

Babergh District Council and Braintree  
District Council

# **Bures Neighbourhood Plan 2021 to 2037**

## **Independent Examiner's Report**

By Ann Skippers BSc (Hons) MRTPI FRSA FHEA AoU

20 April 2026

**This Examiner's Report should be read in conjunction with the Addendum Report dated 17 June 2026. The Addendum Report has been produced in response to new provisions that came into force on 25 March 2026 through the Levelling-up and Regeneration Act 2023. Confirmation that these new provisions had immediate effect was received from the Government on 27 April 2026. The Addendum Report therefore examines the Bures Neighbourhood Plan in the light of these new provisions. In the light of the new provisions the recommended modifications in Annex 1 to the Final Report have been reviewed and no revisions or additional modifications to those recommended in the Final Report are considered necessary.**

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## Summary

I have been appointed by Babergh District Council and Braintree District Council to carry out the independent examination of the Bures Neighbourhood Plan.

The Plan is very well presented. It contains 24 policies covering a wide variety of topics including landscape, non-designated heritage assets and design.

It has been necessary to recommend some modifications to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Babergh District Council and Braintree District Council that the Bures Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
20 April 2026



## 1.0 Introduction

This is the report of the independent examiner into the Bures Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Babergh and Braintree District Councils with the agreement of the Bures St Mary and Bures Hamlet Parish Councils to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner and the examination process

### *Role of the Examiner*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>2</sup> "EU obligation" was substituted for "retained EU obligation" by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

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

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority. The plan then

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018/1307

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>5</sup> The combined effect of the Town and Country Planning Act 1990 (as amended), Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### ***Examination Process***

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup>

The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it. So, for example, the fact that a policy could be added to or strengthened does not justify a modification unless this is necessary for the reasons given above.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.<sup>8</sup> Often representations suggest new policies on different topics or suggest amendments to the policies or the supporting text or different approaches. As explained above, where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required. Sometimes representations ask for additions that fall outside the remit of the planning system.

PPG<sup>9</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>10</sup>

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Councils made

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<sup>6</sup> Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222

<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid para 056 ref id 41-056-20180222

<sup>10</sup> Ibid

comments on the Regulation 16 stage representations and I have taken these into account.

I am grateful to everyone for ensuring that the examination has run so smoothly and in particular Paul Bryant at Babergh District Council, the lead local authority.

I made an unaccompanied site visit to familiarise myself with the Plan area on 17 March 2026.

### ***Modifications and how to read this report***

Where necessary for the Plan to meet the basic conditions and other legal requirements, modifications have been recommended. These appear in this report as Modification Number (MN) MN1, MN2, MN3 and so on. For ease of reference, the modifications are shown in the Schedule of Proposed Modifications Annex attached to this report on page 45.

As a result of some modifications consequential amendments will be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

## **3.0 Neighbourhood plan preparation**

A Consultation Statement has been submitted.

Work began on the Plan in 2021. A comprehensive and very helpful log of events is given in the Consultation Statement<sup>11</sup>; an approach I commend to others. Launch meetings were held to form a Steering Group and to gather initial views. A dedicated website was developed. Flyers were hand delivered to each household to raise awareness of, and update progress on, the Plan. A Progress Update Weekend was held in April 2022 to engage residents with the work to date. Monthly updates were given in the village magazine between October 2023 and August 2024. Minutes of the Steering Group were considered at regular Parish Council meetings. Activities such as the Music Festival and market, were used to engage with different groups in the local community. Engagement with local schools and groups and societies took place. A Business Survey was conducted.

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<sup>11</sup> Consultation Statement, page 6

Pre-submission (Regulation 14) consultation took place between 2 September and 28 October 2024. Copies were available online and in person. The consultation was publicised through social media and surveys to each household. Two events were held.

A number of representations raise the issue that Mount Bures Parish Council was not consulted at the pre-submission stage. The Consultation Statement clearly sets out that consultation took place. An independent examiner has no authority to consider such matters which should be dealt with through internal complaints handling procedures of the qualifying body or local planning authority.

From the information before me, I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 29 September and 14 November 2025. The Regulation 16 stage resulted in 18 representations. Whilst I may refer specifically to some and not to others, I have considered all of the representations and taken them into account in preparing my report.

## **4.0 Compliance with matters other than the basic conditions**

### ***Qualifying body***

Bures St Mary and Bures Hamlet Parish Councils are the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### ***Plan area***

The Plan covers two Parishes Bures St Mary and Bures Hamlet. Bures St Mary falls within Babergh District Council and Bures Hamlet falls within Braintree District Council. The Plan area is coterminous with the administrative boundaries for each Parish Council. Babergh and Braintree District Councils approved the designation of the area on 25 November 2021. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 4 of the Plan.

### ***Plan period***

The Plan period is 2021 – 2037. This is confirmed in the Plan itself. The requirement is therefore satisfactorily met.

### ***Excluded development***

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

## ***Development and use of land***

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>12</sup>

In this case, the Plan includes a number of Community Actions. These appear throughout the Plan but are generally clearly distinguishable from the planning policies as they are clearly labeled and appear in a different coloured box. I consider this approach is acceptable for this Plan. However, I do recommend modifications to Community Actions 2, 7 and 10) in the interests of consistency in, and clarity of, the overall Plan. These modifications appear later in my report and are MN4, MN24 and MN21 respectively.

## **5.0 The basic conditions**

### ***Regard to national policy and advice***

The Government replaced previous versions of the NPPF with a new NPPF which was published in December 2024. This was amended in February 2025 to correct some cross-references to footnotes and to clarify the intent of paragraph 155.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.<sup>14</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>15</sup>

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<sup>12</sup> PPG para 004 ref id 41-004-20190509

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 29

<sup>15</sup> Ibid

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.<sup>16</sup> However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>17</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>18</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>19</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>20</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>21</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>22</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>23</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement clearly and thoroughly sets out how the Plan and its policies have regard to the NPPF.

### ***Contribute to the achievement of sustainable development***

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the

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<sup>16</sup> NPPF para 30

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 32

<sup>19</sup> Ibid para 16

<sup>20</sup> PPG para 041 ref id 41-041-20140306

<sup>21</sup> Ibid

<sup>22</sup> Ibid para 040 ref id 41-040-20160211

<sup>23</sup> Ibid

achievement of sustainable development.<sup>24</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>25</sup>

The three overarching objectives are:<sup>26</sup>

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>27</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how the Plan helps to achieve each of the objectives of sustainable development as outlined in the NPPF.

### ***General conformity with the strategic policies in the development plan***

The development plan consists of a number of different documents.

In respect of Babergh District Council, the development plan consists of the Babergh and Mid Suffolk Joint Local Plan Part 1 (JLP) which was adopted by BDC on 21 November 2023 and some saved policies from the Babergh Local Plan Alteration No. 2 (LP) adopted in June 2006 and the Core Strategy (CS) adopted in February 2014. None of the saved policies are relevant to this examination.

In respect of Braintree District Council, the development plan consists of the Local Plan 2033 Section 1 and Section 2. Section 1 was adopted on 22 February 2021 and is the

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<sup>24</sup> NPPF para 7

<sup>25</sup> Ibid para 8

<sup>26</sup> Ibid

<sup>27</sup> Ibid para 9

strategic plan for North Essex and is shared with Colchester and Tendring Councils. Section 2 was adopted on 25 July 2022. It contains policies for within Braintree District Council.

The Suffolk Minerals and Waste Local Plan 2020 and the Essex and Southend-on-Sea Waste Local Plan 2017 and the Essex Minerals Local Plan of 2014 and other made neighbourhood plans also form part of the development plan, but are not directly relevant to this examination.

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan conforms to relevant development plan policies.

I have used “JLP” to denote Babergh’s Joint Local Plan and “LP” to denote Braintree’s Local Plan when referring to policies in the two plans.

Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

### ***Emerging policy***

Babergh District Council, working with Mid Suffolk District Council, is proceeding with a full Joint Local Plan review. Braintree District Council has started work on a Local Plan Review. Both are at a relatively early stage in the process.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>28</sup> advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>29</sup>

It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan because the Planning and Compulsory Purchase Act 2004 requires that any conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.<sup>30</sup>

PPG advises that where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies

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<sup>28</sup> PPG para 009 ref id 41-009-20190509

<sup>29</sup> Ibid

<sup>30</sup> Ibid para 009 ref id 41-009-20190509

and similarly for neighbourhood plans to acknowledge local plan policies that they relate to.<sup>31</sup>

I will refer to the latest publicised version of the emerging local plan where I feel it relevant to do so.

### ***Retained European Union Obligations***

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>32</sup> confirms that it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is the local planning authority who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination. They constitute retained EU law under the European Union (Withdrawal) Act 2018 and section 5 of the Retained EU Law (Revocation and Reform) Act 2023.

The Conservation of Habitats and Species Regulations 2017 were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019/579 but they were not intended to introduce any change in policy<sup>33</sup>.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect

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<sup>31</sup> PPG para 006 ref id 61-006-20190723

<sup>32</sup> Ibid para 031 ref id 11-031-20150209

<sup>33</sup> CG Fry & Son Limited V Secretary of State for Housing< Communities and Local Government (formerly known as SoS for LU, H&C) & anor [2025] UKSC 35at para 32

on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out. Case law has established that article 6(3) requires a strict "precautionary approach" and the Habitat Regulations should be interpreted "purposively".

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by Regulation 3(2) of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018/1307 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats and Species Regulations 2017.

A Screening Determination dated November 2024 has been prepared by Babergh and Braintree District Councils. This in turn refers to a SEA and HRA Preliminary Screening Assessment Report dated 2024 and prepared by Collective Community Planning which concluded that the Plan was unlikely to have significant environmental effects.

Consultation with the statutory bodies was undertaken. Both Natural England and Historic England agreed with the conclusion, whilst the Environment Agency provided a general response but did not specifically disagree with the findings.

I have treated the Preliminary Screening Assessment Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>34</sup>

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, a Habitats Regulations Screening Determination dated November 2024 has been prepared by Babergh and Braintree District Councils. This in turn refers to the Preliminary Screening Assessment Report prepared by Collective Community Planning.

That report identified the following sites of relevance; the Abberton Reservoir Special Protection Area (SPA) and Ramsar site, the Stour and Orwell Estuaries SPA and Ramsar site and the Colne Estuary Mid Essex Coast Phase 2 SPA and Ramsar sites. The report

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<sup>34</sup> PPG para 028 ref id 11-028-20150209

concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects.

Consultation with Natural England took place and they concur that significant effects are unlikely, either alone or in combination.

The Screening Determination concludes that Appropriate Assessment (AA) is not required.

Taking into account the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I have no reason to disagree with the conclusion of the Screening Determination and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

### ***European Convention on Human Rights (ECHR)***

The Basic Conditions Statement contains a statement in relation to human rights and equalities. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## **6.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions.

The Plan is presented to an exceptionally high standard and contains 24 policies. There is a helpful and comprehensive table of contents page at the start of the Plan.

I have noticed that one or two of the references to paragraphs of the NPPF are based on an older version of that document. These can be checked and any necessary updates made as part of the final editorial checks.

Some natural updating is needed especially to paragraphs 10 (which is repeated at paragraph 180 later in the Plan), 82 and 181, 183. These and other such updates can be agreed with the relevant local planning authority as a factual update and form part of the final editing process.

### **Introduction and What is Neighbourhood Planning**

These two introductory sections of the Plan set out the context for the Plan very well.

### **About Bures Village**

This well written chapter sets the scene introducing the work that has been carried out on the Plan to date and outlining the village's many attributes.

## Our Vision for Bures

The vision for Bures is:

“The distinctly special qualities of our **beautiful village**, nestled as it is in the **historic and natural** setting of the **River Stour**, will be valued, protected and enhanced.

The qualities highly valued by Bures residents including its **strong identity, community spirit** and **kindness and diversity** will be sustained.

We will embrace **green technical innovation** to address and protect against the impact of climate change whilst **valuing the heritage of the village and protecting its historic buildings and natural boundaries**.

Bures will continue to be a **working village with real vitality**.

Our village will remain **well connected** with the world beyond and will provide **safe** streets and improved walking and cycling routes.”

This vision is clearly articulated and unique to Bures. It demonstrates the commitment of the village to continue to achieve sustainable development.

The Plan is structured around a number of topics that relate well to each element of the vision with each chapter containing objectives aimed at achieving the vision as well as a helpful ‘context’ box.

## Our Landscape

The Plan explains that part of the Plan area falls within the Dedham Vale National Landscape (NL) area. The remainder falls with the Stour Valley Project Area. It is clear from the extracts summarised in the Plan from Landscape Character Assessments and the work of Alison Farmer Associates on the Project Area, that the landscape is of special quality and highly valued.

This is echoed in the Design Guidance and Codes document 2023 produced by AECOM. Amongst other things, this document highlights the high quality landscape, wildlife and historic value.<sup>35</sup> It also refers to the Bures dragon, a hillside chalk drawing commemorating the local legend of an encounter with a dragon in the middle ages.

A key characteristic of the Parishes is its rural lanes. These are typically narrow and winding with raised verges and hedges to either side. As well as being valued for their appearance and contribution to the rural landscape, they are also valued for their character and tranquility.

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<sup>35</sup> Design Guidance and Codes, page 20

The NPPF requires the planning system to contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.<sup>36</sup>

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.<sup>37</sup>

The NPPF is clear that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.<sup>38</sup>

The NPPF recognises that planning policies should contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.<sup>39</sup>

Development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.<sup>40</sup>

JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure including landscape, biodiversity, geodiversity and the historic environment and historic landscapes. It also expects all development, through biodiversity net gain, to protect and enhance biodiversity ensuring measures are resilient to climate change.

Non-strategic JLP Policy LP16 refers to biodiversity and geodiversity including the loss of irreplaceable habitats and ancient woodland and biodiversity net gain. Non-strategic JLP Policy LP17 seeks to conserve and enhance landscape character including through the reinforcement of local distinctiveness and the identity of individual settlements, consideration of topographical impact and dark skies. Non-strategic JLP Policy LP18 refers to NLS.

LP Policy SP 7 sets out a number of place shaping principles. These include responding positively to local character and context to preserve and enhance the quality of existing places and their environs, protecting assets of historical or natural value, enhancing biodiversity, creating well-connected places that prioritise pedestrians and cyclists and public transport, providing a mix of services and enhancing public realm, promoting

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<sup>36</sup> NPPF para 187

<sup>37</sup> Ibid para 192

<sup>38</sup> Ibid para 136

<sup>39</sup> Ibid para 187

<sup>40</sup> Ibid para 193

environmental sustainability including water efficiency, wastewater and flood mitigation and the provision of sustainable drainage solutions and a high standard of design.

LP Policy LPP 67 refers to landscape character and features. It recognises the intrinsic character and beauty of the countryside. It supports restoration and enhancement of the natural environment including through green infrastructure networks and enhancing the biodiversity value of wildlife corridors. It refers to the Dedham Vale NL.

There are three policies in this section of the Plan.

### **Policy BP1: Landscape, Dedham Vale National Landscape and Stour Valley Project Area**

Policy BP1 seeks to ensure that any new development in the NL or Project Area is appropriate and informed by relevant planning policies and guidance including the Dedham Vale NL and the Stour Valley Management Plan.

I note the support for this policy from the Colchester Natural History Society.

The policy meets the basic conditions by having regard to the NPPF, being in general conformity with JLP Policy SP09 and LP Policies SP 7 and LPP 67 in particular and helping to achieve sustainable development. No modifications are therefore recommended.

### **Policy BP2: Bures Rural Lanes**

Policy BP2 seeks to ensure that the nature, tranquility and habitats of the rural lanes are retained or mitigated. The rural lanes are important to the character of the area. The policy has regard to the NPPF in protecting and enhancing the natural and local environment by having a specific policy on rural lanes.

The policy meets the basic conditions by having regard to the NPPF, being in general conformity with JLP Policy SP09 and LP Policy SP 7 especially and helping to achieve sustainable development. No modifications are therefore recommended.

I note that the Parish Councils in response to a representation<sup>41</sup> intend to add to Community Action 14. I welcome this and consider it can be achieved as part of the final editing process.

I note the support for this policy from the Colchester Natural History Society.

### **Policy BP3: Key Views**

This policy identifies 18 views that are of importance to the local community. These views are identified on Figure 14 on page 23 of the Plan. Supporting evidence for each

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<sup>41</sup> Resident Hill

view and a more detailed map of each viewpoint are contained in Appendix C. I found viewpoints 15 and 16 to be relatively hard to decipher on Figure 14 and so modification **MN1** is made to revise Figure 14 in the interests of clarity.

I considered each of the proposed views shown on Figure 14 at my site visit. For those views I was not able to see, I was able to understand the extent and context of these views.

I saw at my site visit that all the identified important views are important to the setting of the village or the very special landscape and demonstrate the intrinsic character of the natural and built environment. In addition, some of the views hold a very special local significance and are marked by benches in memory of past residents.

However, the Parish Councils have pointed out that one of the directional arrows for View 17 is shown wrongly on Figure 14, in Appendix C on page 129 and on the detailed map on page 145. Whilst it is said that no one has been disadvantaged, the presentational error is consistently wrong across all of the mapping and regrettably, without further consultation, it may have prejudiced interested parties. For this reason, and this reason only, View 17 should be deleted. MN1 also deals with this recommended deletion.

Turning now to the wording of the policy, I note that it does not seek to prevent development per se; rather it seeks any proposal to take account of the view and to mitigate any adverse impact. Any new development should be accompanied by an appropriate Landscape and Visual Impact Appraisal to, amongst other things, demonstrate any impact on the views.

I consider the policy recognises the intrinsic character and beauty of the countryside and seeks to protect a strong sense of place in line with the NPPF, JLP Policy SP09 and LP Policies SP 7 in particular. It will help to achieve sustainable development. With MN1, Policy BP3 will meet the basic conditions.

I note that a representation<sup>42</sup> requests the addition of a view from Mount Bures. Whilst this may be something the Parish Councils wish to consider in any future review of the Plan, it would not be appropriate to include a new view that had not been subject to consultation.

I note the support for this policy from the Colchester Natural History Society.

### **Our Natural Environment, Biodiversity and Wildlife**

As well as partly falling with the Dedham Vale NL, the Plan areas also has the Arger Fen Site of Special Scientific Interest (SSSI) and Local Nature Reserves as well as a number of County Wildlife Sites and areas of priority habitats.

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<sup>42</sup> Resident Ms. Firth

The Parish Councils adopted the Friends of the Earth 20 Actions on Climate and Nature Emergency in 2018. There are also other initiatives such as the Stour Valley Farmer Cluster aimed at enhancing the natural environment. Surveys to ascertain the length of green corridors as well as the Bures Swift Project and Transition Bures demonstrate the local community's commitment.

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection and enhancement of valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including of trees and woodland and minimising impacts on, and providing net gains for, biodiversity.<sup>43</sup>

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.<sup>44</sup> It continues that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the recovery of priority species and pursue opportunities for measurable net gain.<sup>45</sup>

The NPPF is clear that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.<sup>46</sup>

Development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.<sup>47</sup>

JLP Policy SP09 requires development to support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure including landscape, biodiversity, geodiversity and the historic environment and historic landscapes. It also expects all development, through biodiversity net gain, to protect and enhance biodiversity ensuring measures are resilient to climate change.

Non-strategic JLP Policy LP16 refers to biodiversity and geodiversity including the loss of irreplaceable habitats and ancient woodland and biodiversity net gain. Non-strategic JLP Policy LP17 seeks to conserve and enhance landscape character including through the reinforcement of local distinctiveness and the identity of individual settlements, consideration of topographical impact and dark skies. Non-strategic JLP Policy LP18 refers to National Landscapes.

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<sup>43</sup> NPPF para 187

<sup>44</sup> Ibid para 192

<sup>45</sup> Ibid

<sup>46</sup> Ibid para 136

<sup>47</sup> Ibid para 193

LP Policy LPP 63 aims to protect and enhance the natural environment, habitats, biodiversity and geodiversity taking climate change and water scarcity into account. New development should contribute to new green infrastructure.

LP Policy LPP 64 protects protected sites, species, priority species and priority habitat.

LP Policy LPP 65 recognises the significant contribution to the character and appearance of localities made by trees. It retains trees which make a significant positive contribution subject to various criteria including health.

LP Policy LPP 66 provides for the protection of biodiversity and its mitigation or compensation. It also seeks enhancement in all proposals.

Essex County Council requests that reference is made to the Essex Local Nature Recovery Strategy in paragraph 82 on page 28 of the Plan. Modification **MN2** achieves this.

There is a presentational error in paragraph 70 on page 24 that can be corrected as part of the editing process. It is the reference to “Site for Specific Scientific Interest” instead of Site of Special Scientific Interest.

There are seven policies in this section of the Plan.

#### **Policy BP4: Biodiversity**

This policy seeks proposals to have regard to the Design Guidance and Codes and deliver a minimum 10% net gain in biodiversity. The policy lists criteria that could help to ensure this aim is achieved.

I consider the first element of the policy could be interpreted ambiguously and the reference to the Design Guidance and Codes document should be consistent. In addition, Essex County Council has requested a criterion to refer to the Essex and Suffolk Local Nature Recovery Strategies and I agree this would be useful.

Braintree District Council comments on the policy and suggests amendment, but I do not regard this as necessary, but do however add some additional words to criterion c) of the policy which helps to clarify the issue.

Modification **MN3** is therefore recommended to address these three issues.

I note the support for this policy from the Colchester Natural History Society.

With this modification, Policy BP4 will have regard to the NPPF’s aim of conserving and enhancing the natural environment, be in general conformity with JLP Policy SP09 and LP Policies SP 7, LPP 63 and LPP 66 and help to achieve sustainable development.

## Policy BP5: Protection of Wildlife

Policy BP5 refers to the green and blue corridors which are identified on Figure 19 on page 30 of the Plan. The policy requires development in or adjacent to the corridors to enhance and improve those areas and refers to the Design Guidance and Codes document. It also supports development that provides new green corridors or green links.

I note the support for this policy from the Colchester Natural History Society.

This policy meets the basic conditions by having regard to the NPPF's aim of conserving and enhancing the natural environment recognising that such corridors are important to wildlife as well as being in general conformity with JLP Policy SP09 and LP Policies SP 7, LPP 63, LPP 64, LPP 66 and LPP 67 and helping to achieve sustainable development. No modifications are therefore recommended.

## Policy BP6: Locally Valued Trees

The Plan explains that one of the village's greatest assets is its trees. There are two Conservation Areas (CA) in the Plan area which afford protection to trees falling within the CAs, but outside the historic core, trees are not protected unless it is through a specific tree preservation order. In 2018, a Tree Charter was signed.

As part of the community engagement work on the Plan, residents were asked to identify trees of particular significance to them. These trees are shown on Figure 24 on page 34 of the Plan. Further details about each tree are given in Appendix D.

The policy refers to locally valued trees rather than locally listed trees which are referenced in the supporting text, Appendix D and Community Action 2. Modification **MN4** therefore revises paragraph 86 on page 33, Appendix D and Community Action 2 to refer to the trees as locally valued rather than locally listed in the interests of clarity and consistency.

Modification **MN5** ensures that the scored out text in Policy BP6 is removed in the interests of clarity.

I was able to see the trees or to understand their context at my site visit and consider all are logically identified. However, Tree 6, the copper beech on the corner of Nayland Road and Church Square, no longer seems to exist. Modification **MN6** therefore removes this tree from Appendix D. Some revision to the supporting text to reflect the history of this tree and its value locally can be made with the agreement of the local planning authority.

I am also aware that some of the trees fall within the CA and therefore already have some protection from that designation. Nevertheless I consider that the identification of the trees that are particularly special and valued by the local community serves a different purpose.

With MN4, MN5 and MN6, the policy will meet the basic conditions by having regard to the NPPF which notes the important contribution trees make to the character and quality of environments and how they can contribute towards the adaptation and mitigation of climate change. It will be in general conformity with JLP Policy SP09 and LP Policies SP 7, LPP 63 and LPP 65 in particular and help to achieve sustainable development.

I note that a representation<sup>48</sup> seeks the inclusion of trees at Woolpit Down to be included. The Parish Councils consider that these trees are included as Number 25.

I note the support for this policy from the Colchester Natural History Society.

### **Policy BP7: Local Green Spaces**

This policy seeks to designate 15 areas of Local Green Space (LGS). They are shown on Figure 27 on page 39 of the Plan. More information and detailed maps of each proposed LGS is contained in Appendix E.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>49</sup> The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>50</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>51</sup>

The NPPF sets out three criteria for green spaces.<sup>52</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw all the proposed LGSs at my site visit.

1. Recreation/Sports Ground, Bures St Mary is a recreation ground at the heart of the village and is a registered Field in Trust. It is valued for its beauty, historic significance and recreation purposes.
2. Home Stable field from the Football club area down to the riverbank is used by the School and Football Club on long leases and the annual Music Festival is held here. This area is particularly valued for its beauty and views afforded to the historic mill and river.

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<sup>48</sup> Resident Mr. Child

<sup>49</sup> NPPF para 106

<sup>50</sup> Ibid

<sup>51</sup> Ibid

<sup>52</sup> Ibid para 107

3. Pikes Marsh Play area and wild area is at the heart of the Pikes Marsh housing development providing recreation and wildlife.
4. Bevills Estate Allotments (St Mary) is valued by local people for its primary purpose of gardening but also as a social activity. These allotments are long established.
5. Glebeland Allotments including the copse (Hamlet) has been used as allotments for a long time and contains areas for gardening and growing as well as a community orchard and copse valued for its wildlife, flora and fauna.
6. Bures Common forms part of a medieval common. It is used for a monthly market and has a landing stage. It is a peaceful area of open space with benches valued for its history, beauty and uses.
7. Essex Knoll is a small area of green space with a seat and the village sign as well as a plague commemorating the Queen's Silver Jubilee. It is adjacent to the Common.
8. Jubilee Grove is part of a community project to plant a native woodland for recreation and biodiversity. It commemorates the Queen's Diamond Jubilee.
9. Water meadows between the B1508, the River Stour and the Cambridge Brook are particularly valued for its heritage and biodiversity and as a tranquil and beautiful recreation area for walking.
10. Water Lane Triangle and Water Lane Stream consists of two separate elements. The proposed LGS is valued for its historic association as a close when the railway cut through in 1849 as well as its unusualness and as a wildlife habitat. I noticed, and the Parish Councils' agree on checking this as a factual matter, that the stream element of this proposed LGS has been mapped incorrectly on pages 39, 172 and 173 of the Plan. The culvert is on the north side of Water Lane, on the opposite corner and is shorter in extent. I have carefully considered whether the maps can be modified, but without consultation on the correct location and extent of this element of the proposed LGS, interested parties had have no opportunity to comment. This element should therefore be deleted from the Plan.
11. Bures Station Garden is valued as part of the village's heritage and is the site of the station house. Cared for by volunteers, the garden is a pleasant space.
12. St Mary's Churchyard forms part of the setting of the Grade I listed St Mary's Church. It is valued for its history and as a tranquil and beautiful space in the village centre.
13. Bures Cemetery is valued for its biodiversity and as a tranquil and calm oasis. The proposed designation includes the drive which I do not consider to be appropriate to include, as this is not a green area.
14. Station Hill Garden is a garden valued for its historic connections and visual

appearance. I saw this was a highly unique space which added to the character of the locality and made a very positive contribution. However, part of the proposed LGS appeared to me to be predominately pavement and therefore the extent of the space is recommended to be reduced in size.

15. Claypits Community Woodland is a community woodland which provides a viewing spot over the valley and is valued for its wildlife.

Based on the information in the Plan and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily apart from the Stream element of No 10 and the modifications to the extent of Nos 13 and 14. These modifications are subject to **MN7**.

The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 107 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

Turning now to the wording of the policy, it designates the LGSs and refers to the NPPF and national policy on Green Belts. It then continues that where development is permitted, safety and crime should be considered. The NPPF states that development in the LGSs will be consistent with national policy for Green Belts.<sup>53</sup> I recommend a modification to Policy BP7 to ensure it has regard to the NPPF and can therefore meet the basic conditions. Modification **MN8** deals with this recommendation.

There is, I believe, a small mapping error on the map on page 175 of the Plan. This shows a small triangle of LGS 2, but on other maps LGS 2 does not extend this far. This should be remedied. This is also subject to **MN7** that addresses other mapping issues.

A number of representations<sup>54</sup> request the designation of an additional LGS at Bures Green. From the information before me, it seems the Green falls partly within the Plan area and partly outside it. In my view, a new additional LGS designation in this Plan would require consultation to ensure that interested parties have an opportunity to comment in the interests of fairness and transparency. This then is a matter that the Parish Councils could consider in any future review of this Plan, but is not something I can add to the Plan given my limited remit.

I note the support for this policy from the Colchester Natural History Society.

With these modifications, Policy BP7 will meet the basic conditions by having regard to national policy, being in general conformity with the strategic policies of the development plan and helping to achieve sustainable development.

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<sup>53</sup> NPPF para 108

<sup>54</sup> Colchester City Council, Mount Bures Parish Council, Resident Hill, Ms. Firth

## Policy BP8: River

The Plan explains that the River Stour is an important natural and historic asset. It forms the County boundary between Essex and Suffolk, the administrative boundary between Braintree and Babergh District Councils and the Parish boundary between Bures Hamlet and Bures St Mary.

Despite recent projects to improve the condition of the valley landscape, concerns remain about water quality. Work continues by a number of agencies to address the conservation and management of the River.

Policy BP8 therefore seeks that any development within 30m of the River should include an 'Impact on the River Statement' to demonstrate no significant adverse impacts on the environment or the quality of the water and to ensure there is capacity to treat foul water.

The NPPF is clear that planning policies should contribute to and enhance the natural and local environment by, amongst other things, preventing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.<sup>55</sup>

JLP Policy SP10 sets out a requirement to mitigate and adapt to climate change including through approaches to the impacts of flooding. Non-strategic JLP Policy LP15 refers to environmental protection and conservation. Non-strategic JLP Policy LP26 refers to water resources and infrastructure including the use of water efficiency measures. Non-strategic JLP Policy LP27 deals with flood risk and vulnerability and also refers to SuDs.

LP Policy LPP 70, amongst other things, seeks to prevent deterioration of water quality.

Babergh District Council suggests an amendment to the second paragraph of the policy to help with clarity. Accordingly, modification **MN9** is recommended.

I note the support for this policy from the Colchester Natural History Society.

With MN9, the policy will meet the basic conditions by having regard to the NPPF, be in general conformity with JLP Policies SP09 and SP10 and LP Policies SP 7, LPP 63 and LPP 70 in particular and help to achieve sustainable development.

## Policy BP9: Foul water and Waste Infrastructure

Policy BP9 leads on from Policy BP8 seeking satisfactory wastewater infrastructure capacity to be confirmed for any development.

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<sup>55</sup> NPPF para 187

The policy meets the basic conditions by having regard to the NPPF, being in general conformity with JLP Policies SP09 and SP10 and LP Policies SP 7, LPP 63 and LPP 70 in particular and helping to achieve sustainable development. No modifications are therefore recommended.

I note Essex County Council seek some additions to this policy and its supporting text, but these are not necessary in respect of the basic conditions. In any case, neighbourhood plans cannot impose performance standards on residential development and the standards may differ across these two local planning authority areas.

I note the support for this policy from the Colchester Natural History Society.

### **Policy BP10: Flood Risk Management**

The Plan explains that the River Stour runs through the centre of Bures and that this part of the Plan area is vulnerable to flooding from the river and from surface water.

Policy BP10 seeks to steer development away from flood plains in Bures. It sets out a requirement for all new development to ensure that drainage and water resources are managed appropriately and encourages the appropriate use of sustainable drainage systems (SuDs). This is supported by the Design Guidance and Codes document.<sup>56</sup>

The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).<sup>57</sup>

The NPPF indicates that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change.<sup>58</sup> It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating and drought from rising temperatures.<sup>59</sup>

Policy BP10 is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.<sup>60</sup>

LP Policy LPP 74 refers to flood risk and surface water drainage.

LP Policy LPP 76 supports SuDs in new development of 10 or more dwellings and in major commercial development, car parks and hard standings.

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<sup>56</sup> Design Guidance and Code, page 75 onwards

<sup>57</sup> NPPF para 170

<sup>58</sup> Ibid para 161

<sup>59</sup> Ibid para 162

<sup>60</sup> Ibid paras 181, 182

The policy meets the basic conditions by having regard to the NPPF, being in general conformity with JLP Policies SP09 and SP10 and LP Policies SP 7, LPP 74 and LPP 76 in particular and helping to achieve sustainable development. No modifications are therefore recommended.

I note Suffolk County Council point out that Figures 33, 34 and 35 on pages 47 and 48 of the Plan could be replaced with the latest available information. This can be achieved as a factual update of the Plan at the editing stage.

Essex County Council request some changes to the policy and its supporting text. Given the cross-boundary nature of the Plan, I consider the policy to be acceptable as it is currently presented. I have however added some detail as per the request to the last paragraph of Policy BP10. This is subject to modification **MN10**.

## **Community**

In supporting a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.<sup>61</sup> It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities, particularly where this would reduce the community's ability to meet day-to-day needs.<sup>62</sup>

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.<sup>63</sup> In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.<sup>64</sup> It recognises that access to a network of high quality open spaces and opportunities for sport and physical activity is important for health and wellbeing and can also deliver wider benefits for nature and support efforts to address climate change.<sup>65</sup> It states that existing open space, sports and recreational buildings and land, including playing fields and formal play areas, should not be built on unless surplus to requirements or replacement by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.<sup>66</sup>

Non-strategic JLP Policy LP28 supports new local services and community facilities where the proposal is well related to and meets the needs of the local community. The loss of such facilities is only supported where there is an alternative or improved facility or the facility is no longer viable or performing a functional role in its existing use and is not needed for an alternative community use.

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<sup>61</sup> NPPF para 88

<sup>62</sup> Ibid para 98

<sup>63</sup> Ibid para 88

<sup>64</sup> Ibid para 96

<sup>65</sup> Ibid para 103

<sup>66</sup> Ibid para 104

LP Policy LPP 50, amongst other things, protects open space, sports and recreational land and buildings of particular value to a local community.

LP Policy LPP 61 seeks to retain community facilities and services where they meet an identified local need. Changes of use are assessed against various criteria including viability considerations, alternative uses and alternative provision. New or enhanced facilities are supported.

### **Policy BP11: Community Buildings**

The Plan explains that community buildings are of great importance in the local community. Policy BP11 seeks to support proposals which enhance community buildings and refers to designing out crime principles. It refers to the Design Guidance and Codes. Whilst the policy does not refer to any specific community buildings, the supporting text and Figure 41 describe and identify respectively key community buildings including the Scout Hut, the two Churches, the primary school, Community Centre and the Dennis Ambrose Barn.

I note that Essex Police express support for this policy.

Policy BP11 meets the basic conditions by having regard to the NPPF, being in general conformity with relevant development plan policies and helping to achieve sustainable development. No modifications are therefore recommended.

### **Policy BP12: Community Assets**

This policy resists the loss of valued facilities and services. It permits the loss only when the use is not economically viable and there is no local demand for the use and the building is not needed for an alternative social, leisure or community use or alternative facilities are available in a convenient location.

There is a tension around the marketing period specified in the policy of “a minimum of 12 months”. This is because Babergh District Council’s policy is six months and Braintree District Council’s is 12. Babergh District Council has suggested some amended wording for criterion a. that has been accepted by the Parish Councils. Modification **MN11** is therefore made to try and appease this tension.

Policy BP12 meets the basic conditions by having regard to the NPPF, being in general conformity with relevant development plan policies including LP Policy LPP 61 and helping to achieve sustainable development.

### **Recreational Areas**

#### **Policy BP13: Recreational Areas**

It is clear from the Plan that existing recreational land is important. Particular mention is made of the recreation ground, proposed as a LGS. Policy BP13 seeks to ensure that

enhancement of the areas is encouraged with any new built or refurbished facilities to be designed with crime, inclusivity and safety in mind. Finally, the policy seeks to ensure that any development on these areas should not have a harmful impact on the benefits gained by residents from such provision.

Policy BP13 has regard to national policy and is in general conformity with LP Policy SP 7 and LPP 50 and will help to achieve sustainable development.

### **Meeting the Bures Housing Needs**

It is useful to set out the planning context for this Plan area.

With respect to Babergh District Council policies, JLP Policy SP01 sets out that it will seek to deliver some 7,904 net additional dwellings over the JLP plan period. The policy also indicates that the mix of tenure, size and type of housing development should be informed by needs assessments.

JLP Policy SP02 refers to affordable housing and sets out a 35% contribution on sites of 10 or more dwellings or 0.5 hectares or more. The mix of tenure, size and type should be informed by needs assessments.

JLP Policy SP03 sets out an expectation that housing will come forward through extant permissions, allocations in neighbourhood plans, windfall development and through allocations in the JLP Part 2. It indicates that settlement boundaries will also be reviewed as part of the work on the JLP Part 2. However, Babergh District Council has announced its intention to undertake a full Joint Local Plan review and not a Part 2 Plan in the light of various Government announcements about changes to the planning system. It would be reasonable to expect that the review of settlement boundaries and any site allocations would now form part of the work on a full Joint Local Plan review.

JLP Policy SP03 also essentially carries forward settlement boundaries from previous development plan documents. The JLP recognises that the existing settlement boundaries have been in place for some time. I note that JLP Policy SP03 explicitly states that outside the settlement boundaries, development is only permitted where a site is allocated for development, it is in accordance with a made neighbourhood plan, it is in accordance with JLP policies or it is in accordance with the NPPF.

Non-strategic JLP Policy LP01 supports windfall infill housing outside settlements where there is a cluster of at least 10 well-related dwellings subject to various criteria. These include the effects on the character and appearance of the settlement, landscape, residential amenity or any heritage, environmental or community assets; that the proposal would not result in consolidating sporadic or ribbon development or result in loss of gaps between settlements resulting in coalescence; and would usually be for one or two dwellings.

With respect to Braintree District Council policies, the Strategic Plan for North Essex sets out that some 14,320 new homes are needed. This equates to around 716 new homes

per year for Braintree. LP Policy LPP 16 directs growth to the main towns and key service villages and to a number of strategic growth locations.

The Braintree Local Plan designates Bures Hamlet as a Second Tier Village. These settlements provide for some day-to-day needs. Small-scale development may be sustainable dependent on the specific characteristics of the village. No development is allocated in the Braintree Local Plan.

LP Policy LPP 1 permits development within development boundaries where amenity, design, environmental and highway criteria are satisfied and where there is no detrimental effects on the character and historic interest of the settlement. Outside the development boundaries, development is confined to uses appropriate to the countryside provided valued landscapes, sites of biodiversity or geodiversity value and soils are protected to protect the intrinsic character and beauty of the countryside.

Away from the identified main towns, LP Policy LPP 31 sets out a requirement of 40% for affordable housing for sites with a threshold of 10 or more dwellings or 0.5 hectares or more. A mix of units reflecting local needs is required.

LP Policy LPP 32 supports rural exception sites in designated rural areas that are adjacent to development boundaries with reasonable access to services and facilities, would meet proven local needs, is for less than 15 dwellings with some market housing to support viability.

LP LPP 35 supports a mix of housing types and sizes at an appropriate density that reflects local needs. It refers to wheelchair accessible housing and national technical housing standards. Development should relate to the character of the site and its surroundings.

To help support the Government's objective of significantly boosting the supply of homes, the NPPF states that it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.<sup>67</sup> The NPPF continues that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.<sup>68</sup>

Within this context, it is clear that size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy.<sup>69</sup> These groups include affordable housing, families with children, older people and those with disabilities and people wishing to commission or build their own homes.<sup>70</sup>

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<sup>67</sup> NPPF para 61

<sup>68</sup> Ibid

<sup>69</sup> Ibid para 63

<sup>70</sup> Ibid

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.<sup>71</sup>

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.<sup>72</sup> This includes proposals for community-led housing.<sup>73</sup>

The NPPF offers support to rural exception sites that provide affordable housing to meet identified local needs and indicates that some market housing on these sites may help to facilitate this.<sup>74</sup> However, the NPPF differentiates between rural exception sites and sites suitable for community-led housing whereas non-strategic JLP Policy LP07 treats the two types of development in largely the same way except for ensuring that community-led housing schemes are initiated and led by a legitimate local community group and that the scheme has general community support.

The NPPF is clear that support for community-led housing (defined in the NPPF's glossary) is for exception sites which would not otherwise be suitable as rural exception sites.<sup>75</sup> These sites must be adjacent to existing settlements and proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the NPPF which includes NLs, and comply with any local design policies and standards.<sup>76</sup> The criteria set out in the NPPF is largely mirrored in non-strategic JLP Policy LP07 which states that a rural exception site must be well connected to an existing settlement and proportionate to it.

The Plan does not address the amount of housing needed or its distribution preferring to leave this to the local planning authorities. In general terms, the local plans of Babergh District Council and Braintree District Council direct most new housing to the larger settlements.

I have considered if there has been a significant change in circumstances that affects the housing requirements given the introduction of the standard method in the NPPF 2023 and PPG. The JLP and LP cannot be wholly relied upon to provide a reliable basis for housing numbers given they predate more recent national policy. The Plan does not allocate any sites for development. This stance has been agreed with the local planning authorities and can be regarded as a pragmatic approach given the strategic work that will need to be progressed at District levels.

Furthermore, there is no obligation for neighbourhood plans to allocate sites for housing<sup>77</sup>, but the NPPF and PPG offer encouragement to neighbourhood planning bodies to meet their housing need<sup>78</sup> and to consider the allocation of small and medium

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<sup>71</sup> NPPF para 83

<sup>72</sup> Ibid para 82

<sup>73</sup> Ibid

<sup>74</sup> Ibid

<sup>75</sup> Ibid para 76

<sup>76</sup> Ibid

<sup>77</sup> PPG para 040 ref id 41-040-20160211; para 104 ref id 41-104-20190509

<sup>78</sup> Ibid para 103 ref id 41-103-20190509

sites.<sup>79</sup> I have taken the view that given the nature of this Plan covering two local authorities and the work being carried out at both local planning authorities on new Local Plans, there would be little benefit to this Plan addressing housing needs, but have sought to ensure that policies would not constrain the delivery of District level strategies.

A Housing Needs Survey was carried out by the Rural Community Council of Essex in May 2022. This generated an admirable 35% response rate. This expressed support for small development for affordable housing for local people. The report suggested a small affordable rent scheme and recognised the potential for a community-led housing project. There was also evidence of special housing needs.

This was followed by a Housing Needs Assessment (HNA) produced by AECOM in December 2022. This identified a need for around 50 units of affordable home ownership, but a surplus of affordable rental homes over the Plan period.

Both documents offer a steer on the type of housing needed in Bures.

There are six policies in this section.

#### **Policy BP14: Housing Mix**

Based on the work carried out on the Plan, Policy BP14 requires new residential development to contribute to the existing and future housing needs of the Parishes identified in the HNA or any subsequent document. This part of the policy is clear and future proofed. However, it refers to needs assessments carried out by the Parish Councils and this may be an onerous task and unnecessarily restrictive. A modification, **MN12**, is therefore made to this part of the policy.

The second and third elements of the policy support at least 90% of market housing to be no more than three bedrooms. There is however some flexibility between the two elements based on the size and location of the proposal and evidence for a different mix. The HNA found that there is a high proportion of mid/larger sized homes of 3 or more bedrooms and so this would assist in rebalancing and diversifying the housing stock.

The last element of the policy supports adaptable and accessible homes to help meet the needs of an ageing population. This element does not set out a requirement, but simply support for this. The HNA and the Housing Needs Survey identified an increase in the proportion of older people over the Plan period and a need for some specialist accommodation.

With MN12, Policy BP14 will meet the basic conditions by having regard to national policy and guidance, being in general conformity with development plan policies and

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<sup>79</sup> NPPF para 74

especially JLP Policy SP01 and LP Policy LPP 35 and helping to achieve sustainable development.

### **Policy BP15: Affordable Housing**

Affordability is a particular concern and the Plan seeks to ensure that new homes come forward which are appropriate for young families and first-time buyers. Babergh and Braintree District Councils have different approaches to the delivery of affordable housing in their respective local plans.

Based on the HNA, Policy BP15 sets a tenure split requirement across the Plan area of 50% affordable rented housing and 50% affordable home ownership.

As part of this drive to support affordable housing, the supporting text discusses First Homes. As the Plan acknowledges, the NPPF does not include prescriptive requirements for First Homes. The requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement (WMS) dated 24 May 2021, no longer applies. However, First Homes can continue to be delivered where they would meet local need<sup>80</sup> and the First Homes exception site policy set out in the WMS remains extant.<sup>81</sup> The HNS recognise some benefit of First Homes given its assessment.

Policy BP14 meets the basic conditions by having regard to national policy and guidance, being in general conformity with development plan policies and especially JLP Policy SP02 and LP Policy LPP 31 and helping to achieve sustainable development. No modifications are therefore recommended.

### **Policy BP16: Rural Exception Sites**

This policy sets out support for development on rural exception sites where the needs identified in the HNA or any subsequent update or other evidence are met. It sets out four criteria and seeks to ensure that the sites remain affordable in perpetuity and are offered on a 'local connection' basis.

Policy BP15 meets the basic conditions by having regard to national policy and guidance, being in general conformity with development plan policies and especially JLP Policies SP01, SP02 and SP03 and LP Policy LPP 32 and helping to achieve sustainable development. No modifications are therefore recommended.

### **Policy BP17: Community Led Development**

Policy BP17 supports community-led development which includes housing, small business units or renewable energy.

In respect of affordable housing, the site should be adjacent to the defined settlement boundary, proportionate in size and with good access to services and facilities. An

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<sup>80</sup> NPPF footnote 31

<sup>81</sup> Ibid footnote 35

element of market housing may be permitted. The site should meet housing needs and be led by the Parish Council or Land Trust and demonstrate community support. Any scheme should have an acceptable impact on the character and setting of the settlement and surrounding countryside.

Essex County Council points out there is little detail in the policy about renewable energy regeneration and helpfully has put forward suggested wording. I consider this would be useful to add and note the support to do this from the Parish Councils. Modification **MN13** therefore inserts text on renewable energy into the policy to give it more clarity.

The policy will therefore have regard to the NPPF and the relevant development plan policies including LP Policies LPP 32 and LPP 35. It will help to achieve sustainable development. It therefore will meet the basic conditions.

### **Policy BP18: New Housing Development**

This policy directs new housing development to the defined settlement boundaries of Bures Hamlet and Bures St Mary which are shown in Figure 54 on page 74 of the Plan. New development should be in close proximity to services and amenities and be of an appropriate scale. In principle support is given for the redevelopment of brownfield land and sites in local authority ownership where the existing use is no longer required.

Outside the defined settlement boundaries, development is only permitted where it would be in accordance with national or district or neighbourhood level policies and where there would be no detrimental impact on any heritage or landscape designations or infrastructure capacity.

The defined settlement boundary shown on Figure 54 for Bures St Mary is new. It seeks to update the settlement boundary in the Babergh Local Plan 2006. I saw at my site visit it has been drawn logically. However, I recommend some explanatory text is inserted into the Plan and that the text on Figure 54 is amended. Modifications **MN14** and **MN15** address these points made in the interests of clarity.

Essex County Council suggests some amendments to the policy in the interests of clarity. The Environment Agency has requested some additional text around contaminated land and source protection zones. Modification **MN16** addresses these points.

The defined settlement boundary shown on Figure 54 for Bures Hamlet aligns with the boundary in the LP.

With these modifications, Policy BP18 will meet the basic conditions by having regard to national policy and guidance, being in general conformity with relevant development plan policies and JPL Policies SP03 and LP Policies SP 7, LPP 1 and LPP 35 in particular and helping to achieve sustainable development.

A representation from James Lawson Planning Ltd requests a change to Policy BP18 to include a defined settlement boundary at Old Barn Road, Mount Bures. From the information provided, it seems to me that the site has been agreed by Braintree District Council for a defined development boundary to enable it to come forward as a site allocation in the emerging Local Plan. From the wording suggested for Policy BP18, this would, in my view, be different from a defined *settlement* boundary (my emphasis). Whilst I welcome the intention to deliver affordable housing, I consider it would be unwise to incorporate site boundaries that may or may not be confirmed through the Local Plan process. In any case, work on the Plan could have, but did not identify a new defined settlement boundary for Mount Bures, consultation has not been carried out on it and would need to be in my view, and the site could, as I understand it, be delivered through other routes.

### Policy BP19: Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>82</sup> Being clear about design expectations is essential for achieving this.<sup>83</sup>

It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>84</sup> It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>85</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.<sup>86</sup>

JLP Policy SP10 in addressing climate change, seeks, amongst other things, to support sustainable design and construction.

Non-strategic JLP Policy LP23 refers to sustainable design and construction. Non-strategic JLP Policy LP24 refers to design and residential amenity.

LP Policy LPP 52 seeks a high standard of design and encourages innovative design. Amongst other things, it refers to local distinctiveness, character and appearance, public realm and the need to conserve and enhance local features of architectural, historical and landscape importance.

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<sup>82</sup> NPPF para 131

<sup>83</sup> Ibid

<sup>84</sup> Ibid para 132

<sup>85</sup> Ibid para 133

<sup>86</sup> Ibid para 135

The Design Guidance and Codes document identifies four character areas shown on Figure 57 on page 78 of the Plan and sets out how proposals for new development should respond to each through a series of design codes.

Policy BP19 covers varied criteria. It seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF's stance on design.

The policy uses the Design Guidance and Codes document as a basis for setting out principles to ensure that new development is of a high quality design and respects its context whilst not stifling innovation. It refers to, and incorporates, some of the specific codes in the Design Guidance and Codes document, but not others. This highlights some of the codes and not others and to me this detracts from the work carried out as whole. I consider the policy would be more robust if reference was made to the Design Guidance and Codes document as a whole.

Babergh District Council suggests a number of amendments to the policy in the interests of clarity and accuracy.

In addition, the criterion on parking would benefit from future proofing and I have also taken the opportunity to amend it based on the comments on this criterion from Essex County Council.

Modification **MN17** therefore makes the policy clearer and more robust. It will ensure the whole Design Guidance and Codes document is taken into account and used.

A Development Design Checklist based on the work by AECOM is included as Appendix B of the Plan and the policy requires demonstration of how those requirements have been satisfied.

I note that Essex Police express support for this policy.

Essex County Council request further detail is included in this policy in relation to performance standards. Neighbourhood plans generally do not have the scope to incorporate standards and given this is a cross boundary Plan, not appropriate in this instance.

With this modification, Policy BP19 will meet the basic conditions by having regard to the NPPF, being in general conformity with the development plan policies referred to above and helping to achieve sustainable development.

### **Historic Environment**

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>87</sup> It continues that plans

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<sup>87</sup> NPPF para 202

should set out a positive strategy for the conservation and enjoyment of the historic environment.<sup>88</sup>

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.<sup>89</sup>

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.<sup>90</sup> There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.<sup>91</sup>

In relation to non-designated heritage assets, the NPPF explains that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>92</sup>

JLP Policy SP09 expects development to contribute to the conservation, enhancement and management of the natural and local environment including the historic environment and historic landscape. Non-strategic JLP Policy LP19 sets out detail relating to the historic environment.

LP Policy LPP 47 seeks to secure a high standard of design in all new development and the protection and enhancement of the historic environment. This includes respecting and responding to the local context and creating safe and accessible environments. LP Policy LPP 47 also encourages local groups to formulate local lists of buildings or structures of historic or architectural significance.

LP Policy LPP 53 specifically refers to Conservation Areas encouraging their preservation and enhancement. This includes views in and out of CAs.

LP Policy LPP 57 refers to heritage assets.

The village has a long history. There are a plethora of listed buildings including the Grade I St Mary's Church and St Stephens Chapel. Conservation Areas (CA) have been separately designated in Bures St Mary and Bures Hamlet. These are shown on Figures 62 and 63.

There are two policies in this section.

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<sup>88</sup> Ibid para 203

<sup>89</sup> PPG para 040 ref id 18a-040-20190723

<sup>90</sup> PPG para 040 ref id 18a-040-20190723

<sup>91</sup> Ibid para 040 ref id 18a-040-20190723

<sup>92</sup> NPPF para 216

## Policy BP20: Conservation Areas

This policy applies within the CAs. It cross-references the Design Guidance and Codes document.

It meets the basic conditions by having regard to national policy and guidance, being in general conformity with relevant policies of the development plan and JLP Policy SP09 and LP Policies LPP 47, LPP 52 and LPP 53 in particular and helping to achieve sustainable development.

## Policy BP21: Heritage Assets and Non-Designated Heritage Assets

Policy BP21 seeks to designate 30 non-designated heritage assets. They have been identified using Historic England advice. Their location is shown on Figure 70 on page 96 of the Plan. The Plan sets out details about each asset in Appendix F.

I was able to see the assets or understand their context at my site visit. I consider they have all been appropriately designated. However, sadly Entry 19 the Bures Cricket Pavilion was destroyed by fire in September 2025. A sensitive way forward has been suggested by Babergh District Council and the Parish Councils and this is subject to **MN18 and MN20**.

In relation to non-designated heritage assets, the NPPF explains that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>93</sup> The wording of the policy reflects this stance.

Babergh District Council suggests some additional text is added to the policy to explain what would be required of the heritage statement. I agree this would assist with clarity and so modification **MN18** also addresses this point.

It would be useful for the supporting text to reference Appendix F. Based on a comment put forward by Babergh District Council, modification **MN19** is made.

With regard to Appendix F, I consider that Entry 27 could usefully include the numbers of the pair of houses on Station Hill. Modification **MN20** also addresses this point.

With these modifications, Policy BP21 will meet the basic conditions by having regard to national policy and guidance, being in general conformity with relevant policies of the development plan and JLP Policy SP09 and LP Policies LPP 47 and LPP 57 in particular and helping to achieve sustainable development.

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<sup>93</sup> NPPF para 216

## Economy

### Policy BP22: Businesses in Bures

Existing businesses are protected by Policy BP22 unless there is no longer a need or the business is not viable or there is no alternative commercial uses to retain a commercial use in that location. The policy then supports new businesses including flexible employment space.

I note the points made by Essex County Council regarding new technology, but consider the policy is appropriate as written.

Policy BP22 has regard to the NPPF which seeks to retain accessible local services and community facilities, such as local shops, cultural buildings and public houses and supports the sustainable growth and expansion of all types of businesses.<sup>94</sup>

Non-strategic JLP Policy LP09 supports a prosperous rural economy. Proposals for employment use must be sensitive to their surroundings, have a high standard of design and have satisfactory access. Non-strategic JLP Policy LP10 resists the loss of employment sites unless the reuse or redevelopment of the site for employment and community uses has been explored through a six month marketing period and the proposal would not cause conflicts on amenity grounds with other uses in the vicinity.

LP Policy LPP 7 supports small-scale commercial development outside development boundaries subject to various criteria including the effect on the local road network, residential amenity and the character of the site and its surroundings.

Policy BP22 meets the basic conditions by having regard to national policy and guidance, being in general conformity with the relevant development plan policies and helping to achieve sustainable development in this local area.

I note that Community Action 10 on page 101 of the Plan is titled the same as Policy BP22. Modification **MN21** is made to change the title of the Community Action so that it differs from, and avoids any confusion with Policy BP22.

### Getting Around and Sustainable Transport

The Plan explains that as a historic village, there are narrow streets and issues of volume and speeding of traffic, congestion and parking. The Design Guidance and Codes document also recognises the narrowness of some streets with narrow or no pavement provision.

The NPPF indicates that transport issues should be considered from the earliest stages of plan-making and that this includes identifying and pursuing opportunities to promote walking, cycling and public transport use and identifying, assessing and taking into account the environmental impacts of traffic and transport infrastructure – including

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<sup>94</sup> NPPF para 88

appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.<sup>95</sup>

The NPPF encourages the provision of well-designed walking and cycling networks with supporting facilities such as secure cycle parking.<sup>96</sup>

The NPPF is clear that planning policies should protect and enhance public rights of way (PROW) and access including taking opportunities to provide better facilities for users for example by adding links to existing rights of way networks including National Trails.<sup>97</sup> The NPPF seeks to enable and support healthy lifestyles including through the provision of pedestrian and cycle routes.<sup>98</sup>

Such networks can also help with providing opportunities and options for sustainable transport modes.<sup>99</sup>

Non-strategic JLP Policy LP29 supports active travel and the protection and enhancement of PROW networks.

LP Policy LPP 42 facilitates sustainable transport modes to promote accessibility and integration into wider community and existing networks. It gives priority to cycle and pedestrian movements and public transport. Adverse harm to the character or the loss of rights of way is not permitted unless alternative and equivalent or better provision is made. Improvements to rights of way will be sought through new development to enable new links or improved links to be created.

Paragraph 281 on page 115 of the Plan cross-refers to paragraph 104 of the NPPF December 2023. It should refer to paragraph 105 in the NPPF 2024. This can be done as a minor correction in the editing process.

### **Policy BP23: Walking and Cycling Network**

Policy BP23 seeks to ensure that new development improves the walking and cycling provision through new connections and safer routes. It requires proposals to consider the impact development has at the earliest opportunity including at the design stage.

Essex County Council has suggested some amendments in the interests of clarity that I agree would assist in making the policy more robust. Accordingly, **MN22** is recommended.

With this modification, the policy will meet the basic conditions in that it sets out to achieve the ambitions of the NPPF, be in general conformity with relevant development plan policies including LP Policies SP 7, LPP 42 and LPP 52 and will help to achieve sustainable development.

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<sup>95</sup> NPPF para 109

<sup>96</sup> Ibid para 111

<sup>97</sup> Ibid para 105

<sup>98</sup> Ibid para 96

<sup>99</sup> Ibid para 109

## Policy BP24: Public Rights of Way

This policy seeks to protect the existing public rights of way (PRoW) as well as support the provision of a number of new routes identified in the Plan.

Babergh District Council suggests some amendments to the policy and I also suspect there is a presentational error in the policy and so for clarity, I recommend **MN23**.

Essex County Council requests some additional wording, but this is included in Policy BP23.

With this modification, Policy BP24 will meet the basic conditions by having regard to the NPPF, being in general conformity with relevant development plan policies including LP Policies SP 7, LPP 42 and LPP 52 and helping to achieve sustainable development.

### Monitoring, Review and Implementation

This section details actions for the Parish Councils to help ensure that the Plan is delivered, monitored and remains relevant.

It includes a complete list of the Community Actions contained in the Plan. However, one of the Community Actions, number 7 is not the same as the one earlier in the Plan. In the interests of consistency, they should align; this is subject to **MN24**.

### Appendices

A number of appendices are included in the Plan.

Appendix A is the Policies Map. This will need to be modified in accordance with any previously made modifications indicated earlier in this report.

Appendix B is the Design Codes Checklist. Although one of the listed checklist headings differs from the source document it more accurately portrays the contents of the Design Guidance and Codes document and I suspect a drafting presentational error has occurred in that document anyway.

Appendix C is Key Views.

Appendix D is Locally Listed Trees. MN3 amended the title of Appendix D to align with Policy BP6.

Appendix E is Green Spaces, but should perhaps be titled Local Green Spaces for consistency. **MN25** addresses this point.

Appendix F is Nationally Listed Heritage Assets and Non-Designated Heritage Assets. MN20 recommended some changes to this appendix.

## Glossary

A helpful glossary is included. Babergh District Council makes the point that the definitions should mirror those in the NPPF 2024. These are changes that can be made as factual updates during the editing process.

## 7.0 Conclusions and recommendations

I am satisfied that the Bures Neighbourhood Plan, subject to the modifications I have recommended in Annex 1, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to both Babergh and Braintree District Councils that, subject to the modifications proposed in this report, the Bures Neighbourhood Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Bures Neighbourhood Plan should proceed to a referendum based on the Neighbourhood Plan area as approved by Babergh and Braintree District Councils on 25 November 2021.

*Ann Skippers* MRTPI

Ann Skippers Planning  
20 April 2026

## **Appendix 1 List of key documents specific to this examination**

Bures Neighbourhood Plan 2021 to 2037 Submission Version January 2025

Statement of Basic Conditions January 2025 (Collective Community Planning)

Consultation Statement January 2025 (Collective Community Planning)

Joint Strategic Environmental Assessment and Habitats Regulation Assessment  
Screening Determination Notices November 2024 (Babergh and Braintree District  
Councils)

Bures NDP Pre-Submission Version Preliminary Strategic Environmental Assessment and  
Habitat Regulations Screening Assessment 2024 (Collective Community Planning)

Regulation 15 Checklist (Babergh and Braintree District Councils)

Housing Needs Survey May 2022 (RCCE)

Housing Needs Assessment December 2022 (AECOM)

Design Guidance and Codes Final Report 2023 (AECOM)

Bures St Mary Conservation Area Appraisal 2007 (Babergh District Council)

Babergh and Mid Suffolk Joint Local Plan Part 1 adopted 21 November 2023

Braintree District Local Plan 2013 – 2033 adopted July 2022

**List ends**

## Annex 1 Schedule of Proposed Modifications

| <b>Modification Number</b> | <b>Page number/other reference</b>  | <b>Recommended Modification</b><br>Changes to the wording of the supporting text or policies and any new wording are shown in italics. Please note that paragraph numbers refer to existing paragraph numbers.  |
|----------------------------|---|---|
| MN1                        | Page 22, Policy BP3; Page 23, Figure 14; Pages 129 and 130, Appendix C; and Page 145, View 17 | Delete View 17 from Policy BP3 and all relevant maps etc.<br><br>Ensure all viewpoints are clearly decipherable on Figure 14; particularly revise Views 15 and 16 number spot positions   |
| MN2                        | Page 28, paragraph 82   | Add a reference that reads:<br><br><i>“The Essex Local Nature Recovery Strategy (ELNRS) maps out Areas of Particular Importance for Biodiversity which should be protected and Strategic Combined Opportunity Areas, where there is identified high biodiversity value areas with opportunities for creating new or improving existing habitats. The ELNRS sets priorities and proposes actions to guide efforts for nature recovery, including supporting landowners and farmers in creating and enhancing habitats. Beyond just wildlife, it seeks to deliver wider environmental benefits like flood protection, carbon capture, and better soil quality.”</i> |
| MN3                        | Page 29, Policy BP4   | Amend the first paragraph of Policy BP4 to read:<br><br><i>“Otherwise acceptable development proposals must demonstrate at least a 10% net gain in biodiversity [add footnote on exemptions here instead of after “development proposals”] and have regard to the Bures Design <i>Guidance and Codes</i> Document.</i><br><br>Demonstration should be achieved in the following ways:   |

| Modification Number | Page number/other reference  | Recommended Modification<br>Changes to the wording of the supporting text or policies and any new wording are shown in italics. Please note that paragraph numbers refer to existing paragraph numbers.  |
|---------------------|--|--|
|                     |  | <p>Retain a) to f) and last paragraph of the existing policy as is, but with the following amendment to criterion c):</p> <p>Add at the end of criterion c) the words <i>“or as otherwise in accordance with the biodiversity gain hierarchy.”</i></p> <p>Add a new paragraph at the end of the policy that reads:</p> <p><i>“Development proposals must be designed to maximise opportunities for the preservation, restoration, enhancement, and connection of natural habitats having regard to the Essex and the Suffolk Local Nature Recovery Strategies or future replacements.”</i></p> |
| MN4                 | Page 33, Paragraph 86 and Page 146, Appendix D and Page 35, Community Action 2 | <p>Substitute <i>“Locally Valued Trees”</i> for <i>“Locally Listed Trees”</i> in paragraph 86 and Appendix D</p> <p>Substitute <i>“Locally Valued Trees”</i> for <i>“Locally Important Trees”</i> in Community Action 2</p>  |
| MN5                 | Page 35, Policy BP6  | Remove the scored out text at the end of Policy BP6  |
| MN6                 | Page 153, Appendix D   | <p>Remove Tree 6 Copper Beech from Appendix D.</p> <p>Consequential amendments to the supporting text for Policy BP6 may be required including to highlight the importance of the tree locally and its history.</p>  |
| MN7                 | Page 39, Figure 27 and Pages 172, 173 and 175                                  | <p>Amend Figure 27 and the relevant maps in Appendix E to:</p> <ul style="list-style-type: none"> <li>▪ Delete the Water Lane Stream element from LGS 10 [retaining the Water Lane Triangle element]</li> </ul>  |

| Modification Number | Page number/other reference | <b>Recommended Modification</b><br>Changes to the wording of the supporting text or policies and any new wording are shown in italics. Please note that paragraph numbers refer to existing paragraph numbers.  |
|---------------------|-----------------------------|---|
|                     |                             | <ul style="list-style-type: none"> <li>▪ Remove the driveway to LGS 13</li> <li>▪ Reduce the extent of LGS 14 from No 5 Station Hill and opposite the junction with Water Lane to its easternmost end</li> <li>▪ Delete the small triangle at the bottom of the map on page 175 that is annotated “2” as this shows LGS 2 incorrectly</li> </ul>  |
| MN8                 | Page 38, Policy BP7         | Replace the two last paragraphs of Policy BP7 with:<br><br><i>“Managing development in the local green spaces will be consistent with national policy for the Green Belt.”</i>  |
| MN9                 | Page 45, Policy BP8         | Amend the second paragraph of Policy BP8 to read:<br><br><i>“Where new housing or other significant new development schemes are proposed, capacity impact statements should be confirmed with the relevant water companies, such as Anglian Water.”</i>   |
| MN10                | Page 50, Policy BP10        | Add the words <i>“basins, swales, rain gardens/bio retention areas, permeable paving;”</i> after the first bullet point <i>“Attenuation ponds;”</i> in the last paragraph of Policy BP10<br><br>Add a new paragraph at the end of Policy BP10 that reads:<br><br><i>“SuDs should be included in the landscape strategy to ensure they are pleasant areas for residents and their families.”</i> |
| MN11                | Page 59, Policy BP12        | Amend criterion a. to read:<br><br><i>“It can be demonstrated that the current use is not economically viable and is not likely to become viable. Supporting financial evidence should be provided, including evidence of genuine attempts made to advertise the premises for sale/let over a</i>   |

| Modification Number | Page number/other reference | Recommended Modification   |
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|                     |                             | <i>sustained marketing period. That marketing period may first need to be agreed with relevant planning authorities but should be for not less than six months and, preferably, for not less than 12 months."</i>  |
| MN12                | Page 67, Policy BP14        | Amend the first paragraph of Policy BP14 to read:<br><br>"New residential development proposals must contribute positively to meeting the existing and future needs of the two parishes as identified in the 2022 Bures Housing Needs Assessment (HNA), or any subsequent <i>robust local needs evidence.</i> "  |
| MN13                | Page 71, Policy BP17        | Add a new section to Policy BP17 at the end of the existing policy that creates a new paragraph to read:<br><br><i>"Community owned or led renewable energy schemes (including micro photovoltaic or bio-mass projects and battery storage) will be supported subject to the following criteria:</i><br><i>i. The siting and scale are appropriate to its setting and position in the wider landscape;</i><br><i>ii. It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development;</i><br><i>iii. It does not create an unacceptable impact on the amenities of local residents;</i><br><i>iv. It does not have an unacceptable impact on a feature of natural, historic (including its setting) or biodiversity importance.</i><br><br><i>The primary purpose of such projects is understood to be for the supply and benefit of local communities.</i><br><br><i>Any such projects that result in the loss of good quality agricultural land will not be supported."</i> |

| Modification Number | Page number/other reference | Recommended Modification<br>Changes to the wording of the supporting text or policies and any new wording are shown in italics. Please note that paragraph numbers refer to existing paragraph numbers.   |
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| MN14                | Page 72 and 73              | <p>Insert new paragraph at an appropriate place that reads:</p> <p><i>“The production of this Neighbourhood Plan has presented an opportunity to update the defined settlement boundary for Bures St Mary to reflect the situation on the ground. The boundary has not been updated since Babergh District Council’s Local Plan 2006.”</i></p>  |
| MN15                | Page 74, Figure 54          | Delete the word “Proposed” from the Figure’s title  |
| MN16                | Page 73, Policy BP18        | <p>Amend the first paragraph of Policy BP18 to read”</p> <p><i>“New housing developments will be required to prioritise access to services and public transport, minimizing environmental impact.”</i></p> <p>Add a new paragraph at the end of the policy that reads:</p> <p><i>“The Bures NP Area is on a principal Aquifer and is in source protection zone 2 and 3. For land that may have been affected by contamination as a result of its previous use or that of the surrounding land, sufficient information should be provided with any planning application to satisfy the requirements of the NPPF for dealing with land contamination. This should take the form of a Preliminary Risk in line with Environment Agency recommendations.”</i></p> |
| MN17                | Page 81, Policy BP19        | <p>Amend the second paragraph of Policy BP19 to read:</p> <p><i>“All development must be of a high quality design. Development proposals must demonstrate the way in which they have responded positively to the features and key characteristics of the Character Area in which they are located and how they have taken account of, and positively responded to, the design guidance and codes set out in the Bures Design Guidance and Codes document. The Design</i></p>  |

| Modification Number | Page number/other reference | <b>Recommended Modification</b><br>Changes to the wording of the supporting text or policies and any new wording are shown in italics. Please note that paragraph numbers refer to existing paragraph numbers.   |
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|                     |                             | <p><i>Checklist set out in Appendix B will be used to help assess all planning applications to determine their acceptability. The whole of the Design Guidance and Codes document should be taken into account and the following design considerations from the Design Codes are considered to be especially important to the area:</i></p> <p>Retain existing criteria a. to k. but with the following amendments:</p> <ul style="list-style-type: none"> <li>▪ g. change the reference to “Design Code BF-02” to “Design Code <i>BU-02</i>”</li> <li>▪ h. add the words “<i>where practicable</i>” before “...at least 50% of the frontage is landscaped...”</li> <li>▪ change the reference to “Policy BP13” to “<i>BP7</i>”</li> <li>▪ k. change the reference to “Design Code SP07” to “Design Code <i>BU-07</i>”</li> <li>▪ Make the sentence that begins “Extensions and conversions...” into criterion l</li> </ul> <p>Retain the existing seven paragraphs that follow criteria a. to k. but with the following revisions:</p> <ul style="list-style-type: none"> <li>▪ Change the reference to “Design Code EE01 to EE07” in paragraph 1 to “Design Codes EE 01 to EE 06”</li> <li>▪ Change paragraph six to read:</li> </ul> <p><i>“All new developments should have regard to the Suffolk Guidance for Parking (2023) or the Essex Parking Guidance or any successor standards in relation to parking and EV charging points.”</i></p> |
| MN18                | Page 95, Policy BP21        | Add a new sentence at the end of the first paragraph of the policy that reads:<br><br><i>“This will describe the significance of the asset, the</i>  |

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|                     |                               | <p><i>works being proposed and why, and how the significance of the asset will be affected by those proposals, along with any mitigation measures.</i></p> <p>Amend entry 19 in Policy B21 to read: “19. Bures Cricket Pavilion - <i>note: lost to fire 9.9.25</i>”</p>   |
| MN19                | Page 93, paragraph 231        | Add at the end of the second sentence of paragraph 231 “... <i>using guidance published by Historic England (see Appendix F).</i> ”   |
| MN20                | Page 187, Appendix F          | <p>Add to Entry 19 Bures Cricket Pavilion the following text:</p> <p>“Having met the assessment criteria to qualify as a NdHA the Pavilion was lost to a fire 9th September 2025. The community is determined to see a new Pavilion come forward in its place which may also be suitable to qualify as a NdHA. If so, that could be assessed through future reviews of this Neighbourhood Plan.”</p> <p>Add house numbers 19 and 21 to Entry 27 Station Hill</p>                          |
| MN21                | Page 101, Community Action 10 | Change the name of Community Action 10 so that it differs from Policy BP22  |
| MN22                | Page 105, Policy BP23         | <p>Amend Policy BP23 to read:</p> <p>Where appropriate to the size and scale, new built developments coming forward in the neighbourhood area <i>will be required to consider all of the following criteria:</i></p> <p>a) New development or change of use applications should be well connected to, maintain, and seek to improve the functionality and quality of the walking and cycling network in and beyond the village.</p> <p>b) Good connections to the walking and cycling</p> |

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|                     |                             | <p>network should be a design priority <i>with every available opportunity taken</i> to improve <i>accessibility</i> and road safety for pedestrians and cyclists.</p> <p>c) Development proposals which retain or incorporate safe, attractive, and direct walking and cycling routes <i>within and beyond the site</i> and which appropriately mitigate the impact of additional transport movements in the village created <i>by</i> the development scheme will be supported.</p> <p>d) Existing footpaths and pedestrian cut-throughs in the village are protected <i>and where possible enhanced</i>.</p> <p>e) New footpaths are designed to current Suffolk County Council and Essex County Council guidance and standards so they can be <i>adopted by the relevant Highway Authority</i>.</p> <p>f) All new developments are designed to be “permeable”, to encourage and enable pedestrians, wheelers, and cyclists to walk, wheel, or cycle by the shortest route.</p> <p>g) The design will conform with Department for Transport user-hierarchy guidelines, so that it will make provision for pedestrians first, cyclists second, public transportation third, and private vehicles last.</p> <p>h) New streets should be designed to ensure that vehicle speeds are in keeping with prioritising pedestrians and cyclists <i>movements</i>.</p> <p>i) Development that will be clearly visible from a Public Right of Way should consider the appearance of the proposal from the right of way and incorporate green landscaping to reduce any <i>harmful visual impacts</i>.”</p> |
| MN23                | Page 119, Policy BP24       | <p>Amend the first paragraph of Policy BP24 to read:</p> <p><i>“New development will be expected to maintain and enhance the existing public rights of way network (PRoW) network. Proposals which might lead to the loss of, or harm to, an existing PRoW will be expected to make suitable appropriate provision of an equivalent or better standard.</i></p>  |

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|                     |                              | <p>Development schemes that <i>deliver or contribute to the delivery of</i>, the proposed new routes listed below and identified in Figure 90 will <i>be</i> supported in principle:</p> <p>[retain remainder of existing policy as is until the last paragraph]</p> <p>Change the last paragraph of the policy to read:</p> <p><i>“Any proposed improvement to the PRoW network should consider and help deliver routes that meet the needs of all users, including cyclists, horse riders, people with limited mobility, and those with pushchairs and wheelchairs.”</i></p> |
| MN24                | Page 123, Community Action 7 | Align Community Action 7 on page 123 of the Plan with Community Action 7 on page 72 of the Plan including its title so that both are the same  |
| MN25                | Page 161, Appendix E         | Revise the title of Appendix E to <i>“Local Green Spaces”</i>  |

**List Ends**