up to date housing need evidence that has informed the distribution and amount of housing outlined in the Joint Local Plan Preferred Options Consultation Document. Nevertheless, there has been the opportunity to reconsider the spatial strategy in the light of the Joint Local Plan Preferred Options Consultation Document and this has not been taken.
55. A neighbourhood plan must meet the Basic Conditions in order to proceed to referendum. One of the Basic Conditions is that the Plan contributes towards sustainable development. Unfortunately, the spatial strategy in the neighbourhood plan does not take into consideration the up to date housing need evidence informing the emerging Local Plan. Indeed, there is a shortfall of around 477 dwellings. This is such a significant shortfall that I have reached the conclusion that I do not consider the spatial strategy in Policy WPT1 has regard to national guidance and does not contribute towards sustainable development. Therefore, if the spatial strategy were to remain in the Plan, I would be unable to recommend that the Plan proceeds to referendum. Even if I were to recommend the inclusion of the site at Bury Road, where there is a recent resolution to grant outline planning permission subject to a Section 106 agreement for up to 300 dwellings (DC/18/04247), the shortfall would still be significant.

56. In my letter dated 4 March 2020, I suggested two possible courses of action. Firstly, a neighbourhood plan does not have to have a housing strategy and does not have to allocate housing sites. This can be left to the Local Plan. To meet the Basic Conditions would require the deletion of Policy WPT1. The sites identified in Policies WPT3 and WPT4 could remain as existing commitments, rather than allocations. Subject to my detailed examination of these policies, criteria guiding the development of these sites could be retained in modification to these policies. Policy WPT5 would be deleted as this site does not currently have planning permission.
57. Policy WPT2 could remain, again subject to detailed examination of the wording, to guide the location and scale of new housing developments. The location and scale of new housing developments would also be guided by other policies in the Plan particularly Policies WPT14 and WPT15 regarding landscape concerns, gaps and views and Policies WPT18 and WPT19 regarding design matters. As these would be significant changes, in accordance with guidance to examiners in the NPIERS Guidance to Service Users and Examiners, I would seek comments from interested parties on these proposed modifications to the Plan during the course of the examination.
58. Secondly, I gave the Parish Council the opportunity to withdraw the Plan from examination. The Parish Council sought to hold a public meeting on 31 March 2020 to discuss the best way forward. Unfortunately, the meeting was due to take place during the Covid 19 lockdown and it was not possible for the meeting to go ahead. On that date, the Parish Council confirmed in writing that it would like to proceed under option 1. Therefore, I have continued to examine the Plan on this basis.
59. I realise that this is a significant change to the Plan. I asked MSDC to publicise a description of the proposed modification to the housing strategy on their website, to inform all those who made representations during the Regulation 16 consultation period and consult the developers/landowners concerned, seeking comments during a 2 week period between 22 June 2020 and 13 July 2020.
60. Twenty-eight organisations/ households submitted representations and there was one late representation. I have taken the comments into consideration. I have carefully considered all representations, particularly those of local residents who oppose this suggested change to the Plan. I do understand the frustration of such a change after such a long preparation of the Plan by the local community. The local community should not be despondent. This is an excellent plan with a comprehensive range of other policies which will be valuable for guiding the location and scale of future new housing development.
61. Due to the Covid 19 lockdown, I delayed visiting the Parish until July. At my visit, it was evident that construction of dwellings at the site of land east of

Green Road has been started. In these circumstances, it is not now necessary or appropriate to include this site as a commitment in Policy WPT4.

62. For the above reasons, to meet the Basic Conditions, I recommend the deletion of Policies WPT1, WPT4 and WPT5. The site identified in Policy WPT3 can remain as an existing commitment, rather than an allocation. I will consider the detailed wording of this policy below. The spatial strategy in section 4.1 will need to be revised in the light of my recommendation, as will paragraph 1.5.3. The calculation of housing need on page 65 should be deleted as should paragraphs 4.5.1 and 4.5.2.
63. It is not for me to re-write the Plan. Where there are other references to the spatial strategy that need to be altered, **I consider these to be minor editing matters.**
64. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policies WPT1, WPT4 and WPT5 and the deletion of the allocation on land east of Green Road and on land North of Woolpit Primary School from the Policies Map. The Site identified in Policies WPT3 to remain as an existing commitment, rather than an allocation. The spatial strategy in section 4.1 to be revised in the light of my recommendation, as will paragraph 1.5.3. The calculation of housing need on page 65 to be deleted. The deletion of paragraphs 4.5.1 and 4.5.2.**

Policy WPT2 Location and scale of new housing developments

65. The NPPF in paragraph 77 requires planning policies in rural areas to be responsive to local circumstances and support housing developments that reflect local needs.
66. Core Strategy Policy CS1 identifies Woolpit as one of the Key Service Centres. These settlements are the main focus for development outside of the towns. Policy SP03 in the emerging Joint Local Plan Preferred Options Consultation Document identifies Woolpit as a Core Village, where along with Market Towns and Urban Areas, development is to be focussed.
67. Policy WPT2 lists criteria for the location and scale of new housing developments. It seeks to ensure that new development is well related to the existing development and the surrounding landscape.
68. *The Woolpit Neighbourhood Plan Landscape Appraisal* (March 2018) provides a robust evidence base for the landscape considerations in Policy WPT2. The Landscape Appraisal is referred to in the last paragraph in Policy WPT2. For completeness, the full title of the Landscape Appraisal should be included. **I see this as a minor editing matter.**
69. Policy WPT15 is a specific policy concerned with settlement gaps. The second criterion in Policy WPT2 does not correspond to the more detailed

policy requirements in Policy WPT15. The Plan has to be read as a whole. To avoid internal conflict, I recommend the deletion of this criterion in Policy WPT2, leaving settlement gap policy criteria in Policy WPT15.

70. In the absence of a spatial strategy, Policy WPT2 is important to guide the location and scale of future housing developments. As such, modified Policy WPT2, as suggested above, has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WPT2 meets the Basic Conditions.
71. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the second criterion in Policy WPT2.**

Policy WPT3 New homes at land south of Old Stowmarket Road

72. Outline Planning application Ref: 1636/16 has been granted planning permission with all matters reserved except for access for the erection of up to 120 dwellings. Construction of a car park to be associated with Woolpit Health Centre. Access to the site and individual accesses to five self-build plots and associated open space. The proposal includes highway improvements to Heath Road and Old Stowmarket Road, including a double mini roundabout at Church Street, Old Stowmarket Road and Heath Road junction.
73. When I asked the Parish Council to fact check a draft of my report, I was informed that whilst the planning application and Section 106 agreement refer to 'The Street', the reference should be to Church Street. I have altered the references accordingly.
74. A reserved matters planning application (Ref: DC/19/05196) for the Layout, Scale, Appearance and Landscaping for the erection of 115 No dwellings has recently been granted permission.
75. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 56 in the NPPF.
76. There is a completed Section 106 agreement. This includes a highway improvement scheme defined as a scheme of traffic calming, walking and cycling improvement on Heath Road including modifications to the junctions with Church Street and Old Stowmarket Road and including mini roundabouts, footway dropped kerbs on Heath Road footway at the junctions with Steeles Road and Mill Lane. It also includes a Footway/Cycle Track scheme defined as a new and widened footway/cycle track on Church Street, Heath Road and Old Stowmarket Road linking the site to the bus stops and the village centre.

77. Developer contributions have been considered as part of the outline planning permission. The detailed requirements in Policy WPT3 for the development of this site generally accords with the outline scheme and the contributions proposed as part of the outline planning application. I consider the contributions required in Policy WPT3 meet the statutory tests.
78. Although planning permission has been granted, it is still appropriate for the Plan to include a policy outlining detailed requirements for the development of the site as a commitment rather than as an allocation.
79. As the site is now a commitment in the Plan, rather than an allocation, Policy WPT3 should be revised accordingly. Subject to the above modifications, Policy WPT3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy WPT3 meets the Basic Conditions.
80. Section 4.3 needs revision to reflect the modification of Policy WPT3. Suffolk County Council has stated that the parking guidance is now the 2019, rather than the 2015 guidance. **I see these as minor editing matters.**
81. **Recommendation: to meet the Basic Conditions, I recommend**
- 1) modification to Policy WPT3 to read as follows:**
- Policy WPT3 New homes at land south of Old Stowmarket Road**
- Land south of Old Stowmarket Road, identified on the Policies Map, is a commitment for up to 120 homes. The following are required as part of the development:**
- **The housing density is no higher than 23 dwellings per hectare;**
 - **Mix of dwelling types and sizes across all tenures including bungalows;**
 - **The development will include 35% of affordable housing to address local housing needs;**
 - **Sufficient outdoor green space with high standard landscaping is included;**
 - **Each new dwelling will provide adequate and suitable parking, having regard to the Suffolk Guidance for Parking (2019);**
 - **A main car park of approximately 0.5 hectares area for Woolpit Health Centre with direct access through the development;**
 - **Raised table pedestrian crossings on Heath Road at Woolpit Health Centre and at the junction of Old Stowmarket Road with Heath Road; and**
 - **New pedestrian linkages to enable residents to walk to all facilities in the village centre.**

2) identification of land south of Old Stowmarket Road as a commitment on the Policies Map.

Policy WPT4 New homes at land east of Green Road

82. Planning application Ref 2112/16 for the erection of 49 dwellings (including 17 affordable dwellings) and construction of new access was granted planning permission in an Appeal Decision dated 28 September 2018. Dwellings are being constructed on the site. As already mentioned under Policy WPT1, as this work on the site has commenced, in the interest of clarity, Policy WPT4 should be deleted.
83. Section 4.4 needs revision to reflect the deletion of Policy WPT4. **I see this as a minor editing matter.**

Policy WPT5 New homes at land north of Woolpit Primary School

84. Please see comments under Policy WPT1 above. The deletion of this site from the Plan does not prevent it from being promoted for residential development if a proposal accords with other policies in the development plan, nor does it prevent this site from being promoted for inclusion in the emerging Joint Local Plan.
85. Suffolk County Council has raised concern that by deleting this policy, there is deletion of the policy requirement to provide land to enable the expansion of the primary school. Their concern is that this creates a risk that future windfall development near the school could prevent Suffolk County Council from future proofing education provision in the area.
86. Paragraph 94 in the NPPF requires local planning authorities to give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. The emerging Local Plan will therefore be required to address this issue as will any consideration by MSDC of planning applications. Therefore, the deletion of Policy WPT5 does not prevent Suffolk County Council from future proofing education provision in the area.

Policy WPT6 Housing Type

87. Paragraph 59 in the NPPF states that the needs of groups with specific housing requirements need to be addressed, to support the Government's objective of significantly boosting the supply of homes.
88. Core Strategy Policy CS9 seeks to ensure a mix of housing types, sizes and affordability to cater for different accommodation needs.

89. The above policies are relevant to Policies WPT6, WPT7 and WPT8.
90. Policy WPT6 seeks a mix of appropriate and diverse types of houses on developments of 10 or more homes. The background evidence indicates the need for the mix of dwellings proposed.
91. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. As such, the requirement for 50% or more of the dwellings to be designed for lifetime occupation in Policy WPT6 does not have regard to national policy. Therefore, I recommend deletion of this requirement from Policy WPT6.
92. Subject to the above modification, Policy WPT6 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. As such, modified Policy WPT6 meets the Basic Conditions.
93. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the following sentence from Policy WPT6: Furthermore, 50% or more of the dwellings must be designed for lifetime occupation.**

Policy WPT7 Affordable Housing on Rural Exception Sites

94. Paragraph 77 in the NPPF states: *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*
95. Core Strategy Policy CS2 seeks to restrict development in the countryside other than in defined categories including affordable housing on exception sites.
96. Policy WPT7 supports affordable housing schemes on rural exception sites, with an emphasis on there being a local proven need and local connection criteria for the affordable housing. As in some circumstances national policy allows for some market housing on these sites, I recommend modification to the policy to relate the criteria to the affordable housing element of any scheme. To achieve this, I have suggested the inclusion of 'affordable' before 'housing' in the fourth line.
97. The Mid Suffolk Choice-based Lettings Scheme may be updated during the plan period. Therefore, I recommend modification to Policy WPT7 to refer to any updated letting criteria. The latest Allocations Policy is dated 2019.

98. Section 167 of the Housing Act 1996 sets out certain groups of people who should be given reasonable preference. To have regard to national policy, I recommend that the word 'normally' is inserted at the beginning of the third criterion. This will ensure flexibility within the policy to allow for the ability to give preference to people with urgent housing need. I have suggested revised wording that ensures the letting policy is in accordance with MSDC letting policy, with a local connection being emphasised.
99. Subject to the above modifications, Policy WPT7 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WPT7 meets the Basic Conditions.
100. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WPT7 to read as follows:**

Policy WPT7 Affordable Housing on Rural Exception Sites

Proposals for the development of affordable housing schemes on rural exception sites outside but adjacent to the settlement boundary, where housing would not normally be permitted by other policies, will be supported where there is a proven local need and provided that the affordable housing:

- **always remains affordable;**
- **is for people who are in housing need because they are unable to buy or rent properties in the village at open-market prices;**
- **is normally offered, in the first instance, to people with a demonstrated local connection as defined in Mid Suffolk District Council's Local Connection Criteria.**

These restrictions should be delivered through a legal agreement attached to the planning consent.

Policy WPT8 Housing for the elderly

101. There is a clearly identified need for housing suitable for elderly people. Policy WPT8 welcomes development which incorporates specific provision for the elderly. In order for this to be a land use and development policy, it should 'support' rather than 'welcome' such provision. As the Plan has to be read as a whole, the location and scale of such development would be subject to other policies, particularly Policy WPT2.
102. Subject to the above modification, Policy WPT8 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WPT8 meets the Basic Conditions.
103. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WPT8 to read as follows:**

Policy WPT8 Housing for the elderly

Proposals will be supported for development which incorporates specific provision for the elderly, which may include:

- **Bungalows to accommodate older people as well as those with disabilities;**
- **Sheltered housing or extra care housing for those capable of living independently;**
- **Care home provision for those no longer capable of independent living.**

Policy WPT9 Location of business sites

104. The NPPF supports a prosperous rural economy. Paragraph 83 states: *Planning policies and decisions should enable:*
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
 - b) the development and diversification of agricultural and other land-based rural businesses;*
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*
105. Paragraph 84 in the NPPF recognises *that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.*
106. Core Strategy Policy CS2 restricts development in the countryside to defined categories. These include new-build employment generating proposals where there is a strategic, environmental or operational justification.
107. Core Strategy Focused Review Policy FC 3 directs the majority of new employment to the towns and Key Service Centres. It supports economic development proposals in rural areas that cannot be more sustainably located closer to existing settlements and where the proposal is restricted in size, scale and type appropriate to a rural setting.
108. The above policies are relevant to Policies WPT9, WPT10 and WPT11.
109. Policy WPT9 supports redevelopment of brownfield sites for employment use and construction or redevelopment on existing employment sites subject to a list of criteria.

110. For the same reason as stated under Policy WPT2, I recommend deletion of the second criterion with regard to gaps between settlements.
111. As previously mentioned, developer contributions can only be sought where they meet the statutory tests. Improving pedestrian/cycle links can only be required if they meet these tests. Therefore, to have regard to national policy, I have suggested revised wording to this criterion in Policy WPT9.
112. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF allows for harm to or loss of significance of a heritage asset, with a weighting against public benefits depending on the significance of the harm. Therefore, to say that there should be no harm to heritage assets in Policy WPT9 does not have regard to national policy. I recommend deletion of this criterion, and to avoid unnecessary repetition, I will consider it in a revised form in the design criteria in Policy WPT18.
113. The Landscape Appraisal is a background evidence document and is not a policy document. Therefore, in the interest of precision, reference should be made to having 'regard' to the findings of this document. As mentioned under Policy WPT2, for completeness, the full title of the Landscape Appraisal should be included. **I see this as a minor editing matter.** I assume that the Landscape Sensitivity Study referred to in the last criterion in the first paragraph of Policy WPT9 is the Landscape Appraisal.
114. The last paragraph in Policy WPT9 refers to other cases and employment development on greenfield sites. There has been concern raised that the policy does not include expansion of existing businesses. However, I see such expansion falling within this 'other' category. In this paragraph there is a requirement for a proven *demonstrable need in Woolpit Parish or in Mid Suffolk District, and more particularly where there is a demonstrable benefit to the parish community and its infrastructure*. I have no robust evidence to justify these restrictions which do not have regard to national policy. On this basis, I recommend the deletion of these requirements. The other cases and employment development on greenfield sites can be included in the first paragraph as the list of criteria in that paragraph is relevant to such proposals. I have suggested revised wording.
115. Subject to the above modifications, Policy WPT9 has regard to national policy, contributes towards sustainable development, particularly the economic objective and is in general conformity with strategic policy. As such, modified Policy WPT9 meets the Basic Conditions.
116. The last paragraph in paragraph 5.1.1 is a policy statement regarding the design and layout of business premises. There is no such corresponding policy in the Plan. Therefore, in the interest of precision, this paragraph should be deleted.

117. Recommendation: to meet the Basic Conditions, I recommend

1) modification to Policy WPT9 to read as follows:

Policy WPT9 Location of business sites

Proposals for redevelopment of brownfield sites and greenfield sites for business / industrial use, and the expansion of existing employment sites or construction or redevelopment on existing employment sites will be supported, subject to meeting the following conditions:

- being within the capacity of the existing infrastructure and road layout of the village, or providing the necessary additional capacity;**
- good access to A14 avoiding the village centre;**
- mitigation of traffic / road impacts from the development;**
- improvement of pedestrian / cycling links with the built-up area of the village, where appropriate, subject to the statutory tests in the *Community Infrastructure Levy Regulations 2010*;**
- enough on-site parking to meet the needs of the proposed use;**
- avoidance of nuisance (from noise, fumes, smells, light pollution or other disturbance) to neighbouring properties;**
- any lighting plan that will keep pedestrians and other users safe without a detrimental effect on the environment;**
- mitigation of visual impacts on the rural setting of the village having regard to the findings of *The Woolpit Neighbourhood Plan Landscape Appraisal (March 2018)*;**
- enhancement of the environment having regard to the findings of *The Woolpit Neighbourhood Plan Landscape Appraisal (March 2018)*.**

2) the deletion of the last paragraph in paragraph 5.1.1.

Policy WPT10 Sustainability and support for the community

118. As previously mentioned, developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
119. Policy WPT10 requires sustainable site management plans for business park proposals. The preceding explanatory paragraph to Policy WPT10 explains that business parks will be considered more favourably where they propose to make community contributions as part of a sustainable site management plan. The explanatory paragraph appears to go way beyond the three tests for developer contributions. This does not have regard to national policy.
120. Business park proposals are required to include a vision for growth in line with the gradual growth in housing, infrastructure and services in Policy WPT10. In determining planning applications for business parks, it is not clear how the

vision for growth of a business park can be linked to growth in housing, infrastructure and services. Such a requirement does not aid the decision maker.

121. For the above reasons, I recommend the deletion of Policy WPT10 and paragraph 5.2.3. They do not have regards to national policy and thus do not meet the Basic Conditions.
122. Paragraph 5.2.2 identifies three 'dimensions' of sustainable development. The NPPF refers to 'objectives' rather than 'dimensions'. I suggest that this paragraph is amended accordingly. Paragraph 5.2.2 can remain in the Plan. It may be appropriate to include it as part of the explanatory text for Policy WPT9. **I see this as a minor editing matter.**
123. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy WPT10 and paragraph 5.2.3.**

Policy WPT11 Retail outlets and small businesses

124. Policy WPT11 supports a wide range of commercial outlets within the Conservation Area and proposals for small businesses outside the Conservation Area, subject to criteria. The criteria primarily ensure that such new development does not have an adverse impact on the locality. As such, Policy WPT11 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy WPT11 meets the Basic Conditions.
125. The third, fourth and seventh paragraphs in section 5.3.2 are policy requirements that are not included in Policy WPT11. In addition, in section 5.3.3, the requirement to 'enhance the amenity' in the first paragraph, together with the second and third paragraphs are again policy requirements that are not included in Policy WPT11. To avoid internal conflict within the Plan, in the interest of precision, I therefore recommend the deletion of the supporting text mentioned above.
126. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the third, fourth and seventh paragraphs in section 5.3.2 and in section 5.3.3, the requirement to 'enhance the amenity' in the first paragraph, together with the second and third paragraphs.**

Policy WPT12 Local Green Space

127. The NPPF in paragraphs 99 - 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes,*

jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) 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*
- c) local in character and is not an extensive tract of land.*

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

128. The background evidence in the *Woolpit Neighbourhood Plan Local Green Space Appraisal and other designations* is a helpful evidence base for the designation of the proposed Local Green Spaces (LGS). I have visited the Parish and seen the proposed LGS. My comments on each site are set out below. All the sites are in close proximity to the community, local in character and not extensive tracts of land. They meet the criteria for designation unless I have specifically mentioned otherwise.
129. 1. *St Mary's Churchyard*. The churchyard clearly meets the criteria for designation as a LGS. It is demonstrably special to the local community, particularly for its tranquillity. However, I am concerned about including the Church building on the Policies Map as part of the LGS. It does not meet the criteria for designation as part of the LGS. Therefore, I recommend the deletion of the Church building from the LGS designation on the Policies Map.
130. 2. *Lady's Well and enclosure*. It is demonstrably special to the local community, particularly for its historical significance.
131. 3. *Meadows within the Conservation Area between Elmswell Road and the Old Rectory*. It is demonstrably special to the local community, particularly for its beauty in relation to the setting of the village.
132. 4. *Meadowlands meadow*. It is demonstrably special to the local community, particularly for its verdant beauty within the built up area.
133. 5. *Wooded ridge and grassed area adjacent to Wrights Way and Lower Broom Road*. It is demonstrably special to the local community, particularly for its recreational value.
134. 6. *Grassed recreation space adjacent to Steeles Road*. It is demonstrably special to the local community, particularly for its recreational value.

135. *7. Baker's Piece.* This area is a wildlife habitat. Although outside any settlement boundary, it is in reasonably close proximity to the community, and local in character and demonstrably special to the local community, particularly for its wildlife value.
136. *8. Former allotments site adjacent to Rags Lane.* I note that this land has not been used as allotments for a considerable number of years. Outline Planning permission, subject to a Section 106 agreement, has recently been granted for 5 dwellings to be built on part of the land (Ref: DC/19/02688). Proposed ecological compensation includes the creation of a meadow on the remainder of the site proposed as a LGS. In these circumstances, the area designated as LGS should be confined to that area outside the area proposed for development in planning application Ref: DC/19/02688. This remaining area meets the criteria for designation.
137. *9. Millennium Garden.* It is demonstrably special to the local community, particularly for its tranquillity.
138. *10. Pump garden.* It is in close proximity to the community being in the centre of the village. It is demonstrably special to the local community, particularly for its historical significance.
139. *11. Mitre Close green space.* This is an open green area in a residential area. It is demonstrably special to the local community, particularly for its informal recreational value.
140. *12. Briar Hill green space.* This is a green area at the entrance to the residential estates. It is demonstrably special to the local community, particularly for its informal recreational value.
141. *13. Land within the Conservation Area north of Monks Close.* The *Woolpit Neighbourhood Plan Local Green Space Appraisal and other designations* recognises that this site is of no special significance and does not qualify for LGS designation, but the assessment may change if a planning application is brought forward before the submission of the Plan. I note that the outline planning permission recently granted subject to a Section 106 agreement proposes this area to become a burial ground (Ref DC/18/04247). It may be in the future that the burial ground could meet the criteria for designation as a LGS, but currently it is not demonstrably special to the local community and thus does not meet the criteria for designation. Thus, I recommend the deletion of this site as a LGS in Policy WPT12 and on the Policies Map.
142. *14. Steeles Road garden.* This is a public garden. It is demonstrably special to the local community, particularly for its recreational value.
143. *15. Allotments adjacent to Warren Lane.* These are public allotment gardens close to The Heath. They are demonstrably special to the local community, particularly for their informal recreational value.

144. 16. *Graveyard behind The Room (White Elm Road)*. This burial ground is a small area sheltered by trees. It is demonstrably special to the local community, particularly for its tranquillity.
145. Policy WPT12 only allows development on LGS in very special circumstances. Policy WPT12 as modified above has regard to national policy, contributes towards the environmental objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT12 meets the Basic Conditions.
146. The Settlements Inset Map and the Village Centre Inset Map number the LGS. The Policies Map, Policies Inset Map and Policy WPT12 do not number the LGS. I suggest that the LGS listed in the policy and the maps are all numbered. **I see this as a minor editing matter.**
147. **Recommendation: to meet the Basic Conditions I recommend:**
- 1) deletion of the St Mary's Church building from the LGS designation on the Policies Map**
 - 2) deletion of the area for development in planning application Ref: DC/19/02688 on the former allotments site adjacent to Rags Lane from the LGS designation in Policy WPT12 and on the Policies Map.**
 - 3) deletion of land within the Conservation Area north of Monks Close from LGS designation in Policy WPT12 and on the Policies Map.**

Policy WPT13 Sports and Recreational Areas (SRA)

148. The NPPF in paragraph 96 recognises that access to a network of high quality open spaces for sport and physical activity is important for the health and well-being of communities.
149. Core Strategy Policy CS5 seeks to ensure that all development retains the local distinctiveness of the area.
150. Policy WPT13 identifies three existing sports/playing fields for future protection. Policy WPT13 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Policy WPT13 meets the Basic Conditions.

Policy WPT14 Areas of Special Landscape Quality

151. The NPPF, in Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment; including protecting and enhancing valued landscapes.

152. Core Strategy Policy CS5 seeks to protect and conserve landscape quality, taking into account the natural environment and the historic dimension of the landscape as a whole.
153. The above policies are relevant to the consideration of both Policies WPT14 and WPT15.
154. Policy WPT14 identifies five Areas of Special Landscape Quality. Two of these areas have been identified as Special Landscape Areas in the 1998 Local Plan. This policy does not prevent development within these defined areas, but where development is proposed, it must seek to protect and enhance the special qualities, harmonise with the landscape setting and the benefits must demonstrably outweigh adverse impacts. The supporting evidence in the Landscape Appraisal provides comprehensive justification for the designation of the areas chosen.
155. The Landscape Character Appraisal and Landscape Appraisal describe a number of areas rather than actually designating the Areas of Special Landscape Quality. Therefore, in the interest of precision, I recommend deletion of reference to these documents from Policy WPT14.
156. Subject to the above modification, Policy WPT14 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT14 meets the Basic Conditions.
157. **Recommendation: to meet the Basic Conditions, I recommend modification to the first sentence in Policy WPT14 to read as follows:**
- Development proposals in areas of special landscape quality, as identified on the Policies Map, will only be permitted where they**
- **protect and enhance the special qualities of the area; and**
 - **are designed and sited so as to harmonise with the landscape setting.**

Policy WPT15 Settlement gaps and key views

158. Policy WPT15 seeks to protect defined Key Views and retain gaps between settlements.
159. Only one area is defined as a Settlement Gap on the Policies Map. Policy WPT15 has some internal conflict. It both prevents encroachment onto the gap and allows development in the gap. The conflict is that any development in a gap would, by definition, be encroaching into that gap. It does appear that the importance of the Settlement Gap is to retain the separate and distinctive identities of the settlements by safeguarding the integrity of the gap. As such, I have suggested revised wording.

160. Twelve Key Views have been identified on the Policies Map with supporting evidence in the Key Views background evidence document. Criteria for development within these Key View areas have been combined with the Settlement Gap criteria in Policy WPT15, creating some internal conflict. Therefore, I suggest that the Key Views criteria are separate. As the main concern is to retain the visual quality of the landscape setting within these Key Views, I have suggested revised wording.
161. I have seen the Key Views and I am satisfied that the supporting evidence justifies their identification, apart from Key Views B and G.
162. Key Views B and G are over land that has recently been granted outline planning permission subject to a Section 106 agreement (Ref DC/18/04247). I note that the outline planning application responded to the Landscape Appraisal. As the site has been granted planning permission subject to a legal agreement, it is considered suitable as a site for sustainable development. The protection of Key Views B and G would prevent sustainable development from taking place on this site. Thus, I recommend the deletion of these Key Views.
163. Subject to the modifications proposed above, modified Policy WPT15 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT15 meets the Basic Conditions.
164. **Recommendation: to meet the Basic Conditions, I recommend**

1) modification to Policy WPT15 to read as follows:

Policy WPT15 Settlement Gap and Key Views

To retain the separate and distinctive identities of the settlements, development will only be permitted in the Settlement Gap identified on the Policies Map, where it safeguards the integrity of the gap, either individually or in combination with other existing or proposed development.

10 Key Views are identified on the Policies Map. Within these areas, development will only be permitted where it retains the visual quality of the landscape setting.

2) modification to the Policies Map to delete Key Views B and G.

Policy WPT16 Footpaths and cycleways

165. At paragraph 98, the NPPF seeks to protect and enhance public rights of way and access.
166. As previously mentioned, developer contributions can only be sought where they meet the statutory tests.
167. Core Strategy Policy CS6 expects *new development to provide or support the delivery of appropriate and accessible infrastructure to meet the justifiable needs of new development*. Such infrastructure can include improvements to pedestrian and cycle routes.
168. Policy WPT16 seeks to protect and where possible enhance the Public Rights of Way Network. Major residential developments will be required to provide linked or extended routes to existing footpaths and cycleways. To meet the statutory tests, I suggest that this requirement and the requirement to enhance the network include reference to such a requirement being appropriate to meet the justifiable needs of the new development. I have suggested revised wording.
169. Subject to the above modifications proposed, modified Policy WPT16 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT16 meets the Basic Conditions.
170. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WPT16 to read as follows:**

Policy WPT16 Footpaths and cycleways

In order to support the sustainability objectives of promoting walking and cycling and access to the countryside via the Public Rights of Way network, all development should protect the public rights of way network and, where appropriate to meet the justifiable needs of the new development, enhance the network through improved facilities and additional links. Major residential developments will be required to provide linked or extended routes to existing footpaths and cycleways, where appropriate to meet the justifiable needs of the new development.

Proposals to reroute existing public rights of way as part of a development will be supported if they result in an enhanced route being obtained that will benefit the community.

Policy WPT17 Public charging points for electric vehicles

171. Paragraph 148 in the NPPF emphasises the importance of supporting the transition to a low carbon future. Paragraph 105 states that in setting local

parking standards for both residential and non-residential development policies should take into account a number of factors including *the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.*

172. Whilst not specifically referring to electric vehicle charging points, Core Strategy Policy CS4 requires all development to reflect the need to plan for climate change. In particular, it seeks to protect people from unsafe or unhealthy pollutants.
173. Policy WPT17 requires car parks that provide public parking to provide passive electric vehicle charging infrastructure for 20% of the spaces. In addition, there is a requirement for a ratio of charging points for at least 1 per 20 spaces where there are activated charging points.
174. It is clearly difficult to be exact when it comes to determining how many charging points are likely to be needed. The Plan covers the period to 2036 and it can be reasonably assumed that the requirement for electric vehicle charging points is going to increase. To ensure that an adequate provision of spaces for charging is available, I suggest that there is some flexibility in the requirement for charging infrastructure. I suggest that flexibility allows infrastructure provision for 'at least' 20% of spaces. Such provision will contribute towards sustainable development. I have suggested revised wording.
175. Subject to the above modification, Policy WPT17 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT17 meets the Basic Conditions.
176. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WPT17 to read as follows:**

Policy WPT17 Public charging points for electric vehicles

Where development proposals include car parking spaces for use by the general public, passive provision of electric vehicle charging infrastructure (ie underlying infrastructure meeting current best practice, which enables simple installation and activation of charging points at a later date) is required for at least 20% of all spaces. Parking spaces equipped with activated charging points for electric vehicles (EVCPs) must be provided at a ratio of at least 1 per 20 spaces, and not less than 1 per car park.

Policy WPT18 Design

177. Paragraph 124 in the NPPF emphasises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
178. Paragraph 125 in the NPPF states: *plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
179. Paragraph 127 in the NPPF lists criteria for design policies, including that developments *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
180. Core Strategy Policy CS5 requires development to be of a high quality of design that respects the local distinctiveness and the built heritage of the District, enhancing the character and appearance of the District.
181. Core Strategy Focused review Policy FC1.1 seeks to ensure that proposals for development conserve and enhance the local character of different parts of the district.
182. The above policies are relevant to both Policy WPT18 and WPT19.
183. Policy WPT18 is a wide ranging design policy. I have the following concerns.
184. *Space Standards*. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Therefore, space standards in Policy WPT18 should be deleted.
185. *Location of Development*. The Landscape Appraisal is a background evidence document and is not a policy document. Therefore, in the interest of precision, reference should be made to having regard to this document rather than being 'consistent' with the recommendations or 'following' the guidelines. I have suggested revised wording.
186. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section

72(1), of preserving or enhancing the character or appearance of a Conservation Area.

187. As mentioned under Policy WPT9, The NPPF allows for harm to or loss of significance of a heritage asset, with a weighting against public benefits depending on the significance of the harm. Therefore, to say that there should be no harm to heritage assets in Policy WPT18 does not have regard to national policy. I have suggested revised wording.
188. *Green Space and Landscaping*. The first sentence is already covered under location of development. Thus, to avoid unnecessary repetition, I suggest this sentence is deleted.
189. As there are no longer site allocations in the Plan, the reference to them should be deleted. Where existing commitments have already submitted details comprising a landscape strategy, as detailed in Policy WPT18, clearly further submission of these details will not be required.
190. *Renewable Energy*. In the interest of precision, I recommend that the precise titles of Policies WPT12, WPT13 and WPT14 are included.
191. *Roofscape*. In the interest of precision, I have suggested revised wording to be compatible with wording found elsewhere in the policies.
192. Subject to the above proposed modifications, Policy WPT18 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT18 meets the Basic Conditions.
193. Paragraphs 7.1.1 – 7.1.6 are supporting paragraphs to Policy WPT18. A number of these paragraphs include policy requirements that either were not originally in Policy WPT18 or would not be in modified Policy WPT18 as I have proposed. It is not for me to re-write the Plan. These paragraphs should be re-written to accord with modified Policy WPT18.
194. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy WPT18 to read as follows:

Policy WPT18 Design

Affordable homes

Affordable homes are to be well integrated with and not segregated from open market homes on the same site.

Location

The location and design of developments should be such as to achieve:

- **avoidance of nuisance (from noise, fumes, smells, light pollution or other disturbance) to neighbouring properties;**

- mitigation of visual impacts on the rural setting of the village, having regard to the findings of *the Woolpit Neighbourhood Plan: Landscape Appraisal* (March 2018);
- the preservation or enhancement of the character and appearance of the Conservation Area, and the preservation of listed buildings and their setting;
- enhancement of the environment having regard to the findings of *The Woolpit Neighbourhood Plan Landscape Appraisal* (March 2018).

Telecommunications

All proposals are required to show that broadband provision and the associated infrastructure to meet the foreseeable needs of the site form part of the proposal.

Green space and landscaping

For large residential proposals (10 or more houses), a landscape strategy shall be submitted, including:

- a biodiversity assessment;
- an appraisal of both near and distant views of the proposed development from principal public vantage points, showing existing landscaping and that proposed to be established after 10 years;
- details of how areas to be retained as open space and/or woodland will be managed in the future.

Renewable energy

Renewable energy projects will be supported where they are located to avoid adverse impacts on the visual or environmental qualities of Local Green Spaces or other sports and recreational areas and areas of special landscape quality (as identified in Policy WPT12, Policy WPT13 and Policy WPT14), or the historic core of the village.

Roofscape

Proposals to erect solar panels within the Conservation Area will be supported provided that they

- preserve or enhance the character and appearance of the Conservation Area, including the preservation of listed buildings and their setting;
- retain the visual quality of the landscape setting of defined key views into or out of the village.

2) modification to paragraphs 7.1.1 – 7.1.6 to accord with modified Policy WPT18.

Policy WPT19 Design and Character

195. Policy WPT19 seeks to preserve Woolpit's unique character. To accord with the duties under The Planning (Listed Buildings and Conservation Areas) Act 1990, I have suggested revised wording to the first sentence in Policy WPT19.
196. It is not clear what is meant by 'green areas' in the third criterion in Policy WPT19. Any development on a greenfield site is likely to result in the loss of some green area. It is the contribution the green areas make to the unique character of the Parish that is the relevant matter in the determination of applications for development. In the interest of precision, I have suggested revised wording.
197. As mentioned under Policy WPT18, it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Therefore reference to sustainable design in the penultimate sentence can only refer to non-residential development.
198. Subject to the above proposed modifications, Policy WPT19 has regard to national policy, contributes towards the environmental and social objectives of sustainable development and is in general conformity with strategic policy. Modified Policy WPT19 meets the Basic Conditions.
199. The first sentence in paragraph 7.2.4 requires various assessments for major development proposals. This has not been included as a policy requirement in Policy WPT19 and thus to avoid internal conflict within the Plan this sentence should be deleted.
200. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy WPT19 to read as follows:

Policy WPT19 Design and Character

All development proposals including industrial units will be expected to preserve and enhance Woolpit's unique character, including preserving or enhancing the character and appearance of the Conservation Area and preserving the setting of listed buildings outside the Conservation Area:

- **Woolpit's architectural heritage should be recognised and taken into account in the choice of materials, height, scale, spacing, layout, orientation and design.**

- **Development should contribute to the street scene so that choice of materials is sympathetic to the surrounding properties and height and scale is in keeping with the neighbouring buildings.**

- All development should seek to retain landscape features, including trees and hedges, or, where possible and where appropriate, restore the local landscape structure having regard to the findings of the *Woolpit Neighbourhood Plan: Landscape Appraisal* (March 2018);.
- When designing the layout of housing development schemes developers should ensure, in collaboration with other responsible providers, that the necessary infrastructure is in place to provide easy integration into the village and safe access to key services.

Proposals for non-residential developments shall address climate change through sustainable design, adaptation and mitigation.

Proposers of major developments (over 10 houses) are encouraged to consult with the Parish Council and the community.

2) the deletion of the first sentence in paragraph 7.2.4.

Referendum and the Woolpit Neighbourhood Plan Area

201. I am required to make one of the following recommendations:

- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
- the Plan as modified by my recommendations should proceed to Referendum; or
- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

202. I am pleased to recommend that the Woolpit Neighbourhood Plan as modified by my recommendations should proceed to Referendum.

203. I am required to consider whether or not the Referendum Area should extend beyond the Woolpit Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood t Plan Area for the purpose of holding a referendum.

Minor Modifications

204. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, particularly to the supporting text and to the Policies Map, I

see these as minor editing matters which can be dealt with as minor modifications to the Plan.

Janet Cheesley

Date 3 August 2020

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
The Saved Policies in the Mid Suffolk Local Plan (1998)
The Mid Suffolk Local Plan First Alteration: Affordable Housing (2006)
The Mid Suffolk Core Strategy Development Plan Document (2008)
The Mid Suffolk Core Strategy Focused Review (2012)
Babergh & Mid Suffolk Joint Local Plan: Preferred Options Consultation Document (July 2019)
MSDC Housing Allocations Policy 2019
Regulation 16 Representations
Comments on Regulation 16 Representations by Woolpit Parish Council
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the MSDC web site)

Appendix 2 Open Letter to Woolpit Parish Council 4 March 2020

Woolpit Neighbourhood Plan

Letter to Woolpit Parish Council

Paragraph 1.10.5. in Part 2 of the Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners advises that: *the independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body.*

I have undertaken an initial high – level assessment and unfortunately I have identified a fatal flaw. In doing so, I have taken into consideration all documents received, including the Parish Council's response to the Regulation 16 representations in their letter to Mid Suffolk District Council dated 18 February 2020 and the findings of the Site Assessment Report of November 2018 (AECOM).

Paragraph 009 Reference ID: 41-009-2019050 in the national Planning Practice guidance states:

Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place?

Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its local plan (or, where applicable, a spatial development strategy is being prepared by an elected Mayor or combined authority).

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

the emerging neighbourhood plan

the emerging local plan (or spatial development strategy)

the adopted development plan

with appropriate regard to national policy and guidance.

The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.

The Babergh and Mid Suffolk Joint Local Plan Consultation Document was published in August 2017. The Woolpit Neighbourhood Plan Regulation 14 consultation commenced in April 2019. At that time, Mid Suffolk District Council informed the

Parish Council through representations that the housing numbers set out in the August 2017 document were out of date. This was due to the publication of the Government's new national Planning Policy Framework and the introduction of a new standardised methodology for calculating district wide housing need. Mid Suffolk District Council advised at that time that the final housing number and sites required cannot be finalised, but a figure higher than that in the pre-submission neighbourhood plan could not be ruled out.

The Babergh and Mid Suffolk Joint Local Plan Preferred Options Consultation Document was published in July 2019. Woolpit is identified as a Core Village with a minimum requirement of 727 new houses.

The consultation on the Submission Neighbourhood Plan ran from 16 December 2019 until 7 February 2020. The Plan is proposed to cover the same end period as the emerging Joint Local Plan. The spatial strategy in the Plan proposes the provision of around 250 new dwellings, predominately on three identified sites, with the remaining new dwellings comprising infill building within the settlement boundaries.

The justification for the spatial strategy in the neighbourhood plan is clearly outlined in paragraphs 4.1.2 and 4.1.3 in the Plan. I have copied the paragraphs below:

4.1.2 The table in Figure 4 below shows a steady rate of population and housing growth since 1961. If those rates of growth were maintained, the population in 2021 would be about 2,250, with a housing stock of about 1,000, giving an occupancy rate of 2.25 persons per household. By 2036, the population would be about 2,600 and the housing stock 1,150, an occupancy rate of just over 2.25 persons per household. At current occupancy rates 6, a village population of 2,600 could be served by 1,083 houses, an increase of 248 over the 2011 figure. Thus, depending on occupancy rates, maintaining the historic rates of population and housing stock growth would result in an extra 248-315 houses above the 2011 figure in the village by 2036 in any event. Subject to meeting the requirements of other policies in this Plan, this outcome should not be detrimental to the well-being of the village.

4.1.3 The national housing shortage and the resulting pressure on local authorities to make land available for residential development in this region have raised understandable fear of over-development. However, our analysis of projections in BMSDC's draft Joint Local Plan of August 2017 (based on options MHD2 and MHD3, see appendix) suggests an allocation for Woolpit of 255 houses, which is consistent with the projection of the existing growth rates shown in Figure 4 above. A target of approximately 250 new homes in Woolpit between 2016 and 2036 is sustainable provided there is a commensurate expansion of the necessary infrastructure. It represents a return to the rate of building experienced in the 1980s and 1990s. Planning permission has already been granted for 169 homes, leaving a balance of approximately 80 homes required to fulfil Woolpit's target for residential development up to 2036.

There is no legal requirement to test the Neighbourhood Plan against emerging policy, but as stated in PPG above, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.

The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements or the distribution of those requirements. This is the role of the examination of the emerging Joint Local Plan. From the evidence before me, I consider the minimum housing figure of 727 dwellings in the emerging Joint Local Plan provides me with the best guidance on housing numbers for the Plan area. The spatial strategy in the neighbourhood plan falls significantly short of this figure. I do realise that at the time of the Pre-submission Plan, the Parish Council could not have been aware of the current up to date housing need evidence that has informed the distribution and amount of housing outlined in the Joint Local Plan Preferred Options Consultation Document. Nevertheless, there has been the opportunity to reconsider the spatial strategy in the light of the Joint Local Plan Preferred Options Consultation Document and this has not been taken.

A neighbourhood plan must meet the Basic Conditions in order to proceed to referendum. One of the Basic Conditions is that the Plan contributes towards

sustainable development. Unfortunately, the spatial strategy in the neighbourhood plan does not take into consideration the up to date housing need evidence informing the emerging Local Plan. Indeed, there is a shortfall of around 477 dwellings. This is such a significant shortfall that I have reached the conclusion that I do not consider the spatial strategy has regard to national guidance and does not contribute towards sustainable development. Therefore, if the spatial strategy were to remain in the Plan, I would be unable to recommend that the Plan proceeds to referendum. Even if I were to recommend the inclusion of the site at Bury Road, where there is a recent resolution to grant outline planning permission subject to a Section 106 agreement for up to 300 dwellings (DC/18/04247), the shortfall would still be significant.

I have considered whether to hold an exploratory meeting or a hearing before reaching this conclusion. As outlined above, it is clear that the spatial strategy in the neighbourhood plan is based on population and housing stock projections as outlined in paragraphs 4.12 and 4.13 in the Plan. It is also clear that the spatial distribution in the emerging Local Plan is based on up to date evidence and the introduction of a new standardised methodology for calculating district wide housing need. As the neighbourhood plan does not take into account the up to date housing need evidence informing the emerging Local Plan, I see no benefit to any party for a meeting or hearing to be held.

There are two possible courses of action.

1) A neighbourhood plan does not have to have a housing strategy and does not have to allocate housing sites. This can be left to the Local Plan. To meet the Basic Conditions would require the deletion of Policy WPT1. The sites identified in Policies WPT3 and WPT4 could remain as existing commitments, rather than allocations. Subject to my detailed examination of these policies, criteria guiding the development of these sites could be retained in modification to these policies. Policy WPT5 would be deleted as this site does not currently have planning permission.

Policy WPT2 could remain, again subject to detailed examination of the wording, to guide the location and scale of new housing developments. The location and scale of new housing developments would also be guided by other policies in the Plan

particularly Policies WPT14 and WPT15 regarding landscape concerns, gaps and views and Policies WPT18 and WPT19 regarding design matters.

As these would be significant changes, in accordance with guidance to examiners in the *NPIERS Guidance to Service Users and Examiners*, I would seek comments from interested parties on these proposed modifications to the Plan during the course of the examination.

2) The Parish Council withdraws the Plan from examination.

In the light of the above, I would like to give the Parish Council the opportunity to consider whether it wishes to withdraw the Plan from examination or whether I continue with the examination with the understanding that I will recommend the course of action outlined in option 1 above. I have yet to examine the Plan in detail and there may be other modifications required to meet the Basic Conditions. I am not seeking, and will not accept, any representations from other parties regarding this matter at this stage.

I realise that this is an important consideration for the local community. I would like to give the Parish Council 7 days from receipt of this letter to respond. If further time is required, for example to coincide with a Parish meeting, please let me know.

Please can this open letter be placed on the Mid Suffolk District Council's webpage for the Plan.

Kind Regards

Janet Cheesley