

# **Bredfield Neighbourhood Plan**

**2018-2036**

## **The Report by the Independent Examiner**

Richard High BA MA MRTPI

14 July 2020

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## Summary

I have recommended some modifications to the Bredfield Neighbourhood Plan and I have concluded that, if the modifications that I have recommended are made:

- The Bredfield Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
- Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
- The making of the Plan would contribute to the achievement of sustainable development;
- The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
- The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights;
- 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.

I am therefore pleased to **recommend that the Bredfield Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**

I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have not received any representations or seen any other evidence to suggest that the policies of the Plan will have a substantial impact on people living outside the neighbourhood area. **I therefore conclude that there is no need to extend the referendum area.**

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## **Introduction**

1. The Localism Act 2011 has provided local communities the opportunity to have a stronger say in their future by preparing neighbourhood plans which contain policies relating to the development and use of land.
2. Bredfield Parish Council (BPC) is the qualifying body for the Bredfield Neighbourhood Plan, which I shall refer to as the BNP or the Plan.
3. If, following a recommendation from this examination, the BNP proceeds to a local referendum and receives the support of over 50% of those voting, it can be made and will then form part of the statutory development plan. This would make it an important consideration in the determination of planning applications, as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

## **Appointment of the Independent Examiner**

4. I have been appointed by East Suffolk Council (ESC) with the agreement of BPC to carry out the independent examination of the BNP.
5. I confirm that I am independent of both ESC and BPC. I have no interest in any land which is affected by the BNP. I have had no previous professional involvement in Bredfield.
6. I am a Chartered Town Planner with over 30 years' experience in local government, working in a wide range of planning related roles, including 15 years as a chief officer. Since 2006 I have been an independent planning and regeneration consultant. I have completed over 35 neighbourhood plan examinations and three health checks. I also have experience in supporting neighbourhood planning groups in the preparation of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this examination.

## **The Scope of the Examination**

7. The nature of the independent examination is set out in Sections 8-10 of Schedule 4B of the Town and Country Planning Act 1990.
8. I must:
  - i. Decide whether the Plan complies with the provisions of Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. These requirements relate primarily, but not exclusively, to the process of preparing the Plan and I shall deal with these first.
  - ii. Decide whether the neighbourhood development plan meets the basic conditions contained in Schedule 4B paragraph 8(2) of the Town and Country Planning Act 1990. This element of the examination relates mainly to the contents of the Plan.
  - iii. Make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the

referendum should extend beyond the Plan area.

9. The Plan meets the basic conditions if:
  - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan;
  - ii. The making of the Plan contributes to sustainable development;
  - iii. The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - iv. The making of the Plan does not breach, and is otherwise compatible with, EU obligations;
  - v. 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.<sup>1</sup>
10. I am also required to consider whether the Plan is compatible with the European Convention on Human Rights.
11. Paragraph 9 of Schedule 4B indicates that as a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. In carrying out the examination I concluded that the examination could be completed without a hearing.
12. The main documents to which I have referred in the examination are listed below:
  - Bredfield Neighbourhood Plan 2018-2036 Submission Edition
  - Bredfield Neighbourhood Plan Consultation Statement
  - Bredfield Neighbourhood Plan Basic Conditions Statement Submission Edition
  - Strategic Environmental Assessment Draft Screening Opinion October 2017 Bredfield Neighbourhood Plan
  - Strategic Environmental Assessment for the Bredfield Neighbourhood Plan Scoping Report prepared by Aecom March 2018
  - Strategic Environmental Assessment (SEA) of the Bredfield Neighbourhood Plan March 2019 prepared by Aecom
  - Strategic Environmental Assessment (SEA): updated Environmental Report January 2020
  - Habitats Regulations Screening Assessment of the Draft Bredfield Neighbourhood Plan June 2019 prepared by East Suffolk Council
  - Landscape and Wildlife Evaluation for Bredfield Neighbourhood Plan August 2016

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<sup>1</sup> This basic condition was added in an amendment to the Neighbourhood Planning (General) Regulations 2012 set out in The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. 8

prepared by Suffolk Wildlife Trust

- Bredfield Neighbourhood Plan Site Assessment Final Report May 2018 prepared by Aecom
- Bredfield Neighbourhood Plan Site Assessment for land adjoining the Forge
- Bredfield Neighbourhood Plan Responses to Regulation 16 Consultation September 2016
- Additional Consultation responses to updated SEA and site assessment for the employment allocation on land adjoining The Forge
- Further consultation responses relating to additional information relating to the employment allocation on land adjoining The Forge
- Suffolk Coastal Local Plan, Core Strategy and Development Management Policies 2013
- Suffolk Coastal Final Draft Local Plan (2019)
- Main Modifications to Suffolk Coastal Draft Local Plan published for consultation in May 2020
- The Neighbourhood Planning (General) Regulations 2012 as amended (NPR)
- The Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).
- The Conservation of Habitats and Species Regulations 2017 (CHSR)
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
- The National Planning Policy Framework July 2018 which is referred to as the NPPF. 2018 (NPPF2) and subsequent modifications
- National Planning Practice Guidance referred to as PPG

14. These documents include all those which are required to be submitted under regulation 15 of the NPR.
15. During the examination I sought clarification on some issues by email. My emails and the response to them have been posted on the ESC website.

### **The Preparation of the Plan**

16. An application for the designation of the whole of the parish of Bredfield as a Neighbourhood Area was submitted to ESC on 5 June, 2015. In accordance with the requirements of the NPR at that time it was subject to public consultation from 24 June 2015 to 22 July 2015. No objections were received and the Neighbourhood Area was designated on 12 August 2015.
17. The Planning and Compulsory Purchase Act 2004 requires that the Plan clearly states the period to which it relates. The cover of the Submission Plan shows clearly that the plan period is 2018-2036.
18. The Plan must not include any provision about development that is excluded development as defined in section 61K which is inserted into the Town and Country Planning Act 1990. Excluded development includes “county matters”, such as mineral extraction and waste disposal, and major infrastructure projects. I am satisfied that the submitted Plan contains no policies which relate directly to these matters.

19. I am also satisfied that the Plan does not relate to more than one neighbourhood area.
20. A working group of volunteers to prepare the BNP was established by BPC in 2015 and 5 sub-groups addressing housing, business, natural environment, historic environment and transport were established early in 2015.

## **Public Consultation**

21. The Consultation Statement sets out clearly and concisely the various steps taken to ensure that the preparation of the Plan involved the community.
22. During 2015 the sub-groups carried out initial information gathering to identify issues to be addressed by the BNP. From this work a household questionnaire was devised between May and September 2016. It was circulated by the working group, who visited every house and explained the purpose of the survey. Of 289 forms issued, 212 were returned; this was a return rate of 73.3%, which in my experience is exceptionally high. The Consultation Statement summarises the responses to the survey and they are contained in detail in Appendix 4 of the Consultation Statement.
23. The questionnaire was followed by consultation specifically focussed on the location of residential development, taking account of the amount of new housing required by the adopted Local Plan and the emerging Draft Local Plan extending to 2036. Potential sites for development were published on the Parish Council website in April 2017 and September 2017. The sites were identified by the Calls for Sites by Suffolk Coastal District Council in March 2014 and again in September 2016.
24. Regulation 14 pre-submission consultation was carried out from 20 July to 7 September 2018. The consultation was publicised by a public meeting, an item in the Parish magazine which is delivered to every household and by notices posted in the village. The Plan was posted on the Parish Council website and a hard copy was made available in the village shop. The Consultation Statement lists statutory organisations consulted drawn from those defined in Schedule 1 of the NPR defined in Schedule 1 of the NPR and landowners who were consulted. Comments on the Draft Plan could be made online by email or in writing.
25. The response to this consultation was quite small with just twelve residents, one landowner and seven statutory consultees responding. All comments were carefully considered and several changes were made to the Plan. The most significant changes were that the Plan identified new allocations for residential development rather than reserve sites. As a consequence of this it also identified a site for employment development as one of the proposed residential sites is an existing employment site. As a result of this a further round of Consultation was carried out from 16 December 2018 to 18 January 2019. This was less extensive in scope as it was targeted at the local community and did not include statutory consultees on the basis that the changes did not fundamentally change the intentions of the

Plan and the statutory consultees would have a further opportunity to comment at the submission stage.

26. The further consultation attracted a further 25 comments. The results of both the regulation 14 consultation and the further local consultation are presented in detail in Appendix 6 of the Consultation Statement together with the response of the NPWG.
27. The Plan was submitted to ESC in July 2019 and consultation in accordance with regulation 16 of the NPR took place from 10 July to 21 August 2019. During my examination I have found that the Strategic Environmental Assessment submitted with the Plan did not include an assessment of the environmental implications of the allocation of land for employment purposes in policy BDP9 and there was no full assessment of this site. This matter is dealt with in more detail in paragraphs 56-575(SEA) and 95-115(BDP9), but as a result of the additional work required, I found it necessary to request that a further period of consultation on the additional material and this took place between 7 February and 20 March 2020. This consultation itself resulted in the provision of additional information in relation to this allocation and I requested a further period of consultation to allow comments on the new information between 22 May and 12 June 2020. These additional consultations have unfortunately caused a significant delay in the completion of my examination and they highlight the need for the submitted Plan to be supported by appropriate evidence.
28. I am satisfied that following this additional consultation, the consultation carried out during the preparation of the Plan was in accordance with the requirements of the PPG that *“A qualifying body should be open and in the preparation of its neighbourhood plan and ensure that the community:*
  - *is kept fully informed of what is being proposed*
  - *is able to make their views known throughout the process*
  - *has opportunities to be actively involved in shaping the neighbourhood plan*
  - *is made aware of how their views have informed the neighbourhood plan.”*<sup>2</sup>
29. The Consultation also met the requirements of the NPR.

### **The Neighbourhood Area and Development Plan Context**

30. Bredfield is a small village about 3 miles north of the market town of Woodbridge. Its population in 2011 was 380. The village consists of two main clusters of development, one at the southern end around the junction of Woodbridge Road and Scotts Lane and the other is the main focus of the village to the north including Ufford Road, The Street and Caters Road. These two areas are separated by dispersed very low-density development along the west side of Woodbridge Road with open countryside to the east.
31. The village is considered a “Local Service Centre” in the Suffolk Coastal Local Plan, but has a

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<sup>2</sup> Planning Practice Guidance: What is the role of the wider community in neighbourhood planning Reference ID 41-047-20140306

fairly restricted range of services and facilities of which the main ones are: St Andrew Church, the Village Hall/ Community Shop and the recreation ground, which includes a football pitch, tennis courts, a bowling green and a children's play area. There is also a chapel and a car repair business. There has been no school since 1986 and the only public house closed in 2016.

32. Strategic Local Plan policies are contained in the Suffolk Coastal Local Plan Core Strategy and Development Management Policies (adopted SCLP). In 2019 Suffolk Coastal and Waveney District Councils were combined to form East Suffolk Council. The adopted SCLP continues to apply to the area of East Suffolk formerly covered by Suffolk Coastal District Council. The main strategic policies of relevance to Bredfield are:

Policy SP1-Sustainable Development which sets out the overriding aim of sustainable development

Policy SP2-Housing Numbers and Distribution which sets out the scale of housing development to be accommodated in the former Suffolk Coastal area and the way it is to be distributed between the levels of the settlement hierarchy types to reflect local need

Policy SP3-New Homes which aims to ensure new housing meets the need of all residents

Policy SP7-Economic development in Rural Areas

Policy SP8-Tourism which supports tourism development where it would not be harmful to the natural environment

Policy SP14-Biodiversity and Geodiversity which aims to protect designated sites and other areas of significance for their biodiversity or geodiversity

Policy SP15-Landscape and Townscape which aims to protect areas of landscape and townscape value

Policy SP17-Green Space which aims to ensure that communities have access to green space

Policy SP19-Settlement Policy which sets out the settlement hierarchy

Policy SP27-Key and Local Service Centres which sets out the policy for Local Service Centres

33. The preparation of a new Suffolk Coastal Local Plan (emerging SCLP) has reached an advanced stage. The final draft plan was published before the submission of the BNP and the public examination of this plan was underway when I started this examination. Consultation on the main modifications to the plan recommended by the Inspector started towards the end of the examination. While a neighbourhood plan is not required to be in general conformity with the policies of an emerging plan, as they may be subject to change, *“the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up to date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development.”*<sup>3</sup>

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<sup>3</sup> Planning Practice Guidance “Can a neighbourhood plan come forward before an up to date local plan or spatial

34. In the emerging Local Plan Bredfield is classified as a “small village” where small groups of houses within settlement boundaries and the development of employment uses appropriate to the scale of the settlement may be permitted.
35. The NPWG has worked closely with ESC to align the policies of the BNP with those of the emerging plan. This has been particularly important in considering the number of new dwellings to be accommodated during the Plan period. One element of the strategy for growth within the emerging plan is for rural locations to accommodate a rather greater share of development than in the adopted plan and the BNP has had regard to this.

### **Site Visit**

36. I visited Bredfield on the afternoon of 24<sup>th</sup> September 2019 and the morning of 25<sup>th</sup>. I approached the village from Woodbridge along Woodbridge Road and spent some time walking around the area around the village pump. I noted in particular the proposed locations for residential development on the existing business area and the east side of Woodbridge Road. I also viewed the proposed replacement employment area and the other sites adjoining Woodbridge Road and considered for housing development in the Aecom appraisal. I also saw the Jubilee Orchard and meadow and the views north and south along Woodbridge Road before driving to view 3 looking west from Ufford Road. Then, parking at the village hall /shop, I viewed the recreation ground, the view east to Ufford Clumps, the Churchyard and view to the west, the proposed housing site to the south of Tudor Cottage and the other potential housing sites adjoining the Street and Ufford Road that were considered in the site appraisal. On my way I also noted the listed buildings and other buildings of interest referred to in the Plan, the Village Green and the Quaker Burial Ground.

### **The Basic Conditions Test – The Plan taken as a whole**

37. The consideration of whether the Plan meets the basic conditions is the main focus of the independent examination process. This section of my report clarifies the meaning of each of these conditions and considers how the Plan, taken as a whole, meets them.

***“(i) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”***

38. National policy is set out in the National Planning Policy Framework (NPPF) which was revised in July 2018. It is supported by extensive Planning Practice Guidance (PPG).
39. There are two important points to emphasise in relation to this basic condition. The first is that I must consider this requirement in relation to the making of the Plan; it thus applies to the Plan as a whole rather than to individual policies. The second point is the use of the phrase “*having*

*regard to*". This means that I must consider national policy and advice, but it does not mean that each policy must be in absolute conformity with it. PPG explains that "*having regard to national policy*" means that "*a neighbourhood plan must not constrain the delivery of important national policy objectives*".<sup>4</sup> The Plan as a whole is clearly the sum of its policies and it is therefore necessary to consider the extent to which each policy complies with national policy and guidance. However, in reaching my conclusion on this basic condition it is the relationship of the Plan as a whole with national policies and guidance rather than individual policies which is the key consideration.

40. Neighbourhood plans can be selective in the policy areas that they address and there is no requirement for them to include policies to cover all possible issues. In particular there is no need to duplicate national or local plan policies. The BNP contains quite a wide range of policies for a small village, but for the most part does not duplicate national policy. It is evident from the many references to the NPPF in the background to the policies that every effort has been taken to relate them to national policy, and the specific issues facing Bredfield.
41. Table 1 of the Basic Conditions Statement contains a summary of each of the policies of the BNP and against it brief extracts of relevant sections of the NPPF. This falls somewhat short of the "explanation" of how the policy meets the basic conditions required by the regulations,<sup>5</sup> but has been of assistance to me in making that judgement. I consider each of the policies in relation to this and the other basic conditions later in my report.
42. PPG contains extensive guidance on both general principles and specific aspects of the preparation of neighbourhood plans.<sup>6</sup> It is important to be able to demonstrate that the preparation of the Plan has had regard to this. The Basic Conditions Statement does not refer to PPG, but in my report, I make frequent reference to it. At this stage I need to emphasise the importance of the guidance on the formulation of policies. "*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood plan for which it has been prepared*".<sup>7</sup> Also "*Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...*"<sup>8</sup>
43. The amount of evidence and reasoned justification presented in the Plan is very limited in relation to some policies. In some cases, there is substantial evidence in the Annexes to the Plan or separate documents which is not clearly referred to in the body of the Plan.
44. I have found it necessary to recommend some modifications to policies of the plan and the

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<sup>4</sup> PPG – what does having regard to national policy mean? Reference ID: 41-069-20140306

<sup>5</sup> NPR paragraph 15 (d)

<sup>6</sup> PPG Neighbourhood Plan, Reference ID Paragraphs 41-001 to 41-087

<sup>7</sup> PPG How should the policies in a neighbourhood plan be drafted? Reference ID: 41-041-20140306

<sup>8</sup> PPG What evidence is needed to support a neighbourhood plan or Order? Reference ID: 41-040-20160211

supporting text to align more closely with national policy and guidance but, subject to these and taking the Plan as a whole, I am satisfied that having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Plan.

***“(ii) The making of the Plan contributes to sustainable development”***

45. There is inevitably considerable overlap between the requirements for satisfying this basic condition and the previous one as the NPPF clearly states that *“the purpose of the planning system is to contribute to the achievement of sustainable development”*<sup>9</sup> and thus national policy and guidance are clearly designed with this in mind.
46. The NPPF then spells out the three objectives of sustainable development: economic, social and environmental, and emphasises the interdependent nature of these. As the NPPF points out, local circumstances vary greatly and that influences the way in which contributions to sustainable development can be made.<sup>10</sup>
47. The Basic Conditions Statement explains briefly how the Plan contributes to all three of the objectives of sustainable development; by supporting business development, planning positively for housing in terms of both the amount and type of new housing provided, aiming to maintain and enhance the quality of the environment and protecting facilities and open space for the wellbeing of the community. It draws particular attention to the value of the environment in providing a sense of community and wellbeing.
48. I have addressed the impact on sustainable development in relation to individual policies, and overall, I am satisfied that the preparation of the Plan has been clearly guided by the principles of sustainable development and that the making of the plan will make a positive contribution to sustainable development.

***“(iii) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area”***

49. As with the previous two conditions, the test applies to the Plan as a whole, but also requires consideration of individual policies against relevant strategic policies in order to reach an overall conclusion. The test of *“general conformity”* is fundamentally that the Neighbourhood Plan policies should not undermine the strategic policies of the Local Plan. The test is spelt out more fully in PPG.<sup>11</sup> It does not preclude some variation from a strategic policy where it is justified by local circumstances providing the proposal upholds the general principle that a strategic policy is concerned with. However, any departure from development plan policies needs to be clearly justified.
50. The table in the Basic Conditions Statement identifies the policies of the adopted SCLP which are of greatest relevance to the BNP and explains how particular policies of the BNP are in general conformity with them. It goes on to do the same in relation to policies of the Final Draft

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<sup>9</sup> NPPF Paragraph 7

<sup>10</sup> NPPF Paragraph 9

<sup>11</sup> PPG What is meant by ‘general conformity’? Reference ID 41-074-20140306

Local Plan. I have found this very helpful in my examination. As I have already explained it is not necessary to demonstrate general conformity with an emerging local plan but it is beneficial in terms of ensuring that the neighbourhood plan remains relevant to ensure that the policies are compatible with those of an emerging local plan, particularly when it is at an advanced stage of preparation. The emerging local plan has the same time horizon as the BNP and will therefore provide the strategic context for it once it is adopted. I have found that the Plan is in general conformity with the strategic policies of the adopted development plan. I have not examined the policies of the Plan against those of the emerging plan, but there is clear evidence that the NPWG has worked with ESC to reflect the direction of the emerging plan in accordance with PPG<sup>12</sup>, particularly with regard to the scale of housing development required. I have not identified or been made aware of any obvious tensions between the Plan and the strategic policies of the emerging plan.

51. I have considered the relationship of each of the BNP policies to development plan policies and I conclude that, subject to the modifications that I have recommended, the making of the Plan would be in general conformity with the strategic policies of the development plan.

***“(iv) The making of the plan does not breach and is otherwise compatible with EU obligations” and “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.”***

#### Strategic Environmental Assessment and Appropriate Assessment under the Habitats Regulations

52. PPG indicates that *“In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects it may require a strategic environmental assessment”*<sup>13</sup>, subsequently referred to as SEA. A SEA requires the preparation of an environmental report. In order to determine whether the plan is likely to have “significant environmental effects”, a screening assessment is necessary.
53. Regulation 15 of the NPR requires that the submission of a neighbourhood plan must include: *“(i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans Regulations (EAPPR) or (ii) where it has been determined under regulation 9(i) of these Regulations that the proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.*
54. The submission documents include a Strategic Environmental Assessment Screening Opinion prepared by Suffolk Coastal District Council in October 2017. It follows the recommended

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<sup>12</sup> PPG Can a neighbourhood plan come forward before an up to date local plan or spatial strategy is in place? Reference ID 41-009-20190509

methodology<sup>13</sup> to determine whether a SEA is required. It concludes that because the Plan involves the extension of the development limits of the village and identifies new locations for residential development it is likely to have significant effects on the environment.

55. The submission documents include a Scoping Report and Environmental Report prepared by Aecom. The Environmental Report focuses initially on the potential locations for new housing development. It takes account of the increases in the amount of new housing required having regard to the emerging Local Plan and the assessment of sites carried out by Aecom in May 2018. In the light of this it identifies three spatial strategy alternatives capable of accommodation at least 20 dwellings in addition to the 10 dwellings for which planning permission has already been granted.
56. I am satisfied that the Environmental Report generally follows the requirements of regulation 12 and Schedule 2 of the EAPPR. However, it appears to be deficient in one respect. The reason given in the Screening Opinion for the need for a SEA is the definition of new settlement limits to accommodate new housing. While the SEA draws extensively on the Site Assessment and further analyses a short list of sites both individually and in relation to three alternative strategies, it does not consider in any detail the implications of the proposal for additional employment land outside the settlement boundary which is an important element of option 1. There is no specific appraisal of the implications for this site in the Environmental Report and while it is referred to in the heading to the options appraisal and paragraphs 5.19, 5.29 and 5.36, the options appraisal itself refers only to the implications of the residential allocations. The brief references above do not address all the potential implications in relation to the issues identified in the scoping report.
57. For these reasons I suspended the examination to allow the SEA to be updated to take full account of the environmental effects of the allocation of the proposed employment site and for consultation to take place on the updated SEA. An addendum to the SEA was prepared by AECOM and, together with a site assessment for the site proposed for employment Policy BDP 9, was subject to consultation between 7 February and 20 March 2020. The updated assessment identified no significant adverse environmental impacts from the proposed development of land adjacent to The Forge for employment but did draw attention to the absence of a footpath from Woodbridge Road to the proposed access point on Boulge Road.
58. The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 changed the prescribed condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act to read 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”*. Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (CHSR) puts into effect the requirements of Article 6.3 of the EU Habitats Directive and requires that:  
*“(1) Where a land use plan -*

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<sup>13</sup> Table 2 in the Practical Guide to the Strategic Environmental Assessment Directive 2005 and Schedule 1 of the EAPPR 17

*is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site, the plan-making authority must before the plan is given effect, make an appropriate assessment of the implications of the site in view of that site's conservation objectives."*

Regulation 106 of the CHSR requires that:

*"A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required."*

59. A Habitats Regulations Assessment Screening Statement has been prepared by ESC. It lists 11 European protected sites that lie within 20km of Bredfield – 3 Special Areas of Conservation (SACs), 5 Special Protection Areas (SPAs) and 3 Ramsar Sites and there is a large degree of overlap between sites with each designation. Most of the sites are over 10km away from Bredfield but the Deben Estuary Ramsar and SPA site extends to within about 2km of Bredfield and the Sandlings SPA is also quite close.
60. The Screening Statement refers to the Appropriate Assessment carried out for the adopted SCLP in 2013 which concluded that there would be significant environmental effects arising from recreation without mitigation and ESC has produced a Recreational Avoidance and Mitigation Strategy which requires payment towards mitigation from residential developments within 13km of the protected sites. The emerging SCLP has also been subject to Appropriate Assessment and the mitigation measures identified were incorporated in the Final Draft Plan. This led to the conclusion that there would be no significant environmental effects. The Screening Statement concludes on this basis that the BDP would not have significant effects on the protected sites.
61. The BDP must be in general conformity with the SCLP 2013 and has been prepared in the context of the emerging SCLP. The scale of development envisaged is small and is consistent with the emerging plan. Therefore, although the Emerging Plan and its Appropriate Assessment have not been examined as yet, I find no reason to question the conclusion that the BDP would not have significant environmental effects.
62. The only comment from the statutory consultees on the environmental implications of the plans was from Historic England in relation to the impact of the development of site 534 on the neighbouring Tudor Cottage which is a listed building. I will consider this further in relation to the policy on site allocations.
63. I conclude that the Plan does not breach and is otherwise in conformity with European obligations.

## **Human Rights**

64. Nothing in the Plan suggests that there would be any breach of the European Convention on 18

Human Rights.

## **Overall Vision Statement**

65. The overall vision statement for the Plan is:  
*“Our vision for Bredfield is of a thriving and vibrant village community, ready to welcome a degree of controlled growth, provided it does not put at risk our valued green spaces, our environmental and historic assets, our relatively safe roads, or the freedom from light pollution that the village currently enjoys.”*
66. This is a very clear and straightforward statement of intent that is entirely consistent with sustainable development. The Plan goes on to expand this statement by stating the results that are expected from its implementation under the headings *“our village environment”, “our village community”, “our roads” and “our housing stock”*. These are entirely reasonable aspirations, and, while not all of them are fully within the scope of planning policies, it is appropriate to set out these broader aspirations at this stage. The plan contains *“Statements of Intent”* which the Parish Council intends to take to further the aspirations of the Plan. This relates particularly to the expectations in relation to the village community and roads. I shall return to the status of these in the following section.

## **Objectives Policies and Statements of Intent**

67. This section explains that more specific objectives have been developed under 6 main headings:
- 1) The Natural Environment
  - 2) The Built Environment
  - 3) The Community
  - 4) Business
  - 5) Traffic and Transport
  - 6) Housing
68. It then explains that rather than presenting the objectives together, as is frequently done, they are presented in sections under each of these main headings and that the policies and statements of intent indicate how the objectives will be addressed. This is a helpful and practical approach as it helps to clarify the underlying purpose of the policy.
69. The Statements of Intent in the plan are consistent with the guidance in PPG that:  
*“wider community aspirations than those relating to the development and use of land, if set out in the plan, would need to be clearly identifiable (for example set out in a companion document or annex), and it should be made clear in the document that they will not form part*

*of the statutory development plan.*<sup>14</sup> I am satisfied that it is appropriate for these to be located adjacent to the relevant policies rather than in a separate appendix, provided that there is a clear explanation of their status. At present there is no such explanation and I have therefore recommended the modifications below to reflect the intentions of PPG and thus meet the basic conditions.

### **Recommendations**

#### **Change the heading of Section 2 to Vision and Objectives**

**In paragraph 2.2.1 after 2036 delete the comma, insert a full stop and delete the rest of the sentence and add “Each section then contains policies and, in some cases, statements of intent which are intended to address the issues. The policies in blue boxes are the part of the Plan which carry statutory force as they will become part of the development plan and will be used in the determination of planning applications. The Statements of Intent in green boxes will not carry this weight as they do not relate to land use planning but set out action which the Parish Council intends to take to help realise the objectives.”**

### **Policies**

70. My focus in the rest of the examination is on the policies in the Plan and whether they meet the basic conditions, having regard to the evidence provided to justify them. Where necessary I have recommended modifications. I am only empowered to recommend modifications necessary to meet the basic conditions, to comply with the convention on Human Rights, to comply with the legal requirements in relation to neighbourhood plans or to correct errors.<sup>15</sup>
71. In considering the policies I have taken account of all the comments made during the preparation of the Plan with a particular focus on comments made in response to the regulation 16 consultation on the submitted plan and the subsequent consultations on the amended supporting documents. Although I have not referred directly to all the comments made, I have given attention to all of them.
72. The policies of the Plan are the most important element of it as they are the only part which will have statutory force in the determination of planning applications. However, this is not clearly conveyed as none of the headings or sub-headings of the Plan refers to policies. The policies are presented within thematic sections and within each section there are the headings: “Background”, “Issues” and “Objectives and Intentions”. The third heading should also include “Policies”.
73. I have a general concern about the relationship between policies and maps in the document. In some cases, maps which relate to policies are located in Annexes with supporting evidence. In other cases, particularly in relation to policies BDP 9 and BDP 15 they are presented at the end of the Plan but before the Annexes. This makes the ordering of the maps confusing and it is not

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<sup>14</sup> PPG What should a neighbourhood plan address Reference ID 41-004-20191509

<sup>15</sup> Section 10 paragraphs (a) – (e) of Schedule 4B to the Town and Country Planning Act 1990

always easy to find them. To overcome this, I have recommended that the maps should be included within the body of the Plan as close as possible to the policies they relate to. This will require that they are renumbered to reflect the order in which they appear. There is however, no need to remove the maps from the Annexes.

### **Recommendations**

**Change the headings to sections 3.3, 4.3, 5.3, 6.3, 7.3 and 8.3 to read “Objectives, Policies and Statements of Intent”.**

**Specific recommendations relating to the numbering and location of maps are included in relation to the relevant policies.**

## **The Natural Environment**

### **Policy BDP 1: Maintaining Distinctive Views**

74. This policy aims to protect the relationship between the village and the landscape within which it sits, having regard to the separate clusters of development which characterise the village. It identifies four views which are of particular significance in this regard. View number 4 in fact includes three separate perspectives of Woodbridge Road two from the south and one from the north. I looked at all the views that are identified on my visit and I am satisfied that they capture aspects of the character of the village which make an important contribution to its identity.
75. Part 2 of the policy is, however, very widely phrased and could be read as applying to any “distinctive views from a public right of way that currently provides open field aspects or views over open spaces.” This would be too broad and not sufficiently clearly defined. The policy then lists the 4 distinctive views and it is necessary to clarify that it is these views to which the policy relates. I have recommended a modification to do this. Subject to this the policy is consistent with the approach of paragraph 170 of the NPPF to protecting the natural environment and to SCLP policy SP.15 which encourages neighbourhood plans to identify specific landscape features that make an important contribution for protection.

### **Recommendations**

**Renumber Map 6 as Map 2 and insert it on the page following Policy BDP. 1**

**In Policy BDP 1, Modify the first part of section 2 “Not cause any significant loss or diminution of the distinctive views offering open field aspects or views over open spaces listed below and shown on Map 2:**

**Between the Playing Field and Ufford Thicks ....”**

### **Policy BDP 2: Maintaining the Landscape**

76. This policy requires new development to demonstrate that it has taken the landscape character into account and where possible has retained existing hedges, trees and other significant

features and that ponds streams and hedge banks should be retained where they can be enhanced as ecological features.

77. The policy builds on the intentions of Paragraph 170 of the NPPF and adopted SCLP Policy SP15 by identifying the features that are considered of particular importance to Bredfield. It meets the basic conditions.

### **Policy BDP 3: Maintaining Priority Habitats**

78. This policy identifies several landscape features including veteran trees, woodlands, field margins, wildlife corridors, trees and ponds as making an important contribution to biodiversity and seeks to protect and enhance them. It overlaps to an extent with Policy BDP 2 as many of the features are also protected for landscape purposes. The second part of the policy indicates that development that would have a detrimental impact on such features will be resisted. The overall approach is consistent with paragraph 174b) of the NPPF. However, Paragraph 174a) indicates that plans should identify and map wildlife rich habitats and paragraph 175 provides for the possibility of measures to mitigate or, as a last resort, compensate for loss of biodiversity.
79. Appendix D does provide an overview of wildlife assets in the Parish but does not map the specific sites referred to. I accept that the widespread nature of the features referred to in the policy, such as hedgerows and trees means that mapping may not be practical, but it also means that the value of individual hedges, trees and other features is not documented and evidence will therefore need to be provided on a case by case basis. I have therefore recommended a modification to require this in order to clarify how the policy will be applied.

### **Recommendation**

**In the second part of Policy BDP 3 modify the first line to read “Development proposals will be required to submit evidence of the significance of any of the features listed below that will be affected and will be resisted where they:” In the last line delete “will be resisted”.**

### **Policy BDP 4: Green Spaces**

80. Policy BDP 4 is in two parts. The first sets out the policy to be applied to designated Local Green Spaces. However, it does not make clear that they are being designated by the policy. That is stated in Appendix F where the spaces are listed and mapped and details of their significance in terms of the criteria in NPPF paragraphs 99 and 100 are listed, but the policy itself needs to make this clear and the map should be included in the main body of the Plan so that these areas are easily identifiable by those using the Plan.
81. I visited all the proposed Local Green Spaces and am satisfied that they are all in their own way “demonstrably special”, that their designation is justified and that the policy to be applied to them is consistent with the NPPF.
82. The second part of the policy supports proposals that maintain or enhance public access to green space. I find the wording of the second part of the sentence difficult to follow. For

example, I cannot distinguish between “extension” and “expansion” in this context, and “setting” seems to duplicate “location”. I have recommended a modification to reflect this.

### **Recommendations**

**Renumber Map 7 as Map 3 and insert it as close as possible to Policy BDP 4:**

**Before the first part add “The spaces listed below and shown on Map 3 are designated as Local Green Spaces:**

- 1) The Playing Field**
- 2) The Village Green**
- 3) Jubilee Meadow and Orchard**
- 4) St Andrew’s Churchyard**
- 5) Quaker Burial Ground”**

**In the second part delete “expansion” and replace “scale and setting” with “form”.**

## **Historic Environment**

### **Policy BDP 5: Locally Valued Heritage Assets**

83. This policy identifies several buildings and structures of significance in the village, which, although not listed, are considered to be heritage assets having a local significance which is worthy of protection. As in the case of the previous policy, it is important that decision makers and those referring to the Plan in preparing an application are able to identify the location of these assets; in this case, there is no clear map even in Annex B. I have therefore recommended a modification to rectify this.
84. Recent changes to PPG indicate that neighbourhood plans may identify non-designated heritage assets.<sup>16</sup> It indicates that they should provide clear information on the significance of the asset and identify clear criteria for its identification.
85. Annex B identifies two groups of assets under the headings of “The Built Environment” and “Landscape”. All the buildings included in the first list are of some architectural interest. They are identified by photographs, except that only one of the 6 Lords Waste Houses is identified. The small map shown on page 48 of Annex B shows the location of this group of houses but not the individual houses. There appear to be more than 6 houses within the area defined by the red line on the map but there is no explanation of the significance of the red line.
86. One of the other buildings identified, The Belvedere, is a modern energy efficient house built in 2015 of sustainable materials and considered to be of architectural merit. Although it is unusual for such modern buildings to be considered as heritage assets, I see no reason why a modern building of significant interest should not be identified in this way.
87. The locations listed in the second part of Annex B under the heading of Landscape vary greatly

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<sup>16</sup> PPG How are non-designated heritage assets identified? Reference ID 18a-040-20190723

in character and of the six assets listed only the village pump, the village sign and the Foxberrow Farm heritage orchard can properly be considered to be heritage assets. Heritage assets are features that are of historic significance and the other features listed here are important for other reasons. The Playing Field, the Village Hall, the Community Shop and the Jubilee Meadow are important because of the function they serve for the community rather than their historic significance. The Playing Field and the Jubilee Meadow are designated as Local Green Spaces under Policy BDP 4 and are also protected by NPPF paragraph 97.

88. The wording of the policy provides a stronger level of protection than that identified for non-designated heritage assets in the NPPF<sup>17</sup>, which sets out an approach which balances the significance of the asset and the extent of any harm against the benefits of a proposed development is applied to all heritage assets. Non-designated heritage assets are clearly of less significance than listed buildings, but the policy does not provide for any balance it simply requires evidence that the assets will be protected. I have therefore recommended a modification to align more closely to national policy.
89. The last line of the paragraph gives the power to the Parish Council to add assets to the list or remove them. PPG indicates that such assets may be identified in a variety of ways including neighbourhood plans, local plans and conservation area statements. All these processes involve appropriate consultation and it is not within the powers of the Parish Council acting independently of a plan making procedure to amend the list.

#### **Recommendations**

**Prepare a new Map as Map 4 and insert it as close as possible to Policy BDP 5**

**Modify the first paragraph to read:**

**“The buildings and structures listed below and shown on Map 4 are identified as locally valued heritage assets:**

- 1) **Lords Waste Houses**
- 2) **Primrose Cottages**
- 3) **Teacher’s House**
- 4) **The School House**
- 5) **Belvedere**
- 6) **Bredfield Chapel**
- 7) **The Village Pump**
- 8) **The Village Sign**
- 9) **The Orchard Foxburrow Farm**

**In the second paragraph delete “must demonstrate how the asset will be protected or enhanced” and insert “should demonstrate how the significance of the asset has been taken into account. Where there is any harm to the asset permission will only be granted where the harm is clearly outweighed by the benefits of the development.”**

**Delete the last sentence of the policy.**

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<sup>17</sup> NPPF paragraph

**Insert a map after the policy to indicate the location of each of these features.**

**In Annex B Delete the heading “Landscape and Local Character Special Sites, renumber the Village Pump as 7, the Village Sign as 8 and the Orchard Foxburrow Farm as 9 and delete the Playing Field, the Community shop, the Jubilee Meadow and the Village Hall from the list of locations**

### **Policy BDP 6: Protecting sites of Archaeological Interest**

90. The policy seeks to ensure that all development takes account of the potential impact on archaeological deposits by consulting the Historic Environment Record (HER), conducting appropriate desk-based assessment and where appropriate a field evaluation. Annex C lists the sites recorded in the HER and provides a link to the detailed information and mapping that it contains. The policy meets the basic conditions.

### **Community**

91. Section 5 provides information on the facilities available to the community and their level of use. It refers to the designation of the former pub as an Asset of Community Value and the need for children to travel outside the village to school. The section does not include any policies relating to these facilities but does contain two Statements of Intent.

### **The Economy**

#### **Policy BDP 7: Farming and Agriculture**

92. This policy supports development related to agriculture where it would not have an unacceptable impact on highway safety or the environment. It also requires such developments to be “viable and of benefit to the local economy and the wellbeing of the parish”. While it is sometimes required that business activities should be shown to be unviable before the site is released for other uses, in my experience it is not necessary or normal to require business related development to demonstrate viability. There would be no good reason for a developer to knowingly make a business development that was not considered viable and it is unclear how “the wellbeing of the parish” would be assessed. Subject to a modification to address this issue the policy meets the basic conditions.

#### **Recommendation**

**In Policy BDP 7: delete “they can be shown to be viable and of benefit to the local economy and wellbeing of the parish, and”**

#### **Policy BDP 8: Small Scale Business and Tourism**

93. Policy BDP 8 requires business and tourism development to be small-scale and provide community benefits including employment opportunities for local people. It also requires that any development should not increase air, noise or light pollution or have an unacceptable

impact on highway safety or a significantly detrimental impact on the landscape.

94. Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas and sustainable rural tourism which respects the character of the countryside. In this context elements of Policy BDP 8 read as unreasonably restrictive. It is not at all clear what “community benefits” means other than “employment opportunities” and, if they could be defined, there is no apparent reason why they should be required. There may also be circumstances where development may increase the viability or productivity of a business without creating employment opportunities and this would not be a reason to refuse permission. Moreover, it is not practical to require any employment opportunities to be restricted to local people. While it is clearly appropriate to seek to prevent unacceptable environmental impact, it would be unreasonable to prevent any air, noise or light pollution, as most business developments are likely to have some effect. I have therefore recommended modifications to reflect these points.

#### **Recommendation**

**Modify Policy BDP 8 to read “Small scale business and tourism development will be supported where it does not result in unacceptable air, noise or light pollution or a severe impact on highway safety or have a significant detrimental effect on the surrounding landscape or historic buildings.**

#### **Policy BDP 9: Expansion of Business Premises**

95. This policy provides for the extension of the existing business area known as The Forge into adjoining land to allow for the relocation of existing businesses. The policy is effectively linked with Policy BDP15 which provides for the redevelopment of the existing business area for residential development as it is intended to facilitate the relocation of the businesses on the existing site. The policy sets out criteria for the development of the site limiting the development to use classes B1 and B2, limiting the size of businesses, requiring the provision of a separate access, protecting the amenity of neighbouring residents, ensuring adequate on-site parking and precluding development which will result in a significant increase in heavy vehicular traffic.
96. The proposal is in accordance with paragraphs 83(a) and 84 of the NPPF relating to employment related development in rural areas, and in particular the recognition of the need to accommodate businesses “*adjacent to or beyond existing settlements*”. Policy SP7 of the adopted SCLP supports opportunities to secure local employment and create new employment in rural areas in accordance with the settlement hierarchy. As a local service centre small scale employment development would be appropriate.
97. Policy SP5 of the adopted SCLP aims to protect existing employment sites and Policy DM10 sets out the details of how this would be done. One of the criteria that would make the loss of an employment site acceptable is that there would be “a substantial planning benefit in permitting other uses”. The replacement of the existing site to allow housing development on it would be in general conformity with the intentions of these policies. The approach to employment

development in the emerging SCLP is set out in Policies SCLP4.3-4.5. Most relevant is Policy SLCP4.5 relating to rural areas which supports employment proposals which accord with the “vision of any relevant neighbourhood plan” subject to criteria relating to their local environmental effects. There is therefore no objection in principle to the allocation and my consideration therefore focusses on the local effects.

98. This area of land lies to the south of Boulge Road and Scotts Lane close to the junction with Woodbridge Road where the village pump is located. It is currently in agricultural use and is separated from Woodbridge Road by garden land and residential properties. While the Plan carefully evaluates all the potential residential sites in both the Site Assessment and the SEA, the submission documents did not include such an assessment of this site. In response to my query on this point, BPC has stated that an assessment had been prepared and had been omitted in error from the submission documents. I have now been provided with this document and am satisfied that it provides appropriate supporting evidence. However, this evidence was not available at the stage of the regulation 14 consultation, or during the regulation 16 consultation.
99. I have already referred to the failure of the SEA to fully address the possible environmental effects of this proposal and my request that the site assessment and a revised SEA taking account of the proposed employment allocation should be published for consultation for a period of 6 weeks between 7 February and 20 March 2020.
100. As a result of this consultation, several further responses were received. No objections have been raised by any of the statutory consultees, including English Nature and Historic England but there were 7 representations from local residents referring to both the proposal in this policy and the residential development of The Forge.
101. The main issues raised in these responses in relation to the proposal for employment land were: concerns that the area proposed for employment is much larger than the existing employment area and would be a loss of countryside, the effect on the outlook from nearby properties and the effect of additional traffic, having regard to the narrowness of Boulge Road and the absence of a footpath. I have considered these objections in relation to the relevant criteria for the development of the site.
102. The area proposed for employment development is about twice the size of the area which would be lost if the existing employment uses at the Forge site were replaced by housing. However, at 0.48ha it would remain a small site. The loss of open countryside would therefore be limited and no specific constraints in terms of landscape or biodiversity have been identified. While it would clearly affect the outlook from existing properties the loss of a private view is not a planning consideration and living conditions at the neighbouring properties could be protected by screening which would ensure there is adequate physical and visual separation between residential and employment uses. Policy BDP 15 refers to this in relation to the development of the existing employment site for housing. However, this does not address the need for the site to be shielded from existing residential property on Boulge

Road, and the need for the screening arises from the proposed development of this site for employment purposes, not the housing development. I have therefore recommended a modification to this effect.

103. I have some sympathy with the comments on the potential highway implications of the proposed employment site. The site assessment is not explicit on the means of access, simply stating that it is “adjacent to a public road with unrestricted access”. There is no clear indication in the submitted documentation of where this access would be. I have been informed that it is intended that it would be from the entrance to the field on Boulge Road to the west of the Old Smithy. The proposed access point should be shown on the map.
104. The section of Boulge Road between the junction with Scotts Lane, and the proposed access is quite narrow, only just wide enough for two cars to pass. To the west of the proposed access it becomes narrower and is effectively a single-track road. The junction with Scotts Lane is very acute which would make left turns there difficult for large vehicles. There is no footpath along Boulge Road or along the section of Scotts Lane until the junction with Woodbridge Road where the village pump is situated. The SEA draws attention to this absence of a footpath, but not to any other highways issues.
105. There was no response from the Highways Authority either at the Regulation 16 stage or in response to the additional consultation on the addendum to the SEA and the site appraisal for the site. I therefore sought clarification from the ESC and BPC on whether there had been any discussion with the Highways Authority during the preparation of the Plan. In response I was informed that there had been no such consultation, but I was provided with some useful background information on the reasoning behind the allocation of the employment site. This included reference to: a) a long-standing wish to address problems relating to parking on the road because of the restricted size of the existing employment site, b) The fact that Boulge Road is used by the No.70 bus service and c) the view that left turns into Scotts Lane would be limited as most traffic would be coming from or going to the A12.
106. This information is useful evidence, but clearly should have been included in the submission documents in accordance with the guidance in PPG that *“Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn on to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”*. I therefore requested that the additional information should be posted on the ESC website for three weeks to allow interested parties to comment. This took place between 22 May and 12 June 2020.
107. A further ten responses were received, including four from local residents objecting to the proposal. In addition to points previously made they stated that the proposal would not address the issues related to parking on the road and that the use of Boulge Road by buses and agricultural vehicles does give rise to difficulties. They also suggest that traffic may well choose to use Boulge Road to avoid the difficult junction between Woodbridge Road and the A12.
108. Suffolk County Council, the Highways Authority also replied, stating that it has *“no objection in*

*principle to the allocation” and does not envisage “that there will be significant heavy vehicle movements due to the scale of the proposal.” It also states that the need for any mitigation measures would need to be addressed in response to a specific proposal.*

109. I cannot be sure what mitigation measures would be necessary and there is a slight risk that they could not be delivered or would affect the viability of the development. In such circumstances it would be necessary to review the Plan with regard to both the proposed housing development on the Forge and the employment site. However, I have also taken account of paragraph 109 of the NPPF which indicates that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety or the residual cumulative impacts on the road network would be severe”*. While the location of the proposed access is less than ideal, given the scale of the proposed development I consider it unlikely that the impact after any feasible mitigation works would be severe. I find no objection to the principle of the employment use on this site in terms of landscape, biodiversity or the relationship with neighbouring uses, and on balance therefore I conclude that the allocation would be consistent with sustainable development. I have recommended a modification to the policy to refer to the possible need for measures to mitigate any adverse effects on road safety.
110. The Policy does not refer to a map identifying this piece of land. It is actually shown in the series of maps which follow the housing section of the Plan on both Maps 3 and 5. This means the user of the Plan has to search for them and, without understanding the whole of the Plan it is not logical to find an employment allocation within housing policies. The location of the allocation should be shown clearly in association with the Policy. There also appears to be an inconsistency in the extent of the site between Maps 3 and 5. On Map 5 the site appears to extend further west behind the Old Smithy than it does on Map 3 and the detailed shape of the northern boundary is different. The two maps should be made consistent and I recommend using the boundary on Map 5 to minimise any harmful effect on The Old Smithy.
111. The policy suggests seven criteria for the development of this area of land for employment purposes. These criteria are introduced as relating to proposals for individual businesses but should relate to the site as a whole and I have recommended a modification to this effect.
112. The first criterion limits the site to Use Classes B1 and B2. This is consistent with the location of the site close to existing and proposed residential development. The second criterion limits the site to micro-businesses of up to 9 employees. There is no clear reason in terms of sustainable development why an office business with say 12 employees would be unacceptable but two businesses with 6 employees would be acceptable. Moreover, the size of businesses changes over time and it is common on a site for small businesses for one or two businesses to grow significantly while others move on or close. In many cases this could take place without the need for planning permission and it would be unreasonable and impossible to enforce the movement of businesses elsewhere when they exceed 9 employees. The size of the site would provide an effective control on the scale of businesses on it and their environmental impact

could be controlled by the more specific criteria which follow.

113. The third criterion requires the provision of a separate access to the site and I have already considered the access implications of the allocation. However, this criterion should refer to the location to be shown on the map and I have recommended a modification to refer to the possible need for mitigation works.
114. The fourth criterion requires conformity with all the other policies in the Plan. All policies of the Plan are capable of being applied to any proposal where they are relevant and this criterion is therefore not necessary.
115. The fifth criterion relates to the impact of the development on adjoining properties. I have recommended a modification to this to require planting to screen the site from residential properties which I referred to in paragraph 102. The sixth requires the provision of adequate off-street parking for workers and visitors and is consistent with sustainable development and meets the basic conditions.
116. The final criterion requires that the activities would not result in a significant increase in the amount of heavy vehicular traffic in the vicinity or widely in the parish. As I have already suggested the main control on the level of traffic generation is the size of the site as a whole. It would be also possible to control development for specific businesses having regard to traffic generation, and uses that would result in significant movement of heavy vehicles could be rejected. Subsequent changes to different businesses could take place within the same use class without planning permission, but any additional development or redevelopment could be controlled. The effectiveness of this criterion in the long term may therefore be limited but where it can be applied it is consistent with sustainable development.

#### **Recommendations**

**Modify Map 5 to show the proposed point of access and to make the boundary of the proposed allocation consistent with that in Map 3. Insert Map 5 (which will retain this number ) as close as possible to Policy BDP9:**

**After "...into the adjoining land" insert "shown on Map 5"**

**In the 4<sup>th</sup> line delete "Proposals for new businesses should" and insert "The development of the site will:"**

**Delete the second bullet point**

**Modify the third bullet point to read "include the provision of a separate access from Boulge Road as shown on Map 5 and any off-site highway improvements necessary to make the proposal acceptable in planning terms" and modify Map 5 to clearly show the location of the proposed access.**

**Delete the 4<sup>th</sup> bullet point**

**Modify the fifth bullet point to read "Include landscaping to provide a visual screen between the employment site and existing and proposed residential development and ensure..."**

## **Traffic and Transport**

### **Policy BDP 10: Vehicle Parking**

117. The policy requires all new residential and economic development to provide safe and secure parking in accordance with Suffolk County Council standards in a way which reflects the spacious rural character of Bredfield. While the policy duplicates the County Council standards it does add an element of local distinctiveness and is consistent with paragraph 102 e) of the NPPF and Policy DM19 of the Development Management Policies.

### **Policy BDP 11: Transport Considerations in New Development**

118. This policy provides a set of criteria to be met by all new developments. The criteria are focussed on the facilitation of walking and cycling, links to public transport, the encouragement of low speeds, safety and the impact on the highway network. They reflect many of the aims of paragraph 102 of the NPPF and do not conflict with them in any way. The Basic Conditions Statement points to general conformity with the requirement of Policy DM20 of the Development Management Policies for *“Green Travel Plans”*. However, this policy relates to *“developments which have significant transport implications”*. Most of the development envisaged in Bredfield is likely to be small in scale and is therefore unlikely to have significant transport implications. It would be unduly onerous to place all the obligations of Policy BDP 11 on developments involving a single dwelling and I have therefore recommended a modification to allow for this.

#### **Recommendation**

**In Policy BDP 11, after “...accompanied by information” insert “, appropriate to their scale,”**

## **Housing**

### **Policy BDP 12: Future Housing**

119. The policy requires applications to provide a mix of housing types and sizes with priority given to 1,2 and 3 bed dwellings which would be suitable for young people moving to the village and for older people wishing to downsize. This reflects the views expressed by local people in response to the questionnaire. Although there is no hard, statistical evidence to support these priorities, they do reflect both the specific references to families with children in Paragraph 61 of the NPPF and Policy SP 3 of the Core Strategy. It meets the basic conditions.

### **Policy BDP 13: Location of Development**

120. This policy proposes extensions to the Settlement Boundary to incorporate land identified as being suitable for housing development. There is therefore a close link between this policy and both Policy BDP 15, which identifies three sites for housing development and Policy BDP 9 which identifies a site for employment development.
121. At this point it is appropriate to consider the scale of development for which the

Neighbourhood Plan provides as one of the key requirements of Neighbourhood Plans is that they “should not promote less development than set out in the strategic policies for the area or undermine those policies.”<sup>18</sup>

122. The background to the Housing section of the Plan explains the strategic context for the scale of new housing required. The Core Strategy 2013 identified a need for the allocation of land to accommodate 10 new dwellings to meet need up to 2027. In accordance with PPG<sup>19</sup> BPC has had regard to the policies in the emerging Local Plan which has the same time horizon as the BNP. This requires that *“the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination.”* While it is not a requirement for the Plan to be in general conformity with the policies of the emerging plan, it clearly makes sense for the two plans to be compatible, particularly as the emerging plan has reached an advanced stage.
123. Bredfield is identified as a Small Village in the Final Draft Local Plan, rather than a Local Service Centre. However, the strategy being suggested in the Final Draft provides for a somewhat larger share of the total housing provision to take place in the villages. This means that the amount of housing required in many villages will increase. The figures in Table 3.5 of the Final Draft Local Plan set out such indicative figures of the amount of housing required for the villages where neighbourhood plans are being prepared and in Bredfield, in addition to the 10 dwellings required by the adopted Core Strategy, allocations for a further 20 dwellings will be required up to 2036<sup>20</sup>. Policy SCLP3.3 indicates that Neighbourhood Plans may make minor adjustments to settlement boundaries and allocate land for housing and employment development, providing that they do not undermine the overall strategy in the plan.
124. The BNP is based on the indicative figure of 30 dwellings. The indicative figures in the Final Draft Local Plan are based on an overall provision which in total will meet the housing requirement for the former Suffolk Coastal area up to 2036 with a margin of 8.5% before taking account of any windfall development. No change to these figures have been proposed in the main modifications recommended by the Inspector, which were published for consultation during my examination. I am therefore satisfied that it is appropriate to base the BNP on a housing requirement of 30 dwellings. The extensions to the settlement boundary are consistent with the allocations made in Policy BDP9, which I have already considered, and Policy BDP15. They are also consistent with the strategy of the emerging Local Plan.
125. The policy states that the Settlement Boundary will be extended to include areas considered suitable for development, but it does not explain or contain a reference to the extensions that are proposed. Map 3 clearly shows the extensions, but the map is not referred to in the policy. As in other cases it should be located in the body of the Plan and appropriately renumbered.

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<sup>18</sup> NPPF paragraph 29

<sup>19</sup> PPG Can a neighbourhood plan come forward before an up-to-date local plan or spatial development strategy is in place? Reference ID 41-009-21090905

<sup>20</sup> IN the main modifications published for consultation towards the end of my examination there were no changes to these figures

With appropriate annotation it can clearly show the existing limits to development and the proposed extensions which together will comprise the Settlement Boundary so that Map 2 is not required. I am satisfied that the extensions to the Settlement Boundary have been justified through the Site Assessment Report. The supporting text appropriately refers to Policy SCLP3.3 of the emerging Suffolk Coastal Local Plan. This reference should make clear that this Plan has not yet been adopted.

126. While the supporting text explains that the purpose of the extension of the Settlement Boundary is to include “land recognised as suitable for development” it does not explain what the significance of the Settlement Boundary is in policy terms. The definition of the Settlement Boundary is only meaningful if it is clear how it will be used in the determination of planning applications. Policies SP19, SP27, SP29, DM1, DM3 and DM7 of the SCLP all use settlement boundaries in defining the appropriate location for different types of development. It is not necessary to replicate these policies in the BNP, but without cross reference to them in the supporting text, the effect of the policy is not explicit.

**Recommendation**

**Renumber Map 3 on page 36 as Map 6 and locate it as near as possible to Policy BDP 13**

**Modify Policy BDP13 to read:**

**“The settlement boundary is extended to incorporate the areas shown on Map 6 which are allocated for development in Policies BDP9 and 15.**

**In Paragraph 8.5.2, after the first sentence replace the remaining text with “The settlement boundary is used to define the boundary between the settlement and the countryside for policy purposes. and policies SP19, SP27, SP29, DM1, DM3 and DM7 of the Suffolk Coastal Local Plan are all relevant in this regard. Subject to any changes in the examination stage these will be superseded by the policies of the emerging replacement Suffolk Coastal Local Plan and in particular policy SCLP.3.3, which provides for neighbourhood plans to make minor modification to settlement boundaries and allocate additional land for residential and employment development providing that the adjustments and allocations do not undermine the overall strategy and distribution set out in the Local Plan.”**

**Policy BDP 14: Scale of Development**

127. This policy seeks to restrict the new residential developments to 10 dwellings to proposals of no more than ten houses. It refers in particular to the division of the village into two separate clusters of development. There is no specific justification for the use of the figure of 10, which appears to be an arbitrary figure. The specific provisions of Policies BDP.15 relating to the allocated sites and BDP.16 relating to development more widely provide the means to control the scale and character of development and the definition of the settlement boundary will maintain the separation between the two main clusters of development.

**Recommendation**

**Delete Policy BDP 14**

## Policy BDP 15 Sites for Development

128. This policy allocates three sites for residential development and sets out criteria to be applied to the development of each site.
129. These sites have been selected as a result of a detailed site assessment of a large number of possible sites identified by the local planning authority through its Strategic Housing Land Availability Assessment in 2014 and further sites identified in the Issues and Options Consultation on the emerging Local Plan. In all 17 sites were considered against a detailed set of criteria and were then given red, amber or green rating. Red sites were considered unsuitable, green sites suitable and amber sites could be suitable if identified constraints could be overcome. From this assessment one site was identified as suitable for housing development without significant constraints and a further 5 sites could be suitable if the constraints identified could be mitigated.<sup>21</sup> The one site with no constraints is site No.459 to the east of Woodbridge Road opposite the Chapel. This site already has outline planning permission for up to 10 dwellings and is therefore regarded as a commitment.
130. From this initial appraisal three alternative strategies which could meet the remaining requirement of a minimum 20 dwellings in Bredfield were identified. These were evaluated and ranked against seven sustainability themes which were developed through the SEA scoping report. From this assessment Option 1 which includes sites 634 and 694 emerged as the preferred strategy. I am satisfied that this process has been methodical and thorough and reflects the guidance in PPG<sup>22</sup>.
131. As in other policies there should be a reference to the relevant maps within the policy.
132. There is also very little information provided within the supporting text to justify the criteria which the policy sets out for the proposed development in relation to each site. While the site assessment and representations of consultees (particularly in relation to site 534) do contain extensive information which is relevant to the criteria, at least some information should be contained in the supporting text and I have recommended modifications to this effect.
133. In each case there is a reference to a maximum of 10 dwellings on the site. There is no clear justification for this. For instance, it may be difficult to establish that a scheme of 11 or 12 dwellings is not consistent with sustainable development. Much will depend on the form and character of the development rather than the precise number of dwellings. I have therefore recommended the replacement of “a maximum of” with “approximately”.
134. Site 459 has outline permission for up to 10 dwellings; this is expressed as a criterion in the policy but is simply a fact. The policy makes it clear that even if the existing proposal is not implemented, the principle of residential development on the site is accepted. The extension of the settlement boundary to include the site has this effect, but it is appropriate to restate it.
135. The constraint identified in the site assessment in relation to Site 534 is the potential for harm

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<sup>21</sup> Site Nos 251 North of Ufford Road and 944 South of Templars on Woodbridge Road were withdrawn.

<sup>22</sup> PPG Can a Neighbourhood Plan allocate sites for development? Reference ID: 41-042-20170728

to the setting of the listed building to the north of the site, Tudor Cottage. The limit to a maximum of 10 dwellings is clearly justified in this case to avoid the risk of a harmful impact on the listed building. The criteria attached to the development include a requirement for development to be set back from the road so as not to obstruct views of Tudor Cottage and for a landscaping scheme to mitigate any effect on Tudor Cottage. The southern boundary of Tudor Cottage is a substantial hedge and there is a significant gap between the cottage and the boundary. I am satisfied that the proposal is consistent with sustainable development.

136. Site 694 is an existing employment site and it is envisaged that its development would be associated with the relocation of existing employment uses onto the adjacent site which Policy BDP.9 proposed for employment development. Although there have been some representations against the development of the site from neighbouring residents I am satisfied that there need be no unacceptable harm to the living conditions in nearby properties and that the development of site 694 for housing development is consistent with sustainable development.
137. I have already explained in my consideration of Policy BDP.9 that the reference to the requirement for screening should be applied to the proposed employment site rather than proposed housing development as, it is the employment development that will give rise to it and the screening will also be necessary to mitigate the impact of the employment development on existing residential development.

#### **Recommendations**

**Renumber Map 4 as Map 7 and insert it as near as possible to Policy BDP.15: after "land identified" insert "on Maps 5 and 7"**

**In the section referring to site 459 amend the first line to read "Land to the east of Woodbridge Road, where outline planning permission has been granted for up to 10 dwellings" and delete the first criterion.**

**Modify the second criterion to read "The principle of housing development for approximately 10 dwellings on this site is accepted even if the existing permission is not implemented.."**

**In the section relating to site 694, replace "a maximum of" with "approximately".**

**Delete the second bullet point.**

**In paragraph 8.5.5:**

**replace the existing text relating to site 459 with: "Site 459: Outline planning permission was granted on appeal on site 459 for up to 10 dwellings, (Application Ref DC/16/3624/OUT). This is a shallow site on the east site of Woodbridge Road opposite Glebe Road. It forms a natural extension to the southern cluster of development in Bredfield and the principle of development on this site is accepted even if the existing outline permission is not implemented."**

**replace the existing text relating to site 534 with: "Site 534: this site is centrally placed in the village just north of the village hall and playing field. It is well located in relation to village services and facilities and relates well to the existing built-up area. To the north of the site**

lies Tudor Cottage which is a listed building and ESC have pointed out that the development needs to avoid harm to its setting. A substantial hedge with trees separates the two sites and development which is set back from the road, not intrusive in views of the building and respects the generally spacious character of the village will be necessary. Suitable landscaping and access from the southern end of the site will also be required.” replace the text relating to site 694 with “Site 694: this site at the southern end of the village is known as The Forge and is currently in business use. Most of it lies within the settlement boundary and it would naturally fit in with the cluster of development along Woodbridge Road. It would therefore not be intrusive in the countryside or result in the loss of agricultural land. The development would depend on the relocation of the existing businesses to the area of land to the west of the site which is proposed for employment use in Policy BDP.9. The development of that site will be required to provide effective screening from the existing and proposed housing. There may be a need for any contamination on the site as a result of the existing industrial uses to be removed. The decision to allocate this site was made after the regulation 14 consultation, when the final draft of the emerging SCLP indicated that the number of dwellings required during the plan period is likely to be higher than was envisaged.”

#### **Policy BDP 16: Preserving Character**

138. This policy sets out criteria to be adhered to by all new development with the aim of ensuring that development is sympathetic to neighbouring buildings and the landscape. This is consistent with the encouragement to achieve a high quality of design in the NPPF and in particular Paragraph 127 c). and is also in general conformity with Policy SP15 of the ESNP. It meets the basic conditions. It meets the basic conditions.

#### **Policy BDP 17: Conversion of Redundant Buildings**

139. The policy supports the reuse of redundant agricultural or commercial buildings for residential, employment, tourism or recreational uses subject to several criteria. This is consistent with national policy in terms of rural housing and the development of the rural economy. I am satisfied that the criteria are consistent with the basic conditions subject to a modification to the last one. This refers to the need to check whether there is any risk of contamination from a previous use. However, it does not say what should happen where there is such a risk. It could be interpreted as saying that development should not take place where there is such a risk. That would not be consistent with the presumption in favour of sustainable development as providing any contamination that is found is removed or suitably treated any objection would be overcome.

#### **Recommendation**

**In Policy BDP 17: at the end of the last bullet point add: “and where necessary any contamination is removed or effectively treated.”**

## **Implementation and Review**

140. The final section of the Plan clarifies that the Parish Council will use the Neighbourhood Plan to frame its representations on planning applications. It also indicates that there will be a report every two years on the progress on the statements of intent in the Plan and that the Plan will be reviewed every 5 years and updated if necessary.

## **Conclusions and Referendum**

141. The Bredfield Neighbourhood Plan is a thoughtfully prepared and for the most part well-presented document. It is based on a careful assessment of the needs of the village and has been prepared in close consultation with the community. It has also clearly been prepared in close consultation with the local planning authority and takes account of the review of the Suffolk Coastal Local Plan which has been taking place while the Plan has been prepared.
142. In carrying out my examination I found that the evidence to support one of the significant changes to the Plan following the regulation 14 consultation, namely the allocation of land adjoining site 694 for employment use to facilitate the development of site 694 for housing was not submitted with the Plan. I therefore requested the publication of this information and the modification of the Strategic Environmental Assessment to allow comments on these changes.
143. In carrying out my examination I have found it necessary to recommend modifications to several policies. Most of these modifications are minor in nature and seek to clarify the intentions of policies, where I found some ambiguity so that the policies will provide clear guidance to decision makers. In several cases the modifications reflect the need for decision makers to balance any potential harm against the benefits of a proposal. In some cases, the policy does not add significantly to national policy or is not appropriate for a neighbourhood plan.
144. Subject to the modifications that I have recommended, being made, I am satisfied that:
- 1) The Bredfield Neighbourhood Plan has been prepared in accordance with Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Regulations 2012 (as amended) and that;
  - 2) Having regard to national policies and advice contained in guidance issued by the Secretary of State it would be appropriate to make the Plan;
  - 3) The making of the Plan would contribute to the achievement of sustainable development;
  - 4) The making of the Plan would be in general conformity with the strategic policies of the development plan for the area;
  - 5) The Plan would not breach and would be otherwise compatible with European Union obligations and the European Convention on Human Rights and
  - 6) The making of the neighbourhood development plan does not breach the

requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

145. I am therefore pleased to **recommend that the Bredfield Neighbourhood Plan should proceed to a referendum subject to the modifications that I have recommended.**
146. I am also required to consider whether or not the referendum area should extend beyond the Neighbourhood Plan Area. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”.<sup>23</sup> **I therefore conclude that there is no need to extend the referendum area.**

*Richard High* 14 July 2020

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<sup>23</sup> PPG Reference ID: 41-059-20140306