

Babergh District Council

**Newton  
Neighbourhood Plan  
2018-2036**

**Independent Examiner's Report**

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23 June 2021

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## Summary

I have been appointed as the independent examiner of the Newton Neighbourhood Development Plan.

The village of Newton lies about four miles east of the market town of Sudbury. The A134 bisects the village. Unusually the village green has been converted into a golf course. It is flanked by numerous buildings of historic interest. The village has a rich history. It has around 495 residents according to the Census 2011.

The Plan and its supporting documents are presented well. There is a helpful Basic Conditions Statement. The Plan contains nine policies covering a range of topics including housing, Local Green Spaces and facilities and services. The policies do not repeat District level policy, but seek to add local detail or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

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

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

Ann Skippers MRTPI  
Ann Skippers Planning  
23 June 2021



## 1.0 Introduction

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

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

I have been appointed by Babergh District Council (BDC) with the agreement of the Parish Council, to undertake this independent examination.

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

## 2.0 The role of the independent examiner

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

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

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

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

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

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

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

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

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

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

The examiner must then make one of the following recommendations:

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

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

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BDC. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

### 3.0 The examination process

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

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Some representations suggest additions or amendments to policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup> I raised a query regarding the settlement boundary detailed in Appendix 2 and the answer received (all publicly available) has enabled me to examine the Plan without the need to hold a hearing.

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

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Paul Bryant at BDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 1 June 2021.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

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

## 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It includes a very helpful timeline showing the range of activity carried out over a number of years.<sup>10</sup>

Work on the Plan started in 2017, but was preceded by two surveys with the local community to gauge reaction about housing and amenities. The Plan preparation stage was launched in early 2018 with an event which was well attended. A Steering Group was set up made up from Parish Councillors and villagers. The Steering Group met every month with one exception over many months and continued this pattern through the pandemic by changing to online meetings showing a high degree of commitment.

In September 2018, a Housing and Historic Environment Survey was sent to all households and confirmed the results of the surveys carried out earlier. A Character Assessment was commissioned. Other surveys on the Natural and Sustainable Environment, Amenities, Leisure and Recreation and Local Business were carried out in early 2019. The Amenities, Leisure and Recreation Survey included two surveys aimed at 11-18 year olds and younger children. Working with other Parishes and organisations such as the Suffolk Wildlife Trust and the Golf Club, the Plan was developed.

Regular updates were given through the monthly Village Newsletter and a monthly supplement which focused on the Plan. Updates were also placed on the Newton website alongside minutes of meetings. Posters were displayed around the village and presentations made to village groups. Social media was used.

Pre-submission (Regulation 14) consultation took place between 17 August – 12 October 2020, with a little longer than the statutory period to help ensure everyone had a chance to comment if they wished to do so reflecting the Summer holiday period and the impact of the pandemic. The consultation stage was publicised through notice boards, the website, the Newsletter and a banner on the Village Green. Paper copies were available on request as well as online. Two zoom meetings were organised so that residents had the opportunity to discuss the consultations with the meetings being widely publicised.

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<sup>10</sup> Consultation Statement page 10

Statutory consultees and landowners and businesses in the area were consulted.

I consider that the consultation and engagement carried out is satisfactory. Submission (Regulation 16) consultation was carried out between 1 March – 23 April 2021.

The Regulation 16 stage resulted in 10 representations. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

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

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Newton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. BDC approved the designation of the area on 23 March 2018. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 11 of the Plan.

### **Plan period**

The Plan period is 2018 – 2036. This is clearly stated in the Plan itself. This requirement is therefore satisfactorily met.

### **Excluded development**

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

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

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



included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

In this instance, a number of community actions were identified during the process. These are clearly separated and contained in section 9 of the Plan and explanation about these non-policy actions is given in the Plan.<sup>12</sup> This is an exemplary approach.

## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>13</sup>

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

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>16</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>17</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

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<sup>11</sup> PPG para 004 ref id 41-004-20190509

<sup>12</sup> The Plan pages 6 and 44

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

<sup>15</sup> Ibid

<sup>16</sup> Ibid para 29

<sup>17</sup> Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>18</sup>

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

PPG indicates that a policy should be clear and unambiguous<sup>19</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>20</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>21</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>22</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance.<sup>23</sup>

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

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

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>24</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>25</sup> The objectives are economic, social and environmental.<sup>26</sup>

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

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<sup>18</sup> NPPF para 16

<sup>19</sup> PPG para 041 ref id 41-041-20140306

<sup>20</sup> Ibid

<sup>21</sup> Ibid para 040 ref id 41-040-20160211

<sup>22</sup> Ibid

<sup>23</sup> Basic Conditions Statement pages 6 and 7

<sup>24</sup> NPPF para 7

<sup>25</sup> Ibid para 8

<sup>26</sup> Ibid

<sup>27</sup> Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan objective and policy helps to achieve sustainable development as outlined in the NPPF.<sup>28</sup>

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

The development plan consists of the saved policies of the Babergh Local Plan Alteration No 2 (LP), adopted in June 2006, and the Babergh Core Strategy (CS) 2011 – 2031, adopted in February 2014. In addition the Minerals Core Strategy and the Waste Core Strategy produced by Suffolk County Council also form part of the development plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant LP and CS policies.<sup>29</sup> Where I have not specifically referred to a strategic policy, I have considered all strategic policy in my examination of the Plan.

### ***Emerging Joint Local Plan***

BDC and Mid Suffolk District Council are working together to deliver a new Joint Local Plan (JLP) which will cover the period up to 2037. Once adopted, it will replace all other policies across the two Districts. The JLP was formally submitted to the Secretary of State for Housing, Communities and Local Government on 31 March 2021. At the time of writing, the start date of the examination hearings for the JLP is due to commence on 21 June 2021.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>30</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>31</sup>

The Plan has rightly been produced in parallel with the production of the emerging Local Plan.

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment,

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<sup>28</sup> Basic Conditions Statement page 8

<sup>29</sup> Ibid page 10 onwards

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

<sup>31</sup> Ibid

Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

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

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

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

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated December 2020 has been prepared by BDC. This in turn refers to a SEA Screening Report prepared by Land Use Consultants which screened out the Plan.

Consultation with the three statutory bodies was undertaken and Natural England (NE) and Historic England (HE) agreed with the conclusions. No response was received from the Environment Agency (EA).

The Screening Determination therefore concludes that the Plan does not require a SEA.

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

I have treated the Screening Report and the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>33</sup>

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

Turning now to HRA, a HRA Determination Report of December 2020 has been submitted. This refers to a HRA Screening Report prepared by Place Services. This explains that there are four habitats sites which lie within 20km of the Plan area. These are the Stour and Orwell Estuaries Special Protection Area (SPA), the Stour and Orwell Estuaries Ramsar, the Abberton Reservoir SPA and Abberton Reservoir Ramsar. The Plan area does not fall within any of the Zones of Influence for the Stour and Orwell SPA or Ramsar sites or the Impact Risk Zones for the Abberton Reservoir SPA or Ramsar sites.

The HRA Screening Report concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment. NE was consulted and agreed with the conclusions.

The HRA Screening Determination therefore concludes the Plan does not require further assessment.

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

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Determination that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>34</sup> In undertaking work on SEA and HRA, BDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

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<sup>33</sup> PPG para 028 ref id 11-028-20150209

<sup>34</sup> Ibid para 031 ref id 11-031-20150209

## European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.<sup>35</sup> Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

### 7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a very high standard and contains nine policies. There is an eye catching front cover. Photographs throughout the document give it a distinctive and local flavour. The Plan begins with a foreword and a helpful contents page. There is then a list of, and links to, documents referred to during the production of the Plan.

#### 1. Introduction

This is a helpful introduction to the Plan that sets the scene very well. It sets out the background to the Plan and how it has evolved, explaining a Steering Group was established to lead its preparation. It explains the purpose and scope of the document in a clear and succinct way.

#### 2. How the Plan was Prepared

This short section explains the process and introduces the Plan area.

#### 3. Newton in Historical Context

This section sets out the interesting history and context of the Parish.

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<sup>35</sup> Basic Conditions Statement page 15

## 4. Planning Policy Context

This section usefully explains the planning policy context for the Plan.

## 5. Vision, Themes and Objectives

The vision for the area is:

“In 2036 Newton will be a sustainable hinterland village and will have balanced housing growth within the historic environment and provide safe access to community assets whilst protecting wildlife habitats and open green spaces.”

The vision is supported through the three themes of development and character, natural environment and sustainability and thirdly, safer environment, community assets and amenities. In turn six objectives are defined.

All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

## 6. Theme 1 Development and Character

### *Objective 1: Development*

#### **Policy NEWT 1: Development Strategy**

It is useful for me at this juncture to set out the planning context in relation to this policy. In the CS, Newton is identified as a ‘Hinterland Village’.

In Core and Hinterland Villages, the CS states that 1,050 dwellings should be planned for. CS Policy CS2, which defines 43 Hinterland Villages, explains that this means some development to meet the needs within the Hinterland Villages will be accommodated.

All proposals are assessed against CS Policy CS11 which indicates development in Hinterland Villages is acceptable where it can be demonstrated that proposals have a close functional relationship to the existing settlement as well as meeting a number of criteria set out in the policy. The cumulative impact of development should also be taken into account.

In the countryside outside Hinterland Villages, CS Policy CS2 states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.

Neighbourhood plans can be developed before or at the same time as a Local Plan is being produced.<sup>36</sup> I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence.

With regard to housing numbers, the latest position (through the emerging JLP) is that Babergh plan to deliver a minimum of 9,611 dwellings over the plan period 2018 – 2037, of which 866 (or about 9%) are expected to come forward in Hinterland Villages. The minimum housing requirement for this Plan area is 23 dwellings. The Plan explains that this minimum number has already been exceeded. I accept that this is a minimum figure which can be exceeded if, as the emerging JLP indicates, the unique characteristics and planning context of the neighbourhood plan area enable this.

Policy NEWT 1 sets out that new development should be commensurate with Newton's designation as a Hinterland Village. It focuses development on the built-up area and defines a settlement boundary. This is shown on Map 3 on page 19 of the Plan.

The proposed settlement boundary differs slightly to that proposed in the emerging JLP, but this is a matter that BDC can review to ensure consistency between plans.

I raised a query about the settlement boundary and I am informed that a further planning application (reference 18/00190/FUL) was approved on 18 June 2020. This is phase 2 of the development at Redhouse Farm. I consider that this site and any others with extant planning permissions should be included within the settlement boundary to reflect the current situation. This is to ensure that the settlement boundary accurately reflects the most up to date situation prior to the finalisation of the Plan whilst recognising it would be impossible to add every individual and piecemeal application as they are approved.

With this modification, I consider that the boundary will have been drawn logically from my own observations on site and that it will allow for sustainable development commensurate with the village's designation in the settlement hierarchy and the housing delivery numbers the Plan needs to work towards.

Outside the settlement boundary, development is only permitted where there is an identified local need for the development, it cannot be satisfactorily located within the settlement boundary and there are tangible benefits to the local community or where a proposal requires a countryside location.

The NPPF is very clear that development can take place in the countryside. For example, it encourages policies to enable the sustainable growth and expansion of businesses in rural areas and supports rural tourism and leisure development that respects the character of the countryside.<sup>37</sup>

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<sup>36</sup> PPG para 009 ref id 41-009-20190509

<sup>37</sup> NPPF para 83



Although BDC has not raised any objection to this approach, the requirement to set out a local need and to ensure it cannot be located with the settlement boundary is not reflected in the NPPF.

I therefore regard this policy approach as too restrictive in relation to the NPPF.

Whilst it is possible to move away from national policy, this requires justification. I can find no justified reason to restrict development in this way in this Plan area. Therefore a modification to the policy is made in this respect to ensure it has regard to the NPPF.

With these modifications, the policy will take account of the NPPF's objective of significantly boosting the supply of homes commensurate with the village's status in the CS and its support for a prosperous rural economy, be in general conformity with the CS and particularly CS Policies CS2, CS3, CS11 and CS15 and take account of the emerging JLP policy context and will help to achieve sustainable development.

- **Amend Map 3 on page 19 of the Plan to include extant planning permissions including Redhouse Farm**
- **Change the second paragraph of the policy to read: “Proposals for development located outside the Settlement Boundary will only be permitted *where they are in accordance with national, District or neighbourhood level policies.*”**

## Policy NEWT 2: Affordable Housing on Rural Exception Sites

The NPPF supports the provision of rural exception sites to enable local needs to be provided for.<sup>38</sup> The Plan explains that the average house price in Newton is considerably higher than the average for England. Evidence collected for the emerging JLP shows the need for affordable housing.

This policy supports affordable housing schemes on rural exception sites with an emphasis on a proven local need and local connection criteria for the affordable housing. Some market housing can be included on such sites in line with the stance of national policy. The support for affordable housing on sites which would not usually be supported for housing outside the settlement boundary is in line with national policy.

The clearly worded policy will have regard to national policy for the supply of homes in relation to the size, type and tenure of housing needed for different groups and its support for rural exception sites. It will contribute towards the achievement of sustainable development, particularly the social objective. It will be in general conformity with the CS and especially CS Policy CS20 which has a flexible approach to the location of rural exception sites and allows proposals that are adjacent or well

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<sup>38</sup> NPPF para 77

related to the settlement boundaries of Hinterland Villages. It therefore meets the basic conditions and no modifications are recommended.

## **Objective 2: Character**

### **Policy NEWT 3: Character and Design of Development**

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>39</sup>

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>40</sup>

It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.<sup>41</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>42</sup>

Policy NEWT 3 seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policies CS11 and CS15 in particular. A Character Assessment has been carried out to support the policy.

The policy also resists the loss of garden space. I note that the NPPF allows for policies resisting the loss of gardens where this would cause harm to the prevailing character and setting of an area.<sup>43</sup> Given the character of the area, I consider the inclusion of the criteria to be appropriate, but recommend a modification to increase flexibility and to ensure the policy takes account of the NPPF.

With this modification, the policy will meet the basic conditions by taking account of the NPPF, being in general conformity with strategic policies and helping to achieve sustainable development.

- **Amend criterion 5. of the policy to read: “Development of new dwellings that involves the loss of garden space *where this would cause harm to the local area’s prevailing character and setting* will not be permitted.”**

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<sup>39</sup> NPPF para 124

<sup>40</sup> Ibid para 125

<sup>41</sup> Ibid para 126

<sup>42</sup> Ibid para 127

<sup>43</sup> Ibid paras 70, 122

## 7. Theme 2 Natural Environment and Sustainability

### *Objective 3: Natural Environment*

#### Policy NEWT 4: Local Green Spaces

Four areas of Local Green Space (LGS) are proposed. All are shown on Map 5.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>44</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>45</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>46</sup>

The NPPF sets out three criteria for green spaces.<sup>47</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and holds a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

A Local Green Space Appraisal has been undertaken. I also saw all the areas on my site visit.

- 1. Newton Green village playing field and play space** is an open space with a play area, tennis court and football posts at the time of my visit. Village events are held here. It is conveniently located next to the Village Hall and its car park.
- 2. Newton Green golf course** is approximately 14.6 hectares in size. Whilst this is a large area, it was originally the village green and is of historic significance. It contains the war memorial. This registered village green lies at the heart of the village and is a distinctive feature which helps to combine the two parts of the village which are separated by the busy A134. Villagers also use the facility for recreation and have free access to the first nine holes of the golf course. It is used more generally for informal recreation. Two of the views of significance are across this space. In addition, there are a variety of trees, hedgerows and other features.
- 3. Newton allotments** is a secluded space accessible by public footpath in the heart of the village. It is valued for its tranquility and the opportunity for residents to meet socially whilst tending their plots.

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<sup>44</sup> NPPF para 99

<sup>45</sup> Ibid

<sup>46</sup> Ibid

<sup>47</sup> Ibid para 100

4. **All Saints Church churchyard** provides an area of calm and tranquility. It is valued for its historical significance as it is a designated Commonwealth War Grave and as a managed conservation area.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced to Map 5 and the Policies Map.

The next element in setting out what development might be permitted, should take account of and be consistent with the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.<sup>48</sup> Therefore the policy needs modification to ensure that it takes account of national policy.

With this modification, the policy and its supporting text will meet the basic conditions.

- **Change the second paragraph of the policy to read: “*Development in the Local Green Spaces will be consistent with national policy for Green Belts.*”**

## **Policy NEWT 5: Protection of Local Landscape and Views**

The Plan explains there are several distinctive landscape features and environmental assets which are particularly important to the distinctive character of Newton.

The first element of the policy seeks to ensure that all development preserves and enhances the high quality landscape of the Parish. This is a high bar to set; higher than the statutory protection for Conservation Areas for example and so a modification is made to make the policy more flexible and in line with national policy and guidance.

The second element of the policy refers to notable features in the landscape such as trees and hedgerows and ponds. These features should be incorporated into the design and layout of any development. Outside the settlement boundary, development must not harm the landscape.

The final element of the policy identifies four views of significance. These are shown on Map 6 with further detail on inset maps on pages 31 and 32 of the Plan. Further information is given in the Character Assessment which supports the Plan. However, I note that the Character Assessment refers to five rather than four views which could

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<sup>48</sup> NPPF para 101

lead to confusion. I suggest that the Character Assessment is updated to reflect the Plan although this is not a modification I will formally make as it relates to a supporting document.

The area is attractive countryside and I am satisfied from what I saw on my site visit, given the character and setting of the village, those selected are appropriate.

The wording of the policy does not prevent any development per se, but expects the views to be preserved. A modification is made to ensure that any new development does not have a detrimental impact on the key features of any view. I consider this to be a more appropriate and sufficiently flexible approach.

With these modifications, the policy will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness,<sup>49</sup> will be in general conformity with, and add a local layer of detail to, strategic policies and CS Policies CS11 and CS15 in particular which recognise the need for development to respect the local context and character of the District and will help to achieve sustainable development.

- **Substitute the word “or” for the word “and” in the first paragraph of the policy**
- **Change the wording of the first sentence in paragraph 3. of the policy to read: “Development proposals *should not detract from the key features of the following views of significance...*” [retain remainder of paragraph as is]**

#### ***Objective 4: Sustainability***

#### **Policy NEWT 6: Renewable Energy**

This is a short policy which encourages renewable energy schemes subject to satisfactory impact on the landscape.

The NPPF is clear that the planning system should support the transition to a low carbon future and, amongst other things, support renewable and low carbon energy and associated infrastructure.<sup>50</sup> It encourages plans to take a proactive approach.<sup>51</sup>

This is broadly in line with the NPPF<sup>52</sup> which supports community-led schemes including those taken forward through neighbourhood planning.

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<sup>49</sup> NPPF paras 127, 170

<sup>50</sup> Ibid para 148

<sup>51</sup> Ibid paras 149, 151

<sup>52</sup> Ibid para 152

A key environmental issue identified in the emerging JLP is climate change and one of the objectives for that plan is to reduce the drivers of climate change with an ambition to be carbon neutral by 2030.

The policy is therefore a local expression of the NPPF's drive to meet the challenge of climate change and can be viewed as a positive strategy.<sup>53</sup> It generally conforms to the CS and CS Policies CS11, CS13 and CS15 in particular adding detail at the local level and will help to achieve sustainable development. The policy meets the basic conditions.

However, the supporting text at paragraph 7.18 sets out further details including criteria on what might be accepted including some that do not appear in the policy itself. It reads as if it was policy. Therefore a modification is made to this paragraph in the interests of clarity.

The next paragraph then puts forward suggestions for possible sites, but these are clearly community aspirations. Again it should be clear this is the case and a modification is made to address this.

- **Change the first sentence of paragraph 7.18 on page 34 of the Plan to read: “Proposals for individual and community scale energy from projects including solar photo-voltaic panels, anaerobic digestion and local biomass facilities *will be considered taking into the account the following three issues:*”**
- **Change the last sentence of paragraph 7.19 on page 34 of the Plan to Read: “It will be necessary to engage with landowners to see if *these community aspirations* can be taken forward.”**

## Policy NEWT 7: Maximising Wildlife and Biodiversity

The Plan explains that Newton has several environmental assets including the Edwardstone Woods Site of Scientific Interest (SSSI) and three County Wildlife Sites.

The NPPF requires the planning system to contribute and enhance the natural and local environment including protecting and enhancing valued landscapes.<sup>54</sup>

The NPPF<sup>55</sup> is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains.

It continues<sup>56</sup> that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),

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<sup>53</sup> NPPF paras 148, 151

<sup>54</sup> Ibid para 170

<sup>55</sup> Ibid para 170

<sup>56</sup> Ibid at para 175

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

This longish policy begins with a requirement for new development to provide a biodiversity net gain, protect County Wildlife Sites and the River Box. The Suffolk Wildlife Trust has suggested additions to the policy which would reflect the stance of the NPPF. A modification is therefore made.

It supports design features that encourage wildlife setting out some examples of what that might entail such as bat boxes.

It encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.<sup>57</sup> In addition I note Anglian Water supports the references in the policy to SuDs.

There are two minor matters of duplication in the policy as I read it. I have recommended modifications to remove this duplication in the interests of clarity.

With these modifications, the policy will take account of national policy and guidance, add a local layer to, and be in general conformity with, the relevant strategic policies, in particular CS Policy CS15 which, amongst other things, seeks to protect and enhance biodiversity, and help to achieve sustainable development.

- **Change the first sentence of paragraph 1 of the policy into two new sentences which read: “Development proposals should provide biodiversity net gain and protect *County Wildlife Sites* and the sensitive environment of the River Box in the neighbourhood area. *Proposals should promote the conservation, restoration and enhancement of priority habitats, ecological networks and protect and restore priority species.*”**
- **Delete the sentence that begins “Proposals that incorporate into their design...” from paragraph 1. of the policy**
- **Delete the second sentence that begins “Only where it is demonstrably inappropriate...” at the end of paragraph 4. of the policy**

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<sup>57</sup> NPPF paras 163, 165

## 8. Theme 3 Safer Environment, Community Assets and Amenities

### *Objective 5: Safer Environment*

#### **Policy NEWT 8: Ensuring Pedestrian Safety and Encouraging Walking**

The A134 runs through the centre of Newton. There is significant local concern about the road which effectively separates the village into two. Concern stems from the volume and speed of traffic using the road, but also the safety of residents crossing the road to access local facilities.

Policy NEWT 8 encourages walking in new developments as a more sustainable form of transport through the provision of new and improved footways.

Secondly, the policy seeks the provision of safe access for vehicles, pedestrians and cyclists in new development. Parking provision should be in accordance with Suffolk County Council's parking standards.

The NPPF promotes sustainable transport and particularly encourages opportunities to promote walking, cycling and public transport to be identified.<sup>58</sup> It continues that planning policies should provide for high quality walking and cycling networks.<sup>59</sup> It also supports layouts that encourage walking and cycling as part of the drive to enable and support healthy lifestyles.<sup>60</sup>

The policy is clearly worded and takes account of the NPPF, is in general conformity with the strategic policies of the development plan and especially CS Policy CS15 and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are put forward.

### *Objective 6: Community Assets and Amenities*

#### **Policy NEWT 9: Provision and Enhancement of Community Facilities**

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.<sup>61</sup> It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.<sup>62</sup>

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<sup>58</sup> NPPF para 102

<sup>59</sup> Ibid para 104

<sup>60</sup> Ibid para 91

<sup>61</sup> Ibid para 83

<sup>62</sup> Ibid para 92



The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.<sup>63</sup> In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.<sup>64</sup> It also encourages policies to provide recreational facilities and to guard against their unnecessary loss.<sup>65</sup>

This policy supports the provision and improvement of community facilities and services that contribute to the quality of life and promote the sustainability of the village. Particular support is given to the development of a community shop and café.

The second element of the policy supports the flexible use or expansion of existing buildings for community use is supported subject to good design and impact on the landscape.

Policy NEWT 9 takes account of national policy and guidance, is in general conformity with strategic policies particularly CS Policies CS11 which seeks to support local services and safeguards facilities and services and CS15 which seeks the retention, protection or enhancement of local services and facilities. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

## **Policies Maps**

The maps are clearly presented.

## **9. Non-policy Actions**

This section contains a clearly identifiable and separate table of non-policy actions.

## **Acknowledgements**

The Plan ends with an acknowledgements page.

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<sup>63</sup> NPPF para 92

<sup>64</sup> Ibid para 91

<sup>65</sup> Ibid para 92

## 8.0 Conclusions and recommendations

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

I am therefore pleased to recommend to Babergh District Council that, subject to the modifications proposed in this report, the Newton Neighbourhood Development Plan can proceed to a referendum.

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

I therefore consider that the Newton Neighbourhood Development Plan should proceed to a referendum based on the Newton Neighbourhood Plan area as approved by Babergh District Council on 23 March 2018.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
23 June 2021

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

Newton Neighbourhood Plan 2018 – 2036 Submission Stage (Regulation 16)  
Consultation December 2020

Basic Conditions Statement November 2020

Consultation Statement December 2020

Strategic Environmental Assessment Screening Determination December 2020 (BDC)

Strategic Environmental Assessment Screening Opinion Final Report October 2020 (Land  
Use Consultants)

Habitats Regulations Assessment Screening Determination December 2020 (BDC)

Habitats Regulations Assessment Screening Report November 2020 (Place Services)

Supporting Document (SD) Appendix 1a Housing and Historic Environment Data Analysis

SD Appendix 1b The Natural Environment and Sustainability Data Analysis

SD Appendix 1c Amenities Survey Data Analysis

SD Appendix 1d Local Business Survey Data Analysis

SD Appendix 2 Newton Character Assessment

SD Appendix 3 Local Green Spaces Justification 2019

SD Appendix 4 History of Newton

Babergh Local Plan Alteration No. 2 adopted June 2006

Babergh Local Plan 2011 – 2031 Core Strategy & Policies adopted February 2014

Rural Development & Core Strategy Policy CS11 Supplementary Planning Document  
adopted 8 August 2014

Affordable Housing Supplementary Planning Document adopted February 2014

Babergh and Mid Suffolk Joint Local Plan Pre-Submission (Reg 19) Document November  
2020

**List ends**

## Appendix 1 Query from the examiner

### Email 11 June 2021 from the examiner to BDC

“...it looks as though the settlement boundary might need updating to include development under construction and the opportunity should also be taken to include any other permissions granted and extant. Please could I ask that a map, however basic, is prepared to show me the amendments needed?”