

Babergh District Council

Bentley Neighbourhood Development Plan

Submission Consultation Responses



On the 9 June 2021, Bentley Parish Council (the 'qualifying body') submitted their Neighbourhood Development Plan to Babergh District Council for formal consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The consultation period ran from Monday 24 June until (16:00hrs on) Friday 27 August 2021. The consultation period included a two-week extension following publication of the revised National Planning Policy Framework on 20 July 2021.

Fourteen organisations / individuals submitted written representations. They are listed below and copies of their representation are attached.

Ref No.	Consultee
(1)	Suffolk County Council
(2)	Babergh District Council
(3)	Natural England
(4)	Historic England
(5)	National Grid (via Avison Young)
(6)	Water Management Alliance
(7)	Ipswich and East Suffolk Clinical Commissioning Group
(8)	Suffolk Wildlife Trust
(9)	Hopkins and Moore (Developments) Limited
(10)	Mr D Baker
(11)	Resident - Davies
(12)	Resident - Osborn
(13)	Resident - Oakes
(14)	CODE Development Planners Ltd (obo Mr D E Baker)

Nb: The representation from CODE Development was received both with and without the relevant appendices attached. The version accepted here includes the relevant appendices.

(1) SUFFOLK COUNTY COUNCIL

Date: 19 August 2021
Enquiries to: Georgia Teague
Tel: [REDACTED]
Email: [REDACTED]



Babergh and Mid Suffolk District Council
Endeavour House,
8 Russell Road,
Ipswich
IP1 2BX

Dear Mr Hobbs & Mr Bryant,

Submission Consultation version of the Bentley Neighbourhood Plan

Thank you for consulting Suffolk County Council (SCC) on the Submission Consultation version of the Bentley Neighbourhood Plan.

SCC welcome the changes made to the plan in response to comments made at the Reg. 14 pre-submission consultation stage.

As this is the submission draft of the Plan the County Council response will focus on matters related to the Basic Conditions the plan needs to meet to proceed to referendum. These are set out in paragraph 8(2) Schedule 4B to the Town and Country Planning Act. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
- b) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

Where amendments to the plan are suggested added text will be in *italics* and deleted text will be in ~~strikethrough~~.

Education

During the Reg14 consultation, the county council noted that the plan did not mention that the school playing fields was located off site from the main site of the primary school, and that children walk 0.58 miles to use the fields for weekly PE lessons.

The response in the Consultation Statement was that: 'The Neighbourhood Plan does not preclude a new school playing field being located where suggested but there is no evidence provided with

the comments from SCC to suggest that it can be delivered during the Plan period. As such, it would not be appropriate to allocate the site.'

SCC recommends that, in order to be consistent with the emerging Joint Local Plan, the neighbourhood plan should highlight the same area of land as shown on page 40 of the Infrastructure Delivery Plan (2020)¹. It would also enable qualitative/safeguarding improvement as the school could utilise and supervise the field far more effectively.

The IPD states; 'In order to meet the requirements of paragraphs 91, 92 and 94 of the NPPF (2019), the Local Plan should allocate land for new playing fields north of Church Road'.

It is recommended that the neighbourhood plan should do the same (or if not specifically allocate the site in the plan, then should at least refer clearly to the land proposed in the IDP in the supporting text in or around paragraph 11.4 or Policy BEN23), in order to be in conformity with the IDP and the NPPF, and meet Basic Conditions a) and c).

Health and Wellbeing

The Bentley neighbourhood plan states repeatedly that there is an ageing demographic in the village, in particular paragraph 6.24 which indicates the desire and need for downsizing.

The plan displays a strong support for bungalows; however SCC would like to point out that there are more housing options available to a frail and/or mobility-restricted occupant. SCC welcomes the word "accessible" mentioned in paragraph 6.24, and requests that this is expanded in policy, as per our Reg14 letter.

It would be welcome to see the neighbourhood plan show support for adaptable and accessible housing, in order to meet the needs of an older population wishing to downsize, without restricting the needs of young families and first time buyers seeking small properties.

Policy LP06 of the Emerging JLP states 'b) Must accommodate 50% of the dwellings which meet the requirements for accessible and adaptable dwellings under Part M4(2) of Building Regulations (or any relevant regulation that supersedes and replaces)'.

Following guidance from footnote 49 in the NPPF (2021), "Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties."

Therefore, the following wording is recommended for Policy BEN6 Housing Mix, in order to meet Basic Conditions a) and c), to be in conformance with the NPPF and the JLP:

"Support will be given for smaller 2 and 3 bedroomed homes that are adaptable (meaning built to optional M4(2) standards), in order to meet the needs of the aging population, without excluding the needs of the younger buyers and families."

¹ <https://www.midsuffolk.gov.uk/assets/Strategic-Planning/Current-Evidence-Base/Infrastructure2020/BMSDC-IDP-Sept-2020.pdf>

Natural Environment

Views

During the Reg14 consultation SCC raised concerns over the important views of the plan, and the lack of evidence or justification.

Part f) of Policy BEN7 Development Design states that proposals will be supported where they 'ensure that there is no detrimental impact on the key features of important views identified on the Policies Map;'

This is the only mention of views in policy, and the plan contains no specification of how many important views there are, where the viewpoints are taken from (which must be publicly accessible and not from private property), what direction the views face, and justifications of why the views are important and should be protected, ideally with accompanying photographs.

Whilst not necessarily a matter for the Basic Conditions, it is strongly suggested that the justification from pages 24-29 of the landscape appraisal should be included in the plan, such as a brief description and photograph of each of the ten viewpoints. This should be included in either Chapter 8 or as an appendix, and would give greater clarity and ease of understanding to the reader.

It is also suggested that the important views displayed on the Policies Map should be numbered.

SCC recommend these changes to make the plan more effective at protecting important views in shown in the plan evidence base.

General

SCC has no comments to make on the Bentley Neighbourhood Plan in terms of the revised version of the NPPF 2021.

If there is anything that I have raised that you would like to discuss, please use my contact information at the top of this letter.

Yours sincerely,

Georgia Teague
Planning Officer
Growth, Highways, and Infrastructure

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(2) BABERGH DISTRICT COUNCIL

Our Ref: Bentley NP R16
Date: Friday 27 August 2021

FAO: Ann Skippers (Independent Examiner)
cc: Cllr Nicky Moxey (Bentley PC) & Ian Poole (Places4People Ltd)

Dear Ann,

1. Bentley Neighbourhood Plan: Reg 16 Submission Consultation

2. Further comments from Babergh District Council

This response is made for and on behalf of Robert Hobbs (Corporate Manager – Strategic Planning).

The Bentley Neighbourhood Plan (the ‘Bentley NP’ or the ‘Plan’) is well written and presented and includes a comprehensive suite of policies framed around six key themes. We also wish to recognise and thank the Parish Council for the regular dialogue as this Plan has progressed from its earliest stages. There are still some areas where we differ, specifically on housing site allocations, but this has not stopped us working together.

We made a number of comments on the Regulation 14 Pre-submission draft version of this Plan and are pleased to see these have largely been implemented. We see also that policies BEN 7 (Measure for New Housing Development) and BEN 10 (Renewable Energy in Developments) from the Regulation 14 Plan have been deleted. Changes inevitably require other consequential amendments to be made. We note that some appear to have slipped through and we mention these at the end of this letter, but first, we pre-empt a question that may arise as part of the examination process.

Housing Numbers, Site Allocation and Settlement Boundary

Following submission of Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document (Nov 2020) (the JLP) to the Secretary of State for Housing, Communities and Local Government on 31 March 2021 we can confirm that the latest position in relation to housing numbers remains unchanged, i.e., the minimum housing requirement for the Bentley Neighbourhood Plan area is 52 dwellings. This figure comprises 32 new dwellings identified as un-built outstanding permissions at 1 April 2018 and the expectation that 20 new dwellings will come forward on the JLP site allocation at ‘Land West of Church Lane’



Babergh and Mid District Councils
Endeavour House, 8 Russell Road, Ipswich IP1 2BX
Telephone: (0300) 1234 000
www.babergh.gov.uk www.midsuffolk.gov.uk

As part of the further evidence required by the JLP Inspectors, the District Council have recently published the following document: [Hearing Statement – Matter 9: Allocation Sites for Housing and other development and Settlement Boundaries \(Aug 2021\)](#).

Regarding the Church Road allocation, this re-confirms our commitment to the site. To quote from paragraphs 9.21 and 9.23 (please see pages 167 - 168): *“while this and other sites in the village perform similarly in relation to most of the sustainability appraisal criteria, it performs better in other areas”*.

We also commented previously on differences between the settlement boundaries. These, and the Parish Council’s response are set out in their Consultation Statement (pages 22 - 23). Matter 9 of the JLP Examination will consider sites allocated for housing and other development and settlement boundaries.

Minor Modifications:

If you are minded to, we suggest that the following can all be dealt with by way of minor modifications to the neighbourhood plan:

References to the JLP	Some updates have been made but we ask that paragraphs 4.6 and 8.3 also be updated. In the latter, the first sentence should, for now, refer to Policy LP20 of the Pre-submission (Reg 19) Joint Local Plan (Nov 2020).
Para 6.17	Policy cross-reference should be to BEN 13
Para 11.7	In the second sentence, this should now read BEN 20. In the final sentence this should now read BEN 19
Para 8.10 & BEN 16	We suggested at Reg 14 that Appendices C and D be swapped around to follow the Plan order. It appears that the cross-references within paragraph 8.10 and Policy BEN 16 have also been switched by accident. We believe that paragraph 8.10 should still refer to Appendix C and that the last sentence in BEN 16 should still refer to Appendix D.
Appendix A	<ul style="list-style-type: none"> The number ‘16’ is missing from the Net Additional Dwellings column for the last entry on the page (Oakleigh) The title of the second table (page 59) needs correcting. The Consultation Statement (page 30) suggested this now read: <i>“Additional dwellings approved between 1 April 2018 to 31 March 2021.”</i> Because of other changes made to paragraph 6.4, may we suggest it now read: <i>“Additional dwellings approved between 1 April 2018 and 1 May 2021.”</i> In the second table, we suggest that “Approved on Appeal 7/09/2020” be added to the last column against the Holly Oak entry.
Policies Map & Map pg 66	Bentley Manor (#20) does not appear to have been plotted on either map.

Policies Map Inner	Anchor Cottage (#6) on Links Lane is not marked up as a Building of Local Significance on the Policies Map (cp with map in Appendix D, pg 65)
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As always, we trust that our comments are helpful and we will be happy to answer any further questions that you may have as part the examination process.

Yours sincerely

Paul Bryant
Neighbourhood Planning Officer
Babergh & Mid Suffolk District Councils

T: 01449 724771 / 07860 829547

E: communityplanning@baberghmidsuffolk.gov.uk

[Ends]

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(3) NATURAL ENGLAND

Date: 06 July 2021
Our ref: 357831
Your ref: Bentley Neighbourhood Plan



Mr Paul Bryant
Babergh & Mid Suffolk District Councils
communityplanning@baberghmidsuffolk.gov.uk

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr Bryant

Regulation 16 Bentley Neighbourhood Plan Consultation

Thank you for your consultation on the above dated 24 June 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Natural England does not have any specific comments on this Regulation 16 neighbourhood plan.

For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Clare Foster
Consultations Team

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(4) HISTORIC ENGLAND



Historic England

Ms Nicola Moxey
Bentley Neighbourhood Plan Steering Group
(by email)

Direct Dial: [REDACTED]

Our ref: PL00463162
30 July 2021

Dear Ms Moxey

Ref: Bentley Neighbourhood Plan Consultation

Thank you for inviting Historic England to comment on the above consultation.

We welcome the production of this neighbourhood plan, but do not currently have capacity to provide detailed comments. We would refer you to our detailed guidance on successfully incorporating historic environment considerations into your plan, which can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

For further advice regarding the historic environment and how to integrate it into your neighbourhood plan, we recommend that you consult your local planning authority conservation officer, and if appropriate your local Historic Environment Record <https://www.heritagegateway.org.uk/Gateway/CHR/>.

There is also helpful guidance on a number of topics related to the production of neighbourhood plans and their evidence base available on Locality's website: <https://neighbourhoodplanning.org/>, which you may find useful.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any queries.

Yours sincerely,

Edward James
Historic Places Advisor, East of England



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



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(5) NATIONAL GRID (via Avison Young)



Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

T: +44 (0)191 261 2361
F: +44 (0)191 269 0076

avisonyoung.co.uk

Our Ref: MV/ 15B901605



06 August 2021

Babergh District Council
communityplanning@baberghmidsuffolk.gov.uk
via email only

Dear Sir / Madam

**Bentley Neighbourhood Plan Regulation 16 Consultation
June – August 2021
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to Neighbourhood Plan consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

About National Grid

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators across England, Wales and Scotland.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

Proposed development sites crossed or in close proximity to National Grid assets:

An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines.

National Grid has identified that it has no record of such assets within the Neighbourhood Plan area.

National Grid provides information in relation to its assets at the website below.

- www2.nationalgrid.com/uk/services/land-and-development/planning-authority/shape-files/

Please also see attached information outlining guidance on development close to National Grid infrastructure.

Distribution Networks

Information regarding the electricity distribution network is available at the website below:

www.energynetworks.org.uk

Information regarding the gas distribution network is available by contacting:

plantprotection@cadentgas.com

Further Advice

Please remember to consult National Grid on any Neighbourhood Plan Documents or site-specific proposals that could affect our assets. We would be grateful if you could add our details shown below to your consultation database, if not already included:

Matt Verlander, Director

nationalgrid.uk@avisonyoung.com

Avison Young
Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3AZ

Spencer Jefferies, Town Planner

box.landandacquisitions@nationalgrid.com

National Grid
National Grid House
Warwick Technology Park
Gallows Hill
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,

Matt Verlander MRTPI

Director

0191 269 0094

matt.verlander@avisonyoung.com

For and on behalf of Avison Young

Guidance on development near National Grid assets

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: www.nationalgridet.com/network-and-assets/working-near-our-assets

Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/ temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: www.nationalgridgas.com/land-and-assets/working-near-our-assets

How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please contact:

Avison Young (UK) Limited registered in England and Wales number 6382509.
Registered office, 3 Brindleyplace, Birmingham B1 2JB. Regulated by RICS



- National Grid's Plant Protection team: plantprotection@nationalgrid.com

Cadent Plant Protection Team

Block 1

Brick Kiln Street

Hinckley

LE10 0NA

0800 688 588

or visit the website: <https://www.beforeyoudig.cadentgas.com/login.aspx>

(6) WATER MANAGEMENT ALLIANCE

E from: Planning <planning@wmla.org.uk>

Rec'd: 29 July 2021

Subject: RE: Bentley NP R16 consultation

Good Afternoon,

I can confirm that the parish of Bentley is not within any of our member Boards' Internal Drainage Districts or their Watershed catchments, therefore we have no comments to make.

Kind Regards,

Ellie



Eleanor Roberts, BSc (Hons)

Senior Sustainable Development Officer

Water Management Alliance


m: 07827 356752 | dd: 01553 819622 | ellie.roberts@wmla.org.uk

Registered office: Kettlewell House, Austin Fields Industrial Estate, King's Lynn, Norfolk, PE30 1PH

t: 01553 819600 | e: info@wmla.org.uk | www.wmla.org.uk

WMA members: [Broads Drainage Board](#), [East Suffolk Drainage Board](#), [King's Lynn Drainage Board](#), [Norfolk Rivers Drainage Board](#), [South Holland Drainage Board](#), [Waveney, Lower Yare and Lothingland IDB](#) in association with [Pevensey and Cuckmere Water Level Management Board](#)

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(7) IPSWICH and EAST SUFFOLK CCG



Ipswich and East Suffolk Clinical Commissioning Group

Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Email address: chris.crisell@suffolk.nhs.uk
Telephone Number – [REDACTED]

Planning Services
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich

17/08/2021

Dear Sir/Madam

Bentley Neighbourhood Plan

Thank you for communicating with Ipswich and East Suffolk Clinical Commissioning Group (CCG) regarding Bentley Parish Council's proposal to create a Neighbourhood Plan (NP). The CCG recognises that the Parish of Bentley does not have a primary healthcare facility actually inside the parish but do have healthcare facilities nearby in Capel St Mary which residents of Bentley predominantly use. To maintain a primary care service for the residents of Bentley, mitigation might be sought through a Community Infrastructure Levy (CIL) from developments in the Parish.

The Neighbourhood Plan provides for an additional 58 dwellings. The number of dwellings would contribute to a relatively small rise in the number of patients on the respective lists of both Capel St Mary Surgery and its main surgery Constable Country at East Bergholt as well as other primary care facilities in the vicinity. Ipswich and East Suffolk CCG have been in long term discussions with Babergh and Mid Suffolk District Council to look at providing the required health infrastructure in the area and this continues at present.

We would welcome the addition of a simple statement, to confirm that Bentley Parish Council will support Ipswich & East Suffolk CCG in ensuring suitable and sustainable provision of Primary Healthcare services for the residents of Bentley. Ipswich and East Suffolk CCG would welcome the opportunity to discuss with the Parish Council potential solutions to ensure sustainable Primary Care services for the local community going forward.

If you have any queries or require further information, please do not hesitate to contact me.

Yours Faithfully

Chris Crisell
Estates Planning Support Officer
Ipswich and East Suffolk Clinical Commissioning Group

High quality care for all, now and for future generations

High quality care for all, now and for future generations



Robert Hobbs
Planning Department
Babergh and Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich, IP1 2BX

11th August 2021

Dear Robert Hobbs,

RE: Bentley Neighbourhood Development Plan 2018 - 2037

Thank you for consulting us on the Bentley Neighbourhood Development Plan, we have the following comments:

We are concerned that some of the language used within Policy BEN 12 - Protecting Habitats and Wildlife Corridors is ambiguous and may therefore weaken the effectiveness of the document. We recommend that the term 'protected habitats' within Policy BEN 12 and Section 8 of the plan is not used and amended to reference the following to ensure the document and policies are in line with national legislation and planning policy:

- 'County Wildlife Sites' (also recognised within the NPPF (2021) as 'Locally Designated Sites') and
- 'Priority Habitats' as listed within The Natural Environment and Rural Communities (NERC) Act 2006

Policy BEN 12 should state that proposals that are likely to have an adverse impact on County Wildlife Sites will not normally be permitted and that except in exceptional circumstances development proposals should avoid the loss of, or substantial harm to Priority Habitats (including hedgerows, traditional orchards, wet woodland and ponds). As the parish contains a considerable resource of ancient woodland and veteran trees there should be specific reference to development being refused if there is any loss of deterioration of these irreplaceable habitats (NPPF Section 180c).

In Map 11 – Landscape Designations and Features we recommend that the term 'Local Wildlife Site' is changed to 'County Wildlife Site' for consistency. We also recommend that wildlife corridors are identified across the plan area in accordance with the NPPF (2021). Additionally, Appendix C should be altered to include all Priority Habitats within the plan area including ponds, hedgerows, traditional orchards, lowland deciduous woodland and wet woodland.

We are pleased to see that the Bentley Neighbourhood Plan recognises the importance of protected and Priority Species such as Hazel Dormice within Section 8, however we are concerned that they are not mentioned within Policy BEN 12. The policy should reference safeguarding protected species, as well as Priority Species from future development. The NPPF (2021) (Section 179) identifies that all development should protect and enhance biodiversity, including to 'promote the conservation,

restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.’ Therefore, developments must demonstrate that they result in the net gain of Priority Habitats and not result in a negative impact upon protected and Priority Species.

Additionally, whilst we are pleased to see biodiversity net gain mentioned in Policy BEN 12 we recommend strengthening the language in line with the NPPF (2021) to state that development proposals must provide a net gain in biodiversity.

Please contact us if you require further information.

Yours sincerely

Ellen Shailes
Ecology and Planning Advisor

(9) HOPKINS and MOORE (DEVELOPMENTS) LTD

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Chris Smith
Job Title (if applicable):	Development Planner
Organisation / Company (if applicable):	Hopkins & Moore (Developments) Limited
Address:	Melton Park House, Scott Lane, Melton, Woodbridge, Suffolk, IP12 1TJ
Postcode:	IP12 1TJ
Tel No:	01394 446914
E-mail:	Christopher.smith@hopkinshomes.co.uk

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	6.10	Policy No.	BEN2
---------------	------	------------	------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	X
Support with modifications		Have Comments	

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible ..

The extent of 'Site 1' has now been reduced to remove any conflict with the recently extended extent of the AONB, but the content of this paragraph fails to acknowledge this.

As per the attached Supplementary Statement, Site 1 represents the optimum location upon which to accommodate the future residential growth of Bentley, providing the most accessible and sustainable location within the village.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible ..

Amend Policy BEN2 and the Proposals Map to Allocate the reduced area of Site 1 now proposed for residential development.

Amend the detailing of the proposed 'Vegetated Green Edge' upon the Proposals Map to run around the western boundary of the above Proposed Allocation.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

Insufficient consideration of the available sites for residential development appears to have taken place.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	x
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	x

Signed: Chris Smith

Dated: 30/07/2021

Bentley Neighbourhood Plan Submission Draft Consultation

July 2021

Supplementary Statement

Land South of Station Road and West of Bergholt Road, Bentley

Site 1

Introduction

Following the submission of our Formal Representations to previous ‘Pre-Submission Draft Consultation’ of Autumn 2020, we write to reiterate how the proposed residential development of the eastern-most 1.7Ha area of the above site, identified as ‘Site 1’ upon Map 6 on Page 21 of the Plan, may sustainably occur.

As we advised in both our previous Representations to the Neighbourhood Plan and the previous Joint Local Plan Consultation of Babergh & Mid Suffolk in December 2020, the site forms part of a larger 4ha field that was previously promoted to the Local Plan, having been assessed in the Draft SHELAA of July 2019 as ‘potentially suitable for residential development’ (ref: SS0395), but the area of land now promoted comprises only the eastern most 1.7ha of this wider SHELAA site.

Site Description

The site comprises approximately 1.7ha of arable agricultural land adjoining the settlement boundary of the existing village of Bentley to the north and east. To the north, the site adjoins Station Road, beyond which there are existing residential dwellings, farm buildings and a field. To the east, the site adjoins Bergholt Road, beyond which lie a row of 20th century bungalows. To the south is a detached residential dwelling with associated outbuildings and tennis court, whilst to the west lies the remaining area of the agricultural field which forms the site. The site is bordered by trees and hedgerows to the north, east and south, with only the western boundary currently undefined.

There are no environmental or heritage designations within or in close proximity to the site. The site is in Flood Zone 1 (i.e. low risk) and safe and suitable access is achievable.

The Locality

Bentley is identified by emerging Policy SP03 of the Babergh Mid Suffolk Joint Local Plan as a hinterland village and the LPA’s previous Topic Paper – Settlement Hierarchy Review (July 2019) confirms that Bentley scores highly compared to other hinterland villages in terms of its access to key facilities and services. The site is well located with respect to these facilities and services, including Bentley Stores and the Case is Altered Public House, the Play Area and Playing Field, together with the Village Hall and Primary School slightly further to the East

and North-East, as highlighted upon Map 6 on Page 21 of the Draft Neighbourhood Plan. The site also lies just 500m walk from a bus stop, with a good service to Ipswich and Colchester.

The Proposed Development

The attached conceptual Layout demonstrates how a small residential development of approximately 30 dwellings could be sustainably delivered on the site, with vehicular and pedestrian access taken from Bergholt Road (see attached Masterplan).

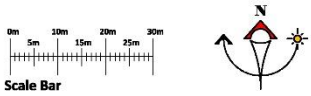
The quantum of development proposed would allow for a wholly low density of development, respecting the edge of settlement location and allow for the provision of a new landscaped edge to the west of the village, thereby providing a visual and physical containment and separation from the countryside of the AONB beyond. It should be noted that the proposed site differs in size to that referred to in the Draft Neighbourhood Plan at Paragraph 6.10, in that it is now reduced in area such that it would not directly or physically abut the recently increased extent of the AONB.

The site is considered to be large enough to accommodate elements of on-site open space provision if required, or alternatively, to make an off-site contribution to improving existing facilities in the village. We are also aware of the need to expand the playing fields at Bentley Church of England Primary School and consider that this development could make a useful contribution, through either the CIL or S106 mechanisms, towards achieving this aim.








Conclusion

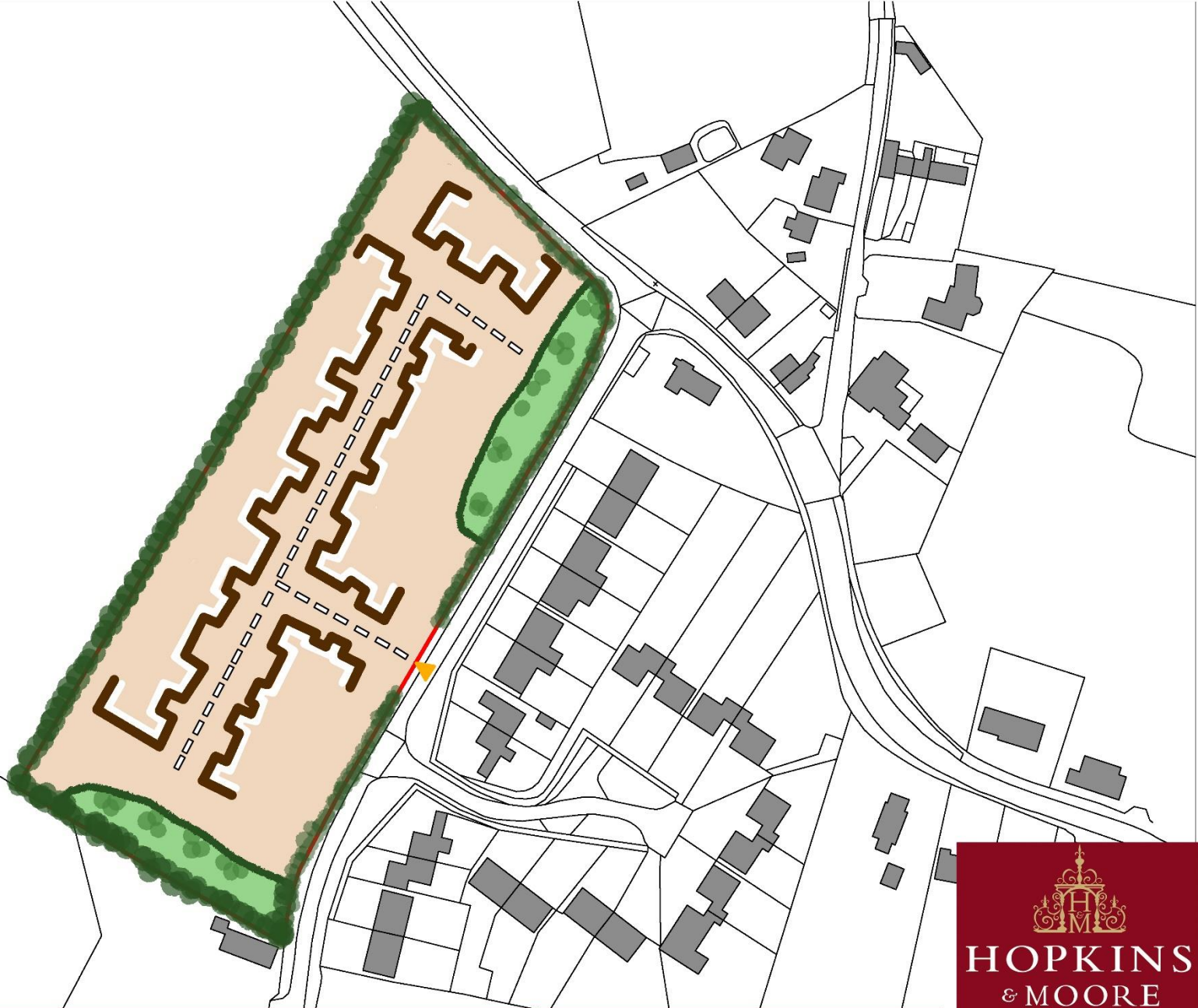

In conclusion, Hopkins & Moore strongly believe that Site 1 represents the optimum location upon which to accommodate the future residential growth of Bentley, providing the most accessible and sustainable location within the village.

To this end, Hopkins & Moore would respectfully request that the Plan and the Proposals Map are amended, in order to enable the eastern-most 1.7Ha of Site 1 to be included within the settlement boundary and allocated for residential development, with the proposed 'Vegetated Green Edge' annotation similarly re-aligned so as to run along the western-edge of the proposed green-planted site boundary.



Key

-  Development Area
-  Proposed Public Open Space
-  New Access into the site
-  Indicative Estate Roads
-  Existing Residential Developments
-  Site Boundary
-  Indicative Landscaping

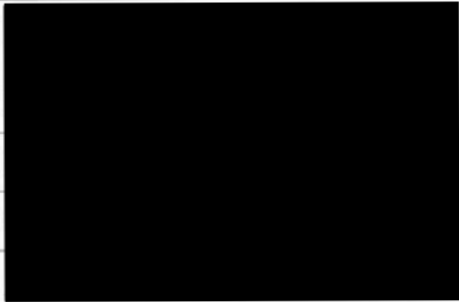



**HOPKINS
& MOORE**

MELTON PARK HOUSE
MELTON, WOODBRIDGE
SUFFOLK IP12 1TT
TEL: 0139446800. FX: 01394389605

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Mr D E J Baker
Job Title (if applicable):	Farmer
Organisation / Company (if applicable):	
Address:	
Postcode:	
Tel No:	
E-mail:	

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.51	Policy No.	9 ASSESSMENT
---------------	------	------------	--------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support	<input type="checkbox"/>	Oppose	<input type="checkbox"/>
Support with modifications	<input type="checkbox"/>	Have Comments	<input checked="" type="checkbox"/>

Please give details of your reasons for support / opposition, or make other comments here:

This is not possible without access to Case Lane

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

The villagers have been under the impression from day one of this NP that access to the village shop and pub and playing field is to be via Case Lane. This is not the case. Therefore the villagers need to be informed of this so they can consider other planning sites in the village.

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner



The final 'making' (adoption) of the Bentley NDP by Babergh District Council



Signed:



Dated: 23/08/21

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.57	Policy No. BEN 19	9 ASSESSMENT
---------------	------	-------------------	--------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	*

Please give details of your reasons for support / opposition, or make other comments here:

1. Access on to Case Lane does not exist which is at odds with the need "to demonstrate the green infrastructure having links to safe walking and cycling"

2. At the Capel Road end of the site, Pedestrian and pram/wheelchair access is not possible to the pub and shop because there is no pathway and no width to create one.

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

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The villagers have been under the impression from day one of this NP that access to the village shop and pub and playing field is to be via Case Lane. This is not the case. Therefore the villagers need to be informed of this so they can consider other planning sites in the village.

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	✓
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	✓

Signed: 	Dated: 23/08/21
--	------------------------

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.60	Policy No.	9 ASSESSMENT
---------------	------	------------	--------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	*

Please give details of your reasons for support / opposition, or make other comments here:

This is not possible because I do not give permission for access to be created. I own Case Lane. It is 5.8m wide where it adjoins the fruit farm. The width of the public footpath is 1.5m and the edge of it is over 3m away from the boundary of the fruit farm. Hence it is a misrepresentation that the public footpath 'adjoins' the boundary.

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

The villagers have been under the impression from day one of this NP that access to the village shop and pub and playing field is to be via Case Lane. This is not the case. Therefore the villagers need to be informed of this so they can consider other planning sites in the village.

Please indicate (if any) other grounds for objection:

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.65	Policy No.	BEN4
---------------	------	------------	------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	*

Please give details of your reasons for support / opposition, or make other comments here:

The land for an extension to the existing footway is in third party hands and without agreement with them, effectively leaves the fruit farm with no pedestrian access to the village.

→ BUILDING PLOT SK402772

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

A hearing is required to talk about this problem with the site

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	<input checked="" type="checkbox"/>
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	<input checked="" type="checkbox"/>

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9.67	Policy No.	BEN8
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Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	*

Please give details of your reasons for support / opposition, or make other comments here:

This site, with no access to Case Lane, and only vehicular access off the main Capel Road does not address any of the requirements of BEN 8. It would be incredibly dangerous to allow this site to be developed within the village.

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

A hearing is required to talk about this problem with the site

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	<input checked="" type="checkbox"/>
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	<input checked="" type="checkbox"/>

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	9 Assessment of the Plan	Policy No.	9.50 BEN 25
---------------	--------------------------	------------	-------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	*

Please give details of your reasons for support / opposition, or make other comments here:

I own Case Lane on the northern boundary of the fruit farm. I made Councillor Moxey aware of this on October 7th 2020. I told her that I would not allow access onto my land to join the PROW.

The Parish Council has at no time contacted me to clarify the situation.

Access onto Case Lane will not be achievable and therefore the fruit farm site will not be acceptable in planning terms; "Planning permission will only be granted where the infrastructure necessary to make the scheme acceptable in planning terms is available or capable of BEING MADE AVAILABLE before the development is occupied.

What improvements or modifications would you suggest?

Another site has to be considered

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

The villagers have been under the impression from day one of this NP that access to the village shop and pub and playing field is to be via Case Lane. This is not the case. Therefore the villagers need to be informed of this so they can consider other planning sites in the village.

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	<input checked="" type="checkbox"/>
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	<input checked="" type="checkbox"/>

	Dated: 23/08/21
---	-----------------

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	MR + MRS DAVIES
Job Title (if applicable):	—
Organisation / Company (if applicable):	—
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel No:	[REDACTED]
E-mail:	[REDACTED]

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	N/A
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	6.10	Policy No.	
---------------	------	------------	--

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support	<input type="checkbox"/>	Oppose	<input type="checkbox"/>
Support with modifications	<input type="checkbox"/>	Have Comments	<input checked="" type="checkbox"/>

Please give details of your reasons for support / opposition, or make other comments here:

Please be as brief and concise as possible ..

SITE 3 SHELAA REF 551044

PLEASE SEE ATTACHED SHEET.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Site 3 SHELAA ref SS1044

- 1) We have received no approach from the Council concerning the SHELAA assessment.
- 2) The 'Narrow lane', is not that small as HGV's make regular calls to various businesses in Hazel Shrub and Nelson Potters wood yard.
- 3) Access to the site would not necessitate the removal of the hedges and there are at least two further options which could be considered for entrance.
- 4) It would seem that the decisions have been made without any consultation or visit with the land owners.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	<input checked="" type="checkbox"/>
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	<input type="checkbox"/>

Signed:

Dated:

26/7/21

(12) RESIDENT - OSBON

For Office use only:

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	[Mr] Osbon
Job Title (if applicable):	
Organisation / Company (if applicable):	
Address:	
Postcode:	████████
Tel No:	████████
E-mail:	████████

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No. 1	INTRODUCTION P.5. 1.9.	Policy No. BEN 4	Fruit Farm
-----------------	---------------------------	------------------	------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	YES

Please give details of your reasons for support / opposition, or make other comments here:

Page 5, Para 1.9 states,; The Primary driver for the policies in the Plan is the response to Village Questionnaires.....

In the interests of accuracy and clarity - that paragraph which incorporates a number of items, needs to clarify that the referred to "PROPOSED SITE" - perhaps the most significant policy (BEN 4. Fruit Farm Site) in this plan was NOT driven by response to village Questionnaire.

The NP Chair informs that at time of Questionnaire the Fruit *Farm* 'had yet to emerge as a suitable site.' So there should be no room for misunderstanding in this Plan that preference for it is driven by public response.

The content of the Questionnaire and the published Questionnaire Analysis confirm that.

The Questionnaire had no question or specific reference to that or any other potential site. Nor, for example, was there a list of potential sites for residents to list in ascending or descending order of preference.

Indeed, re Q21 which asked "Are there sites within the village you think are suitable for new housing development?"only five villagers out of 283 Questionnaire respondents answered and only ONE indicated the Fruit Farm.

It is the authors of the Plan that have driven this proposed site as the only available and suitable site, whilst dismissing others. It is not a view driven by community response. And the Local Authority has not declared other named (SHELAA) sites unsuitable, has it?

And re Page 5. 1.6. If the site had not 'emerged' at time of Questionnaire, how was the local community engaged to gather evidence to support this particular content of the Plan?

No matter how suitable the site may be, it should be crystal clear that it was not driven by public consultation which begins that paragraph. As it stands that is not clear enough and surely there would be no objection to making it so.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Revise Page 5. 1.9 to make clear that the 'proposed site' (Policy BEN 4) for which the NP Team commissioned a Master Plan was not driven by response to Village Questionnaire.

E.G.

In addition, the Neighbourhood Plan Team commissioned a Design Guide, A Housing Needs Assessment a Master Plan for a proposed site * and a Landscape Assessment all of which have informed policies.

- The proposed site was not driven by response to Village Questionnaire.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 

Dated: 25 August 2021

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No. 2	Vision Statement & Plan Objectives	Policy No. PAGE 8. Development of Infrastructure and Services Objectives And PAGE 47.	Point 8. Point 8.
------------------------	------------------------------------	--	----------------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	YES

Please give details of your reasons for support / opposition, or make other comments here:

RE: "To support the creation of infrastructure, such as fast broadband and TRANSPORT LINKS THAT ALLOW COMMUTING VIA PUBLIC TRANSPORT TO ENCOURAGE A BROAD AGE SPECTRUM"

1. In the context of this Plan and the creation of infrastructure, what is the definition of the word 'support'? Does it mean the PC will initiate demand for creation of infrastructure or that if other controlling/responsible bodies initiate that which it likes the PC will say it supports it? i.e. Does this actually entail any constructive action or just words of support if someone else acts?
2. What exactly do the words '*such as*' cover? What else is there? If there is further relevant infrastructure, name it. ... If there is nothing else then remove these words. It is too vague for a Plan.
3. To meet Basic Conditions does a NP have to relate Objectives that have one foot in reality and are potentially deliverable or can it include anything as long as it looks good?
4. There is contradiction here in respect of the Parish Council's apparent range of influence.

(Refer to P34. 7.14)

Rural public transport is being decimated. Currently, Bentley has been reduced to ONE bus a day in/out of the village.

WHO exactly is going to create this Transport links infrastructure? WHO in Bentley is going to use it? The majority could care less about public transport .

The creation of infrastructure that will allow COMMUTING sounds like fiction. This was not authored by those that use public transport. It has no grounding in current day to day reality. The current public transport service allows one journey mid-afternoon to Capel and no journey back. The notion we will regain a public transport service that enables travel to core services in the next village let alone commuting is currently a very remote hope.

To that end, the creation of a FOOTWAY linking the village to Capel St Mary core services should be a priority and included in this vision statement. However, PAGE 67 states that is outside the control or influence of the Parish Council. That is contradictory. What control or influence does the PC have over transport links? Bearing in mind our decimated Busservice the answer is none. Footway and Public Transport are inextricably linked. If you put one in this section you put the other. If there is no public transport then the vision statement should be to aim to allow us – SOMETIME BEFORE 2037 - to at least walk safely to core services in the next village. In this respect the Plan may have cosmetic appeal but no real substance.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

REVISE POINT 8 :-

e.g.

'TO SUPPORT AND PETITION FOR THE CREATION OF INFRASTRUCTURE, NAMELY, FAST BROADBAND, FOOTWAY LINK TO CAPEL St. MARY AND THE RE-ESTABLISHMENT OF – AND ENCOURAGE USE OF – AN IMPROVED INNOVATIVE PUBLIC TRANSPORT BUS SERVICE TO PREVENT ISOLATION AND RE-ESTABLISH VITAL LINKS TO CORE SERVICES..

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

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Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 

Dated: 25 August 2021

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No. 6	HOUSING	Policy No. BEN 4	PAGE 22. 6.14
-----------------	---------	------------------	---------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	YES

Please give details of your reasons for support / opposition, or make other comments here:

RE;

6.14 'GIVEN THE PROXIMITY OF THE SITE TO VILLAGE FACILITIES....it is considered the most sustainable etc .

Is this the definition of 'sustainability'? Bentley is a small village. The Parish Council website says so. So it must be. The other currently listed SHELAA sites and any sites available in the future are not going to be more than a short walk from ANY facilities.

Does this mean that other areas of long established housing in the core village that are further from certain facilities than this site are not sustainable?

No matter how strongly this NP supports this BEN 4 site, this really is a bit too precious.

Site 1 is practically equidistant, Site 2, admittedly a little further through the village but no further than many dwellings and Site 3 almost as near as 1 and 4.

If this closest possible proximity to certain facilities is the principal criteria for development then this Plan clearly only favours development at one end of the village.

As this is a Plan with a 1 site policy that would seem to be the inference.

This needs to be clarified one way or the other so that the key issue re Housing policy in this NP is clearly understood if it is supposedly going to help determine planning applications.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

DELETE THE WORDS, 'GIVEN THE PROXIMITY OF THE SITE TO VILLAGE FACILITIES.....'

AND / OR

Make clear that preference for this site does not indicate that this Plan supports development of consequence being concentrated solely at one end of the village because that is where certain facilities are located. Or does it?

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.


I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 	Dated: 25 August 2021
--	------------------------------

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No. 6	HOUSING	Policy No. PAGE 21	6.10. SITE 2. (SHELAA Ref SS0820)
-----------------	---------	--------------------	---

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	YES

Please give details of your reasons for support / opposition, or make other comments here:

SITE 2. (SHELAA Ref SS0820) ends with the comment that the site ' IS POORLY RELATED TO THE MAJORITY OF SERVICES AND FACILITIES IN THE VILLAGE.'

One would hope that meeting Basic Conditions entails some degree of accuracy or at least a veiled attempt to restrict exaggeration.

Village map (P.21) shows the site is just several minutes walk from Village Hall / Store / Play Area / Pub and Playing Field. The map shows the population of Bentley within the core of the village are only up to several minutes walk from services and facilities. Nowhere is poorly related. It is a small village. The Parish Council's own website describes the village as 'small.'

Perhaps the NP/Parish Council should consider factoring in a master plan for a B & B establishment halfway through the village to ease the journey for residents in that area or perhaps duplicate facilities at the other end of the village.

If development of consequence in Bentley depends on relative minimal distance to certain facilities then there is danger of it becoming a lopsided village. What of the so called 'character' this Plan seeks to protect? Such criteria in a small village is nonsense.

Indeed, the Plan states that many value the ability to walk to pub and the shop, the school and the village hall. (P.47 10.1)

The Plan fails, for some reason, to mention that this (SHELAA) CHURCH ROAD site which it so readily dismisses is just a brief walk from the VILLAGE SCHOOL in Church Road.

Would it be acceptable then to suggest that BEN 4, the promoted Fruit Farms site is 'poorly related' to the school? That would be equally ridiculous. Likewise the Church.

Maybe authors of the Plan and Parish Council might consider walking to core services in Capel along a road with no footway or cross-country, taking 30-45 minutes depending on the route. That can be more suitably labelled 'poorly related to services and facilities', especially with just one daily bus and no return service.

Wherever development may occur will only be minutes walking from these village facilities. Yet this Plan seems to favour development just a minute or so from them, thus granting absolution from development to one end of the village while the other end seems destined

to become congested (eg OAKLEIGH, BEN 3 ...no distance at all from BEN 4) not to mention the resulting traffic which is already hazardous around the Bergholt Rd Junction and said services and facilities. This is slightly concerning and contradictory when the top priority of response to Questionnaire is Road Safety (P42.)

It is clear the Plan opposes this potential site but there has to be credibility in reasoning. It is not a fair statement any more than it can be fairly said of other populated areas within this small village – unless this Plan is only promoting development within sixty seconds staggering distance of the pub.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

DELETE the words:

‘ the site is poorly related to the majority of services and facilities in the village.’

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final ‘making’ (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 	Dated: 25 August 2021
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Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No. (11)	Bentley Neighbourhood Plan	Policy No. 18-23	PHOTOGRAPHIC CONTENT
---------------------------	----------------------------	-------------------------	----------------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications	YES	Have Comments	

Please give details of your reasons for support / opposition, or make other comments here:

Paragraph 11: COMMUNITY FACILITIES. Pages 51 - 55:

The Plan contains photographs of The Community Public House (x2. Pages 51 & 55. Virtually the same print) , The Community Store, the Play Area and the Bowling Green.

Yet there appears to be no photograph of the Village Hall, a major asset and facility. P64 of the NP states the Hall *'is held in significant community value.'* So much so it does not appear to be worth photographic recognition amongst the nearly 50 images.

Likewise the Parish Playing Field. The Plan states (P.52. 11.3) it seeks to protect the Playing Field from being lost..... Pity it couldn't find a photo of it.

There is room in this document and no excuse for omission, even if at the expense of existing content. – e.g. replace the photo on P53. Much as rural scenes contribute to the character of the village this plan seeks to represent and preserve, so do these facilities.

These omissions were pointed out to the NP Team in the village consultation – 'noted' – and seemingly ignored. They are therefore being pointed out again – whether it has anything to do with meeting Basic Conditions or otherwise. It is editorially deficient and detracts from the Plan.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

Include photographs of Village Hall and Parish Playing Field.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 	Dated: 25 August 2021
--	------------------------------

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	6. Housing (6.12 – 6.17)	Policy No. BEN 4	Fruit Farm, Capel Rd.
---------------	-----------------------------	------------------	-----------------------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	
Support with modifications		Have Comments	YES

Please give details of your reasons for support / opposition, or make other comments here:

This may or may not meet Basic Conditions. What it does not do is sit well for a number of reasons.

This section of the document is not so much NDP as one horse race with the other potential runners shot in the paddock without much apparent justification.

The NDP gives such predominance and energy in promoting this site whilst readily dismissing others. Has the Local Authority deemed those other (SHELAA) sites unsuitable? Presumably, this site has been liaised with. Were other sites spoken to and asked to contribute so that the public might have viewpoints other than those contained here?

This household has no problem with this site – as yet and subject to any application – other than what seems wholesale promotion compared to wholesale dismissal of other sites – and seemingly little of it related to the consultation process with residents.

The NP Chair informed that this site *'had yet to emerge as a suitable site'* at time of Questionnaire. The other SHELAA sites that had emerged were not referenced at all in Questionnaire so residents could offer at least an opinion no matter how *'technically'* astray. That would have been more akin to consultation.

Would planning consent be granted on the basis of what is contained in this NP and diagram 1 on P23? It is imagined that a considerable percentage of applications refused have nice diagrams and supporting words.

I asked in e-mail of the Chair of the NDP Team which believes this to be the only available suitable site what would happen if the Fruit Farm site were not available. Would this mean there would be no development of consequence in Bentley. I received reply that it was a *'very interesting question and unanswerable'*. Of course it is answerable. Are we expected to believe that between now and 2037 this is the only site that could take development of consequence, because I do not. But if it is so and only this site is suitable then why do we need a Neighbourhood Plan?

Again, what happens if it is refused consent, albeit that on that basis one doubts it would be.

Are we seriously being offered a Neighbourhood Development Plan that states there is currently only one available suitable site for medium/large development?

This proposed site has nothing to elevate it from others until application/s are made.

There is presumption. Re P.21. Site 1 (SS0395). Just because it was considered the site could accommodate 60 dwellings, does that mean there could not be considerably less? Has application been made?

There is exaggeration. Site 2 is apparently poorly related to facilities. Where is it, Birmingham? Nor does this household accept that the site would be any more detrimental to Landscape than development on the Fruit Farm.

There is contradiction. P21. Site 3 (SS1044) is dismissed..... it would – according to the NP - necessitate the removal of hedgerow. Yet P23. 6.17 states access to the Fruit Farm site is likely to necessitate the removal of most of the frontage hedge. How does one have significant detrimental impact on the character of approach to the village but the other doesn't?

Whilst other SHELAA sites are cast aside, potential negative factors re Fruit Farm e.g. Highways, Footway, site access to PROW network, Habitats etc are referred to in less than concerned tone.

The reason for this predominance appears to be (P22.) – ‘Given the proximity of site to village facilities.’ Comment on this reasoning has been made elsewhere. But how far is anyone in the core village from facilities? This document, although keen to promote this site needs to engage a sense of proportion.

It may well be the most suitable site but that remains an open question until any application is submitted and that applies to any other site. Should a Neighbourhood Plan not make that clear?

Reading this section one might be forgiven for thinking the future landscape of this village has been decided.

No doubt it will remain unchanged but it does not sit well.

This Form states that NDP sets out a vision that would be used to help determine planning applications. Well if this draft is anything to go by, the vision set out is tunnel.

Indeed those against any development would presumably be thrilled if the Fruit Farm site were not available as based on this NDP's definition of suitable sites there would be no medium/large development of consequence anywhere in Bentley.

As there is only one site acceptable to this NDP then presumably a vote for this NDP will be deemed a vote for that Ben 4 site.

Whilst wishing to support the Neighbourhood Plan which in the main states the obvious and is essentially a fair representation of the village, this household does not believe this document and its authors should determine suitability of site one way or another – that is for Local Planning Authority and official Consultees based on application - and therefore would not want a vote to adopt this NDP to be construed as a vote for this specific major policy/site.

This household would not vote for a NDP which so heavily promotes a 1-site only policy whilst summarily and unconvincingly dismissing three other potential SHELAA sites that were not even referenced in public Questionnaire / village consultation.

Unless something similar to the suggested modification to text is made, reluctantly, this household will not for it.

This process has to be fair, logical and balanced but this part of the plan does not appear so.

(Continue on separate sheet if necessary)

What improvements or modifications would you suggest?

The top of this Response Form states this NP Plan is to ' HELP determine planning applications.....'

PAGE 21. 6.10.

It should be made clear that comments on Site 1 (SS0395) Site 2 (SS0820) and Site 3 (SS1044) which essentially and less than convincingly dismiss these sites as unsuitable for development are the opinions of this NP and not definitive. Decision on suitability of any site would rest with the relevant Local Authority procedure based on any application for Development.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

Please be as brief and concise as possible ..

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	YES
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	YES

Signed: 

Dated: 25 August 2021

(13) RESIDENT - OAKES

For Office use only:

Section One: Respondents Details

All respondents should complete Part A. If you are an Agent please complete Part's A & B

Part A: Respondent	
Title / Name:	Mr [REDACTED] Oakes
Job Title (if applicable):	
Organisation / Company (if applicable):	
Address:	[REDACTED]
Postcode:	[REDACTED]
Tel No:	[REDACTED]
E-mail:	[REDACTED]

Part B: Agents – Please complete details of the client / company you represent	
Client / Company Name:	
Address:	
Postcode:	
Tel No:	
E-mail:	

Section Two: Your representation(s)

To which part of the document does your representation relate? (You may wish to complete a separate form for each separate representation)

Paragraph No.	6.12 – 6.17	Policy No.	BEN4
---------------	-------------	------------	------

Do you support, oppose, or wish to comment on this paragraph? (Please tick one answer)

Support		Oppose	X
Support with modifications		Have Comments	X

Please give details of your reasons for support / opposition, or make other comments here:

1. The draft Neighbourhood Plan (“NP”) states that the Fruit Farm site is considered suitable for development.
2. I disagree with this contention for the reasons stated below.
3. Further, the merit of the site is misrepresented by the NP to the extent that the integrity of the Reg 14 consultation is fundamentally undermined.
4. The essential issue concerns access to the village from the Fruit Farm site. Specifically,
 - a. Para 6.13 states that the site “adjoins a public right of way to the east” in Case Lane. This is untrue, the site is separated from the public right of way by a strip of land which is within private ownership. The Fruit Farm does not in any sense adjoin the right of way and no connection can be made from one to the other without the consent of the owner of the land which separates the Fruit Farm from the right of way. The landowner does not and will not give that consent, Bentley Parish Council (“BPC”) is aware of that. Indeed the point was taken at BPC’s meeting on 28th May 2021 when it was stated that the NP would be amended to refer to an “alternative footpath link” ... “removing the Case Lane link”. No such amendments have been made to the NP and the draft that has been submitted continues to misrepresent the viability of a link between the Fruit Farm and the public right of way.
 - b. Diagram 1 (AECOM Fruit Farm) exemplifies the misrepresentation. The diagram identifies a point “2” which is stated to be a “pedestrian/ cycle access point” and a further annotation notes that the “Network of public rights of way (will) be enhanced in new development proposal”. Both of these statements are false and promise benefits that cannot (for the reasons set out at 4 a above) be delivered by the site. Not only is the connection between the Fruit Farm and the public right of way impossible to deliver but, even if it were deliverable, cyclists could not use it because cycling on a footpath is illegal.
 - c. Diagram 1 (AECOM Fruit Farm) also shows a footpath on the north side of Capel Road purporting to link the site with the village. This footpath does not exist and is not deliverable as there is insufficient highway verge to provide a footpath at this point. See photo A attached below which illustrates that the extent of the highway verge (which ends at the hedge belonging to the owner of 1 Nursery Cottages) is insufficient to provide for the construction of a footpath. A copy of the title plan showing the extent of the land in private ownership at this point is attached as Exhibit B. This document also demonstrates the fact of their being insufficient land to provide the footpath illustrated by the diagram.

- d. These issues have been raised in correspondence with BPC and through the regulation 14 consultation and at a meeting of the Council on 28th May 2021. As noted above, at that meeting Cllr Nicky Moxey stated that “an alternative footpath link...which was agreeable to SCC” had been identified “thereby removing the issue over Case Lane”. It is understood that the alternative foot path link that Mrs Moxey was referring to is the undeliverable link across the front of Nursery Cottages (on the north side of Capel Road).
 - e. On 28th July 2021 I asked BPC to disclose copies of whatever documents they say evidence that this alternative footpath link is “agreeable to SCC”. BPC refused to answer that question. I was therefore compelled to make a Freedom of Information request which I did on 3rd August 2021, to date BPC has not responded to that request. In the meantime enquiries that I have made of Suffolk County Council have disclosed no evidence that they are “agreeable” to the alternative footpath link. Until and unless BPC actually provides evidence of Suffolk County Council’s formal agreement then it must be assumed that there is no such agreement and that the promises alternative footpath link is in fact undeliverable, particularly in the circumstances identified in para 4 (c) above.
5. Why does all of this matter? There are two reasons. Firstly, the draft NP expresses preference for a site on which development is unlikely to be capable of being delivered because it lacks pedestrian access to facilities which does not involve twice crossing the busiest road in the village at the most treacherous point of that road. Secondly, the purported benefits of the site have been misrepresented to the village. Pedestrian access to the village has been illustrated where it does not and cannot exist and it follows that the NP is an unsafe document and the consultation undertaken on it is invalidated. At the meeting on 28th May 2021 Bentley Parish Council did agree to correct some of the more egregious misstatements which serves to underline the fact of the original draft being incorrect and misrepresentative but the corrections do not go far enough. The NP still clearly misrepresents the benefits and deliverability of the fruit farm site.
 6. The reality of the Fruit Farm site is that - as noted in the Strategic Housing and Employment Land Availability Assessment, October 2020 - the “Site has poor connectivity to the existing settlement”.
 7. There is a related point about the inadequate manner in which these issues have been dealt with by BPC. Specifically these access issues were identified to BPC at the regulation 14 stage of the consultation. Once the deeply misrepresentative nature of the NP had been identified the consultation should have been stopped, the NP should have been reformulated which process should have involved a proper consideration of sites that are actually deliverable through the planning process, appropriate amendments should have been made to the draft NP and the process should have started again from the outset. This did not happen, rather it appears that BPC actually took little notice of the results of the regulation 14 consultation and resolved to press on regardless.
 8. A brief summary of issues arising from BPC’s handling of this issue reads as follows: -
 - a. On 14th May 2021 I contacted Nicky Moxey by email at 16:19 to ask where it would be possible to inspect replies to comments lodged during the regulation 14 consultation and the proposed changes to the NP that would be made as a result of that consultation. Nicky Moxey replied by saying that that was not available and that it would be on Bentley Neighbourhood Plan’s website from the middle of the following week. I expressed surprised about this because I was aware, having looked at BPC’s website, that an EGM had been scheduled for 17th May wherein BPC proposed to approve changes made to the draft plan. When I told Nicky Moxey that I knew about the meeting she sent me the comments that had been made in relation to the consultation stating “here is

the statement document we got from the consultant". I reviewed the document and noted what looked like an inadequate response to the access to the right of way issue and I sent a query to Nicky Moxey about that. She did not reply and later stated that my final email had gone to her spam and that she had not seen it. The disclosure of the consultant's comments earned Nicky Moxey a rebuke from Marianne Munday (Chair of BPC) who commented: "Why on earth did you do that? This is not a public document yet!" Mrs Munday took exception to the disclosure of a document, late on Friday afternoon, that BPC was proposing to vote on the following Monday evening. See exhibit C attached for details of the email exchange between Nicky Moxey and Marianne Munday.

- b. On 16th May 2021, having not heard back from Nicky Moxey and concerned that the EGM was going ahead the following day I telephoned Councillor Michael Bamford. During the course of my conversation with Michael Bamford he made some extraordinary claims to the effect that he regarded comments made during the consultation process by me, my wife and her family as those of a "cabal". He said that he thought we were all motivated by self-interest and that that was a view shared by BPC more generally. I raised the issue of the access to Case Lane and Michael Bamford dismissed that concern saying that in any event access from the Fruit Farm could be obtained to Capel Road so he could not see what the issue was.
- c. On 17th May 2021 I wrote to the Parish Clerk expressing concerns about the meeting that evening. A copy of my email is attached as exhibit D. It seems that Marianne Munday had referred my concerns (for the first time?) to a consultant (Ian Poole) who thought that "with the small change" and "some definite answers from Highways" BPC "should be able to get this through" (see email exchange attached as Exhibit E). As noted at point 4 (e) above, those definite answers have not been forthcoming.
- d. Nicky Moxey expressed the view that the fact of the NP misrepresenting the access to the site was to her "a non-issue".

I have included this detail in order to identify the belligerence that BPC has demonstrated in its attempts to promote its preferred development site despite that site's obvious and material shortcomings.

9. The underlying point here is that the NP contained errors when it went to the regulation 14 consultation, those errors were pointed out to BPC and were initially ignored. When the point was pressed BPC demonstrated a preference for simply trying to "get around" the issues and failed to make appropriate corrections to the NP. The draft NP which is the subject of the current consultation still contains errors. The proposed development site recommended by the NP is undeliverable on the terms proposed. The consequence being that the consultation to date is invalid (because villagers have been consulted on a proposal which promises benefits that are not deliverable) and, beyond that, the housing supply required to be delivered by the plan will not be realised because of the fundamental problems with the NP's preferred site. These problems have been carefully identified to BPC and the council has elected to carry on regardless in an unyielding attempt, as Marianne Munday puts it, "to get this through".
10. In addition to these comments I reiterate the comments that I made during the regulation 14 consultation and repeat them as if they were made afresh here.

continue on separate sheet if necessary)

What improvements or modifications would you suggest?

In view of the fundamental issues relating to the NP's preferred development site and the associated failure to conduct a proper consultation the process should be stopped in its tracks, the NP needs to be reformulated and the consultation process needs to begin again.

(Continue on separate sheet if necessary)

If you are including additional pages these should be clearly labelled and referenced.

Normally the Examiner will aim to consider the responses through written representations.

Occasionally an Examiner may consider it necessary to hold a hearing to discuss particular issues. If you consider a hearing should be held please explain why this is necessary.

Please note that a decision on whether to hold a hearing is entirely at the discretion of the Examiner.

I consider that a hearing should be held because ...

The issues raised go to the validity of the consultation that has been carried out to date.

(Continue on separate sheet if necessary)

Please indicate (tick) whether you wish to be notified of:

The publication of the recommendations of the Examiner	<input checked="" type="checkbox"/>
The final 'making' (adoption) of the Bentley NDP by Babergh District Council	<input checked="" type="checkbox"/>

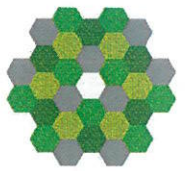
Signed: 	Dated: 26-08-2021
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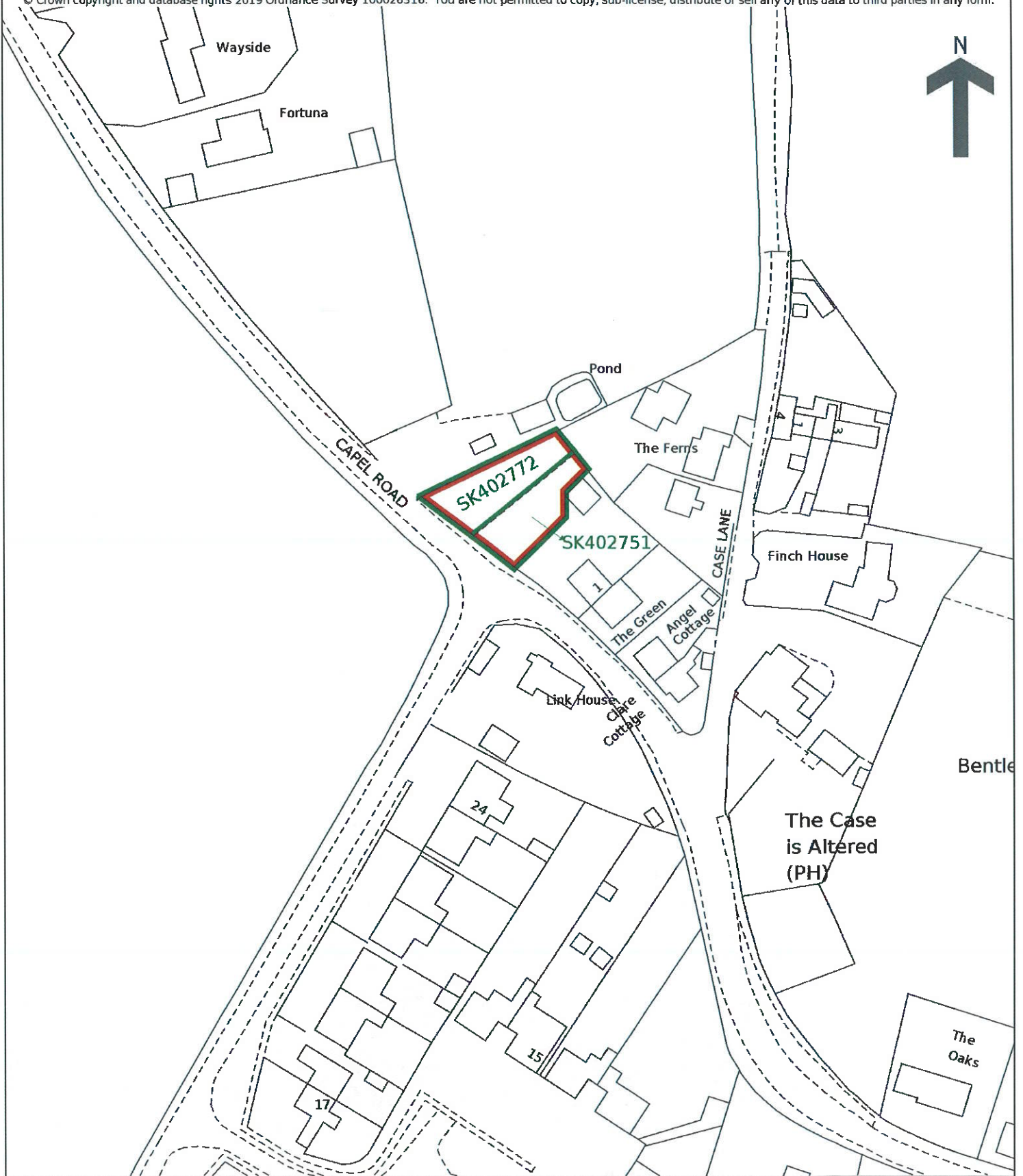
A.

HM Land Registry Official copy of title plan

Title number **SK393210**
Ordnance Survey map reference **TM1037SE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Suffolk : Babergh**



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B.

C

Subject:
Fwd: Bentley Neighbourhood Plan
From:
Marianne Munday [REDACTED]
Date:
14/05/2021, 19:30
To:
Joy Scott <joyvscott@outlook.com>

Please forward this email trail to the rest of the parish council so they are aware of this for Monday, 16th meeting.

Marianne

> Begin forwarded message:

>
> From: Nicky Moxey [REDACTED]
> Subject: Re: Bentley Neighbourhood Plan
> Date: 14 May 2021 at 19:27:06 BST
> To: Marianne Munday <mmunday.bentley@gmail.com>

> Because it will be a public document, and as he points out, is the basis of the discussion on Monday! We are making no substantive changes to it in any case.

> On Fri, May 14, 2021 at 7:23 PM Marianne Munday [REDACTED] wrote:

> Why on earth did you do that? This is not a public document yet!

> Marianne

>> On 14 May 2021, at 19:20, Nicky Moxey <nicola.moxey@gmail.com> wrote:

>> The one from Ian

>> On Fri, May 14, 2021 at 7:20 PM Marianne Munday [REDACTED] wrote:

>> Nicky

>> Could you clarify exactly what document you have sent to William Oakes please?

>> Marianne

>>> On 14 May 2021, at 18:41, Nicky Moxey [REDACTED] wrote:

>>> Just FYI...

>>> ----- Forwarded message -----
>>> From: Nicky Moxey [REDACTED]
>>> Date: Fri, May 14, 2021 at 6:40 PM
>>> Subject: Re: Bentley Neighbourhood Plan



Re: URGENT - Bentley Neighbourhood Plan - EGM 7:30pm 17TH May 2021

May 17, 2021 at 4:09 AM

From William Oakes

To Joy Scott

Dear Joy,

Thank you for your confirmation, very much appreciated.

Kind regards,

Will Oakes

On May 17, 2021 at 4:08 AM, Joy Scott <joyvscott@outlook.com> wrote:

Dear Mr Oakes

Thank you for your e-mail which I have forwarded to Councillors.

Kindest regards

Joy

On 17/05/2021 11:51, William Oakes wrote:

URGENT - FOR DISTRIBUTION TO ALL COUNCILLORS AT OR PRIOR TO THIS EVENING'S MEETING

Dear Councillors

I write ahead of this evening's EGM the stated agenda for which is the approval of changes to the Draft Neighbourhood Plan and its subsequent submission to Babergh District Council.

URGENT ISSUE

My position is that I participated in the Reg 14 consultation and filed my replies online. This was a detailed exercise that took some time. One of the issues I raised was that the Council's preferred site for development, the fruit farm off Capel Road, does not have a pedestrian access to the rear. Part of the Council's vision appeared to be that if the fruit farm were to be developed residents would be able to access the pub and village shop on foot via the public footpath which serves Case Lane.

Indeed the council's Illustrative Proposal for "The Fruit Farm" stated that it was the council's preferred site because it met the following principle which is "*very important to people in the village*": -

"Footpath access into the village and out into the countryside"

The council's document goes on to state that the site provides the following key opportunity.

"The site will provide opportunity to enhance the footpath system by connecting Capel Road to Case Lane"

The access from the Fruit Farm to Case Lane and the public footpath serving it was therefore identified as a key benefit of the Council's preferred site and, as such, it was a fundamental premise upon which the Neighbourhood Plan was devised and the Reg 14 consultation was conducted.

However, there is a problem. I do not believe that this connection, which is so key the neighbourhood plan, is actually possible of being delivered. I made this point carefully in my replies to the consultation last year and have received no reply, no request for clarification or indeed any communication from the Parish Council since.

By way of background, I have investigated the extent of the public highway, made enquiries of Suffolk County Council and also viewed the underlying title deeds to the land which abuts the rear of the fruit farm. My conclusions are as follows: -

1. The fruit farm does not, at its rear boundary, directly abut the public highway.
2. The public footpath serving Case Lane is at most 1.5 metres wide, it is probably in reality narrower than that.
3. There is a substantial area of private land belonging to Donald Baker which separates the fruit farm from the public footpath.

My conclusion therefore, based upon the documents that I have seen, is that connecting the fruit farm to the public rights of way network at the rear is a legal impossibility without the involvement of Donald Baker. I am aware that Donald Baker has not been consulted by the Parish Council on his willingness to connect to the fruit farm. It follows therefore that one of the major purported benefits of the fruit farm site is actually not deliverable.

This raises a number of concerns. The first of those concerns is that the fruit farm is identified within the neighbourhood plan as being the preferred site for development. A major proposed benefit for the site is its accessibility to the public rights of way network. If, as stated above, that accessibility is denied then the only pedestrian access to the site would be along Capel Road. There is currently no pavement, and I have seen no evidence to suggest that it would be possible to create such a pavement in the future, that would enable residents of the fruit farm to enter the village without stepping directly onto the public highway and therefore into the way of traffic.

In these circumstances it cannot be that the fruit farm remains the preferred site of the Council and, further, it appears that the benefits of the Fruit Farm site have been misrepresented to the public.

I wish to draw this matter to your attention as a question urgency.

IMMEDIATE BACKGROUND

I was not aware, until I actually contacted Nicky Moxey on Friday afternoon, that there had been any consideration or reply to consultees comments. On Friday evening Nicky sent me a document which contained the replies of a firm of consultants called "Places4PeoplePlanningConsultancy".

My original comment on this issue, filed last year, read as follows: -

Contrary to para 6.13 the site does not adjoin the playing field, it is separated from the playing field by a strip of land that is in private ownership. The village shop, hall and pub can only be accessed via Capel Road and such access involves actually entering upon Capel Road (the main road into the village). There is no direct pedestrian link to the village which does not involve walking on the road and neither the council, nor the landowner, have the power to deliver such pedestrian access. The site is recommended because it promises pedestrian and cycle access to Case Lane but this is wrong. There is no such access and the site is therefore promoted on the basis of a false premise. The only way in and out of the site is via Capel Road which is wholly inappropriate. The access would be on the apex of a fast and blind bend presenting a hazard to all road users.

The consultant replied to this comment as follows: -

The strip of land is a public right of way.

My belief, based upon the documents that I have seen, is that this conclusion is unsafe and legally unsustainable. It is an error as a matter of fact and law to say that the strip of land at the rear of the Fruit Farm is a public right of way.

The fact of this error having been made calls into question the veracity of the report as a whole. If the consultant is fundamentally mistaken on this particular point then what is to say that the consultant has not made further errors. My view is that the Council or the consultant must produce the authority that it relies upon to support its comment that, "The strip of land is a public right of way."

Councillors cannot safely vote to endorse the neighbourhood plan if they are relying on unsafe and unreliable consultant opinion.

Further the Reg 14 consultation cannot be said to have been properly carried out if the village has been asked to give comments in relation to a key aspect of the preferred site which cannot be delivered.

There is a further point. Identified in my email exchange with Nicky Moxey below, tonight's EGM is stated to be "open to the press and the public who are welcome to attend". In fact as Nicky's comments reveal, the circumstances at tonight's meeting will be strained to say the least. There is some doubt about whether to not an effective meeting will actually even be able to take place see Nicky's reference to people sitting in the carp park in the rain. Why has the Council organised such a key meeting in circumstances where attendance by interested parties will not actually be possible?

In order to ensure the integrity of the consultation process, as an absolute minimum, the Council must take the following steps.

1. Adjourn tonight's meeting;
2. Produce the authority that the Consultant relies on in support of the assertion that "The strip of land is a public right of way".
3. Ask the consultant to review the replies that it has given to all other consultee comments to ensure that they are accurate/legally sustainable;
4. Where errors are identified the Reg 14 consultation must be repeated to ensure that the village is given accurate information before being asked to comment on it;
5. Reconvene the meeting at a time when personal attendance can be achieved or else conduct the meeting by Zoom, but only once steps 2 - 4 inclusive above have been followed;
6. Prior to the meeting ensure that a proper suite of documents is circulated to interested parties so that the interest of consultees and the broader community can be represented at the meeting;

GROUNDS FOR COMPLAINT

If, having alerted the Council to this serious concern, the Council proceeds to approve the neighbourhood plan in its current amended form this evening I will have no alternative but to make a formal complaint in relation to the matters raised by this email. This issue has now been brought to the attention of the Council and if a vote proceeds it will be in circumstances where it has been notified that there are errors in (a) the benefits promised by its preferred development site and (b) the consultation documents that it is relying on to make its decision.

Therefore any resolution which approves the neighbourhood plan against this background will be unsafe as a result of that.

TIMING

I regret that I am having to raise this issue at the last minute like this but I think it is important that the Council is aware of the background here. I first raised this concern six months ago and, as stated, nobody from the Council has contacted me with a reply to the issue. Indeed I only learnt by chance on Friday that tonight's meeting was scheduled. The consultant's comments were only made available to me when I asked for them late on Friday.

I asked Nicky Moxey to clarify the Council's position in relation to this specific point of concern but at the time of writing I have not heard back from her. This is surprising given that (a) Nicky has always previously been quick to reply to any communications and (b) Nicky is at the forefront of the group which is devising the neighbourhood plan, so the answer to my question should have been immediately available to her.

Having not heard from Nicky, and conscious of the need to raise the issue in good time ahead of the meeting, I telephoned Councillor Michael Bamford yesterday morning at 9:45am. Michael was kind enough to take my call, and I am grateful to him for doing so.

GROUNDS FOR FURTHER COMPLAINT

I regretted however that Michael felt able to refer to me, my wife and members of her family as a "cabal". I further regretted his repeated assertions that he felt that our comments were motivated by self-interest. Michael said that this was "the perception" of the Council held as a whole.

I found these comments to be extraordinary, demeaning and inexplicable coming, as they were, from a member of the Parish Council. The comments alone warrant a complaint but there is a further concern which is that the council is refusing and failing to give consideration to legitimate concerns for reasons related to the identity of the person who has raised those concerns.

That view is amplified by the flippant and cursory nature of the consultant's comments in reply to the issue.

When I asked Michael about the rear access to the footpath network from the fruit farm, he acknowledged that he was probably not the best person to talk to because he had not been leading the development of the neighbourhood plan. He did however confirm his view that the access from the fruit farm could be achieved because there was a public right of way at the rear. When I challenged this comment Michael said that access could be obtained onto Capel Road in any event. This casual dismissal of the concern echoed the consultant's approach and confirmed to me the apparent determination of the Parish Council to push the fruit farm forward irrespective of its underlying merit. It appeared to me that the fact of rear access to the footpath network being blocked was not thought by Michael to be very important despite this having been one of the major selling points of the site and one of the principal points which caused the Council to nominate the fruit farm as its preferred site.

The implication, which I hope is not the case, is that concerns raised by me or my wife or members her family are considered irrelevant and do not therefore have to be properly addressed. This is plainly unacceptable and procedurally wrong.

In light of this issues raised by this email the recommended and necessary next steps are set out at points 1-6 above and I regret to say that if they are not followed I will, as stated, feel that it is necessary to raise a formal complaint about the conduct of this matter.

Yours sincerely

Will Oakes

Begin forwarded message:

E.

Subject:
 Re: URGENT - Bentley Neighbourhood Plan - EGM 7:30pm 17TH May 2021
 From:
 Marianne Munday [REDACTED]
 Date:
 17/05/2021, 14:15
 To:
 Nicky Moxey [REDACTED]
 CC:
 Joy Scott [REDACTED], Michael Bamford
 [REDACTED], bob feltwell [REDACTED]
 Peter Cross [REDACTED], kate spicer
 [REDACTED], John Wheals [REDACTED], Charlotte Perry
 [REDACTED], Damion Schumacher
 [REDACTED]

On advice from Ian Poole who says there will need to be a change in wording in the Fruit Farm policy to make the footpath through from back of site as desirable rather than a requirement of development on the site.

He is optimistic with the small change and some definite answers from Highways re footpath access at the front of site we should be able to get this through.

Marianne-t

On Mon, 17 May 2021, 14:06 Nicky Moxey, [REDACTED]

On what grounds, and until when?!
 Nicky

On Mon, May 17, 2021 at 1:49 PM Joy Scott <joyvscott@outlook.com> wrote:

Hi

Following receipt of the e-mail below we have taken advice from SALC who have advised us to POSTPONE TONIGHT'S EXTRA ORDINARY MEETING.

I am not contacting the Village Hall to cancel tonight's booking.

Joy

----- Forwarded Message -----

Subject: URGENT - Bentley Neighbourhood Plan - EGM 7:30pm 17TH May 2021

Date: Mon, 17 May 2021 10:51:47 -0000
 From: William Oakes <will.oakes@icloud.com>
 To: joyvscott@outlook.com
 CC: [REDACTED]
 [REDACTED]

URGENT - FOR DISTRIBUTION TO ALL COUNCILLORS AT OR PRIOR TO THIS EVENING'S MEETING

Subject:

Re: URGENT - Bentley Neighbourhood Plan - EGM 7:30pm 17TH May 2021

From:

Nicky Moxey [REDACTED]

Date:

17/05/2021, 12:34

To:

Marianne Munday [REDACTED]

CC:

ian Poole [REDACTED], Joy Scott <joyvscott@outlook.com>

Ah, he's attacking, is he...

How curious that he assumes that Don's cooperation might not be available at some unspecified point in the future.

Also, the "definitive" map from highways is most unclear on exactly where the adopted highway boundary is; I had a chat with Don several months ago and suggested to him that there was no clarity on the issue.

But Mike is right; we retain all the access to the prow by extending the footpath at the front of the new houses by a couple of yards.

This to me is a non issue.

Nicky

On Mon, 17 May 2021, 12:24 Marianne Munday, [REDACTED] wrote:

Dear Ian

As per my phone message...

More ,Äôtrouble at t'mill,Äô I,Äôm afraid!

We are holding our extraordinary parish council meeting to agree changes to our NP following Regulation 14 consultation tonight.

You may recall that one of the respondents Sally Oakes wrote some derogatory comments about how the NP consultation had been conducted. -†

Her husband William Oakes, a solicitor has just sent us this email requesting an adjournment of the meeting due to a technical issue with one of the proposed sites for housing - see email trail below.

Could you advise please as a matter of urgency if this footpath issue can stop the NP moving to the next stage or can we suggest that he makes these representations to Babergh at the next consultation stage?

I,Äôm happy to talk on the phone if it is easier.

Many thanks

Kind regards

Marianne Munday
Chair Bentley Parish Council

07808 259331

> Begin forwarded message: